

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

May 31, 2023

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 3:07 PM on May 31, 2023.

PRESENT: Commissioner Harry Scharmann, Chairman
Commissioner Justin Heath, Vice-Chairman
Commissioner Myles Getto
Deputy District Attorney Joseph Sanford
Deputy Clerk to the Board Pamela D. Moore
Chris Spross, Public Works Director
Clint Felton, Appellant
Kelly Gross, Applicant
Dan House

ABSENT: Clerk/Treasurer Linda Rothery
County Manager Jim Barbee
Comptroller Sherry Wideman

Pledge of Allegiance:

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

Public Comment:

Chair Scharmann asked if there was any public comment but there was none.

Verification of the Posting of the Agenda:

It was verified by Pamela D. Moore, Deputy Clerk to the Board, that the Agenda for this meeting was posted on the 24th day of March, 2023, between the hours of 1:00 and 5:00 PM at all of the locations listed on the Agenda, in accordance with NRS 241.

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

Deputy Clerk Moore reported that she just found a typo on the Agenda in the affidavit of posting, which should have read that the Agenda was posted on the 24th day of May, 2023, so the Agenda should be revised accordingly.

Commissioner Justin Heath made a motion to approve the Agenda as revised.

Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

Appointments:

2:00 PM A- Public Hearing of Appeal - Consideration and possible action re: Appeal of the

Planning Commission's decision made on April 12, 2023 to issue a Special Use Permit for expansion of an existing horse boarding business filed by Kelly Gross, owner of Silver Sage Horse Boarding, for property located at 4755 Silver Sage Lane, Assessor's Parcel Number 006-811-60, consisting of 5.08 acres in the A-5 zoning district, whereby the Applicant proposes to expand beyond the existing permit to include more boarding stalls, equestrian training, private education, and an as-needed veterinary clinic.

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

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

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

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

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

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

A copy of the Staff Report and an excerpt from the Planning Commission minutes are provided

for the Commissioners' review and consideration. A list of the recommended conditions that came out of the meeting are as follows:

1. This permit is subject to review in one year to ensure compliance with conditions and code standards.
2. The horse boarding facility expansion is limited to 24 stalls for outside horses to be boarded and 8 stalls for business owned horses in the proposed 32 stalls.
3. Veterinary Care is allowed only for horses boarded at the facility, but the use of same day boarding to circumvent the prohibition of a veterinary clinic is prohibited.
4. Private training is limited to 5 people per day at the facility.
5. The signage is limited to the proposed 16 square foot sign.
6. All business customers shall park on the property, parking on the road is not allowed.
7. Existing and future lighting shall meet the dark skies requirements in the Lighting Code. Lighting of the riding corrals to allow nighttime riding is prohibited. Modifications to existing lights shall be accomplished in 30 days.
8. Sound amplification systems are prohibited.
9. Driving surfaces shall be covered with gravel, decomposed granite, or other acceptable measures of dust control to reduce the generation of dust, and shall be completed within 30 days.
10. Manure shall be removed from pens daily, and stockpiles of manure shall be removed from the property weekly.
11. Surface drainage from the horse pens shall be obstructed from carrying manure to the drains along the north and east property lines. To accomplish this, berms or other features shall be installed as needed to provide at least a 1 foot grade change in elevation along those property lines.
12. Facility rules shall be implemented immediately to either require that visiting dogs be kept on a leash or that they be prohibited from visiting the property.
13. ADA compliant parking and restroom facilities shall be provided before the 1 year review date.
14. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Civil Deputy District Attorney Joseph Sanford said this was an appeal from a decision made by the Planning Commission on April 12, 2023. This appeal was filed timely pursuant to Churchill County Code and notice was provided to both parties and all neighbors as required by the Churchill County Code. I want to remind the Commission that appeals are reviewed de novo, which means that you do not have to give any deference to what the Planning Commission did and you have the right to review all of the evidence and make your own decision without any idea of what the Planning Commission did. I would ask that, for the public, any statement that they choose to make or whether it is the Appellant or Respondent, if they wish to make any statement, they should direct that statement to the board and the board will decide whether to refer a question to another party or answer the question themselves. Again, if anyone wishes to make public comment today or provide any testimony, they will be asked to be sworn in by the

Clerk. If you intend to make any testimony today, please come forward and be sworn in. If you do not wish to make any factual testimony and just wish to make public comment, you will have the opportunity to do that, as well, but any factual testimony that you provide at that time will not be considered.

Deputy Clerk Moore administered the oath to the following individuals: Chris Spross, Clint Felton, Kelly Gross, and Dan House.

Chris Spross, Public Works Director, said, as was mentioned, the Planning Department received an Application for a Special Use Permit (SUP) from Kelly Gross on February 15, 2023. After reviewing the Application and determining its completeness, it was scheduled for the Planning Commission meeting on April 12, 2023. The Application proposed to permit an expansion of an existing horse boarding facility. There were four uses as part of this Application: 1) expanding the existing horse boarding operation, which also allows individual training of the horses and owners, for 32 pens for boarding; 2) private education facility for equestrian training, which allows riding classes for people or horses who are not boarding customers; 3) a veterinary clinic, which was used as a site for mobile veterinarians serving boarded horses on an as-needed basis; and 4) an advertising sign at the front of the property. A horse boarding facility was originally permitted for Marlene Holmes in 2003 for approximately 14 stalls. Since then, the Holmes' expanded the number of pens. When the current owner purchased the property, additional pens were also added. This facility's need for additional permitting came to the attention of staff due to a neighbor's complaint about operations and other unrelated matters. Upon contacting the owner, she readily agreed to update the Special Use Permit to include the current operations.

There is extensive neighborhood opposition to this proposal. At the time of the April 12, 2023 meeting, there were approximately 9 letters that were submitted in opposition and also a Petition was submitted and signed by many members of the community. At the time of the meeting, there were 18 letters of support of the Application.

Mr. Spross continued by stating that the text in the Petition includes a fairly good timeline. Its characterization of the previous SUP as a home-based business is incorrect. At the time this SUP was applied for in 2003, the county did not distinguish between a home-based business and a regular business. This was not a home-based business but was a regular business. The Petition also made statements that SUPs and Building Permits must be renewed by the new owners and it was verified by Mr. Sanford that a SUP actually follow the property or the business, not the person that applied for it. I wanted to make sure that the board was aware of our current code. The letters and Petition raise concerns about compatibility of the proposal with the neighborhood residential uses. Of particular concern are nighttime lighting and activities, activities that generate excessive traffic, and activities that generate traffic at night.

Mr. Spross said the surrounding land to the north, south, and west along Silver Sage is composed of similar 5 acre residential lots, with some agricultural activities, such as irrigated land, personal livestock, and feed lot livestock. The horse boarding use can be considered compatible with the nearby homes if it is kept at a smaller scale and impacts are mitigated. However, it appears that the uses that attract people who are not horse boarding customers

caused extensive impacts that make those activities incompatible. Adjacent lands to the east are largely agricultural fields and the residential lot to the north is also used for raising goats. The Master Plan establishes land use districts that are implemented by zoning districts. The proposed use is allowed in this zone as per the use table. Equestrian and boarding facilities currently, as our code is written, are allowed in the RR-20, A-10, A-5, and the E-1 zoning districts. This property is zoned A-5.

There are no new buildings or other facilities that are proposed, although they will be installing a small restroom, so there are no set-back, easements, or height issues. The Building Department has indicated that the restroom must be ADA compliant to serve disabled visitors and employees and the Applicant is working with the Building Department on that. The site shows 10 parking spaces near the middle of the site, although much of the property can also be used for parking. The number of spaces needed would be small but an unusual characteristic is that trucks or horse trailers will be a common parking need. It has been determined that the proposed spaces, plus additional site area, is adequate for this use. The veterinary clinic will have a small parking demand and the proposed parking is adequate. The private education use will have a variable parking demand and that will occur occasionally. It has been determined that there is adequate site area for such parking. As part of the standard parking, one handicap parking space must be provided. There is no visitor restroom on the property, though this should not have been allowed for a business with employees. Sewer and water service is being proposed in this Application with the new restroom connecting to the existing well and septic system. There is no water or sewer infrastructure in that area. The Applicant is requesting extensive time to get the connections to the sewer and well, so it was a recommended condition that this would be included in a one year review. I will address that in the conditions. There was a sign proposed, which was 4'x4', which is a total of 16 square feet, which is within the allowable signage limits. There is site lighting and that site lighting needs to be meet the lighting code, the dark sky standard, which is directing lights downward. As mentioned, there is no public sewer or water service available on the site. The traffic generated from expanded horse boarding and veterinary clinic operation will be minor and will not cause impacts. The reason that is being said is this SUP is being requested as the business has already expanded to the size that it is at. By granting this SUP, it is not going to increase traffic over and above what it is right now. That is already occurring. This SUP is being asked for to come into compliance with what they have already done. I wanted to make sure that this was clear.

Mr. Spross said there are just a few other things to note. Neighbor comments describe excessive traffic, problems that include customers that use other people's driveways when getting lost or turning around, which would mainly apply to first-time customers and training class customers rather than ongoing boarders and regular visitors. There are potential environmental impact issues to the adjacent properties and those are dust generated from onsite vehicle traffic; impacts from smell and fly presence increases with livestock manure; visitors to equestrian facilities often bring their dogs, which are often allowed to roam free; nighttime activities that bring customers to the site and disturb neighboring residences; lights from equestrian facilities will often use flood lighting of outdoor arenas, which impacts adjacent properties; greatly increasing the amount of traffic as a result from the equestrian classes that would cause impacts on the neighborhood; equestrian classes can involve large groups, which encourages the use of

amplified sound systems; and storm water surface drainage from horse pens can carry pollutants into the adjacent drains, especially after being concentrated at the roof line.

After the review, staff made a recommendation to the Planning Commission. At the meeting before the Planning Commission, the decision that was made was to approve the expanded horse boarding facility for no more than 24 stalls for outside horses and 8 stalls for the business-owned horses, for a total of 32 stalls. They approved the private education facility for equestrian training for a maximum of five (5) people per day at the facility. They approved the veterinary service only for horses boarded at the facility and they approved the advertising sign not to exceed 16 square feet in the A-5 zoning district. The Planning Commission also denied the veterinary clinic for animals that are not boarded at the facility. As part of that decision, there were recommended conditions:

1. This permit is subject to be reviewed in one year to ensure compliance with conditions and code standards.
2. The horse boarding facility expansion is limited to 24 stalls for outside horses to be boarded and 8 stalls for business-owned horses in the proposed 32 stalls.
3. The veterinary clinic is allowed only for horses boarded at the facility but the use of same-day boarding to circumvent the prohibition of a veterinary clinic is prohibited.
4. Private training is limited to five (5) people per day at the facility.
5. The signage is limited to the proposed 16 square foot sign.
6. All business customers shall park on the property. Parking on the road is not allowed.
7. Existing and future lighting shall meet the dark sky requirements in the lighting code. Lighting of the riding corrals to allow nighttime riding is prohibited. Modifications to existing lights shall be accomplished in thirty (30) days.
8. Sound amplification systems are prohibited.
9. Driving surfaces shall be covered with gravel, decomposed granite, or other acceptable measures of dust control to reduce the generation of dust and shall be completed within thirty (30) days.
10. Manure shall be removed from pens daily and stockpiles of manure shall be removed from the property weekly.
11. Surface drainage from the horse pens shall be obstructed from carrying manure to the drains along the north and east property lines. To accomplish this, berms or other features shall be installed, as needed, to provide at least one foot grade change in elevation along those property lines.
12. Facility rules shall be implemented to either require that visiting dogs be kept on a leash or that they be prohibited from visiting the property.
13. ADA compliant parking and restroom facilities shall be provided before the one (1) year review date.
14. Operations shall be conducted in a manner that does not create a nuisance, public or private, under Nevada law or Churchill County Code.

Chairman Scharmann asked if there were any questions from the board or staff. He said you mentioned no restroom facilities for visitors. Mr. Spross said what they have right now onsite is a port-a-potty and what they are planning to do as part of the expansion is to build a small

restroom, which they will tie into the septic and well. Chairman Scharmann said what about water? There is no water for visitors? Mr. Spross said in terms of drinking water, that is a question you will want to ask the Applicant. In terms of non-potable water, they have hose spigots throughout the site. In terms of drinking water, I do not know what they provide. Chairman Scharmann said you talked a little bit about the amplified music. How was that addressed? I missed that. Mr. Spross said, to my knowledge, we have never heard of a complaint of amplified music or amplified sound. That was a condition that was added so that, if there are equestrian events for training or things like that, they do not use amplified sound during teaching, training, or anything like that in order not to disturb the neighbors. I do not know if that has ever been used before but, with the potential of having training, we wanted to make sure that that was not being used so as not to disturb the neighbors during those events. Mr. Scharmann said you said that the manure needs to be removed weekly. Mr. Spross said the manure needs to be removed from the pens on a daily basis and the stockpile of manure has to be removed weekly. Mr. Scharmann said where is that going? Mr. Spross said that is up to the Applicant to determine where it goes. I do not know where they put it.

Deputy District Attorney Sanford said it was mentioned, as far as the transfer of the Special Use Permits, it is in our code the following sentence in Section 16.08.080(K)(2): "The Special Use Permit shall remain valid as long as the permit holder, its heirs, assigns or successors remain in compliance with the terms of this permit and county, state, and federal regulations."

Chairman Scharmann said we will now hear from those folks who agree to this proposal. Deputy DA Sanford said this is an appeal, so do you want to allow the Appellant to provide the basis of the appeal so that we can address that specific issue? Mr. Scharmann agreed.

Clint Felton said I reside in the Pomeroy Subdivision and am the adjacent neighbor right across the street from the subject property. We have had major issues with this business and that is why I am here today. I appreciate you listening to me. I have some questions within my presentation but I am going to read the whole thing and then maybe we can go back over the questions at the end. This appeal of the April 12, 2023 decision of the Planning Commission to grant a Special Use Permit (SUP) for the expansion of Silver Sage Horse Boarding is not a neighbor dispute. The residents who live on Silver Sage Lane are in opposition to what has become a commercial horse boarding operation in a residential subdivision. The owner of the Silver Sage Horse Boarding is not our neighbor since she does not reside on the property.

The decision made by the Planning Commission was predicated on the claim that the 2003 SUP issued to Bill and Marlene Holmes to operate a 14-stall horse boarding operation somehow conveyed upon the sale of the parcel to Ms. Gross, which now entitles Ms. Gross extraordinary privileges. By implying the SUP transferred when Ms. Gross purchased the property implies that this property is subject to county code from 2003 and that the parcel is exempt from current county code. Silver Sage Horse Boarding is a commercial enterprise and it does not fit the current county code. The facility cannot be considered a home-based business because Ms. Gross does not reside on the property. An employee resides in the home on the property. Furthermore, the parcel is in a residential neighborhood and is not zoned for commercial use. According to real estate law, a permit or license is permission granted by the government to a

person, the Applicant, and is not granted to property. Therefore, it cannot legally be transferred to another person. We have reviewed the matter with an attorney who agrees that the permits do not legally convey from one person to another. Churchill County Code 16.08.080 confirms that a Special Use Permit is not a matter of right but is a privilege granted by the county. Real property rights are conveyed from one party to another through a Deed, which includes a legal description of the real estate. The referenced Special Use Permit itself was never recorded. A Notice of Final Action was recorded granting privileges to the Applicant referencing only the Assessor's Parcel Number, which is not a correct and complete legal description according to NRS 361.189. Therefore, according to the real estate law, the permit issued to the Holmes legally expired when Marlene Holmes sold the property in 2018. Ms. Gross purchased a residence, otherwise, she would not have been able to obtain the home loan she has against the property. Ms. Gross admitted in the April 12th meeting that she did not inquire about the restrictions of the permit granted to the previous owner, nor did she apply for a Special Use Permit in her name prior to expanding the facility. Ms. Gross did not apply for a Special Use Permit until after we filed a complaint in January of 2023.

The April 12th decision implies that Ms. Gross' permitted use to make a profit from her parcel supersedes the rights of the neighboring property owners' inherit rights to enjoy their property. The 24 signatures that were submitted in opposition to the facility were given very little consideration by the Planning Commission, even though Mr. Hyde questioned if the Petition was evidence that the facility was a private nuisance to the neighboring properties. The neighbor complaints include: the number of horses at the facility; excessive traffic from the clients, trainers, and classes; LED outdoor lighting; dust from the business activities; boarders riding their horses off of the property onto neighboring properties; and renting RVs and camping in addition to the watchman's RV. The Planning Commission approved the expansion without limiting the facility hours of operation or limiting the amount of business traffic in the neighborhood.

On May 10, 2023, the Planning Commission reviewed and approved a Special Use Permit for another horse boarding facility. This property is located off of Bench Road and is zoned A-10. It is 4 times the size of the 5 acre Silver Sage Horse Boarding facility and is in a more appropriate location for a horse boarding facility. Current county code was applied to the facility in this Application. The considerations that were denied to the neighbors of Silver Sage Horse Boarding were conditions applied to the new competing facility. The Lietzke facility was limited to 6 horses on a 19.19 acre parcel. Silver Sage Horse Boarding was granted approval of 24 boarded horses on a 5 acre parcel. The Lietzke facility was limited to daytime operation and nighttime operations were prohibited. Silver Sage Horse Boarding was allowed to operate 24 hours a day. Events, equestrian classes, and other activities were prohibited at the Lietzke facility but equestrian classes and training was allowed at the Silver Sage Horse Boarding facility. The Lietzke permit limits the operation of the facility to only the property owners but the Holmes permit transferred to Ms. Gross when she purchased the property. Why are all taxpayers in Churchill County not subject to the same county code? Are all taxpayers not entitled to fair and equitable treatment under the law? It is fair and equitable to apply different restrictions to the same type of business. How do the extraordinary privileges granted to Silver Sage Horse Boarding by the Planning Commission not give an unfair advantage over any new

horse boarding facility?

While horse boarding is mentioned, the activities of the business are commercial in nature and do not fit the definition of a home-based business under Churchill County Code as stated by Mr. Patterson in the April 12th meeting. Washoe County has a separate Special Use Application and regulations specifically for horse boarding operations. Therefore, we respectfully request that the Commissioners consider adding regulations for horse boarding operations to be added to the Churchill County Code and the same laws and restrictions be applied to all horse boarding operations in the county equally or consider putting similar restrictions on Silver Sage Horse Boarding that were placed to the Lietzke property. While the clients of Silver Sage Horse Boarding are entitled to public comment, they do not have the same rights as the adjoining property owners and their testimony is proof of the traffic the facility receives daily. We would ask the board to consider how they would feel if a similar situation existed in your neighborhood.

Chairman Scharmann thanked him for his presentation and said to Chris he had a question. Could you define the A-5 zoning area? Mr. Spross said the A-5 zoning area is comprised of parcels limited to no smaller than 5 acres in size. Mr. Scharmann said are there any restrictions on commercial use? Mr. Spross said no. As mentioned before, our current use table allows equestrian and boarding facilities in the RR-20, A-10, A-5, and E-1 zoning districts. Mr. Scharmann said this is not exempt from county code? Mr. Spross said it is not.

Deputy DA Sanford said I just want to make sure the record is clear so that we can maybe address some of these issues. First, there was a question of whether this was a home-based business. A home-based business is something that is specifically defined in our code for certain commercial operations and people can apply to do a home-based business when they search for a Special Use Permit. They do not have to do that. They can seek a regular, general Special Use Permit, which is what this application is for. Our county code has a use table and the use table defines what is allowed in specific zones. I want to read exactly what it says from our county code. Right now, we have a section equestrian, boarding, and training facilities, which may also need an Event Venue Permit. Those are allowed only by Special Use Permit in the RR-20, A-10, A-5, and E-1 zones, as well as the NAS Overlay also by a Special Use Permit. This is not an issue where this current Application is being reviewed under the 2003 code. This is applying today's code. If we had changed the code in the intervening time and this was not allowed in this zone, we would have to deny it. This would be as if this is the exact same situation where someone came for a permit with no pre-existing permit from 2003 and they are looking to expand the business to the new structure, they would apply under this same general use permit table for an equestrian, boarding, and training facility, which is allowed by Special Use Permit. This isn't that situation. If you want to address the permit expiring, that would really only come into play if you wanted to restrict things to less than what was allowed under the Holmes permit. If that is what you want to do, we can address that when it comes up. For the current issue, the expansion is under our current code and is allowed as a general Special Use Permit and not a home-based business permit. The Lietzke permit that was applied for was applied for under the home-based business section. They chose to apply that way. We do not tell people how they need to apply; they can choose how they want to apply. In addition, which Chris could explain

better, generally, we do not put conditions to what the maximum would be allowed under a permit. If an Applicant says I only want to board 6 horses on my 40 acre property, we do not give them a permit for 400 just because they could do it. We give them a permit for 6 because that is what they asked for. I wanted to lay this as a basis.

Chairman Scharmann said would the Applicant like to come forward. Commissioner Heath said to Mr. Felton, how long have you lived there? Mr. Felton said he has been there for 24 years. I lived there back when Bill and Marlene Holmes applied for the original permit in 2003. Bill came over and explained to me and my wife that he and Marlene were going to retire and that they needed the extra income to pay for their medical insurance. Commissioner Heath said did you file an appeal on that Special Use Permit? Mr. Felton said not on that day. Commissioner Heath said did you ever? Mr. Felton said no but I did attend the meeting and I asked for stipulations on them using water on the riding facility and Bill was really good about that. Bill had gates and he kept all of the dogs on the property. He would shut the gates a half an hour before dark and nobody was allowed in or out, so we had no nighttime activities. That business owner really listened to the concerns of the neighbors and addressed them. He took care of the problems that arose and made sure that we were all comfortable with it. That is not the case here.

Kelly Gross, owner of Silver Sage Horse Boarding, said first I want to say for the record, because this has been an ongoing issue, back in 2007 I had put that property up for sale when Bill and Marlene Holmes owned it. I knew, at that time, that there were issues with the neighbors across the way for several reasons. He would run into their fence, he was parking trailers on the road, and I do have somebody here who was boarding at the time that all of that stuff was going on because I was not actually there during that time. It has been a neighborhood problem since 2007. As for the Sani hut, we put that in back in 2018. Chairman Scharmann said when did he start his business? Mr. Felton said he got the permit in 2003. That is when it started. Chairman Scharmann said you are saying the problem existed from 2007 on? Ms. Gross said I was aware of problems because I was the listing agent on that property at the time that Bill and Marlene wanted to sell. They had told me about some neighborhood issues with the lighting, which was on the north end of the Quonset hut, because Bill was in the process of removing it because he didn't realize, when he turned it on, that it bothered the Renfroes in the back. They came to him and said the light bothered them, so he took it down. Not one person, in the five and a half years that I have owned this property, has ever come to me and complained about anything. In fact, the neighbors have all used our facility. All of them – well, the majority of them have. Now, it is a big issue. Chairman Scharmann said what do you mean that they have used the facilities? Ms. Gross replied that Clint's horse was on our property last summer with our trainer. The neighbors on the north side of us have kids that cleaned stalls for us one summer so he could get money for ROTC. The neighbors on the south side came for riding lessons and one of the trainers was breaking her horse.

Ms. Gross said the other thing I wanted to bring up was we have had a Sani hut on the property always since I purchased it because we didn't like what was out there. We had Marshall's come out and they come out weekly and make it female friendly.

The other thing I have come across is that, since the last Planning Commission meeting, my land

use has changed. I was never listed as commercial but now, according to county records, I am commercial. I am trying to find out who changed it and why I was not notified. I received a letter from Ms. Felton, from the Assessor's office, over the weekend stating that I am not claiming enough on my personal property tax and I am in to include my wheelbarrows, mounting blocks, heaters, wash rack, ladders, fans, stall mats, trash cans, desk, chair, tractor, hose reels, buckets, and a refrigerator. I am already paying personal property tax on every horse feeder and horse trough, as well as tractors that aren't even being used for this purpose. I am wondering why I am now getting hit with all of this. I have talked to other business owners and they aren't even paying a personal property tax and want to know why I am getting hit with all of this. I brought copies.

We do provide water, which is why the refrigerator is out in the barn. There is bottled water there and there is bottled water in the Quonset hut when there are people out on the property for training, riding lessons, or whatever. Bottled water is provided for everybody out there.

Chairman Scharmann said do you operate at night? Ms. Gross said we do not. We were doing some training or a couple of the trainers would come out in the evening in the summertime but we were done by 9:00 PM. It was mostly us riding our horses at night. Since the Planning Commission meeting, we have gone dark and have shut all lights off, except for two. Mr. House said we have turned all lights off on the property, except one at the back of the barn and one at the Quonset hut. All other lights have been completely shut off, even inside my house because of photographs being taken of me. The whole property has gone dark. Mr. Scharmann said I will not ask a question about that.

Ms. Gross said I am confused as to why Mr. Felton has made this become an issue when I have been there and have had only 2 conversations with him, both of which were very pleasant. We haven't had any issues and then, all of a sudden, all of this hit. He has yet to have a conversation with me. Chairman Olsen said that man, Mr. Felton? Ms. Gross said Mr. Felton. I said Mr. Felton.

Chairman Scharmann asked Deputy DA Sanford to address the personal property tax. What is going on here? Mr. Sanford said I think that is something that 1) is not on the Agenda today and 2) is a separate issue, so I do not want to address it because I have not seen it and it is not directly before this board. He told Ms. Gross that, if she wanted to speak to him after the meeting, he would be happy to review it. Ms. Gross said I would love to.

Chairman Scharmann said your operation is not a 24 hour operation? Ms. Gross said no. We will have transports sometimes come in at 10:00 PM and sometimes at 2:00 AM. That happens maybe once every 6 months. They come in, Dan unloads their horses, puts them in a pen, they leave or sometimes they will stay on the property overnight. Chairman Scharmann said what do you do about dust control? Ms. Gross said we recycle the water from the horse troughs. We have it in a 300 gallon tank and then we have sprayers on the back Commissioner Heath said they are coming in at 2:00 AM, isn't that a 24 hour business? Ms. Gross said I see neighbors coming in. Commissioner Heath said but they are not a business, you are. Ms. Gross said yeah. Chairman Scharmann said what is happening at 2:00 AM? Ms. Gross said if they are transports, if they

break down on the road, they sometimes do not get in early. Commissioner Heath said are these just horse trailers, is that what is coming in? Ms. Gross said yes, no semi-trucks, just regular horse trailers. Commissioner Heath said they can fit on your property without using somebody else's property to turn around? Ms. Gross said absolutely. We have never had anybody park outside on the road but the neighbors do and it is okay for them. We have never had anybody who had to park there. We have plenty of room on the property to put all kinds of trailers.

Chairman Scharmann said I know this is upsetting to you but, when this is all over, we want you to be able to have some sort of compatible relationship with your neighbors. Ms. Gross said absolutely. Mr. Scharmann said we do not want this to be a big battle. Maybe it is right now, but we would rather it wasn't later on. Ms. Gross said I would rather it not be now. All he had to do was come over and talk to me but he will not talk to me. He goes to Dan. Dan has had the conversations with him; I have not, so I can't vouch for anything that has gone on there.

Commissioner Heath said to Mr. Felton, what has changed since 2007 that has caused the disagreements? Mr. Felton said what has changed in the last 2 years is that Ms. Gross wrote a letter and Dan put it in our mailbox while we were in Texas, as my daughter was competing, and they accused my dog of attacking a horse and another dog. The dog they accused had been run over previously, about 2 weeks before that, so there was no way the story could have happened. Not only do they take advantage of the neighbors, but they tried to take advantage of us financially by having us pay a vet bill that our dog had nothing to do with. I am a horse person. I support horse riding. I have family members that do that too but, when we had events, we chose to go to the Fairgrounds. We put on those riding events for all of the kids in Churchill County, not just my own, but we didn't do it at my house. Even though I have an arena and the ability to do that, we chose not to. For the record, I have never boarded a horse on that property; never. Ms. Gross said I have a copy of the letter that was mailed to him, along with a picture of my dog and nowhere in here does it say that I am asking you to pay the bill. It was basically saying this is where I am at. According to the Sheriff's Department, I have every right to shoot the dog. I'm not going to shoot a dog; I am an animal lover. I was just letting him know that he has to keep his dogs on his property, along with his horses on his property instead of me having to go chase them around and pen them up until he gets home.

Chairman Scharmann said, Chris, these restrictions that we talked about, or these guidelines or conditions, those have to be revisited in a year? Is that correct? Mr. Spross said, typically, when a Special Use Permit is issued, it is issued in perpetuity but what we have been doing lately is, as we start to put more stringent conditions on a Special Use Permit, we have review periods to make sure that those conditions are being met. In this case, the Planning Commission agreed with staff to say that they wanted to be able to review this Special Use Permit after a period of 1 year to make sure that the conditions that are outlined as part of that Special Use Permit have been followed and have been implemented. That is why there is the 1 year review. Some other Special Use Permits of a larger scale may be a 3 year review because of cost and finances to implement certain things. Others are granted and never reviewed again unless a complaint comes in or unless the Code Compliance Official is doing a review of Special Use Permits and finds an infraction of one of the conditions. There is then a separate process that is allowed by code for us to be able to review and address that. In this case, it was a period of 1 year. That was a long

way to get to your answer. Mr. Scharmann said things like dust control would be something that would be reviewed in a year? Mr. Spross said certain things will be reviewed in a year. If you remember, there are certain things that have to be addressed within 30 days. When we do the Special Use Permit review, it is reviewed by the Planning Commission. Throughout the life of any Special Use Permit, the Code Compliance Official can visit the site and make sure that things are in compliance with the code. In this case, the Planning Commission wanted to make sure that these certain things were being addressed and they wanted to see the Applicant in front of them again after a period of 1 year. Commissioner Heath said Silver Sage Lane is a county road and it is paved? Mr. Spross said that is correct.

Deputy DA Sanford said, to expand on that, the review periods, typically, are something that we have put in place for when conditions are not already met. Because a Special Use Permit is permanent, once granted, if we have something that is put in as a condition that is not already on the property or in existence, such as building the berm around the edge of the property, in this particular case, we would like to have the 1 year review to ensure that this got done and then, if it did not get done, we can review whether to continue to allow the Special Use Permit at all, instead of having to go through the revocation process.

Chairman Scharmann said it sounds like Ms. Gross is going to build a veterinary clinic? Ms. Gross said no. Mr. Scharmann said it is already there? Ms. Gross said it is a horse stock. That is all it is. It is a stock that is inside a room with a concrete floor. The farriers use it, the trainers use it to put their horses in to teach them to be confined for a bath, the vet uses it, and she is here if you want to talk to her about it. It is her stock. Mr. Scharmann said so you are not building any other structures on the property? Ms. Gross said no.

Commissioner Getto said, Mr. Felton, did they explain to you how the procedure works for Planning Commission members at the Planning Commission meeting? Mr. Felton said yes. Mr. Getto said there is criteria and those 5 points that we now have to look at, which the Planning Commissioners looked at. Out of any of those points, could you go over those and state how you do not see that they fit? Mr. Felton said let me start at the start of this. When Bill and Marlene Holmes had the property, they closed the gates. Mr. Getto said this is current to this matter. Mr. Felton said I was going to reference the whole operation and what has changed and why it has changed. Would that be ok? Mr. Getto said that is fine. Mr. Felton continued by stating that Bill would close the gates before sundown and nobody was allowed on the property. The horses were in his care. There was no night traffic. He had a fence put up to where none of the dogs that went over there with the boarders could come into our neighborhood. Ms. Gross took that fence down and, since then, the dogs run through the neighborhood and the issues are there. The other difference here is that Bill did not do any of the training, or very little, as he might have a friend or two over but it was not on this scale. We have had 4 different trainers advertising on Facebook that they are training at the facility. That is a big difference. The other thing is that, from then until now, that owner was very conscientious in making sure that the neighbors were not being taken advantage of, but that is not the case here. What worries me about going forward with this in the future is there is only 1 concern on this Applicant's agenda and that is making money. If it is at the expense of some other neighbor, that is a concern for me.

Ms. Gross said making money, okay. Let me bring up the gate issue. When I put that up for sale in 2007, the gate had become broken. The gate is no longer there because the neighbor's horses got out and busted through the gate, per the previous owners. The gate had to be cut because it could no longer open electronically, so they cut it and just wire tied it shut. We ended up taking it down, as it served no purpose. As for the dogs, all of the dog issues that have come up have taken place on my property in my arena. His dogs are on my property, not my dogs going over there. I have 2 dead dogs and have pictures of them. It was the neighbor's dogs that came to my property and I have witnesses here that saw the whole thing. I witnessed one of them; it was my dog flying up in the air and Mr. Felton was jumping my fence to try to get in control of his dog. He has denied that, even after he did that. He denies that he was there. Mr. Felton said can I respond to that? The dogs have been an issue because Ms. Gross took the fence down that didn't allow them to intertwine. As far as her boarders' dogs not coming off the property, that is not true. If she ran the business like Bill and Marlene did, we wouldn't have this problem because once they went on the property, the gates closed and they weren't allowed off of the property. Bill had 9 small dogs and we had no problems with it. Commissioner Heath said we now have conditions on this for the dogs, so I think that is a matter we don't have to worry about. Mr. Felton agreed.

Chairman Scharmann said, Joe, can I ask others to speak? Commissioner Heath said, Chris, does dropping off at 2:00 AM violate the permit at all? Mr. Spross said the way the permit is written and the way the conditions are written, there are no time limits to when people can visit. The only thing that is written in the permit is, if there is lighting, it has to be compliant with the county's dark sky code. There is no condition that hours are from 6:00 AM to 6:00 PM or 6:00 AM to 10:00 PM. It does not spell that out in the conditions of the permit.

Chairman Scharmann said can we have public comment? Mr. Sanford said we can have public comment at this time. As I said earlier, if they want to give factual testimony, I would ask that they be sworn in so questions like on such and such a date this happened but, if they just want to say I am in favor of the permit, it is different. If they want to give factual testimony, they must be sworn in. If you want to call them, they also have to be sworn in to give testimony, as well. Chairman Scharmann asked the parties to go back to their seats but they can come back up later. He asked if there was any public comment. Lisa Swan, 4870 Silver Sage Lane, said we have owned the residence since 2010. When Bill and Marlene were there, we knew them. They came to our house, they addressed things, made sure everything was okay. I see Dan all the time but I have never seen Ms. Gross. She has never come to my home or asked anything, so that is why I complained instead of going to her because she did not come to us when she wanted to do the expansion. I do not believe she even went to the county first. She did everything first and then she came in and applied for a Special Use Permit, which I do not understand. Isn't it a law that you have to come to the county first before you build on your property and expand? That is one of my questions. The other is that I bought that home because it is out in the county in the country on 5 acres. I didn't want traffic; I didn't want a business. At the last meeting, they decided it was no longer a home-based business but is a commercial business. What is a commercial business doing in a residential neighborhood that is a dead-end street? I love the light. I am out in the country, so I do not want dark blinds and curtains in my house. They did correct the problem with the light that was shining through my dining room into my living room,

so thank you for doing that, but those late night big rigs that are big trucks and trailers that come through, they shine into our bedroom and it is a nuisance. I do not think that is fair. I appreciate that people go out there and ride. We have never been on their facility; we have never boarded there or ridden there. I appreciate what they are doing but I think it should be toned down. In the last 2 years, it has gotten out of hand. There is a lot more traffic, the lights. This whole thing is just kind of ridiculous. If they would have come to all of us first and said, "Could we expand?" We would have come to you in a happy medium and maybe done that but now, they have already expanded and now we are going back. Am I allowed to ask why were they allowed to build and then get a Special Use Permit when they already did all the work? Chairman Scharmann said you would probably have to ask the Planning Commission on that one. I do not know. Deputy DA Sanford said this Special Use Permit did arise out of a complaint and then the Planning Department did a review and determined this was something that had to be done and then it occurred. Obviously, we can't catch everyone before they do things. In the proper order, it would have been permit first but that is why we are at this position now. Commissioner Getto said I sat on the Planning Commission for 3 years before being elected to this position and I am not going to say the majority of what the Planning Commission does is code enforcement action where someone has to play catch up with these, but it is very, very common that someone has to play catch up with these. I saw them all the time and every single meeting we had quite a few of them on there. Again, there is no way to watch everyone all the time. Most people, honestly, don't know that they need a permit or they do not know they need an SUP or TUP, so on and so forth, so it gets missed all the time until something like this happens. Ms. Swan said I appreciate that but I also just want Ms. Gross to know that the reason why we are here is because she didn't come to us and ask the neighbors if it was ok and tell us she wanted to have 32 stalls, so could we negotiate 28. She didn't come to anybody, so that is why we didn't go to her when we had the issue; we came to the county. She said thank you. I appreciate you listening to me.

Madeline Zook said I do not live on Silver Sage Lane, I have my own place on Sheckler Cut Off so, if you want to talk about traffic, we can definitely discuss that because I have tractor trailers by my property all day and all night long. I knew that when I bought the property. I have come up here to say that I am absolutely in favor of continuing with this Silver Sage Horse Boarding. I have used their facility in the last couple of years, on and off, for different reasons. I have kept my horse there. I have never seen any dust or flies. They keep the place immaculate. They constantly are making upgrades to it and improvements to it. I honestly think it is a real asset for a community. There is no other facility anywhere around, not only in Churchill but also in Washoe County that does short-term boarding. Sometimes, you just need it. Horses are large animals and they require 24 hour care. When there is some problem in the family and all of a sudden maybe you have to go and take care of your parents in Florida, you can't just leave them with a bale of hay and hope for the best. I have been very impressed with the professionalism of the people there. I have been there. When my horses are there, I am there every day. I have never seen another car on Silver Sage Lane when I am driving down it. There is also another place, right at the entrance to Silver Sage when you make a left, that is doing short-term horse boarding or at least they have a sign saying so. Obviously, it is a pretty popular idea and it is definitely a needed service. I just want to say that these people have done a really amazingly beautiful job of improving that property and setting it up. It is a gorgeous place and they continually make improvements to it. I think it is a real asset to our community. If I were to live

next to it, I would be perfectly happy living next to that property. I would love to have my trainer next door, to have people to ride with next door. Like I said, I think it is a real top notch place. Dan is the person in charge of the ranch and he is a very dedicated, conscientious person. Kelly has the biggest heart of just about anybody I know with animals. She is another great person. I think that it would be a really good thing to encourage this business to continue here in Fallon because it is quite unique. Thank you all and I appreciate your time.

Deputy Clerk Moore said I have a letter that I was asked to read into the record, as follows:

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Paul N Molloy, Jr
4625 Schurz Hwy
Fallon, NV 89406
972-926-3936
Paul.N.Molloy@gmail.com

May 26, 2023

Churchill Nevada County Commissioners
155 N Taylor Street, Suite 153
Fallon, NV 89406

Sir/Madam,

My name is Paul Molloy and I am writing this letter for consideration at the upcoming hearing regarding the special use permit with regard to Silver Sage Horse Boarding, 4755 Silver Sage Lane, Fallon, NV 89406. I am one of the signatories opposing the expansion. This letter is provided in lieu of personal attendance as I will be traveling on the proposed meeting date.

After review of the applicable county codes and the draft Churchill Planning Commission Minutes for the April 12, 2023 meeting I have several questions/concerns:

Tracing the history of the business conducted at Silver Sage Horse Boarding I found the initial special use permit holder(s) are deceased and the property was sold to the current owner, Ms Gross. Evaluating the county code I find that the permit is NOT transferable thus new permit(s) must be obtained.
(16.14.020 Definitions)

It is also my understanding that the current owner is seeking a special use permit to expand operations to cover an expansion that has been completed (reference remarks made by Mr House during April 12, 2023 meeting). Therefore, there is no 'existing permit' as the initial permit holder is deceased or sold the property and the application for expansion is mute. Although Ms Gross 'mentioned' that there were 22 stalls when she purchased said property and that 15 were 'grandfathered' I find this suspect per county code

I find it concerning that the application is simply to cover non-permitted activities of the current owner. I question that the activities of county officials become relevant ONLY AFTER complaints of local neighbors questioning the operation and 'other related matters'.

When reading the April 12, 2023 meeting minutes I found it laughable that committee members debated the activities of Silver Sage Horse Boarding as Mr Picotte expressed concern of it 'growing into the commercial realm versus a home based business' and Mr Patterson responding that it is not a home based business. My questions would then be "How many categories of businesses are there and into which category does Silver Sage Horse Boarding fall?" As a partner in a home based business I understand the restrictions that are in place. All activities associated with Silver Sage Horse Boarding are well outside the scope of home based business so I conclude this is a commercial activity. As I read county codes I would assign General Commercial District (C-1) (ref. 16.08.190). Given 4755 Silver Sage Lane is zoned A-5 I question how this correlates?

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Nuisance mitigating activity of watering the roads and arenas are commendable but begs the question "has an impact statement been conducted?" I question the source of the water used to sprinkle the affected areas. Does it come from local wells? Will this impact the aquifer and ultimately the surrounding homes/community? Further, where is the destination of the runoff? Back into the aquifer, irrigation ditches or somewhere else? Does it impact the POTW of Churchill County?

Accordingly, what is the disposition of the waste from the horses that are boarded. It is my understanding the an above ground septic system is in use. Questions that should arise include: What safety factors are in place to ensure the waste does not reach the aquifer or irrigation ditches. As noted by Mr Felton during the April 12, 2023 meeting, stalls are located in extreme proximity of irrigation drainage ditches. This contaminates the downstream drainage ditches which support local and migratory wildlife. As stewards to the environment this is totally unacceptable.

Finally, I do not understand how boarders utilizing Silver Sage Horse Boarding have a rightful say in this matter. They are simply clientele of the facility. They do not share in the risk, impact, or any adverse effect of this commercial enterprise operating in a residential sub-division/community.

I oppose this expansion.

v/r

Paul Molloy

Chairman Scharmann asked if there was any other public comment. Jaimi Woods said I am a boarder at Silver Sage and have been at Silver Sage over 14 years. I feel like I have seen Bill and Marlene come and go and now Kelly. I am there all the time. I am a retired school teacher. I retired to spend my life out there with my ponies. That is their home. Yes, it is not my home but they have been there for a very long time. I can't even believe some of the stuff that is being said because I have seen what goes on. I spend probably 3-4 or maybe 6 hours a day there, 5 or 6 days a week. Nobody is creating dust. The horses will create dust but our dust goes east. We sit to the east. We have Pomeroy's fields back there, so the dust has never been an issue unless the wind is blowing. We live in the desert and in Nevada the wind blows. I sit in my chair and watch to see that the most dust comes from the garbage man when he comes down the road. I do not feel like that is a problem. As far as the manure and stuff seeping in, there is somebody down the road who has a big herd of goats. They are irrigating behind them and it is coming through. I do not see where that is an issue. I like the aquifers and I want them to refill, so I don't know that that is a problem. I am kind of upset by some of that in that letter. My heart is broken over this because this was Bill and Marlene's dream for us. The electric gate was broken by horses and not repaired. I show my horses. I do not always get home before 10:00 PM. Sometimes, I am there at 4:00 AM trying to leave. There are other horse people who do ropings and gymkhanas and stuff, how do you always know that horse trailer going down the road is coming to Silver Sage? There are other people on that road who have horses and they are doing activities with them, coming and going. They are not all going to Silver Sage. I know a week ago I had to get there before 6:00 AM and the sun was just barely coming up. I had to pick up my horse to go to a show in Reno. Other times, I have gotten home very late because I had a flat tire or something had to be fixed. You can't just close the doors and say my horse has to sleep in a trailer on the side of a road because I can't get in past dark. That is just life if you have a big animal. Not everybody shows there. Most people there just ride on the property. There might be 2 people

who ride down the road but they are not always from Silver Sage because there are other horse owners on that street. That is what everybody is forgetting. People have horses, they have cows, they have goats, and they have a lot of other animals. As far as dogs, when I first got there, Bill and Marlene had 1 dog, Rufus. I never knew them to have 9 dogs. I am not saying they didn't, but they didn't the whole time I was there. I agree that I do not think people should be bringing their dogs on the property and they don't anymore. I just want to make sure that people understand that it is a nice facility, as Ms. Zook said. There is no other place here in this county that is as nice for that. The last 3 shows I have gone to in Reno, those facilities are all in residential areas, so I am not sure with Washoe County what their zoning is or how that is. If you go out Pyramid Highway, it looks like a regular neighborhood, like you would drive down in Fallon behind Northside or whatever and, behind that, it opens up to 5 acres and there are all kinds of horse businesses and then there are horse trails and all of that. When people buy in there, they know they can do that. They know they can have a business. They do not have to have a business on their 5 acres but it does exist and guess what? The last few places I have been to were in residential areas and I was using a Sani hut to go to the bathroom. It was not a plumbed toilet. I do not know if Washoe County is not following through but they are all in pretty ritzy areas. I feel that it would be great to have indoor plumbing out there. That is all fine and dandy but I do not think when you come up and say Washoe County's codes are that way because I have not seen it. I have had 3 horses there. I have 2 currently there, as 1 passed away. It has always been great and I have been able to ride and feel free but now I am uncomfortable because of all of this fighting and bickering. We do not feel safe. People that bring their children to get riding lessons, if there is bickering and fighting, you don't necessarily have that comfort anymore. I would like to have that comfort. Most of these neighbors knew when they bought their property that Silver Sage was there. I have seen almost every house on that street go up for sale on both sides. They knew when they bought that there was a riding facility there. Chairman Scharmann said I should have told you that we are limiting public comment to 3 minutes. Ms. Woods said I am sorry and I know I am all over the place. Mr. Scharmann thanked her for her comments.

Chairman Scharmann asked for public comment. Scott Swan said I live at 1470 Silver Sage Lane and have been there since 2010. I do remember Bill and Marlene when we moved in there. They had the horse business going on. There were absolutely no issues at that time. For me, it seems as if we have gotten off track and have gotten kind of personal in here. I think the fact that we are here for is that we, the residents of Silver Sage, and I personally have talked to almost every person up and down my street, are in agreement that we oppose the Planning Commission's decision to expand Silver Sage Horse Boarding. We would like to see it go back to what it was when they originally bought the place or when Bill and Marlene had it. It should never have been approved in our opinion. The traffic has grown, the use has grown. That isn't why we bought out there to see that happen. I hope the board can look at the facts and make the decision and realize that we are here and we are appealing the Planning Commission's decision to grant their expansion.

Tori Robinson, 633 Discovery Drive, said I will make my point quickly. In our original hearing, Mr. Felton had a problem with horse riders riding on Silver Sage Lane, which has not been a problem for Silver Sage Horse Boarding. However, on May 30th, I believe it was his daughter

and possibly a friend were riding down Silver Sage Lane. They did it many times this week while I was giving lessons. They even waved to me and I waved back. It was friendly; it was cordial. Still, it was something that he had originally thrown a fit about that we were doing but he is allowing his own daughter to do. Secondly, when my husband and I started boarding at Silver Sage Horse Boarding, Dan told us that, if we were to have a dog, it must be leashed or do not bring them. We have followed that rule and everybody has followed that rule. Thirdly, I would love to meet the other trainers that are there. Maybe they can give me some pointers. I am the only trainer at Silver Sage and the only one that you have seen advertising. Maybe he saw my post 4 different times posted at 4 different pages. I do not know but there are no other trainers there. If there is a person who comes in to board and they want lessons, Dan sends them my way. There is nobody else there. If they have been there, they left before my time. Further, Mr. Felton is constantly taking pictures of our property while I am teaching students. I teach minors. My average age is 6 years old. I have no idea where those pictures are going or what he is doing with them. I talked to a Sheriff about it and they said because it is considered public property, I can't do anything about it. However, it is still extremely concerning that I cannot protect these students anymore. My final point is, when I arrived here and began horse training, at the first meeting I wasn't aware of this but they told me I needed to get licensed with the state and the county and I did do that. I am a fully licensed trainer now but those are public records. In our original hearing, Mr. Felton sent in a letter that he had a horse training business of 30+ years. I can't seem to find any public record of his licensing at all. That is concerning to me too that he may be doing business illegally on his property. I do not know, so that is honestly just hearsay but I thought I would mention it. Thank you for hearing me.

Chairman Scharmann asked if there was any further public comment but there was none. He then asked to call Mr. Felton and Ms. Gross back up for any final comments. Mr. Felton said I will close with the statement from Ms. Robinson that I do have horses and I do have a roping business but I do not do that on my property. I go compete outside of Churchill County, so there is a big difference. I am not bringing people into the neighborhood like she is. I am going to go a little more in depth of the problems a horse boarding facility can bring to a neighborhood. This is not directed at the Applicant. This is the previous owner also. When you have a horse boarding business, a lot of the boarders that board there do not pay the bill, so when they do not pay the bill, the manager turns the horses out on the street, the first property they come to is mine and they ask me if I could board their horse. This has happened on numerous occasions under the deceased owner and the current owner. Number one, I do not feel we should have to deal with that. We have also had theft issues. We have had boarders who were stealing tack. You have to deal with that. So has the Sheriff. There are a lot of negative things that come with the horse boarding business in an area. People drive by our house and see that we have lots of rigs and lots of horses and have a nice house and then, all of a sudden, they are trying to steal from you. That is an effect over the last 20 years that I have had to deal with also. There are good people who come to the property but there are also bad people who come to the property.

Ms. Gross said I have nothing further to say. Dan House said, as far as any boarders who can't pay their bills, when that happens, we purchase the horse from them. We swallow whatever they owe us, plus we give them extra for what the horse is worth. We have never released horses out on the street. That is just something we would not do. As far as any neighbor or anybody who

wants to come see the facility, I am there 24/7. It is wide open. If they have complaints, come talk to me. I want to fix it. We want to be the most neighborly we can possibly be. I have had several of the neighbors come talk to me recently, although they do not want to have their names brought up because they are intimidated by Mr. Felton, I will say that they have told me that. I have heard about bullying out on the street and this is what we are dealing with. That is why we are here.

Commissioner Myles Getto said, for clarification, today, in my opinion, has been a lot of back and forth about neighbors and what is going on there. Our job is to look at 5 points when you apply for a Special Use Permit to see if it meets the criteria. I reviewed them myself and have come to a conclusion, although I can't speak for my fellow Commissioners. Our job isn't to settle these disputes internally between neighbors. Our job is to look at the Application, determine if it meets these points, and make our decision.

Commissioner Heath said I agree with Myles. This is more of a neighborly dispute, so maybe try to work with each other a little bit better. The complaint wasn't filed in 2003 when business was opened; it waited until now. This is your business. It is not a home-based business, this is a business. It is not part of the housing development because it doesn't belong to the original map, so I agree with Myles on this and I will vote to approve.

Commissioner Getto made a motion to approve the Special Use Application for Silver Sage Horse Boarding to establish: A) an expanded horse board facility for no more than 24 stalls for outside horses to be boarded and 8 stalls for business-owned horses, for a total of 32 stalls; (B) for a private education facility for equestrian training, for a maximum of 5 people per day at the facility; (C) a veterinarian service only allowed for horses boarded at the facility; and (D) an advertising sign not to exceed 16 square feet in the A-5 zoning district and to deny the veterinary clinic for animals not boarded at the facility at 4755 Silver Sage Lane, APN: 006-811-60. This approval is subject to conditions as listed in the excerpt of the Minutes of the Planning Commission and in the Agenda Report. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Public Comment:

Chair Scharmann asked if there was any public comment but there was none.

Adjournment:

The meeting was adjourned at 4:33 PM.

Approved: 
Harry "Bus" Scharmann, Chairman

Approved:


Justin Heath, Vice-Chairman

Approved:


Myles Getto, Commissioner

ATTEST:

Linda Rothery, Clerk/Treasurer


Pamela D. Moore, Deputy Clerk to the Board