

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

May 10, 2023

The audio recording file failed to record due to a mechanical failure. The record should reflect that a good faith effort to comply with the provisions of subsections 4 and 5 of NRS 241.035 were made, but the county was prevented from doing so because of factors beyond the county's reasonable control, including, without limitation, a power outage, a mechanical failure, or other unforeseen event, and such failure does not constitute a violation of the provisions of this statute. Recording commenced as soon as possible once the issue was resolved.

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on May 10, 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
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 May 4, 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 NEV DEV LLC requested to postpone their application until the next meeting; therefore, this item has been removed.

Member Diehl moved to approve the agenda as revised. 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. April 12, 2023 Hearing

Member Picotte moved to approve the April 12, 2023 minutes as written.

Member Nelson 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 for temporary quarters during home construction to Robert Daly for property located at 13450 Big Red Drive, Assessor's Parcel Number 006-122-52. Mr. Daly has completed the foundation and will now start construction of the residence, so he requests a renewal of the permit.

Robert Daly, 13450 Big Red Drive, was available to speak about the renewal application.

Director Spross went over information from the Staff Report. This permit originated in 2018, so this will be the fifth renewal application. He shared information that was received from the Building Department regarding permitting, inspections and timelines. The Building Department doesn't have record of any permit for a residence and said that there was one for a garage. There were also noted some failed inspections that needed follow up. Mr. Daly interjected that this information is inaccurate. Director Spross continued with data provided by the Building Department.

Robert Daly remarked that the building was not meant to be just a garage; the plans were submitted to the department before the building was ever purchased, which was during the first year of his temporary use permit. He confirmed that there were no inspections for the first two years due to him putting in the well, which used up his budget for working on the slab. He further stated that the septic was the first thing to go in, and it was signed off and approved. Then he did the under slab pipes, gas line, and foundation, which were all inspected and approved. He poured the slab in January. Mr. Daly said that tomorrow Clint Jensen Construction would be on the property to engineer all of the holes and start drilling for the building assembly, and it is going to be a residence. Director Spross informed that according to the letter that was received from the Building Department they do not have any plans for a residence, and he suggested that before they start work tomorrow, Mr. Daly goes to their department and make sure things are cleared up. Mr. Daly vehemently stated that the Building Inspector already approved the plumbing installation for the residence, so he knows that they are aware that he is building a house. Director Spross reiterated that it would be in his best interest to speak with the Building Official, not just the Building Inspector, to ensure that everything is permitted for the residence. He said that the conditions for the temporary use permit includes getting building permits and compliance with building regulations for construction of a permanent residence. Robert Daly explained what he understood regarding the building permit and plans for the engineered building that he purchased to use for the residence. He said that he would check with their department. He talked about the pictures that he provided as displayed on the screen for the information about the building as well as the poured foundation. Chair Blakey asked if the Building Inspector had provided him with any paperwork for the completed inspections, and Mr. Daly responded that he wasn't given anything. Chair Blakey believes that there are some issues that should be addressed with the Building Department, and he asked counsel if the issues with the construction would cause any problems with them making a decision on the renewal of the temporary use permit. Joseph Sanford, DDA—Civil, stated that as a general rule it does not as a condition for the permit is compliance with all of the building permit requirements, so Mr. Daly just needs to get that figured out. He further informed that

they could choose to table their decision, or they could approve the renewal under that condition.

Chair Blakey asked for discussion from the commissioners.

Member Picotte inquired if they decided to table their decision on the renewal and Mr. Daly was able to get everything cleared up with the Building Department, would he be able to start construction. Director Spross expressed his belief that the most seamless process would be to approve the renewal of the permit on the condition that Mr. Daly works with the Building Department to ensure compliance with their requirements. Mr. Daly commented that there have been some problems previously due to errors with addresses and such in the permitting process, so he would contact them to get things worked out.

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

Member Goings moved to approve the renewal of the temporary use permit for Robert Daly at 13450 Big Red Drive (APN 006-122-52) for another year with the condition that the applicant correct issues with the Building Department and further progress be made during the year. Member Picotte seconded the motion and the decision carried by unanimous vote (6-0).

Member Diehl asked that the applicant provide updates to the department regarding the building permits and inspections. Director Spross was sure that he would be contacted by the Building Department after they've met.

B. Consideration and possible action re: Annual Review of a special use permit previously granted to Scotty Moss of Moss & Sons Landscaping for establishing a construction contractor & repair services business at 2519 Resource Drive, Assessor's Parcel Number 009-251-43.

Scotty Moss, 2519 Resource Drive, Hazen, was available to speak regarding the special use permit review.

Director Spross went over information from the Staff Report and explained that most special use permits don't have annual reviews; however, there were some things that we wanted to make sure were completed. He stated that there is one issue that has been completely out of the hands of Mr. Moss in getting permitting for a well. The State Water Engineer is very behind in completing the permits for water. He shared a response that was received from the Building Department regarding permits, inspections, and approvals along with timelines.

Loreli LeBaron, Code Compliance Official, said that she completed an inspection of the property that day to determine how things have progressed toward meeting the conditions of the permit. She pointed out areas where compliance was noted as well as areas where some work may still be needed. The ADA (American with Disabilities Act) parking space has been installed and signage appears to meet the conditions. She shared photos that she took at the property that were displayed on the overhead screen. There was some discussion on storage items needing to be moved to the screened area in the back, lighting that needed to be downward facing and shielded, and paving near the apron to avoid tracking the gravel onto Resource Drive.

Scotty Moss informed that they are finally getting their well permit from the state, so after three years they should be installing a well fairly soon. He said that he thought the lighting issues were taken care of because the Building Inspector, Ray Brown, completed his inspections and said everything was okay. Loreli LeBaron stated that Ray Brown handles the electrical power portion of the lighting; however, when considering the dark skies ordinance, the lights should be downward

facing and shielded so that the light remains on the property and doesn't shine in other directions. She hasn't been able to complete a night inspection, and her observations were based upon the angle that the lights appear to be facing. Mr. Moss declared that he believes that the lighting issues were corrected and stated that he would be willing to work with her on this should there be any remaining problems. He further remarked that he was under the impression that the electrical inspection had been completed because Ray Brown had signed off on these. Director Spross restated from the correspondence received from the Building Department that there are still no lockrings on exterior side of the threaded chase nipple for exterior electrical outlets at the light poles, one Conex was locked and not made available to check for corrections, and all other issues were resolved. Scotty Moss requested a copy of these items, so that he could make sure to complete these items. A copy of the letter was provided to him at the meeting by Director Spross, who further indicated that Mr. Moss is making progress. The department had requested the annual review in order to see that he was adhering to the conditions of the Notice of Final Action. The big hurdle was the water, and it sounds like there is some movement being made there. There may be a couple of other small issues that need to be addressed, but he is willing to do what is required to come into compliance. The staff recommends approving the special use permit.

Chair Blakey asked for discussion from the commissioners.

Member Diehl inquired if Mr. Moss has water and sewer now connected to the office. Scotty Moss responded that the sewer connection has already been completed; however, they just got approved for the permit for the well from the State Engineer. They sent in the payment to the state, and they were told it could take up to 30 days for them to issue the permit. Member Diehl then questioned the equipment and everything being inside of a fence as required, and Mr. Moss agreed that all of his equipment is inside the fence. He noted that the pallets that Loreli LeBaron saw were there because he wants to make sure that everything stored on the lot is in an orderly fashion, so he doesn't let his employees bring stuff inside the storage area unless he is there to make sure it is put away properly. Member Diehl asked if he has addressed the lighting system. Mr. Moss remarked that they have adjusted the lights a couple of times, but any other issues can be addressed again.

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

Member Nelson moved to approve the special use permit for Scotty Moss at 2519 Resource Drive (APN 009-251-43) with no further review as long as there is no violation of the permit. Member Goings seconded the motion and the decision carried by unanimous vote (6-0).

Director Spross pointed out that this permit was issued with an annual review requirement. Loreli LeBaron is making sure that things are brought into compliance. Is this approval to include another annual review, or will it be for the full special use permit with no further annual reviews? Chair Blakey thinks that since there are a few outstanding issues that this should still require another annual review. Director Spross asked legal counsel if that would require a new motion, and Joseph Sanford, DDA-Civil, agreed that it would need a new motion. Scotty Moss pointed out that the aerial photo that is displayed is old, and he mentioned things that have changed and been done to enact the conditions of the permit. Jeff Goings inquired if these few issues regarding the conditions of the permit could be handled through Loreli LeBaron and not need to come back on an annual basis. Director Spross concurred and explained that it is up to the Code Compliance Official to ensure that all of the conditions on a permit are met. If they are not in compliance, a code

compliance case may be opened to deal with those issues. He doesn't think there is a need to have the annual review because Loreli LeBaron has been inspecting for meeting the conditions. Legal counsel believes that the motion made in tandem with this discussion will state the intent of the motion.

9. Action Item:

A. Consideration and possible action re: A parcel map application filed by Trevor deBraga for property located at 11050 Fitz Lane, Assessor's Parcel Number 009-072-08, consisting of 80 acres in the A-10 zoning district. *The Planning Commission previously approved a variance to 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 regarding the application.

Director Spross shared information from the Staff Report. The materials for this parcel map were lost in the US mail, so the normal review process was interrupted, and the normal revision was not able to be provided. The recommended conditions for approval are more detailed to compensate for the lost interaction. The property has a mobile home and a stick built home, and the owner plans to remove the mobile home, construct a new home, and then remove the older stick built home. This will result in only one home on the property instead of two as it is currently. In order to obtain financing for the home in conjunction with the existing farmland loans, the applicant proposes to split off the two acre farmstead area where the home will be located. The remaining corrals and irrigated farmland will be attached to the other 78-acre lot. The applicant previously obtained a variance for the smaller lot size in order to create the 2-acre lot. This application implements the variance by proposing to divide the land into two lots.

Chair Blakey asked for any discussion from the commissioners. There were none; therefore, he inquired if there were any public comments. There were none.

Director Spross stated that staff recommends approval for this application. He went over the recommended conditions:

1. *Any final changes required by the County Surveyor shall be made prior to recording.*
 - a. *Correction of minor errors, including bearings and/or distances.*
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. *Any changes to the Owner Certificate and Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land and facilities.*
 - c. *All septic system locations must be shown.*
 - d. *Two water dedications shall be submitted before recording the map.*
 - e. *Needed changes and labels clarifying the status of federal easements shall be made.*
 - f. *Add missing easements serving the property.*
 - g. *Inclusion of corner coordinates*
3. *The mobile home must be removed before recording the map.*
4. *The Fitz Lane right-of-way shall be drawn as a separate parcel, and appropriate changes made to area and dimensions. It shall be labeled as offered for dedication. The County Commissioner's Certificate shall indicate that Fitz Lane will be accepted.*
5. *An informational note shall be added that one of the potential lots on the 80-acre property has been used with this map.*

Member Goings verified with the applicant that he has read and will comply with these conditions, and Mr. deBraga confirmed that he will.

Chair Blakey called for a motion.

Member Hyde, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been for conformance with the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A) on APN 009-072-08, as described in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote (6-0).

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

(A) APPROVE the Parcel Map application for Trevor deBraga to divide APN: 009-072-08 into 2 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) ACCEPT the offer to dedicate lands and improvements for Fitz Lane, and REJECT all other offers to dedicate lands and improvements at this time.

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

10. Public Hearings:

A. Consideration and possible action re: A temporary use permit application for temporary quarters during home construction filed by Justin Erickson for property located off Lucas Road, Assessor's Parcel Number 007-101-01, consisting of 80.0 acres in the A-10 zoning district. The applicant proposes to place 3 RVs on the property to house his family during the construction of the residence.

Justin Erickson, 2829 Lucas Road (property address), was available to speak regarding the application.

Director Spross summarized information from the Staff Report for this application. The application is for three RVs. Two are for sure to house family members, and the third is requested on the contingency that the oldest son's plans to enter the military do not work out. The application indicates that the utility services will be portable; therefore, sewage disposal is proposed using the RV tanks and calling Marshall's Septic as needed. Power will be provided by solar and a generator. There was no description of how water would be provided. There was discussion on the road conditions and easements, and the Fire Marshal indicated that additional improvements are likely needed to meet the access road standards of 20 foot width with a well graveled, all weather surface suitable for fire vehicles. Additional gravel will probably be needed. The applicant will be required to obtain all building permits and RV placement permits. One problem that complicates the application is the request for multiple RVs, and the request for the third is excessive. Staff recommends that two be approved and the third be denied.

Chair Blakey asked for anything additional from the applicant. Justin Erickson stated that they have already gotten quotes from Welsco about installation of a septic system. They have already talked with Menesini Petroleum to bring out a temporary propane tank for the RVs. They will also use Marshall's Septic for a 300 gallon temporary septic until they can get the actual septic installed.

Chair Blakey then turned the discussion to the commissioners.

Member Hyde asked if they had obtained any building permits for the residence. Mr. Erickson replied that they wanted to get the approval to live on the property prior to starting any permitting, so that they could reduce their living expenses before he submitted the plans for the house. He said that he sent in a couple of diagrams of what they are looking at, and they are already getting quotes from Clint Jensen for the dirt work and the foundation. He has already received some quotes from the building constructor and from the engineering designer. They are looking at about \$65,000 already without including the slab. Member Hyde questioned what he could get done within one year. Justin Erickson hopes to get the septic and well completed as well as the slab done. If everything goes correctly, they should be able to have the building erected with no interior work done within the next twelve months. Member Hyde inquired about the plans. Mr. Erickson responded that as soon as they get this approval, he will be able to start getting everything lined out. He explained that they kind of put the cart before the horse with this application because they were going to try to see if they would be able to do a quick build and move out there to cut their costs in order to put more money toward the build, or if they were going to do a slow build and stay in the rental where they are currently. He wanted to know if they would be able to be approved, so that they could make their decision as to which avenue they would need to take. Member Hyde questioned the need for three RVs. Mr. Erickson said that they decided to ask for three because they have three teenage boys. One of them is seventeen, and he is supposed to be going into the Marines in about a month. If for some unforeseen reason that falls through, they request the third RV for him. He and his wife would be in one, the two teenage boys would share one, and then the third would be for the seventeen year old. Member Hyde remarked that if they only allow the two RVs, they would be more motivated to finish the house quicker. Mr. Erickson agreed that could be true; however, he believes it would turn out badly.

Director Spross said that the department did receive correspondence from one person with no opposition to this application and comments from the Building Department stating requirements that would need to be met (a copy was provided to the applicant).

Chair Blakey restated that the applicant has indicated that he would be able to install a septic system, a well, the slab and possibly erect the building with no interior work within twelve months. He asked the applicant if his budget and timelines would allow for these. Mr. Erickson agreed. Chair Blakey asked if there was anything on the property at this time. Justin Erickson responded that he has some pallets that he plans to use to build pig pens. The 2015 RV is on the lot, and there are also a couple of his Jeeps. Chair Blakey inquired about the fifth wheel trailer, and Mr. Erickson clarified that belongs to his neighbor.

Member Goings asked him to describe the second RV. Justin Erickson stated that it would probably be another tow-behind, bumper pull travel trailer. He said that they haven't purchased that one yet. They only purchased the 2015 a day before they turned in the application, which is why there is a date for that one.

Director Spross restated that the applicant indicated that the RVs were for family members. He then inquired about the other couple that are listed on the purchase agreement and to ensure that they aren't going to be living in the second or third RV. Justin Erickson responded that they wouldn't. The other two are friends of theirs, so they will co-own the land, but they live on Drumm Lane and won't move out there right now. Chair Blakey asked for further clarification, and Mr. Erickson remarked that once the other couple are ready to build out there, they will come back to apply for a parcel map to split the lot. After that the friends would have to go through their own process.

Member Diehl verified that they have three boys, and one is in recruiting to be a Marine. Justin Erickson said that he just finished with his hiSET. He is in talks with the recruiter, and as soon as he turns 17, he is supposed to be enlisting and going off to boot camp. He is trying to go in on a buddy system, so he and another of his friends are going in together. He decided that he wanted to go in when he was 17 instead of waiting until 18, so they decided to have him go through the hiSET. He's just waiting for his birthday. Member Diehl restated that he will probably be off to boot camp very soon, so they probably will not need the third RV. Mr. Erickson agreed.

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

Member Picotte, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings for conformance with the criteria found in CCC 16.08.070(B)4:

(A) Have been met regarding a Temporary Use Permit for 2 Temporary Quarters for Home Construction, and

(B) Have not been met regarding a Temporary Use Permit for the third Temporary Quarters for Home Construction

on APN 007-101-01, as described in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote (6-0).

Director Spross wanted to ensure that the applicant was aware of the recommended conditions for approval:

1. *The temporary quarters must comply with Churchill County Code.*
 - a. *An access road that meets County standards shall be provided or upgraded reaching from Lucas Road to the home site before the first renewal.*
2. *All required Building Department approvals and safety certificates must be obtained:*
 - a. *A water supply that is acceptable to the Building Department shall be provided to each temporary quarters.*
 - b. *Any Setup Permit necessary for the setup of the temporary quarters must be obtained along with any required inspections of water, septic and electrical connections of connecting to a service.*
 - c. *All necessary permits for home construction must be obtained.*
3. *The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation. No manufactured homes may be used as a temporary residence while constructing a home.*
4. *This temporary use permit is subject to annual renewal. **The applicant must show substantial progress of home construction during the annual review hearing.***
5. *Once home construction is complete enough to allow habitation, the RVs must be disconnected from sewer/water/electric services and made lawful at its subsequent location.*

Member Goings commented that he didn't see anything that required the applicant to have an RV that is self-contained. The first one we know has this, but there isn't any information about the second RV. He wondered if it a condition should be added to ensure that the second RV be self-contained, so that there isn't some tent trailer out there that doesn't provide a bathroom with a holding tank. Director Spross would agree to a certain extent. The conditions of being self-contained is not a necessity for a temporary use permit. What he means by that is that Mr. Erickson can install a septic system and hook the RVs up to the septic system; he can

install a well and hook the RVs up to the well. Being self-contained is not a requirement for the permit. We do not have any provisions that say that you cannot put a tent on a tow-behind trailer and call it a trailer, but he thinks that there is an understanding of what a recreational vehicle is. That is why we have asked Mr. Erickson to provide that information, and why he provided that information on the application. When the Building Department does a placement permit, they will make sure that the RV is habitable and in conformance with what would be required to be a part of this permit.

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

(A) to approve the application for a Temporary Use Permit to establish 2 Temporary Quarters for Home Construction, and

(B) to deny the application for a Temporary Use Permit for the third Temporary Quarters for Home Construction

filed by Justin Erickson at 2829 Lucas Road (APN 007-101-01). This approval is subject to conditions, as listed in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote (6-0).

- B. Consideration and possible action re: A special use permit application for a home based business filed by Leesa Stevens for property located at 1027 Mc Lean Road, Assessor's Parcel Number 008-693-04, consisting of 0.51 acre in the E-1 zoning district. The application proposes to operate a bakery business from her residence.

Leesa Stevens, 1027 McLean Road, was available to speak regarding the application.

Director Spross went over information from the Staff Report. A home based business is accessory to and subordinate to primary residential use. Normally, these are reviewed through an over the counter permit. They must meet eight criteria of the Churchill County Code. Those that cannot meet that criteria may have impacts upon neighboring residences, but might be approved through a special use permit. The proposed business is requesting the special use permit due to (A) customers coming to the property and (B) the use of a sign. The primary activities will take place inside the home; however, the applicant would like to allow customers to come pick up their items at her home. She anticipates less than 10 visits per day. Business hours were not provided on the application, so staff recommends limiting hours for customer visits to between 7:00 a.m. and 6:00 p.m. Customers will use the large area in front of the home to park and turn around. A full commercial bakery would not be permitted in E-1 zoning; however, due to the small scale of this home based bakery along with the conditions for approval should be adequate to ensure compatibility. Some businesses are required to meet ADA (Americans with Disabilities Act) requirements; however, the applicant has stated that she can meet customers at their cars. This will avoid the need to provide ADA accessibility facilities in the home, and the Building Department agrees. The applicant proposes a small temporary sign for the days that the business is open. Sign details were not provided. Home businesses are limited to signs of 10 square feet or smaller. Director Spross said that he did receive a comment from the Building Department, which he read for the record.

Chair Blakey questioned if the applicant had anything to add, and Mrs. Stevens remarked that she only requests a temporary sign for when she is open. It would be a sandwich board style sign, which is moveable. She will provide curbside service to the customers.

Chair Blakey asked for any discussion from the commissioners.

Member Diehl inquired if Leesa Stevens had obtained her business license, and Mrs. Stevens stated that she does have the business license and the cottage food license. Member Diehl questioned the number of customers she anticipates per day. Leesa Stevens believes it will be ten or fewer per day. If it grows larger than that, she will look for another location. Member Diehl verified that she had all of her federal and state permits that are required, and Mrs. Stevens replied that she has the Cottage Food Permit, the State Business License, Churchill County Business License, Taxation Permit, and her Certificate of Fictitious Name filing (DBA-Doing Business As). Director Spross noted that in order to obtain the Churchill County Business License all of the other required licenses and permits are verified prior to issuance.

Chair Blakey invited any public comments, and there were none.

Director Spross stated that the staff recommendation is for approval based upon the following recommended conditions:

1. Approval of the Home-Based Business for a bakery is limited to:
 - a. Operation only by Leesa Stevens. Approval is not transferrable to another location or operator.
 - b. This approval is for the proposed baking business. Adding other activities, such as baking classes, is prohibited.
 - c. Visits by customers are limited to the numbers proposed in the application. Exceeding them will need a new SUP.
 - d. Customer visits are limited to between 7 am and 6 pm.
 - e. All customers shall be served outside the home, unless ADA accessible facilities are provided.
 - f. The bakery must operate within the capacity of the home's power and septic systems. If they are exceeded, increasing their capacity will require a new SUP.
2. The project must be in conformance with County Code, including but not limited to:
 - a. A business license must be obtained and maintained.
 - b. All necessary building permits must be obtained.
 - c. The temporary sign is limited to 10 square feet or less, as described at the hearing.
3. All required state/federal permits, approvals, and inspections for the business must be obtained.
4. Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.

Member Goings inquired if the applicant read the conditions and is comfortable with them. Mrs. Stevens confirmed that she is.

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

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.080(H) on APN 008-693-04, as described in the Staff Report. Member Hyde 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 Leesa Stevens to establish a Home-Based Business for a bakery at 1027 McLean Road (APN 008-693-04). This approval is subject to conditions, as listed in the Staff Report. Member

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

- C. Consideration and possible action re: A special use permit application for a home based business filed by Darren & Sharon Leitzke for property located at 75 Bench Road, Assessor's Parcel Number 007-111-30, consisting of 19.2 acres in the A-10 zoning district. The applicants propose to operate an equestrian boarding and training facility from their residence.

Darren & Sharon Leitzke, 75 Bench Road, were available to speak regarding the application.

Director Spross went over information from the Staff Report. The applicants are requesting a special use permit for a home based business at the property where they reside. A home based business is accessory to and subordinate to primary residential use. Normally, these are reviewed through an over the counter permit. They must meet eight criteria of the Churchill County Code. Those that cannot meet that criteria may have impacts upon neighboring residences, but might be approved through a special use permit. The proposed business is requesting the special use permit due to (A) customers coming to the property, (B) an outdoor business area for equestrian uses, and (C) a business sign. The applicants are not requesting equestrian classes or events. Boarding does allow boarding customers to ride their horses in the arenas and allows boarders to have a trainer come to visit their horse to train them and/or their horse. This does not allow equestrian classes for groups, nor for people that do not board their horse at the site to come for equestrian classes. The applicants have been informed of the fact that such activities need separate permits. The site has been used as a farm with a residence, irrigated farmland, and livestock related improvements. The horse pens are visible with approximately eight pens in two areas. The indoor arena and multiple outdoor corrals are visible as well. The application proposes boarding up to six horses and allowing indoor riding in the arena. Manure will be handled by spreading it on the pasture. The hours of operation will be 9:00 a.m. to 5:00 p.m. presumably all week, and a sign is proposed above the driveway entry that will be eight inches by six feet long (roughly four square feet), which meets the signage limits for a home based business. Conditions of approval should be adequate to ensure compatibility with surrounding uses. Lighting is not proposed, nor approved. Since there will be no office or other customer accessible building ADA (Americans with Disabilities Act) parking and path ramp are not needed. Staff recommends a condition that the business include a stipulation in their contract/agreement that restrooms are unavailable for customer use and that customers should take care of those needs in advance, and the Building Department agrees with that approach. Potential environmental impacts involve customer traffic and related dust impacts. The existing driveway to the business area is only graveled part of the way. Recommended conditions should require the rest of the driveway to be graveled. Dust from horse and riding activity and manure handling may pose impacts. Manure should not be allowed to accumulate. The application indicates that it will be spread on the pasture. Nighttime riding by customers causes evening business activity. Staff recommends conditions to prohibit nighttime business activity as well as flood lighting of the business facilities.

Chair Blakey inquired if the applicants had anything to add. Sharon Leitzke wanted to address the gravel. The previous owners had the gravel stop where it does because from there on it is horse traffic and goes along between the arenas. If they were to gravel the driveway, it would spread into the outdoor arena and gravel is really hard on horses' feet; it chips their hooves and can bruise their feet making them lame for up to six weeks. Depending upon how far they would be required to gravel it could spread into some of the pens.

Chair Blakey asked for any discussion from the commissioners.

Member Goings commented that the same issue came up with a previous application

regarding gravel. The commission had recommended using DG (decomposed granite) instead of gravel. This would eliminate the problem with the horses' feet and help to control the dust issues, and this could be something that they could request. Sharon Leitzke then asked what is considered a driveway and would it need to loop all of the way up to the house, or would it just need to go to the parking area. She noted that they drive on these paths every day and have had friends over that have driven on the same paths with no dust issues. Director Spross recommended that the distance of the dust suppressive material, whether it is gravel or DG, be extended to wherever the customers will park. They wouldn't need to bring it to their house. The purpose of dust control comes with the customer traffic, not the normal traffic of the residents on their property. Darren Leitzke restated that they drive on this every day and there is no dust. They also have a speed limit that they recommend. He understands the concept of adding DG, but he believes that in the practice there is no dust issue that they have experienced. He noted that where the dust would normally blow there are acres and acres of sagebrush. He doesn't agree with dust being a nuisance.

Member Diehl inquired when someone boarding their horse comes to ride are they just going to be riding in the arena and the corral. Sharon Leitzke agreed. Member Diehl asked if they would not have people riding down the street or highway, and Mrs. Leitzke confirmed that they would just be on their property. Member Diehl then questioned whether they have veterinary services. Sharon Leitzke responded that they do not have veterinary services; however, every person who boards there will have their own veterinarian, and she will be provided with their contact information. Member Diehl also asked about the signage on the property, and Mrs. Leitzke said that they were waiting for the approval before they got the signage to put up. Member Diehl just wanted to ensure that the applicants were aware of the size restrictions for the signage, and Director Spross restated the size that was in the application and informed that it is less than 50% of what is allowed. Member Diehl noted from the application that the manure would be spread on the pasture, which will take care of that issue.

Member Goings stated that when a person applies for a special use permit, they are kind of changing the property from just the residents driving up and down the driving paths to potentially adding six to seven more vehicles daily. That is where staff and the commission have some concern. He knows that they are stating there is no dust, but over a period of time with residents around this property that any dust could impact. He said that they are considering the potential for the future to avoid complaints from neighbors because they have changed the use of the property from just the two residents to include all of those boarding their horses there.

Member Diehl asked if they already had their business license or if they were in the process of obtaining one. Darren Leitzke remarked that they have already gotten the state business license, and this is part of the process in getting the Churchill County Business License approved. Member Diehl inquired about a greenhouse. Sharon Leitzke said that she was prepared to bring it up when they go over the recommended conditions, but she could address it here. She noted that the greenhouse is six feet by eight feet from Harbor Freight, which would not require a building permit since it is less than 120 square feet.

Member Picotte inquired if there were any comments in opposition submitted to the department, and Director Spross responded that there were none.

Chair Blakey invited any public comments.

Stuart Richardson, 225 Bench Road, owns the property right beside the subject property. He noted that he has lived on this property for 27 years. Gary and Jane Capurro were the previous owners. They had several events, they used to rope, they had cattle, they had an arena where they practice

barrel racing, and are the direct neighbors to his property. They share an irrigation ditch. In 27 years he has never experienced a dust problem from that property. He thinks that asking them to put DG or gravel down would not be necessary. He understands why the commission is asking. He has been on that property and delivered hay to it. He hasn't gotten stuck or seen any dust. He knows that the sand is wonderful for horses. He's had horses, cattle, sheep and goats up there for the last 27 years and this couldn't be a better way to use the property, and he thinks that it would be a wonderful addition to the neighborhood. Member Goings commented that he is the neighbor that he was most concerned about being impacted by this operation. Mr. Richardson agreed that he would be the person most impacted and in 27 years he has never had a problem.

Chair Blakey wanted to discuss or confirm how the commission would state in the record concerning the gravel, so that it is a clear understanding of what the County is going to require. Director Spross stated that it is up to the commission how they want to say that. Right now there is no gravel requirement listed in the conditions, and so if they want to approve it as is, the recommended conditions won't change. It would not obligate them to do anything over and above what they already have there with the existing gravel driveway.

Director Spross did inform that he received comments from the Building Department, which he read into the record. He noted that they have already made the recommendation to not allow customers to use the restroom facilities at this location; therefore, that will not impact the size of the septic system, nor require any ADA modifications. He shared that the staff recommends approval of this application with the following recommended conditions:

1. *Approval of the Home-Based Business is limited to:*
 - a. *Operation only by Darren or Sharon Leitzke. Approval is not transferrable to another location or operator.*
 - b. *This approval is for the proposed horse boarding business. Adding other activities, such as events, equestrian classes, etc. is prohibited.*
 - c. *Boarding is limited to 6 of the 8 existing pens. Using or adding more pens will need a new SUP.*
 - d. *Customer visits shall be limited to the hours proposed. Nighttime customer visits is prohibited.*
 - e. *Proposed signage is approved, and limited to the size proposed.*
 - f. *Manure shall be removed from pens daily, and stockpiles shall be spread on the property weekly.*
2. *The project must be in conformance with County Code, including but not limited to:*
 - a. *A business license must be obtained and maintained.*
 - b. *All necessary building permits must be obtained for the new greenhouse, if required.*
 - c. *Flood lighting of the business is prohibited. Dark Skies complaint lighting is allowed.*
3. *A stipulation shall be added to the business's contracts or agreements stating that restrooms are NOT available for customer use, and that customers should take care of restroom needs in advance. Alternatively, the business shall install ADA compliant restrooms for customers.*
4. *Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.*

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

Member Hyde, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.080(H) on APN 007-111-30, as described in

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

Member Goings, based on the previously adopted findings made for this project, moved to approve the special use permit application for Darren & Sharon Leitzke to establish a Home-Based Business for horse boarding at 75 Bench Road (APN 007-111-30). 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).

Darren Leitzke asked if they could comment on the conditions that were presented. One of the conditions was a permit for the greenhouse. There was discussion to state that it applies only if it is necessary. Sharon Leitzke also wanted to address Condition d under Item 1 regarding the customer visits. She takes nighttime as meaning after dusk. Is that what is meant here? Chair Blakey inquired if the hours of operation were stated in the application, and Sharon Leitzke agreed that she did list those; however, she thinks that there needs to be an emergency exemption because horses are prone to accidents. Chair Blakey stated that things of that nature are understood and don't count as normal business hours. Director Spross responded that this would apply to normal customer visits as opposed to emergencies and deliveries.

D. Consideration and possible action re: A special use permit application for a crop processing facility filed by Paul Plouviez of Bench Creek Ranch Co LLC for property located on Fitz Lane, Assessor's Parcel Number 009-071-40, consisting of 119.56 acres in the A-10 zoning district. The applicant proposes to construct a grain processing facility for the production of animal feed supplement.

Paul Plouviez, 12456 Fitz Lane, and Thayne Hammond, builder, 1780 Lattin Road, were available to speak regarding the application.

Director Spross went over information from the Staff Report. This permit application is for crop processing and storage. The facility has already been constructed and is in operation. It was discovered as a result of other inquiries related to an office located on a canal and drain easement. All of the buildings have been built since the applicant purchased the property, and mainly in 2022. Building permits for the processing facility were indicated to the Building Department as being for livestock operations though questions were raised about the machinery in the processing building. It was found later that the machinery was not for livestock, but was for industrial activity. Normal industrial uses are not allowed in the agricultural zones, but those specifically related to processing agricultural products are allowed with a special use permit. The application proposes a crop processing facility being an agricultural related industrial use. This is the second use on the property along with the feedlot. The processing product will be used for the company cattle, but commercial sale of the product is also a goal, if feasible. The product will be used for cattle at the adjacent feedlot to a greater or lesser extent, including testing product benefits. He talked about the layout and plans, including a small office and commodity buildings. The processing involves grinding grains and mixing them in specific proportions to produce a feed supplement that is added to the main feedstocks. There is obvious expansion area inside the building for additional processing machinery, which in turn will increase business operation, employee numbers, and traffic with little construction required. This permit review also considers such expansion while additional building construction will require

a future special use permit for expansion. The office that was within the canal ditch easement was also within the side setback, but it has been or will be moved. The restroom needs to meet ADA (Americans with Disabilities Act) accessibility requirements since it is available for employees and customers. Changes may be necessary to be compliant. Staff recommends provision of ten (10) parking spaces—five for employees and five for visitors or customers—and one (1) of which must be hard-surfaced, handicapped accessible. The parking code requires a loading space for the business and the property has extensive access area around the facility to serve that function. Staff and the Road Supervisor recommend that the area around the processing operation and extending to the Fitz Road access be graveled to help control mud and dirt track out onto the county and state roads. A landscape strip is required along the frontage. Lighting must meet dark skies requirements. The application did not mention signage for the business; therefore, no new signage may be installed in the future, including on building signage unless approved by the Planning Commission. New businesses must pay impact fees, including water dedication.

Chair Blakey invited comments from the applicant. Mr. Plouviez thought things were stated well by the Director. Thayne Hammond remarked that Mr. Plouviez has done extensive graveling already, and he is aware of and wants to do quite a bit more. Unfortunately, the ground out there seems to absorb the gravel. They've hauled in probably close to a thousand yards, and they will continue to do that.

Chair Blakey asked for any discussion from the commissioners.

Member Goings questioned if the applicant was planning on retail sales at some point. Paul Plouviez indicated that he doesn't plan retail sales. Member Goings then asked Director Spross what the purpose is of requiring a handicapped parking space. Director Spross responded that if customers do come to the site. As he understands, Mr. Plouviez is trying to determine if this is going to be a feasible business venture or not. Director Spross assumes that some people will be showing up to view the operation and potential use of the product. Mr. Plouviez stated that he would not do retail, only wholesale to a feed store. Diane Moyle, Administrative Assistant, remarked that it could be for the employees as well. Thayne Hammond said that they are permitted for the new office building to replace the temporary one that is there now, and with that there is a requirement for a handicapped parking spot.

Chair Blakey invited any public comments, and there were none.

Director Spross shared the response received from the Building Department outlining the various permits obtained for this. He said that staff is recommending approval with the following recommended conditions:

1. *This permit is subject to annual review to confirm compliance with conditions and code requirements until such time as the Planning Commission determines it is no longer necessary.*
2. *This approval includes:*
 - a. *Expansion and reorganization of processing operations entirely within the Crop Processing Building. New processing buildings require an additional Special Use Permit.*
 - b. *Storage of materials for the processing operation in the Commodities Barn. New storage buildings require an additional Special Use Permit.*
 - c. *Administrative activity for the processing operation in the Office or in the Crop Processing Building. New administrative buildings require an additional Special Use Permit.*
 - d. *Use of the above facilities on the proposed parcel. Expanding feed processing operations onto other properties requires an additional Special Use Permit.*
3. *The entire business must be in conformance with County Code, including but not limited to:*

- a. *Business licenses must be maintained.*
- b. *All necessary building permits must be obtained.*
- c. *No signage is approved. Any future signage must be approved through another Special Use Permit approved by the Planning Commission.*
- d. *Necessary modifications shall be made to meet code requirements, including lighting, sign, landscaping, setback compliance, screening and other code requirements discussed in the staff report.*
- e. *The existing office in the canal/ditch easement and side setback shall be relocated to meet County Code.*
- f. *Payment of impact fees and water dedication requirements.*
4. *Changes for compliance with County Codes shall be completed within 120 days.*
5. *Employee and customer facilities that meet applicable laws shall be provided, including restrooms, ADA accessible facilities, and an ADA parking space.*
6. *The area around the Crop Processing facility shall be graveled, including:*
 - a. *the west side extending to the commodity barn,*
 - b. *the north side extending to the property line, and*
 - c. *the east side extending to (and including) the Fitz Lane access point between the property line and adjacent livestock roof cover.*
7. *The operation shall control internal dust and maintain other safety measures required by the Fire Marshal.*
8. *Operation of the business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*
9. *All state and/or federal permits required for this type of business shall be obtained and maintained.*

Chair Blakey ensured that Mr. Plouviez understood those conditions to which it was confirmed. He then asked for any further discussion; there being none he called for a motion.

Member Picotte, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.080(H) on APN 009-071-40, as described in the Staff Report. Member Nelson 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 Special Use Permit application, as proposed, for the Bench Creek Ranch Co. for a Crop Processing Facility at 12417 Fitz Lane (APN 009-071-40). 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).

- E. Consideration and possible action re: A special use permit application for off premises outdoor storage yard filed by Jared Card of Card Trucking LLC for property located on Beasley Drive, Assessor's Parcel Number 007-171-62, consisting of 11.03 acres in the Industrial zoning district. The applicant proposes to authorize the off premises outdoor storage yard.

Jared Card, 5150 Rivers Edge Drive, was available to speak regarding the application.

Director Spross went over information from the Staff Report including history and zoning

issues, as well as things related to the application. This lot is already being used to store trusses fabricated by New Millennium. Near the time of discovery of this storage yard, New Millennium submitted a special use permit to expand their storage yard, which was approved. They indicated a need to store completed truss orders because customers were having trouble taking delivery right away due to supply chain and other problems. During discussions it was stated that the storage yard at this location was only supposed to be temporary, and staff allowed it to continue in hopes that it would end, and the trusses be removed, but it has not. On further contact with the applicant the need for the special use permit was emphasized. The application was submitted to allow the site to be used for permanent storage including when the trusses are removed, and other materials are stored there. This use is secondary to the trucking company—trucking, parking and maintenance shop that operates from this property. The trucking operation extends across two adjacent parcels. The problem is that the south property and other small lots along Beasley Drive are zoned C-1. This zoning district appears to be out of place and should not have been applied at this location, and a trucking business is prohibited in this zoning district. It is recommended that the owners apply for a zone change on these properties to Industrial to fit more with the intended uses and surrounding lands. This business also has a complicated planning permit history. Card Trucking started at 4548 Vaughn Road, and a special use permit was issued in 2016/2017, and it is unknown whether Mr. Card still has operations there. In 2017, the Cards bought APN 007-171-62 and the title was converted to Card Trucking in 2022. The applicant has been working with the county on a zoning review and compliance with zoning and business license requirements, and there is no record of any previous business on this property. In 2020, the Cards bought 2525 Beasley, which is APN 007-171-54. The business was established without either a zoning review or a special use permit. In previous conversations the Cards indicated that the building was not being used for business, though a 2022 photo shows that it was being used for the trucking business. Also, Card Trucking lists 2525 Beasley Drive as the company address for the US Department of Transportation Carrier Registration. Code standards for businesses must be met and facilities installed. The site plan shows a Phase 2 area because the applicant proposes to purchase that land and perform a boundary line adjustment. The two major issues for outdoor storage are safe access for materials coming in and out of the site and visual screening of the storage yard for neighbors and the traveling public. The applicant requests to use temporary fencing/screening between Phase 1 and Phase 2; however, it is unknown when Phase 2 will be implemented. If Phase 2 is implemented now, then that segment does not have to be screened. Recommended conditions would allow the applicant to propose something and allow the Director to approve it if the temporary screening will be as effective as the permanent screening. Staff recommends three years for Phase 2 to be implemented, and if they are implemented together, then the segment between the phases will not be necessary. The zoning issues need to be remedied for both of the industrial type businesses being conducted on the C-1 parcels and eliminate the compatibility and friction zone issues in the area. He further indicated that the zoning issues have nothing to do with this application; it is more for informational purposes. The business must meet the landscaping, parking, lighting, and impact fee requirements. Director Spross shared comments from Nevada Department of Transportation (NDOT). He pointed out that this property does not access directly onto US Highway 50; the access is on Beasley Drive.

Chair Blakey invited the applicant to provide any additional information.

Jared Card commented that he thought the address issue had been taken care of. The power company is the one that had said it was a good address. He said that he will get that squared away.

Chair Blakey asked for any discussion from the commissioners. There were none.

Chair Blakey invited any public comment, and there were none.

Director Spross said that staff recommends approval and went over the recommended conditions, which he verified that Mr. Card had been provided a copy:

1. *This permit is issued to Card Trucking and may not be transferred to another operator without a separate Special Use Permit. Should Card Trucking cease operations on Beasley Drive, this permit will be void. The matter of the prohibited use on APN 007-171-54 shall be resolved within 120 days. The first option is to obtain approval from the BOCC to change the zoning district to Industrial. A second option is to remove the use from the property and install a Friction Zone buffer on the common lot line between the two properties.*
2. *This permit is subject to review in 120 days to check compliance with conditions of approval and code requirements. Thereafter, this permit is subject to annual review (on the anniversary of this permit) to check compliance with conditions of approval and code requirements until such time as the Planning Commission determines it is no longer necessary.*
3. *The entire business must be in conformance with County Code, including but not limited to:*
 - a. *Business licenses must be maintained.*
 - b. *All necessary grading permits and building permits must be obtained.*
 - c. *An official address shall be obtained for the subject property.*
 - d. *Applicable impact fees and water fees shall be paid.*
 - e. ***If the prohibited use is resolved** in a manner to allow the business to remain, the owners shall **work with the Code Compliance Official and Staff** to rapidly make modifications to bring the overall business into compliance with County Code, as discussed in the staff report.*
4. *Screening of the property shall be completed within 120 days. The boundary between Phase 1 and 2 shall be screened unless both phases are implemented together. The Director may approve a “temporary” screening method that is determined to be equally effective for the common line between Phase 1 & 2.*
5. *Phase 2 must be implemented within 3 years or it will expire and a new Special Use Permit must be submitted to authorize it.*
6. *Operation of the storage yard shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*
7. *All state and/or federal permits required for this type of business shall be obtained and maintained.*

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

Member Nelson, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.080(H) on APN 007-171-62, as described in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (6-0).

Member Goings, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application, as proposed, for Card Trucking to authorize an Off-Premises Outdoor Storage Yard on APN 007-171-62. This approval is subject to conditions, as listed in the Staff Report. Member Hyde seconded the motion and the decision carried by unanimous vote (6-0).

- F. Consideration and possible action re: A variance application filed by Dalia Pennington for property located at 8192 Kamibo Drive, Assessor's Parcel Number 007-121-43, consisting of 40.0 acres in the A-10 zoning district. The applicant is requesting a variance from the January 1, 1985 age limit for a manufactured home to use a 1984 manufactured home as a residence.

Dalia Pennington, 8192 Kamibo Drive, was available to speak regarding the application.

Director Spross went over information from the Staff Report, which is a variance from the age of a manufactured home to be placed on the subject property as a permanent residence. The 1984 home is already on site, but has not been set up. This will form part of an extended family compound of multiple dwellings using the 2nd and/or additional permanent dwelling provision for large parcels with the 40 acre parcel being allowed to have a total of 4 dwellings. Due to the multiple dwellings the State Division of Water Resources indicates that a well cannot be an exempt residential well. Ground water rights must be attached to the well. Churchill County Code requires that a mobile or manufactured home in the A-10 zoning district be no older than 1985. That relevant code standard is in Title 14, which is in the Building Code, but it also allows variances to those standards using the variance procedures in Title 16. During a site visit it was found that three manufactured homes and other various items were on the property. The unit proposed in this variance application is a double-wide that is still split and has not been set up. It appears to be in acceptable condition inside and out. There is an older commercial coach, which is a single-wide that appears to be set up and in use, but it does not appear to be connected to the well or septic system. A late 1980s manufactured home, which appears to be structurally damaged, is also on the property. The roofline is wavy, the windows and doors are cocked at an angle from their frames, and interior sheetrock joints have been split and shifted. This unit has a building permit for placing it, but it is not set up. The state inspector will check it when it is set up, and the county has informed them of the problems with this unit. Director Spross stated that he has comments from the state that he will share at a later time. There are two RVs located on the site, and one appears to have someone living in it. This use requires a temporary use permit. There are also two storage structures—shed and container—placed on the property. Doing this requires building permits. Use of the proposed mobile home in a multi-unit compound raises concerns that it may be injurious to neighboring properties. The 1984 unit proposed here might be acceptable; however, the other unit on the property is not. Based on the existing units it is likely that the other dwellings will be old, manufactured homes, too. They may be in poor condition. This would essentially form a quasi-mobile home park with older units and all of the negative consequences that it includes. If approved, staff recommends conditions of approval that require the unit proposed in this variance to be the first dwelling on the property. This ensures that additional units authorized in the future can be inspected by county staff to determine that they are of good quality before they are approved. At that time, staff will also ensure that adequate access roads are provided, and that their placement allows future division of the property while meeting a future road setback. The unit proposed with this application is in good condition, and Nevada Manufactured Housing would have to approve it before it becomes real property, and staff agrees. Director Spross noted that he did receive a couple of comments. The department received a phone call from someone living on Trento Lane, who is in opposition of this. They are upset about everything that has been moved onto that site already without having any applicable permits. Comments were also received from the Building Department outlining requirements that must be met. It was noted that there were permits issued relating to the 1989 Fleetwood Broadmore manufactured home. These are valid until June 2023, and the property owner needs to follow up with them regarding these permits. Director Spross also read

into the record an email with information from the Nevada Manufactured Housing Division—Home Building Inspector, Cleveland Pipkin.

Dalia Pennington stated that they had planned to place the 1989 manufactured home as the primary dwelling; however, she believes that the home was damaged in coming from Elko. This is why they purchased the 1984 home because it is in better condition. They don't necessarily want to get rid of the other home, so she is going to see if it is still salvageable. She said that they are planning on having a second and third permanent dwelling for their extended family. It is subdividable; however, if they moved forward with that, they would have to pave the road all of the way from Trento Lane because Kamibo is currently just a dirt road. This would be very costly. She remarked that they are trying to get water rights, so that they can get a second well. As far as the RVs are concerned, she said that her sister sold her home, and so her brother-in-law stayed there while he cleaned up stuff. They have now moved to Reno where Mrs. Pennington currently has a home. They are trying to move out to Fallon, which they are doing little by little. The other structure that is there is an office. She has a disabled son and doesn't have an RV. The office was a very cheap thing that was given to them. They only use that for day use, so that when they go out there to work her son has a place to stay in. They are not living on the site, but some of their stuff is there. She thought that the shed was less than the square footage that requires a building permit. The container got to hold her sister's belongings. She will make sure that it gets permitted.

Chair Blakey asked for any discussion from the commissioners.

Member Nelson inquired at what point does the well become non-exempt. Is it when the fourth home, third home, or when? Director Spross said that he understands that if it can be assumed that the number of residences, they are going to have is going to exceed what would be allowable for one residence, as far as consumption, they will make you get water rights to be able to do that. That is how it was explained to him by the State Water Engineer. The applicant is aware of this, which was confirmed by Dalia Pennington. The Water Engineer regarding four homes feels that one well is not sufficient—it has the pumping capacity, but it would be drawing out more water than one residence would draw.

Member Goings restated that currently there is no home there, no septic system, and no permanent dwelling; however, there is a well. Mrs. Pennington agreed with the caveat that the building is on the site; however, it has not been set up as a residence there. If this permit is approved for the 1984 mobile home, they would have to come back before the commission for any future homes. Director Spross included the 1989 mobile home that is already on the property and said that staff wants to establish that the condition of the homes that are being lived in are in good condition, but more importantly, as the applicant has discussed, they may decide to split this property up. The department wants to make sure that as those homes are placed that they are placed in a fashion that would allow this property to be properly subdivided with no setback issues or other concerns of that nature. The conditions spell out that the 1984 home is to be the first dwelling, even though the 1989 is sitting there. If they want that one at some point in time, they will have to come back and complete the application with proof that the state has okayed it to be used as a residence.

Member Diehl questioned the application that they are to consider at this time is just a variance from the age requirement for the manufactured home. Director Spross concurred.

Chair Blakey asked regarding the inspection of the 1984 home and who performed the inspection. Dalia Pennington replied that Frank Nunely, Nevada Manufactured Housing Division, said that it was in a good state and felt like it was a good home to put on the property.

Chair Blakey asked Director Spross if he could elaborate on why the code requires the 1985

age for manufactured homes. Director Spross said that was a date that was picked at some point. Diane Moyle said that she believes it was when the state chose that date due to them meeting HUD (Housing and Urban Development) standards. This is something that may be considered for updating at some point in the future, but currently this is the date in our regulations. Chair Blakey remarked that they could approve the variance; however, if the state did not accept the home once it was installed, then they would have to start over. He confirmed with the applicant that she understands this.

Member Diehl inquired whether the applicant would be the one living in this home, and Mrs. Pennington responded in the affirmative. Member Diehl asked if there was anyone living on that property right now. Dalia Pennington stated that no one is out there now, and her brother-in-law was in his RV there for a time, but they are now living in Reno with her family.

Chair Blakey questioned about the timeline to have the home installed, septic system installed, and have power provided to the property should the variance be granted. Dalia Pennington said that NV Energy has already approved several of their processes, and they list September as their date for electricity. If the variance is approved, then she can go ahead and change the date on the permit in order to move forward with the septic system and foundation. She would think that by the end of this year they would have that done.

Member Nelson inquired about the second mobile home, that may or may not be staying, and how long the other home would be allowed to stay on the site if they approved this permit. Dalia Pennington remarked that she will have to find out what it will cost to fix that one. If it is worth it, then they will do it, but if not, they will have to get rid of it. She has to get it assessed to make the decision. Member Nelson asked if that is something that is going to happen within a certain timeframe, and if they were to add a condition to have a decision within 90 days regarding the use of the other mobile home. Joseph Sanford, DDA—Civil, remarked that if they grant a certain amount of time for a code compliance issue it makes it more difficult for code compliance to ask for an immediate removal, but that is part of something that would happen within a certain amount of time anyway. Director Spross also pointed out that if this home is deemed to be habitable, the applicant would have to come back to state that this is the second dwelling, what it looks like, where it will be placed, and so forth. If it is deemed uninhabitable, then the applicant would need to work with code compliance to establish a timeframe for removal of the mobile home.

Chair Blakey invited any public comments.

Ted and Raelynn Rodarte, 3405 Trento Lane, stated that their property is adjacent to the subject property directly to the east. They share a fence line. This was pointed out on the aerial photograph displayed on the screen. Mrs. Rodarte commended the Director on answering a lot of their questions. They are in agreement with a lot of the statements made during the commission discussion about the state requirements. Their main concern, as neighbors, is that there have been multiple dwellings brought onto this property. None of them have been made permanent. They are concerned that it will be turning into a quasi-mobile home park, especially based upon some conversations and things that she heard today about multiple families living on this property. They agree with the stipulation about a conversion at some point to this 1984 mobile home. Everyone around there that have mobile homes on them have had those converted to real property, so they don't want this to drive their property values down. They are concerned about some of the other homes on the property. She said that she believes if they require some type of timeframe for decisions and possible removal of those it would alleviate the neighbors' concerns, and they don't have to continue seeing more things brought onto the property to just sit around. Ted Rodarte confirmed that

they don't have a problem with the 1984 home being used because it is only one year difference. They just wanted to voice their concerns about all of the other homes. Director Spross remarked that they would get other opportunities to share their comments on division of the property, if that would happen, as well as other dwellings on the same parcel. Dalia Pennington explained that they only intend to have a total of three homes on the property, and they won't all be in the same spot. The other two homes would go further north on the property. She also stated that her sister and brother-in-law are buying a new manufactured home. The only reason that they went this route is to make their money go as far as possible. They can fix some of the things that need to be corrected in the 1984 home.

Member Hyde inquired if there was a way to add to the conditions a 90-day timeframe to determine if the 1989 Fleetwood is repairable. Director Spross responded that he doesn't think there is an issue with that. Joseph Sanford—DDA, Civil—noted that they could do that if they desired, and he is not indicating whether or not they should. The conditions wouldn't be part of the motion, but they could become part of the Notice of Final Notice. He also wanted to ensure that they would permit the storage facilities as required within a certain timeframe. He commented that one of their concerns is that there are buildings on the property that are not permitted, and how long that will go on. There was discussion about how to go about adding any conditions, and Mr. Sanford indicated that the commissioner making the motion would state that it is subject to the conditions in the staff report and the following additional conditions, and then place whatever conditions are desired. Member Nelson questioned if they state 90 days, would it be like "tying Loreli's hands." Would they actually be extending that beyond where code compliance has power? He wouldn't want to do that. Director Spross doesn't believe it would. Member Goings remarks that what this is going to be hinged on is the determination by Manufactured House whether or not they could use the 1989 mobile home. He thinks that what should be added is that once the state has made a determination as to the viability of the 1989 home, then they would have 90 days to figure out what they are going to do with it—dismantle it and remove it from the property. Member Nelson pointed out that they would have to hire a contractor to come in and fix the mobile home after the state made their determination that it could be used, which could take a year. Member Goings restated that if the state denies the use of the home, then they would only have 90 days to remove it from the property. There was more discussion about how this is all dependent upon what the state says. Mr. Sanford recommended that the commission leave that to the Code Compliance Official. It is already in our code, and we would continue to enforce that code appropriately. If these other conditions are placed, then we are going to have more questions that have to be addressed.

Chair Blakey asked if there was any additional public comment, and there were none.

Director Spross read the recommended conditions for approval into the record:

1. *The approved maximum age of the mobile home shall be 1984.*
2. *The approved 1984 mobile home must be the first permanent home on the property. Subsequent homes must be approved through applicable planning permits, and those homes must be in good condition, as determined by the Director.*
3. *The well serving the property must have water rights attached to it as required by the State Division of Water Resources.*
4. *The new mobile home must be set up as permanent property, according to Building Dept. and County Assessor requirements.*

5. *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. The mobile home placement must be completed before expiration. Permits for other site facilities will not meet this requirement.*
6. *The owner must safely operate and maintain the mobile home according to State requirements.*
7. *Compliance with Churchill County Code.*

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

Member Nelson, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.090(F) regarding a Variance from the age limit for mobile home placement on APN 007-121-43, as described in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (6-0).

Member Goings verified with the applicant that she has read these conditions and understands them. Mrs. Pennington confirmed that she has.

Member Goings, based on the previously adopted findings made for this project, moved to approve the request for Variance from the age limit for mobile home placement found in Churchill County Code 14.16.075 to allow a 1984 mobile home at 8192 Kamibo Drive, APN 007-121-43. This approval is subject to conditions, as listed in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote (6-0).

- G. Consideration and possible action re: A variance application filed by Russell & Retta Baglin for property located at 1872 Lucas Road, Assessor's Parcel Number 008-133-55, consisting of 14.07 acres in the A-5 zoning district. The applicants are requesting a variance from the January 1, 1985 age requirement limit for a manufactured home to use a 1984 manufactured home as a residence.

Retta and Russell Baglin, 1872 Lucas Road, were available to speak regarding the application.

Director Spross went over the information from the Staff Report. The 1984 mobile home is not on the site, but is ready to move. It will form part of a project to allow family members to live near each other on the two properties owned by Timothy Baglin, who is the son of Mr. Baglin. The subject property is vacant. The property to the east has a primary home as well as a temporary quarters mobile home with a temporary use permit for the owner to care for his grandmother. The 1984 mobile home on this property will be the first primary home on the site. Churchill County Code requires mobile or manufactured homes in the A-5 zoning district be no older than 1985. This requirement is found in Title 14; however, it allows a variance to the standard through Title 16. The practical difficulty is that this is a home in good condition and the applicants cannot afford a newer manufactured home. The home will fit in with the neighborhood. The variance will not affect the community or neighbors and will not be an eyesore.

Chair Blakey invited the applicants to share additional information. Mrs. Baglin stated that they don't at this time.

Chair Blakey asked for any discussion from the commissioners.

Member Diehl inquired if the mobile home has been inspected. Retta Baglin stated that it

hasn't been inspected by Manufactured Housing yet. It is the mobile home located at Trevor deBraga's property that he needs moved. They plan to move it to this property. It is in very good condition, and she provided pictures of the home in the application packet. She is more than willing to have it inspected by Manufactured Housing. Chair Blakey questioned if they were aware of the process to move the home, get it set up and livable, and all of the permits that will be required. Mrs. Baglin agreed. Chair Blakey wanted them to make sure they were aware of everything before they moved the home. Mrs. Baglin replied that they have asked all of the questions at the county to find out what they need to do.

Director Spross shared correspondence from the Building Department listing all of the requirements needed. He gave a copy of the letter, so that they have it to take with them to that department.

Chair Blakey invited any public comments, and there were none.

Director Spross said that staff recommends approval and shared the recommended conditions for approval as follows:

1. *The approved maximum age of the mobile home shall be 1984.*
2. *The new mobile home must be setup as permanent property, according to Building Dept. and County Assessor requirements.*
3. *The approval of this variance expires one year from the date of the final decision, subject to any allowed requests for deadline extension in County Code. The mobile home placement must be completed before expiration. Permits for other site facilities will not meet this requirement.*
4. *The owner must safely operate and maintain the mobile home according to State requirements.*
5. *Compliance with Churchill County Code.*

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

Member Nelson, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.090(F) regarding a Variance from the age limit for mobile home placement on APN 008-133-55, 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 Variance from the age limit for mobile home placement found in Churchill County Code 14.16.075 to allow a 1984 mobile home at 1872 Lucas Road (APN 008-133-55). This approval is subject to conditions, as listed in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote (6-0).

- H. Consideration and possible action re: A variance application filed by Jessica Stanger, Manager of NEV DEV LLC, for property located on Desert Hills Loop, Assessor's Parcel Number 008-176-82, consisting of 16.48 acres in the E-1 zoning district. The applicant is requesting a variance from the Master Plan and Title 13 requirements for a five-acre minimum lot size for new lots that are not connecting to a municipal water and sewer system. The applicant plans a development with lots that would be 2.0 acres in size.

This item was removed based upon a request from the applicant to postpone.

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

- A. Consideration and possible action re: Termination of a temporary use permit previously granted for hardship/general purposes to Ernie Martinez for property located at 6335 Reno Hwy, Assessor's Parcel Number 008-573-20. *Mr. Martinez indicated that he no longer needed the permit as he found another place to live.*
- B. Consideration and possible action re: Termination of a special use permit previously granted to Paul Picotte and Ron Peterson for an outdoor event site for Farmer's Markets at 1150 Taylor Place, Assessor's Parcel Number 008-812-04. *The events will no longer be held at this location, and the permit is no longer needed.*
- C. Consideration and possible action re: Termination of a variance previously granted to Tina Oatts for the age of a manufactured home to allow a 1979 mobile home to be used to replace the pre-existing 1975 mobile home at 2650 Stark Lane, Assessor's Parcel Number 007-891-19. *This permit was supposed to be enacted within 12 months and expired on March 9, 2023 with no written request for an extension. The mobile home will need to be removed from the property within 90 days of the termination of the permit.*

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

12. Public Comment:

Chair Blakey asked for public comment.

Dana Broadwater, 5295 Desert Hills Loop, came to speak regarding the NEV DEV LLC development, which was postponed by the applicant. She said the current Master Plan and Title 13 requires that the minimum size of the lot is five acres if there is septic and well required. She questioned if this is to limit the congestion and the demands on water. Joseph Sanford, DDA-Civil, remarked that they could have a very limited discussion during public comment. Relating to the generic use of water the general idea in these kinds of situations...Director Spross stated that the general idea behind changing the Master Plan from what it was years ago, where you were able to have one-acre parcels that had well and septic, was two-fold. The depletion of water, which everyone is concerned about, but more importantly the contamination of drinking water by having so many septic systems in a congested area. That is why the Master Plan was changed years ago to reflect that. Ms. Broadwater verified that was why it was changed to the five-acre requirement, and Director Spross agreed. She expressed her concern as a resident in the area that if they were to create eight lots back there, it would put a big demand on their water and add to the congestion of traffic in that neighborhood. Director Spross urged her to come back when this item is at the actual hearing stage in front of the Planning Commission because there is more involved in it that she would want to hear, and this item can't be discussed specifically at this time. Ms. Broadwater inquired if she would receive another letter, and it was stated that letters would be sent again when the applicant is ready to move forward.

Stuart Richardson came forward and said that he served on the Planning Commission for 18 years, and he came to this meeting specifically for the item involving his neighbors. He commended

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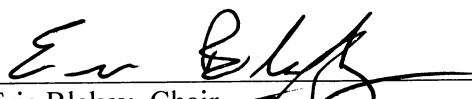
the Planning Commission on how well they are doing, he thinks that everything has stepped up by many levels, and believes Eric Blakey is doing a great job at keeping things moving. He said that Director Spross isn't leaving a single stone unturned. He can remember nights when they would sit there waiting for someone to speak up. Everything tonight moved smoothly and seamlessly, and this is an incredible system that you have come up with.

13. Adjournment:

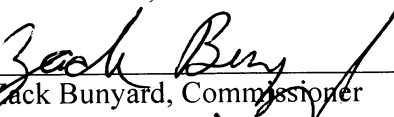
There being no further business to come before the Planning Commission, Chair Blakey adjourned the meeting at 9:52 p.m.

14. Appendix:

Supporting Documentation

Approved: 
Eric Blakey, Chair

Approved: 
Scott Nelson, Vice Chair

Approved: 
Zack Bunyard, Commissioner

Approved: 
Deanna Diehl, Commissioner

Approved: 
Jeff Goings, Commissioner

Approved: NOT AVAILABLE
R. Mark Hyde, Commissioner

Approved: NOT AVAILABLE
Paul Picotte, Commissioner

ATTEST:


Diane Moyle, Administrative Assistant