

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

June 14, 2023

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on June 14, 2023 by Chair Blakey.

Present: Eric Blakey, Chair; Scott Nelson, Vice Chair; Zack Bunyard, Member; Deanna Diehl, Member; and Jeff Goings, Member.

Absent: Mark Hyde, Member; and Paul Picotte, Member.

Planning Staff Present:

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

Civil D.A. Staff Present:

Joe Sanford, Deputy District Attorney

2. Pledge of Allegiance:

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

3. Public Comment:

There were none.

4. Verification of the Posting of the Agenda:

It was verified by Diane Moyle, Administrative Assistant, that the agenda for this meeting was posted on June 8, 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 called for a motion for the agenda.

Member Diehl moved to accept the agenda as submitted. Member Bunyard seconded the motion which carried by unanimous vote (5-0).

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. May 10, 2023 Hearing

**Member Bunyard moved to approve the May 10, 2023 minutes as written.
Member Nelson seconded the motion and the decision carried by unanimous vote.**

8. Old Business

There were no items.

9. Action Item.

A. Consideration and possible action re: A sending site application filed by Toby Joe Scoggin for property located at 6755 Stuart Road and on Stuart Road, Assessor's Parcel Number 009-131-06 and 009-131-03, consisting of 110.0 acres and 120.0 acres respectively with a total of 86.0 water righted acres. The applicant proposes to place a conservation easement on these properties.

Toby Scoggin, 2141 Thomas Court, was available regarding the application.

Director Spross shared information from the staff report, went over the requirements needed to qualify to become a sending site in the Transfer of Development Right program, and stated how this application meets the requirements. These properties meet the acreage requirement, provide dust control through active farming or established native vegetation, and provides community benefit by a) protection of military operations on both parcels, b) the agricultural preservation of 85-90 acres on one parcel that increases its easement value, and c) protection of a special site that provides roughly 70 acres of wildlife habitat and additional open space that increases its easement value. The applicant has also requested an additional residence on the vacant property and that the two properties be appraised separately. The Sending Site Review Committee reviewed this application on June 5, 2023 and recommended approval of the sending site with a total of 201 Transferable Development Rights (TDRs), and the department staff also recommends approval.

Chair Blakey requested any questions, comments or discussion from the commissioners.

Member Diehl wanted to make sure that Mr. Scoggins understands that the conservation easement would be forever, and Toby Joe Scoggins confirmed that he understands.

Chair Blakey asked for any public comments; there were none. Therefore, he called for a motion.

Member Goings, based on the information provided in the application, in the staff report, and this meeting, moved to recommend the following to the Board of County Commissioners:

(a) Approval of the Sending Site application for Toby Joe Scoggin on property at 6755 Stuart Road; and nearby vacant land (APN: 009-131-06 & -03), consisting of 230 acres, based on providing community benefit of 86 acres of farmland with surface water-rights, and roughly 70 acres of a special site with wildlife habitat (plus additional open space), and

(b) approval of 201 TDRs for the same property.

Member Bunyard seconded the motion and the decision carried by unanimous vote (5-0).

The application will be forwarded to the Board of County Commissioners for a final decision. Dean Patterson, Senior Planner, wanted to encourage Mr. Scoggins to request in discussions with the Navy to point out that the parcel that doesn't have much farming does have habitat value. If he doesn't tell them at the appraisal stage, they may not think about this fact and not request that the appraiser consider the habitat area in the value.

10. Public Hearings:

A. Consideration and possible action re: A temporary use permit application for temporary

quarters for Hardship/Caretaker filed by George Cervantes and Laura Ramsay for property located at 2066 Sabrinan Way, Assessor's Parcel Number 008- 812-06, consisting of 1.0 acre in the R-2 zoning district. The applicant proposes to have the granddaughter, Sarah Parker, and her partner, Cory Condon, to reside in an RV on the property to provide care for George and Conception Cervantes.

Laura Ramsay, 933 Taos Court, was available regarding this application.

Director Spross listed information from the staff report regarding the property and application. The applicant requests a permit for a 2004 recreational vehicle (RV) on the property, which is already onsite and set up for use. Laura Ramsay is the daughter of the property owners, and the occupants in the RV will be Sarah Parker (the applicant's daughter and property owners' granddaughter) and her partner, who is a Certified Nursing Assistant (CNA). The owners reside in the home and are over 70 years old, and proof was provided to staff. The findings that must be met in order to grant the permit includes:

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

Churchill County Code allows conditions of approval to be applied if the use, or otherwise, are incompatible with other existing uses within the same general area, or will constitute a nuisance, or will overburden improvements or facilities. The Building Department did provide correspondence and he read over the requirements that must be met regarding the RV set up and connections. Director Spross also went over the recommended conditions from the staff report should the commission decide to grant the permit.

Recommended Conditions:

- 1. *The temporary quarters must comply with Churchill County Code.*
- 2. *All Building Department permitting must be completed within 30 days, including inspections of water, septic and electrical connections.*
- 3. *The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.*
- 4. *When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.*
- 5. *This temporary use permit is subject to annual renewal providing proof that the need still exists.*

Chair Blakey requested any questions, comments or discussion from the commissioners.

Member Diehl inquired if Mrs. Ramsay understands all of the conditions and requirements, and Laura Ramsay expressed that she believes that she does. Mrs. Ramsay questioned who she would need to get to complete the inspections. Director Spross stated that the inspections would need to be completed as part of the set up and placement permit that she is to obtain from the Building Department. Member Diehl then asked if Mrs. Ramsay was aware that once the need no longer exists, they would need to be removed. Laura Ramsay indicated that once it is no longer needed, they will be selling the property.

Chair Blakey asked for any public comments; there were none. Therefore, he called for a motion.

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for

conformance with the criteria found in CCC 16.08.070(B)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 008-812-06, as described in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote (5-0).

Member Nelson, based on the previously adopted findings made for this project, moved to approve the Temporary Use Permit application for Laura Ramsay to establish a Temporary Quarters for Hardship/Caretaker at 2066 Sabrinan Way (APN 008-812-06). This approval is subject to conditions, as listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (5-0).

Chair Blakey noted that there is a 10-day appeal period, and the department will contact the applicant to complete the process.

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 for General Purposes previously granted to Donald Keeling for property located at 5990 Kadee Court, Assessor's Parcel Number 008-572-01, in the E-1 zoning district. The applicant stated that there is no longer a need for the permit; therefore, it should be terminated.
- B. Consideration and possible action re: Termination of a temporary use permit previously granted to David Roberts for temporary quarters for Hardship/Caretaker for property located at 1844 Bell Aire Lane, Assessor's Parcel Number 010-411-03, in the A-5 zoning district. The office was informed that the mobile home used as the temporary quarters was destroyed in a fire, and Mr. Roberts moved to an apartment to allow his daughter and her family to live in his mobile home on the property. Since the temporary home is no longer used and the person needing care does not live on the property, the permit is no longer valid and should be terminated.

Member Bunyard moved to approve the consent agenda as submitted. Member Nelson seconded the motion and the decision carried unanimously (5-0).

12. Public Comment:

There were none.

13. Adjournment:

There being no further business to come before the Planning Commission, Chair Blakey adjourned the meeting at 7:17 p.m.

14. Appendix:

Supporting Documentation

Approved: Eric Blakey
Eric Blakey, Chair

Approved: NOT IN ATTENDANCE
Scott Nelson, Vice Chair

Approved: Zack Bunyard
Zack Bunyard, Commissioner

Approved: NOT IN ATTENDANCE
Deanna Diehl, Commissioner

Approved: NOT IN ATTENDANCE
Jeff Goings, Commissioner

Approved: R. Mark Hyde
R. Mark Hyde, Commissioner

Approved: Paul Picotte
Paul Picotte, Commissioner

ATTEST:
Diane Moyle
Diane Moyle, Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

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

STAFF REPORT FOR PLANNING COMMISSION MEETING – June 14, 2023

Prepared June 7, 2023

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on June 7, 2023 to review the project applications listed below that are on the Planning Commission meeting agenda. Site visits were made as noted.

- | | | |
|--|--------|---------------|
| • Scoggin Sending Site application | Page 2 | No Site Visit |
| • Cervantes/Ramsay TUP for Temporary Quarters for Hardship/Caretaker | Page 3 | No Site Visit |
| • Consent Agenda | Page 5 | No Site Visit |

PC Members Present

Zack Bunyard
Deanna Diehl

Staff Members Present

Chris Spross
Dean Patterson
Diane Moyle

REVIEW OF PROJECT FILES

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

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

Application:	<u>TDR Sending Site Approval</u>	Use Listing:	<u>Agriculture & Single Family</u>
Applicant:	<u>Toby Joe Scoggin</u>	Owner:	<u>Toby Joe Scoggin</u>
Site:	6755 Stuart Road; and nearby vacant land (APN: 009-131-06 & -03) - 230 acres - 110 acres with ~85 acres of surface water-rights, and - 120 acres with ~1 acre of surface water-rights		
Designations:	Master Plan - Agriculture // Zoning - A-10		

Summary: This application is for approval of a Sending Site and Transfer of Development Rights calculation. ***Note that*** additional acreage appears to be farmed on APN: 009-131-06 without water rights, perhaps being supported by groundwater. Also, a large area on APN: 009-131-03 does not have water rights, but substantial vegetation appears to be supported by groundwater. See the TCID map.

Sending Sites have minimum requirements:

- 20-acre minimum parcel size or identified as a special site (CCC 16.14.050),
- Non-irrigated areas do not pose a dust liability (CCC 16.14.030.D),

Sending Sites must provide a community benefit below by means identified in CCC 16.14.030.B:

- Agricultural preservation and retention of water rights.
- Protection of military operations.
- Protection of water recharge areas.
- Protection of open space.
- Protection of wildlife habitat.
- Providing public access.
- Other special benefits.

This property qualifies for the minimum standards by meeting the acreage requirement and providing dust control through active farming or established native vegetation. This property provides community benefit by (a) Protection of military operations on both parcels, (b) Agricultural preservation of 85-90 acres on one parcel that increases its easement value, and (c) Protection of a special site that provides roughly 70 acres of wildlife habitat and additional open space that increases its easement value.

The applicant requested an additional residence on the vacant property, and requests that the two properties be appraised separately.

The Sending Site Committee reviewed the application on June 5, 2023 and recommends approval of the sending site. The Committee recommended a total of 201 TDRs.

Staff Recommendation: **APPROVAL - as provided below.**

☐ **For APPROVAL the motion should include:** Based on the information provided in the application, in the staff report, and this meeting, I move to recommend the following to the Board of County Commissioners:

- (a) approval of the Sending Site application for Toby Joe Scoggin on property at 6755 Stuart Road; and nearby vacant land (APN: 009-131-06 & -03), consisting of 230 acres, based on providing community benefit of 86 acres of farmland with surface water-rights, and roughly 70 acres of a special site with wildlife habitat (plus additional open space), and
- (b) approval of 201 TDRs for the same property.

Application:	<u>Temporary Use Permit</u>	Use Table Listing:	<u>Temporary Quarters for Hardship/Caretaker</u>
Applicant:	<u>Laura Ramsay</u>	Owner:	<u>George and Concepcion Cervantes</u>
Site:	2066 Sabrinas Way (APN 008-812-06) – 1 acre (adjacent to The Grid restaurant)		
Designations:	Master Plan – Urbanizing // Zoning – R-2		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/ Caretaker purposes to place 2004 recreational vehicle (RV) on the property. The application indicates that the unit is already on-site, and is set up for use.

Laura Ramsay is the applicant requesting to place a temporary quarters on the property. She is the daughter of the owners – the Cervantes. Her daughter Sarah Parker (granddaughter to owners) and partner Cory Condon will live in the temporary quarters to provide care for the owners. The application notes that Cory is a Certified Nursing Assistant. The owners live in the existing home, and are over 70 years old. The site plan shows that the RV will be located on the west side of the home, in a driveway-like area. It will connect to the home's existing power, septic, and water services.

Access is from Sabrinas Way, which is a County-maintained paved road located within a 60' road easement. The road is centered on the property line, with 30' of the easement on the property. The setback from the street is 60' measured from the centerline. Utility easements are located along all property lines and the road. The RV and its pop-outs must meet a 5' setback from the west property line, which appears to be met.

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

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

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

The application indicates that both owners are over 70 years old and have shown proof to staff. No information is provided about their ability to care for themselves.

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

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.070(B)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 008-812-06.

[For APPROVAL - Staff Report provides adequate findings.]

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

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the Temporary Use Permit application for Laura Ramsay to establish a Temporary Quarters for Hardship/Caretaker at 2066 Sabrinas Way (APN 008-812-06).

For APPROVAL the motion should ADD:

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

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

1. The temporary quarters must comply with Churchill County Code.
2. All Building Department permitting must be completed within 30 days, including inspections of water, septic and electrical connections.
3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.
4. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
5. This temporary use permit is subject to annual renewal providing proof that the need still exists.

<u>Consent Agenda:</u>

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

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

RECOMMENDED MOTION

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



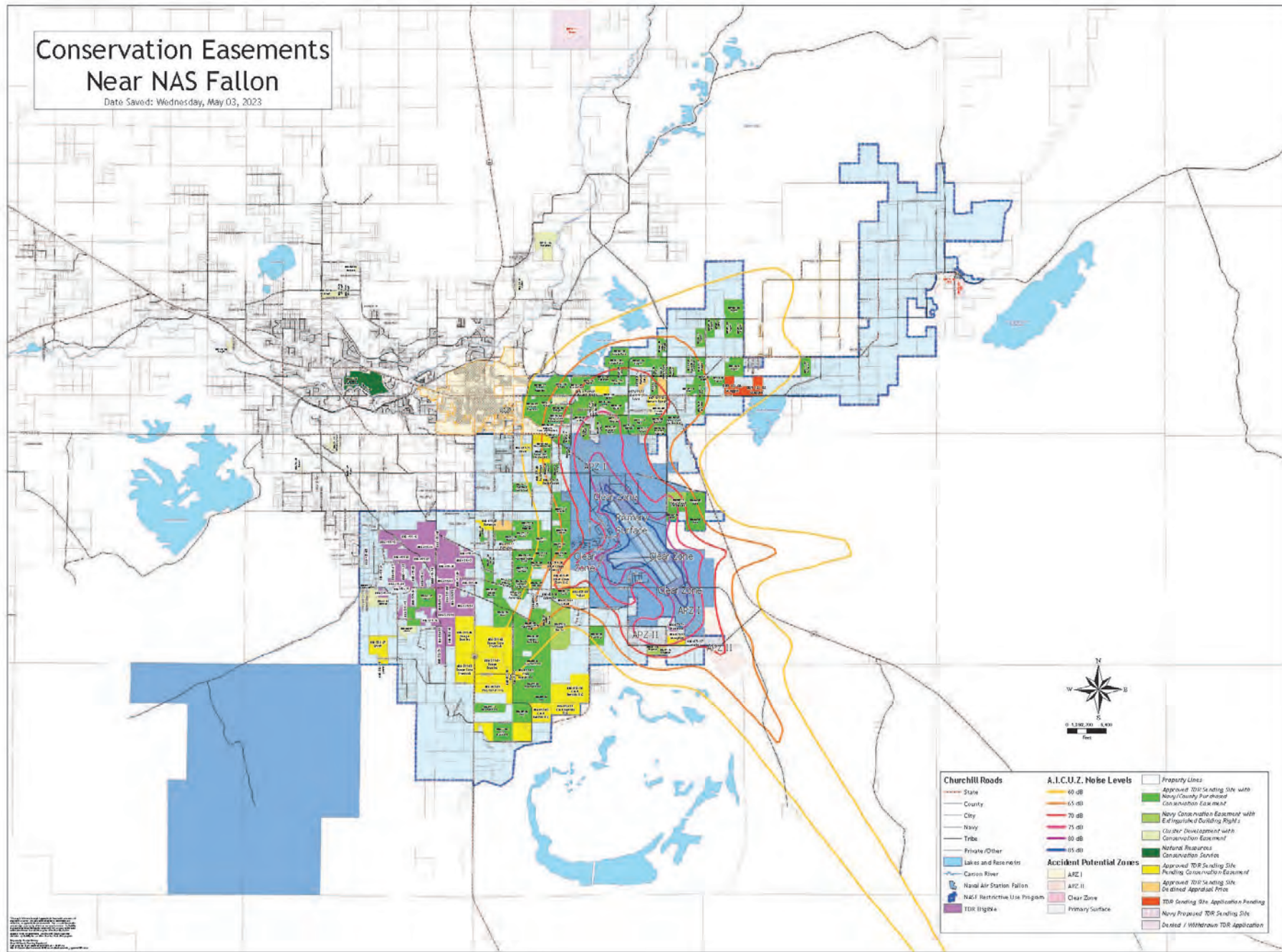
CHURCHILL COUNTY PLANNING COMMISSION HEARING

June 14, 2023

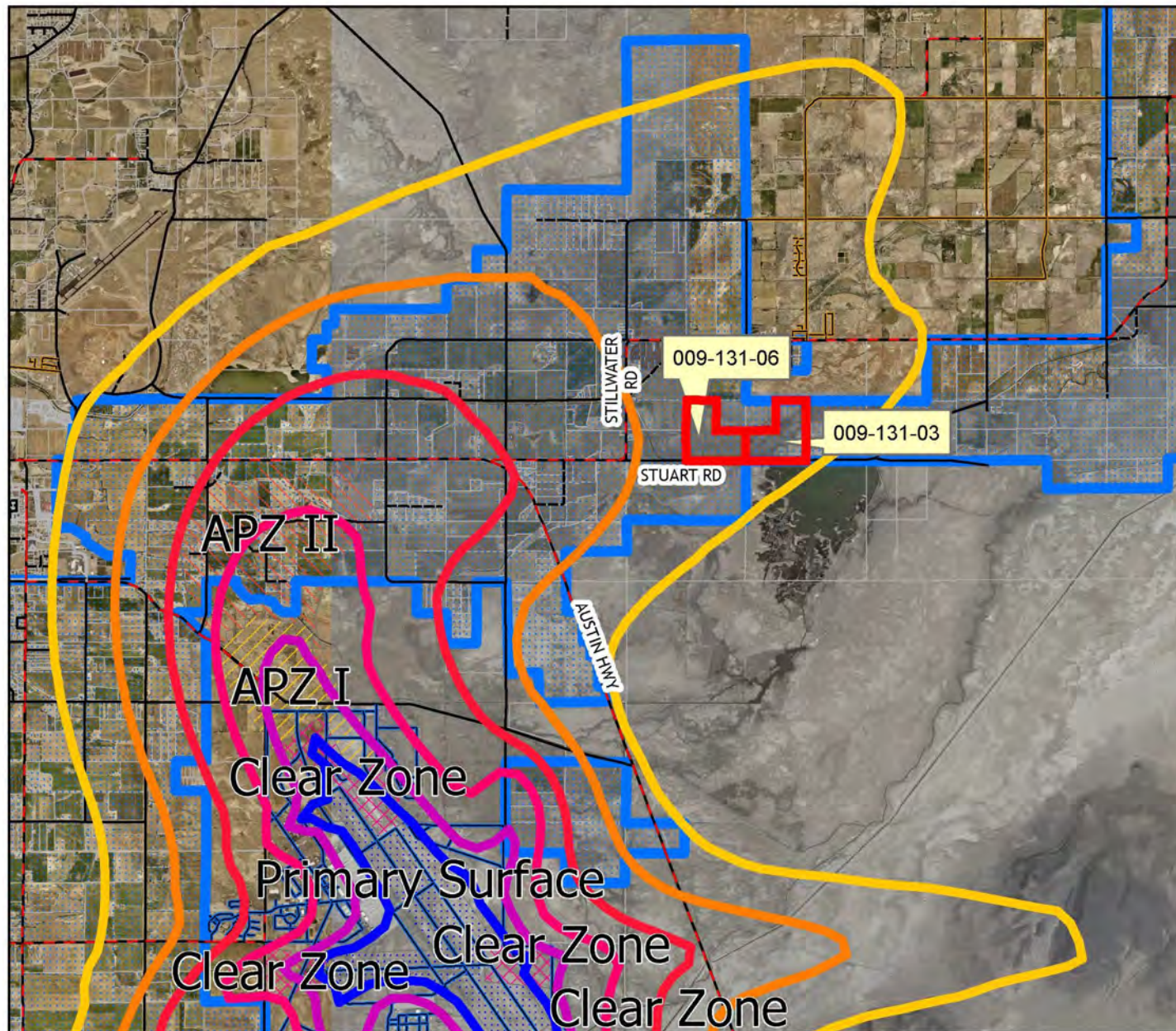
Toby Joe Scoggin, Sending Site Application, 6755 Stuart Rd, APN 009-131-06 and 009-131-03

Conservation Easements Near NAS Fallon

Date Saved: Wednesday, May 03, 2023



APN 009-131-03 and 009-131-06 Scoggin Property



Legend

	60 dB
	65 dB
	70 dB
	75 dB
	80 dB
	85 dB

Accident Potential Zones

ZONE	
	APZ I
	APZ II
	Clear Zone
	Primary Surface

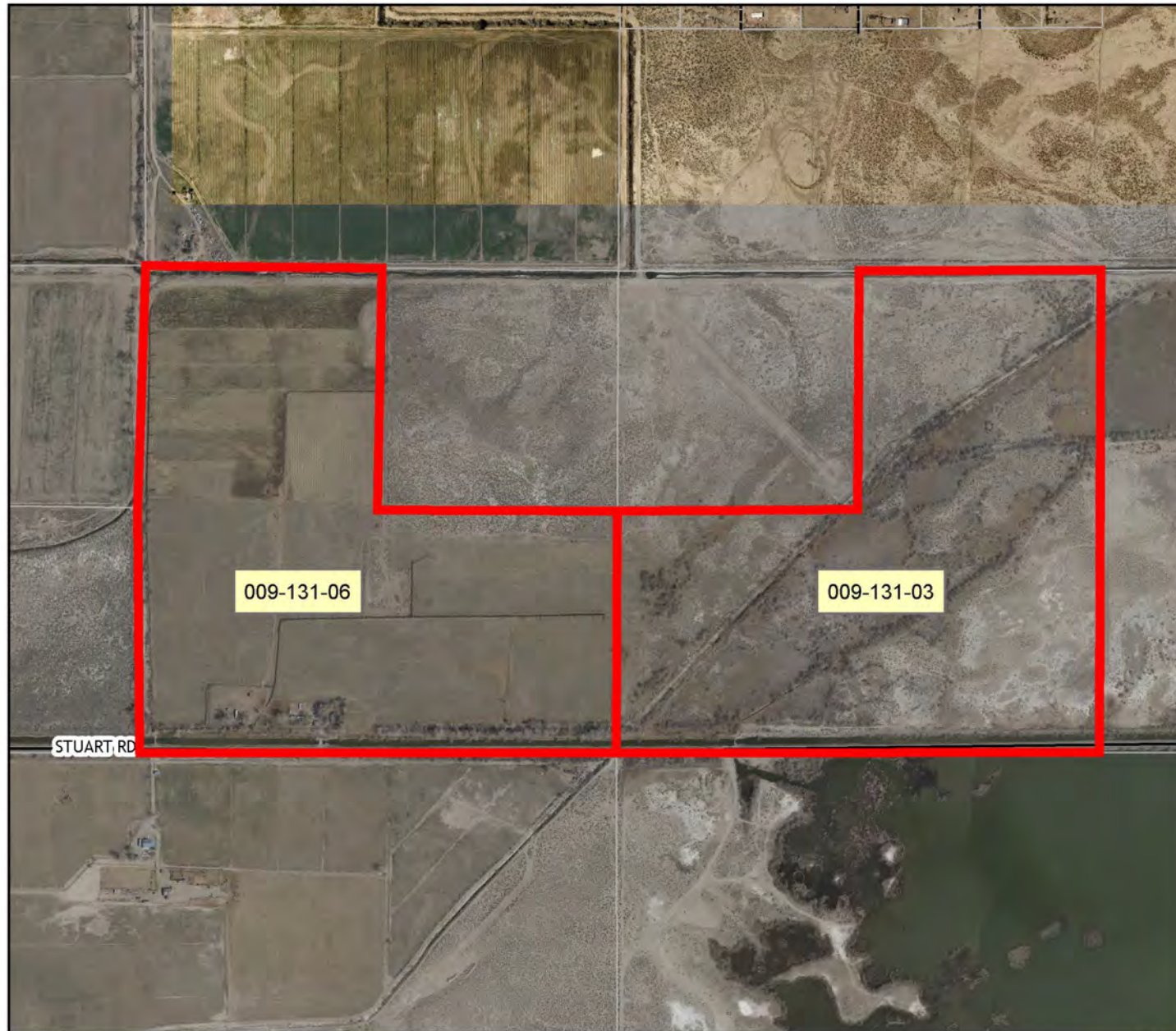
2,800 4,000 5,600 8,400 11,200
Feet

Map Prepared by: adm
May 4, 2023
Churchill County Planning Department



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

APN 009-131-03 and 009-131-06 Scoggin Property



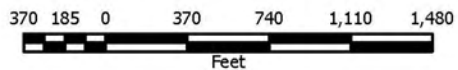
Legend

	60 dB
	65 dB
	70 dB
	75 dB
	80 dB
	85 dB

Accident Potential Zones

ZONE

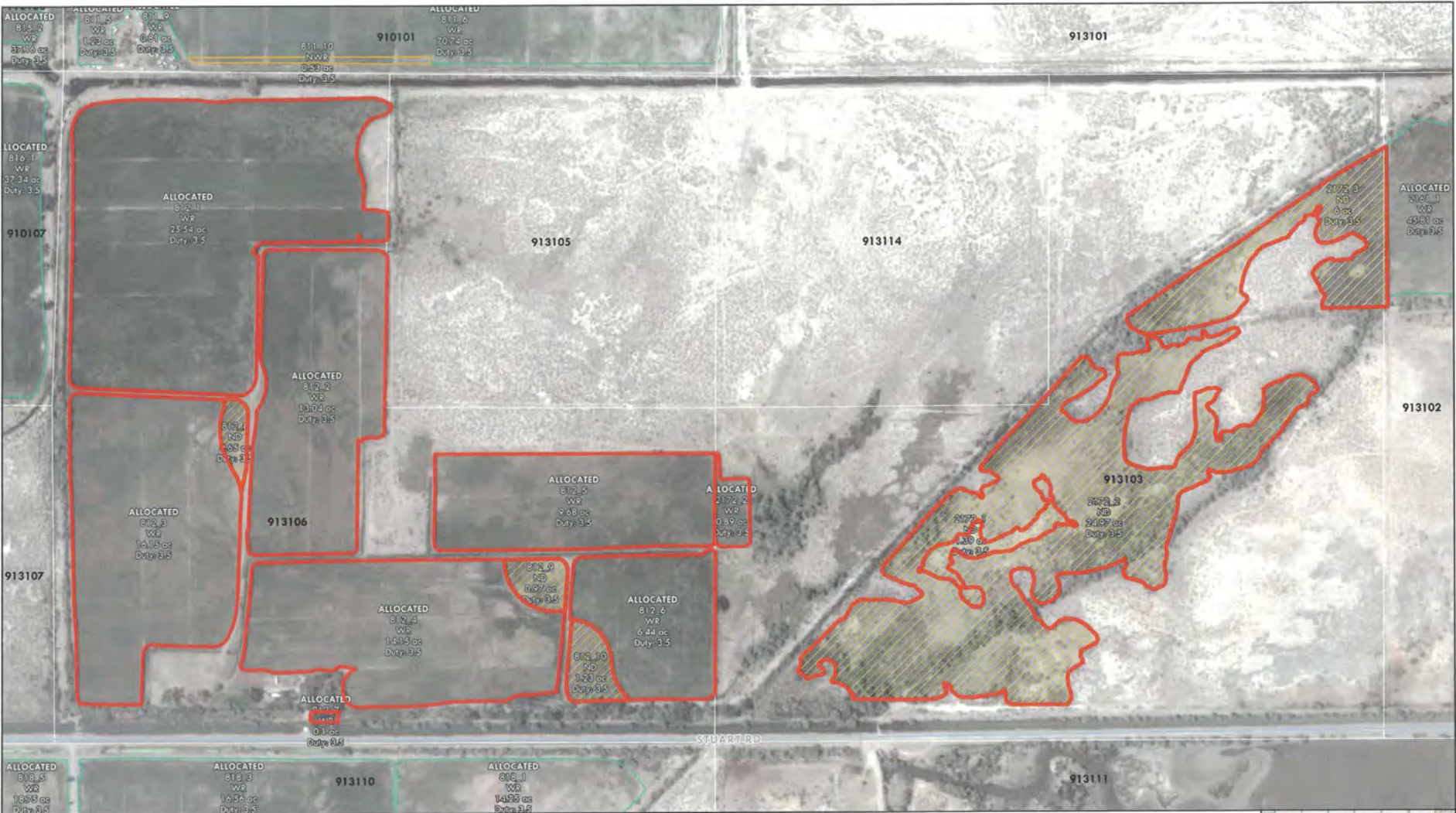
	APZ I
	APZ II
	Clear Zone
	Primary Surface



Map Prepared by: adm
May 4, 2023
Churchill County Planning Department



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Truckee-Carson Irrigation District
2666 Harrison Road
Folsom, Nevada 89407
775-433-3141

Area of Interest

SN: 812 & 2172

This document only represents the current records of the District and is not a warranty of guarantee of title or ownership. If a warranty of guarantee of title or ownership is desired, you will have to obtain such from a title company or registered land or water right surveyor.

Parcel

Selected Irrigated Fields

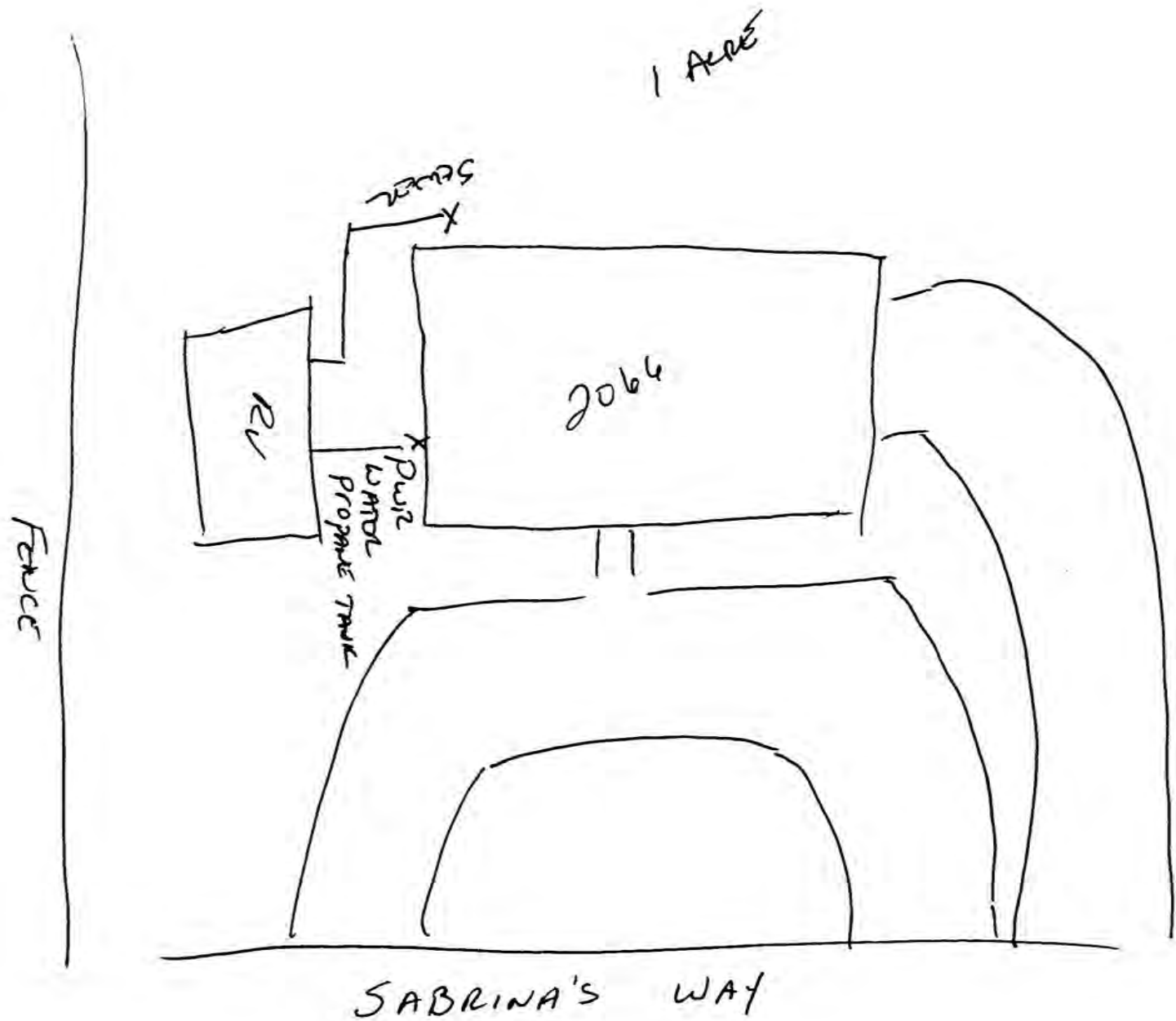
5/4/2023



Cervantes/Ramsay, TUP Application, 2066 Sabrinas Way, APN 008-812-06







Consent Agenda

Donald Keeling, TUP Termination, 5990 Kadee Court, APN 008-572-01







Churchill County Building Department

May 23, 2023

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

RE: RAMSAY TEMPORARY USE PERMIT APPLICATION, 2066 SABRINAS WAY,
008-812-06

Mr. Spross:

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

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

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

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

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

Sincerely,

Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

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

June 14, 2023 at 7:00 p.m.

EVERYONE PRINT YOUR INFORMATION