

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

April 12, 2023

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on April 12, 2023 by Chair Blakey.

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

Absent: Zack Bunyard, Member.

Planning Staff Present:

Chris Spross, Public Works Director
Dean Patterson, Senior Planner
Loreli LeBaron, Code Compliance Official
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 April 6, 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 Goings moved to approve the agenda as submitted. Member Hyde seconded the motion which carried by unanimous vote (6-0).

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. March 8, 2023 Public Hearing

Member Picotte moved to approve the March 8, 2023 Public Hearing minutes as written. Member Diehl seconded the motion and the decision carried by unanimous vote (6-0).

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. This item was tabled at the March 8, 2023 meeting.*

Director Spross reminded the commissioners that this item was tabled on the March 8th meeting for two reasons: (1) there was some confusion with regards to septic system permit, and (2) the commission had requested that the applicant provide a milestone schedule of anticipated completion of certain tasks of the build. The reason for the confusion regarding the permit is due to the department switching over to a new permitting system, and when they were contacted regarding this permit, they checked on one system, but not on the other. There was a permit granted for this location, and it was closed on February 22, 2023 as compliant. Regarding the milestone schedule, he pointed out the list of dates and what the applicant proposes to accomplish by certain timeframes, which was provided as part of the packets. He went over some of the tasks listed.

Gary Sinclair was not present at the meeting.

Chair Blakey turned the discussion over to the commissioners.

Member Goings questioned if this list is sufficient for the department as what they asked for at the meeting. Director Spross said that it is kind of vague if this were a milestone construction schedule; however, the Planning Commission asked for a milestone schedule, and this is what was submitted. It is up to the commissioners to decide if this is satisfactory for them to make a decision on the renewal application.

Chair Blakey called for any public comment on this matter, and there was none. He then called for a motion to either approve the renewal accepting the schedule or denial of the renewal.

Member Goings agreed that it is not a construction type milestone schedule, but then he's not very sure that the applicants were really familiar with what type of milestones they were requesting. Based on this they will have to come back for another renewal for their temporary use permit. Director Spross stated that Mr. Sinclair did come to the office twice. The first time he met with Dean Patterson, Senior Planner, who told Gary Sinclair that he needed to elaborate a little more. This schedule is what was submitted to the office. He also said that based upon this schedule, which states that they will start setting aside money to construct the residence in December 2024 after paying off the property, and Mr. Sinclair would come back before the commission in March 2024 for another renewal.

Chair Blakey called for a motion for a decision regarding this item.

Member Picotte inquired about the end date for the current temporary use permit. Diane Moyle stated that the origination date was 3/11/2020, and it has come for renewals each year in March, so it expired at the end of March 2023. They did submit their renewal application prior to the expiration date. Member Picotte thought about possibly aligning this schedule to be more consistent with the renewal schedule. Dean Patterson made some rough calculations and said that Mr. Sinclair has probably put about \$50,000 into the property at this point. Some people don't even do that amount and they still get extensions. In this next year he figures that they will probably put in another \$10,000 if he keeps to the schedule. Then he should be able to start construction once the property has been paid off starting in December 2024.

Member Goings asked Member Picotte about his thoughts on this renewal. Member Picotte was thinking about approving the schedule with amended dates to coincide with the expiration of the temporary use permit, and then they could see what kind of progress could be made over the year rather than approve the schedule with other future dates on it. Member Goings wondered if they could move what Gary Sinclair said that he would complete in June 2024 to March 2024 that would show progress. He also agreed with Dean Patterson that the Sinclairs have invested quite a lot in the property. Member Picotte agreed that they are making progress and showing that they are committed to doing the project. He just doesn't want to approve anything that will not be completed after the March 2024 renewal. Director Spross remarked that the schedule that the commission asked for was to show what kind of progress is going to be made over the next year or 18 months. He doesn't know if tying the applicant to an amended schedule would work since the applicant isn't here to agree to any amendments. He thinks that the commissioners have to make a decision on whether or not they will approve this temporary use permit and keep the schedule in the file, and then next year when it is up for renewal again, the commissioners can ask the applicant if they did what they stated they would do when it was supposed to be done. They could use this as a gauge for the next time. Chair Blakey agreed that Mr. Sinclair did submit a schedule, but he thinks that they indicated that they would have to accept that schedule. The commission needs to determine if they are satisfied with what was submitted, and if so, then they can approve it. He inquired if Mr. Sinclair was notified that he needed to be at the meeting, and it was stated that he was sent a letter. Chair Blakey questioned the day that the current permit expires. It has already expired as of March 11, 2023. Joseph Sanford, Deputy District Attorney—Civil, pointed out that the county code doesn't allow a temporary use permit to be granted for more than a one year period. If the commission wanted the renewal to coincide with the schedule, they would have to ensure to have that review still be within one year.

Member Goings based upon the evidence presented at this meeting, the previous meeting, and the documents provided moved to approve the renewal of the temporary use permit for Gary Sinclair at 1015 Dean Lane, APN 008-532-40, for one year. Member Hyde seconded the motion and the decision carried by unanimous vote (6-0).

- B. Consideration and possible action re: Renewal of a temporary use permit previously granted to Joseph & Margaret Diaz for property located at 732 Wildes Road, Assessor's Parcel Number 006-711-11, consisting of 1.5 acres in the A-5 zoning district. Origination date 4/14/2021. *The applicants stated that they have not completed the home construction yet.*

Joe Diaz and Margaret Diaz, 732 Wildes Road, were available for this application.

Director Spross stated that Mr. and Mrs. Diaz have owned this property since the time that they applied for this permit, about two to three years ago. There was a delay in the construction on this property due to a title issue that had to be cleared up. He said that he has driven by and saw that construction is ongoing. The building department shared that the building permit was issued on March 15, 2021 with a request to extend the permit in September 2021. Inspections have been ongoing since December 19, 2022 starting with the footing. The last approved inspection was performed on January 20, 2023 for underfloor framing and plumbing. The project should be in the framing phase at this point, and Director Spross confirmed that this is accurate. Some photographs provided by the applicants were displayed on the screen overhead showing the construction of the residence.

Chair Blakey asked if the applicants wanted to add anything to what has been presented, and

Margaret Diaz remarked that the house is presently completely dried in with the roof, windows, doors, and they have started putting up sheetrock that day. She hopes that they will be able to start finish work in about a month.

Chair Blakey inquired if the commissioners had any questions or concerns. There were none, so he asked if there was any public comment. None was made. Chair Blakey called for a motion.

Member Hyde, based upon the facts and evidence presented at this meeting, moved to approve the renewal of the temporary use permit for Joseph & Margaret Diaz at 732 Wildes Road, APN 008-532-40, for one year. Member Nelson seconded the motion and the decision carried by unanimous vote (6-0).

- C. Consideration and possible action re: Renewal of a temporary use permit previously granted to Tracy Burnichon for property located at 7475 Sand Hill Road, Assessor's Parcel Number 010-431-06, for temporary quarters during home construction. Origination Date 4/13/2022. *Ms. Burnichon stated that she wasn't able to enact the permit yet due to circumstances beyond her control, and she wants to renew the permit to give her more time to get the RV moved to the property.*

Tracy Burnichon, 7475 Sandhill Road, was available to talk about the application.

Director Spross noted that the origination date on this permit was April 13, 2022, so this is the first request for a renewal. The applicant stated that she wasn't able to enact the permit due to circumstances beyond her control, and she would like to renew the permit. As part of that, the department requested some building plans in order to see that progress was being made. The office received some plans that appear to be taken from the internet. Ms. Burnichon interjected that there were two different ideas that she was looking at. Director Spross recommended that the commissioners speak with the applicant regarding the circumstances beyond her control and base their decision upon the answers they receive.

Chair Blakey inquired if there were any questions or concerns from the commission.

Member Goings asked the applicant what the circumstances were that kept her from enacting the permit. Ms. Burnichon responded that the person that was supposed to help her to move her RV passed away, and she has had medical issues. She stated that she had found someone that told her they could help her to move it in the next week, and she hopes that they will show up. She reported that she has done a lot of fence work at the property, and it is completely fenced in now with a 24-inch gate. She also cleared some brush, which is about all that she has been physically able to do.

Member Diehl questioned if the RV had been removed yet, and Tracy Burnichon replied that there isn't one on the property. There had been one there temporarily, but it was removed a while ago. Director Spross clarified that the applicant was supposed to have her RV moved to the property for her to reside in while the house was being built. The person that was supposed to be moving the RV for her had passed away. Member Diehl then asked if the RV had been moved there, and Tracy Burnichon answered that someone is supposed to move it next week. She hopes that they will show up because she's had a few people offer to do it, and then they don't come to move it. She has also had some medical issues that have come up. Member Diehl inquired how she was going to be able to build the house and what type of temporary home to live in. Ms. Burnichon said that she has an RV (1996 26-foot Ledger) and power, septic, and water are already on the site. She talked to A-1 Septic, which is under new ownership, about inspecting the septic tank. She will have Marshall's Septic pumping the tanks that are on the RV until she can get the septic inspection done. Member Diehl

questioned if the building department had already approved her permits. Tracy Burnichon answered that she doesn't have any permits yet because she hasn't been able to move out there. She stated that she checked with other companies, and most of them wanted \$600 or more to go out there to inspect the septic, which was well over her budget to be able to afford since she only receives \$1,200 per month to live on. Member Diehl then asked when the applicant expects to be able to start. Tracy Burnichon said that she hopes to start by moving her RV out there next week, and then May 3, 2023 A-1 Septic is supposed to do the septic inspection. There is a concrete slab where she plans to place the RV, and she will either need to use that slab or construct another one for a modular or stick-built home to go on. She got someone to give her an estimate for another place to plug the RV in while the foundation is being poured. Member Diehl questioned if the foundation was being poured now, and Tracy Burnichon remarked that she has gotten estimates on a few different things. It's been slow progress.

Chair Blakey inquired if there were any other questions or discussion. He pointed out that the commission has the ability to approve this permit for less than a year if they are not comfortable with granting a full year due to a lack of progress. Tracy Burnichon asked if she would have to pay the \$25 fee again at that time to renew, and the answer was that it would be considered another renewal with the fee.

Member Picotte questioned if once the applicant does get the RV moved onto the property will she feasibly be able to get the house constructed in a year. Tracy Burnichon thinks it would take longer than a year. There are a couple of floor plans that she has looked at, and she has left messages for the person that does blueprints here in town. She hasn't gotten a call back. She noted that these should be very basic and small because it is just to house her, and she doesn't plan to have anything with stairs. She had left messages every couple of months and hasn't received any response. Member Picotte verified that she does plan to have the house construction started, and Ms. Burnichon agreed.

Member Goings pointed out that should the temporary use permit be renewed that Ms. Burnichon would be back here in a year and do the same thing again. He stated that unless she makes significant progress over the year, she will probably be expected to create a timeline for completing the project just as they required from another permit holder. She will need to move forward and make progress. Tracy Burnichon replied that she just had a lot of medical things pop up this last year, and her knee should be on the mend now. That is one less expense that she has.

Chair Blakey summarized that the progress that the applicant will try to make this year is to move the RV to the property, get it connected so that she can live in it, and figure out the design of her home and whether it will be stick-built or a modular home. Ms. Burnichon responded that it would need to fit within her budget. Chair Blakey asked if that would be all that she thinks that she would accomplish this year. Tracy Burnichon stated that she hoped to get a foundation poured and the hookups in place to the existing utilities. Chair Blakey inquired if her financing was in place and is she ready to move as soon as everyone gets coordinated. Ms. Burnichon confirmed that she does. Chair Blakey questioned if she was working off of her monthly income. Tracy Burnichon responded that she still has some savings towards the work on that, but she hasn't been able to find a contractor to have the time to give an estimate on something that isn't 2,000 square feet. She hopes that she can keep calling people and find someone that is interested in working on what she needs.

Chair Blakey asked for any further comments.

Member Diehl inquired if Ms. Burnichon had her building permit, or does she realize that she will have to get one. Tracy Burnichon replied that she had talked to the building department and was told that the permit she needed would cost \$200 to start with for the foundation. She said that she's

talked with Ray and Marie, and she got some schematics from them about what is required for stick-built and what is required for manufactured home including the dimensions and depth. She also spoke to them about recycling the gray water to use on the trees that she plans to put out there. Member Diehl verified that she has talked with them about getting the permits. Director Spross stated that the building department will not issue a building permit until they have a set of plans that they can review and stamp as approved so that it can go out for construction. Ms. Burnichon interjected that she has not been able to get a response from the architect. Director Spross continued by saying that until the building department gets those plans, they will not issue anything. The applicant has been keeping them in the loop for when that happens. Loreli LeBaron, Code Compliance Official, remarked that the \$200 permit that Ms. Burnichon is referring to is actually the placement permit for the connections of the utilities to the RV.

Member Hyde wanted to ensure that there is a clear picture of what has been discussed, so that they can make the appropriate decision. He said that the purpose of the temporary use permit is granted in one case during construction, so the applicant would have a temporary use to move the RV out there while she is involved in constructing a new home. Ms. Burnichon concurred. Member Hyde wanted to clarify that the progress that has been made so far on building a new home is that she is looking at certain plans. Tracy Burnichon said that everything got delayed a year, so she probably should have applied for the permit this year instead of last year. Member Hyde inquired what has actually been done toward building a new home. She is still waiting for some plans because she hasn't decided on anything. Ms. Burnichon confirmed that to be correct and added that she has been looking at types of layouts for the structure sizes that she is considering and looking at the requirements that she needs to meet to start that. She's just been stuck where she is at. This is all brand new to her, and she hasn't done anything like this before. Member Hyde reiterated that the point that she is at right now is trying to determine what she is going to build. Tracy Burnichon responded that she know what she wants, but she needs to get the plans and a list of the materials needed so that she knows how much it is going to cost to get them. She can get these a little at a time. Member Hyde pointed to the ideas that she was considering for development of the plans, which were displayed on the screen. He noted that this idea must go to an architect or draftsman to create the blueprints. Ms. Burnichon remarked that she is still waiting for a return call regarding this. Member Hyde continued saying that she has reached out to some people, and Ms. Burnichon inserted that she has called a couple of places in Reno also.

Member Goings questioned where the applicant lives now. Tracy Burnichon replied that she is renting a space for now. Member Goings asked if it was nearby, and Ms. Burnichon said that it was about 12 miles away from the property. Member Goings wondered if it would better serve her to... Tracy Burnichon announced that she can't stay where she is any longer. Member Goings further commented that it might be better if the applicant could move forward with what Member Hyde was talking about in getting the plans completed, and then come back for the temporary use permit, which would then give her the ability to have a year to get things moving forward. Ms. Burnichon reiterated that where she is currently living the owners want her out of their driveway.

Member Nelson inquired regarding the fact that she had this permit for a whole year, but she never utilized it. Is that correct? Tracy Burnichon agreed that she couldn't find anyone to help her move her RV to the property. Member Nelson confirmed this with the staff, who indicated it to be true. Member Nelson verified that the applicant is asking for one year, and she will have foundations poured at the end of that year. Ms. Burnichon stated that she should be able to. Member Nelson remarked that this is basically like granting the permit for the first time. If she performs like she is

talking about, that is within reason. Director Spross agreed.

Member Goings, based upon the facts and evidence presented at this meeting, moved to approve the renewal of the temporary use permit for Tracy Burnichon at 7475 Sand Hill Road, APN 010-431-06, for one year, reiterating that progress needs to be made. Member Nelson seconded the motion and the decision carried by unanimous vote (6-0).

- D. Consideration and possible action re: Renewal of a temporary use permit previously granted to Levi Coonce for property located at 798 Triple E Lane, Assessor's Parcel Number 009-111-47, for temporary quarters during home construction. Origination Date 4/8/2020. *Mr. Coonce stated that the construction of the residence is still ongoing. They are currently framing and working on it when the weather permits.*

Levi Coonce, 798 Triple E Lane, was available to talk about the application.

Director Spross stated that the original temporary use permit was issued in April 2020. This will be the third renewal request. He said that he had not been by this property, and the staff in the department has done that. Progress is being made. The building department confirmed that Mr. Coonce has received the building permit and the septic permit for the construction of a house located at 700 Triple E Lane. To date he has made progress and has completed the foundation.

Chair Blakey asked for any additional information from the applicant. Levi Coonce confirmed that the foundation is complete and the dirt work for the final grading is being completed at this time. The floor joists are good, and they are waiting for HVAC (heating, ventilation and air conditioning systems) and plumbing. From there they would be able to start framing.

Chair Blakey inquired if anyone on the commission had any questions or comments.

Member Hyde questioned what the applicant's projected goals are for completion. Mr. Coonce answered that by summer it should be dried in and good to go for the winter. He anticipates working on most of the interior finishes and a lot of the exterior work (siding and such) throughout the winter, and he hopes to get it completed, inspections done, and be ready to move in by next summer.

Chair Blakey asked for any public comments, and there were none. He then called for a motion.

Member Diehl, based upon information in the application and presented at this meeting, moved to approve the renewal of the temporary use permit for Levi Coonce at 798 Triple E Lane, APN 009-111-47, for one year. Member Picotte seconded the motion and the decision carried by unanimous vote (6-0).

9. Action Item:

- A. Consideration and possible action re: A merger and resubdivision parcel map application filed by the Fernley Business Park LLC. The property is located adjacent to the county line and railroad tracks at 11000 Reno Highway, Assessor's Parcel Numbers 009-251-77 & 009-251-78, consisting of 163.78 acres in the Industrial zoning district. The applicant proposes to merge the two existing lots and re-divide the property into 4 parcels of varying size, including abandonment of a utility easement.

The applicant, nor a representative, was at the meeting to represent the application.

Director Spross explained that this is an application for a merger and resubdivision parcel

map. It is to create four lots with an abandonment of an easement. The current use listing is rail services and vacant. The applicant and owner is Fernley Business Park, LLC. In the Master Plan it is designated as industrial and is zoned as such. This is at the county line near Hazen. The property has a history that complicates the current situation. One issue is that the land under the highway was showing in documentation as an easement only, yet current and past land division maps show the highway land as excluded from the property. This left the possibility that the highway land may be part of this property, and the status of that land needed to be determined. Nevada Department of Transportation (NDOT) acquired a road easement for the highway in 1949, and it was strictly an easement. They insist that it owns an easement only and provided documentation of such. Since the highway parcel was not sold, it appears to still be owned by Nevada Land and Resources and is not a part of the subject property. Another issue is providing legal access to all of the parcels to be created, specifically the parcel north of the railroad tracks, which did not have legal access. Over the last year access rights were obtained from the Bureau of Land Management (BLM), and one of the objectives of this map is to split off that area north of the tracks.

The applicant is requesting a merger and resubdivision parcel map to merge the two large industrial properties totaling over 163 acres and then divide that into four lots. The property northeast of the tracks, which is shown as parcel 4 on the map, will be separated on its own for the previous owner, and this was part of the sales agreement. The property southwest of the tracks will be split into three parcels for the Fernley Business Park. Included with this application is the abandonment of a utility easement that runs through parcels 1-3 as established with the previous land division.

An important issue for the map is addressing road problems. These include dealing with the uncertain naming and poor conditions of the driveway for parcels 1-3, which requires repairing and upgrading the road to current county standards. The parcel 4 road situation is complicated by the fact that Patua Road follows a fuel pipeline that lies within an easement crossing the northeast corner of the parcel. A road easement is placed on the pipeline easement with this map, and that segment of road and easement will help serve any future development on that lot. The rail spur and multiple branches as currently found on the property in the vicinity of parcels 1-3 was recently upgraded and extended through a special use permit. Additional branches may be installed in the future, including extensions across the county line to other industrial land through additional special use permits.

Director Spross asked that the commissioners keep in mind during their deliberations:

- Much of the property is vacant, so there are no height and setback issues at this point.
- An existing utility easement running through parcels 1-3 is shown on the map and labeled as being abandoned.
- The proposed lots meet the lot dimension standards for the area and width, and at this time the new parcels can use individual wells and septic systems.
- The community development fees will be due with new business construction on the new lots. The exception is that a water right dedication of 2.0 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 of is allowed.
- The parcel map will need to pay two additional fees for the two lots being created south of the tracks, and those fees must be paid prior to recording.
- County Code requires the protection of native features and topsoil, waterways, and drainageways using easements and protection measures. A condition is recommended to delineate a conservation easement on the map using the edge of the Saltgrass meadow before recording.
- County Code also places limits on the use of parcel maps, serial parcel maps, and subdivisions. After this map, further development may have to be done through a subdivision process.

Director Spross added that the Master Plan designates this area as Industrial, and the proposal will result in two more Industrial properties than currently exist. The compatibility of them with the surrounding vacant lands or industrial developments will not change significantly. Potential industrial uses will not change when the parcels are split. Compared to vacant land, future industrial development will increase demand on emergency services and road facilities. Previous development and land division has identified the access road as Greenu Parkway. The applicant has verbally expressed a preference that the road not be named, and not named for an old company. In addition, they prefer addressing using the Reno Highway address. The current address of 11000 Reno Highway in Hazen, does not fit any current county addressing system—either measured from Fallon or Hazen. The addressing staff person, the Fire Marshal, and the Sheriff recommend that the road serving the development be named and that addresses be taken from that road. The developer is free to name the road something besides Greenu Parkway, which would be accomplished through a road name application. There are no public sewer or water services, so on-site services will be used for any future development, and the county code requires that the new lots are served by a road meeting county standards that connects to a publicly maintained road. 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. The applicant has verbally specifically requested a privately maintained road as well as a gated road. Gated roads present special difficulties for emergency responders, so conditions are recommended to provide easy access for emergency services, including fire and ambulance. Since the road will be privately maintained, the Road Supervisor recommends that a Road Maintenance Agreement be established to ensure that a responsible party, or the property owners as a group, will be formally identified, and the road needs to be signed as privately maintained so there will not be a future expectation that the County will maintain that road.

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

Member Hyde questioned if, at this point, they would not recommend accepting any dedication of the roads. Director Spross confirmed this to be accurate.

Chair Blakey inquired if there were any public comments regarding this item, and there were none. He asked for any further comments, and there were none. He 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 an application for a Merger and Resubdivision Parcel Map to merge APN: 009-251-77 & -78 and split the property into 4 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 Goings seconded the motion and the decision carried by unanimous vote (6-0).

Member Nelson, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners:

(A) Approve the Merger and Resubdivision Parcel Map application for Fernley Business Park to merge APNs: 009-251-77 & 009-251-78 and divide the property into 4 parcels. 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.

(D) Approve of a gated private access road, provided that this approval can be reversed at a later time.

Member Goings seconded the motion and the decision carried by unanimous vote (6-0).

Recommended Conditions:

1. *Any final changes required by the County Surveyor shall be made prior to recording.*
 - a. *Placing coordinates on required monuments.*
 - b. *Minor corrections to bearings and/or distances.*
 - c. *Clear use of symbology such as arrows or leaders on distance measurements.*
 - d. *Clarifying labels for duplicate monuments.*
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. *Clear identification of adjacent lands, including lands owned by the applicant but not part of the project.*
 - c. *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.*
 - d. *Labels shall be added or modified identifying that the road infrastructure will be upgraded to paved county standards, and offering it for dedication.*
 - e. *A Road Name Application shall be submitted for the access road, and the approved name placed on the map before recording.*
 - f. *The existing road shall be upgraded to a county standard paved road. A County standard paved road turn around shall be provided at the end of the road. Road drainage facilities shall be provided to the satisfaction of the Road Supervisor. Construction shall be completed or bonded before recording the map.*
 - g. *Two water dedication fees shall be submitted before recording the map.*
 - h. *Property lines near existing structures shall be adjusted as necessary to meet setback standards, and the setbacks labeled.*
 - i. *Notes, labels, and certificate language shall be adjusted to the map to clearly indicate abandonment of the utility and video services easement.*
 - j. *A conservation easement for protection of native features and topsoil, waterways, and drainageways shall be delineated on Parcel 4 using the edge of the Saltgrass meadow, including the route where the waterway exits the property. Informational notes shall be added to the points where stormwater flows enter the site.*
3. *A study or report shall be prepared by a professional engineer identifying the construction standards used for the existing road, as well as the improvements needed to bring the road up to county standards.*
4. *An informational note shall be added near the Patua Road access point that states that further division or extensive development of Parcel 4 will likely require meeting County Road easement and construction standards and additional road permitting from BLM.*

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 at the county line or westward stating that the road is privately maintained.*
7. *Any gated access may not be closed until provisions are provided to allow easy access to police, fire, and ambulance services to the satisfaction of those providers.*
8. *Address applications to change the parcel addresses to the new road name shall be submitted before recording.*

Chair Blakey noted that the application will be forwarded to the Board of County Commissioners with the Planning Commission's recommendation.

10. Public Hearings:

- A. 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'. *This item was tabled at the March 8, 2023 meeting.*

Leslie Beach was not present at the meeting.

Director Spross remarked that this item was tabled at the March 8, 2023 meeting. The narrative that is in the Staff Report is the original narrative with no real changes. The only change was a note with regard to the postponement. As a reminder, this was postponed because the applicant has asked for a variance on the rear setback of a proposed building from 20' to 3', which is a considerable amount. When Director Spross and a few members of the commission went out to look at the site, it was discovered that the location of the proposed building was very close to an existing power pole. We reached out to NV Energy to get some information with regards to easements that are required, not only for the power pole, but also for the power line itself. Some documentation was sent to the department from NV Energy confirming that there is a 10' easement for the power pole, which means that it is 5' from the center of the pole in each direction. The power lines also have an easement of 8', so that any structure must be at least 8' away from the wire. We are in a situation at this point with the applicant not being in attendance where the Nevada Revised Statute (NRS) requires that the Planning Commission make a decision on every application they receive within 65 days. We received the application and the timeframe to the first meeting was 30 days. It was postponed to this meeting, which is another 30 days, and a decision has to be made at this meeting, or at the request of the applicant it could be postponed. With the applicant not being here today, she obviously can't request a postponement. Director Spross said that as the boards are laid out on the ground indicating the location of the building on the photograph displayed on the screen, if the applicant has to move that frame another 5' away from the power pole, that building may not be the size that the applicant wants to have. He wanted to make sure that the commission understands that an easement applies to the furthest extending part of a building, so they can't place the wall 5' away from that pole and have a 2' or 3' overhang of the roofline. The roofline has to be the one that is 5' away from that easement. This is going to considerably decrease the potential size of this building. He pointed out that this application is for a variance from the rear setback, and that wasn't really an issue to the commission until we found out about this power pole. If this becomes an issue that this building cannot be built there because it would be going from 300' to 150' of a size change, and the applicant doesn't wish to

put that building there, then this variance is not needed. We are in a situation right now, and maybe legal counsel could add something, where the applicant is not available to request a postponement and the code requires that a decision be made. He suggested that the commission could approve this variance, but we would have to make sure that when building plans come in that they are maintaining the proper separation from the power pole and power line, or they could deny this application based upon the fact that as this is currently designed, it will impede into the NV Energy easement. They are not in a position today to table this again without an infraction of the NRS.

Joseph Sanford, Deputy District Attorney—Civil, confirmed that Director Spross has accurately reflected the law, and this is something that does require a decision today. It cannot be tabled, and Mrs. Beach is not here to make a request on her own behalf. In this particular case, it is possible to approve the application and subject it to review by the planning department for compliance with any easements, if that is what they decide.

Dean Patterson, Senior Planner, said that if the building had to be substantially reduced in size, which is already small, so that it would become extremely small probably making the project unfeasible. The applicant does have an approval to create a duplex. This variance does not affect the duplex approval, although the applicant would have to reconfigure the duplex so that it might have to be on the other side of the existing dwelling or something like that.

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

Member Goings inquired if the applicant is aware of this and has seen the documents provided by NV Energy. Director Spross responded that the department has received two documents from NV Energy, and the second one received that day was more of a confirmation on the first one that was received. The responses were forwarded to Leslie Beach for her information. He further stated that we collected this data on our behalf, so that we could give this to the commission for them to make their decision. The applicant is responsible for making sure that what they are about to construct falls within all of the regulations of all the different utilities. We wanted to provide the commission with this information, and as a courtesy provided it to the applicant as well. Diane Moyle clarified that Dean Patterson had emailed the first response to Leslie Beach. This application is only for the rear setback. Chair Blakey asked for clarification that the applicant was sent copies of both of the emails, and Mrs. Moyle replied it was just the first one since the department only received the second response that day.

Member Hyde wondered if there was any discussion about putting this underground. Director Spross indicated that would be something that the applicant would need to have with NV Energy and/or a contractor. She has not mentioned it to anyone in the planning department.

Member Picotte questioned legal counsel regarding their decision. This variance is only for the rear setback requirement and not the easement for NV Energy, which would actually be up to the building department to deny the building permit because the engineered drawings would be too close to the easement. Is this correct? Joseph Sanford, DDA—Civil, answered that is generally correct. This is a private easement and owned by NV Energy, so essentially this is the applicant taking their own risk as to placing something in an easement that they should not. Ultimately, whether or not the commission grants a variance, if the applicant places a building in the easement and NV Energy requires that she remove it, she will have to tear it down. It does create some problems if the commission gives approval knowing that the applicant would be violating an easement in the process, which is why he believes that Director Spross is providing this information, so that it is very clear to the applicant that if she chooses to go forward with construction in a known easement that has been reviewed by the commissioners and made known to her, should NV Energy require her to remove it,

the responsibility is solely on the applicant.

Member Goings verified that tonight they are making a decision on the variance, and none of these easements have any bearing on the decision for the variance. Joseph Sanford, DDA—Civil, confirmed that to be true. Chair Blakey noted that the only reason that the easement comes into play is because the size and shape of the project as proposed and related to this easement would affect the real need for the rear setback variance. If the applicant cannot build what is proposed in that location due to the easement and the applicant isn't here to state that it could or would be modified so that the rear setback variance would still be needed, he doesn't think that approving a variance on this property that would not be used is in the best interest of the county. If the county approves this variance, and she chooses to build in this area, NV Energy could possibly attach the county to litigation for violation of the easement. Joseph Sanford, DDA—Civil, stated that this is a purpose of this discussion during this meeting is so that if anyone, such as NV Energy, chooses to review this, it will be clear even if they choose to grant the variance that it was with full knowledge of NV Energy's easement. He recommended that if the commission does choose to grant the variance, that you very clearly spell out in your approval that this is subject to any plans that are provided being reviewed for compliance or permission from NV Energy.

Member Diehl brought up that whatever the commission decides there is still a ten-day appeal period for someone to appeal their decision. Joseph Sanford concurred.

Chair Blakey asked for any further discussion by the commission and any public comment on this issue, and there was none. Member Goings questioned on a point of clarification, since the applicant was not in attendance, either decision would be detrimental to her either way. If they approve it, then she must meet the easement, which could shrink her building and end her whole project in the first place. If they deny it, then she could come back and request it again. The lack of attendance doesn't help make their decision better either way. Director Spross pointed out that if the commission does deny this, the applicant can still appeal this to the Board of County Commissioners. Member Picotte inquired if the appeal would not require her to pay the \$300 application fee again, and Director Spross noted that to be true; however, there is a \$250 appeal fee required. Joseph Sanford agreed that the applicant has the option of an appeal, and there is the ability to provide additional information at the County Commission level, or she could reapply to this commission when she has more information available. She has ten days to make the decision for an appeal.

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 16.08.090(F) regarding a Variance from the rear yard setback on APN 008-141-18, as described in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote (6-0).

Member Nelson, based on the previously adopted findings made for this project, moved to deny the request for Variance to reduce the rear yard setback requirements in CCC 16.16.020.1 for Leslie Beach at 6755 Reno Hwy (APN 008-141-18). Member Goings seconded the motion and the decision carried by unanimous vote (6-0).

It was noted that there is a ten-day appeal period and Leslie Beach may appeal this decision.

- B. Consideration and possible action re: A special use permit application for expansion of an existing horse boarding business filed by Kelly Gross, owner of Silver Sage Horse Boarding, for property located at 4755 Silver Sage Lane, Assessor's Parcel Number 006-811-60, consisting of 5.08 acres in the A-5 zoning district. The applicant proposes to expand beyond the existing permit to include more boarding stalls, equestrian training, private education, and an as-needed veterinary clinic.

Kelly Gross, owner of Silver Sage Horse Boarding, 5383 Allegre Lane, and Dan House, 4755 Silver Sage Lane, were available to speak about the application.

Director Spross went over some of the background and the project summary information from the staff report. A horse boarding facility was originally permitted by Marlene Holmes in 2003 for approximately 14 stalls. Since then, the Holmes expanded the number of pens. And when the current owner purchased the property additional pens were added (those with the red roofs). This facility's need for additional permitting came to the attention of staff due to a complaint about the operations and other unrelated matters. Upon contacting the owner, they readily agreed to update the special use permit to include the current operations.

The application is proposing to permit an expansion of the existing horse boarding facility. The applicant proposes 4 uses with this permit that will match the current operations:

(1) Expanding the existing Horse Boarding operation, which also allows individual training of the horses and owners. The site plan shows 32 pens for boarding.

(2) A Private Education Facility for equestrian training, which allows riding classes for people or horses who are not boarding customers. The owner occasionally has classes of children or other persons come to the site to learn about horses and horse riding.

(3) A Veterinary Clinic, which is used as a site for mobile veterinaries serving boarded horses on an as-needed basis, making nighttime calls, and other emergency situations. Full-time operations are not proposed.

(4) An advertising sign at the front of the property. Planning Commission approval is required in the agricultural zones.

There is extensive neighborhood opposition to this proposal. Approximately 9 letters have been submitted by individuals who are opposed to the project, primarily based on traffic (sometimes at night), dust, and noise issues. A petition has been submitted objecting to the proposal containing 5 pages of text and 15 signatures, some of whom also submitted individual letters. The petition text includes a fairly good timeline. But its characterization of the previous special use permit as a home based business is incorrect. The petition's statement that special use permits and building permits must be renewed by new owners is incorrect. The petition also discusses CC&Rs, and includes a copy. On closer examination it appears that they apply to lots on the north half of Silver Sage Lane, but not the south half where the horse boarding property lies. In addition, the county does not enforce CC&Rs – that is up to civil action by property owners within the development. The letters and petition raise concerns about the compatibility of the proposal with the neighborhood residential uses. Of particular concern are nighttime lighting and activities, activities that generate excessive traffic, and activities that generate traffic at night.

Director Spross noted for the record that there were 9 letters of opposition, not including the signatures on the petition, and the office received 18 letters of support from people in the area—either those living in the area or those that use the facility. He said that he will be ready to go through findings and staff recommendations after the applicant has a chance to speak regarding her

application.

Chair Blakey inquired if the applicant has been provided with all of the information that the office has received. He then questioned the applicant if they have had time to review all of the information that the department has provided. Dan House stated that they have. Chair Blakey invited the applicant to add any information that they would like to provide to the commission.

Mr. House remarked that as this business has operated, they have had the 32 stalls in place for two years now, and business has not picked up. As far as traffic goes, they are at the same level as they have been for close to 15 years. When it comes to training, that continues as it has for the last 15 years. He stated that they are set there and can continue to do the business as it is, or they don't have the business. He doesn't see that they have any heavy traffic or dust at the facility.

Kelly Gross mentioned that when she purchased the property there were 22 stalls on the property, and she knows that it was grandfathered in for 15 boards, and there were more than that. There wasn't enough stalls to bring her horses in, so they did the expansion for 32 stalls. Right now, she only has 9 boards, so there is plenty of room. Chair Blakey inquired if Mrs. Gross, when purchasing the property, confirmed that it was in compliance and everything that was built on the property was in compliance with the county. Kelly Gross said that the only thing was that she had more horses than the permit was for at 15. The horses come and go, and some of them were leaving during that timeframe anyway, it would have put it at 15.

Chair Blakey asked if the commissioners had any discussion or questions.

Member Nelson inquired about what they are requesting related to a veterinary clinic. Dan House answered that the veterinary clinic is a space inside the barn. It is just a room and is used as needed for teeth floating, vaccinations, or after hours, when Lahontan Valley Veterinary Clinic is closed there is no emergency vets available except Mountain Peak Performance. They come in and if a horse can be trailered in for a laceration it would make it faster service for the horse if they could bring it straight to this space and the vet can come there to sew up the laceration or whatever. The horse is kept at the boarding facility overnight, so the person does pay a boarding fee for the night to make sure that the horse is going to be okay. The horse then leaves the next day. Member Nelson asked if that is an outside horse that he is talking about. Mr. House replied that it could be outside or inside the facility. Kelly Gross described it as a room with a stock in it. The farriers use it, the boarders use it on their young horses for washing, and they just refer to it as the vet area because it has a concrete floor. Everything else has a dirt floor. They could rename it. Member Nelson confirmed that it is an existing room, and Mrs. Gross answered that it is a room that she put in. When she purchased this facility there were stalls inside the barn, and they moved them outside and just have a few in the barn. Member Nelson then questioned where the outside horses are coming from. He can understand having an area to treat horses that are boarded on the site, but why are you bringing in the outside horses? Dan House remarked that they have had some instances where Lahontan Valley Vet Clinic is closing at 5:00 p.m. and the person cannot have their horse seen by a vet. These people bring their horse over to this facility, so that the mobile vet can meet them faster to stop any bleeding or whatever is needed instead of trying to travel out to get to the horse wherever it is. There are very few circumstances where this happens. Member Nelson understood that there are horses onsite and if one gets sick or needs care, the vet will be coming there anyway.

Member Goings verified that the applicant will be able to use a mobile veterinarian in the cases mentioned by Member Nelson, and Mr. House confirmed that to be true. Member Goings then questioned if they are using a mobile veterinarian, why would someone trailer their horse from their house to this facility when the mobile veterinarian could meet them at their own house and not have

to trailer the horse. Dan House responded that it depends upon how far out the mobile veterinarian and the horse needing care are from each other. Sometimes it is closer to have both meet at this facility.

Member Picotte inquired if the veterinarian that is mobile and using this property, are they licensed to be able to go there and insured on a regular basis. He admitted to being a little confused as to the mobile vet clinic going to a specific place all of the time. Dan House stated that the veterinarian is available to answer questions. Chair Blakey invited the mobile veterinarian to come forward. Dr. Maria Beck, owner of Mountain Peak Performance Equine, clarified that a lot of these horses come from hours away, so they are currently lacking equine veterinarians all across the country, especially in northern Nevada. She shared that the large animal veterinarian that handled Lyon County, Smith Valley, and Yerington left two years ago. About four years ago is when Lahontan Valley Veterinarian Clinic stopped taking after hour emergencies. There are two referral hospitals that are surgical facilities—Great Basin Equine in Gardnerville and Comstock Equine in Reno. She explained that sometimes she gets a call from people that are travelling from a great distance, and she tries to meet them where they are; however, there have been a few times that they brought the horse to this facility. Member Picotte asked if Dr. Beck kept any of her equipment to perform veterinarian services on this property when she is not on site. Maria Beck replied that everything is kept on her truck. The only thing that is a fixed structure there is the stocks. These provide safety for the horse and the veterinarian. They place them in there for certain types of procedures.

Member Goings remarked that as a mobile veterinarian, typically when she goes to people's houses, she wouldn't have the stocks, and she concurred. He thinks that what this board is looking at here is the structure. They are not worried about the veterinarians themselves, but they are questioning why there is a structure here. He questioned if she be able to meet these other people at the fairgrounds. Dr. Beck further explained that one of the purposes for the stocks is for reproduction, so when horses come to stay and board at Silver Sage they will board for a week while they are being bred, and they are using those stocks on a daily basis to put the mare in because they all are too busy to do reproduction in the field. That also could require sedation of the mare in the field without stocks. Member Goings said that he is seeking clarification on the horses that are not boarded at this facility that are being brought in to see the veterinarian. He doesn't see the benefit of someone trying to negotiate some back country road to get to this facility when she could meet them at the fairgrounds or at their own house. He thinks that is the question that they are asking here. Are they opening up a vet clinic here for outside horses and animals to be brought to that could not be taken care of at another location? He understands that if a horse is boarded there, they live there, and the vet can see them at that location. They need to understand whether or not they are trying to open up a vet clinic here for anyone to bring their animal to be seen by a vet for any reason that doesn't board there. Dr. Beck clarified that this is the rare circumstance where she can't be two places at once. There may be a time that she is seeing horses at the boarding facility and someone calls for an emergency, and they either have to wait for her to finish and drive wherever they are, or they could bring their horse to where she is. Member Picotte noted that on the application it states a veterinary clinic. Dr. Beck responded that maybe it shouldn't be considered a clinic. It is more of a suitable area to see horses. She stated that she is not the only one that works out there. Some of the horses are not her clients. She pointed out that Dr. Torvik is another veterinarian that sees clients there. It is just a concreted, enclosed area that gets them out of the wind and weather and provides the stocks for the benefit of the animal and the vet. Member Picotte then turned to the Director to inquire if this is then classified as a business venture based upon what has been stated that they are doing there. Director Spross clarified that the

application says a mobile veterinary area; it does not say a mobile veterinarian clinic. Member Picotte said that he was referring to the second line under permit information on the very front page. Director Spross concurred that in the narrative where it asks them to summarize their project it states a mobile veterinary area, use of this area is for dental work, vaccinations, AFI, farriers, also utilize this area along with boarders on horses that are not comfortable with bathing. Chair Blakey wanted to clarify for the audience and for the commission that if a horse is being boarded at that facility, a vet can come to work on that horse at any time it is necessary. The veterinarian issue is only for horses that are showing up that are not boarded horses. They can't become a boarding horse just so that the vet can come and work on them. He wanted to be sure that everyone had a clear understanding.

Chair Blakey asked for any other discussion on any other matters of the application. Diane Moyle stated that she doesn't believe that there was an answer provided for the question as to whether they were licensed in Churchill County. Chair Blakey inquired if Dr. Beck had a business license in Churchill County, and Maria Beck responded that she does.

Chair Blakey invited Mrs. Gross to come back to make any other statements regarding her facility. Kelly Gross said that she was glad that everyone understands now that it isn't a veterinarian clinic.

Member Hyde expressed that the problem for him isn't that there are stocks there or anything like that; he believes the concern here is the kind of activity that this is creating. In other words, there seems to be a lot of outside horses coming and some of those come late at night because the vet clinic is closed. The real concern is that this is becoming more of a business in a residential area, more than was ever anticipated before. He would like the commission to speak to this concern—how often this happens, the kind of traffic, and the hours at night that people can show up that would cause a nuisance, if you will, to the neighbors. He wanted to have the applicants speak to them. Dan House replied that the vet uses the area for any haul-ins for horses outside of the boarding area, they have gone back in the records and since last August there were 6 that were coming in around 5:00 p.m. As far as any nighttime riding, they haven't had any. Most of the people come in for an hour of training in the morning with 1-3 people, or there are some children after school, which has been about 2 kids in the afternoon. After that, there isn't really anyone using the facility.

Director Spross stated that the decision that gets made here today must consider not just what they are doing right now, but also what could be done in the future where there may be riders at night or other things going on at night. Just because it isn't happening right now, doesn't mean that it may not happen in the future. He wants to make sure that the commission understands that although right now there is a picture being portrayed that there is not much of an inconvenience, there is a potential for such down the road or has been in the past. He believes that this is one of the reasons that they are here. He wants to make sure that everyone has that in the back of their minds when they are deliberating. Joseph Sanford, DDA—Civil, interjected that any limitations that the commissioners put on can limit that; however, if they don't put a specific limitation and maybe approve 32 stalls, then there could be 32 horses there, unless they specifically state a certain number of boarded horses and personal horses as a limit. They must state a specific limitation, so that it can be on the conditions of the permit, and then at some future time when it could become a problem, there will be a record to compare with. They would need to include any limitation as part of the motion.

Dan House, speaking about what was mentioned by Director Spross, stated that they have stopped any night riding on the property due to the fact that the neighbors are having an issue with it. The arena lights that they had placed on the north arena are being taken down. They have not been used since a year and a half ago. There wouldn't be any nighttime riding in the dark because safety

becomes an issue.

Chair Blakey said that the neighborhood feels that they are creating heavy amounts of dust on the roadway, and there are some road maintenance issues. He asked the applicants to speak regarding these issues. How many people per day on average comes to the facility? Dan House said that he has two girls that come in the morning, and maybe three times per day there are upwards of four vehicles. Chair Blakey then questioned regarding the training that is happening at this site. He said that with their permit they could provide training on site for those that have horses boarded there. He questioned if people were coming to this property to train on other people's horses and have no connection to any of the horses on the property. Dan House said that they do not. Chair Blakey asked how many horses that are on the property are owned by the operators or owners of the facility. Dan House responded that there are six right now. Chair Blakey inquired if six is the normal amount or if it fluctuates. Dan House replied that six is normal. Those are what get used for training, and their trainer does board there as well and uses her horses also. They alternate within the same bunch of horses.

Member Diehl questioned if there was a riding arena. Dan House remarked that the two circles in the aerial photograph displayed on the screen are the round pens where they can go in and start with the children in a contained, more protected area. The larger area to the north is a riding area and the one to the south is a riding area. He further explained that the one that looks like an upside down Nevada is for the turnout area to allow horses to roll, walk around, and so forth. These are not being worked, and they just get a break from their stall for a short time.

Member Goings asked for clarification whether this was originally set up as a home based boarding facility. Director Spross corrected that this was set up as a boarding facility, and not as a home based business. At the time this was set up the county did not have options for a home based business, so it was just a business. Member Goings referring back to something Member Hyde said that there is already a business there. The owner doesn't live there, and Mr. House is the operator at the site. Chair Blakey inquired if the department could speak to the fact that the property owner does not have to live on that property for that business to operate as it is. Director Spross remarked that the only time that someone has to live on the property is if it is a home based business. With any other business, it is unlikely that the owner would be living on the property. He's sure that Member Goings doesn't live where his office is located. As a regular business there wouldn't normally be anyone living there. With the understanding that a year or two ago, the applicant did come before this board to request a temporary use permit for a night watchman to be on the property 24 hours per day because there are horses that needed to be cared for. That was approved by this board a year or year and a half ago. Chair Blakey asked for clarification that someone can live in the house that is on the property, and there is a night watchman approved at this time. Director Spross responded that the approval for the temporary use permit was for the night watchman to reside in an RV on the property. He hasn't been out to the property, and he expects that to be where the watchman is staying and doesn't know who resides in the home. Dan House verified that the night watchman does live in the RV, which they have just renewed. Member Picotte inquired who is living in the house. Dan House answered that he lives in the house and is the manager of the facility. He said that he manages the business during the day, and the watchman takes care of things overnight. Member Picotte questioned if Mr. House was renting or leasing the property, and Dan House replied that it is part of his pension or pay for working for Mrs. Gross. Loreli LeBaron, Code Compliance Official, confirmed that she has been at the property and verified what was said.

Member Hyde asked Director Spross for any concerns on the private education facility. Director Spross noted that the original special use permit did not allow for this, so that is another

reason that the applicant is here. When you have education and training it is obviously bringing people to the site. That means more traffic, dust, and things of that nature. If you have education, that means, unless you, the owner of the business, are conducting that training and the educating, you are now bringing someone else in to do that. This and the vet area are things for the commission to consider whether they are comfortable with allowing somebody to come there to train horses or to train individuals or to train individuals on their horses, which is something that the applicant wants to find out whether or not that is something that will be allowed. Obviously, anytime that you bring somebody to a business that would normally not be there, you are going to create traffic and dust. The traffic is going to happen on Silver Sage Lane, and the dust is primarily going to happen on the driveway in that is between the two riding arenas there. Dean Patterson, Senior Planner, stated that the education component really has to do with similar characteristics as the vet clinic in the terms of bringing people, who are not clients of the boarding facility, into the facility. The traffic being created is part of the complaints from the neighborhood.

Chair Blakey questioned if the applicant would like to speak on the public education part—if someone other than the owner/operator of the business is coming to train, and if there will be people coming to the property to seek training that are not boarding horses at the facility. Dan House remarked that he lives on the property, he uses his horses, and he provides some training. Tori Robinson, who boards horses at the facility, is their main trainer. She works well with children, and she also works with handicapped children. They have limited this to two students in the morning, and they may have two students in the afternoon. Chair Blakey confirmed that there are people being trained at this facility that do not board horses there, and Mr. House affirmed this to be accurate.

Member Goings inquired if they have the ability to wet the dirt in the arenas. Dan House responded that they have purchased a two-ton truck, built a water tank and sprayer unit, and they spray these constantly. They recirculate the water from the water troughs through this process—the water from the troughs are used to fill the water tank on the spray truck. They spray the arenas and their roads. Member Goings questioned if that has been something that has been ongoing or something that had not been implemented yet. Mr. House stated that it has been ongoing. Mrs. Gross further said that if it gets really bad, Mr. Hancock comes in with his trucks. Member Goings remarked that he knows from experience that it takes a lot of water to keep the dust down, and that's a very good neighborly thing to do because that can become one of the biggest issues. He doesn't know that recirculating the water through the water troughs produces enough water to be sufficient. He thinks that wetting everything down well would benefit everyone. He reported that he drove by the facility today, and that was one of the first things that he noticed. Those arenas are set up very close to those residences that are to the west of the property. When people are riding horses, it kicks up a lot of dust.

Member Picotte asked staff regarding the construct of the property it almost seems that it could be growing into the commercial realm versus a home based business. He wondered where that line would be with this situation. Dean Patterson restated that this is not a home based business. This is a regular horse boarding business. He thinks that the commercial aspect that he brought up is kind of one of the sticking points in this situation in that when you get lots of people being attracted to a facility, so maybe like the training, that inserts the commercial component into what is kind of a quasi-agricultural kind of business of livestock boarding. Ultimately, after looking at all of the comments, staff recommended that the veterinarian and educational components not be approved, but the expansion would be okay. Member Picotte was just trying to work through somebody living in the house on the property that is a worker for this entire property. He thinks that this has gone away from a little bit of a home based business. This is a pretty established business. Dean Patterson agreed.

Joseph Sanford, DDA—Civil, clarified that when this was granted in 2003, our code did not delineate in special use permit between home based businesses, general businesses, or anything else like it does now. The permit that was granted then was just a special use permit, which was the only type at that time, as a commercial operation. At present, because this is an expansion that would require a new permit, that permit falls under our current code procedure. The old piece is “grandfathered in” based upon what was done in 2003. It wouldn’t be a home based business, and we wouldn’t be looking at those same rules for the permit that was in 2003. We are looking at the present code and how it would apply for the expansion. Dean Patterson further explained that in a normal residential setting our code doesn’t allow a lot of commercial uses, and when there are situations where they are allowed, they are often a special use permit. We are taking consideration of the impact on the residential area.

Member Goings spoke regarding the training and with the understanding that there is a trainer there that is going to help train with the horses that are boarded there. He shared that as a person with a special needs son he understands the hippotherapy that comes with that. He thinks that the biggest concern here is that if you happen to have a clinic, the permit has been granted, and now they have 30 people showing up for some type of clinic or whatever. He doesn’t think that is going to fit into this. He wants to make sure that the applicant understands what he is looking at here where he sees the two or three horses that they have in the morning or the afternoon with an outside trainer coming in. What he thinks is the big concern is if they grant this, and then it open ends the facility to be able to bring in a group of 30 people, and he thinks that is something that they will have to address. Kelly Gross stated that they had already been told that would fall under a special event that would require another type of permit, so they are not doing that.

Member Nelson said that as far as the veterinarian clinic goes, they can limit that to onsite boarding. He asked the applicant if they would be okay with that, and Mrs. Gross confirmed they would be. Member Nelson then questioned regarding the private education facility if the applicant would be okay if they were to put limits on that, like they had stated two people in the morning and two in the afternoon or evening. They also commented that their trainer is already a boarder, so she is there anyway. He asked if that was fairly true and reasonable. Dan House remarked that he believes it is. He said that Tori Robinson is the trainer, and Jeannette Dahl brings in three elderly ladies on Thursday morning, who do an hourly lesson, and then they go home. They would like to continue these activities to be able to continue since Jeannette has been doing this for 15 years there. They would be open to having limitations.

Chair Blakey asked for public comment on this matter. He asked everyone to be courteous to each other, and to please be courteous to the applicant. Each person will have an opportunity to speak, and each person will be limited to three minutes. There will be a timekeeper, and when they are told that time is up, he asked that they stop speaking. He also noted that if anyone wishes to speak about something that is not privy to this application, they can speak, but it will have no bearing on the commissions’ decision. He first asked if there were any letters that needed to be read into the record. Director Spross stated that he would address the letters that were received by the department. An audience member asked if they could yield their time in order to allow another person to continue to speak, and the answer was no. Director Spross shared a letter by Zoanne Clark dated April 7, 2023 regarding the special use permit that she had applied for in order to have overnight boarding of horses for people traveling and not staying longer than one night. She indicated that during her discussion with the gentleman from the county regarding her permit application she was told that because they didn’t want businesses or traffic on this road and wanted to keep it rural, and he didn’t think that it would be approved. She dropped the idea and chose not to go before the board and waste everyone’s

time. Chair Blakey added that once the comment period ends the applicant will have an opportunity to come back and respond to the comments made. He suggested that the applicant keep track of things that she might want to address.

Denise Felton, 4720 Silver Sage Lane, stated that her home is located directly across the street from the subject parcel. One can assume when you read chapter 16 of the County Code that a business on a residential property would be considered a home based business. She thinks that is part of the confusion here. There was nothing saying that this was going to be a permanent commercial business. When the prior owner applied for the permit, she thinks that there was an assumption that it would go away when they passed away or moved. Churchill County Code says that it is considered like a minor aggregate operation for a general permit, which is construction based, so that is kind of where they are going with that. If the subject property is allowed to continue to run as a commercial operation, how do the residents meet the qualifications for a dwelling attached to a commercial property according to County Code 16.16.020.8.C. Both Nevada law and the US Farm Agency require an agricultural operation to own the animals within the operation, so it does not qualify for agriculture under Nevada law. If the subject parcel was, then they should be able to submit a schedule F to prove that's an agricultural operation. Their concern is how is it compatible with the existing uses when it is residential, and this is clearly a commercial operation. The difference is that commercial property is used for business activities while a residence is used for living purposes. Commercial and residential properties also attract different tenants. An onsite manager lives on the subject property and runs the business. The property is no longer a private residence. Additionally, mortgage lenders do not lend on homes in conjunction with a business, and residential appraisers cannot appraise commercial properties. Was a certified real estate appraiser consulted to ensure that a 24 hour business in the residential neighborhood will not negatively affect the value of the surrounding properties? The 24 signatures obtained, and the multiple letters submitted in opposition of Silver Sage Horse Boarding are proof that the residents of the surrounding properties feel that it is a private nuisance, which interferes with a person's enjoyment and use of his land. Mrs. Gross, herself, moved to another residence away from that business activities. They feel that there is a lack of supporting documentation, and they are not suggesting that the applicant be out of business, but that she moves it to a more appropriate location.

Clint Felton, 4720 Silver Sage Lane, is directly across from the applicant's property, and his original complaint was in the form of a Sheriff's voluntary statement submitted after visiting with Sheriff Hickox on December 30, 2022. The original issue stemmed from their dog being attacked by a pit bull owned by one of the boarders at Silver Sage Boarding. When he approached the onsite manager, Dan, about the vet bill, Dan informed him that Mrs. Gross had said not to provide him with the name of the dog owner, and that if he wanted to do something about it, he needed to contact an attorney. He asked if Dan could turn it into their insurance and was told that they didn't have business insurance. Sheriff Hickox wanted to turn the issue over to the planning department. He visited with Chris Spross and informed him that a once small home business expanded in size to a commercial business. Mrs. Clark is also upset with Mrs. Gross in being allowed to rent two travel trailers on the property. This was confirmed by Ted and Judy Renfro, who live east of the subject property. They provided three pictures that clearly show these trailers being lived in. The onsite manager lives in the house. Who is living in these two trailers? The staff report doesn't mention these two RVs or the TUP (temporary use permit). The application states that the subject parcel is not near a waterway, nor is there any wildlife near the property. To the north of the subject property parcel is a drain ditch that is less than ten feet away from a row of stalls. The ditch drains into a larger drain ditch to the east of the

property, which has water in it year around. This is a habitat for deer, turkeys, wildlife, waterfowl birds and mountain lions. How is the applicant ensuring these waterways are not being contaminated by the activities of the facility and equine waste? On April 6, 2023, he took photos of seven out of state horses in one pen from the state of Oregon at Silver Sage Horse Boarding. Was proof of current negative cogens and health certificates for each horse verified before the horses were loaded onto the property? In addition to the applicant, is the county liable at any point if an outbreak of an equine disease originates at Silver Sage Horse Boarding, which results in the loss of horses on neighboring properties? He stated that he has many valuable horses, which are vital to his 30 year horse business. He asked if the members of the commission had a chance to see the photos that he provided with his complaint, and the response was in the affirmative.

Kevin Snodgrass, 2955 Elizabeth Parkway, said that he has been out there several times. He is a city boy and is getting a lot of education on horses and how they are. If you look at the picture (displayed on the screen), he noted how clean and organized everything is. He wished his neighbors were like that. Everything is labeled, speed control signs, they can serve, and they reuse the wastewater to water the roads and keep the dust down. He has been out there several times during the day, never at night, and it is peaceful. There is a place that you can go to sit and relax, and it's quiet. When he was out there, he probably saw two trucks. They brought the horses in, unloaded them, and then they left. A lot of the traffic that he has seen is going up and down the road for the people that live on the road. He doesn't understand what is going on with the neighbors, but he sees it as a peaceful area and is educational for his daughter, who helps out. They've learned a lot. His daughter lives for this, and he remarked that she is off of her phone. She'd rather play and be around the horses. If you ever have a chance, just go out there and watch the horses run. That's Nevada. To him it is a place to go; it's not Disneyland, but it is a place for kids to be able to go and see an educational place. Whatever is going on with the neighborhood...he said that there's a business across his street, he talks to his neighbor, and they're neighborly. It's Nevada, the wind is going to blow, sand is going to blow. He said that there are very few flies there, and there isn't a bad smell because everything is clean. Their piles are out of the way. The veterinary area is located where it is clean and safe for the people around it. The horse goes into an area so that it can't kick and hurt anyone. It's there to assist people who can't get to a facility when it is after hours. If you had a horse or a kid, you would take your kid to a home doctor to get things done. You would drive hours to have your kid worked on, and it's the same thing with these animals to get taken care of.

Lisa Swan, 4870 Silver Sage Lane, said that when they purchased their home in 2010, they were led to believe that there were only allowed to be home based businesses on that street, in that residential area. They moved here from Virginia Beach, and they wanted less traffic and lights, so they purchased five acres in the country on a dead end road. They do not want to have blinds or curtains on their windows. In the past year (and she reiterated that it has just been in the past year), the traffic has greatly increased, big rigs coming down the street at all hours of the night with lights shining in their bedroom. A big light sits on the barn and on the telephone pole that are on all night long and not on a motion sensor, and it literally lights up her dining room and living room all night long. This is a nuisance to her and her family, and they are a thousand feet away, not next door or across the street. A previous neighbor had a special permit to have a caretaker, and when she sold her home, the special permit did not pass to the new owner. She had to remove the modular, and move that before she sold her home. Why did a special permit business get transferred to this new homeowner? She stated that she believes that she no longer lives on the property, and as the applicant stated here tonight, she does not live there. Not only does she have a horse boarding business, but she

also rents out RVs on her property. She thought that this street was for home based businesses, so without the owner living on the property and having other people live there, not family members, is not how it was portrayed to them when they purchased their home. When the previous owners, Bill and Marlene, lived there, they came and introduced themselves to her and her family. They had minimal traffic up and down the street. She thinks that she saw them driving on the street more so than the boarders. Now it is more the boarders and these huge trailers. Why does she get to have a commercial business on their quiet dead end street in their neighborhood, collect rent from these RV tenants, possibly from the person that works there and lives in the house? Most of them have RVs, so are they allowed without a permit to put it on Airbnb and make extra money. She is literally just a business. These trainers are probably getting paid by those people that come to get trained, and then you have her horse boarding, and now some of this vet stuff that is happening, and she is twenty-four hours. They didn't get a permit for them to have this night watchman, and they never got a permit for her when she purchased the home.

Scott Swan, 4870 Silver Sage Lane, commented that he knows that there are 18 letters that Director Spross said were in favor of this expansion. He can guarantee that those 18 letters were not from the direct neighbors of this residence. If you scan back and look at the plots, every neighbor that they spoke with up and down this road were in agreement with them when they talked about it. They do not want to see this expansion. They are tired of the lights shining at night and the traffic on their road. They are tired of the speeding up and down the road. He's disappointed that the applicants make it seem so minimal, and it's not. There is a lot more going on there than they are owning up to. He is tired of them walking their horses across their property and expecting their dogs not to bark. They are getting mad that the dog is not on a leash when the dog is on his own property. There are issues, and every neighbor around there and neighbors behind have made the same comments and have signed the petition. He thinks that it is important to notice that. Talk to the neighbors. He knows that a lot of people here board horses there or go there, and they are going to say great things. They don't live there, they live somewhere else, and they are bringing this to their street.

Joe Dahl, 1105 Yeoman Lane, said that he should have written a letter. He had just heard about this a few days ago, and he talked to Mrs. Gross. She said that not one of her neighbors ever came to talk to her about any problem with this application that she is making. He guesses that they just stored it up to come and tell the commission, but didn't bother to tell her. It sounded to him like a lot of the complaints or opposition to this came from a dog fight and expanded from there. He stated that he's been to this facility off and on over quite a few years, and he occasionally hauls a horse in there for any number of reasons. He's familiar with the vet clinic, which isn't a vet clinic. He's glad that got straightened out. As far as the flies in the summer, he's been in those facilities where there are 1,000 polo horses in one small area (bigger than this) around the polo fields, and they manage their flies and their manure. Dan and Kelly manage their manure, and they've been trying to do the right thing for so long. They are doing everything that is requested. They are changing the lighting. He remarked that riding at night in June and July if the moon isn't up, it is nice to have lights. As far as the dust goes, when you turn off of Union Lane, you cannot get up very much speed before you come to the entrance to this facility. When you turn onto that entrance it is a pretty tight turn if you've got a trailer on. Then the dust that is made is only from going 2 mph to 5 mph. He also commented that he hasn't really seen traffic when he has been there. The dust from the arenas will be able to be managed with the water sprayer that they are working on. They are just trying to get along in that neighborhood. He knew this facility before they bought it, and it was a nice facility. They have done such a nice job of making it a really great place.

Jaimi Woods, 1265 Cedar Drive, remarked that she is a boarder out there and has been for over 14 years. She is a retired school teacher, and retired partly to spend her life out there with her ponies. She is there about five to six days per week for a minimum of two hours and usually six to seven each day. She does see a lot. She likes to ride and likes to bring her friends to ride and have lessons, so that they are doing it correctly. In all of the time that she has been out there, she's only known a couple of people that have ridden off of the property because most of the riders out there are not good enough or brave enough to ride off of the property. She hasn't been there 24/7 and is never there after dark, but the riders that have come and gone over all of the years she can count on less than one hand how many riders have ridden off of the property; they don't. The couple that did were trainers. She doesn't know where they went, but there is no access to anywhere except to go down to Union Lane. As far as dogs and stuff barking, she couldn't say because it is pretty quiet there. Regarding the traffic she remarked that every house on that street has at least three cars, and they are going up and down all of the time. She's usually sitting out in front of her tack shed watching. There may be a little more traffic on some days, but it isn't like every day. It is like everything else, there is 5:00 traffic when the owners are coming home from work. She wanted to share what she has witnessed in the over 14 years that she has been there. She has been there since Bill and Marlene had it; this was their dream. It is a shame and very upsetting for her because she has boarded her horses for a very long time. Where is she going to go that is safe and clean? There are not that many places. They need a list because it does affect the boarders. It has only been full one time in those 14 years, and it was a short period of time. She also noted that Mr. Felton had a colt over there at one time being trained.

Tori Robinson, 633 Discovery Drive, stated that she is the one that is currently giving lessons out there and offering training services to people that board there. She is finding it a bit difficult to wrap her head around the hypocrisy that is going on between neighbors here. She feels as though Silver Sage has been more than neighborly with everyone. It seems as though Mr. and Mrs. Felton have the most to say against the facility when they themselves are not living up to the standards that they are asking them to. She sees Mr. Felton out in his arena running around, cantering around, on his roping horses, kicking up dust, and then it is stated that this is a problem for this facility, but not when he does it. She sees his horses loose all of the time, walking up and down Silver Sage Lane. They actually spooked the horse that she was riding at the time because they came running up to her. She brought that up to Dan, and he said that it wouldn't matter if they contacted Mr. Felton because it has happened many times and he refuses to do anything about his containment and his negligence of keeping his horses safe. His dogs are very frequently loose, which is a danger, not only to the lesson students, to the boarders, to the neighbors, it is also a danger to the dogs in general. She feels that is extremely worrying as well. She pointed out regarding the traffic complaints that the neighbors have several vehicles that are using that road and pass by them every single day, and the Feltons have at least two gooseneck stock horse trailers that are in and out probably three to four times per week. She stated that they are causing as much traffic as Silver Sage is as well. She feels that it is a little bit hypocritical to demand all of these things from Silver Sage while they are actively trying to fix it and while they are trying to be neighborly about it, and not hold themselves to the same standard. She didn't want to point fingers, but she did want to point this issue out.

Stephen Skuda, 4110 Allen Road, said that he moved here in the spring of 2015 from Washington state. He got military orders down here, and when he got to Fallon, he found his home. He's here to stay and is retiring next month, but he plans to stay in Fallon, Nevada for the rest of his life and grow his family here. The reason why is because of the people. There are incredible people,

people like Kelly Gross and Dan House. He remarked that he, his wife, and two children started acquiring horses and has kept them in the pens at the facility. They were well taken care of and well fed while they were there. He stated that they moved about a year ago to a property where they could keep their horses, but his sons are still taking horse lessons every Friday. To see them grow, to see them mature, and to see the lessons that they are learning while working with horses is pretty amazing. He really appreciates that. He thinks that this is a good place for the community and for the people. It is pretty incredible. He urges the commission to support Silver Sage Horse Boarding facility.

Colton Wenger, 1475 Sheckler Cut-Off, commented that he has been going out to Silver Sage for about two and a half years now. He concurred with Dan about the traffic being very minimal, and on the heaviest days there is probably a maximum of 15 vehicles going down this road. There is a 5 mph sign outside on the driveway, and there have been some cars that have exceeded that speed limit. He witnessed Dan, the manager, go up to them and instruct them to please not exceed the 5 mph speed limit that they set for the driveway. As far as he has understood from previous comments, the arena lights are coming down, but he pointed out on the aerial photograph that was displayed on the screen that there is a row of trees in between the arenas and the road, which makes it pretty difficult for the lights to get through. He is glad that is getting taken care of. Like everyone else has said, he thinks that this is a neighborly dispute that probably could have gotten handled at a lower level. He hopes that all of this gets handled.

Margaret Halloran, 3500 Allen Road, had a couple of questions since she was listening to this discussion while awaiting another item on the agenda regarding the veterinary part. Why not just rent out a spot at night at the Lahontan Veterinary Clinic if they are going to be taking outside people? She used to work at a veterinary clinic, and they had open hours and then after hours. Maybe something could be worked out over there for that. Were there only six horses all together in the whole area, then why do they need 32 stalls? Chair Blakey responded that six horses are owned by the property owner and the manager, and they are on the property and do not count in the number that they board. Currently, they stated that they have nine horses boarded there. Mrs. Halloran said that she doesn't live in the neighborhood and doesn't board there, but she thinks that things could be worked out.

Rosalind Snodgrass, 2955 Elizabeth Parkway, remarked that Silver Sage is very clean and really well kept up. The people there are great. It is very quiet and peaceful. There's a lot of traffic going by, but there is not a lot of traffic going in the area. She thinks that about three or four cars at most will come by the facility. There are more cars going back and forth to the neighbor's houses than going into the area. The dogs are somewhat quiet, but they bark for a like a second or two when someone gets there, but that's how dogs are. You can't really change the nature of dogs, you can't control dirt, and you can't control flies. They water the ground and make sure that it is very well kept up. There are barely any flies in the summer, and the other neighbors have horses as well. Those horses get flies as well. There's really nothing that they can do about the other people's horses.

Tyrie Wenger, 1475 Sheckler Cut-Off, said that she was a trainer previously before Tori. She boarded her horses out there. She remarked that Kelly has done everything that she can to make this a quiet, relaxing place not only for horses, but for people. She's not sure how much everyone knows about horses, but they like the quiet, too. She likes the country. Ms. Wenger explained that Mrs. Gross buys special bugs to put on the manure to keep the flies down. She has paid for water trucks to come out to keep the dust down. She knows that Kelly wants it quiet out there just as much as the neighbors do. She wanted to let the commission know that Kelly is doing everything to make this a quiet business. It is her business, yes, and people are coming in and out, but not more than anything else

would in a residential area. Another thing that has been talked about is the number of horse stalls. This is a full care boarding facility, so the person on the property is the one taking care of all of those horses. Just because someone boards a horse there doesn't mean that they will go out to see that horse every day. The person on the property takes care of the horses, so that cuts down on the number of people that go to this place on a daily basis. Trailers get pulled all of the way onto the property, so they are not on the road. The neighbors across the road park multiple big vehicles on the road, yet none of the vehicles from this facility are ever parked on the road outside; they are on the property if they are there. She hopes that the commission sees that Kelly is trying to make this a quiet place, and she urges the neighbors to go have a conversation if they have problems, and she will do everything in her power to take care of it because she has seen it herself.

Joe Jordan, 580 East Front Street, commented that he is a local horseshoer here in town and has been shoeing horses for 11 years. He has been shoeing horses at this facility for the last 11 years. He stated that when Bill and Marlene had it, they did it the best that they could do. Since Kelly has taken it over, they have done incredible things here. One of the things that he has noticed is like multiple people have said dealing with fly control. If anybody is going to cry about fly control, it would be him. That is one of the things that he has talked about with Kelly a lot, and she has done a great job of taking care of that. As far as dust control goes, they have also done a great job of taking care of the dust because he is also the same guy that cries about the hard hooves that he has to deal with. He confirmed that they are using the water from the troughs to spray in the corrals and on the road. He has seen cars come and go, but he couldn't say that it is an abundance of traffic.

Jeannette Dahl, 1105 Yeoman Lane, stated that she has been out at Silver Sage probably two times per week for about the last 11 years. Silver Sage is a wonderful facility for our community. We don't have very many boarding stables in the Fallon/Churchill County area. Kelly and her crew have worked so hard to make this a very safe, pleasant, and clean place to take your horses. If this facility doesn't work out for them, then she thinks that our community is going to lose something that is very worthwhile, and she hopes that the commission will keep that in mind.

Chair Blakey invited the applicant to come forward for any comments or rebuttal to share, and he asked the commissioners if they had any more discussion or questions for staff or the applicant.

Member Nelson inquired if there are two RVs there because he had the understanding that there is only one. Director Spross remarked that Loreli LeBaron was recently out at the facility and could probably answer this question better, but when he was last there at the time of the application for the TUP there were two RVs there and only one was being used as a residence by Dan House, who was the watchman at that time. Member Nelson wondered what the other RV was for. Loreli LeBaron confirmed that there is only one RV that is used as a residence for a watchman. Dan House is living in the residence on the property. There is a second RV on the premises, but it is not connected to utilities, it is vacant, and no one was occupying it. Chair Blakey questioned if the applicant agreed with this statement. Dan House answered that they do.

Member Goings said that there was mention of a county code in that you could not have an agriculture business unless you owned those animals, and he is confused by that because of the feedlot situations. If you have a feedlot, you don't necessarily own those animals either. He doesn't see where that would play into this in any way as far as the county code goes. Chair Blakey remarked that this will be referred to Mr. Sanford, DDA—Civil, who responded that he is not familiar with any piece in the county code that would say that a previously permitted special use permit for boarding facility horses would require that people own the horses that are boarded there. This was granted in 2003 for that express purpose. There was some discussion that started to take place without being picked up

by the recording. Mr. Sanford stated that if anyone had something from the code that was in place in 2003 when it was established, he would look at that. It sounds like the references are more from federal or state regulations than county code. Chair Blakey asked the member of the audience to provide the NRS reference that she is referring to, so that it is on public record that it has been enquired about. Denise Felton responded that it is NAC 361.A.030 and livestock is defined under NAC 361.A.055. Chair Blakey asked that while Mr. Sanford is researching and reviewing this the applicant take some time to rebuttal any information against the public comments that were made. Dan House wanted to speak regarding the dog attack. Chair Blakey said that he could address it, but it will not have anything to do with this application. Chair Blakey again asked if there was anything else they wished to say, and they did not. He then asked the commissioners for any questions for the applicant now that public comment has been made.

Member Hyde wanted to express his thoughts a little bit. He loves horses, loves education with horses, and he understands how it helps those that have learning disabilities and those who want a quiet place. He wanted to go over some of the complaints that he heard in order for the applicant to address these issues. There was a mention about a light on a pole that shines into a bedroom at night. Does this still exist, do they have an “artificial moon” out there that’s shining into someone’s house? Dan House answered that the lights that they do have on from dusk to dawn include one right in front of the hay barn with their 84 stacks of hay, one light on the back of the barn, one at the corner of the stall numbered 14, and there’s a light at the back of the shop, next to the RV closest to the shop. He asked for someone to identify the light that was the biggest culprit for the light shining into the neighbor’s home. Mr. House didn’t know that this was an issue, and he asked if the neighbor would come down and talk to him; he would like to fix it if it is a problem. Member Hyde stated that he likes how they are trying to mitigate the dust and everything to be a good neighbor. The one thing that hasn’t been addressed and that is the light that is a nuisance. Kelly Gross responded that the lights that are there now she will have an electrician go there to put the required domes so that the lights will shine down. The arena light will be disconnected because nobody uses it anyway. Member Hyde remarked that on any kind of approval for this they would need to include a condition like this, so that in the future this doesn’t come up again as a problem. Mrs. Gross said that the department has already been out there. Member Hyde then wanted to address the big rigs that were coming at night. As he has been listening to the discussions, he noted that in the application it is called a veterinary clinic and he knows that definition has been somewhat modified because they don’t want to call it a vet clinic, it seems that what is creating a problem is that there are outside horses coming to the property. If that were to be eliminated, in other words outside horses were not invited, and those stocks are used only for horses on the premises, that is a situation that could satisfy the neighbors and would be a move in that direction. What they are saying is that this is becoming a lot bigger commercial enterprise than what they originally thought. He loves horses and everything about this, and he doesn’t think that is the opposition. He believes that this is becoming more of a business, a bigger commercial business that is offending the neighbors. He suggested that they should deny the outside horses coming to the property, and he asked the applicant if that would be a problem. They responded that it would not be. Member Hyde continued regarding the expansion to include more horses asked what that would look like in terms of activity, traffic, dust control, and so on. As he understand there are six horses that the applicants own, and there are another nine that are boarded presently. How many vacant stalls are there right now? The answer was 17. Member Hyde then inquired why they want more stalls. Kelly Gross responded that they have already built out 32 stalls. Director Spross commented that they have already built 32 stalls, which was more than the original

14, so they are here to make sure that this special use permit covers the expansion that has already occurred. Member Hyde misunderstood and thought they wanted more stalls than what were on the property.

Joseph Sanford, DDA—Civil, reported back regarding the comment whether the property was a commercial use or an agricultural use as defined in Nevada law. It is not an agricultural use as it would be used and defined under Nevada law for tax purposes because agricultural use has to be making a profit generally like feedlots and other things that were discussed previously. This is more like a commercial enterprise.

Member Goings wanted to talk more about the light concern. He grew up here, and at one point there was a light in everybody's yard. TCID (Truckee Carson Irrigation District) brought them in. He doesn't think that if the lights are not obtrusive, and he sees why they need them in certain locations around there to be able to facilitate care and oversight of the property, so he thinks that the lighting would best be addressed in that they try their best not to disturb the neighbors. He doesn't see where the light situation is going to be a problem. Director Spross pointed out that one of the recommended conditions, should this be approved, is spelled out that existing and future lighting shall meet the dark skies requirements in the lighting code. It also prohibits lighting in the corrals to allow nighttime riding. Modifications to the lighting shall be accomplished in 30 days. He noted that the dark skies lighting should be familiar to everyone on the commission since this has been added to the conditions for other businesses; it is shaded to shine directly down and not horizontally.

Member Goings added another consideration regarding the training at the facility. He knows that they will do some training and believes that everything is set up for that. He thinks that it would be best to limit the number. He thinks that if they start to pull in 10-15 at a time, this will cause a lot more problems with the neighbors. He thinks they should specify a number that can't be exceeded under this special use permit, and that should control the traffic situation.

Member Diehl verified that the riders only ride in the arenas. Dan House agreed. Member Diehl just wanted to be assured that they don't ride down the road or out in the desert. Dan House replied that they do not. Member Diehl expressed that she is familiar with having horses, and she asked about the manure situation. How do they handle that? Mr. House stated that they clean the manure every single day, and they have a manure pile containment where this is collected. Then this is loaded up every Wednesday and hauled away. Member Diehl confirmed that they clean the stalls daily, and Dan House agreed. Member Diehl wondered if they put any straw or other material down for the horses. Mr. House responded that they do not use any bedding.

Member Picotte restated that they currently have about 17 horses on the property, and they have the ability to have 32. He wondered how people felt about having 32 horses on the property because with more horses there would be more traffic. He is looking at the potential. There is already a problem with the neighbors when they currently have 17 horses on the property. He asked what a suitable number would be for the applicants to be able to continue with doing this home based business. Dan House remarked that they have held all stalls full sometimes; there have been 32 horses on the site previously. As a boarding facility, there are people that come in to board their horses, and they only hear from them when they send in a check once a month to pay the boarding fees. They hardly ever come to see their horses. They basically exercise them, take care of them, and keep them in a stall. People do buy horses and then pay fees for boarding and care of the animals. This usually lasts for a short time until they realize that they are spending money that they should use for something else. It is common to have fluctuations in the number of horses boarded there. When they can get up to 32 horses, it helps relieve the strain of the costs of running this type of facility. The bills still have

to be paid when the numbers dwindle, and those costs are generally paid by Mrs. Gross.

Chair Blakey questioned if the position of their business has outgrown the area of that property. Is it time to relocate the business because it does not conform to the area or to the regulations that the county has set for that property for it to be a profitable business? Dan House replied that as Silver Sage sets right now they are at their maximum. They couldn't go any bigger and wouldn't want to go any bigger. An added comment was made about using the stalls they have. Chair Blakey noted that he was also referring to services rendered. Dan House pointed to the aerial photograph displayed on the screen and said that everything set up is where they want to be. For the size of the property, it works really well. It is much easier to be contained and keep it clean and controlled than if they were to move it to another property. That is beyond financial belief to even start again. Chair Blakey expressed his understanding of the situation, and that the property is already built out per se, but the services that they are rendering there, and if they start getting 20-30 more people then they start having huge traffic issues. He admitted that there are a few things that they are probably going to deny, and then there are some things that if they do approve of them, they will put limits on it. If they do put limits on it, he wondered if that would then make it an unprofitable business. They are the only people that will know that answer. If they say that they can train people, such as Mr. Snodgrass and his family, but they can only have three people per day, would that cause an issue or would they need it to be available for seven people per day in order for the structure of the business to be profitable. Mrs. Gross mentioned something about the head count, and Mr. House said that around three trainings per day is about where they are at and would work for what they can handle. He would agree that they could do it around in that number. Chair Blakey wasn't making any suggestions at the time, but just using that number as an example. Mr. House agreed that it is just an example and confirmed that even at four people per day would work.

Director Spross brought out points from the findings from the Staff Report:

- The Master Plan establishes land use districts that are implemented by the zoning districts. The proposed uses are allowed uses for the zoning district in the development code.
- There are no new buildings or other facilities proposed other than a new small restroom building to serve customers to be placed in the middle of the site. The building department that a restroom must be ADA compliant to serve disabled visitors and employees, and the applicant is working with the building department on that.
- The site shows 10 parking spaces near the middle of the site, though much of the property can also be used for parking. The number of spaces needed would be small, and staff has determined that this is an appropriate number of parking spaces. The private education use will have a variable parking demand that will occur occasionally, and staff has still determined that due to the size of the area that parking will be sufficient. There must be a handicapped parking space provided for visitors.
- There are no water or sewer infrastructure out there. Previously, there were no visitor restrooms on the property, though this should not have been allowed for a business with employees to begin with. The sewer and water service being proposed in this application with the new restroom if connecting to the existing well and septic system. The building department has indicated that there are two septic systems, and they are adequate for the facility including training class visitors. The applicant is requesting extensive time to get this done, so the recommended conditions include a one year review in order to check that those systems are adequate.
- There is a sign out there that is 4 feet by 4 feet for a total of 16 square feet. This falls well within the signage limits.

- Site lighting, which has been a hot item, needs to meet the dark skies code, and it sounds like the applicant is willing to do that.
- There is no public water or sewer available on the site.
- Traffic generated from the expanded horse boarding and veterinary operation will be minor and will not cause impacts. The traffic generated by the private education activity will create noticeable surges of traffic but are within the capabilities of the road. No impacts are expected to the road infrastructure.
- The potential environmental impact issues to adjacent properties obviously include:
 - dust generated from site vehicle traffic;
 - impact from smell and fly presence increases with more livestock manure;
 - visitors to equestrian facilities often bring their dogs that are often allowed to roam free, and there is a recommended condition that will be a part of this permit should the commission choose to approve this;
 - nighttime activities bring customers to the site and disturb neighboring residents;
 - lights from equestrian facilities often use floodlighting of outdoor areas, which impacts adjacent properties;
 - greatly increasing traffic is a result from the equestrian classes and that could cause impacts on the neighborhood;
 - equestrian classes can involve large groups, which encourages the use of amplified sound systems, and there is a recommended condition to address that; and
 - storm water surface drainage from horse pens can carry pollutants into the adjacent drains, especially after being concentrated at the roof line, and there are recommended conditions to address this as well.

Director Spross noted that staff had made a recommendation to approve the horse boarding expansion and related advertising sign, and they had made a recommendation to deny the private education facility and the veterinary clinic. He reiterated that it sounds like there has been some discussion from the commissioners that there may be some compromise in terms of the private education, and obviously with this not technically being a veterinary clinic there may be some compromise there as well. He further noted in the Staff Report there is a reminder of the four different uses from the application that they will need to use in their motion for the findings and their motion for the decision. He asked them to be very clear on what has been met and has not been met or what is approved and what is not approved. Depending on what the motions for the findings and the decisions are the recommended conditions are a little flexible as well. Not knowing what decisions that the Planning Commission was going to make some of those conditions have two parts to choose from, and if something is prohibited, then you don't need the condition related to approval, and if it is not prohibited, there is a condition choice for that. Director Spross noted that once the decision has been made, then he can read into the record the way that the condition should be and add any other conditions that they wish to add related to time limits or quantity limits as has been discussed. We will make sure that those go into the conditions as well.

Chair Blakey wanted to make a point of clarification with Code Compliance. He asked if there are any records of complaints against this property that have been reported to the office. Loreli LeBaron responded in the affirmative as this initiated as a Code Compliance investigation. She received a complaint in the office, and that is how everything started. Chair Blakey inquired if that was just one complaint or if there were more. Loreli LeBaron replied that it was a single complaint.

Chair Blakey asked for any further comments.

Member Goings wanted to make sure that the applicant has read the recommended conditions for this should it be approved, that they understand them, and that they are acceptable to the applicant. Mrs. Gross questioned the gravel requirement, which is number 9. She would not be willing to place gravel on the property since she just spent three years getting the gravel off of there because a lot of the horses on there are older and do not have horseshoes. The gravel causes them to get stone bruised or made lame, so she is not an advocate of gravel on horse properties. Dean Patterson said that from listening to the conversation tonight maybe there is an alternative form of dust control that would be acceptable to the commission. Member Goings suggested a limit of 5 people per day for training, which would really put a limit on the traffic situation. He also stated that on the being a good neighbor side they should really concentrate on the dust control measures. Kelly Gross remarked that in five and a half years there has not been one neighbor to approach her for anything.

Member Hyde wants to find a balance because 24 people signed this complaint from the neighborhood. Those who came and spoke in favor don't live in that area, so he is trying to find a compromise here. They already have a business; it already exists. He is looking for something to make this, and he gathers that the applicant is being sensitive to this, and he'd like to put some "teeth" into this, so that the neighbors feel like they have been listened to. He said that the applicant doesn't want to do gravel, but she could do decomposed granite. That won't bruise the sole of the horse, will mitigate dust, and that moves in a direction that would be somewhat appealing to the neighbors. This is what he would include in the condition. He pointed out that the lights are going to be made to shine down, and he believes that everyone on the commission agrees that they do not approve of the vet clinic part. He thinks that they have to hit a compromise here that speaks to being neighborly.

Member Picotte stated that his biggest problem with this is the fact that it has grown. The applicant grew it into 32 stalls. He would have to do a lot more research in the code, but he feels personally that this has gone into a commercial realm on a residential property. If others feel that it isn't, he asks that they explain why he shouldn't feel this way. He thinks that 32 horses on a five acre property for the purpose of a business is more in the commercial realm on a residential property.

Chair Blakey asked counsel to define this property—is it residential or is it something else? Joseph Sanford, DDA—Civil, responded that it is zoned A-5, which is agricultural five acres, and there is a listing of uses that are allowed in the code defined A-5 zoned. This use is allowed only with a special use permit.

Member Goings verified with the department staff that everything here meets and conforms to the current codes, and Director Spross concurred that it is with a special use permit. Chair Blakey added that it would include conditions set forth by the commission. They must determine if they want to add restrictions to this property in any manner. Joseph Sanford confirmed that to be correct. Chair Blakey suggested that the commission discuss and decide if they agree to the expansion, how many stalls can they have that is operational, do they require that some of the stalls be removed so that they can't be used, do they want to restrict how many customer owned horses they have or just a total number of horses they have on the property, they need to agree on a certain amount of lessons that can be given per person that can be given each day, do they limit the times per day, and then regarding the veterinary clinic. Member Goings stated that they have 32 pens, they currently have 8 horses of their own—Chair Blakey interjected that the applicant said there are 6 horses that they own, and there are 9 that are customer owned. Member Goings thinks that they want to limit the number of outside horses to maybe 24, so that gives the owner the ability to have 8 horses of their own if they wish, but it would limit the number of outside horses to 24. That would fill the 32 pens, and then they don't have to tear down any stalls. He then stated that the veterinary clinic for horses that are not boarded

at the facility makes no sense, so he would not approve of that use. He is considering 5 private trainings per day, and it doesn't have to be a boarded horse, it could be an outside horse, but it will limit it. He thinks that if they plan this out and work on some of these other ideas that people have suggested, the applicant will make this acceptable to their neighbors. Dean Patterson asked for clarification of what Member Goings suggested as 5 trainings—does he mean 5 people per day or 5 sessions per day, and Member Goings said it would be 5 people. He further said that right now there are 3-4 people per day and this gives them a little room to expand. The bigger issue is going to be if they have a big public event going on where they create a ton of traffic. If they do 2 in the morning and 3 in the afternoon or vice versa, the traffic should be minimal enough. He also said that the parking needs to be on the property. Chair Blakey restated that if they did approve the owner to have 8 horses, 24 customer horses, and then 5 individual lessons per day, that is a possibility of 62 trips to that property on that road per day, which is counting to and from. Member Goings said that he wants to limit the number of outside horses that they could bring in. Maybe the owner wants to have 24 horses of their own.

Member Hyde wanted to talk about one more thing so that people don't leave thinking that they never talked about that, and that is regarding an event, like an appreciation dinner, where they have a lot of people come. He asked the applicant to speak to that. Kelly Gross answered that she has done that once where she had a barbecue in the back barn for the boarders. She questioned whether she could have a barbecue on her property, and Member Hyde expressed to the applicant that he was provided a picture of the event and he wanted to know more about that and what it looks like. Mrs. Gross reiterated that it was for the boarders, anybody that boarded a horse there was invited to the barbecue. It is done once per year. There is no riding or anything else; they just sit on hay bales in the barn.

Member Diehl remarked that she was looking at some of the staff recommendations, and she can see where it mentions the vet clinic as being limited to intermittent or as needed use, and that permanent veterinary services are prohibited. She asked the applicant if they read that, and they nodded their heads. She further added that under the condition for gravel, they could substitute another material or use other acceptable means to control dust and it would need to be completed in 30 days. She questioned if the applicant had read that, and they nodded their heads. She restated that Member Hyde recommended decomposed granite. Director Spross wanted to clarify the conditions. These are meant to be flexible based upon the decisions that the commission makes. He clarified the condition for the veterinary services mentioned by Member Diehl and read that the Veterinary Clinic is prohibited, but does not preclude veterinary visits to horses boarded at the facility. Then there is an "or" the veterinary clinic is limited to intermittent or as needed use, which means any horses. Depending upon which decision is made they need to clarify the conditions, so that they align with the decisions that are made. If they decide that only boarded horses may get their veterinary services there, then it would be the first part of that condition that would apply.

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 16.08.080(H) HAVE BEEN met for:

- **An expanded Horse Boarding facility for no more than 24 stalls for outside horses to be boarded and 8 stalls for business owned horses—a total of 32 stalls;**
- **A Private Education Facility for equestrian training for a maximum of 5**

- people per day at the facility;
 - Veterinary Services only for horses boarded at the facility; and
 - An advertising sign not to exceed 16 square feet in the A-5 zoning district;
- and that the criteria *HAVE NOT BEEN* met for:
- A Veterinary Clinic for animals not boarded at the facility located at 4755 Silver Sage Lane (APN 006-811-60). Member Nelson seconded the motion and the decision carried by unanimous vote (6-0).

Member Nelson, based on the previously adopted findings made for this project, moved to *APPROVE* the Special Use Permit application for Silver Sage Horse Boarding to establish:

- An expanded Horse Boarding facility for no more than 24 stalls for outside horses to be boarded and 8 stalls for business owned horses—a total of 32 stalls;
- A Private Education Facility for equestrian training for a maximum of 5 people per day at the facility;
- Veterinary Services only for horses boarded at the facility; and
- An advertising sign not to exceed 16 square feet in the A-5 zoning district and *DENY* the
- Veterinary Clinic for animals not boarded at the facility at 4755 Silver Sage Lane (APNs 006-811-60). This approval is subject to conditions, as listed in the Staff Report and as amended through the discussion and motions, including the screened decomposed granite in lieu of gravel. Member Goings seconded the motion and the decision carried by unanimous vote (6-0).

Recommended Conditions (as modified during the meeting and through the motions):

1. This permit is subject to review in one year to ensure compliance with conditions and code standards.
2. The horse boarding facility expansion is limited to 24 stalls for outside horses to be boarded and 8 stalls for business owned horses in the proposed 32 stalls.
3. Veterinary Care is allowed only for horses boarded at the facility, but the use of same day boarding to circumvent the prohibition of a veterinary clinic is prohibited.
4. Private training is limited to 5 people per day at the facility.
5. The signage is limited to the proposed 16 square foot sign.
6. All business customers shall park on the property, parking on the road is not allowed.
7. Existing and future lighting shall meet the dark skies requirements in the Lighting Code. Lighting of the riding corrals to allow nighttime riding is prohibited. Modifications to existing lights shall be accomplished in 30 days.
8. Sound amplification systems are prohibited.
9. Driving surfaces shall be covered with gravel, decomposed granite, or other acceptable measures of dust control to reduce the generation of dust, and shall be completed within 30 days.
10. Manure shall be removed from pens daily, and stockpiles of manure shall be removed from the property weekly.
11. Surface drainage from the horse pens shall be obstructed from carrying manure to the drains

along the north and east property lines. To accomplish this, berms or other features shall be installed as needed to provide at least a 1 foot grade change in elevation along those property lines.

- 12. Facility rules shall be implemented immediately to either require that visiting dogs be kept on a leash or that they be prohibited from visiting the property.*
- 13. ADA compliant parking and restroom facilities shall be provided before the 1 year review date.*
- 14. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*

Diane Moyle noted for the record that there is a 10-day appeal period.

There was a five minute recess of the meeting and would reconvene at 10:15 p.m.

- C. Consideration and possible action re: A special use permit application for a short-term rental bed and breakfast filed by Sherry Legarza for property located at 4200 Sheckler Road, Assessor's Parcel 008-711-25, consisting of 7.75 acres in the A-5 zoning district. The applicant proposes to use a portion of the existing residence to operate a short-term rental bed and breakfast with two rooms each with a separate bathroom and accompanying sign at the entrance to the property.

Sherry Legarza, 4200 Sheckler Road, was available to talk about the application.

Director Spross went over some of the information from the application and the Staff Report. The applicant proposes to establish a bed and breakfast in the onsite home. Two of the upstairs bedrooms will be used with the remaining bedroom being an office. Each bedroom will have its own bathroom. Customer parking will be provided near the house, and a sign will be placed along the long driveway from the highway. As a lodging facility, a bed and breakfast inn may be subject to various state laws. The Nevada Department of Environmental Protection (NDEP) Bureau of Safe Drinking Water indicates that a public water system will not be needed. The Department of Health and Human Services (DHHS) Environmental Health section provided several comments and will need to talk to the applicant to determine specific requirements. Food establishment permitting may be needed. The well and septic system might have to be converted to commercial systems. The NDEP Bureau of Water Pollution Control indicated that the septic system probably has to be converted to a commercial system. The Nevada Department of Transportation (NDOT) did not have any comments as long as the sign is outside of the highway right of way. He further noted that the surrounding area is primarily active agriculture and some with homesites. Farms are most impacted by intense human activity that impedes farm operations when people complain about them. There might also be compatibility issues with nearby single family uses; however, the activity generated by a two-room bed and breakfast will be small and substantial separation will exist between the uses. A bed and breakfast inn is a listed use in the use table in the A-5 zoning district with a special use permit.

He continued by stated that no new construction is proposed, so height and setback standards do not come into play, and there are no conflicts with easements. The property is served by an existing onsite residential well and septic system. Changing the residential use to a commercial bed and breakfast use may require changing sewer and water facilities to commercial facilities. Any outdoor lighting will need to meet the dark skies requirement, and a 10-foot landscape buffer along

Sheckler Road will be required. All other findings and considerations have been met.

Chair Blakey inquired if the applicant had anything to add. Sherry Legarza stated that this came about because her daughter is married to a Navy pilot, and so for the last few years many people have been staying at her house—officers in all military branches, who oftentimes come to visit NAS Fallon. There isn't lodging available in town or at the base. She will occasionally get a call to see if she can take a commander in for lodging, which she has been doing for free. Someone mentioned to her that she should establish this as a bed and breakfast that would be by reference only, and then she could get paid instead of doing it for free.

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

Member Diehl wondered regarding a home based business about the need for a commercial kitchen to provide food for the occupants or even a health permit. Sherry Legarza said that she doesn't need that as far as she knows. Dean Patterson clarified that this is not a home based business. This is a full business that as a bed and breakfast just happens to be in someone's home. Member Diehl then asked since it is a commercial business if it would need to meet health regulations. Dean Patterson replied that those were described in the introduction by Director Spross. He reiterated there were some agencies at the state level that the applicant will need to work with regarding the food and lodging services. He believes the main one is that she might have to expand the septic system to bring it up to a commercial standard. There was some discussion regarding the well that has a water treatment system installed.

Member Goings wanted to make sure that the applicant saw the conditions that are recommended should the permit be approved, and the applicant indicated that she had.

Chair Blakey called for any public comments.

MB Whitmer, 3985 Sheckler Road, expressed his concerns over safety. He said that Sheckler Road and Sheckler Cut-Off is a state highway, and it is also used as a bypass for a lot of semi-trucks, commercial vehicles, milk trucks, and a lot of heavy traffic from the base. He is concerned about the possibility of more accidents. They already have enough accidents at McLean Road and Sheckler Road, and he reported that where he lives there have been about three or four accidents. This will just cause another area of accidents. He stated this is an agricultural area, it is a nice farm, and it should be kept as a farm, not a business. Mr. Whitmer pointed out that Mrs. Legarza said that this was for the base, and he said that the base already has housing areas they could use. There are motels in town, and that is where they are supposed to be, not out in the country. He wasn't sure what the "short term" meant on this application, and he wondered if this would be for six months or a year or from now on if this went into effect. He doesn't think this is the place for a bed and breakfast. His biggest concerns are the traffic and safety.

Director Spross responded in regard to the term "short term" rental by informing that this does not mean the length of time that the business would be permitted; it refers to the rental period is short term and not like renting a home—more like renting a motel room. That doesn't mean that the business would only be around for a short term.

Joan Srohauer, 4439 Casey Road, shared that she owns the property adjoining the back of the Legarza property, and she pointed out that there is an immediate access from that property along a Truckee Carson Irrigation District (TCID) ditch that crosses into and dead ends at their property right behind their barn. They put up a slight panel fence, so that their horses can stay in and still allows TCID to come through with their equipment. She expressed that she does not oppose the bed and breakfast, and they understand that there are only two units. The concern that she has is that the people renting there don't have ties to the community and do not appear to be family and friends. These

people could easily wander onto their property, and they are not always there. She is asking that Mrs. Legarza does the neighborly thing and ensures that the property is secured and that the guests stay on her property and do not have access to the property of others.

Grant Mills, 3900 & 4545 & 4675 & 4625 Sheckler Road, spoke in favor of the application. He thinks that this is an excellent thing to help promote keeping our agricultural base. He thinks that it is a good transition.

Chair Blakey invited the applicant to come forward to address any of the comments that were made. Sherry Legarza said that she can appreciate the safety concerns that were brought up. She said that there are people at her house all of the time, not just if she were to do this. She's had 150 people at graduation parties, and Thanksgiving is a big thing every year where she has 75 people there. These few people that will come intermittently, that are officers working from 5:00 a.m. to 8:00 p.m., will not be a safety issue. It isn't a lot of added traffic. She understands those that drive on Sheckler because she's seen it. She then addressed her neighbor with the old adage of "Good fences make good neighbors." She said that these are not people that are hanging out around the property. They literally come to stay overnight, and then they attend meetings at the base. They are usually here for two to three nights, and then they are gone.

Chair Blakey opened for any further discussion.

Dean Patterson, Senior Planner, clarified that this is an approval for a bed and breakfast, and it has no relation to NAS Fallon or their staff as far as the land use permit goes. It may be the intention of the applicant to use it solely for that purpose; however, this will be a bed and breakfast, and anyone could come and rent one of the rooms. He believes that the neighbor concerned about people leaving this property and entering her property would just like assurance that the applicant will inform people to maintain on this property because there may be some people that do come and hang out. Mrs. Legarza agreed that she would absolutely do that, and she further stated that it is still a farm. The farm is staying a farm, and they are just talking about the upstairs of her house.

Director Spross reported that he received a comment from the building department that confirmed that an owner/occupied lodging house with five or fewer guest rooms falls under the 2018 International Residential Building Code. A dwelling with guest rooms shall comply with the provisions of Section R314 Smoke Alarms and Section R315 Carbon Monoxide Alarms, which would need to be installed in the building. The building department will require the submittal and issuance of a building permit along with in-process inspections at all stages of installation. A subsequent correspondence indicated that these have been installed and were tested. They also noted that proper egress was present and discussed with the owner regarding the need to keep these open with no blockages.

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

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.080(H) regarding an application for a special use permit on APN 008-711-25, as described in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote (6-0).

Member Picotte, based on the previously adopted findings made for this project, moved to approve the special use permit application for the Basque & Finn Bed & Breakfast at 4200 Sheckler Road, APN 008-711-25. This approval is subject to

conditions, as listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (6-0).

Chair Blakey said that there is a ten-day appeal period. Director Spross went over the recommended conditions:

1. *The site must be constructed and operated in conformance with County Code and building permit requirements, including but not limited to:*
 - a. *A landscape strip shall be provided along the Sheckler Road frontage that is satisfactory to the Director.*
 - b. *New and existing lighting shall be installed or modified to conform with the lighting code requirements.*
2. *The applicant shall make any necessary changes to the well and septic system required by the State to serve a bed and breakfast inn.*

There was an announcement of an accident that happened after the previous item when people were leaving the meeting that was a hit and run involving a Buick parked on the street.

- D. Consideration and possible action re: A variance application filed by Trevor deBraga to reduce the 10-acre minimum parcel size on property located at 11050 Fritz Lane, Assessor's Parcel Number 009-072-08, consisting of 80 acres in the A-10 zoning district. Approving the variance will allow the applicant to divide a two-acre parcel off of the agricultural parcel for the homestead.

Trevor deBraga, 11050 Fitz Lane, was available to speak about the application.

Director Spross went over information from the application and Staff Report. The property has two fairly run down homes, including a mobile home. The applicant wishes to remove the mobile home, build a new home, and then remove the existing stick built home. The result would be one home on the property instead of two. The applicant proposes to split off the farmstead area where the home will be located. The proposed lot size is approximately two acres as shown in the application materials. The proposed variance is from the 10-acre lot size required for the A-10 zoning district. The variance will allow a parcel map that splits off the two-acre farmstead. The remaining corrals and irrigated farmland will be attached to the other 78-acre lot. The new line would pass through the existing mobile home, which is vacant, and will have to be removed before the map is recorded. The building department provided comments that indicated records for the septic system were not found, and that if there are any lines that extend across the future property, those must be removed or have an easement. According to the applicant, the septic systems are so old that he will probably install a new one for the new home. The septic situation will be confirmed during the parcel map review.

Chair Blakey asked if the applicant had any further details he would like to share. Trevor deBraga replied that the only reason that they are requesting the parcel split is because back in 2020 he purchased the ranch and with that he took a loan with the Farm Service Agency and the family. There is a first and a second on the loan, and in order to do a new construction loan there would have to be a third. It is tough to get funding that way, so they worked out with the Farm Service Agency that they could parcel off where they want the house, which is where the existing house is now. They would do a subordination to take a second, and the deBraga family would take a third, so that the new construction loan would be number one, which would make it easier to get the funding.

Chair Blakey inquired if there were any questions or concerns from the commission, and there

were none. He then called for any public comment; there were none.

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 conformance with the criteria found in CCC 16.08.090(F) for a variance request on APN 009-072-08, as described in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (6-0).

Member Hyde, based on the previously adopted findings made for this project, moved to approve the request for a Variance from the 10-acre lot size requirements in Churchill County Code Table 16.16.020.1 and CCC 16.08.150 for Trevor deBraga on APN 009-072-08. This approval is subject to conditions, as listed in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote (6-0).

Recommended conditions:

- 1. The approved lot size is approximately 2 acres, as shown in the variance application submittal.*
- 2. The mobile home straddling the future parcel line, and the issue of using one of the potential lots shall be addressed in the parcel map.*
- 3. The approval of this variance expires one year from the date of the final decision. An application for a Parcel Map to implement the variance must be submitted before expiration.*

E. Consideration and possible action re: An application for a variance filed by Clint Jensen, of Clint Jensen Construction, to reduce the 5-acre minimum parcel size on property located at 505/507/511 Allyn Place, Assessor's Parcel Number 006-351-22, consisting of 4.04 acres in the A-5 zoning district. Approving the variance will allow the applicant to apply for an administrative special use permit for an additional permanent residence to replace an old residence that had lost its pre-existing nonconformance.

Clint Jensen, 1390 Rice Road, and Sandy Weisaupt, 4750 Freeman Lane, were available to speak about the application.

Director Spross went over information from the application and the Staff Report regarding this request. The applicant recently purchased the subject property, which appears to have been a farmstead for a larger farming parcel in the past. The property currently has one habitable residence and two uninhabitable residential structures. County Code normally only allows one home per lot. This property was probably non-conforming at some time with more than one residence in use. It is now conforming because only one residence is in use. Any non-conforming status has been lost from non-use. The applicant wishes to be able to re-establish one of the other residences as habitable, and this appears to be the only possible option for doing so. He went over the structures that are currently on the property. The applicant is proposing a variance from the second permanent dwelling requirement that the property have a dividable acreage of land. In the A-5 zoning district, 10 acres is needed for a second permanent dwelling. The applicant proposes to allow a second permanent dwelling with 4 acres rather than 10 acres. The mobile home will remain as shown and noted as Home #2. The original home, Home #1, will be cleaned up, but will only be used for storage. Home #3 will have its degraded parts removed and the remainder will be renovated to be the second permanent

dwelling. The applicant verbally indicates that both homes will be rented to company employees.

Chair Blakey asked if the applicant had anything to add.

Clint Jensen said that when he was purchasing the property and doing his due diligence, he saw on the Assessor's page that the land use was 310 for 2 single family units. He thought that was good enough for him not to make any more phone calls or investigate further in order to get the other house going. He doesn't want all three homes; he just wants the current home and the other home to be renovated, and as Director Spross remarked the other home would be used for storage. He shared the condition of the home he wants to renovate and talked about the inspection done by the building department to tell him what he would need to do.

Chair Blakey turned things over for discussion by the commissioners.

Director Spross went over some findings information from the Staff Report. Re-establishment of the previous nonconforming use of the second dwelling would require this variance. Strict application of the code would prohibit the existing residential structure from being renovated as a residence again. The variance would allow residential activity levels to return to those previous. This will be more than in recent years, but should not be excessively injurious. The variance is not intended to establish any new structures, and only allows the renovation and continued use of the existing residential structure. If the residential structure did not already exist, staff would not recommend approval. Staff does recommend approval of this variance based upon one condition.

Member Goings wanted to be sure that he understood what the result would be. The oldest structure is not going to be habitable and will never be habitable. The next structure would be renovated, brought up to code, and would be habitable. Then the other dwelling would be the mobile home. It was confirmed that was accurate.

Sandy Weishaupt informed them that in their packet they received the graph with the assessed values, and according to the Assessor's office the house in question at 505 was actually built in 1939. They had already accommodated for the foundation. When you look at these values and how they are billed, structure 1 is 505. Then looking at the graph you will see that the highest value item on that parcel is 505.

Chair Blakey questioned the department that since these structures are existing this is a normal situation to be able to rebuild property, and the answer was in the affirmative.

Chair Blakey called for any public comment.

Gavin Sorensen, 499 Allyn Place, stated that he lives in the house directly east of the property. They've lived there since 2012. It has been quiet, and he understands what they want to do. They do live in the country away from the cardboard box feeling of living in town for the sights and farming. He said that they are planning on putting privacy fences up, and now he will come out of his door to privacy fences. He has enjoyed his view from his house up until now. He then remarked that they farm and have large equipment and trucks that will be going through there to farm the land. He is concerned that when you get families with kids there will be problems with potential safety concerns. The shared entrance is also a dirt road, so there will be problems with dust. He also wondered what precedent is being set to allow a little 4-acre lot with two living spaces when they are supposed to be 5-acres per home. He will be the person that has to live next to this, and the owner will be able to go home on Rice Road and leave him to deal with the renters.

Director Spross noted that the department did receive two letters in opposition of approval of this variance.

Brian Sorensen, 999 W Corkill Lane, is concerned over the same things that were mentioned by Gavin Sorensen. He owns a 5-acre lot about a half mile west of them on Allen Road and Longhorn

Drive, and he doesn't think that he would be able to get permission to put two homes on that lot. The driveway that is shared is used to access the farm that they have there. He doesn't know if there are any legal easements or where the property lines are, but he is concerned about the legal access and use of that for their farming equipment. He confirmed that Gavin moved to that location and has made a very nice home, and if you have someone moving in that are not permanent residents there, usually the value of the area deteriorates because they don't care how the yard looks or the surrounding area is maintained.

Margaret Halloran, 3500 Allen Road, said that she lives near Longhorn Drive and Allen Road. They moved in about a year ago because they were 5-acre lots. She wanted to get away from the close city lots. They just built a "man cave" and had to sign a paper that stated that no one would sleep in there. She doesn't understand how this is a smaller area of 4-acres, and they can put two houses there. She is concerned that this will set a precedent for all of the other properties to start doing this. How many wells are on the property? How many septic tanks? She doesn't think that anything about those have been mentioned. Will this become standard practice for their area and zoning? Why should this be approved? She restated that they plan on renting it and wouldn't be selling it. She was concerned that they would divide it, and then it would be two houses and two separate residences that could be sold separately. She is concerned that more people will put more homes on their 5-acre lots. She saw where they had planned a privacy fence, and somebody mentioned something about easements. She said that there is a canal there too, so will the fences be on the outside of the canal and possibly block access. She is against having privacy fences. She further asked if there were any water rights.

Marshane Miller lives catacorner to the property on the east side. She pointed out on the aerial photo displayed on the screen that there is only one driveway. What is going to happen to the acreage that is behind this property. She also pointed out that the house in the middle does have an address of 511, and when she moved here in 1966 and no one has lived there since then. She understands that he plans to use it for storage, but she wondered if somewhere down the road they might try to renovate that too. She then showed a proxy from another neighbor that lives across from her, Toni Lakey, because she can't get around. She gave this to Director Spross.

Dean Patterson, Senior Planner, said that Clint Jensen could speak about the original farmhouse that is between the other two, but as they were walking around the property, he was indicating that he would just fix it up for storage. He also mentioned the possibility of moving it to a different location.

Director Spross read a letter dated April 12, 2023, stating, "My name is Toni Lakey. We own and reside on the 40 acres north and across the canal from the property in question. As I will be unable to attend your meeting, I hereby give my proxy to Marshane Miller." There is no vote going on, so he didn't understand what the proxy would be related to. He assumes that her proxy means that she is also opposed to this approval. Mrs. Miller said that her opposition is basically the same as the rest of those that have spoken. She further asked if they planned to divide this property, and if so, where will the access be for the mobile home in the back as there is only one entrance. Director Spross stated that in terms of a division there would be no reason for applying for a second permanent dwelling because each dwelling would be on its own lot. Therefore, the request for the second permanent dwelling is to keep this as one parcel.

Chair Blakey inquired regarding the question from the residents out there of why it is okay for them to do this via county code and if it related to the fact that the houses were already there and are existing. Dean Patterson agreed with Chair Blakey's statement that these are existing structures

and have been there for a very long time. The mobile home, which is a 1975, is the newest unit, so the structures have always been there, and at some point, in their history there have been two structures in use for residential purposes. This request allows those to come back into existence to have two residential structures. While they could apply for this variance for a second dwelling, and if it was going to be divided, there would not be 5 acres for each home to be on. That would also need a variance to do an actual split of the property. He doesn't know if staff or the commission would be supportive of that, but that doesn't apply to this application. Chair Blakey then inquired if those structures had been removed and the applicant wanted to do this, they would not be permitted to do that as there is not enough acreage for more than one home. That was confirmed.

Sandy Weishaupt remarked that the houses were all in place by 1978, which was when the manufactured home was placed on the property. The first house was built in 1939. The code that is being enforced at this time came in 2005. They are trying to bring this property into compliance with the code that was written in 2005. She explained her reasoning for including a portion of the Master Plan that related to many properties that were coming into question due to having more than one dwelling on lots that were on five acres. The problem with this property is that no one brought it into compliance after 2005. She further commented that the privacy fence was recommended by the department to help with this. If the neighbors don't want the privacy fence, they agree.

Clint Jensen declared that there is no intent on subdividing the property ever. It is less than five acres as it is, and the main reason that he purchased the property is to have a place for his employees to help clean up, which they did during the slow months, and then to have a couple of his employees live in the houses. He hears stories of people having to pay \$2,000 for rent per month, and he thought it would be nice to have something around \$800 per month for his employees—company housing more or less.

Chair Blakey brought up the question asked about the water and septic that is on the property. Clint Jensen stated that there is one septic system on the property right now, which is for 507 that is currently in use. It is too far away for 505 to use that one, so they would end up installing a new system for 505. He pointed out where the existing well is on the aerial site plan. Originally, both houses were hooked up to that, and he'd like to be able to do that again. He pointed out that there are three different meters of power on the property. Chair Blakey then inquired if the mobile home was currently being lived in, and Mr. Jensen responded that it is.

Member Goings stated that he sees three addresses but what appears to be four dwellings on the parcel. Clint Jensen said that there have been three addresses and three homes. The mobile home is one of the residences.

Dean Patterson pointed out the recommended condition should the commissioners wish to approve the application:

1. *The approval of this variance expires one year from the date of the final decision. A 2nd Permanent Dwelling Permit must be obtained. Work must be completed to make the structure habitable before expiration, as determined by the Building Department. Simply obtaining building permits is not adequate to meet this requirement.*

Chair Blakey mentioned that there were comments about the easements, parking in the easements, and access. There was some discussion about this. Chair Blakey believes that a surveyor would be needed to show where the property lines are, easements are, and so forth. Joseph Sanford, DDA—Civil, stated that this commission couldn't state where the easements are located. That would be something that they would need to review for themselves, and if there is a concern whether the easement is being transgressed, they would need to address it themselves. Chair Blakey noted that

should this permit be approved, that would require a meeting between the landowners and possibly having things surveyed.

Diane Moyle inquired along with the easement questions if the house to be renovated would meet the setback. Dean Patterson responded that these are all pre-existing conditions. Chair Blakey then stated that since it exists it can stay there; however, if anyone starts to move it, there could be some concerns.

Member Hyde questioned whether the existing building hasn't been inhabited, and if there was a different category there that should be considered. Dean Patterson remarked that would imply that you have to tear down existing buildings or move them when they've lost pre-existing conditions.

Chair Blakey asked for any further comments; there being none he called for a motion. Mark Hyde stated that he would recuse himself from voting on this matter as he has a personal conflict.

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 16.08.090(F) for a variance request on APN 006-351-22, as described in the Staff Report. Member Picotte seconded the motion and the decision carried by unanimous vote (5-0) with Member Hyde abstaining.

Member Picotte, based on the previously adopted findings made for this project, moved to approve the request by Clint Jensen Construction on APN 006-351-22 for a Variance from the requirement in CCC 16.16.020.8(H) in order to allow a 2nd permanent dwelling on a 4 acre lot. This approval is subject to conditions, as listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (5-0) with Member Hyde abstaining.

Chair Blakey advised that there is a ten-day appeal period.

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: Terminate a special use permit previously granted to Michel Cunningham, of Excel Equipment Company, for property located at 9900 Carson Highway, Assessor's Parcel Number 007-171-05, for an off premise outside storage yard. *Mr. Cunningham called to state that everything should be removed from the property by the end of March; therefore, the permit will no longer be needed.*

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

12. Public Comment:

Margaret Halloran, 3500 Allen Road, inquired about the reason for the approval was based upon the existing dwellings being there since the law changed in 2005, and Dean Patterson responded that could be when the law came into being for the second permanent dwellings. Mrs. Halloran restated that since the structures have remained, they are permitted to request to use them again for the

second permanent dwelling, and Mr. Patterson replied that with a variance you can ask for any exception to the law, and it is up to the board to approve that. If anyone has sufficient acreage, they could request a second permanent dwelling. The variance is because the applicants don't have enough acreage. Mrs. Halloran then asked how she could go about converting her "man cave" into a unit that someone could live in, and Dean Patterson, Senior Planner, informed her that she could come to the office, so that they could discuss her options because there are some questions that would need to be answered first. There were no further public comments.

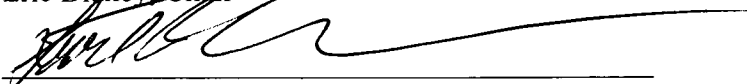
13. Adjournment:

There being no further business to come before the Planning Commission, Chair Blakey adjourned the meeting at 11:18 p.m.

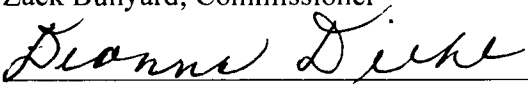
14. Appendix:

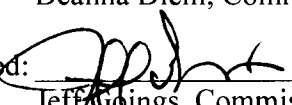
Supporting Documentation

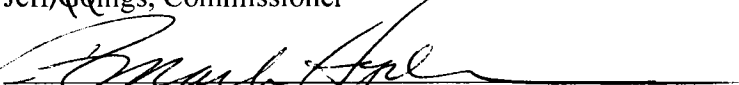
Approved: 
Eric Blakey, Chair

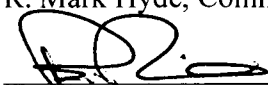
Approved: 
Scott Nelson, Vice Chair

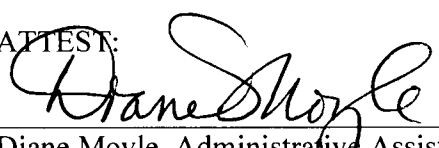
Approved: N/A
Zack Bunyard, Commissioner

Approved: 
Deanna Diehl, Commissioner

Approved: 
Jeff Goings, Commissioner

Approved: 
R. Mark Hyde, Commissioner

Approved: 
Paul Picotte, Commissioner

ATTEST:

Diane Moyle, Administrative Assistant



CHURCHILL COUNTY PLANNING COMMISSION HEARING

April 12, 2023

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







© 2021 Eagleview
 Jun 2021 - Jun 2021
 < image 1 of 2 > 06/19/2021

June 19, 2021



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 map: Auto (Oblique) ▾ Dates: All ▾ < image 2 of 48 > 06/26/2022

June 26, 2022

Joseph & Margaret Diaz, TUP Renewal, 732 Wildes Rd, APN 006-711-11





006-711-15

006-711-11

WILDES RD

007-731-26







Tracy Burnichon, TUP Renewal, 7475 Sand Hill Rd, APN 010-431-06







Southern Living House Plans

Oak Creek - William H. Phillips |
Southern Living House Plans

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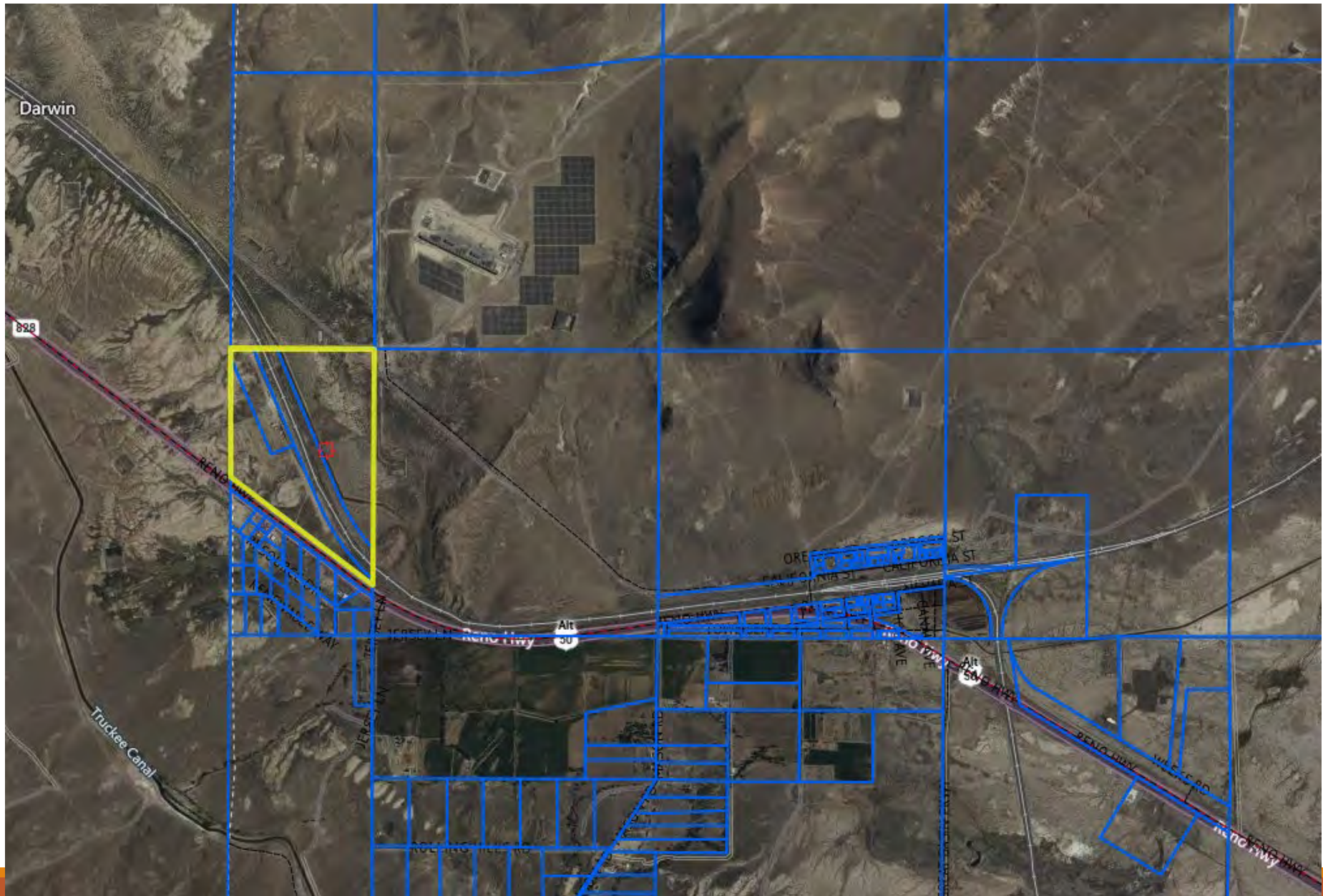
Images may be subject to copyright. [Learn More](#)

Levi Coonce, TUP Renewal, 798 Triple E Ln, APN 009-111-47

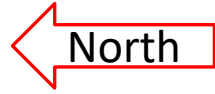




Fernley Business Park LLC, Parcel Map, 11000 Reno Hwy, APNs 009-251-77 & 009-251-78







BASIS OF BEARINGS:

NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983/1994, HIGH ACCURACY REFERENCE NETWORK (HAD 83/94-NARN), AS DETERMINED USING REAL TIME KINEMATIC (RTK) GPS OBSERVATIONS WITH CORRECTIONS TRANSMITTED BY THE NEVADA GPS NETWORK (NVN GPS). THE BEARING BETWEEN US2065 BENCH MARK "E 430" AND "J 340" AS PUBLISHED BY NEVADA DEPARTMENT OF TRANSPORTATION IS SOUTH 53°27'19" EAST. ALL DIMENSIONS SHOWN ARE GROUND DISTANCES. COMBINED GRID TO GROUND FACTOR = 1.000269448.



AREA SUMMARY

PARCEL 1 = 52.33 ACRES±
PARCEL 2 = 15.78 ACRES±
PARCEL 3 = 11.06 ACRES±
PARCEL 4 = 84.62 ACRES±
TOTAL AREA = 163.79 ACRES±

SURVEYOR'S REPORT

THE SURVEY WAS BASED ON STATE PLANE COORDINATES WHICH DIFFERS FROM THE BASIS OF BEARINGS FROM THE PARENT MAP (RECORD OF SURVEY FILE NO. 403544). UPON DOING SO BEARINGS FROM THE PARENT MAP ARE ROTATED CLOCKWISE 0.07829° TO THE FOUND MONUMENTS.

THE NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) PLANS LISTED AS REFERENCES NUMBERS 6 AND 7 INDICATE THAT US HIGHWAY 50A IS AN EASEMENT AND NOT OWNED BY NDOT. THESE PLANS AND THEIR COORDINATES AND TIES TO THE USGS MONUMENTS USED IN THE BASIS OF BEARINGS ARE ALSO CONFORMANCE WITH THE PLANS.

HOWEVER THE COORDINATE LOCATIONS FROM THE RECORD MAPPING AND NDOT PLANS HAVE A DISCREPANCY IN BEARING AND LOCATION ALONG US 50A. IT IS MY OPINION THAT AS LONG AS US 50A IS AN EASEMENT AND NOT OWNED IN FEE TITLE BY NDOT THAT THE FOUND MONUMENTS FOR THE RECORD MAPPING DETERMINE THE SOUTHWESTERLY BOUNDARY OF THE PROPERTY.

PARCEL 4
84.62 ACRES±

PARCEL 3
11.06 ACRES±

PARCEL 1
52.33 ACRES±

PARCEL 2
15.78 ACRES±

REFERENCES

- 1) DIVISION LAND MAP FILE NO. 326788, 1/4/2000.
- 2) PARCEL MAP FILE NO. 399749, 4/24/2008.
- 3) RECORD OF SURVEY FILE NO. 403544, 10/10/2008.
- 4) RECORD OF SURVEY FILE NO. 241704, 11/24/1999.
- 5) PARCEL MAP FILE NO. 529638, 11/23/2014.
- 6) NEVADA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLANS, PROJECT NH-020-A(02), EA 72789 DATED DECEMBER 20, 2004.
- 7) NEVADA DEPARTMENT OF TRANSPORTATION PROJECT ALIGNMENT AND MONUMENT OFFSET REPORT FOR LYN 1624 - US 50A CENTERLINE RETRACTION, 7/17/2019.

LEGEND

- FOUND 5/8" IRON W/ CAP "PLS 10142"
- UNLESS OTHERWISE NOTED
- DIMENSION POINT-NOTHING FOUND OR SET
- FOUND PLS CORNERS AS NOTED
- FOUND NDOT MONUMENTS AS NOTED
- SET 5/8" IRON W/ CAP "PLS 1978"
- OR COR CORNER ON PROPERTY LINE EXTENDED
- PUBLIC UTILITY EASEMENT
- SQUARE FEET
- BEARING
- RECORD DIMENSION AND REFERENCE NUMBER
- PROJECT BOUNDARY
- SHADING BOUNDARY
- PRIVATE RIGHT OF WAY
- CENTERLINE
- ADJACENT PARCEL
- ADJACENT RIGHT OF WAY
- ADJ. RIGHT-OF-WAY EASEMENT
- EASEMENT
- FE

CHURCHILL COUNTY

LYON COUNTY

EASEMENT TABLE

- 1) 10' PUE PER LAND MAP FILE NO. 326788, TO REMAIN
- 2) 18.5' PUE PER LAND MAP FILE NO. 326788, TO REMAIN
- 3) 10' PUE PER PARCEL MAP FILE NO. 399749,
- 4) 60' RELOCATABLE ACCESS EASEMENT PER PARCEL MAP FILE NO. 399749, TO REMAIN
- 5) 30' FUEL PIPELINE EASEMENT PER DOCUMENT NO. 326135, TO REMAIN
- 6) 10' ELECTRIC DISTRIBUTION EASEMENT PER DOCUMENT NO. 399357, TO REMAIN
- 7) 10' ELECTRIC DISTRIBUTION EASEMENT PER DOCUMENT NO. 438960, TO REMAIN
- 8) 100' HAZEN DRAIN EASEMENT AS SHOWN ON REFERENCE NO. 3
- 9) 60' ACCESS EASEMENT DRAINED HEREIN.



MERGER AND RESUBDIVISION PARCEL MAP FOR

FERNLEY BUSINESS PARK, LLC

A MERGER AND RESUBDIVISION OF PARCEL A-1A AND PARCEL A-2A PER QUITCLAIM DEED DOCUMENT NO. 403543 AND SHOWN ON RECORD OF SURVEY FILE NO. 403544 SITUATE WITHIN THE EAST 1/2 OF SECTION 20, TOWNSHIP 20 NORTH, RANGE 26 EAST, N.D.M. COUNTY OF CHURCHILL, STATE OF NEVADA.

CHRISTY CORPORATION

1000 Kiley Pkwy | Sparks, Nevada 89436
775.502.8552 | christyng.com

SHEET

2

OF

2

Leslie Beach, Variance Application, Reno Hwy, APN



008-141-21

EL

008-141-18



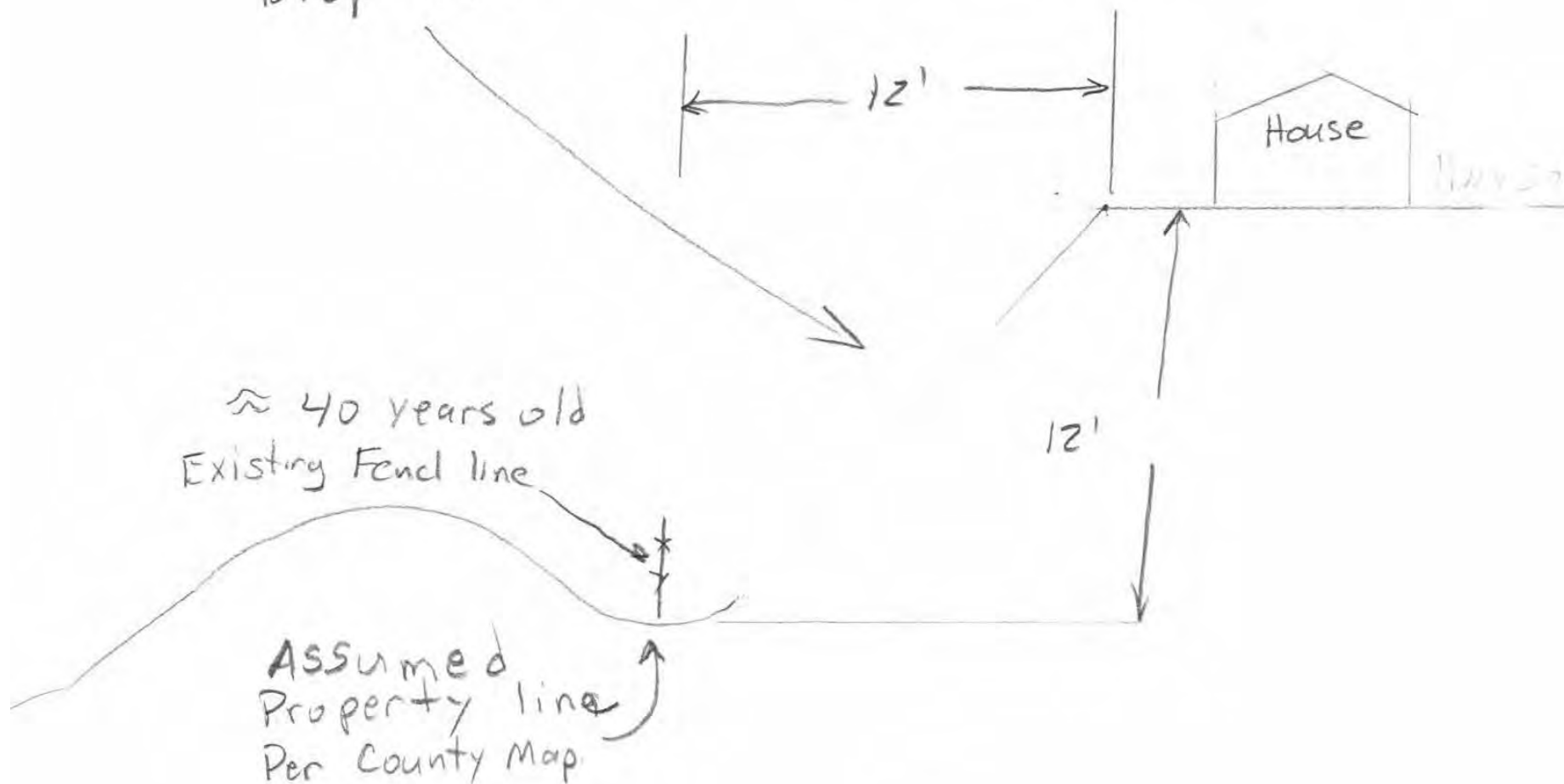
NTS

HWY 50 →

Back yard
Drop off

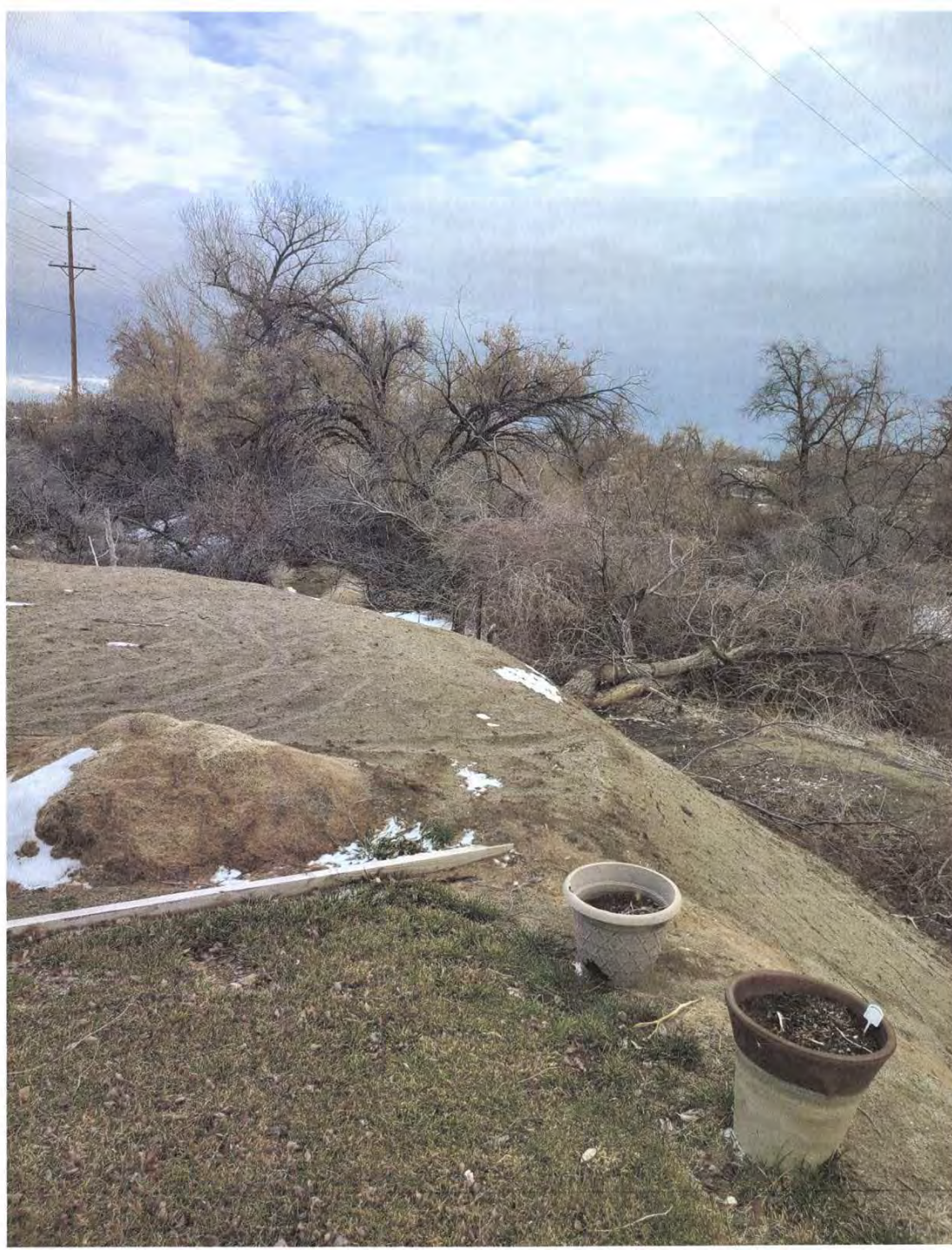
≈ 40 years old
Existing Fenc line

Assumed
Property line
Per County Map













Kelly Gross/Silver Sage Horse Boarding, SUP Application, 4755 Silver Sage Ln, APN 006-811-60



006-811-60

WEAVER RD

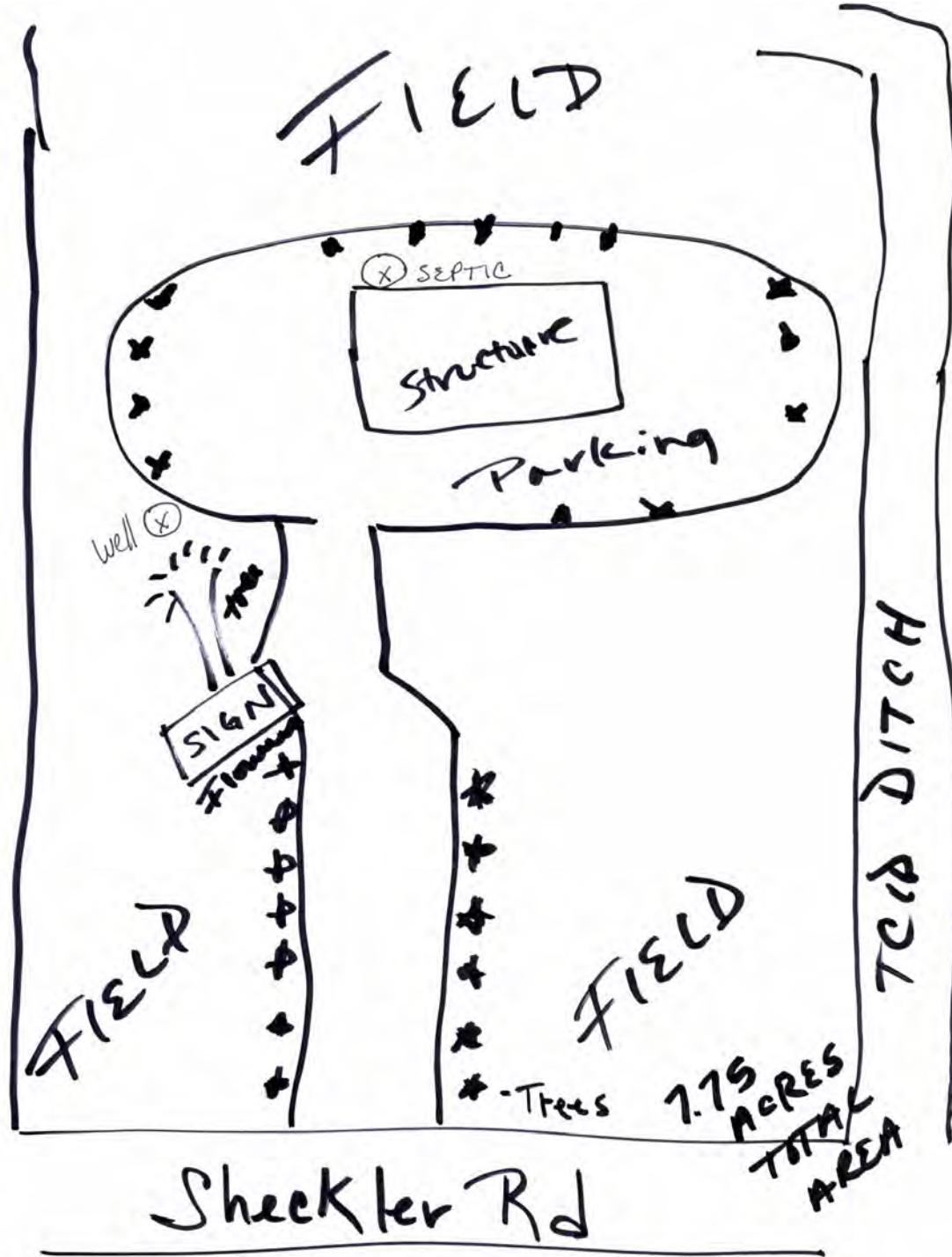




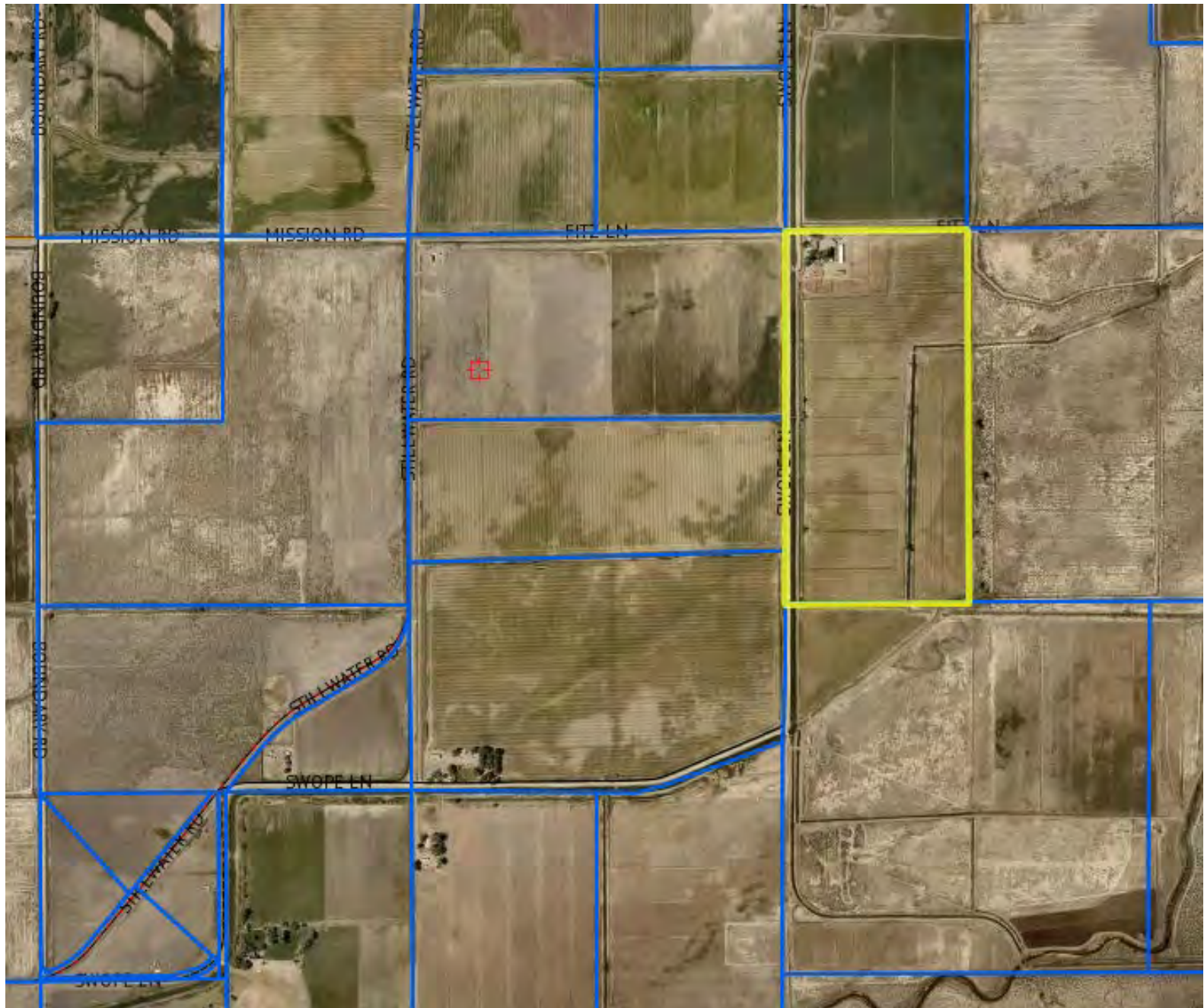
Sherry Legarza, SUP Application, 4200 Sheckler Rd, APN 008-711-25



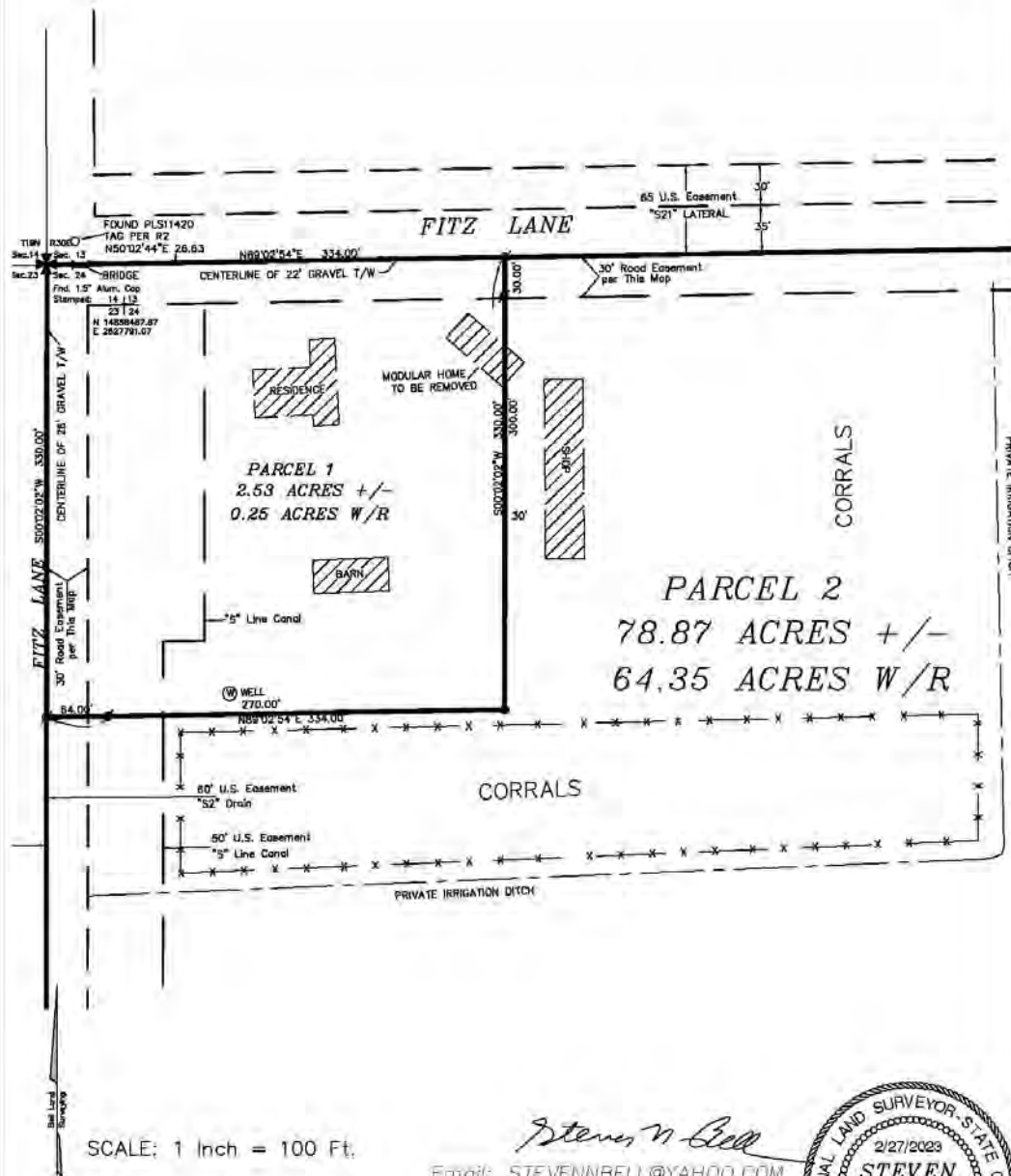




Trevor deBraga, Variance Application, 11050 Fitz Ln, APN 009-072-08



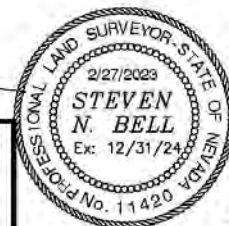




VARIANCE OF AREA EXHIBIT FOR
Trevor & Taylor deBraga
NW1/4 OF SECTION 24, T19N R30E
CHURCHILL COUNTY NEVADA

Steven N. Bell
Email: STEVENNBELL@YAHOO.COM

Bell Land Surveying
100 Fillmore Way
Reno, NV 89519
(775) 240-3078



Clint Jensen Construction, Variance Application, 505/507/511 Allyn Pl, APN 006-351-22



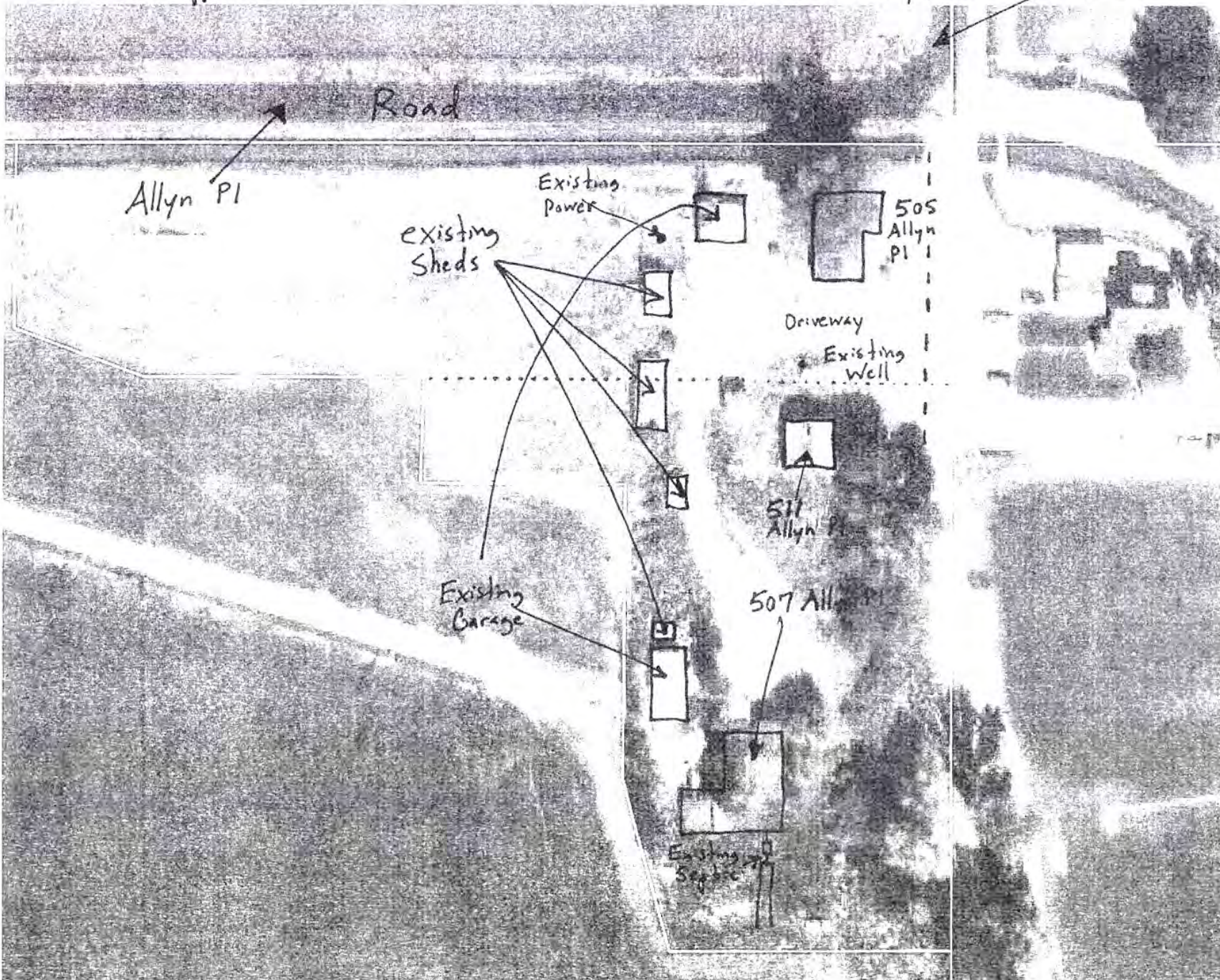
ALLYN PL

006-351-22



6-351-21

..... = Approximate Future Lot Line - - - - - = Future Privacy fence Cress Pl



Consent Agenda





CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

155 N. Taylor, Ste. 194, Fallon, Nevada 89406
Off. (775) 423-7627 Fax (775) 428-0259

STAFF REPORT FOR PLANNING COMMISSION MEETING – April 12, 2023

Prepared April 5, 2023

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on April 5, 2023 to review the project applications listed below that are on the agenda for the April 12, 2023 Planning Commission Meeting. Site visits were made as noted.

• Fernley Business Park—Merger/Resubdivision Parcel Map—4 lots	Page 2	No Site visit
• Beach Variance from rear setback	Page 9	No Site Visit
• Silver Sage Horse Boarding SUP for Expansion	Page 11	No Site Visit
• Legarza SUP for Bed & Breakfast	Page 17	No Site visit
• de Braga Variance from minimum lot size	Page 20	No Site visit
• Clint Jensen Construction Variance		
from minimum lot area for 2 nd Permanent Dwelling	Page 22	No Site visit
• Consent Agenda	Page 24	No Site Visit

PC Members Present

Zack Bunyard

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>Merger and Resubdivision Parcel Map (4 lots) w/abandonment</u>		
Use Listing:	<u>Rail Services/vacant (currently)</u>		
Applicant:	<u>Fernley Business Park LLC</u>	Owner:	<u>Fernley Business Park LLC</u>
Representative:	<u>Christy Corporation – Dan Bigrigg, Surveyor</u>		
Site:	11000 Reno Hwy (APNs: 009-251-77 & -78) – 163.78 acres		
Designations:	Master Plan – Industrial // Zoning - Industrial		

Site History: This industrial property and rail facility is at the county line near Hazen, and it is historically known as the Darwin railroad siding. The property has a history that complicates the current situation.

One issue is that land under the highway was showing in documentation as an easement only. Yet current and past land division maps show the highway land as excluded from the property. This left the possibility that the highway land might be part of this property, and the status of that land needed to be determined. Long ago, the property was given to a railroad. The State Highway Department acquired a road easement for the highway in 1949 - it was strictly an easement. The railroad land company then sold the property to Nevada Land and Resources, excluding the railroad right of way. Nevada Land and Resources later divided the property into portions (a) north of the railroad tracks, (b) between the railroad tracks and the highway, and (c) south of the highway. (Portions (a) and (b) are the subject of this map.) That map also separated a strip of land for the highway, probably inadvertently. The above 3 portions were later sold, but the highway strip was not. This left the highway as its own parcel with uncertain ownership. NDOT insists that it owns an easement only and provided documentation. Since the highway parcel was not sold, it appears to still be owned by Nevada Land and Resources, and is not part of the subject property.

Another issue is providing legal access to all parcels. Following the above land division, the parcel north of the tracks did not have legal access. Another land division was performed to extend a piece of that lot across the tracks so it's access could be taken from the highway, meaning that the parcel was split by the tracks. (That extended portion is where the current propane business was developed.) In recent years, the properties were owned by the Western Nevada Rail Park until the 2021 sale to Fernley Business Park. A contingency of the sale provided that Fernley Business Park would give back the property north of the tracks when it could be divided to be on its own, which consequently required that the access issue had to be resolved. Over the last year, access rights were obtained from BLM. One objective of this map is to split off the north area.

Proposal: The applicant is requesting a Merger and Resubdivision Parcel Map to merge the 2 large industrial properties totaling over 163 acres, and then divide the land into 4 lots. The property northeast of the tracks (Parcel 4) will be separated on its own for the previous owner, as described above. The property southwest of the tracks will be split into three parcels (Parcels 1-3) for Fernley Business Park. These three parcels will be oriented toward current and future rail service uses.

Included with this application is the abandonment of a utility easement running through Parcels 1-3 that was established with the previous land division. Additional notes and certificate language are needed with the map to deal with the abandonment, and it is discussed in more detail below.

An important issue for this map is addressing road problems. These include dealing with the uncertain naming and poor condition of the driveway road for Parcels 1-3, which requires repairing and upgrading the road to current County standards. And also addressing the marginal access provided for Parcel 4. The Parcel 4 road situation is complicated by the fact that Patua Road follows a fuel pipeline that lies within an easement

crossing the northeast corner of Parcel 4. A road easement is placed on the pipeline easement with this map, and that segment of road and easement will help serve any future development on this lot. These road issues are described in detail under the transportation criterion below.

A rare situation comes into play on this map due to the large area of wetlands, other native features, and stormwater flow paths that occupy part of parcel 4. These features are the consequence of the property being at the bottom of a drainage basin of approximately 8 square miles. These are discussed in more detail below.

A rail spur with multiple branches is currently found on the property in the vicinity of Parcels 1-3, being recently upgraded and extended through a Special Use Permit. Additional branches may be installed in the future, including extensions across the county line to other industrial land through additional Special Use Permits.

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.

- **Height, Setbacks, and Easements:** Much of the property is vacant, so there will be no height and setback issues at this point. The exception is that the parcel line between parcel 2 and parcel 3 is close to existing tanks and other structures related to previous uses. The separation needs to be determined and the line may need to be adjusted to meet the accessory structure set back. Existing easements are identified on the map, and required easements will be provided. **EASEMENT ABANDONMENT:** An existing utility easement running through Parcels 1-3 is shown on the map and labeled as being abandoned. Utility easement abandonments can be approved administratively by the Director, upon the determination that it is no longer needed for public benefit. This requires concurrence by the county surveyor, which has been provided. It also requires review and approval by utility and video service companies, who must sign the map. Recommended conditions will require that additional notes, labels, and certificate language be added to the map to deal with the abandonment.
- **Lot size and width:** The proposed lots meet the lot dimensional standards for area and width.
- **Access, sewer, and water facilities:** Also see criterion 4 below regarding public roads. With the new road and road easements, all parcels will have access to public roads, as required by County Code.

Also see criterion 4 below regarding public water and sewer systems. At this time, the new parcels can use individual wells and septic systems. The future industrial facility may require large amounts of water, which might need groundwater rights 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. The previous parcel map in 2008 paid 2 fees, one for the parcel north of the tracks, and one for south of the tracks. This parcel map will need to pay 2 additional fees for the 2 lots being created south of the tracks. The fee must be paid before recording.

- **Protection of Natural Features:** Parcel 4 (north of the tracks) has characteristics like a sink, being the concentration point at the bottom of a drainage basin of approximately 8 square miles. Part of this property is regularly underwater following storm events. This has resulted in a sizable area of potential wetlands, saltgrass meadows, and other habitat features. The saltgrass meadow appears to have a distinct edge, it encompasses the other features, and follows the flow pathway exit described below. The County Code requires the protection of native features and topsoil, waterways, and drainageways using easements and protection measures. A condition is recommended to delineated a conservation easement on the map using the edge of the saltgrass meadow before recording.

This flooding of the site enters the property from 2 storm water flow pathways. The larger one passes through the Patua geothermal plant, entering the property near the section corner and crossing the pipeline road. The smaller one enters Parcel 4 in the middle of the north property line, just west of the pipe crossing. These enter the above noted natural area, pass through, and exit to the southeast. The flow paths entering the site are undefined, and are not conducive to establishing easements. However an informational note should be placed on the map at those locations so a defined route can be provided in the future. But the exit pathway is well defined and also includes wetlands and saltgrass meadow features. A protection easement should be placed along its route.

- **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 maps 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. Other nearby properties are federal land or other industrial land. 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 two more industrial properties than currently exists. The compatibility of them with the surrounding vacant lands or industrial developments will not change significantly. The difference in development potential due to this map would be comparing large industrial uses for the existing larger properties 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 large industrial lots, the creation of additional industrial lots 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.*

Emergency services - 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 four lots. With the parcel map, the future development of two additional industrial lots will place a minimally greater demand on facilities and services. Fire and police services are adequate to serve the existing or future uses. No comments have been received from those departments.

Previous development and land division has identified the access Rd. as Greenu Parkway. The applicant has verbally expressed a preference that the road not be named, and not be named for an old company. In addition they prefer addressing using a Reno Highway address.

An issue has been identified related to addressing and emergency response. The current address is 11,000 Reno Highway in Hazen. However, that address does not fit into any county address numbering system, either measured from Fallon or Hazel. This is further complicated by the fact that there could be an 11,000 Reno highway measured from Fallon located nearby at the Bench Road area. The discrepancy has not been identified until now, but it needs to be corrected for emergency response purposes. The addressing staff person, the Fire Marshall, and the Sheriff recommend that the road serving the development be named and that addresses be taken from that road. The developer is free to name their road something besides Greenu Parkway, which would be accomplished through a road name application.

Sewer/Water services - 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.

Transportation services – County Code requires that the new lots are served by a road meeting county standards that connects to a publicly maintained road.

Parcel 4 will be served by a 30' BLM grant of access easement in the name of Fernley Business Park. The access easement follows Patua Road (to Hazen) which is a gravel road serving the Patua geothermal project. Since the easement is only in the name of the current owner, a change of ownership will require that the easement rights be changed with BLM as well. Since this is not a normal public road easement, it will not be adequate for major development. But it can be used for a single user driveway, similar to its use by the Patua geothermal plant which also obtained BLM permission to use the road. Land division or major development would require a full County Road. A note describing this situation is recommended to be placed on the map.

Parcels 1-3 will be served by an existing road within a 60 foot relocatable easement that was built with the original land division. The size of the easement is adequate, however the revokable easement will need to be changed to a permanent easement. The driveway crosses the county line to access the highway. Land divisions took place within Lyon County that also included this road, which was named Greenu Parkway. The road does not have an official name with Churchill County. See the emergency responses discussion above regarding road names. Conditions are recommended to submit a road name application.

Unfortunately, no information is known about the road construction standards, so conditions are recommended to determine it. The road surface is in extremely poor shape. It used to be paved but the surface has largely fallen apart or been removed. The road needs to be upgraded to current road standards with this land division. A Special Use Permit was issued for Fernley Business Park in early 2021 which also required fixing the road, but that has not been done. In addition, the road must have a county standard paved turn-around at the end (96'-diameter easement and 90'-diameter paved surface). improvements need to include associated drainage control facilities deemed needed by the Road Supervisor.

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. Other 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.

The applicant has verbally specifically requested a privately maintained road as well as a gated road. This is the current road configuration for the existing lots (there is an existing gate). Requests to gate a public road easement are often questionable since many other people may be using the road. However, the road only serves the applicant's property, so a request for a gated road is reasonable in this case. However gated roads present special difficulties for emergency responders. Conditions are recommended to provide easy access for emergency services, including police fire and ambulance.

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 the road needs to be signed as privately maintained so there will not be a future expectation that the County will maintain the road.

- 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 Merger and Resubdivision Parcel Map to merge APN: 009-251-77 & -78 and split the property into 4 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 Merger and Resubdivision Parcel Map application for Fernley Business Park to merge APN: 009-251-77 & -78 and divide the property into 4 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.
 - (D) APPROVAL of a gated private access road, provided that this approval can be reversed at a later 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.
 - a) Placing coordinates on required monuments.
 - b) Minor corrections to bearings and/or distances.
 - c) Clear use of symbology such as arrows or leaders on distance measurements.
 - d) Clarifying labels for duplicate monuments.
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) Clear identification of adjacent lands, including lands owned by the applicant but not part of the project.
 - c) 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.
 - d) Labels shall be added or modified identifying that the road infrastructure will be upgraded to paved county standards, and offering it for dedication.
 - e) A Road Name Application shall be submitted for the access road, and the approved name placed on the map before recording.
 - f) The existing road shall be upgraded to a county standard paved road. A County standard paved road turn around shall be provided at the end of the road. Road drainage facilities shall be provided to the satisfaction of the Road Supervisor. Construction shall be completed or bonded before recording the map.
 - g) Two water dedication fees shall be submitted before recording the map.
 - h) Property lines near existing structures shall be adjusted as necessary to meet setback standards, and the setbacks labeled.
 - i) Notes, labels, and certificate language shall be adjusted to the map to clearly indicate abandonment of the utility and video services easement.
 - j) A conservation easement for protection of native features and topsoil, waterways, and drainageways shall be delineated on Parcel 4 using the edge of the saltgrass meadow, including the route where the waterway exits the property. Informational notes shall be added to the points where stormwater flows enter the site.

3. A study or report shall be prepared by a professional engineer identifying the construction standards used for the existing road, as well as the improvements needed to bring the road up to county standards.
4. An informational note shall be added near the Patua Road access point that states that further division or extensive development of Parcel 4 will likely require meeting County Road easement and construction standards and additional road permitting from BLM.
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 at the county line or westward stating that the road is privately maintained.
7. Any gated access may not be closed until provisions are provided to allow easy access to police, fire, and ambulance services to the satisfaction of those providers.
8. Address applications to change the parcel addresses to the new road name shall be submitted before recording.

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		

NOTE: This application was postponed from the last meeting to resolve issues with the power line next to the duplex. NV Energy has provided comments, but no definitive information. Staff recommends taking action to meet NRS time requirements, unless the applicant requests additional time.

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: APPROVAL

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in 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 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:	<u>Special Use Permit</u>	
Use Table Listing:	<u>(1) Horse Boarding, (2) Equestrian Training, (3) Veterinary Clinic, (4) sign in A-5</u>	
Applicant:	<u>Silver Sage Horse Boarding</u>	Owner: <u>Kelly Gross</u>
Site:	4755 Silver Sage Lane (APN 006-811-60) – 5.08 acres	
Designations:	Master Plan – Agriculture // Zoning – A-5	

Background: A horse boarding facility was originally permitted by Marlene Holmes in 2003 for approximately 14 stalls. Since then, the Holmes expanded the number of pens. And when the current owner purchase the property additional pens were added (the ones with the red roofs). This facility's need for additional permitting came to the attention of staff due to a neighbor complaint about operations and other unrelated matters. Upon contacting the owner, they readily agreed to update the special use permit to include the current operations.

Project Summary: The application is proposing to permit an expansion of the existing horse boarding facility. The applicant proposes 4 uses with this permit that will match the current operations:

- (1) Expanding the existing Horse Boarding operation, which also allows individual training of the horses and owners. The site plan shows 32 pens for boarding.
- (2) A Private Education Facility for equestrian training, which allows riding classes for people or horses who are not boarding customers. The owner occasionally has classes of children or other persons come to the site to learn about horses and horse riding.
- (3) A Veterinary Clinic, which is used as a site for mobile veterinaries serving boarded horses on an as-needed basis, making night time calls, and other emergency situations. Full-time operations are not proposed.
- (4) An advertising sign at the front of the property. Planning Commission approval is required in the agricultural zones.

There is extensive neighborhood opposition to this proposal. Approximately 9 letters have been submitted by individuals who are opposed to the project, primarily based on traffic (sometimes at night), dust, and noise issues. And a petition has been submitted objecting to the proposal containing 5 pages of text and 15 signatures, some of whom also submitted individual letters.

The petition text includes a fairly good timeline. But it's characterization of the previous special use permit as a home based business is incorrect. And its statements that special use permits and building permits must be renewed by new owners is incorrect. The petition also discusses CC&Rs, and include a copy. On closer examination it appears that they apply to lots on the north half of Silver Sage Road, but not the south half where the horse boarding property lies. In addition the county does not enforce CC&Rs - that is up to civil action by property owners within the development.

The letters and petition raise concerns about compatibility of the proposal with the neighborhood residential uses. Of particular concern are night time lighting and activities, activities that generate excessive traffic, and activities that generate traffic at night.

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 land to the north, south, and west along Silver Sage Lane is composed of similar 5-acre residential lots, some with agricultural activities such as irrigated land, personal livestock, and feedlot livestock. Comments submitted by neighbors claimed that the business is not compatible with its current variety of activity, due to impacts described in their comments. Also see Criterion 5 for assessment of environmental impacts on neighbors. The horse boarding use can be considered compatible with the nearby homes if it is kept at a smaller scale, and impacts mitigated. However, it appears that the uses that attract people who are not horse boarding customers cause excessive impacts that make those activities incompatible.

Adjacent lands to the east are large agricultural fields, and the residential took lot to the north is also used for raising goats. The boarding of horses, being related to livestock, can be considered quasi agricultural. Boarding pens are mainly located along the east and north property lines and as such are compatible with the agricultural use. This also provides the “friction zone” buffer to protect the agricultural land from the more commercial activities, as described in Criterion 2.

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 master plan designation for the site is Agriculture, The zoning district for the site and nearby area is A-5 agriculture, with A-10 agriculture further away to the east and south. **The proposed uses are allowed uses** for the zoning district in the development code’s Use Table, and all must be reviewed through a Special Use Permit, including signage in the A-5 zone. Most Master Plan policies are not applicable to the development of commercial uses or are neutral in terms of general commercial activity. A consistent theme throughout the Master Plan policies is to protect agricultural uses. 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:

- **Height, setbacks and easements:** No new buildings or other facilities are proposed, other than a new small restroom building to serve customers placed in the middle of the site. And buildings placed since the last permit meet the accessory building set back. So building setbacks and heights are not applicable. There is a 15 foot drainage easement along the north property line and a 50 foot drainage easement along the east property line. Comments were provided that the horse pens drain into these drainage facilities. Conditions are recommended to require the obstruction of surface drainage from entering the facilities using berms, etc.
- **ADA compliance:** The Building Department has indicated that the restroom must be ADA compliant to serve disabled visitors and employees, and the applicant is working with the Building Department.

- **Parking:** The site shows 10 parking spaces near the middle of the site, though much of the property can also be used for parking. The code does not include parking requirements for the proposed uses, so the director must determine the required parking. The horse boarding use is the most common parking demand. The number of spaces needed would be small, but an unusual characteristic is that trucks with horse trailers will be a common parking need. The Director has determined that the proposed spaces plus additional site area are adequate for this use. The veterinary clinic use will have a small parking demand that occurs occasionally. The Director has determined that this use will have a parking demand similar to horse boarding, and the proposed parking is adequate. The private education use will have a variable parking demand that will occur occasionally. Some clients may arrive by van or bus with a small parking demand, or they may arrive individually, probably by truck and horse trailer, which can use the proposed 10 spaces as well as additional site area if needed. The Director determines there is adequate site area for such parking.

As part of the standard parking, one handicapped parking space must also be provided for visitors and employees. The building department has indicated the need for meeting hard surfacing and dimensional standards for the handicapped parking space.

- **Sewer and Water:** Previously, there were no visitor restrooms on the property, though this should not have been allowed for a business with employees and yeahisitor stays. Sewer and water service is being proposed in this application with the new restroom, connecting to the existing well and septic system. Drinking water will also be available at the restroom. the building department indicates there are two septic systems, and they are adequate for the facility including training class visitors. The applicant is requesting extensive time to get this done, so recommended conditions include a one year review.
- **Signage:** The existing advertising signage is proposed for approval, which must be obtained from the Planning Commission for businesses in the A-5 zone. The sign is 4 feet by 4 feet for a total of 16 square feet, which is within the allowed signage limits.
- **Lighting:** Site lighting needs to meet the Lighting Code dark skies standards by directing lights downward, rather than horizontally or upward, to reduce impacts on nearby properties. The applicant has been working to change the lighting to meet code requirements. Staff recommends a condition to prohibit flood lighting and night time riding area lighting.

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 already exists and will continue to be used. Power exists near at site. Public road infrastructure is discussed below. Other public infrastructure will not be impacted.

Police and fire service will be minimally impacted compared to the previous permit due to additional human use and commercial activity, though such activity already exists. 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 site is served by Silver Sage Road which is a county-maintained paved road and a 60 foot easement. Traffic generated from the expanded horse boarding and veterinary clinic operation will be minor and will not cause impacts. Traffic generated by the private education activity will create noticeable surges of traffic, but are within the capabilities of the road. No impacts are expected to road infrastructure.

However neighbor comments describe excessive traffic. Problems include customers that use other people's driveways when getting lost or turning around, though this would mainly apply to first time customers and training class customers rather than ongoing boarders.

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 on site vehicle traffic during the beginning and ending times of classes, and from horse riding classes with lots of students can impact adjacent uses. Staff recommends that the vehicle areas accessible by visitors be graveled, and that the equestrian classes not be allowed.
- (2) Impacts from smell and fly presence increases with livestock manure. The application states that manure is removed from pens daily, and stockpiles of manure are removed from the property weekly. Conditions are recommended requiring this level of manure management.
- (3) Visitors to equestrian facilities often bring their dogs, which are often allowed to roam free. Neighbors have complained about free roaming dogs. Conditions are recommended to require that visiting dogs to be leashed or prohibited from visiting the site.
- (4) Night time activities bring customers to the site and disturb neighboring residents. This can include boarders riding their horses at night with lighted corrals - see recommended lighting conditions. The veterinarian clinic will attract customers that are not horse boarding customers, especially at night. Mobile veterinaries can go to the horse needing care, so the horse needing care should not be brought to the site to cause nighttime disturbances to the neighborhood. Staff recommends that the veterinary clinic not be allowed. This recommendation does not preclude a veterinary from visiting a boarded horse.
- (5) Lights from equestrian facilities often use floodlighting of outdoor areas, which impacts adjacent properties. This was used at the property in the past, but the applicant has been working to correct lighting problems. Conditions are recommended to require conforming with the lighting code, and to prohibit nighttime lighting of the riding corrals.
- (6) Greatly increasing the amount of traffic is a result from the equestrian classes that would cause impacts on the neighborhood, including people getting lost and turning around on neighboring properties. Not allowing the horse riding classes would reduce those related traffic impacts.
- (7) Equestrian classes can involve large groups, which encourages the use of amplified sound systems. Not allowing the horse riding classes would avoid related noise impacts.
- (8) Storm water surface drainage from horse pens can carry pollutants into the adjacent drains especially after being concentrated at the roof line. Conditions are recommended to prevent drainage from pens into the drains.

These impacts could be a problem in a residential area at a larger scale. But at a smaller scale of operations, these impacts can be minor, if mitigated as described.

STAFF RECOMMENDATION:

**APPROVAL OF HORSE BOARDING EXPANSION AND RELATED ADVERTISING SIGN
DENIAL OF PRIVATE EDUCATION FACILITY AND VETERINARY CLINIC.**

>>> THE MOTIONS BELOW AS WRITTEN TO ALLOW THE PLANNING COMMISSION TO APPROVE OR DENY THE PARTS THAT THEY DEEM NECESSARY.

MOTION FOR FINDINGS:

□ 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 16.08.080(H) **HAVE BEEN** met FOR:

- [An expanded Horse Boarding facility]
- [A Private Education Facility for equestrian training]
- [A Veterinary Clinic]
- [An advertising sign in the A-5 zoning district]

and that the criteria **HAVE NOT BEEN** met FOR

- [An expanded Horse Boarding facility]
- [A Private Education Facility for equestrian training]
- [A Veterinary Clinic]
- [An advertising sign in the A-5 zoning district]

Located at 4755 Silver Sage Lane (APNs 006-811-60).

MOTION FOR DECISION:

□ Based on the previously adopted findings made for this project, I move to **APPROVE** the Special Use Permit application for Silver Sage Horse Boarding to establish:

- [An expanded Horse Boarding facility]
- [A Private Education Facility for equestrian training]
- [A Veterinary Clinic]
- [An advertising sign in the A-5 zoning district]

and **DENY** the

- [An expanded Horse Boarding facility]
- [A Private Education Facility for equestrian training]
- [A Veterinary Clinic]
- [An advertising sign in the A-5 zoning district]

at 4755 Silver Sage Lane (APNs 006-811-60). **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.

Note that the Planning Commission will have to choose certain options if some uses are denied.

1. This permit is subject to review in one year to ensure compliance with conditions and code standards.
2. The horse boarding facility expansion is prohibited. [OR] The horse boarding facility expansion is limited to the proposed 32 pens.
3. The veterinarian clinic is prohibited but horses does not preclude veterinary visits to horses boarded at the facility. [OR] The veterinarian clinic is limited to intermittent or as-needed use. Permanent veterinary services are prohibited.
4. Private Education events are prohibited. [OR] Private Education events are limited to 1 day per month, and shall be limited in size to preclude class visitors from parking on the road.
5. The signage is prohibited. [OR] The signage is limited to the proposed 16 square foot sign.
6. All business customers shall park on the property, parking on the road is not allowed.
7. Existing and future lighting shall meet the dark skies requirements in the Lighting Code. Lighting of the riding corrals to allow nighttime riding is prohibited. Modifications to existing lights shall be accomplished in 30 days.
8. Sound amplification systems are prohibited.
9. Driving surfaces shall be graveled or supplemental gravel provided to reduce the generation of dust, and shall be completed within 30 days.
10. Manure shall be removed from pens daily, and stockpiles of manure shall be removed from the property weekly.
11. Surface drainage from the horse pens shall we obstructed from carrying manure to the drains along the north and east property lines. To accomplish this, berms or other features shall be installed as needed to provide at least a 1 foot grade change in elevation along those property lines.
12. Facility rules shall be implemented immediately to either require that visiting dogs be kept on a leash or that they be prohibited from visiting the property.
13. ADA compliant parking and restroom facilities shall be provided before the 1 year review date.
14. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Basque & Finn Bed & Breakfast</u>
Applicant:	<u>Sherry Legarza</u>	Owner:	<u>Lowell Black & Sherry Legarza Black</u>
Site:	4200 Sheckler Road (APN 008-711-25) - 7.75 acres (west of McLean Rd.)		
Designations:	Master Plan – transition between Agriculture & Urbanizing // Zoning – A-5		

Project Summary: The application proposes to establish a bed and breakfast in the on-site home. Two of the upstairs bedrooms will be used, with the remaining bedroom being in office. Each bedroom will have its own bathroom. Customer parking will be provided near the house. A sign will be placed along the long driveway from the highway, and an illustration and details are provided in the submittal. The clientele will be focused mainly on visitors to NAS Fallon.

As a lodging facility, a bed and breakfast inn may be subject to various state laws. A number of comments from state agencies were submitted on the project. The NDEP Bureau Of Safe Drinking Water indicates a public water system is not needed. The DHHS Environmental Health Section has several comments, and will need to talk to the applicant to determine specific requirements. Food establishment permitting may be needed; the well and septic system might have to be converted to commercial systems, the business is probably not classified as a hotel but additional information is needed. The NDEP Bureau Of Water Pollution Control indicates the septic system probably has to be converted to a commercial system. NDOT indicates that they have no comments as long as the sign is outside the highway right of way.

SUP 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. See Criterion 2 for assessment of development standards. The zoning district for the property and surrounding lots is A-5. The surrounding land uses are predominantly active agriculture (including the Mills dairy to the west), including some with home sites. Across the street are residential properties, one with the Galderisi Air Conditioning home business. The Mills business and used vehicle yard is across the street to the west.

Farms are most impacted by intense human activity that impedes farm operations when people complain about them. There might also be compatibility issues with nearby single family uses. However the activity generated by a two room B&B will be small and substantial separation will exist between the uses. Friction Zone standards help improve compatibility, and are discussed more under Criterion 2. These and other factors allow the use to be compatible with agriculture and residential uses. This business use is compatible with other business 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. ***A Bed and Breakfast Inn is a listed use*** in the use table, and is allowed in the A-5 zone through a Special Use Permit.

Most Master Plan policies are not applicable to the development of multi-family uses. 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. The proposed development must conform with the County Development Code. Conditions of approval will address specific issues, including:

- **Height, Setbacks and Easements:** No new construction is proposed, so height and setback standards do not come into play, nor will there be conflict with easements.
- **Friction Zones:** The Friction Zone standards require protecting agricultural uses from other land uses, and protecting single family residential from commercial uses. The Friction Zone standards require protecting agricultural uses from other land uses through a plan. There is substantial and adequate separation from agricultural uses to the east and West, being over 100 feet. The nearest residences are far more distant. The friction zone standards are met.
- **Sewer and water facilities:** The property is served by an existing on site residential well and septic system. Changing the residential use to a commercial bed and breakfast use may require changing sewer and water facilities to commercial facilities. State comments indicate that a public water system will not be needed. But it is likely the septic system will need modification to convert it to a commercial system, probably by adding additional capacity. Compliance with these requirements is a recommended condition of approval.

The applicant has provided information regarding ADA compliance requirements for small lodging facilities, specifically those with fewer than five rental rooms are exempt. The building department has confirmed this, so additional modifications are not needed. The building department has provided other comments, and the applicant has been working with them on those issues.

- **Signage and Lighting:** Signage is proposed for the facility, and details are provided in the application. The sign will be 3 feet by 6 feet, totaling 18 square feet. No outdoor lighting is indicated for the facility, but any existing lighting (such as floodlighting) and new lighting will need to be installed or corrected to meet the County's Dark Skies lighting requirements to shine lights down, rather than horizontally or upward.
- **Parking and Landscaping Requirements:** The business is considered to be similar to a motel. County code requires 1 parking spaces per rental room, for a total of 2 required spaces for this project. Adequate area is provided for these parking spaces. As noted above, ADA compliance for parking is not required. The site is extensively landscaped, including trees. Commercial development requires compliance with the landscaping code. One parking lot tree is required near the building, which already exists. A 10' wide landscape buffer is required along the Sheckler Road frontage. It may include decorative items, large rocks, plants (if irrigated), decorative gravel, etc., but cannot be just dirt.

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 well and septic system are currently used, and proposed for the development, though some conversion to commercial systems may be required. Public road infrastructure is discussed below. Public infrastructure will not be impacted.

Demand for police service and fire service will be minimally increased due to the requirements for lodging facilities. The Fire Marshal is aware of the proposed bed and breakfast inn and may require additional inspections. The community police and fire services are capable of providing service.

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

The bed and breakfast inn will generate a small amount of additional traffic for each of the two rental rooms, in addition to the current residential use. The applicant anticipates approximately 20 trips per day, but it may be less. Such traffic will have minor effects on nearby roads. Sheckler Road is a State-maintained paved road, and the additional traffic will not overburden it.

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.

There will be minimal or no potential environmental impact issues to adjacent properties from the two rental rooms.

STAFF RECOMMENDATION: APPROVAL

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

☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.080(H) regarding an application for a special use permit on APN: 008-711-25.

[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 special use permit application for the Basque & Finn Bed & Breakfast at 4200 Sheckler Road (APN 008-711-25).

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 site must be constructed and operated in conformance with County Code and building permit requirements, including but not limited to:
 - a. A landscape strip shall be provided along the Sheckler Road frontage that is satisfactory to the Director.
 - b. New and existing lighting shall be installed or modified to conform with the lighting code requirements.
2. The applicant shall make any necessary changes to the well and septic system required by the State to serve a bed and breakfast inn.

Application:	<u>Variance from Minimum Lot Size</u>	Use Listing:	<u>Agriculture & Residential</u>
Applicant:	<u>Trevor deBraga</u>	Owner:	<u>Trevor & Taylor deBraga</u>
Site:	11050 Fitz Ln (APN 009-072-08) – 80 acres (at Swope Lane)		
Designations:	Master Plan –Agriculture // Zoning – A-10		

Proposal: The applicant owns (with spouse) the subject property, which includes a farmstead and irrigated farm land totaling 80 acres. The property has two fairly rundown homes, including a mobile home. the applicant wishes to remove the mobile home, build a new home, and then remove the existing stick built home. The result would be one home on the property instead of two. To obtain financing for the home, in conjunction with existing farmland loans, the applicant proposes to split off the farmstead area where the home will be located. The proposed lot size is approximately 2 acres, as shown in the application materials.

The proposed Variance is from the 10-acre minimum lot size requirements for the A-10 zoning district that are found in Table 16.16.020.1, and in the A-10 zoning district code description CCC 16.08.150. The variance will allow a Parcel Map that splits off the 2-acre farmstead. The remaining corrals and irrigated farmland will be attached to the other 78 acre lot. The new line would pass through the existing mobile home, but it is vacant. It will have to be removed before recording the map.

The Building Dept. provided comments indicating that records for septic systems are not found come on, and any that extend across the future property line must be removed or have an easement. According to the applicant the septic systems are so old, that he will probably install a new one for the new home. The septic system situation will be confirmed to during the parcel map review.

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

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

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

The application indicates that the small lot is needed for financing the new home. Staff comment - The proposal is similar to other situations that the Planning Commission has approved, in which a farmstead is separated from the irrigated land for estate/financial reasons. The proposed variance would allow the farmstead lot to be separated from the farmland and corrals, and avoid dividing the productive agricultural land.

- 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 difficulties obtaining financing on the entire 80 acres. Staff comments – Staff agrees. Also see Criterion 1 regarding similarities to variances to separate farmsteads.

- 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 is no new road or housing planned. Staff comments - Separating the farmstead from the farm should have no impact to neighbors. Removing two homes and replacing them with one would reduce impacts to adjacent farmland and neighbors. There would be no change to public health, safety, or welfare.

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

The purpose and intent of the A-10 zoning district with its 10-acre lots size is stated in CCC 16.08.150. "This district is intended to preclude premature development of rural land on the fringes of the urban area while protecting the environment and providing for large lot single-family uses (ten-acre minimum) that may include agricultural uses." The application indicates that no new road or housing planned. Staff comment. The land division is not intended to increase the number of developed lots and so it is generally consistent with the intent of the provisions. However, the property can currently be split into 8 10-acre lots. After splitting off the two acre farmstead, the 78 acre lot could still be split into 8 parcels if an administrative variance is requested. Staff recommends that a note be included on the future parcel map to indicate that 1 of the potential properties has been used.

STAFF RECOMMENDATION: APPROVAL

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.090(F) for a variance request on APN 009-072-08, as described in the Staff Report.

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

- ☐ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the request for a Variance from the 10-acre lot size requirements in Churchill County Code Table 16.16.020.1 and CCC 16.08.150 for Trevor deBraga on APN 009-072-08.

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 lot size is approximately 2 acres, as shown in the variance application submittal.
2. The mobile home straddling the future parcel line, and the issue of using one of the potential lots shall be addressed in the parcel map.
3. The approval of this variance expires one year from the date of the final decision. An application for a Parcel Map to implement the variance must be submitted before expiration.

Application:	<u>Variance from Required Lot Size for 2nd Permanent Dwelling</u>		
Use Listing:	<u>Residential</u>		
Applicant:	<u>Clint Jensen</u>	Owner:	<u>Clint Jensen Construction</u>
Site:	505 Allyn Place (also 507 & 511) – one address in use APN 006-351-22 – 4.04 acres (at Cress Pl.)		
Designations:	Master Plan –Agriculture // Zoning – A-5		

Background: The applicant recently purchased the subject property, which appears to have been a farmstead for a larger farming parcel in the past. The property currently has 1 habitable residence, and 2 uninhabitable residential structures. The county code normally only allows one home per lot. This property was probably nonconforming at some time, with more than one residence in use. But it is now conforming, Because only one residence is in use. Any non conforming status has been lost from non-use.

After purchasing the property, the applicant inquired to the county and was informed of the situation. The applicant wishes to be able to reestablish one of the other residences as habitable, and this appears to be the only possible option for doing so.

The residential structures currently on the property are:

1. The original home is probably nearly 100 years old, and is located on the site in between the two other residential structures. It is uninhabitable, though it may be salvageable with upgrades to the foundation, roof, plumbing, electrical, etc.
2. The mobile home (~1975) has been the only habitable structure for some years. It appears that when the original home became degraded the mobile home was right now placed on the site, and the original home abandoned.
3. The 3rd home was placed on the site at some point. It was probably used by family or employees. It has undergone multiple additions and appears newer than the original home. Some parts had no foundation, the floor had rotted through, and the structure was sagging. The application indicates it was not used for about 6 years (2016).

Proposal: The applicant is proposing a variance from the second permanent dwelling requirement that the property have a dividable acreage of land. In the A-5 zone, 10 acres is needed for a second permanent dwelling. The applicant proposes to allow a second permanent dwelling with 4 acres rather than 10 acres.

Home # 2 (manufactured home from above) will remain. Home # 1 (the original home) is being cleaned up, but will be used for storage. Home # 3 will have its degraded parts removed and the remainder will be renovated to be the second permanent dwelling. The applicant verbally indicates that both homes will be rented to company employees.

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

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

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

The application provides some history, and notes that this variance is needed to bring the proposed second dwelling into compliance. Staff comment - The extraordinary condition is that the property had 2 dwellings in use in the past, but lost it's nonconforming status. Reestablishing the second dwelling in compliance with

the code would require this variance.

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 provides tax assessment and power supply information. Staff comments – Strict application of the code would prohibit the existing residential structure from being renovated as a residence.

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 provides some history, indicates that effects to neighbors would resume to 2016 levels, and that neighbors would benefit from site cleanup. The application also indicates that a privacy fence is planned along the east property line. Staff comments – The variance would allow residential activity levels to return to previous levels. This will be more than in recent years, but should not be excessively injurious. This will not be injurious to public concerns.

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

The purpose and intent of the A-5 zoning district with its 5-acre lots size is stated in CCC 16.08.150. “This district is intended to preclude premature development of rural land on the fringes of the urban area while protecting the environment and providing for large lot single-family uses (ten-acre minimum) that may include agricultural uses.” The application indicates the variance will preserve the historic and pre-existing parcel, and will bring the property into conformance with the second permanent dwelling provisions. Staff comment. The variance is not intended to establish new structures, only to allow the renovation and continued use of the existing residential structure. If the residential structures did not already exist, staff would not recommend approval.

STAFF RECOMMENDATION: APPROVAL

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.090(F) for a variance request on APN 006-351-22, as described in the Staff Report.

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

- ☐ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the request by Clint Jensen Construction on APN 006-351-22 for a Variance from the requirement in CCC 16.16.020.8(H) in order to allow a 2nd permanent dwelling on a 4 acre lot.

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 approval of this variance expires one year from the date of the final decision. A 2nd Permanent Dwelling Permit must be obtained. Work must be completed to make the structure habitable before expiration, as determined by the Building Department. Simply obtaining building permits is not adequate to meet this requirement.

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
CHURCHILL COUNTY, NEVADA**

155 N. Taylor Street, Suite 194

Fallon, Nevada 89406

(775) 423-7627

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E-mail: planning@churchillcounty.org

******NOTICE OF PUBLIC MEETING******

AGENDA

PLEASE POST

PLACE OF MEETING: Churchill County Administrative Building, Commission Chambers,
155 North Taylor Street, Fallon, Nevada

DATE & TIME: April 12, 2023 at 7:00 PM

TYPE OF MEETING: Regularly Scheduled Planning Commission Meeting

Live Webcasting:

<https://churchillconv.suiteonemedia.com/web/live/>

If you wish to make public comment, you may make them in person at the meeting or via e-mail, no later than 4:30 PM the day before the meeting, to: planning-admin@churchillcounty.org and planning-bl@churchillcounty.org.

Notes:

- I. These meetings are subject to the provisions of Nevada Open Meeting Law (NRS Chapter 241). Except as otherwise provided for by law, these meetings are open and public.***
- II. Action will be taken on all Agenda items, unless otherwise noted.***
- III. The Agenda is a tentative schedule. The Planning Commission may act upon Agenda items in a different order than is stated in this notice – so as to affect the people's business in the most efficient manner possible.***
- IV. In the interest of time, the Planning Commission reserves the right to impose uniform time limits upon matters devoted to public comment.***
- V. Any statement made by a member of the Planning Commission during the public meeting is absolutely privileged.***
- VI. All persons participating in the meetings are put on notice that an audio and video recording is made of these meetings.***

AGENDA:

- 1. Call to Order.**
- 2. Pledge of Allegiance.**
- 3. Public Comment.**
- 4. Verification of the Posting of the Agenda.**

5. **Consideration and possible action re: Approval of Agenda as submitted or revised.**
6. **Verification of notification of all landowners in accordance with NRS and the Churchill County Consolidated Development Code.**
7. **Consideration and possible action re: Approval of Minutes of the meeting held on:**
 - A. March 8, 2023 Public Hearing
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. This item was tabled at the March 8, 2023 meeting.*
 - B. Consideration and possible action re: Renewal of a temporary use permit previously granted to Joseph & Margaret Diaz for property located at 732 Wildes Road, Assessor's Parcel Number 006-711-11, consisting of 1.5 acres in the A-5 zoning district. Origination date 4/14/2021. *The applicants stated that they have not completed the home construction yet.*
 - C. Consideration and possible action re: Renewal of a temporary use permit previously granted to Tracy Burnichon for property located at 7475 Sand Hill Road, Assessor's Parcel Number 010-431-06, for temporary quarters during home construction. Origination Date 4/13/2022. *Ms. Burnichon stated that she wasn't able to enact the permit yet due to circumstances beyond her control, and she wants to renew the permit to give her more time to get the RV moved to the property.*
 - D. Consideration and possible action re: Renewal of a temporary use permit previously granted to Levi Coonce for property located at 798 Triple E Lane, Assessor's Parcel Number 009-111-47, for temporary quarters during home construction Origination Date 4/8/2020. *Mr. Coonce stated that the construction of the residence is still ongoing. They are currently framing and working on it when the weather permits.*
9. **Action Item.**
 - A. Consideration and possible action re: A merger and resubdivision parcel map application filed by the Fernley Business Park LLC. The property is located adjacent to the county line and railroad tracks at 11000 Reno Highway, Assessor's Parcel Numbers 009-251-77 & 009-251-78, consisting of 163.78 acres in the Industrial zoning district. The applicant proposes to merge the two existing lots and re-divide the property into 4 parcels of varying size, including abandonment of a utility easement.
10. **Public Hearings:**
 - A. 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'. *This item was tabled at the March 8, 2023 meeting.*
 - B. Consideration and possible action re: A special use permit application for expansion of an existing horse boarding business filed by Kelly Gross, owner of Silver Sage Horse Boarding, for property located at 4755 Silver Sage Lane, Assessor's Parcel Number

006-811-60, consisting of 5.08 acres in the A-5 zoning district. The applicant proposes to expand beyond the existing permit to include more boarding stalls, equestrian training, private education, and an as-needed veterinary clinic.

- C. Consideration and possible action re: A special use permit application for a short-term rental bed and breakfast filed by Sherry Legarza for property located at 4200 Sheckler Road, Assessor's Parcel 008-711-25, consisting of 7.75 acres in the A-5 zoning district. The applicant proposes to use a portion of the existing residence to operate a short-term rental bed and breakfast with two rooms each with a separate bathroom and accompanying sign at the entrance to the property.
- D. Consideration and possible action re: A variance application filed by Trevor deBraga to reduce the 10-acre minimum parcel size on property located at 11050 Fitz Lane, Assessor's Parcel Number 009-072-08, consisting of 80 acres in the A-10 zoning district. Approving the variance will allow the applicant to divide a two-acre parcel off of the agricultural parcel for the homestead.
- E. Consideration and possible action re: An application for a variance filed by Clint Jensen, of Clint Jensen Construction, to reduce the 5-acre minimum parcel size on property located at 505/507/511 Allyn Place, Assessor's Parcel Number 006-351-22, consisting of 4.04 acres in the A-5 zoning district. Approving the variance will allow the applicant to apply for an administrative special use permit for an additional permanent residence to replace an old residence that had lost its pre-existing nonconformance.

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: Terminate a special use permit previously granted to Michel Cunningham, of Excel Equipment Company, for property located at 9900 Carson Highway, Assessor's Parcel Number 007-171-75, for an off premise outside storage yard. *Mr. Cunningham called to state that everything has been sold and the majority should be removed from the property by the end of March; therefore, the permit will no longer be needed by their company.*

12. Public Comment.

13. Adjournment.

14. Appendix.

Supporting Documentation

STATE OF NEVADA)
 : ss.
County of Churchill)

*I, **Diane Moyle, Administrative Assistant**, do hereby affirm that I posted, or caused to be posted, a copy of this notice of public meeting, on or before the **6th day of April 2023, between the hours of 8:30 a.m. and 5:00 p.m.**, at the following locations in Churchill County, Nevada:*

- 1. County Administration Building, 155 N. Taylor St., Fallon, NV;*
- 2. The Churchill County Website @ www.churchillcountynv.gov;*
- 3. The State of Nevada Website @ <https://notice.nv.gov/>.*

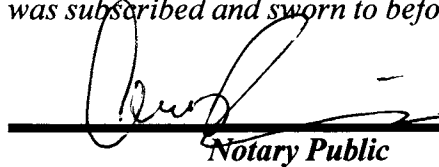


Diane Moyle, Administrative Assistant

Diane Moyle, Administrative Assistant, who was subscribed and sworn to before me this **6th** day of April 2023.



ALEXA ROBINSON
Notary Public - State of Nevada
Appointment Recorded in Churchill County
No: 21-2602-04 - Expires December 1, 2025



Notary Public

Endnotes:

Disclosures:

**Churchill County is an equal opportunity provider and employer.*

Accommodations/Nondiscrimination:

**In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies or complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency [(775)423-4092] or USDA's TARGET Center at (202)720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800)877-8339. Additionally, program information may be available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at: http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the Complaint Form, call (866)632-9992. Submit your completed form or letter to USDA by:*

1. Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights 1400
Independence Avenue, SW
Washington, D.C. 20250-9410;
2. Fax: (202)690-7442; or
3. Email: program.intake@usda.gov.

Procedures:

**The public meetings may be conducted according to rules of parliamentary procedure.*

**Persons providing public comment will be asked to state their name for the record.*

**The Churchill County Planning Commission reserves the right to restrict participation by persons in the public meeting where the conduct of such persons is willfully disruptive to the people's business.*

**All supporting materials for this Agenda, previous Agendas, or Minutes are available by requesting a copy from the Public Works, Planning and Zoning office, 775-423-7627. During the meeting, there will be one copy available for public inspection. Additional copies are available by making the request from the Public Works, Planning and Zoning office. You are entitled to one copy of the supporting materials free of charge.*

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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From: [Jeralynne Pierson](#)
To: [Diane Moyle](#); [Marie Henson](#)
Cc: [Dean Patterson](#); [Chris Spross](#)
Subject: RE: Follow-up on Gary Sinclair, 1015 Dean Ln
Date: Monday, March 13, 2023 1:38:30 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

The septic system at 1015 Dean Ln was complete and the permit closed on 2/22/23 as compliant.

Jera Pierson

jeralynne.pierson@churchillcountynv.gov

Churchill County Building
155 N. Taylor Street
Suite 170
Fallon, NV 89406-2754
O: (775) 428-0264
Fax: (775) 423-8185



From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Monday, March 13, 2023 12:25 PM
To: Marie Henson <marie.henson@churchillcountynv.gov>; Jeralynne Pierson <jeralynne.pierson@churchillcountynv.gov>
Cc: Dean Patterson <dean.patterson@churchillcountynv.gov>; Chris Spross <chris.spross@churchillcountynv.gov>
Subject: Follow-up on Gary Sinclair, 1015 Dean Ln
Importance: High

At our PC hearing, we only had information that Mr. Sinclair obtained a septic permit from your office, and Gary said that it was installed and all the inspections were done. The Planning Commission wants us to verify that everything was completed as required for the septic system to be legally installed prior to them making a decision regarding the renewal of the temporary use permit. Please provide information that pertains to the septic permit that was obtained.

Diane Moyle

Churchill County Public Works, Planning & Zoning Department
155 N Taylor St, Suite 194

October 13, 2019: owner of property put in well.

February 21, 2020: power was put in.

March 1, 2020: well pump installed, and pressure tank hooked up.

March 14, 2020: power was hooked up to well pump.

Covid hit and had to keep business afloat. Got rid of storage units. Bought storage container.

March 2023: finished getting septic installed.

December 2023: pay impact fees and building permit.

March 2024: review of plans.

June 2024: pouring foundation for house.

December 2024: payoff property and take the \$1000 a month and use money to build house.

From: [Marie Henson](#)
To: [Diane Moyle](#); [Jeralynne Pierson](#)
Cc: [Dean Patterson](#); [Chris Spross](#)
Subject: RE: TUP Renewal for Home Construction, Diaz, 732 Wildes Rd, 006-711-11
Date: Tuesday, March 14, 2023 12:36:28 PM

Permit #8961 was issued on March 15, 2021 and a request to extend the permit was received on September 23, 2021.

Inspections have been ongoing since December 19, 2022, starting with the footing.

The last approved inspection was performed on January 20, 2023 for underfloor framing and plumbing.

The project should be in the framing phase at this point.

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: Tuesday, March 14, 2023 12:15 PM
To: Marie Henson <marie.henson@churchillcountynv.gov>; Jeralynne Pierson <jeralynne.pierson@churchillcountynv.gov>
Cc: Dean Patterson <dean.patterson@churchillcountynv.gov>; Chris Spross <chris.spross@churchillcountynv.gov>
Subject: TUP Renewal for Home Construction, Diaz, 732 Wildes Rd, 006-711-11
Importance: High

Would you be able to give us an update on any permits or progress for this property since 2021? We will be reviewing their TUP renewal at the April 12, 2023 Planning Commission meeting.

Diane Moyle

Churchill County Public Works, Planning & Zoning Department
155 N Taylor St, Suite 194

From: [Jeralynne Pierson](#)
To: [Diane Moyle](#); [Marie Henson](#)
Subject: RE: Levi Coonce, Triple E Lane, Temporary Use Permit renewal
Date: Thursday, March 30, 2023 12:07:41 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Mr. Coonce has received a building permit and septic permit for the construction of a house located at 700 Triple E Ln. To date he has made progress and has completed the foundation.

Please let me know if you need any further information.

Jera Pierson

jeralynne.pierson@churchillcountynv.gov

Churchill County Building
155 N. Taylor Street
Suite 170
Fallon, NV 89406-2754
O: (775) 428-0264
Fax: (775) 423-8185



From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Thursday, March 30, 2023 11:56 AM
To: Marie Henson <marie.henson@churchillcountynv.gov>; Jeralynne Pierson <jeralynne.pierson@churchillcountynv.gov>
Subject: Levi Coonce, Triple E Lane, Temporary Use Permit renewal
Importance: High

We are seeking information for the Planning Commission regarding building permits, placement permits, septic permits, etc. for Levi Coonce. He was granted a TUP in April 2020 to reside in an RV at 798 Triple E Ln, which is one of the properties he owns on Triple E. He was going to construct his home on another property, but I'm not sure of the address for it.

Diane Moyle

(please note the new email address)

Churchill County Public Works, Planning & Zoning Department
155 N Taylor St, Suite 194



Churchill County Building Department

March 20, 2023

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

RE: FERNLEY BUSINESS PARK PARCEL MAP

Mr. Spross:

Regarding the Fernley Business Park Parcel Map, Churchill County Building Department has no jurisdiction over septic systems installed on commercial property.

All design, installation, and inspection must be done by a State of Nevada licensed engineer. All permitting must be done by Nevada Department of Environmental Protection.

A search of the records available in the Churchill County Building Department did produce permits for the existing buildings, structures, and septic system.

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

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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: 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: [Robinson, Chris \(NV Energy\)](#)
To: [Diane Moyle](#)
Subject: RE: [INTERNET] Churchill County Land Use Permit Application Review for Easements
Date: Monday, March 13, 2023 4:46:01 PM
Attachments: [image001.png](#)
[208662.pdf](#)
[008-14.pdf](#)

Hi, Diane:

Looking at the Assessor's Plat Map for the parcel, the attached 10' easement in our files appears to correspond to this location. You will note the distance along the 1/16th line from the southerly line of Section 19 is 642.72' as is referenced in the easement call in the document. Although the overall length of the easement is 100' in the document, I believe a portion of this property may have been subsequently taken by the State for the adjacent highway. 10' is a standard width for NV Energy overhead distribution electrical facilities. Minimum clearance from the overhead line to any point on the structure would need to be 8' per NESC. The 10' width generally provides for sufficient clearance for the swing of the lines in the wind with single story structures. The existing overhead service would need to be undergrounded rather than be over a structure to meet current safety requirements. I didn't find an existing project number in our system, but it may still be under development in the local office. I think that answers all your questions, but let me know if there is something I missed.

Thanks!

Chris Robinson, P.E.
Senior Right of Way Agent
(775) 834-4472
6100 Neil Road S4B20, Reno, NV 89511
christopher.robinson@nvenergy.com



From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Monday, March 13, 2023 12:37 PM
To: infofallon <infofallon@nvenergy.com>; Robinson, Chris (NV Energy) <christopher.robinson@nvenergy.com>
Cc: Dean Patterson <dean.patterson@churchillcountynv.gov>; Chris Spross <chris.spross@churchillcountynv.gov>
Subject: [INTERNET] Churchill County Land Use Permit Application Review for Easements
Importance: High

Some people who received this message don't often get email from diane.moyle@churchillcountynv.gov. [Learn why](#)

this is important

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Attached is an application that we received for a Planning Commission decision. The Chair, Eric Blakey, noted while on a site visit to 6755 Reno Highway, Assessor's Parcel Number 008-141-18, the proposed building construction would be very close to an NV Energy power pole and power lines. The applicant, Leslie Beach, stated that she had already spoken with NV Energy and submitted an application to run the power lines to the main building and the additional building underground; however, the commissioners are concerned about the easements—location and distance—that the new structure would need to comply with for NV Energy.

Would you be able to verify where the easement(s) are located and whether the new structure (there are some boards laying on the ground in the photos provided with the application to outline where the new building will be constructed) will impede on any of the easements. If so, what distance(s) will the new structure need to be moved to be in compliance with the easement(s). Please provide comments to Dean Patterson, Senior Planner, at 775-423-7627, ext. 4, or dean.patterson@churchillcountynv.gov. Your assistance with these questions would be most appreciated.

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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19 N. TOWNSHIP
28 E. RANGE
19 SECTION

NOTE: This plat is for assessment use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon. Use of this plat for other than assessment purposes is definitely not recommended and Churchill County expressly disclaims any liability for use other than for assessment purposes.

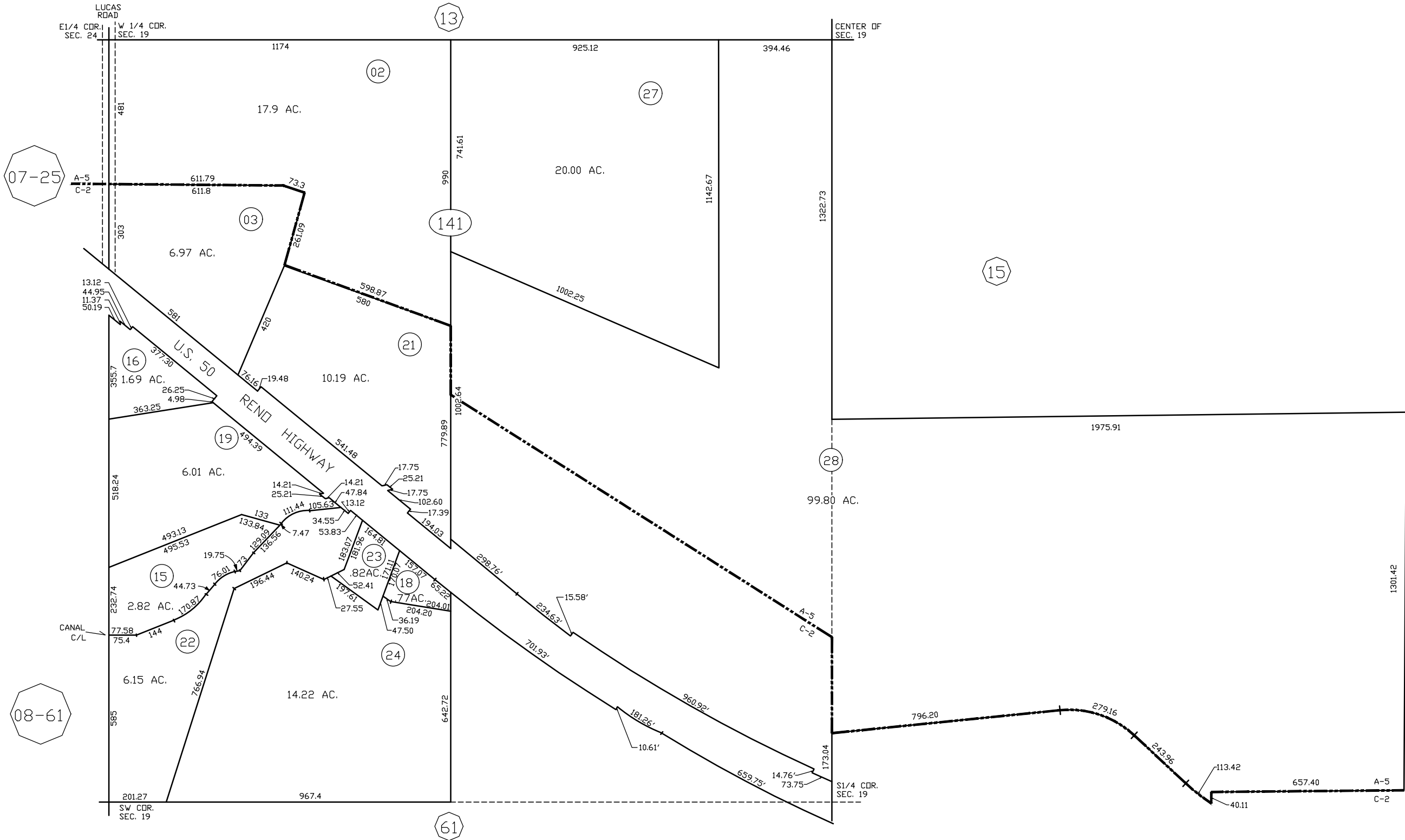
LEGEND
ZONING ———
ELLIPSE ———
BRACKET ———
PARCEL # ○
ROAD ———
EASEMENT - - - - -

ZONE
A-5 & C-2

LAST REVISED:
JUNE 2, 2021

STATE OF NEVADA
COUNTY OF
CHURCHILL
REVISED BY:
ASSESSOR
FISCAL YEAR
2022/2023

1"=360'
08-14



RIGHT OF WAY GRANT

BOOK 155 PAGE 201

For and in consideration of the sum of One Dollar (\$1.00), receipt whereof is hereby acknowledged, the undersigned, hereinafter referred to as Grantor(s), hereby grants a right of way to SIERRA PACIFIC POWER COMPANY, a Nevada Corporation, and Churchill County Tele. and Tele.

a corporation, their successors and assigns, hereinafter referred to as Grantees, with the right, privilege and authority to construct, operate and maintain a communication and electric power line, and the right to place, inspect, maintain and replace thereon, poles, crossarms, wires, cables, braces, transformers, terminal boxes, service lines, fixtures, anchors, guys and other appurtenances, all hereinafter referred to as facilities, and to keep the same free of foliage with the right to trim and remove limbs, brush and timber which may interfere with the operation of said line; upon, over and across the following described lands and premises, situate in the County of Churchill State of Nevada, to-wit:

A portion of the Southwest one-quarter of the Southwest one-quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, Township 19 North, Range 28 East, M.D.B. & M., Churchill County, Nevada;

An overhead electrical and communication easement ten feet (10.0') in width lying westerly of the following described property line:

Commencing at the found Southwest corner of said Section 19 as shown on the Parcel map for Wayne A. Jackson, File #155179 Official Records of Churchill County, Nevada;

Thence, North 89°10' East for 1168.67 feet to found brass cap designating the one-sixteenth (1/16) line of said Section 19;

Thence North 00°07' East for 642.72 feet along said one-sixteenth (1/16) line to the true point of beginning;

Thence, continuing North 00°07' East for 100.0 feet more or less to the Northerly terminus of this easement, which is a point on the Southerly right-of-way of United States Highway #50.

Also, with the right to install guy and anchor facilities at angle and terminal poles, said guy and anchor facilities to be extended not more than 25.0 feet from poles so supported. Grantees, their contractors, agents, employees and servants, shall at all times have the right of ingress to and egress from said right of way and the communication and electric power line and facilities thereon, with the specific understanding that Grantees shall be responsible for any damage to buildings, fences, crops, animals or other personal property or structures suffered by Grantor(s) by reason of the construction, maintenance or repair of said line.

Grantees also are granted the right from time to time to increase or decrease the size, weight or number, and to change the position of said facilities or any of them, which may be installed in or upon the right of way hereby granted.

IN WITNESS WHEREOF, Grantor(s) has S executed this grant this 1ST day of MARCH 19 79.

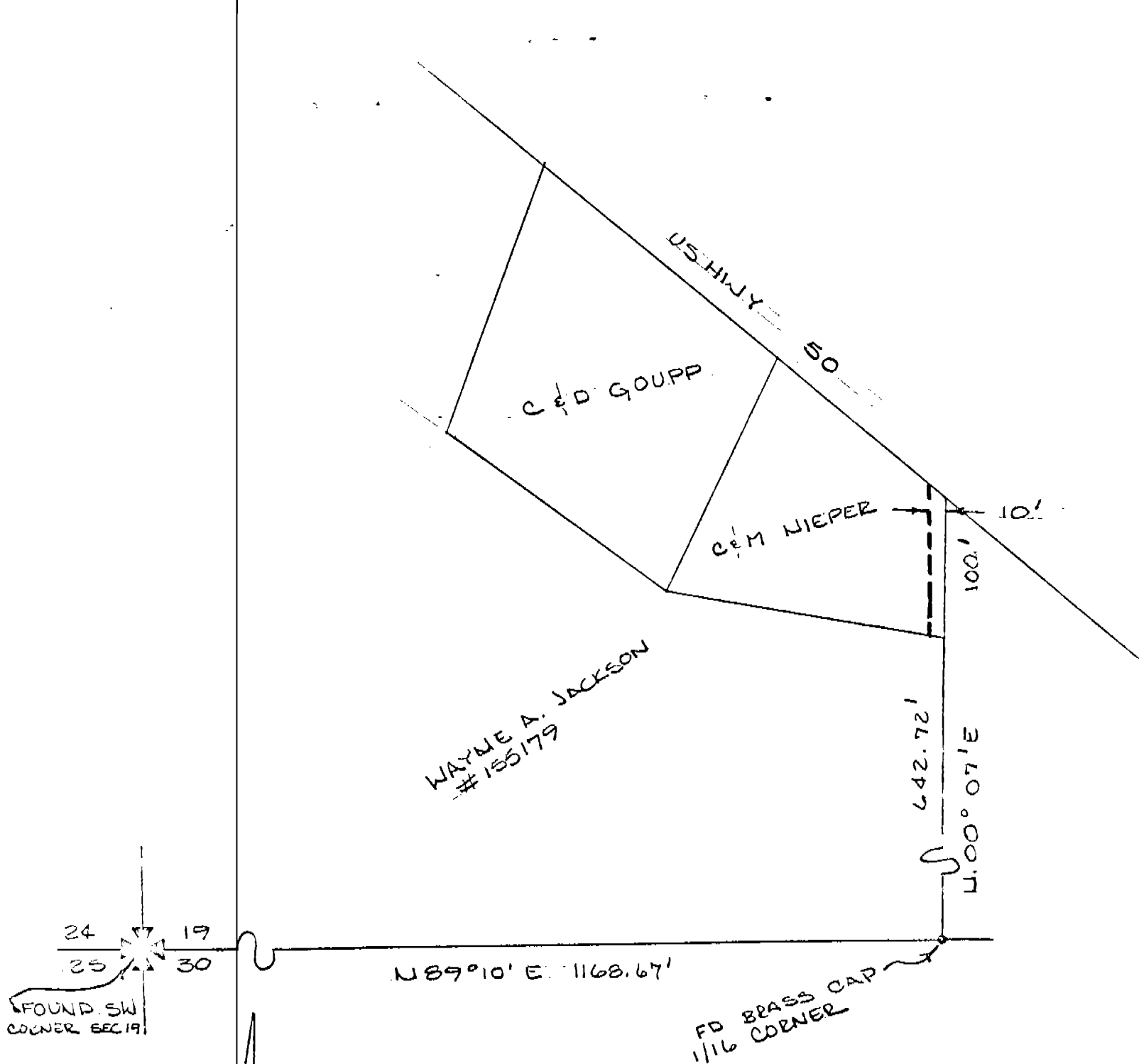
Ann Landels
for *Jean Nieper*
Ann Landels for Jean Nieper

STATE OF NEVADA
COUNTY OF CHURCHILL ss.

On MARCH 1, 1979 Date personally appeared before me a Notary Public,
ANN LANDELS
Grantor(s)

who acknowledged that S he — executed the above instrument.

James E. Webb
Notary Public



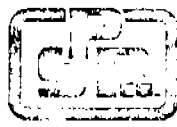
FOUNDED SW
CORNER SEC 19

FO BRASS CAP
1/16 CORNER

SW 1/4 OF THE SW 1/4
OF SEC. 19, T.19N., R28E.
MD.B.&M., CHURCHILL CO., NEV.

SCALE 1" = 100'

PROPOSED R/W FOR
C.E.M. NIEPER



Sierra Pacific Power Company

19-19-28

165757

BOOK

155 PAGE 202

OFFICIAL RECORDS
CHURCHILL COUNTY, NEVADA
RECORDED BY

INDEXED

SIERRA PACIFIC POWER CO.
79 JUN 29 AM 9:52

STEVE ERQUAGA
COUNTY RECORDER

FEE 3.00

END OF DOCUMENT

From: [Robinson, Chris \(NV Energy\)](#)
To: [Diane Moyle](#)
Subject: FW: [INTERNET] Churchill County Land Use Permit Application Review for Easements
Date: Wednesday, April 12, 2023 12:49:39 PM
Attachments: [image001.png](#)
[208662.pdf](#)
[008-14.pdf](#)

I spoke with Matt Wagner, Manager for Distribution Design Services in our Carson City offices. He confirmed that a minimum 8' of clearance from the wires is required by National Electrical Safety Code (NESC). He indicates the purpose for the pole and wire to be placed along centerline of easement (in this case 10', 5' each side of pole centerline) is to allow for the swing of the wire in windy conditions. He suggested that construction would need to meet with both NESC and OSHA requirements for clearances. He encouraged that before the start of any construction activities, and as additional trades come on site, the contractor hold a "tailboard" meeting to discuss the presence of the pole line and overhead wires, and to discuss safety when working in, around and under them.

Thanks!

Chris Robinson, P.E.

Senior Right of Way Agent

(775) 834-4472

6100 Neil Road S4B20, Reno, NV 89511

christopher.robinson@nvenergy.com



From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Monday, March 13, 2023 5:06 PM
To: Dean Patterson <dean.patterson@churchillcountynv.gov>; Chris Spross <chris.spross@churchillcountynv.gov>
Cc: Robinson, Chris (NV Energy) <christopher.robinson@nvenergy.com>
Subject: FW: [INTERNET] Churchill County Land Use Permit Application Review for Easements

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Thank you, Chris Robinson, for this information. I'm passing it on to Dean and Chris in our department for the application we have received.

Diane Moyle



Churchill County Building Department

March 14, 2023

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

RE: COMMENTS PERTAINING TO EXPANSION OF SPECIAL USE PERMIT APPLICATION FOR
SILVER SAGE HORSE BOARDING, 4755 SILVER SAGE LANE

Mr. Spross:

Regarding the expansion of the Special Use Permit for Silver Sage Horse Boarding, the Churchill County Building Department has the following comments:

A commercial business with customer traffic falls under the 2018 International Building Code as follows,

International Building Code Section 1106.1 *Parking and Passenger Loading Facilities Required* states:

Where parking is provided, accessible parking spaces shall be provided in compliance with Table 1106.1...

Table 1106.1 requires one (1) accessible parking space for one (1) to twenty-five (25) parking spaces.

- A) Per the above section, one fully dimensioned, properly surfaced and signed parking space must be installed in the business parking area.

International Building Code Section 2902.1 *Minimum Number of Fixtures* states:

Plumbing fixtures shall be provided in the minimum number as shown in Table 2902.1 based on the actual use of the building or space. Uses not showing in Table 2902.1 shall be considered individually by the code official.

- B) Per the above section, one single-user toilet facility must be installed at the business.

International Building Code Section 1103.1 *Scoping Requirements* states:

Sites, buildings, structures, facilities, elements, and spaces, temporary or permanent, shall be accessible to individual with disabilities.

- C) Per the above section, the single-user toilet facility must be accessible to individuals with disabilities.

155 N Taylor St
Suite 170
Fallon, NV 89406

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

Churchill County, NV is an equal opportunity provider and employer



Churchill County Building Department

Churchill County Building Department will require the submittal and issuance of a building permit along with in-process inspections at all stages of construction.

No building construction may be started prior to an issued building permit by the Churchill County Building Department.

All plans and construction will be required to meet or exceed the 2018 International Building Code, the 2018 Uniform Plumbing Code, the 2017 International Code Council A117.1 Standard for Accessible and Useable Buildings and Facilities and all Churchill County Municipal Code requirements.

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

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Silver Sage Lane Property Owners Statement in Opposition of a SUP for 4755 Silver Sage Lane

Silver Sage Lane is a paved, dead-end county road, located off Union Lane. All fifteen residential parcels are five acre lots created by four Hyde and Pomeroy subdivision maps.

The eight parcels located at the north end of Silver Sage Lane were created via Parcel Maps #282182 and #283074 (Exhibit "A") in the records of the Churchill County Recorder. In addition, a "Declarations of Protective Conditions, Covenants, and Restrictions for the George Pomeroy Silver Sage Parcels" was recorded January 1995, document #287940 (Exhibit "B"). As new owners of these parcels, we received a copy of this document upon signing our title paperwork. This document established "restrictions, covenants, and conditions subject to which all lots, parcels, and portions of the said subdivision shall be held, used, leased, sold, and conveyed...covenants to run with all of the land, as provided by law, shall be binding on all the parties and persons claiming under them, and for the benefit of and limitations upon all future owners in said development this declaration of restrictions being designed for the purpose of keeping development desirable and uniform and suitable in architectural design and use as herein specified". These restrictions run with the land by reference of the legal descriptions in the form of the recorded two parcel map documents. According to Section #17, the covenants run with the land for twenty-five years, and automatically extend for successive periods of ten years unless a vote of three-fourths of the owners agree to change the covenants in whole or part, which to date has not been done. Furthermore, Section #18 gives every person having any right, title, or interest in any parcel to prevent or stop violation of any of the restrictions by injunction or other lawful procedure. Why were these recorded CC&Rs not considered in the issuance of the original special use permit? The subject parcel is violation of the following restrictions:

- All parcels in the described subdivision are residential parcels according to Section #1. The subject parcel at 4755 Silver Sage Lane is a residential parcel being used as a commercial operation.
- Section #3 states that all "toilets shall be built indoors and connected with outside septic tanks". Silver Sage Horse Boarding has a portable restroom for its clients, which violates this covenant.
- Section #4 is clear that "no commercial enterprise, stores, or meeting places shall be maintained on the parcels...No nuisance, offensive, noisy, or illegal calling shall be suffered upon this property...No part of the premises shall be used or occupied injuriously to affect the use or value of other residences in the parcel area".
- There is a large sign within the road easement in front of 4755 Silver Sage Lane for Silver Sage Horse Boarding which is in violation of Section #6.

All lots are zoned A5 which Churchill County Code 16.08.140 defines this district as "intended to preclude premature development of rural land on the fringes of the urban area while protecting the environment and providing for large lot single-family uses (five acre minimum) that may include agricultural uses. The purpose of this district is for agricultural uses, with large lot single-family residences." This subdivision consists of single-family residential large lots,

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APR 05 2023

Page 1 | 5

surrounded by agricultural properties. The term “agricultural uses” defined in NRS 361.A.030 “includes every process and step necessary and incident to the preparation and storage of the products raised on such property for human or animal consumption or for marketing except actual market locations”. According to NAC 361.A.055 the term “livestock means domestic animals, including, without limitation, cattle, sheep, goats, swine, poultry, fish and equine animals, used for food, fiber, breeding, draft or profit”. While horses are considered livestock, horse boarding is not considered an agricultural use since the operation does not breed or sell the horses. The subject parcel does not have any water rights and the A5 zoning of the residential lots does not qualify the lots in the subdivision as agricultural property, which entails an income is produced from agricultural pursuits.

On January 21, 2003, Bill and Marlene Holmes were granted as Special Use Permit to open a horse boarding operation (Exhibit “C”). Churchill County Code Chapter 16 lists four categories of special use permits; home business, general, major, and administrative. The definitions of general and major special use permits imply a commercial nature, where administrative special use permits are for proposed improvements. Due to the parcel’s location in a residential subdivision, one can only assume this was granted as a home-based business since document #349006 does not state what type of special use permit was granted, and references County Code 17.18.020, which does not exist. According to County Code 16.16.020.8.B(1), a home based businesses must meet the conditions listed to be approved.

- “All owners shall reside in the residence. The only employees allowed to work on-site are family members residing in the residence. No other employees can report to the residence for work. In the case of contract work, they shall report directly to the job site and not the applicant's property.” Ms. Gross does not reside on the property. Her “onsite” manager lives in the house on the property. Trainers also report to the property to work.
- “No signs may be placed on the property to advertise the home-based business. One may advertise one's business through public media, business cards, stationery, etc.” Again, the sign within the road easement violates this section of county code and the CC&Rs of the subdivision.
- “No customer traffic is permissible. Home deliveries, such as UPS, FedEx, etc., in a quantity/frequency that will not be detrimental to the surrounding neighborhood may be permitted.” Not only is there heavy customer traffic in and out of the subject property, but customers are allowed 24 hour access to the property as the advertising video boasts at <https://silversagehorseboarding.com>. The bulk of the daily traffic count on Silver Sage Lane is from this one parcel, many of which are heavy duty trucks with loaded trailers, commercial trucks delivering hay and servicing the portable restroom.

The original special use permit (document #349006) lists no restrictions or conditions. County code 16.16.020.8.B(2) states “if any of the conditions for a home business permit cannot be met, the applicant may apply for a special use permit pursuant to section 16.08.080 of this title. The conditions for a home business permit continue to apply and may not be exceeded, except as specifically described”. If the subject did not meet the conditions of County Code

16.16.020.8.B(1), then why were the conditions not specifically described in the original permit as per County Code 16.16.020.8.B(2)?

Bill passed away in 2014 leaving Marlene to run the business until her failing health forced her to sell the property in 2018. Kelly Gross, who lived down the street at the time, purchased the property, and continued running the business with her boyfriend at the time, Dan. According to Churchill County Code 16.08.080(K)(5), the special use permit granted for this home-based business should have terminated upon relocation of Marlene Holmes.

Upon inquiry, we were told by the Planning Director, Michael Johnson, that special use permits run in perpetuity. We question the validity of this since the recorded permits do not include a legal description which would convey the permit from one owner to another, or if the assessor's parcel number changed. "A parcel number assigned by a county assessor does not constitute a correct and complete legal description" according to NRS 361.189(7). We are unable to find any county in the state that allows land use permits to transfer to a new owner without renewing the permit. Even building permits in Churchill County expire when ownership of the property changes.

In October 2021, Mrs. Gross purchased another home in the county. She no longer resides at 4755 Silver Sage Lane. Again, according to Churchill County Code 16.08.080(K)5, "a special use permit granted for a home-based business shall terminate upon the close of the business or relocation of the business owner". Mrs. Gross no longer resides on the property; therefore, the property does not qualify as a home business.

In March 2021, Mrs. Gross obtained a Temporary Use Permit (Document #486863) for Dan to reside in an RV on the property while she and her new husband resided in the house. The permit was granted as a watchman's quarters. Churchill County code 16.08.070(B)(2) defines this type of permit as "temporary living quarters for watchman's quarters is only permitted in conjunction with a commercial or industrial operation and is to be used for security purposes only. These security purposes must be proven, established, justified, or demonstrated." As a home-based business, how could this property be granted a permit for a commercial venture when this is a residential property and is not commercially zoned? How was the need demonstrated for a watchman when Mrs. Gross lived on the property at the time? This TUP should be terminated since Dan resides in the house on the property. Additionally, we have reason to believe that someone is renting at least one of the two RVs shown north of the shop in the photo that accompanied the March 28, 2023, letter from the Planning Department.

Proof of the commercial venture can be found at <https://silversagehorseboarding.com>. Does a home based business allow public access 24 hours a day? The previous owner closed the gates to the property half hour before dark. The traffic now comes and goes at all hours of the day and night. This business has expanded to more than horse boarding. They host clinics and allow trainers to bring client horses to the property as well. At any given day, the property may be visited by dozens of people, vehicles, and horses. The expansion of the facility as not approved by the County, nor did the neighbors have any say in matter. Building permits were only issued for the construction of the hay storage and the TUP inspection. Prior to 2018, there were 20

stalls on the property, now there are 32 stalls, and two extra pens. The video on their website shows pens occupied by two horses, which means possibility of at least 68 horses on the five acre property. At any given time, it is hard to determine the possible number of horses present at Silver Sage Horse Boarding, the current numbers include:

- Boarding local horses
- Boarding horses of travelers passing through
- Horses hauled in for training.
- Horses hauled in for private lessons or clinics.
- Already allows outside horses to be hauled to see the veterinarian.

The USDA and the State of Nevada require a health certificate, a negative Coggins (ELISA or AGID) within 12 months, and proof of ownership (brand inspection certificate, bill of sale, registration papers, Coggins test result form) to transport equid. These documents are required to help control the spread of diseases from animal to animal and from place to place. Do all horses boarded on the property, and all horses trailered in have all these required documents?

The parcel is serviced by a domestic well. A domestic well is one that serves a single home without a water right permit. Domestic well water usage may not exceed 1,800 gallons per day per NRS 534.180. Furthermore, there is concern that the neighboring wells could be contaminated with water borne pathogens and nitrates with so many animals on the five acre parcel. There are no dust control measures in place for riding or the excessive traffic. A domestic well cannot support an irrigation system for dust control without exceeding the daily well water usage.

The original owners had installed a perimeter fence which keep both horses and dogs contained within the parcel. Mrs. Gross removed this fencing and installed open pipe fencing. Boarders and guests are allowed to bring their dogs onto the property which are then allowed run the neighborhood, resulting in dog fights and the harassment of neighborhood livestock.

In March 2020, the owner of the subject property installed LED riding area lights which not only light up the entire neighborhood, but the lights also encourage boarders to ride well into the night. Mrs. Gross did not ask permission from the County or the neighbors before installing the lights. Churchill County Code 16.16.020.7 requires that “lighting shall be limited to illuminating the site and will be designed to utilize downward facing lighting and lighting that is shielded to minimize off site light and glare.”

Churchill County Code 16.08.080.A states “the issuance of a special use permit is discretionary and not a matter of right”. A business operating on a property that is not zoned for commercial uses should also be subject to the approval of the residents of the neighboring properties. We understand wanting to allow people to do what they want on their property, but it should not be at the expense of others. The definition of a private nuisance is when a landowner engages in an activity that significantly interferes with the use or enjoyment of another person’s property.

In closing, the residents of Silver Sage Lane feel the operation has outgrown its current location and needs to be moved to a location of the appropriate size and zoning.

CLTIT Feltw

NAC 444.775 "Single-family dwelling" defined. ([NRS 439.200](#), [444.650](#))

1. "Single-family dwelling" means one or more buildings that:
 - (a) Are designed and used as a home by the occupants of the buildings;
 - (b) Include a bathroom unit and a kitchen unit; and
 - (c) Are served by an individual sewage disposal system.
2. The term does not include an accessory structure or a multiple-dwelling structure.

(Added to NAC by Bd. of Health by R129-98, eff. 3-25-99; A by R100-07, 10-31-2007)

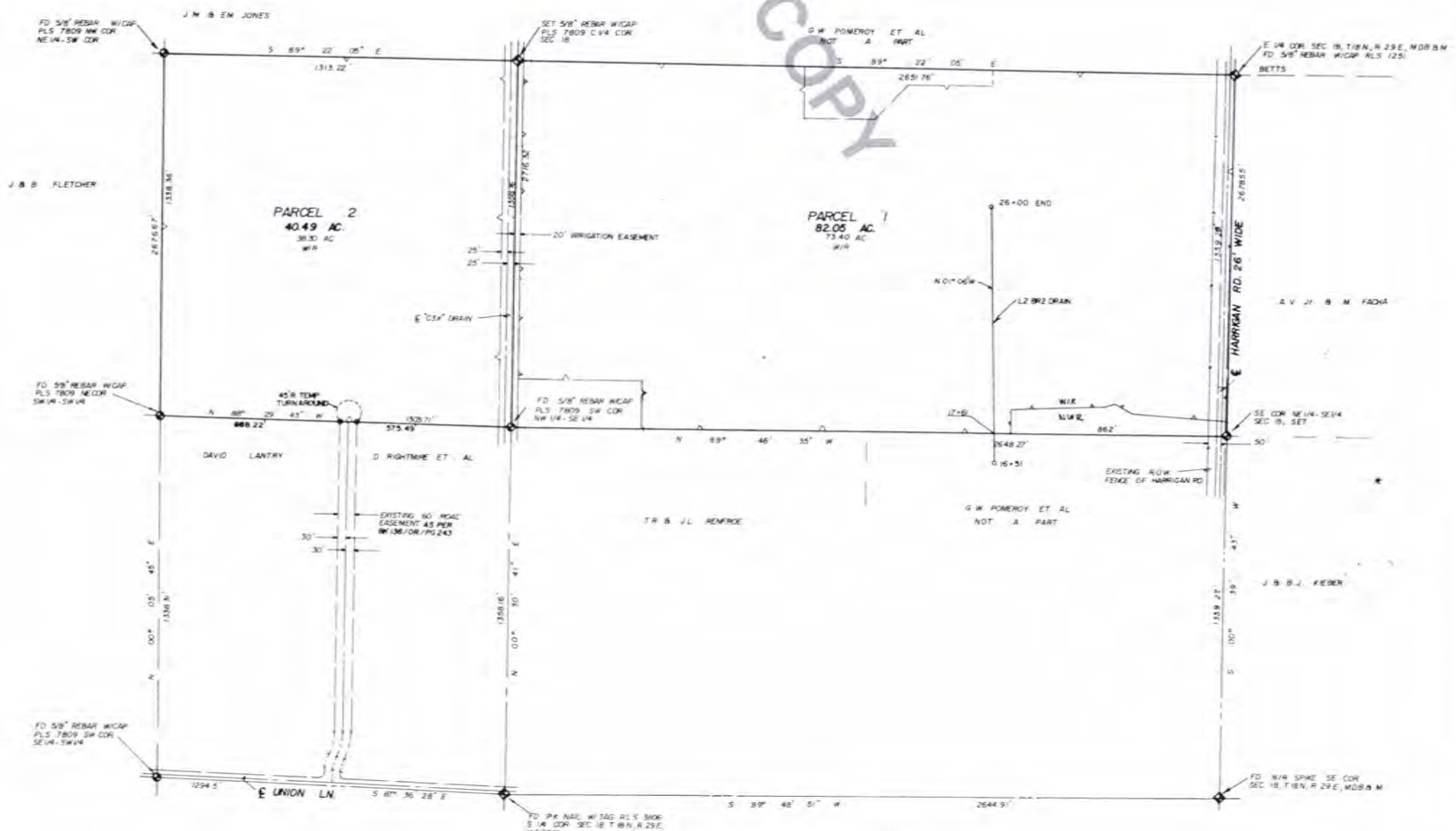
NAC 444.8302 Plans for commercial systems to be submitted for review. ([NRS 439.200](#), [444.650](#)) The plans for a commercial system must be submitted for review to the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(Added to NAC by Bd. of Health by R129-98, eff. 3-25-99; A by R100-07, 10-31-2007)

The undersigned is a resident of Silver Sage Lane and is in opposition of a special use permit for Silver Sage Horse Boarding located at 4755 Silver Sage Lane.

Property Owner Name	Address	Comments
Chit Lee	4720 Silver Sage Ln	
Donna & Feltan	" "	
Sisa E. Smith	4870 Silver Sage Ln	
Scott Smith	4820 Silver Sage Ln	
John Smith	4895 Silver Sage	
John Smith	4895 Silver Sage	
Jesse Renfro	4580 Silver Sage Ln	
Dan Barry	4580 Silver Sage Ln	
Mikhaela Sanches	4825 Silver Sage	
Jacob Sanches	4825 Silver Sage	
Kyan Jones	4940 Silver Sage	
Y. M. Lee	4970 Silver Sage	
Damon Elder	" "	
John Smith	4650 Silver Sage	
Anna Smith	4650 Silver Sage Ln	
Boanne Clark	4969 Silver Sage	
Guy Lewin	4969 Silver Sage	
Judy Burdette	4777 WEAVER RD	
Paul R. Burdette	4777 Weaver Rd	
Carole Green	4615 Silver Sage Ln	
Dan Smith	4545 Silver Sage Ln	

EXHIBIT “A”



LEGEND

- SET 5/8" REBAR W/ CAP PLS. 7809
- FD 5/8" REBAR W/ CAP PLS. 7809 OR AS DESCRIBED
- SURVEY POINTS NOT SET OR FOUND
- WN TRANS NO 43118

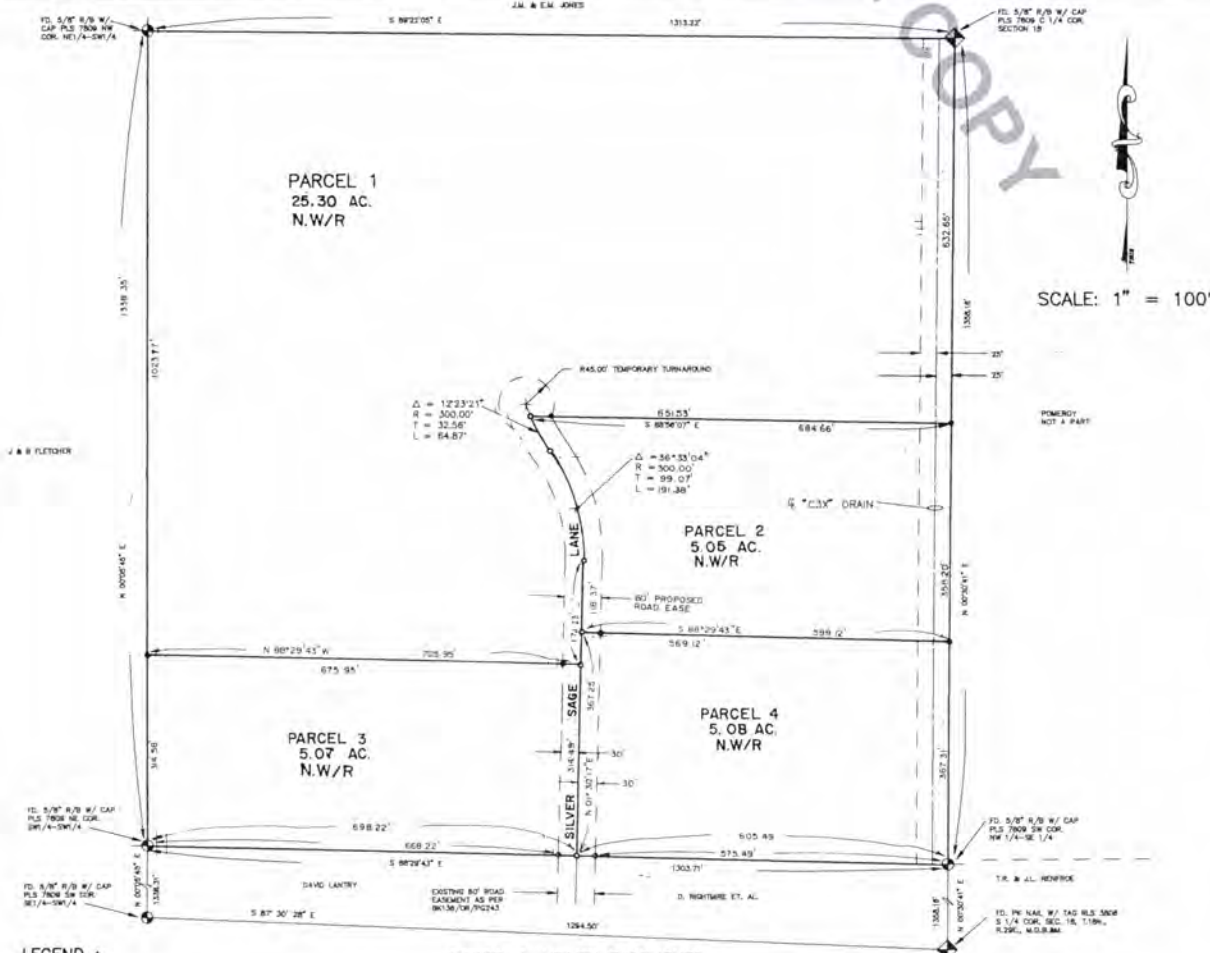
BASIS OF BEARING

N 89° 48' 5" E ALONG THE SOUTH LINE OF SEC 18,
T 18 N., R 29 E., M.D.B. & M. AS PER A PARCEL MAP FOR
G.W. POMEROY & FILE NO. 249595 IN THE CHURCHILL
COUNTY RECORDER'S OFFICE.



DIVISION INTO LARGE PARCEL MAP
FOR
**GEORGE W. POMEROY Jr. &
MILDRED B. POMEROY**
A PORTION OF THE SOUTH 1/2 OF
SEC 18, T.18 N., R.29 E., M.D.B. & M.

DRAWN BY: S.D. QUINN
DATE: 25 MARCH 1992
SCALE: 1" = 200'
JOB NO.: 2396



OWNERS' CERTIFICATE

THE UNDERSIGNED, THE OWNERS OF THE REAL PROPERTY DEPICTED HEREIN, WARRANTS THAT ALL PURCHASERS HAVE OR WILL BE PROOF TO THE COMPLETION OF ANY SALE OF THE PROPERTY SHOWN HEREIN INFORMED THAT PURSUANT TO N.R.S. 569.440 AND N.R.S. 569.450, NEVADA IS AN OPEN RANGE STATE AND IT IS THE RESPONSIBILITY OF THE PROPERTY OWNERS TO FENCE OUT LIVESTOCK, AND THEY ALSO HEREBY DEDICATE AND SET APART ALL EASEMENTS FOR UTILITY INSTALLATION AND ACCESS SHOWN HEREON TO BE USED FOREVER.

George W. Pomeroiy Jr. *Mildred B. Pomeroiy*

STATE OF NEVADA } S.S.
COUNTY OF CHURCHILL }

ON APRIL 28, 1992 PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, *George W. Pomeroiy Jr.* & *Mildred B. Pomeroiy* WHO ACKNOWLEDGED THAT THEY EXECUTED THE ABOVE INSTRUMENT.

Steven E. Hampton
NOTARY PUBLIC
STEVEN E. HAMPTON
NOTARY PUBLIC - NEVADA
CHURCHILL COUNTY
MY AGT. EXPIRES MAY 27, 1993

SURVEYOR'S CERTIFICATE

L. BARRY A. FITZPATRICK, PROFESSIONAL LAND SURVEYOR IN THE STATE OF NEVADA CERTIFY THAT:

- (1) THIS IS A TRUE AND ACCURATE REPRESENTATION OF THE LANDS SURVEYED UNDER MY SUPERVISION AT THE INSTANCE OF GEORGE POMEROY.
- (2) THE LANDS SURVEYED LIE WITHIN SEC. 18, T. 18 N., R. 29 E., M.D.B. & M. AND THE SURVEY WAS COMPLETED ON 4/22/92.
- (3) THIS PLAT COMPLETES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES.
- (4) THE MONUMENTS ARE OF THE CHARACTER SHOWN AND OCCUPY THE POSITIONS INDICATED.

Barry A. Fitzpatrick
L. BARRY A. FITZPATRICK, P.L.S. 1989

STATE OF NEVADA } S.S.
COUNTY OF CHURCHILL }

ON APRIL 29, 1992 PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, *George W. Pomeroiy Jr.* & *Mildred B. Pomeroiy* WHO ACKNOWLEDGED THAT THEY EXECUTED THE ABOVE INSTRUMENT.

Kathy Hibel
NOTARY PUBLIC
KATHY HIBEL
NOTARY PUBLIC - NEVADA
CHURCHILL COUNTY
MY AGT. EXPIRES APR 24, 1993

PLANNING COMMISSION APPROVAL

RECOMMEND APPROVAL / ~~RECOMMEND~~ THIS 10th DAY OF June, 1992 BY THE CHURCHILL COUNTY PLANNING COMMISSION.

Paul W. Wilson
PLANNING COMMISSION CHAIRMAN

CHURCHILL COUNTY COMMISSIONER'S CERTIFICATE

CHURCHILL COUNTY ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE MAINTENANCE OR OPERATION OF THE ROADWAYS AND EASEMENTS DEPICTED AND DESCRIBED HEREON. CHURCHILL COUNTY SPECIFICALLY DECLINES TO ACCEPT SAID ROADWAYS AS DESIGNATED STREETS OR HIGHWAYS OR THIS 10th DAY OF June, 1992.

Paul W. Wilson
CHURCHILL COUNTY COMMISSIONERS' CHAIRMAN

RECORDER'S CERTIFICATE

FILE NO. 278698
FILED FOR RECORD AT THE REQUEST OF CHURCHILL COUNTY ON THE 22nd DAY OF SEPTEMBER 1992 AT 2:00 MINUTES PAST 2 O'CLOCK PM IN THE MAP FILES OF CHURCHILL COUNTY, NEVADA.
FILED 16.00
CHURCHILL COUNTY RECORDER

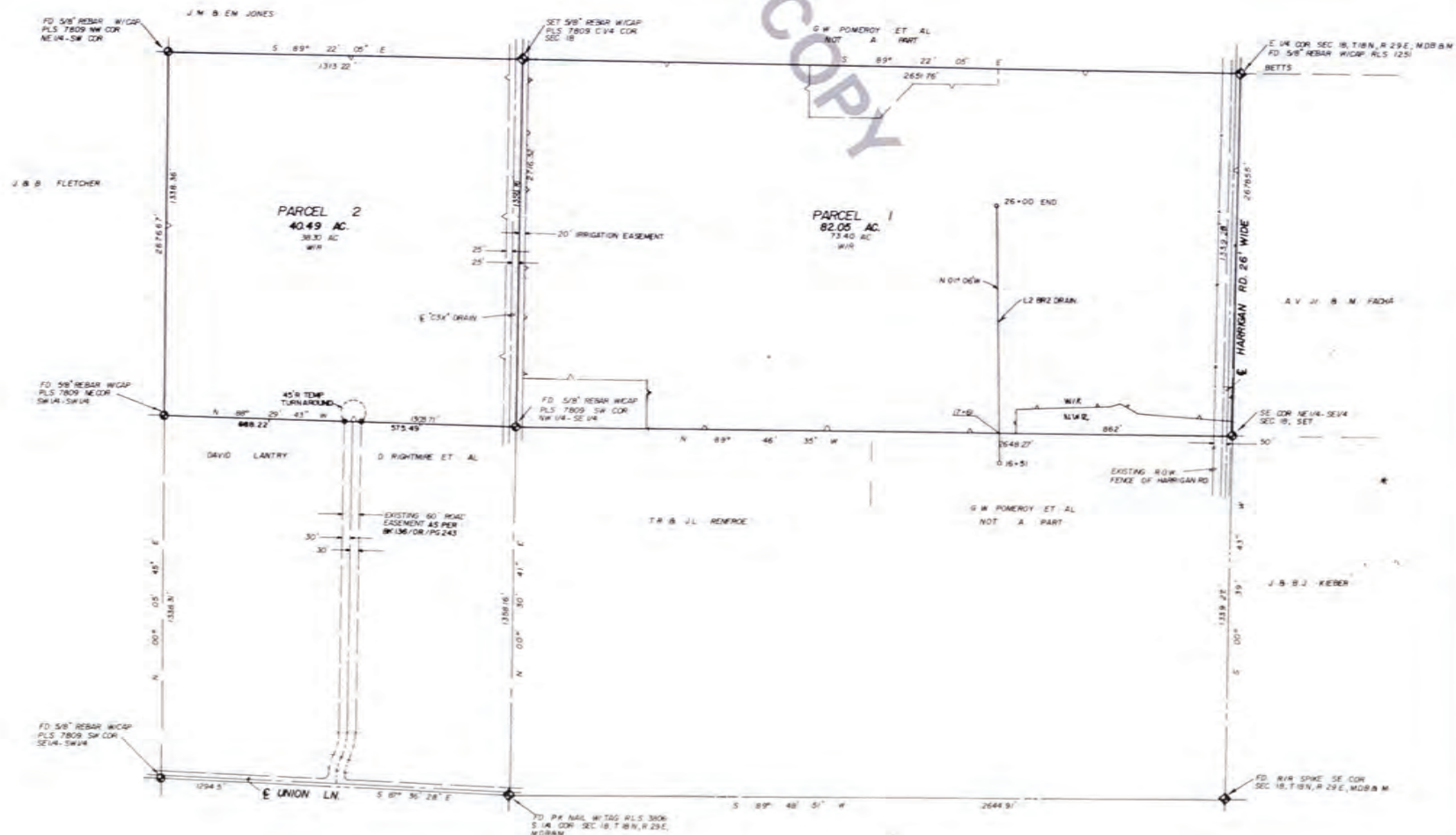
DEPUTY
SEE CERTIFICATE OF AMENDMENT DOCUMENT # 271297

PARCEL MAP

FOR
GEORGE W. POMEROY JR. & MILDRED B. POMEROY
PARCEL 2 OF THE POMEROY DIVISION INTO LARGE
PARCEL MAP FILE# 268273, CHURCHILL COUNTY RECORDS.

A PORTION OF THE SW 1/4 OF SECTION 18, T. 18 N., R. 29 E., M.D.B.M.

Drawn by: JENNIFER SPANGLER
Date: APRIL 22, 1992
Scale: 1" = 100'
Job No.: 2366



LEGEND

- SET 5/8" REBAR W/ CAP P.L.S. 7809
- FD. 5/8" REBAR W/ CAP P.L.S. 7809 OR AS DESCRIBED
- SURVEY POINTS NOT SET OR FOUND

MIN. TRANS. NO. 431-8

BASIS OF BEARING

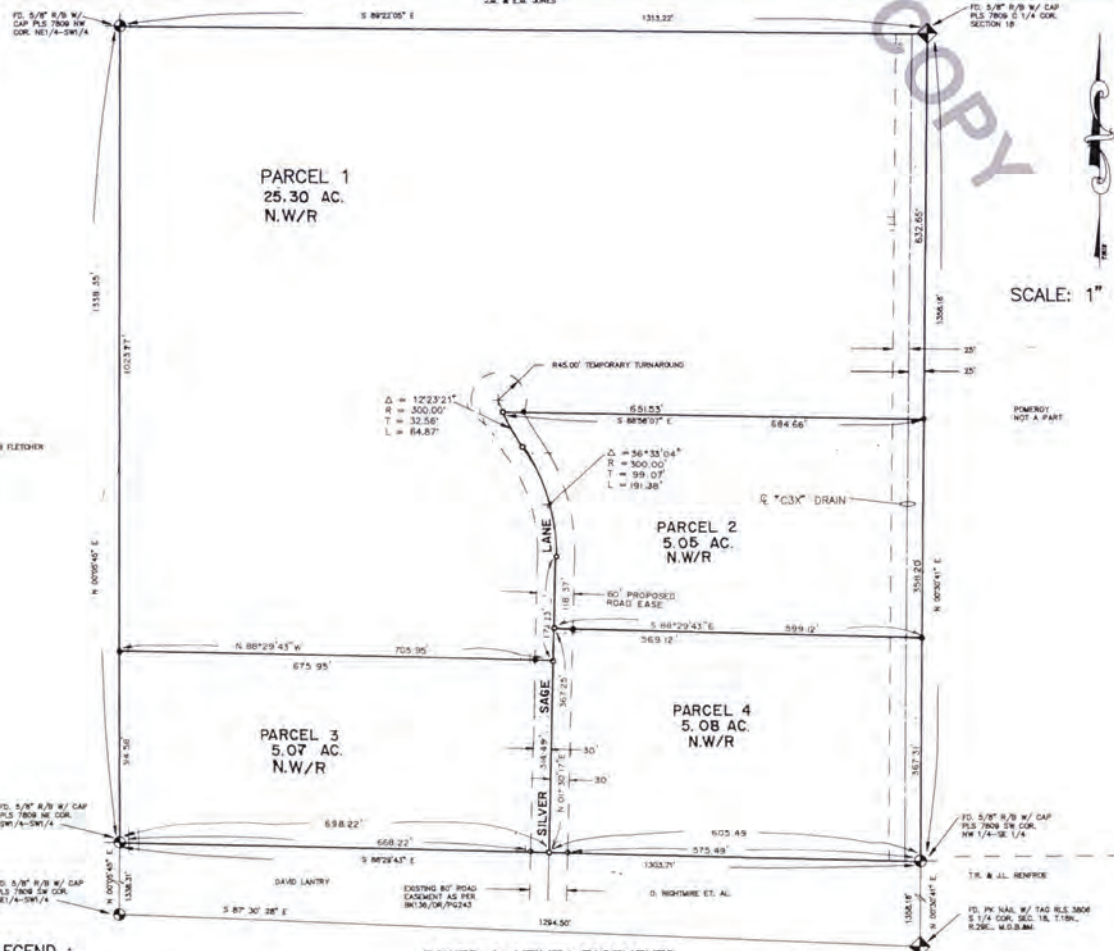
N 89°48'51" E ALONG THE SOUTH LINE OF SEC. 18,
T.18 N., R. 29 E., M.D.B. & M. AS PER A PARCEL MAP FOR
G.W. POMEROY & FILE NO. 249595 IN THE CHURCHILL
COUNTY RECORDER'S OFFICE.



DIVISION INTO LARGE PARCEL MAP
FOR
**GEORGE W. POMEROY Jr. &
MILDRED B. POMEROY**
A PORTION OF THE SOUTH 1/2 OF
SEC. 18, T.18 N., R.29 E., M.D.B. & M.



DRAWN BY: S.D. QUINN
DATE: 20 MARCH 1992
SCALE: 1"=200'
JOB NO.: 2366



LEGEND :

- FD. SURVEY POINTS W/ 5/8" R/B W/ CAP P.L.S. 7809 OR AS DESCRIBED
- SET SURVEY POINTS W/ 5/8" R/B W/ CAP P.L.S. 7809
- SURVEY POINTS NOT SET

BASIS OF BEARING

N 88° 29' 45" W ALONG THE SOUTH LINE OF THE NE 1/4 - SW 1/4 OF SECTION 18, T. 18 N., R. 29 E., M.D.B.M. AS PER POMEROY DIVISION INTO LARGE PARCELS MAP FILE # 268273 IN THE CHURCHILL COUNTY RECORDER'S OFFICE.

COUNTY CLERK TREASURER CERTIFICATE

THE UNDERSIGNED, CHURCHILL COUNTY CLERK TREASURER, DO HEREBY CERTIFY THAT THERE ARE NO LIENS AGAINST ANY OF THE LANDS IN THE DEVELOPMENT FOR UNPAID TAXES OF THE STATE OR COUNTY OR SPECIAL ASSESSMENTS, AND THAT ALL TAXES FOR THE CURRENT TAX YEAR ARE PAID IN FULL.

Ruby Anderson
CHURCHILL COUNTY CLERK TREASURER

POWER & UTILITY EASEMENTS

- 10' ON EXTERIOR BOUNDARY
- 5' ON EACH SIDE OF INTERIOR LOT LINES
- 7.5' ALONG ROAD EASEMENTS

UTILITY COMPANIES

THE EASEMENTS SHOWN ON THIS PLAT HAVE BEEN CHECKED AND APPROVED BY :

Daugherty & Hill 4-27-92
CHURCHILL COUNTY TELEPHONE AND TELEGRAPH SYSTEM DATE
W. H. H. H. 4-28-92
CHURCHILL COUNTY ROAD DEPARTMENT DATE
James H. H. 4-28-92
CHURCHILL COUNTY FIRE DEPARTMENT DATE
W. H. H. H. 4-27-92
SERRA PACIFIC POWER COMPANY DATE
W. H. H. H. 4-27-92
TRUCKEE CARSON REGIONAL DISTRICT DATE

OWNER

GEORGE W. POMEROY JR., ET. AL.
4750 HARRISON ROAD
FALLON, NEVADA 89406
APR: 06-811-06
ZONE: A-2
SEE W/R AGREEMENT NO. 270515

COUNTY SURVEYOR

L. Lowell B. B. BEING FIRST DUTY SWORN DECLARE THAT I HAVE EXAMINED THIS MAP AND FIND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT ALL PROVISIONS OF THE LAW HAVE BEEN MET AND THAT THIS MAP IS TECHNICALLY CORRECT.

Lowell B. B.
CHURCHILL COUNTY SURVEYOR

COUNTY CLERK CERTIFICATE

APPROVED AND ACCEPTED THIS 31st DAY OF July 1992 BY THE CHURCHILL COUNTY COMMISSIONERS.

Ruby Anderson
CHURCHILL COUNTY CLERK

OWNERS' CERTIFICATE

THE UNDERSIGNED, THE OWNERS OF THE REAL PROPERTY DEPICTED HEREIN, WARRANTS THAT ALL PURCHASERS HAVE OR WILL BE PRIOR TO THE CONSUMMATION OF ANY SALE OF THE PROPERTY SHOWN HEREIN INFORMED THAT PURSUANT TO N.R.S. 569.440 AND N.R.S. 569.450, NEVADA IS AN OPEN RANGE STATE AND IT IS THE RESPONSIBILITY OF THE PROPERTY OWNERS TO FENCE OUT LIVESTOCK, AND THEY ALSO HEREBY DEDICATE AND SET APART ALL EASEMENTS FOR UTILITY INSTALLATION AND ACCESS SHOWN HEREON TO BE USED FOREVER.

George W. Pomero Jr. *Mildred B. Pomero Jr.*

STATE OF NEVADA } S.S.
COUNTY OF CHURCHILL

ON APRIL 28, 1992, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, *George W. Pomero Jr.* & *Mildred B. Pomero Jr.* WHO ACKNOWLEDGED THAT THEY EXECUTED THE ABOVE INSTRUMENT.

Steven E. Hampton
NOTARY PUBLIC



SURVEYOR'S CERTIFICATE

I, BARRY A. FITZPATRICK, PROFESSIONAL LAND SURVEYOR IN THE STATE OF NEVADA CERTIFY THAT:

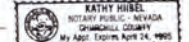
- (1) THIS IS A TRUE AND ACCURATE REPRESENTATION OF THE LANDS SURVEYED UNDER MY SUPERVISION AT THE INSTANCE OF GEORGE POMEROY
- (2) THE LANDS SURVEYED LIE WITHIN SEC. 18, T. 18N., R. 29E., M.D.B. & M. AND THE SURVEY WAS COMPLETED ON 4/22/92
- (3) THIS PLAT COMPLES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES
- (4) THE MONUMENTS ARE OF THE CHARACTER SHOWN AND OCCUPY THE POSITIONS INDICATED.

Barry A. Fitzpatrick
BARRY A. FITZPATRICK, P.L.S. 1989

STATE OF NEVADA } S.S.
COUNTY OF CHURCHILL

ON APRIL 29, 1992, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, *George W. Pomero Jr.* & *Mildred B. Pomero Jr.* WHO ACKNOWLEDGED THAT THEY EXECUTED THE ABOVE INSTRUMENT.

Kathy Hibel
NOTARY PUBLIC



PLANNING COMMISSION APPROVAL

RECOMMEND APPROVAL / ~~RECOMMEND~~ THIS 10th DAY OF June, 1992 BY THE CHURCHILL COUNTY PLANNING COMMISSION.

David M. Wilson
PLANNING COMMISSION CHAIRMAN

CHURCHILL COUNTY COMMISSIONER'S CERTIFICATE

CHURCHILL COUNTY ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE MAINTENANCE OR OPERATION OF THE ROADWAYS AND EASEMENTS DEPICTED AND DESCRIBED HEREON. CHURCHILL COUNTY SPECIFICALLY DECLINES TO ACCEPT SAID ROADWAYS AS DEDICATED STREETS OR HIGHWAYS OR PAVE CLASS. DAY OF July, 1992.

David M. Wilson
CHURCHILL COUNTY COMMISSIONERS CHAIRMAN

RECORDER'S CERTIFICATE

FILE NO. 270696
FILED FOR RECORD AT THE REQUEST OF CHURCHILL COUNTY ON THE 28th DAY OF SEPTEMBER, 1992 AT 2:00 MINUTES PAST 2 O'CLOCK PM IN THE MAP FILE OF CHURCHILL COUNTY, NEVADA.
FEE: 12.00
James M. H.
CHURCHILL COUNTY RECORDER

SEE CERTIFICATE OF AMENDMENT DOCUMENT # 271297

PARCEL MAP

FOR
GEORGE W. POMEROY JR. & MILDRED B. POMEROY
PARCEL 2 OF THE POMEROY DIVISION INTO LARGE
PARCEL MAP FILE # 268273, CHURCHILL COUNTY RECORDS.

A PORTION OF THE SW 1/4 OF SECTION 18, T. 18 N., R. 29 E., M.D.B.M.



Drawn By: JENNIFER SPINDLE
Date: APRIL 22, 1992
Scale: 1" = 100'
Job No.: 2366

EXHIBIT “B”

DECLARATIONS OF PROTECTIVE CONDITIONS, COVENANTS, AND
RESTRICTIONS FOR THE GEORGE POMEROY SILVER SAGE PARCELS:

STATE OF NEVADA:

January, 1995

COUNTY OF CHURCHILL:

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, the legal owners of the real property described development in the County of Churchill, State of Nevada, and held in the office of the County Recorder of Churchill County, Parcel Maps #282182 and #283074, do hereby certify and declare that they have established and by these presents do hereby establish the following restrictions, covenants, and conditions subject to which all lots, parcels and portions of said subdivision shall be held, used, leased, sold, and conveyed hereby specifying that said declarations shall constitute covenants to run with all of the land, as provided by law, shall be binding on all the parties and persons claiming under them, and for the benefit of and limitations upon all future owners in said development this declaration of restrictions being designed for the purpose of keeping development desirable and uniform and suitable in architectural design and use as herein specified:

1) All parcels shall be known and described as residential parcels. No structure shall be erected, altered, placed, or permitted to remain on any residential building plot other than one family dwelling unit. In addition to one main residence, a guest house may be constructed, but not let to tenants. All sheds, barns, and other outbuildings are to be constructed of at least painted hardboard siding and composition shingle roofing or of enamel paint finished ridge rolled steel material or aluminum of pleasing style and color.

2) No residence of any kind of what is commonly known as "boxed" or "sheet metal" or other makeshift or temporary houses or travel trailers shall be built or moved, for dwelling purposes. Manufactured homes of 1990 or newer manufacture date with wood or hardboard siding may be placed on the property. They must be fully skirted with a material similar to the siding material, vinyl skirting, or finished with concrete or concrete block. All residences must be a minimum of 1200 square feet in size and a minimum of 24 feet in width. The roofs must be composition shingles or a higher grade of material and must have eaves with a minimum of ten (10) inches overhang. Also, there must be a minimum of one (1) dormer to enhance the roof line.

3) All lavatories and toilets shall be built indoors and connected with outside septic tanks until such time as a sewer system shall be provided, at which time the purchases, his successors or assigns, shall connect said premises therewith.

Location and quality of said septic tanks shall be in accordance with the regulations of the State Health Department.

4) No manufacturing or commercial enterprise or store or meeting place shall be maintained on the parcels, except that a physician or like professional may use his phone for business contacts normally carried on in such manner. No nuisance, offensive, noisy or illegal calling shall be suffered or permitted upon this property. No part of the premises shall be used or occupied injuriously to affect the use or value of other residences in the parcel area.

5) No noisy, odorous or offensive livestock or poultry or other dangerous or obnoxious animals or pets may be kept on any of the tracts herein conveyed, and no part of said premises shall be used or occupied injuriously to affect the use, occupation of value of the adjoining or adjacent premises for residential purposes of the neighborhood wherein said premises are situated; provided, however, that this provision will not prohibit the keeping of horses or cattle or sheep. All animals must be kept in an appropriate enclosure so as not to injure or interfere with anyone in the neighborhood. Each parcel shall be kept in a clean and sanitary condition so as to prevent flies and other insects and offensive odors from becoming a nuisance or annoyance to the neighborhood. No more than five (5) total domestic pets, (dogs, cats, etc.,) are allowed.

6) No signs, billboards or advertising services, except those used in the sale of this property, shall be placed on any building in said subdivision.

7) No building or structure shall be erected or permitted on any parcel nearer than 30 feet from any street or road or 10 feet from the side lines or 20 feet from the rear line of any parcel.

8) No parcel is to be maintained as a dumping ground for rubbish, trash, garbage, or other waste and all such materials must be kept in sanitary containers.

9) No car, truck, motorcycle, or other vehicle not in legal, licensable, and running condition shall be allowed to remain exposed to public view on any lot for more than thirty (30) calendar days. No motorized equipment not in running and operable order shall be allowed to remain exposed to public view for more than thirty (30) calendar days.

10) No construction of any kind shall be permitted on any parcel which does not meet the minimum requirements of these restrictions or of state or county building or construction requirements, whichever is greater.

11) Declarants reserve to themselves or to their heirs or assigns the right to install and maintain public, quasi-public and or private easements for roads, streets, bridges, waterworks,

wells, pipelines, ditches, drainage and other similar purposes incident to the development of the property either as shown on the recorded plot map or if not so shown, then between the perimeter lot line and building set back line.

12) No refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon; and in the event the owner of any parcel in said parcels shall fail or refuse to keep the said parcel free of refuse piles or other unsightly objects then Declarant or its successors or assignees shall have the right to enter upon the lot and remove the same at the expense of the owner and such entry shall not be deemed trespassing.

13) All property owners of said parcels by virtue of ownership of any and all parcels also participate in the ownership and maintenance of roads.

14) Each parcel shall be a (5) five acre, more/less, parcel and shall not be further divided.

15) While no covenants are made concerning landscaping and maintaining the appearance of the grounds and buildings thereon, it is agreed that the orderliness and neatness are a part of the value of the district and failure to keep up the premises may damage the value of adjoining property or other sites in the tract and thus is a possible cause for legal complaint.

16) Any structures, whether primary residence or outbuilding, shall be completed within one year from the date it is started. No one shall be allowed to live in any structure until a Notice of Completion shall have been filed.

17) These covenants shall run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from date, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by a vote of three-fourths (3/4) of the then owners of the parcels it is agreed to change the covenants in whole or in part.

18) The undersigned and every person hereinafter having any right, title, or interest in any parcel shall have the right to prevent or stop violation of any of the said restrictions, by injunction or other lawful procedure, and to recover any damage resulting from such violation.

19) Failure by the undersigned or any person hereinafter having any right, title, or interest in any parcel to enforce any restriction, condition, covenant or agreement herein contained, shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to occurring prior to subsequently thereto.

20) It is expressly understood that in the event any covenant or condition or restriction therein above, or any portion thereof, is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition or restriction.

21) Each grantee of a conveyance, purchased under contract of sale or lease under any lease by accepting a deed, or contract of sale or agreement of purchase or a lease accepts the same subject to all of the covenants, restrictions, easements and agreements set forth in this declaration and agrees to be bound by the same whether or not they are set forth or referred to in such instrument. Damages for any breach of the terms, restrictions, and provisions of this declaration are hereby declared not to be adequate compensation therefore; and such breach and any continuation thereof may be adjoined or abated by appropriate action by the Declarants, their successors, heirs, or assigns, or by an owner or by owners of the other parcels in said unit or units.

22) Any oil changes must be contained and disposed of in accordance with the current and future Environmental Protection Agency regulations. There shall not be any contaminants allowed to contaminate any property, private or public. Anyone violating any Environmental Protection Standards shall be personally liable.

23) Trees which are the natural boundaries between parcels are not to be destroyed without consent of the owners of the parcels adjoining the natural boundaries.

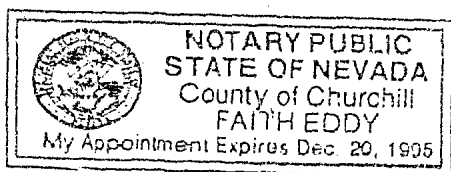
IN WITNESS WHEREOF, the undersigned have executed these presents this 15 day of February, 1995.

George Pomeroy
George Pomeroy

Mildred Pomeroy
Mildred Pomeroy

STATE OF NEVADA)
County of CHURCHILL) ss.

SUBSCRIBED AND SWORN BEFORE ME THIS 15TH DAY OF FEBRUARY, 1995.



Faith Eddy
NOTARY PUBLIC

287940

287940

OFFICIAL RECORDS
CHURCHILL COUNTY, NEVADA
RECEIVED

Mildred Ramsey
'95 FEB 15 12:58

TRENA MORETTO
COUNTY RECORDER
FEE 11.00 DEP AS

END OF DOCUMENT

EXHIBIT “C”

APN 006-811-60

349006

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

TO: Marlene Holmes
P.O. Box 725
Fallon, NV 89406

Pursuant to NRS 278.315, notice is hereby given that on the 8th day of January 20 03, A.D., the
Churchill County Planning Commission

(Granted) (Denied) a: 1) X Special Use Permit for a horse boarding business
under Churchill County Code 17.18.020.C
2) Variance from Churchill County Code

as authorized by the provisions of NRS 278.010 to NRS 278.630, inclusive, with respect to the
following described property : 4755 Silver Sage, Assessors Parcel Number 006-811-60, consisting of
5.08 of non water-righted property located in the A-2 land use district; situated in the NE¼ of SW¼ of
Section 18, T18N R29E M.D.B. & M.

SUBJECT TO: All provisions of Churchill County Code and acquisition of a business license.

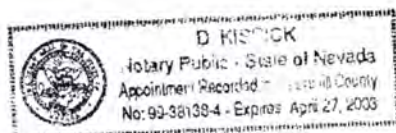
Within nine months of issuance of this notice applicant must demonstrate that steps have been taken to
enact this Special Use Permit. Failure to demonstrate this may result in termination of the Special Use
Permit.

DATED: This 21 day of January 20 03, A.D.

Eleanor Lockwood
Eleanor Lockwood, Director of Planning

SUBSCRIBED and SWORN to before me
this 21 day of January 20 03, A.D.

D. Kistick
Notary Public



RECORDER'S USE ONLY
WHEN RECORDED, MAIL TO 349006

349006
OFFICIAL RECORDS
CHURCHILL COUNTY NEVADA
RECORDED BY
CHURCHILL COUNTY Planning
03 JAN 22 PM 3:41

TRENA MORELLO
COUNTY RECORDER

FEE 14.00 DEP RS

END OF DOCUMENT

My original complaint was in the form of a Sheriff's voluntary statement, submitted after visiting with Sheriff Hickox on December 30, 2022. The original issue stemmed from our dog being attacked by a pit bull owned by one of the boarders at the Silver Sage Horse Boarding. When I approached the on-site manager Dan about the vet bill, he informed me that Mrs. Gross had instructed him not to provide me with the name of the dog owner, and if we wanted to do something about it, we could contact an attorney. I asked if he could turn it into their insurance and Dan told me that did not have business insurance. Sheriff Hickox wanted to turn the issue over to the Planning Department. I visited with Chris Spross and informed him that the once small home business had expanded in size.

On March 31, 2023, we received notice of a hearing scheduled for April 12th. I met with Zoanne Clark who resides at 4969 Silver Sage Lane, which is the first property on the right. Ms. Clark is 82 years old and very upset about the situation and does not want to attend this hearing for fear for her health and for fear of retaliation from the Planning Department. Ms. Clark, a lifelong horsewoman, told me she had wanted to start an overnight horse boarding business. She claims that Mrs. Gross reported her to the Planning Department, who then visited her property and informed her that she was to cease any business activities, and to file for a special use permit. They also told her she needed to file for a temporary use permit for her disabled son to live on the property in an RV. She was granted the temporary use permit and has written a statement regarding the special use permit she would like me to read to the board for her.

Mrs. Clark is also upset that Mrs. Gross is being allowed to rent two travel trailers on the property. This was confirmed by Ted and Judy Renfroe who live east of the subject property. They provided three pictures which clearly show these trailers being lived in. The on-site manager Dan lives in the house, who is living in these two trailers? The Staff Report does not mention these two RVs or the TUP?

The application states that the subject parcel is not near a waterway nor there is not wildlife near the property. To the north of the subject parcel is a drain ditch that is less than ten feet away from a row of stalls. That ditch drains into a larger drain ditch to the east of the property which has water in it year round. This is a habitat for deer, turkeys, waterfowl, birds, and mountain lions. How is the applicant ensuring these waterways are not contaminated by the activities of the facility and equine waste?

On April 6, 2023, I took photos of seven out-of-state horses in one pen from the state of Oregon at Silver Sage Horse Boarding. Was proof of a current negative Coggins and health certificates for each horse verified before the horses were unloaded onto the property? In addition to the applicant, is the county liable at any point if an outbreak of an equine disease originates at Silver Sage Horse Boarding which results in the loss of horses on neighboring properties? I have many valuable horses which are vital to my 30 year horse business.





SIGNATURE
BY ROCKWOOD

RV CENTER





Silver Sage
Horse Boarding LLC



silversagehorseboarding.com

426-8006 or 427-3700

DAILY • WEEKLY • MONTHLY



Silver Sage Horse Boarding

Jul 30, 2020 · 🌐

...

Can you say...WOWZA!!! 98% complete 🏆
🐎🐎🐎.



👍❤️👏 36

16 comments • 2 shares



Silver Sage Horse Boarding

Mar 21, 2021 · 🌐

Yeppers, always a project going on!!
Can't wait to see this finished
project.....soon 🌈.

👍 11

3 comments

👍 Like

💬 Comment

➦ Share



👍 Like

💬 Comment

➦ Share



Silver Sage Horse Boarding

Apr 24, 2021 · 🌐

...

Fabulous turn out for our "Appreciation
BBQ". Thank you to you all.



👍❤️ 26

2 comments



Silver Sage Horse Boarding

...

Mar 6, 2020 · 🌐

Whoot whoot....we have arena lights....



👍❤️😮 40

2 comments · 1 share



Silver Sage Horse Boarding

...

Jul 9, 2020 · 🌐

Progress on the new stalls.....awesome.



👍❤️😮 16

2 comments · 2 shares



Silver Sage Horse Boarding

...

Sep 7, 2020 · 🌐

Happiness ❤️



👍❤️😮 26

1 comment



Silver Sage Horse Boarding

...

Dec 10, 2020 · 🌐

Progress.....



👍❤️😮 Natalie Pierson and 13 others 2 comments

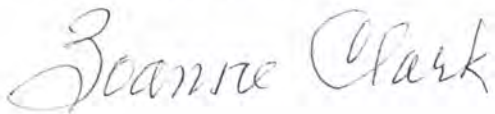
April 7, 2023

TO WHOM IT MAY CONCERN:

When I filled out an application for special use permit, I was told I needed a State Business License which I acquired. The permit was for overnight boarding of horses that were traveling not staying longer than one night. A gentleman from the County Office came out and looked over my Property. He was very polite. He told me that I could go before the commissioners but he personally thought that because they didn't want any businesses or traffic on this road, and wanted to keep it rural he didn't think it would be approved.

So, I dropped the idea and did not want to go before the board And waste their time and mine.

Zoanne Clark

A handwritten signature in cursive script that reads "Zoanne Clark". The ink is dark and the signature is fluid, matching the printed name above it.

Application:	Temporary Use Permit	Use Table Listing:	Temporary Quarters for Hardship/Caretaker
Applicant:	Zoanne Clark	Owner:	Zoanne Clark
Site:	4969 Silver Sage Lane (APN 006-811-62) – 5.5 acres		
Designations:	Master Plan – Agriculture // Zoning – A-5		

Background: This application results from enforcement action on the subject property for an RV being lived in. This request attempts to resolve the matters.

The property was previously on the Planning Commission agenda for the October 13, 2021 meeting, though the applicant asked to postpone the application and there has been no action on it. A horse boarding business had been run on the site. When discovered, the Code Compliance Official encouraged the applicant to submit a Home Business SUP. During the review, it was also learned that the applicant and her son were both living in RVs. The applicant was in the last stages of having a new manufactured home installed and has since moved out of the RV and into the home. The applicant was informed that she needed a Temporary Use Permit for her son to live in the RV, which is the purpose of this application. Other issues arising from that review are:

- Regarding the horse boarding use, the applicant recently stated that is no longer taking place. But neighbors have called to complain about the continued business activity.
- It was also learned that the horse corral covers were unsecured and had been installed without building permits.
- A second uninhabitable mobile home was placed very close to an old creosote timber constructed building, has no placement permit, and is a violation. The applicant indicates it is being used for a "play house" for kids to sleep and watch TV, so it is being occupied. It may have electricity connected to it, but currently does not appear to have bath or kitchen appliances present or operable. It does not meet separation requirements from the adjacent building.

never used - is now storage

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/Caretaker purposes to place a recreational vehicle (RV) of unknown age on the property. The unit is already on-site, and is set up for use. It has been on site since early 2021 when the applicant purchased the property.

Ms. Clark is 81 years old, and is requesting a temporary quarters for her son Guy Lewin to live in and assist her with maintenance of the property and keep an eye on her. Ms. Clark will live in the permanent home, and her son will live in the temporary quarters. The site plan shows the proposed layout; and the RV will be located near the shop/garage, and will connect to the site septic, power, and water. **NOTE** that the Code Compliance Official indicates that the son is also handicapped with mobility difficulties.

The property is one of many similar 5-acre residential lots along Silver Sage Lane. For the most part, these lots are surrounded by agricultural lands, with other 5-acre or similar lots mixed in. Adjacent to the south and east of the property are agricultural lands, the other side are residential. Access is from Silver Sage Lane, which is a County-maintained paved road located within 60' road easement centered on the west property, though the road deviates to the west side of the easement where it approaches its intersection with Union Road. The property does not front on Union Road, being separated by a TCID canal. Weaver Road runs along the east side, but is separated from the property by another delivery canal. Roads and property lines have utility easements along them.

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

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

The application indicates that the applicant is over 70 years old, though no documentation was provided.

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 16.08.070(B)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 006-811-62.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – add additional findings:] Specifically, the project fails to ... **[ADD NEEDED**

REASONING RELATED TO CRITERIA

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

- ☐ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the Temporary Use Permit application for Zoanne Clark to establish a Temporary Quarters for Hardship/Caretaker at 4969 Silver Sage Lane (APN 006-811-62).

For APPROVAL the motion should ADD:

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

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

1. This permit does not authorize a business to operate at the site. Doing so requires other permits.
2. The applicant shall provide documentation that the person needing care qualifies for the use either for age or physical/mental disability.
3. The temporary quarters must comply with Churchill County Code. All required Building Department approvals and safety certificates must be obtained, including any required set-up permits, and any inspections of water, septic and electrical connection.
4. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.
5. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
6. This temporary use permit is subject to annual renewal providing proof that the need still exists.

The undersigned is a resident of Silver Sage Lane and is in opposition of a special use permit for Silver Sage Horse Boarding located at 4755 Silver Sage Lane.

Property Owner Name	Address	Comments
Chit Lee	4720 Silver Sage Ln	
Donna & Felton	" "	
Risa E. Smith	4870 Silver Sage Ln	
Scott Smith	4820 SILVER SAGE LN	
John Smith	4895 Silver Sage	
John Porter	4895 Silver Sage.	
Jesse Behfro	4580 Silver Sage Ln	
Donny Barrenlee	4580 Silver Sage Ln.	
Mikhaela Sanches	4825 Silver Sage	
Jacob Sanches	4825 silver sage	
Kyan Hayes	4940 silver Sage	
Y. Mal	4970 Silver Sage	
Damon Elder	" "	
Mike Smith	4650 Silver Sage	
Mary Jo Smith	4650 Silver Sage Ln	
Sharon Clark	4969 Silver Sage	
Guy Lewin	4969 Silver SAGE	
Judy Ruffoe	4777 WEAVER RD	
Paul R. Ruffoe	4777 Weaver Rd	
Carly Green	4615 Silver Sage Ln	
Thomas Smith	4545 Silver Sage LA	
Robert Smith	150 Wilkate Dr	
Paula Mobley	4625 Schurz Hwy	
Rebecca Cleasrnt	4525 Schurz Hwy	



NEVADA DEPARTMENT OF AGRICULTURE

*Please note: NDA divisions are undergoing name changes. During the transition, you may see them referred to by two different names, the most notable being the Division of Consumer Fairability, changing to the Division of Measurement Standards. We apologize for any confusion and appreciate your patience and understanding during this transition.

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Animal

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Animal Disease Laboratory

Livestock Identification

Wildlife Services

Craft Food Operation

Dairy Distribution and Marketing

Food Safety

Nevada Import Requirements

All CVI's (Valid for 30 days from date of issuance), test results and other supporting documents (as required by species below) must be legible and faxed/e-mailed to the permit office before a permit number can be issued.

Fax #: 775-353-3659

E-mail: entrypermits@agri.nv.gov

Entry permits will only be issued during normal business hours M-F, 8:00am – 5:00 pm PST. We are closed on weekends and all major holidays.

If you do not receive a response within 24 hours of submission during normal business hours, please call 775-353-3709

**** Unapproved Forms** ** Effective March 21, 2018, Nevada no longer accepts certificates submitted on the APHIS 7001 forms****

IMPORTANT INFORMATION

■ New Entry Requirements for rabbits, hares, and associated products and equipment, Updated 8/28/20

1. All rabbits and hares require a Certificate of Veterinary Inspection. All rabbits and hares originating from states or countries where RHD has been diagnosed in the prior 12 months must have a CVI, and be inspected by an accredited veterinarian within the 72 hours prior to entering Nevada. The Certificate of Veterinary Inspection must include a statement by an accredited veterinarian certifying that:
 - All rabbits and hares in the shipment have been examined for, and found free of communicable diseases; and
 - All rabbits and hares have originated from a single premises that has no signs of a communicable disease; and
 - There have been no movements of rabbits and/or hares onto the premises over the prior 30 days; and
 - The animals have had no contact with wild rabbits or hares in the past 30 days.
2. No rabbits and hares or rabbit and hare products (meat, pelts, hides, carcasses, etc) and equipment or other items or associated materials may enter Nevada from a premises known to be affected with RHD.

Traceability for Livestock moving Interstate (effective 3/11/13):

Official identification is required for the following cattle and their official ID has to be recorded on the health certificate:

1. All sexually intact beef cattle 18 months of age and over
2. All dairy cattle of any age
3. All cattle used for rodeo, show or exhibition **NOTE Additional requirements are required for any cattle imported for rodeos, shows, and/or exhibition. See special requirements listed below under "Rodeo/Show/Event Cattle"**

Acceptable forms of identification:

1. Official eartags: metal (NUES) or 840-compliant (RFID or visual).
2. Official USDA backtags for cattle moving directly to slaughter
3. Registered breed tattoos when accompanied by certificate.
4. Orange brucellosis vaccinate tags (RFID or metal) for official calfhood vaccinates (OCV).

Beef Cattle/Bison

1. Health Certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry Permit
3. All sexually intact beef cattle 18 months of age and older require official identification and their official ID must be recorded on the CVI. All bison must be officially ID'd with the ID listed on the CVI.
4. All sexually intact females 12 months and older must be official brucellosis calfhood vaccinates (OCV) with a legible ear tattoo and brucellosis ear tag. The statement "These cattle/bison are OCV'd" must be written on the CVI. Adult vaccinates are not allowed entry into Nevada.
5. Any cattle/bison arriving from ID, WY, or MT that haven't originated from a Designated Brucellosis Surveillance Area (DSA) must have the statement "These cattle/bison did not originate from the DSA" written on the CVI. Sexually intact cattle or bison of any age moving from a DSA require a negative brucellosis test within 30 days prior to entry into Nevada. Legible test results must be faxed/e-mailed to the permit office before a permit number can be issued.
6. All bison, regardless of state of origin, that are 12 months and older must have a negative TB and brucellosis test within 30 days prior to entry. Legible test results must be faxed/e-mailed to the permit office before a permit number can be issued.

Steers:

1. Health Certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry Permit
3. All dairy steers, regardless of age, must be officially ID'd.

Heifers/Including Bison:

1. Health Certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry permit
3. All sexually intact beef heifers 18 months or older must be officially ID'd and the official ID must be listed on the CVI. All bison heifers must be officially ID'd with the ID listed on the CVI.
4. All dairy heifers of any age require official identification and their official ID must be recorded on the health certificate.
5. All dairy heifers 6 months of age or older must have a negative TB test within 30 days prior to entry. Legible TB test result forms must be faxed/e-mailed to the permit office before a permit number can be issued.
6. All sexually intact females 12 months and older must be official brucellosis calfhood vaccinates (OCV) with a legible ear tattoo and brucellosis ear tag. The statement "These cattle/bison are OCV'd" must be written on the CVI. Adult vaccinates are not allowed entry into Nevada.
7. Any cattle/bison arriving from ID, WY, or MT that haven't originated from a Designated Brucellosis Surveillance Area (DSA) must have the statement "These cattle/bison did not originate from the DSA" written on the CVI. Sexually intact cattle or bison of any age moving from a DSA require a negative brucellosis test within 30 days prior to entry into the state. Legible test results must be faxed/e-mailed to the permit office before a permit number can be issued.
8. All bison, regardless of state of origin, that are 12 months and older must have a negative TB and brucellosis test within 30 days prior to entry. Legible test results must be faxed/e-mailed to the permit office before a permit number can be issued.

Mexican Cattle:

1. Health Certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry permit
3. Only spayed heifers and steers allowed entry into Nevada.
4. Animals must be "M" branded on right hip
5. Negative TB test within 12 months before entry. Legible TB test result forms must be faxed/e-mailed to the permit office before a permit number can be issued.
6. All cattle used for rodeos, shows and exhibitions of any age require official identification and their official ID must be recorded on the health certificate.
7. Mexican cattle must not be co-pastured with any Nevada breeding cattle.

Canadian Cattle:

1. Health Certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry permit



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Noxious Weeds Staff

Nursery Program Staff

Organic Program Staff

Pest Control Staff

Petroleum Technology

Rangeland Health Staff

Resource Protection Staff

Specialty Crop Block Grant Program Staff

Weights & Measures Staff

Animal Industry - Livestock Identification

For permits, please contact your local area Brand Inspector directly. See link on left menu under Livestock Identification

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CHAPTER 565 - INSPECTION OF BRANDS

<u>NRS 565.010</u>	Definitions.
<u>NRS 565.030</u>	Administration and enforcement by Department.
<u>NRS 565.040</u>	Creation of brand inspection districts; animals subject to inspection; adoption and publication of regulations.
<u>NRS 565.070</u>	Fees for brand inspection.
<u>NRS 565.090</u>	Removal of animals from brand inspection district without clearance certificate or permit unlawful; notice of contemplated movement; applicability of section; penalty; regulations for permit to move livestock without brand inspection.
<u>NRS 565.095</u>	Transportation of saddle horse without brand inspection or livestock movement permit.
<u>NRS 565.100</u>	Unlawful to consign for slaughter, slaughter or transfer ownership within brand inspection district without visual inspection and issuance of clearance certificate.
<u>NRS 565.110</u>	Assembly and holding of animals for brand inspection.
<u>NRS 565.120</u>	Brand inspection clearance certificate: Issuance upon completion of inspection; contents; disposition of copies of certificate.
<u>NRS 565.125</u>	Seizure of privately owned animals by governmental entity: Approval by court; submission of court order to Department; exception.
<u>NRS 565.130</u>	Refusal to issue certificate or permit: Grounds; duty of Department and inspector to prevent unlawful removal of animals.
<u>NRS 565.140</u>	Inspector to give notice to agricultural police officer upon finding animals in possession of person who cannot establish legal ownership; contents of notice; investigation of findings.
<u>NRS 565.150</u>	Seizure and disposal of animals by agricultural police officer when legal ownership cannot be determined by inspector.
<u>NRS 565.155</u>	Enforcement of chapter.
<u>NRS 565.160</u>	Right of Department to inspect animals under other laws unaffected.
<u>NRS 565.170</u>	Penalties.

NRS 565.010 Definitions. As used in this chapter, unless the context otherwise requires:

1. "Agricultural police officer" means a person appointed by the Director pursuant to NRS 561.225 who has the powers of a peace officer pursuant to NRS 289.290.
2. "Animals" means:
 - (a) All cattle or animals of the bovine species except dairy breed calves under the age of 1 month.
 - (b) All horses, mules, burros and asses or animals of the equine species.
 - (c) All swine or animals of the porcine species.
 - (d) Alternative livestock as defined in NRS 501.003.
3. "Brand inspection" means a careful visual examination of each animal offered for such inspection and a visual examination of any brands, marks or other characteristics thereon.
4. "Department" means the State Department of Agriculture.
5. "Director" means the Director of the Department.

[Part 1:145:1929; NCL § 3849]—(NRS A 1961, 540; 1989, 748; 1993, 433, 1739; 1995, 514; 1999, 3677; 2021, 1904)

NRS 565.030 Administration and enforcement by Department. The Department is designated as the authority to administer, and carry out and enforce the provisions of, this chapter and any regulations adopted pursuant thereto.

[Part 1:145:1929; NCL § 3849]—(NRS A 1961, 540; 1993, 1739; 1999, 3677)

NRS 565.040 Creation of brand inspection districts; animals subject to inspection; adoption and publication of regulations.

1. The Director may declare any part of this State a brand inspection district.
2. After the creation of any brand inspection district as authorized by this chapter, all animals within any such district are subject to brand inspection in accordance with the provisions of this chapter before:
 - (a) Consignment for slaughter within any district;
 - (b) Any transfer of ownership by sale or otherwise; or
 - (c) Removal from the district if the removal is not authorized pursuant to a livestock movement permit issued by the Department or pursuant to NRS 565.095.

3. If a brand inspection district is created by the Department pursuant to the provisions of this chapter, the Director shall adopt regulations defining the boundaries of the district and the fees to be collected for brand inspection and prescribing such other methods of procedure not inconsistent with the provisions of this chapter as the Director considers necessary.

4. Any regulations adopted pursuant to the provisions of this section must be published at least twice in a newspaper having a general circulation in the brand inspection district created by the regulations, and copies of the regulations must be mailed to all common carriers of record with the Nevada Transportation Authority operating in the brand inspection district. Such publication and notification constitutes legal notice of the creation of the brand inspection district. The expense of advertising and notification must be paid from the Livestock Inspection Account.

[2:145:1929; A 1956, 55]—(NRS A 1961, 540; 1991, 1793; 1993, 1740; 1997, 2013; 1999, 3677; 2011, 687)

NRS 565.070 Fees for brand inspection. The Department may levy and collect a reasonable fee for brand inspection as required under the provisions of this chapter. Any fee so levied must be collected in the manner prescribed by the Director.

[8:145:1929; NCL § 3856]—(NRS A 1959, 417; 1961, 541; 1969, 138; 1993, 1740; 1999, 3678)

NRS 565.090 Removal of animals from brand inspection district without clearance certificate or permit unlawful; notice of contemplated movement; applicability of section; penalty; regulations for permit to move livestock without brand inspection.

1. Except as otherwise provided in subsections 3 and 6 and NRS 565.095, it is unlawful for any person to drive or otherwise remove any animals out of a brand inspection district created under the provisions of this chapter until the animals have been visually inspected and a brand inspection clearance certificate is issued by the Department or a written permit from the Department has been issued authorizing the movement without brand inspection.

2. Any person contemplating the driving or movement of any animals out of a brand inspection district shall notify the Department or an inspector thereof of the person's intention, stating:

- (a) The place at which it is proposed to cross the border of the brand inspection district with the animals.
- (b) The number and kind of animals.
- (c) The owner of the animals.

(d) The brands and marks of the animals claimed by each owner and, if they are other than the brands and marks legally recorded in the name of the owner, information concerning the basis for the claim of ownership or legal possession.

(e) The date of the proposed movement across the border of the brand inspection district and the destination of the movement.

(f) If a brand inspection is required, a statement setting forth the place where the animals will be held for brand inspection.

3. The provisions of this section do not apply to animals whose accustomed range is on both sides of the boundary of any brand inspection district but contiguous to that district and which are being moved from one portion of the accustomed range to another merely for pasturing and grazing thereon.

4. Except as otherwise provided in NRS 565.095, the provisions of this section apply at all times to the movement of any animals across the Nevada state line to any point outside of the State of Nevada, except animals whose accustomed range is on both sides of the Nevada state line but contiguous thereto and which are being moved from one portion to another of the accustomed range merely for pasturing and grazing thereon.

5. In addition to the penalty imposed in NRS 565.170, a person who violates the provisions of subsection 1 is:

(a) For the first violation, subject to an immediate brand inspection of the animals by the Department and shall reimburse the Department for its time and mileage and pay the usual fees for the brand inspection.

(b) For the second and any subsequent violation, ineligible for a permit to move any livestock without a brand inspection until the State Board of Agriculture is satisfied that any future movement will comply with all applicable statutes and regulations.

6. The Department may establish regulations specifying the circumstances under which a permit may be issued authorizing the movement of livestock without a brand inspection pursuant to this section. The circumstances may include, without limitation, the routine movement of horses and bulls within and from this State for the purpose of participating in a rodeo.

[5:145:1929; NCL § 3853]—(NRS A 1961, 542; 1983, 1008; 1993, 1740; 1995, 876; 1999, 3678; 2011, 687; 2021, 1905)

NRS 565.095 Transportation of saddle horse without brand inspection or livestock movement permit.

1. Any person who resides in a state which does not require the use or inspection of a brand for a horse in that state may transport a saddle horse owned by that person into and from this State without a brand inspection or livestock movement permit issued by the Department. Any saddle horse transported pursuant to this section must not remain in this State for more than 15 days or any shorter period specified by the Department and must not be transported into or from this State more than once during that period. Upon request by the Department, a

person who transports a saddle horse pursuant to this section shall present to the Department a certificate of health for the saddle horse and a bill of sale or other proof of ownership of the saddle horse required by the Department.

2. As used in this section, "saddle horse" means any horse which is ridden or otherwise used by a person while competing or participating in a rodeo, horse show or other contest of skill in this State other than a bucking event at that rodeo, horse show or contest of skill.

(Added to NRS by 2011, 687)

NRS 565.100 Unlawful to consign for slaughter, slaughter or transfer ownership within brand inspection district without visual inspection and issuance of clearance certificate. It is unlawful for any person to consign for slaughter, or slaughter at an approved plant, or transfer ownership of any animals by sale or otherwise within any brand inspection district created under the provisions of this chapter, until the animals have been visually inspected by an inspector of the Department and a brand inspection clearance certificate issued covering the animals.

[5.1:145:1929; added 1956, 55](NRS A 1961, 543; 1971, 120; 1993, 1741; 1999, 3679; 2021, 1906)

NRS 565.110 Assembly and holding of animals for brand inspection. Except as otherwise provided in NRS 565.090, a person intending to move, drive, ship or transport by common carrier, or otherwise, any animals out of any brand inspection district created under the provisions of this chapter shall assemble and hold them at some convenient and adequate place for such brand inspection as may be required until the animals have been visually inspected and released as provided for in this chapter.

[6:145:1929; NCL § 3854](NRS A 1961, 543; 1993, 1741; 1995, 877; 2021, 1906)

NRS 565.120 Brand inspection clearance certificate: Issuance upon completion of inspection; contents; disposition of copies of certificate.

1. Upon the completion of brand inspection, the inspector of the Department shall, except as otherwise provided in this chapter, issue a brand inspection clearance certificate on which must be entered:

- (a) The name and address of the person claiming to own the animals.
- (b) The proposed destination of the animals.
- (c) The name and address of the consignee.
- (d) A full description of all the animals inspected, including the number, kind, sex, age, color and the brands or brands and marks thereon.
- (e) The amount of the inspection fee or fees collected.
- (f) The signature of the owner or the owner's authorized agent.

2. One copy of the brand inspection certificate must be delivered to the common carrier undertaking to transport the animals out of the brand inspection district for attachment to its waybill, or to the person intending to drive, move or otherwise transport the animals out of the brand inspection district other than by common carrier to accompany the animals to destination, and one copy must be immediately forwarded to the office of the Department.

[Part 7:145:1929; NCL § 3855](NRS A 1961, 543; 1993, 1741; 1999, 3679)

NRS 565.125 Seizure of privately owned animals by governmental entity: Approval by court; submission of court order to Department; exception.

1. Notwithstanding any provision of this chapter to the contrary, if a governmental entity seizes any privately owned animals subject to brand inspection pursuant to this chapter, the Department or its authorized inspector shall not issue brand inspection clearance certificates or permits to remove the animals from a brand inspection district or for the transfer of ownership of the animals by sale or otherwise unless:

(a) Before the seizure, the governmental entity obtains approval for the seizure from a court of competent jurisdiction; and

(b) The governmental entity submits a copy of the order approving the seizure to the Department or its authorized inspector.

2. The provisions of this section do not apply to:

- (a) An estray, as defined in NRS 569.0075;
- (b) Feral livestock, as defined in NRS 569.008;
- (c) A wild horse or burro, as defined in 16 U.S.C. § 1332;
- (d) An animal that is impounded or sold by the Department pursuant to NRS 575.060; or
- (e) An animal that is seized by a governmental entity to protect the health and safety of the public or to prevent cruelty to animals.

(Added to NRS by 2005, 1238)

NRS 565.130 Refusal to issue certificate or permit: Grounds; duty of Department and inspector to prevent unlawful removal of animals.

1. The Department or its authorized inspector shall refuse to issue brand inspection clearance certificates or permits to remove animals from a brand inspection district without brand inspection as provided in this chapter,

subject to brand inspection under the provisions of this chapter, not bearing brands or brands and marks of legal record in the name of the person claiming lawful possession of and applying for inspection of the animals, until satisfactory evidence of the right to legal possession of the animals and shipment or removal from the brand inspection district has been supplied to the Department or its authorized inspector.

2. The Department and its authorized inspector shall use all due vigilance to prevent the unlawful removal by any person of any animals from any brand inspection district created under the provisions of this chapter. [9:145:1929; NCL § 3857]—(NRS A 1961, 544; 1993, 1742; 1999, 3680)

NRS 565.140 Inspector to give notice to agricultural police officer upon finding animals in possession of person who cannot establish legal ownership; contents of notice; investigation of findings.

1. Whenever, incident to any brand inspection under the provisions of this chapter, any inspector shall find in the possession of any person or persons offering animals for inspection any animals to which such person or persons cannot establish their legal ownership or right of possession and the inspector shall be able to determine by means of the brands or brands and marks on such animal or animals, or upon other reliable evidence, the actual legal owner or owners of such animal or animals, the inspector shall immediately notify an agricultural police officer of the inspector's findings.

2. The inspector shall include in such notice:

(a) The date and place where such animal or animals were found.

(b) A full description of the same.

(c) The name and address of any person or persons in whose possession they were found.

(d) All other information which may aid the agricultural police officer or the legal owner or owners of such animal or animals in securing the return thereof or compensation therefor, or in any civil suit or criminal prosecution relating thereto.

3. Upon receipt of the notice, the agricultural police officer shall investigate the findings of the inspector and, as soon as practicable, provide notification of those findings to the legal owner or owners of such animal or animals.

[10:145:1929; NCL § 3858]—(NRS A 1961, 544; 2013, 1322; 2021, 1906)

NRS 565.150 Seizure and disposal of animals by agricultural police officer when legal ownership cannot be determined by inspector.

1. Whenever, incident to any brand inspection under the provisions of this chapter, any inspector shall find in the possession of any persons offering animals for inspection any animals to which such person or persons cannot establish their legal ownership or right to possession, and the inspector shall be unable to determine by means of the brands or brands and marks on such animals, or otherwise, the actual legal owners of the animals, or, if in the judgment of the inspector such action is necessary to safeguard the legal owners of the animals, if known to the inspector, against their loss, the inspector shall immediately notify an agricultural police officer. The agricultural police officer shall seize and take possession of such animals and proceed to dispose of the same, under the provisions of NRS 569.010 or 569.040 to 569.130, inclusive.

2. Such seizure and disposal by an agricultural police officer shall in no way relieve the persons in whose possession the animals were found of any civil or criminal liability arising out of the unlawful removal of such animals from the grazing commons or the unlawful possession of the same.

[11:145:1929; NCL § 3859]—(NRS A 1961, 545; 2021, 1906)

NRS 565.155 Enforcement of chapter. In addition to enforcing the provisions of this chapter through its agricultural police officers, the Department may:

1. Authorize other peace officers to enforce the provisions of this chapter; and

2. Adopt regulations specifying the procedures for the enforcement of the provisions of this chapter by agricultural police officers and other peace officers.

(Added to NRS by 1971, 255; A 1989, 339; 1993, 1742, 2541; 1995, 703; 1999, 3680; 2021, 1907)

NRS 565.160 Right of Department to inspect animals under other laws unaffected. The provisions of this chapter do not affect the right of the Department conferred by any other law to inspect any animals for the determination of the ownership thereof, or for any other purpose under the provisions of any such other law.

[12:145:1929; NCL § 3860]—(NRS A 1961, 545; 1993, 1742; 1999, 3680)

NRS 565.170 Penalties. Any person violating any of the provisions of this chapter:

1. Is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law.

2. In addition to any criminal penalty, shall pay to the Department an administrative fine of not more than \$1,000 per violation.

➤ If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

[14:145:1929; A 1956, 55]—(NRS A 1993, 899; 1995, 548; 1999, 3680)

3. All animals must be individually identified as approved by USDA.
4. Individual ID must be listed on the CVI.
5. All cattle except for immediate slaughter require a CAN brand on the right tail head.
6. Registered cattle may enter without a CAN brand if they have a 'CAN' tattoo.
7. Slaughter cattle must be delivered directly to the slaughter facility and may not be diverted without written permission from the State Veterinarian
8. Sexually intact females 12 months and older and not being delivered directly to a slaughter facility must be official brucellosis calfhood vaccinates (OCV) with a legible ear tattoo and OCV ear tag. The statement "These cattle are OCV'd" must be written on the CVI. Adult vaccinates are not allowed entry into Nevada.
9. Sexually intact dairy cattle 6 months or older must have a negative TB within 30 days prior to entry into the state. Legible TB test result forms must be faxed/e-mailed to the permit office before issuing a permit number.
10. Bulls 12 Months or older MUST be T. fetus tested within 60 days prior to entry into Nevada and have a T. fetus control program tag in the right ear. Legible T. fetus test results need to be faxed/e-mailed to the permit desk prior to issuance of a permit number.

Dairy Breeding Cattle:

1. Health Certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry permit
3. Sexually intact dairy cattle 6 months or older must have a negative TB within 30 days prior to entry into the state. Legible TB test result forms must be faxed/e-mailed to the permit office before issuing a permit number.
4. All dairy animals of any age require official identification and their official ID must be recorded on the health certificate.
5. Sexually intact females 12 months and older must be official brucellosis calf hood vaccinates (OCV) with a legible ear tattoo and brucellosis ear tag. The statement "These cattle are OCV'd" must be written on the CVI. Adult vaccinates are not allowed entry into Nevada.
6. Any cattle arriving from ID, WY, or MT that haven't originated from a Designated Brucellosis Surveillance Area (DSA) must have the statement "These cattle did not originate from the DSA" written on the CVI. Sexually intact cattle of any age moving from a DSA require a negative brucellosis test within 30 days prior to entry into the state. Legible test results must be faxed/e-mailed to the permit office before a permit number can be issued.

Bulls/Bison:

1. Health Certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry Permit
3. Bulls 12 Months or older MUST be T. fetus tested within 60 days prior to entry into Nevada and tagged with either a T.fetus control program tag or for states that don't have state-approved trich program tags a NUES (Silver-Brite) tag in the right ear. Legible T. fetus test results need to be faxed/e-mailed to the permit desk prior to issuance of a permit number.
4. Individual 'In Pouch' Tests or individual RT-PCR tests accepted. Pooled PCR test results (up to 5 samples per pool) will be accepted in single-owner herds that have no history of a positive trichomoniasis test within the 12 months prior to the permit request. The veterinarian must write a statement verifying that the herd has met this requirement on the CVI.
5. Bulls need to be individually identified on T. fetus test chart and health certificate needs to reference the T. fetus test chart.
6. All dairy bulls 6 months or older must react negatively to a test for tuberculosis within 30 days prior to entry into the state. Legible TB test result forms must be faxed/e-mailed to the permit office before a permit number can be issued.
7. All dairy animals of any age require official identification and their official ID must be recorded on the health certificate.
8. Any cattle/bison arriving from ID, WY, or MT that haven't originated from a Designated Brucellosis Surveillance Area (DSA) must have the statement "These cattle/bison did not originate from the DSA" written on the CVI. Sexually intact cattle/bison of any age moving from a DSA require a negative brucellosis test within 30 days prior to entry into the state. Legible test results must be faxed/e-mailed to the permit office before a permit number can be issued.
9. Bison bulls are not required to be T. fetus tested prior to entry into Nevada.

10. All bison, regardless of state of origin, that are 12 months and older must have a negative TB and brucellosis test within 30 days prior to entry. Legible test results must be faxed/e-mailed to the permit office before a permit number can be issued.

Rodeo/Show/Event Cattle:

1. Health certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry permit
3. All sexually intact animals 12 months and older require an annual TB within 12 months prior to entry into Nevada. Legible test results must be faxed/e-mailed to the permit desk before a permit number can be issued.
4. Sexually intact dairy cattle 6 months of age or older must have a negative TB within 30 days prior to entry into the state. Legible TB test result forms must be faxed/e-mailed to the permit office before issuing a permit number.
5. Sexually intact females 12 months and older must be official brucellosis calf hood vaccinates (OCV) with a legible ear tattoo and brucellosis ear tag. The statement "These cattle are OCV'd" must be written on the CVI. Nevada does not accept adult vaccinates.
6. All cattle used for rodeos, shows and exhibitions of any age require official identification. All animals must be individually identified on health certificate. Per Federal requirements, 9 CFR § 86.4, unless an executed alternate agreement between shipping and receiving states is obtained.
7. Any cattle arriving from ID, WY, or MT that haven't originated from a Designated Brucellosis Surveillance Area (DSA) must have the statement, "These cattle did not originate from the DSA" written on the CVI. Sexually intact cattle of any age moving from a DSA require a negative brucellosis test within 30 days prior to entry into the state. Legible test results must be faxed /e-mailed to the permit office before a permit number can be issued.

Rodeo/Show Bulls can be exempt from T. fetus regulation under the following conditions:

1. Not being sold.
2. No contact with females.
3. No pasturing while in Nevada.
4. Leave Nevada immediately after show.
5. Veterinarians have to add the following disclaimer on the CVI: - 'Not for sale or breeding in NV'

Yaks

1. CVI- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry permit.
3. Sexually intact females 12 months of age and older are required to be official brucellosis calthood vaccinates (OCV) with a legible ear tattoo and brucellosis ear tag. The statement "These animals are OCV'd" must be written on the CVI. Nevada does not accept adult vaccinates.
4. Any yaks arriving from ID, WY, or MT that haven't originated from a Designated Brucellosis Surveillance Area (DSA) must have the statement "These yaks did not originate from the DSA" written on the CVI. Sexually intact yaks of any age moving from a DSA require a negative brucellosis test within 30 days prior to entry into the state. Legible test results must be faxed/e-mailed to the permit office before a permit number can be issued.
5. All sexually intact yaks 6 months of age and older must have a negative TB test within 30 days prior to entry. Legible test results must be submitted to the permit office before a permit number can be issued.
6. All yaks, regardless of age, must be officially ID'd and ID's must be recorded on the CVI.

Pasture-to-pasture (Commuter) permits:

1. For established breeding herds only.
2. A permit application can be downloaded from this website or call 775-353-3709 to have a copy faxed.
3. Permit application and T. fetus test chart must be faxed to 775-353-3659 or emailed to entrypermits@agri.nv.gov prior to a permit number being issued. Bulls need to be tested annually between October 1 of the previous year and May 31 of the current year or within 60 days prior to entry into Nevada.

Goats:

1. Health Certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry Permit
3. Dairy or sexually intact goats – 6 months of age or older must have a negative TB and brucellosis test within 30 days prior to entry. Legible test results must be faxed/e-mailed to the permit office before a

permit number can be issued. Goats entering Nevada for show purposes only and returning to origin immediately following conclusion of show, may be exempt from brucellosis and tuberculosis testing requirements. The following statement must be included by the veterinarian on the CVI: "For show and return to origin only. Not for sale, breeding, or dairy purposes in Nevada".

4. All goats need to be officially identified using scrapie tags and all tags must be listed on the CVI. A legible USDA-assigned premises tattoo is acceptable if linked to a scrapie premise/flock ID and listed on the CVI. Breed registry tattoos are acceptable if accompanied by the registry certificate and the certificate number listed on the CVI. USDA-assigned and breed registry tattoos are not acceptable if animals are going to a livestock market.

5. Scrapie statement must be on health certificate:

"The animal(s) do not exhibit clinical signs of scrapie at the time of the exam. The animals on the certificate did not originate from a herd/flock that has been diagnosed as a scrapie source, infected or exposed, herd/flock."

Sheep:

1. Health Certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry Permit
3. All sheep need to be officially identified with scrapie tags. All scrapie tags need to be listed on the health certificate. A legible USDA-assigned tattoo is acceptable if linked to a scrapie premise/flock and listed on the CVI. Breed registry tattoos are acceptable if accompanied by the registry certificate and the certificate number is written on the CVI. USDA-assigned and breed registry tattoos are not acceptable if animals are going to a livestock market.
4. Check for foot rot. A foot rot statement must be written on CVI: "All animals were inspected and found to be free of clinical signs of foot rot."
5. Scrapie statement must be on health certificate:

"The animal(s) do not exhibit clinical signs of scrapie at the time of the exam. The animals on the certificate did not originate from a herd/flock that has been diagnosed as a scrapie source, infected or exposed, herd/flock."

6. All rams 6 months of age or older must test negative for *Brucella ovis* on the Enzyme Linked Immunosorbent Assay (ELISA) within 30 days prior to entry into the State. Legible test results must be faxed/e-mailed to the permit office before a permit number can be issued.

Swine:

1. Health Certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry Permit
3. All pigs must be officially identified with either an 840 ear tag, NUES tag, PIN tag or tattoo, registry tattoo, or registered ear notch with ID listed on the CVI.
4. Pot bellies are included in these requirements regardless of weight. PB pigs can be ID'd using a microchip but the chip number must be written on the CVI.
5. Feeder swine – swine less than four (4) months of age which are intended for feeding purposes. Upon arrival in Nevada, feeder swine must be restricted to the premises of their destination in Nevada until they are moved directly to slaughter or to a market.
6. The following statements must be written on the CVI:
 1. "Swine have not been fed untreated food waste"
 2. "Swine have not been exposed to swine fed untreated food waste".
 3. "Swine have not been vaccinated for pseudorabies".

Dogs/Cats/Ferrets:

1. Health Certificate
2. Rabies must be current (as per the most recent edition of the Compendium of Animal Rabies Prevention and Control)
3. Permit not required

International Travel:

Questions about international travel need to be directed to USDA. Contact USDA at 1-877-741-3690. Only an accredited veterinarian may issue a health certificate for interstate or international travel. USDA charges an endorsement fee for all international CVI's.

www.aphis.usda.gov/aphis/pet-travel.

<https://jav.ma/APHISvehcs> (PDF)

<https://www.aphis.usda.gov/aphis/ourfocus/importexport/animal-import-and-export/equine/bring-horses-into-us>

Horses/Mules/Asses:

1. Health Certificate
2. Negative Coggins (ELISA or AGID) within 12 months prior to entry.
3. Proof of ownership (brand inspection certificate, bill of sale, registration papers, Coggins test result form).
4. Requirements include Zebras.
5. EXEMPT: Nursing foals less than 6 months and accompanied by the dam and the dam has tested negatively to such a test.

Llamas/Alpacas:

1. Health Certificate

Big Cats (Tigers, Lions, Cheetahs, Cougars; etc):

1. Health certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Copy of USDA license (if required) for the facility that the animal is going to.
3. USDA license written on the CVI.
4. Entry permit

Reindeer for Shows:

1. Health Certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry permit
3. Negative TB and brucellosis tests within 12 months prior to entry. Legible test results must be faxed/e-mailed to the permit office before a permit number can be issued.
4. Originates from a CWD certified free herd.

Primates:

1. Health Certificate- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry permit.
3. Negative TB within 12 months prior to entry. Legible TB test results must be submitted to the permit office before a permit can be issued.
4. USDA lab registration number/ supplier's USDA license number listed on the CVI.

Poultry and Game Birds:

1. CVI or VS Form 9-3.
2. Negative tests for Salmonella pullorum-typhoid, Mycoplasma gallisepticum & synoviae, and Avian Influenza within 30 days prior to entry.

One-day old chicks and eggs (Poultry and Game Birds):

1. Must originate from flock participating in the NPIP. VS Form 9-3 or CVI (NPIP flock number must be written on CVI).
2. Flock must meet NPIP testing requirements for Salmonella pullorum-typhoid and Mycoplasma gallisepticum and synoviae.

Psittacines and Ratites

1. CVI

Elephants

1. CVI- A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry permit
3. Need a TB test within 12 months prior to entry. Legible test results must be faxed/e-mailed to the permit office before a permit number can be issued.

Reptiles

1. CVI

Zoo Animals

1. CVI – A legible CVI must be faxed/mailed to the permit office before a permit number can be issued.
2. Entry permit.
3. Shipper must submit list of animals in shipment to permit desk prior to issuing of permit. Further testing/vaccination requirements may be indicated depending on the species shipped.

Rabbits

1. CVI
2. Rabbits originating from states (or countries) that have had RHDV2 detections require a CVI within 72 hours of entering Nevada. ***See the 'Important Information' section above that details the updated entry requirements for rabbits entering Nevada from states affected by RHDV2.***

Foxes, Raccoons, Skunks

Importation of these animals is prohibited

Species not listed here:

Please contact the permit office at 775-353-3709 or entrypermits@agri.nv.gov for specific requirements



CHURCHILL COUNTY PLANNING

Planning Commission
Planning Department
GIS Department
Business License

05/25/22

PLEASANTS REBECCA J
4525 SCHURZ HWY
FALLON NV 89406-6256

RE: Renewal of Conditional Use Permit

SPECIAL USE PERMIT/ CONDITIONAL USE PERMIT / TEMPORARY USE PERMIT ANNUAL RENEWAL APPLICATION

The original purpose of the Conditional Use Permit
HOME BASED BUSINESS: BECKY'S COUNTRY CREATIONS

The physical address:

4525 SCHURZ HWY
Churchill County, Fallon, Nevada

Please indicate your new mailing address and phone number if applicable.

Mailing Address: _____ Phone: ()

Do you need to continue the use of your Conditional Use Permit

____ Yes, the \$25.00 annual fee is enclosed. (Please make checks payable
to the Churchill County Planning Department.)

____ No, my permit is no longer necessary. Please close my Conditional Use Permit

Sign and date here:

_____ Date: _____

Failure to return this application and a completed renewal application within thirty (30)
days may result in revocation of your Special Use Permit / Conditional Use / Temporary
Use Permit.

155 N. Taylor, Suite 194 Fallon, Nevada 89406 Phone 775.423.7627 Fax 775.428.0259

Conditions Pursuant to a Home Business Permit:

- a. All owners shall reside in the residence. The only employees allowed to work on-site are family members residing in the residence. No other employees can report to the residence for work. In the case of contract work, they shall report directly to the job site and not the applicant's property.
- b. The appearance of the structure shall not be altered, no new structures built for the business, nor may business activities be conducted outdoors or in such a manner that would take away from the residential characteristics of the property beyond what is allowed in these conditions, i.e., one cannot have merchandise or services visible from outside the dwelling or generate excessive noise.
- c. The home-based business may involve the use of one commercial vehicle that is approved by the planning department, i.e., vans and medium sized trucks (only one semi-tractor and trailer for an over the road haul truck driver that may occasionally be at the residence).
- d. Equipment that causes any type of interference in radios, televisions, or telephones, etc., or causes fluctuations in line voltage outside the dwelling unit is prohibited, i.e., excessive usage of power equipment.
- e. Outside storage of construction or raw materials is not allowed. One cannot store any toxic or hazardous materials at a quantity that requires a permit from the State of Nevada or any other agency charged with the regulation of hazardous materials. Inventories of drugs, alcohol, fireworks, or explosives (excluding ammunition) are not allowed. Storage of business vehicles must meet the vehicle condition. No outside storage of construction or other similar equipment is allowed with the exception that one piece of equipment (such as a trailer) may be allowed with the approval of the planning department; lawn care and other similar equipment may be allowed with approval of the planning department, but not to exceed a quantity that can be hauled and stored on a single pickup and trailer.
- f. No signs may be placed on the property to advertise the home-based business. One may advertise one's business through public media, business cards, stationery, etc.
- g. No customer traffic is permissible. Home deliveries, such as UPS, FedEx, etc., in a quantity/frequency that will not be detrimental to the surrounding neighborhood may be permitted.
- h. If the applicant is not the property owner, the property owner must authorize the use of the property for the proposed home-based business in writing.

I attest that my business still meets the conditions for eligibility of a Home Business Permit under penalty of perjury. I also state that I understand if my business is found in violation of any of the conditions listed above, I am subject to possible fines and/or fees to be assessed by the Code Enforcement Officer.

Signature

Date



CHURCHILL COUNTY PLANNING

Planning Commission
Planning Department
GIS Department
Business License

June 1st, 2022

PLEASANTS, REBECCA
BECKY'S COUNTRY CREATIONS
4525 SCHURZ HWY
FALLON, NV 89406-0000

Dear Business Owner:

We are in the process of updating all of our business license files. Please take a moment and review the information we have on record. If any of the information is incorrect, please indicate the correction in the space provided. Churchill County Code & NRS require certain documentation prior to renewing a business license. Please provide the documents listed next to "documentation required."

Owner: PLEASANTS, REBECCA
Business Name: BECKY'S COUNTRY CREATIONS
Location: 4525 SCHURZ HWY
Phone Number: 775-391-0225
Mailing Address: 4525 SCHURZ HWY
City, State, Zip: FALLON, NV 89406-0000
Type of Business: WESTERN CRAFTS

Documentation Required:
HBP AFFIDAVIT&FEE WAIVER - enclosed

If you have any questions in regards to the documents required, please call our office. **Also, please keep in mind we will not be able to renew your business license until we receive these documents.** Thank you in advance for your cooperation.

Business License
Administrator

*Churchill County is an equal opportunity
employer and provider.*

155 N. Taylor, Suite 194 Fallon, Nevada 89406 Phone 775.423.7627 Fax 775.428.0259

RECEIVED

APR 03 2023

March 20. 2023 Churchill County Public Works,
Planning & Zoning

J. Boothe
4895 Silver Sage Ln.
Fallon, Nv.

To Planning Dept.

I am writing in regard to Silver Sage Stables.

My wife and I learned about a year ago that Silver Sage
had added a Vet Clinic to their operation. There has been a
steady incline in vehicle traffic and rattling horse trailers
that has doubled at all hours.

Our nice quiet street is no more. I have lived here for years

That that was the reason we first moved here.

Sincerely, J. Boothe

Planning Dept,
155 N Taylor Ste 194
Gallatin, NV

April 1, 2023

Dear Sirs,

Are you telling me that Silver Sage Stables have been running a Vet Clinic out of that property for a year or more without a permit?

I was told by your office that the county didn't want any business' in this area they wanted to keep it rural.

Guess what - I am opposed to the expansion

- 1- too much travel on our road
- 2- noise from vehicles & trucks
- 3- large fly infestation from 30 horses
- 4 adding more stalls means more traffic - noise - flies - and trailers
- 5- not a business area as you have already stated.

Thank you for reading this

Joanne Clark
4969 Silver Sage

RECEIVED

APR 06 2023

Churchill County Public Works,
Planning & Zoning

APRIL 5, 2023

COUNTY PLANNING

DEAR SIRS,

I AM OPPOSED TO THE SILVER SAGE
EXSPANTION....THIS STREET DOES NOT
NEED THAT AMOUNT OF TRAFFIC. IF THEY
THINK THE AREA NEEDS A STABLE AND
THEY ARE THE ONLY ONE, MAYBE SHE
SHOULD MOVE THIS FACILITY TO HER
DAIRY WITH ENOUGH ROOM TO
ACCOMMODATE HER NEEDS.

THANK YOU
G. LEWIN

RECEIVED

APR 06 2023

Churchill County Public Works
Planning & Zoning

April 3, 2023

Dear sirs,

We really don't need any more confusion on our little road. People are using my drive way to turn around in when they miss the entrance to the stables.

When they come in during the night, they wake us up and make the doge bark, so they are propably waking up my neighbors as well.

Please don 't do this to us.

A concerned neighbor on silver sage

Dear Sir

RECEIVED

APR 06 2023

Churchill County Public Works,
Planning & Zoning

Please don't let the expansion go there there not enough room with what is there already. They have no signs by the main road and we get people lost looking for silver sage horse boarding in our yard and have to move all our vehicles so they can turn around then tell them how to get there

The place is noisy with horses kicking the metal stalls, lots of flies and goats from the manure.

We feel they need more land if they want to grow but not here

The Penfrow

County

4-5-23

please no more
people & dust & noise
on silver sage ln.

Thank you

Erma S.

RECEIVED

APR 06 2023

Churchill County Public Works
Planning & Zoning



Please don't let them
^{expand}
~~expand~~ we had a
beautiful neighborhood
now it's noise dust
and lots of traffic
I would rather have
it closed down

Jon Adams

RECEIVED

APR 06 2023



St. Jude Children's
Research Hospital

Finding cures. Saving children.
ALSAC • DANNY THOMAS, FOUNDER

Churchill County Public Works,
Planning & Zoning

stjude.org/donate/today

Oh Hell No
they have no room
and have already
wrecked this once
Peaceful Neighbor
hood

Scott Owens

RECEIVED

APR 06 2023

Churchill County Public Works,
Planning & Zoning

TO WHOM IT MAY CONCERN-

I DO NOT LIVE ON SAGE ST BUT HAD
HORSES THERE - THEY DID NOT TAKE GOOD
CARE OF MY HORSE - GREEN WATER AND
MY HAY WOULD BE MESSING.

NOT A NICE PLACE -

RECEIVED

APR 06 2023

Churchill County Public Works,
Planning & Zoning

CAN NOT LEAVE MY NAME

SORRY-

From: [Tori Robinson](#)
To: [Planning Admin](#); [Planning Business License](#)
Subject: Silver Sage Horse Boarding Comments
Date: Monday, April 10, 2023 6:35:17 PM

To whom it may concern,

My name is Tori Robinson and I currently board at Silver Sage Horse Boarding. I also offer lessons to children and beginners learning the art of riding horses.

I have owned and operated a horse boarding and training facility in California for the last three years before my husband was stationed in this wonderful town. As someone who understands this business better than most, I know how essential safety is for the horse and human alike. California has some pretty strict rules as does Churchill County regarding horse-related businesses, as they should. Silver Sage more than exceeds those standards and my expectations for quality of animal care and safety for people.

I understand there have been some complaints made, none of which I can comprehend. Safety is Silver Sage's number one priority. While you may see our neighbor's horses, cows, and aggressive dogs loose regularly, you will never see that from Silver Sage. While you may hear our neighbors blasting inappropriate music across the fence, you will not hear that from Silver Sage. And while you may have some sand kicked up during a wind storm, you can guarantee you will see that from our neighbors' properties too. The Nevada state itself is made of sand, not something anyone can control realistically. Finally, Silver Sage is a relatively small facility. I am on site daily, and have NEVER seen more than five cars there at a time, including my own. The traffic complaints are unjust and unrealistic.

I am in the business of teaching the next generation of excellent horsemen and horsewomen. This town was founded on the backs of horses and that heritage should not be forgotten. Silver Sage is, as far as I know, the only facility able to efficiently and safely teach horse riding to that young generation. We provide significant support to our local veterinarians, feed stores and farmers, and the 3C Event Complex. If Silver Sage is denied their permit to train and board, they are denied the privilege to raise Fallon's next generation of riders, veterinarians, ranchers, and agriculturalists. No other facility will be available to take those students on. I feel it would be a great disservice to this town to take away a piece of its heritage and the educational value Silver Sage holds.

I am looking forward to hearing your thoughts on all this at our public meeting.

I very much appreciate your time!

-Tori

From: [Jacob Robinson](#)
To: [Planning Admin](#); [Planning Business License](#)
Subject: Silver Sage
Date: Monday, April 10, 2023 8:17:58 PM

Hello,

I'd like to share my opinion on the permit Silver Sage is trying to obtain. I board my horse there and he has always been extremely well-cared for. I couldn't be happier that he's in such a great facility. I also take comfort in knowing that I can have their trainer work with him at any time to prepare him for our riding career. I've done research into barns in this area and have found very few options into where I can keep him. If Silver Sage is denied their permit, will they be forced to close? If so, I'd like a list of all other boarding facilities in Fallon where I know my horse will be looked after as well as he is there.

Best Regards,
Jacob

Sent from my iPhone

From: Crystal Gibbs
To: [Planning Admin](#)
Subject: Silver sage boarding place
Date: Tuesday, April 11, 2023 12:22:14 PM

I cannot begin to list the several amazing things about this wonderful horse boarding place. From the nice people to the clean land and mustangs I believe that silver sage boarding place is an amazing creation, and has been since the opening. It would be a real shame for it to close down, and lose so many amazing people and horses. Over at silver sage boarding place we are like family always willing to help out each other from the old friends to the new friends. You can get private horse riding lessons from some really great people. There are high good quality fences that shows a guarantee that nobody will get hurt, and also shows that the horse won't get out of their beautiful home. They are fed appropriately and given water unconditionally as well. Ever since I heard of this place I have been in awe to how nice it is, so it would very appreciative from me and several others if this place stayed open.

From: [Haily Martin](#)
To: [Planning Admin](#); [Planning Business License](#)
Subject: Silver sage horse boarding
Date: Tuesday, April 11, 2023 11:40:00 AM

Good morning, I am emailing to advocate for silver sage horse boarding. I have only been taking horse riding lessons at silver sage for 2 months, but I have never felt as safe and comfortable as I do at silver sage. Their facilities are clean and highly well kept. Silver sage also keeps safety in mind for all activities. At the start of all lessons, I have been given a run down of safety procedures and how to stay safe around horses. I am also required to wear a helmet when riding. They also care about the horses like they are not just animals, but family.

On another note, Silver sage has taught me more about horses and riding than any other lessons. They have managed to teach me more in 2 months than ANY other place has in 6 plus months. I really enjoy my instructor, Tori. She is extremely friendly and cares about the safety of all involved whilst also making it fun and educational. I have learned more than just riding. I've learned about common diseases and how to treat them in horses. I've also learned how to take care of them and common care practices. I've learned how to tack up a horse all by myself. I would absolutely hate to lose a place like this for no reason. I have ZERO complaints about silver sage whatsoever as these people treat each other and the horses as family. Their facilities were and have been astonishing to me everytime I have lessons. You can tell they try their hardest to make the facilities top tier for the horses and humans that use them. Thank you for taking my email into consideration, Haily Martin

If you have any questions feel free to contact me at 775-666-2173 or hailymartin05@gmail.com

From: Emilee Huntley
To: [Admin](#); [Planning Business License](#)
Subject: Silver Sage
Date: Tuesday, April 11, 2023 12:49:16 PM

To whom it may concern:

It has come to my attention that Silver Sage's future as a boarding and training facility is uncertain. As a consumer who currently utilizes their training for my 6 year old daughter, I am concerned about losing such a great resource here in Fallon. From what I have witnessed, Silver Sage is a clean, safe environment where my whole family has learned so much about horseback riding and general horse care. In participating in the training sessions at Silver Sage, my shy, generally timid daughter is gaining a whole new level of confidence and learning a new respect for these animals.

It is hard for me to believe that the city of Fallon would want to strip their community of such an asset and force us to go elsewhere. I love having a well cared-for and inviting facility here in Fallon to learn about these awesome animals. Furthermore, I am happy that I am able to play a small role in supporting local small business owners.

Please allow Silver Sage to continue to provide its services to our community.

Sincerely,

Emilee Huntley

From: [CatNap Creations](#)
To: [Planning Admin](#)
Subject: Silver Sage Horse Boarding
Date: Tuesday, April 11, 2023 2:41:30 PM

Upon hearing the news of a petition being made to shut down the Silver Sage Horse Boarding place I have been very disappointed in my neighbors. Fallon is about loving your neighbors and building up your community. Silver Sage has been a blessing and has given many a newfound passion. Children in our community take lessons and learn how to ride and care for the horses. It's a wonderful learning experience for them. In my eyes, the soul of Fallon is in its people and animals. Silver Sage Horse Boarding has brought many in our community together. The people running the place are lovely and their facilities are very clean. Every time I have gone out there to sit it is peaceful and I enjoy spending time there. Many people come just to spend time and eat their lunch and watch. It is a beautiful area with wonderful people.

I cannot stress enough how much of a loss this would be for the community if they were gone.

Sincerely,
A very concerned Fallon Citizen

Get [Outlook for Android](#)

From: [TrentonChastain](#)
To: [Planning Admin](#)
Subject: 4755 sage lane silver sage horse boarding
Date: Tuesday, April 11, 2023 2:26:32 PM

I'm deeply saddened about the recent petition against silver sage horse boarding as I've yet to find a more clean and well manage boarding place. The people are friendly and cooperative, the horses are very well taken care of and I love the space this place gives you. The pens are large and well kept, there's trainers and people with resources for all equestrian needs. The recent petition against this place seems unwarranted as this is a very cozy, quiet place with good respectable people who've boarded here for years. There's never alot of people and the few who are there consistantly are the most genuine souls you can meet. The options in Fallon for boarding are very limited and it'd be sad to see it go from seemingly spiteful neighbors, the complaints about dust, noise and traffic have been dramatized at best. From a resident that's found this community to be so genuine and welcoming I am sad to see such a shining example of said community be threatened.

Sent from my Verizon, Samsung Galaxy smartphone

From: [Daniel](#)
To: [Planning Admin](#)
Subject: Silver sage
Date: Tuesday, April 11, 2023 2:20:23 PM

To whom it may concern:

I have read the letters sent in, and can understand how decisions can be made on some false information. Silver sage has operated for many years, with safety and animal health care as top priority, as well as being neighborly. Training of horses, lessons to the public young and old alike has been a needed service in this community. We strive to be the best in safety. Cleanliness. Fallon is a horse, agriculture founded community, with that heritage we hope to continue raising young people by training horsemanship, care and safety to the next generation. As stated before, we have operated for many years with out complaint. Silver sage has helped out neighbors any time needed day or night, with a smile and helping hand striving to better our community and save its heritage. I do pray the members of the council will consider keeping Silver sage in operation, for the bright future of our next generation. If Silver sage is forced to close, it will be a great loss for Fallon and surrounding communities. Any questions or concerns are welcome, I will answer to the best of my ability.

Dan

From: [Makayla Gibbs](#)
To: [Planning Admin](#)
Subject: Silver sage horse boarding 4755 sage on
Date: Tuesday, April 11, 2023 2:10:10 PM

I just want to start off by telling people how amazing this place really is (I moved my horse to this boarding place). It is a wonderful place and would be a shame if it were to get shut down. They are very professional and take care of the horses well and I have never been to a more clean and friendly boarding area. The people are amazing and really do care for your horses. If it got shut down I wouldn't know where to go. They have good stalls for the horses that are comfortable and big enough for them. As said before, it would be a shame if this boarding place would shut down and people are deeply saddened that this place could be no more. There are other horses on properties around the boarding place that don't seem to be an issue to people but I feel as if they are "targeting" this boarding place. Please take this email into consideration as I am advocating for silver sage horse boarding to not be shut down. Thank you!

From: [Serena Clark](#)
To: [Planning Admin](#)
Subject: 4755 Silver Sage Lane-Silver Sage Horse Boarding
Date: Tuesday, April 11, 2023 2:17:31 PM

Since I first set foot in the Silver Sage Horse Boarding Facility, I immediately felt welcomed. I moved to Fallon because I love the atmosphere. The people out here have always been friendly and supportive. The town itself makes me feel at home and like I belong. Silver Sage Boarding Facility is the embodiment of that feeling. Everyone there is so friendly and welcoming. The area is always kept clean and they maintain the horses beautifully. They have knowledgeable trainers and caretakers. I've never seen a Boarding facility that cares as much as they do. The petition to shut them down is deeply saddening and will be a great loss to Fallon and its community.

Sincerely, Serena Clark
Get [Outlook for Android](#)

From: [Shelby Hanson](#)
To: [Planning Admin](#)
Subject: Silver sage horse boarding
Date: Tuesday, April 11, 2023 3:38:49 PM

I would love to keep this boarding place open as there are not many in Fallon. The place is very nice and clean with good people who care for your horses. With the responses I have read to why people want to shut this place down sound like complaints and just neighborhood drama because people don't like each other. As for the traffic in the area, I have not noticed much and it is an exaggeration. For the sound issue, everywhere you go has noise and can't make a place completely silent (cars, animals, people, highway, ect). For the dust issue, Nevada is a dusty state and you also can't avoid that. For the population growth, people are constantly moving and coming in everywhere even around the boarding place and have the right to move where they want. For the confusion on the road, there isn't really anything to be confused about because people are just coming and going to the boarding place and it has a sign stating that it is a horse boarding place so people can't miss it. As for the room for the horses, there is enough room with adequate space for a horse and the area is zoned for horses/cattle and it is also a farm town. Please consider this email.

From: [Rose Hendrickson](#)
To: [Planning Admin](#); [Planning Business License](#)
Subject: Silver Sage Facility
Date: Tuesday, April 11, 2023 5:36:51 PM

Hello,

My name is Rose Hendrickson and I am sending this email to voice my concerns regarding the controversial issues that have arisen for our local horse boarding & training facility, Silver Sage Horse Boarding on Silver Sage Road in Fallon.

My daughter has been taking riding lessons at this facility for almost 3 years. This is one of (if not the only) local, reputable places that offers riding lessons for our youth. Horse riding is therapeutic, develops character, and teaches responsibility. I am no horse expert, but the character of this facility and its owners is transparent through the trainers and boarders on their property. We have taken classes at various times, weekends/weekdays, mornings/evenings, etc and I have never witnessed or heard anything disruptive while on this property. I have never witnessed speeding vehicles, rowdiness, unkept animals, or any other irresponsible behavior. Living in a rural community, it is hard to find extra curricular activities that fit in with work and school schedules and I love that I can keep my money local.

Please consider allowing Silver Sage to continue to offer their valuable lessons to our youth who so desperately need it.

Thank you,
Rose Hendrickson
775.980.7856

From: [Jaimi Woods](#)
To: [Planning Business License](#)
Subject: Fwd: Silver Sage Boarding
Date: Tuesday, April 11, 2023 4:30:17 PM

Sent from my iPhone

Begin forwarded message:

From: Jaimi Woods <jaileigh13@yahoo.com>
Date: April 11, 2023 at 4:21:41 PM PDT
To: planning-admin@churchillcounty.org, planning-b@churchillcounty.org **Subject: Silver Sage Boarding**

To Whom It Concerns:

I am a boarder at Silver Sage. I have boarded 2 to 3 horses there for over 14 years. Yes, that is a long time. With that being said, I have obviously been happy there, and have witnessed first hand the improvements made at the facility. Pens are cleaned daily and the manure taken off the property weekly. There is an enforced speed limit upon entering to keep the dust down. Although I have never seen much in the way of unusual dust as we live in the desert, and out in the country. There are plenty of goats, cows, and horses in the area too. As for the traffic on the road itself, there is plenty more car traffic than horse trailers. Most people living on that street seem to have at least 3 vehicles that are coming and going throughout the day. The horse trailer traffic coming into Silver Sage is NOT daily. There are trailers traveling the road daily, but they are going to other residences on that street. The street ends with a culdesac for easy public turn around for those that get lost, but I have not witnessed people getting lost coming to our riding facility very often in the last 14 years. I am usually there 5 to 6 days a week 4 to 6 hours. I am kind of the permanent old lady fixture being that I am in my 60's, and yes still riding. A lot of the people that do haul in are middle aged women like me, who like to ride and lesson together with our instructor who is well into middle age herself. We have a good time, and feel once on the facility we are safe. We are not hurting anyone to my knowledge. In all the years that I hve been there I have only known one person that has complained about the riding facility. He took a break from complaining when there was a trainer there he wanted to use. Once that colt had time put on him, and that trainer left it was only a matter of time before he started complaining and threatening to shut us down again. As for a vet clinic being on the property, that is misleading. There is no vet clinic! There is a vet area so that horses can receive coggins test, shots, health certificates, teeth floating, colic and wound care. I have never seen a sick horse come in. The mobile vets are the only vets in town that do emergency care after hours. Most horse owners will tell you that things like colic usually happen after 5, and our local vets in town will not come after work hours for any reason. One of my horses colicked this winter two nights in a row, and I was thankful for the mobile vets, and the well lit vet area for them to work in. I feel much distress over the possibility of Silver Sage closing, there is no other facility in this small community that provides the security and safety for both humans and horses.

Thank You for Your Time,

J Johnson

From: [Natalie Porter](#)
To: [Planning Admin](#)
Subject: 4755 Sage Lane Horse Boarding
Date: Tuesday, April 11, 2023 3:53:36 PM

I am appalled that there is a petition to get rid of the Silver Sage Horse Boarding place! All of the complaints have been completely unwarranted. There's always going to be dust, this is Nevada! All the neighbors have many horses and other animals. The facility is so clean and nice compared to every other place I've seen. There is hardly ever any cars on that street. The people there are always so kind and polite. I see many kids come and learn to ride horses there! This place is a staple in the community. Not to mention where else will people in our community board their horses? Silver Sage Horse Boarding offers wonderful care at such an affordable rate. With the current cost of everything getting rid of this place would displace and hurt those in our community.

Get [Outlook for Android](#)

From: tannernwebb@gmail.com
To: [Planning Admin](#)
Subject: Silver Sage Petition
Date: Tuesday, April 11, 2023 8:09:18 PM

Dear Churchill County,

I am writing to express my deep concern about the recent petition to shut down Silver Sage Horse Boarding, a vital horse boarding facility in our community. As someone who has experienced firsthand the benefits of horse boarding, I strongly believe that Silver Sage plays a vital role in the well-being of our community.

Firstly, Silver Sage provides a safe and comfortable environment for horses to live in. The facility offers spacious stalls, ample turnout space, and access to quality feed and water. The experienced and caring staff ensures that the horses receive the care they need, including veterinary care, grooming, and exercise.

Additionally, Silver Sage offers a range of equestrian activities that are accessible to the public. These activities include riding lessons, training, and boarding for horses of all levels and disciplines. The facility provides a sense of community and fosters a love and appreciation for horses in individuals of all ages.

Furthermore, Silver Sage contributes to the local economy by providing employment opportunities and supporting local businesses such as feed stores, farriers, and veterinarians. The facility also attracts equestrian events and competitions which bring in tourism and revenue for the community.

In conclusion, I urge you to consider the benefits of Silver Sage Horse Boarding and the positive impact it has on our community. Shutting down the facility would not only have a negative impact on the horses that rely on it but also on the individuals and businesses that benefit from it. I respectfully request that you reconsider the petition and support the continuation of this important resource.

Sincerely,

Webb, Tanner

From: [Jo Woods-Rau](#)
To: [Planning Admin](#)
Cc: [Planning Business License](#)
Subject: Silver Sage Boarding
Date: Tuesday, April 11, 2023 4:29:03 PM

Hello,

I am writing in support for keeping Silver Sage Boarding open. I have been visiting the facility off and on over the past 10 plus years. My daughter first learned to ride a horse there before Ms. Rogne was the owner and I can testify that she has done amazing things to the facility in making it a safe and secure facility for everyone involved. There is no other place in town that compares to the safety and quality of Silver Sage.

Furthermore in regards to the "vet clinic" I believe there is some confusion. I feel a space provided specifically for the purpose to treat animals making it safer and easier on both the animal and humans involved is a great idea. I'm sure the emergency vet as well as the other local vets that make farm calls would really appreciate it. Holding a sedated horses head up for its teeth to be floated is not fun or easy.

Thank You,

Jo Woods

Get [Outlook for iOS](#)

From: [mark.soto jr](#)
To: [Planning Admin](#)
Subject: Silver Sage boarding place
Date: Wednesday, April 12, 2023 11:24:06 AM

I would like to say that Silver Sage boarding place is and should continue to be allowed to be open. The people who work there are both professional and very kind. The facilities and accommodations of Silver Sage boarding are perfect and insure the safety of people and animals alike. The animals there are also well taken care of and cared for in all aspects. In my experience Silver Sage boarding is the best place I have ever had the pleasure of being associated with and the people this place has had an impact has only shown it for being a wonderful, It would me a lot to many that it stays open.



Churchill County Building Department

March 14, 2023

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

RE: COMMENTS PERTAINING TO SPECIAL USE PERMIT APPLICATION FOR LEGARZA BED
AND BREAKFAST, 4200 SHECKLER ROAD

Mr. Spross:

Regarding the the Special Use Permit for the Basque & Finn Bed & Breakfast, the Churchill County Building Department has the following comments:

An owner-occupied lodging house with five or fewer guestrooms falls under the 2018 International Residential Building Code.

A dwelling with guestrooms shall comply with the provisions of Section R314 *Smoke Alarms* and Section R315 *Carbon Monoxide Alarms*.

Per the above sections, smoke detectors and carbon monoxide detectors may need to be installed in the dwelling.

Churchill County Building Department will require the submittal and issuance of a building permit along with in-process inspections at all stages of installation.

No installation may be started prior to an issued building permit by the Churchill County Building Department.

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, NV is an equal opportunity provider and employer

From: [Jeralynne Pierson](#)
To: [Alexa Robinson](#); [Diane Moyle](#)
Cc: [Raymond Brown](#); [Marie Henson](#)
Subject: 4200 Sheckler Rd
Date: Tuesday, March 28, 2023 11:23:38 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Good morning,

I visited 4200 Sheckler Rd yesterday prior to our department signing off on the business license application. After testing the smoke detectors, confirming there were CO detectors installed, proper egress was present and discussing with the owner that no egress paths shall ever be blocked, our department has signed off on their application and have no further notes for their SUP or business license.

Please let me know if you have any questions.

Jera Pierson

jerilynne.pierson@churchillcountynv.gov

Churchill County Building
155 N. Taylor Street
Suite 170
Fallon, NV 89406-2754
O: (775) 428-0264
Fax: (775) 423-8185



From: [Kacey Nidever](#)
To: [Diane Moyle](#)
Cc: [Andrew Dixon](#); [Donette Barreto](#); [Robert Zeyer](#); [Loren Borst](#); [Dean Patterson](#); [Chris Spross](#)
Subject: Churchill County Land Use Permit application for review/comment (Follow-up)
Date: Tuesday, March 14, 2023 1:36:36 PM
Attachments: [Outlook-hiuwohif](#)
[Outlook-5crhwaua.png](#)
[osds-app-rev-5-2017.pdf](#)
[osds-noi-5-2017.pdf](#)
[epayment directions.pdf](#)
Importance: High

Ms. Moyle,

My name is Kacey Nidever. I'm a permit writer working for the Bureau of Water Pollution Control (BWPC) within the Nevada Division of Environmental Protection (NDEP). This email is notifying you that I have looked over the Churchill County Land Use application for Legarza Bed & Breakfast.

There is information missing in the application that would be required for the General On-site Sewage Disposal System (OSDS) permit for commercial facilities. <https://ndep.nv.gov/water/water-pollution-control/permitting/onsite-sewage-disposal-system-program>

The following information is missing/not provided:

- The documents do not state what the size/capacity of the existing septic tank is.
- They did not provide the setbacks on the site plans.
- The application does not state how many bedrooms there are in the building or provide an estimated daily projected occupational sewage flow.
- The effluent absorption area & required back-up area equivalent in size to the effluent absorption area is not indicated on the site plans submitted.
- They did not supply a copy of their permit from the county for the septic system.

Required documentation from applicants seeking an application for an existing system:

- A wet-signed hardcopy application form bearing the original signature of the owner/operator.
- A wet-signed hardcopy Notice of Intent (NOI) form bearing the original signature of the owner/operator.
- Pumping records & inspection report from a Nevada state licensed pumper.
- A copy of the permit for the septic system if installed prior to 2008 signed by the county (primarily to waive the application/review fee)
- A signed, stamped, and dated site plan from a Nevada state licensed design engineer if available. **Required for verifying setback requirements are met & identifying where**

the septic system (with capacity of tank indicated) and absorption area is located.

- A signed, stamped and dated engineering report from a Nevada state licensed design engineer if available.
- Signed, stamped and dated design specifications including an occupancy flow analysis to ensure that the existing system can handle the projected daily sewage flow for the facility/occupancy.

Our mailing address is:

Bureau of Water Pollution Control
Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City NV 89701-5249

The applicant would most-likely be submitting a General OSDS Permit for a small capacity septic system (<5,000 gallon septic system capacity). If they can not provide a copy of the permit for the septic system with the county, then they are required to submit a \$200 application fee for the permit. More information can be found on the NDEP website.

If you have any questions or concerns, feel free to contact me at knidever@ndep.nv.gov or at 775.687.9434.

Best Regards,
Kacey Nidever

Kacey Nidever
Environmental Scientist I
Permitting Branch, Bureau of Water Pollution Control
Nevada Division of Environmental Protection
Department of Conservation and Natural Resources
901 S. Stewart Street, Suite 4001
Carson City, NV 89701
knidever@ndep.nv.gov
(O) 775-687-9434 | (F) 775-687-4684



From: [Teresa Hayes](#)
To: [Shannon Ernst](#); [Diane Moyle](#)
Cc: [Dean Patterson](#); [Chris Spross](#); [Caleb Cage](#)
Subject: RE: Churchill County Land Use Permit application for review/comment from Health District
Date: Monday, March 13, 2023 2:21:21 PM
Attachments: [BED AND BREAKFAST FACILITIES.docx](#)

Good Morning,

Bed and Breakfast is a specific item from the food code NRS/NAC 446.

Food Establishment

- Main Website: https://dphh.nv.gov/Reg/Environmental_Health/
- Online Licensing instructions; https://dphh.nv.gov/Reg/CLICS/CLICS_-_Home/
- Food Establishments: https://dphh.nv.gov/Reg/Food/Food_Establishments_Home/
- Links to the statutes and regulations:
https://dphh.nv.gov/Reg/Food/dta/Statutes/Food_Establishments_-_Statutes/

Public Accommodation

A “short-term rental” may not qualify as a hotel. We may have to be able to speak to the applicant to help them figure that out.

Public Accommodations (i.e., Hotels) are NRS and NAC 447.

[https://dphh.nv.gov/Reg/Hotels/Public_Accommodations_\(Hotels_and_Motels\)_-Home/](https://dphh.nv.gov/Reg/Hotels/Public_Accommodations_(Hotels_and_Motels)_-Home/)

Residential Septic and Well

They may also need to contact Nevada Division of Environmental Protection about the well and septic.

The septic may be required to be “commercial.”

A Good Contact

Mark A. Kaminski, P.E.
Professional Engineer
Technical, Compliance & Enforcement Branch
Bureau of Water Pollution Control
Nevada Division of Environmental Protection
Department of Conservation and Natural Resources
901 S. Stewart Street, Suite 4001
Carson City, NV 89701
mkaminsk@ndep.nv.gov
(O) 775-687-9424
(M) 775-315-4201

Please let me know how we can assist.

Teresa Hayes, REHS

Health Program Manager III | Environmental Health Section
Division of Public and Behavioral Health
Nevada Department of Health and Human Services
T: (775) 546-5530

From: Shannon Ernst <shannon.ernst@churchillcountynv.gov>
Sent: Monday, March 13, 2023 2:00 PM
To: Diane Moyle <diane.moyle@churchillcountynv.gov>; Teresa Hayes <thayes@health.nv.gov>
Cc: Dean Patterson <dean.patterson@churchillcountynv.gov>; Chris Spross <chris.spross@churchillcountynv.gov>; Caleb Cage <caleb.cage@gmail.com>
Subject: RE: Churchill County Land Use Permit application for review/comment from Health District

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon –

I am sure there will be special permits required for hotel and food services. Until July 1st this would go through the State of Nevada.

I have copied Teresa Hayes, Health Program Manager, DPBH Environmental Health Sector, for details.

Thank you,

Shannon

***PLEASE NOTE NEW EMAIL ADDRESS: shannon.ernst@churchillcountynv.gov

Shannon Ernst
Director and Public Guardian
Churchill County Social Services
485 West B Street, Suite 105
Fallon, Nevada 89406
shannon.ernst@churchillcountynv.gov
775-423-6695, Main
775-428-0211, Direct
775-427-0035 EMERGENCY CELL



From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Monday, March 13, 2023 1:05 PM
To: Shannon Ernst <shannon.ernst@churchillcountynv.gov>

From: [Brendon Grant](#)
To: [Dean Patterson](#)
Cc: [Diane Moyle](#)
Subject: FW: Churchill County Land Use Permit application for review/comment
Date: Tuesday, March 14, 2023 8:03:47 AM
Attachments: [Legarza Bed & Breakfast SUP Application.pdf](#)
Importance: High

Good Morning Dean,

The Bureau of Safe Drinking Water (BSDW) appreciates Churchill County reaching for comment on this SUP Application.

After reading through the Application, it doesn't appear that the Legarza Bed and Breakfast will meet the definition of a public water system at this time. A public water system is defined as serving at least 25 people/day 60 days out of the year.

If the Legarza Bed and Breakfast were to expand and meet the definition of a public water system in the future, please notify the BSDW so appropriate water system permits can be issued.

<https://www.epa.gov/dwreginfo/information-about-public-water-systems>

Regards,

Brendon Grant, P.E.
Engineering Branch Supervisor
Bureau of Safe Drinking Water
Nevada Division of Environmental Protection
Department of Conservation and Natural Resources
901 S. Stewart Street, Suite 4001
Carson City, NV 89701
(O) 775 687-9524



From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Monday, March 13, 2023 12:59 PM
To: Elizabeth Kingsland <ekingsland@ndep.nv.gov>; Andrea Seifert <ASeifert@ndep.nv.gov>; Loren Borst <lborst@ndep.nv.gov>
Cc: Dean Patterson <dean.patterson@churchillcountynv.gov>; Chris Spross <chris.spross@churchillcountynv.gov>
Subject: Churchill County Land Use Permit application for review/comment
Importance: High

WARNING - This email originated from outside the State of Nevada. Exercise caution when

From: [Roberts, Jeremy](#)
To: [Diane Moyle; D2 Traffic DL](#)
Cc: [Dean Patterson; Chris Spross](#)
Subject: RE: Churchill County Land Use Application for review
Date: Tuesday, March 14, 2023 7:50:18 AM

Good Morning Diane,

The Highway Beautification Act per NAC 410 does not apply to this section of roadway as it does not fall within the National Highway System (NHS) scope. As long as the proposed signage is not within NDOT right of way there should be no issue with the signage on our side, other regulation should be determined by the county.

Should there be any questions please feel free to contact me.

Thank you for your time!

Jeremy Roberts

Utility Coordinator

District II – Right of Way Utilities

Nevada Department of Transportation

m 775.742.2787 | o 775.834.8308

e jroberts2@dot.nv.gov |

w d2utilities@dot.nv.gov

From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Monday, March 13, 2023 12:54 PM
To: D2 Traffic DL <D2Traffic@dot.nv.gov>; Roberts, Jeremy <JRoberts2@dot.nv.gov>
Cc: Dean Patterson <dean.patterson@churchillcountynv.gov>; Chris Spross <chris.spross@churchillcountynv.gov>
Subject: Churchill County Land Use Application for review
Importance: High

Attached is an application that has been submitted for Planning Commission approval at their April 12, 2023 meeting. We would like to receive input from NDOT regarding this bed & breakfast proposal as it takes access from Sheckler Road, which is a state highway. It will use the access for the residence and plans to put up a sign in order to direct traffic to the correct property for it.

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



Churchill County Building Department

March 14, 2023

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

RE: DE BRAGA VARIANCE APPLICATION, 11050 FITZ LANE

Mr. Spross:

Regarding the Variance from Lot Size application at 11050 Fitz Ln.:

A search of the records available in the Churchill County Building Department did not produce any permits or applications for any buildings or septic systems.

A Manufactured Home Placement permit was issued February 23, 1984.

As there are no records showing where the well or septic system is placed on the lot Nevada Administrative Code 444.792.1 may apply.

The referenced code states,

Except as otherwise provided in this section, an individual sewage disposal system must be located on the same lot as the building or structure that the system serves.

The Building Department has the following comments:

- 1) An accurate, to scale plot plan showing well and septic placement must be provided.
- 2) If any utility including water lines from the well, sewer lines to the septic system, leach lines or the septic tank cross the proposed property line, those utilities must be moved to within the new parcel boundaries, or a recorded utility easement with map must be provided.

No building permits will be issued without the above information being submitted.

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

March 14, 2023

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

RE: JENSEN VARIANCE APPLICATION, 505, 507, 511 ALLYN PLACE

Mr. Spross:

Regarding the Variance from Lot Size application at 505, 507, 511 ALLYN PLACE.:

A search of the records available in the Churchill County Building Department produced two permits issued in 1975, for 507 Allyn, one for a re-roof that was not closed out and the second permit was for a septic that was installed.

The plot map attached to the variance application shows one well and one septic placement. As there are no records showing where the other septic systems are placed on the lot Nevada Administrative Code 444.792.1 may apply.

The referenced code states,

Except as otherwise provided in this section, an individual sewage disposal system must be located on the same lot as the building or structure that the system serves.

The Building Department has the following comments:

- 1) An accurate, to scale plot plan showing well and septic placement must be provided.
- 2) If any utility including water lines from the well, sewer lines to the septic system, leach lines or the septic tank cross the proposed property line, those utilities must be moved to within the new parcel boundaries, or a recorded utility easement with map must be provided.

No building permits will be issued without the above information being submitted.

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

April 6, 2023

Churchill County
Public Works/Planning & Zoning
155 N Taylor St suite 194
Fallon, NV 89406

Re: Variance filed by Clint Jensen 505/507/511 Allyn Place

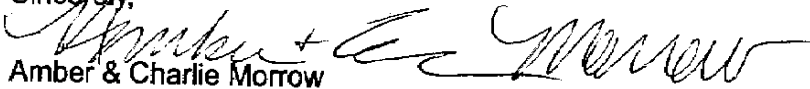
We are in receipt of the notice for the April 12, 2023 meeting and are not able to attend. The consideration and possible action on the application for a variance filed by Clint Jensen is one we do not support and recommend that you review the decision made/denied to allow then owner, Bob Miller, the ability to have one rental/(single wide trailer) on his 9.21 acre property at 3251 Schindler Rd. He was held to the 5 acre per house rule. .

We are opposed to having this area zoned to be less than 5 acres per house. Personally we had to jump through hoops, literally across the road from the Allyn Place address Clint is trying to re-zone, just to have a guest house, not a rental, on our own property that is 7.52 acres. We were not allowed to build a dwelling over 800 sq' at the time for a "guest house" because we owned less than 10 acres.

The buildings at 505/507/511 are very old and in poor condition and allowing 3 rental properties on 4 acres is not what the neighbors in this district want. Not to mention increased traffic on an already poorly maintained road. Grandfathering is one thing, purchasing a property with intent to make rental income when the current zoning applies is the burden of the person purchasing the property. Larry Miller was not allowed to sell off property in less than 5 acres parcels, one of which we purchased at 2194 Longhorn Dr, and again, were not allowed to have 2 houses, based on zoning and acreage. The rules have applied to all of us across the board and need to be upheld.

Thank you for your consideration. Please contact us directly, 775-691-6624 if you need any further information.

Sincerely,



Amber & Charlie Morrow

Residents 2194 Longhorn Dr
Fallon, NV 89406

From: [Dean Patterson](#)
To: [Diane Moyle](#)
Subject: FW: Variance comment for property 006-351-22
Date: Tuesday, April 11, 2023 8:41:02 AM

FYI for Jensen variance

Dean Patterson, Senior Planner
Churchill County Public Works, Planning, & Zoning
Off. 775-423-7627 || Dir. 775-428-0256 || dean.patterson@churchillcountynv.gov
155 N. Taylor, Suite 194, Fallon NV 89406

-----Original Message-----

From: Adam Nunley <adamnunley@hotmail.com>
Sent: Monday, April 10, 2023 7:17 PM
To: Chris Spross <chris.spross@churchillcountynv.gov>
Cc: planning@churchillcounty.org; Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Variance comment for property 006-351-22

Sir or Ma'am,

I am writing you today with my opinion on splitting property parcel 006-351-22. The last thing I want is for more traffic to be in my area. We live out here where there is less traffic for a reason. If this is approved, then the precedent is set. What is to stop the next person from coming in and putting in a bunch of Condos next door to me. Also, My family and I enjoy walking down this road and the last thing I want is for them to have to deal with more traffic because someone came along and wanted to make a quick dollar off of our neighborhood. Do not approve this variance.

Thank you for your time,
Adam T. Nunley

Sent from my iPhone

Mara Shane Miller
3455 Cress Pl.
Fallon, NV 89406

April 9, 2023

Churchill County Public Works, Planning & Zoning

Re Parcel #: 006-357-22

In regards to the letter I received on the property at 505/507/511 Allyn Place, I am expressing my concerns regarding the variance. The structure at 511 Allyn Pl. has not been lived in since before 1966, which is when I moved to 3455 Cress Pl. The mobile home at 505 Allyn Pl. was moved in so that the owner of the property could have a caregiver close by. The 505 home has not been lived in for 15-20 years. With the way the 4.04 acres is shaped our main concern is whether the structure at 511 would also be renovated. That would leave three homes on the 4.04 parcel of land. A property on Allen Rd. and St. Claire had to quit letting someone live in the second trailer because there were two trailers on less than 5 acres.

I do object to the variance.

Regretfully Yours,

A handwritten signature in cursive script that reads "MaraShane Miller". The signature is written in dark ink and is positioned below the typed name.

MaraShane Miller

CHURCHILL COUNTY PLANNING COMMISSION MEETING

155 North Taylor Street, Commission Chambers

April 12, 2023 at 7:00 p.m.

Name	For Which Agenda Item	Contact Info
Kelly Gross	Silver Sage	4273900
Tyrie Wenger	Silver Sage	4273900 4377108
Colton Wenger	Silver Sage	4377108
Wesley Wenger	Silver Sage	4377108
Tulsa Wenger	Silver Sage	4377108
STEPHEN SKODA	SILVER SAGE	601 604 1417
Dan Houser	Silver Sage	426-8006
Tracy Burnichan	Permit	425-626-0917
Tammy Hardtner	Silver Sage	775-560-2330
Chawndelle Adams	Silver Sage	619-319-7771
Denise Felton	" "	775-750-4752
Clint Felton	" "	775-750-4658
Maria Beck	Silver Sage	775-901-8814
Brandon		
Jan Strohaner	Bed/Breakfast	775 530- ⁹⁵⁷ 957 -7788
Bill Strohaner	Bed/Breakfast	530-363-5796
Jo Woods	Silver Sage	775-857-7922
Jarmi Woods	Silver Sage	775 426-0948
Shawn Drost	Silver Sage	775 430 8644
Lois Snodgrass	Silver Sage	775-294-4411
Kevin Snodgrass	Silver Sage	775-600-3931
Rose Lynn Snodgrass	Silver Sage	775-699-5765
Joe & Jeannette	Dahl Silver Sage	4276287
Mable	SCHUECKLER	775 666 5620
Chris	A-B Schueckler	775-867-2115

EVERYONE SIGN IN

PLEASE PRINT YOUR INFORMATION

CHURCHILL COUNTY PLANNING COMMISSION MEETING

155 North Taylor Street, Commission Chambers

April 12, 2023 at 7:00 p.m.

Name	For Which Agenda Item	Contact Info
Marsha Miller	Allyn Pl	775-426-9662
Marcy Newton		
Harry Miller	Allen Pl	775 426 9154
Robert Jordan	10 B	775-217-2930
Joe Jordan Jr.	10 B	775-427-0486
Margaret Halloran	Allyn PL	775-42428-2825
Joe & Margaret Diaz	Tup	775 699-5611
Leonor deBraga		775 217-0987
Sherry Legarza	S	775-427-4475
ToriAnn Robinson	SHUTT 10B	651-239-2125
Jacob Robinson	10B	
Ant Miller	Legarza	775-217-0988
Star Bell	debragg	240 3079
Wayne Bonde	10 B	775-666-5907
Bandy Barrenchua	Silver Sage	775-426-8327
Jesse Renfro	Silver Sage	775-426-8343
Brian Sorensen	Allen PL	775 427 0805
Levi Coonce		209-552-1448

EVERYONE SIGN IN

PLEASE PRINT YOUR INFORMATION



**CHURCHILL COUNTY
PLANNING COMMISSION
CHURCHILL COUNTY, NEVADA**

155 N. Taylor Street, Suite 194

Fallon, Nevada 89406

(775) 423-7627

Fax: (775) 428-0259

E-mail: planning@churchillcounty.org

******NOTICE OF PUBLIC MEETING******

AGENDA

PLEASE POST

PLACE OF MEETING: Churchill County Administrative Building, Commission Chambers,
155 North Taylor Street, Fallon, Nevada

DATE & TIME: April 12, 2023 at 7:00 PM

TYPE OF MEETING: Regularly Scheduled Planning Commission Meeting

Live Webcasting:

<https://churchillconv.suiteonemedia.com/web/live/>

If you wish to make public comment, you may make them in person at the meeting or via e-mail, no later than 4:30 PM the day before the meeting, to: planning-admin@churchillcounty.org and planning-bl@churchillcounty.org.

Notes:

- I. These meetings are subject to the provisions of Nevada Open Meeting Law (NRS Chapter 241). Except as otherwise provided for by law, these meetings are open and public.***
- II. Action will be taken on all Agenda items, unless otherwise noted.***
- III. The Agenda is a tentative schedule. The Planning Commission may act upon Agenda items in a different order than is stated in this notice – so as to affect the people's business in the most efficient manner possible.***
- IV. In the interest of time, the Planning Commission reserves the right to impose uniform time limits upon matters devoted to public comment.***
- V. Any statement made by a member of the Planning Commission during the public meeting is absolutely privileged.***
- VI. All persons participating in the meetings are put on notice that an audio and video recording is made of these meetings.***

AGENDA:

- 1. Call to Order.**
- 2. Pledge of Allegiance.**
- 3. Public Comment.**
- 4. Verification of the Posting of the Agenda.**

5. **Consideration and possible action re: Approval of Agenda as submitted or revised.**
6. **Verification of notification of all landowners in accordance with NRS and the Churchill County Consolidated Development Code.**
7. **Consideration and possible action re: Approval of Minutes of the meeting held on:**
 - A. March 8, 2023 Public Hearing
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. This item was tabled at the March 8, 2023 meeting.*
 - B. Consideration and possible action re: Renewal of a temporary use permit previously granted to Joseph & Margaret Diaz for property located at 732 Wildes Road, Assessor's Parcel Number 006-711-11, consisting of 1.5 acres in the A-5 zoning district. Origination date 4/14/2021. *The applicants stated that they have not completed the home construction yet.*
 - C. Consideration and possible action re: Renewal of a temporary use permit previously granted to Tracy Burnichon for property located at 7475 Sand Hill Road, Assessor's Parcel Number 010-431-06, for temporary quarters during home construction. Origination Date 4/13/2022. *Ms. Burnichon stated that she wasn't able to enact the permit yet due to circumstances beyond her control, and she wants to renew the permit to give her more time to get the RV moved to the property.*
 - D. Consideration and possible action re: Renewal of a temporary use permit previously granted to Levi Coonce for property located at 798 Triple E Lane, Assessor's Parcel Number 009-111-47, for temporary quarters during home construction Origination Date 4/8/2020. *Mr. Coonce stated that the construction of the residence is still ongoing. They are currently framing and working on it when the weather permits.*
9. **Action Item.**
 - A. Consideration and possible action re: A merger and resubdivision parcel map application filed by the Fernley Business Park LLC. The property is located adjacent to the county line and railroad tracks at 11000 Reno Highway, Assessor's Parcel Numbers 009-251-77 & 009-251-78, consisting of 163.78 acres in the Industrial zoning district. The applicant proposes to merge the two existing lots and re-divide the property into 4 parcels of varying size, including abandonment of a utility easement.
10. **Public Hearings:**
 - A. 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'. *This item was tabled at the March 8, 2023 meeting.*
 - B. Consideration and possible action re: A special use permit application for expansion of an existing horse boarding business filed by Kelly Gross, owner of Silver Sage Horse Boarding, for property located at 4755 Silver Sage Lane, Assessor's Parcel Number

006-811-60,consisting of 5.08 acres in the A-5 zoning district. The applicant proposes to expand beyond the existing permit to include more boarding stalls, equestrian training, private education, and an as-needed veterinary clinic.

- C. Consideration and possible action re: A special use permit application for a short-term rental bed and breakfast filed by Sherry Legarza for property located at 4200 Sheckler Road, Assessor's Parcel 008-711-25, consisting of 7.75 acres in the A-5 zoning district. The applicant proposes to use a portion of the existing residence to operate a short-term rental bed and breakfast with two rooms each with a separate bathroom and accompanying sign at the entrance to the property.
- D. Consideration and possible action re: A variance application filed by Trevor deBraga to reduce the 10-acre minimum parcel size on property located at 11050 Fitz Lane, Assessor's Parcel Number 009-072-08, consisting of 80 acres in the A-10 zoning district. Approving the variance will allow the applicant to divide a two-acre parcel off of the agricultural parcel for the homestead.
- E. Consideration and possible action re: An application for a variance filed by Clint Jensen, of Clint Jensen Construction, to reduce the 5-acre minimum parcel size on property located at 505/507/511 Allyn Place, Assessor's Parcel Number 006-351-22, consisting of 4.04 acres in the A-5 zoning district. Approving the variance will allow the applicant to apply for an administrative special use permit for an additional permanent residence to replace an old residence that had lost its pre-existing nonconformance.

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: Terminate a special use permit previously granted to Michel Cunningham, of Excel Equipment Company, for property located at 9900 Carson Highway, Assessor's Parcel Number 007-171-75, for an off premise outside storage yard. *Mr. Cunningham called to state that everything has been sold and the majority should be removed from the property by the end of March; therefore, the permit will no longer be needed by their company.*

12. Public Comment.

13. Adjournment.

14. Appendix.

Supporting Documentation

STATE OF NEVADA)
 : ss.
County of Churchill)

*I, **Diane Moyle, Administrative Assistant**, do hereby affirm that I posted, or caused to be posted, a copy of this notice of public meeting, on or before the **6th day of April 2023, between the hours of 8:30 a.m. and 5:00 p.m.**, at the following locations in Churchill County, Nevada:*

- 1. County Administration Building, 155 N. Taylor St., Fallon, NV;*
- 2. The Churchill County Website @ www.churchillcountynv.gov;*
- 3. The State of Nevada Website @ <https://notice.nv.gov/>.*

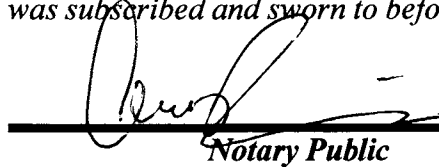


Diane Moyle, Administrative Assistant

Diane Moyle, Administrative Assistant, who was subscribed and sworn to before me this **6th** day of April 2023.



ALEXA ROBINSON
Notary Public - State of Nevada
Appointment Recorded in Churchill County
No: 21-2602-04 - Expires December 1, 2025


Notary Public

Endnotes:

Disclosures:

**Churchill County is an equal opportunity provider and employer.*

Accommodations/Nondiscrimination:

**In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies or complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency [(775)423-4092] or USDA's TARGET Center at (202)720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800)877-8339. Additionally, program information may be available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at: http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the Complaint Form, call (866)632-9992. Submit your completed form or letter to USDA by:*

1. Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights 1400
Independence Avenue, SW
Washington, D.C. 20250-9410;
2. Fax: (202)690-7442; or
3. Email: program.intake@usda.gov.

Procedures:

**The public meetings may be conducted according to rules of parliamentary procedure.*

**Persons providing public comment will be asked to state their name for the record.*

**The Churchill County Planning Commission reserves the right to restrict participation by persons in the public meeting where the conduct of such persons is willfully disruptive to the people's business.*

**All supporting materials for this Agenda, previous Agendas, or Minutes are available by requesting a copy from the Public Works, Planning and Zoning office, 775-423-7627. During the meeting, there will be one copy available for public inspection. Additional copies are available by making the request from the Public Works, Planning and Zoning office. You are entitled to one copy of the supporting materials free of charge.*