

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406
September 13, 2023

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on September 13, 2023 by Chair Blakey.

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

Absent: None

Planning Staff Present:

Chris Spross, Public Works Director
Dean Patterson, Senior Planner
Savannah Dukes, Planning Technician
Loreli LeBaron, Code Compliance Official
Diane Moyle, Administrative Assistant

Civil D.A. Staff Present:

Joe Sanford, Deputy District Attorney

2. Pledge of Allegiance:

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

3. Public Comment:

There were none.

4. Verification of the Posting of the Agenda:

It was verified by Diane Moyle, Administrative Assistant, that the agenda for this meeting was posted on September 7, 2023, between 8:30 a.m. and 5:00 p.m., at all of the locations listed on the agenda, in accordance with NRS 241 and the Churchill County Code.

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

Chair Blakey asked for any changes to the agenda. The Administrative Assistant stated that there were none.

Member Bunyard moved to approve the agenda as submitted. Member Hyde seconded the motion which carried by unanimous vote.

6. Verification of notification of all landowners in accordance with NRS and the Churchill County Consolidated Development Code:

Chair Blakey verified with the Administrative Assistant that notification was sent to all landowners in accordance with NRS and the Churchill County Code.

7. Consideration and possible action re: Approval of Minutes of the meeting held on:

A. August 9, 2023 Hearing

Member Picotte moved to approve the August 9, 2023 hearing minutes as written. Member Diehl seconded the motion and the decision carried by unanimous vote.

B. August 22, 2023 Workshop

Member Picotte moved to approve the August 22, 2023 workshop minutes as written. Member Diehl seconded the motion and the decision carried by unanimous vote.

8. Old Business

- A. Consideration and possible action re: Review of a special use permit that was previously granted to Safety-Kleen Systems, Inc. for property located at 22211 Bango Road, Assessor's Parcel Numbers 007-071-80 and 007-071-81, in the Industrial zoning district. The Planning Commission required a review in one year to show progress in meeting the conditions of approval for the permit.

Chris Balhoff with Safety-Kleen, 22211 Bango Road, was available to speak regarding this application.

Director Spross shared that the department contacted Safety-Kleen regarding this review, and they submitted a letter outlining their progress toward completing the conditions for the special use permit that was previously granted to them. The Building Department indicated that they could connect to the utilities for the temporary office building on July 27, 2023. A building permit was issued on December 5, 2022 for the Glycol unit. On December 13, 2022, the County Building Inspector and Public Works and Planning confirmed that no other submittals were required to initiate the use of the temporary office. The use of the temporary office commenced immediately thereafter. The facility did start using the Glycol unit, but has been using it intermittently. Based upon the information that was received with supporting documentation from the Building Department on the various permits that were issued and/or closed, staff feels that Safety-Kleen is making progress toward their special use permit.

Chair Blakey inquired if the applicant had anything to add or any questions, and Mr. Balhoff didn't.

Chair Blakey asked if anyone had any questions or discussion.

Dean Patterson, Senior Planner, pointed out that the conditions for the special use permit required a one-year review. If the Planning Commission is satisfied with the progress that has been made, they should state that no additional reviews are needed in the motion.

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

Member Bunyard moved to approve no further review with this special use permit. Member Diehl seconded the motion and the decision carried by unanimous vote.

- B. Consideration and possible action re: A renewal application for a temporary use permit for temporary quarters during home construction previously granted to Robert Hunter for property located at 4432 Benson Lane, Assessor's Parcel Number 006-631-27, in the A-5 zoning district. Origination Date 9/11/2019. *Applicant has installed the septic system and has submitted plans for the building permit.*

Robert Hunter, 4432 Benson Lane, was available to speak regarding this application.

Director Spross shared information about the application and correspondence from the Building Department regarding a building permit issued on August 18, 2023 and the following

inspection. There was also a septic permit that was issued on July 18, 2023, and the final inspection on that permit was performed on July 28, 2023 and approved. Progress is being made toward this home construction.

Chair Blakey questioned if Mr. Hunter had anything to add, and he did not. Chair Blakey then requested an update regarding where he is with completing this project and where he hopes to be within one year from now. Robert Hunter remarked that he got the footing approved as was stated, and the stem wall has been poured as of two days prior to the meeting, and it was approved. He hopes to not need another renewal next year. Chair Blakey verified that within the next year he plans to be 100% completed, and Mr. Hunter agreed. There was discussion on checking progress throughout the year, and Director Spross recommended approval for this renewal for another year.

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

Member Diehl inquired if Mr. Hunter had been issued a permit for the residence. Robert Hunter confirmed that he had paid his impact fees in the amount of \$5,500 and received the building permit.

Chair Blakey asked for public comment. There being none, he called for a motion.

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved to approve the renewal of the temporary use permit for Robert Hunter for property located at 4432 Benson Lane, APN 006-631-27. Member Hyde seconded the motion and the decision carried by unanimous vote.

- C. Consideration and possible action re: A temporary use permit granted by the Board of County Commissioners to Ruth Miller for property located at 4810 Schindler Road, Assessor's Parcel Number 006-292-48, consisting of 5.03 acres in the A-5 zoning district. The Board noted the expiration date for the permit as August 15, 2023, and the applicant provided an update that the elderly people that she has been allowing to live in an RV on the property still have not found a place to live. *This item was tabled at the August 9, 2023 Planning Commission meeting.*

Director Spross informed the commissioners that the department has received some correspondence throughout the day from Mrs. Miller regarding this application. He said that Loreli LeBaron could elaborate on this.

Loreli LeBaron, Code Compliance Official, understands based upon what she was told that the RV was removed from the property today and taken to the fairgrounds for approximately two weeks. She said that Social Services is in the process of trying to assist the RV occupant in filling out the applications needed to assist her, but there has been some refusal in getting this done so far, which complicates things due to some medical reasons. As far as the junk motor vehicles are concerned, she is currently in compliance. Now she is working on other things on the property to improve the property's condition.

Director Spross added that there was an email that came this afternoon regarding filling out the application with Social Services. There was some resistance, but as he understands the RV occupant's daughter is going to be helping her to fill that out. She said that she will move forward with completing that. He also received a copy of a five day notice to vacate that was provided to the RV occupant. They have agreed that they will be out within five days. At this point if no one is living on the property, there is no need for a temporary use permit. Loreli LeBaron said that Mrs. Miller didn't state one way or another that she had no need for the temporary use permit; however, based

upon their conversations, Mrs. Miller's every intention is to move the RV off of the property and then have no one to reside on the property outside of the primary residence.

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

Member Goings noted that based on the discussion it has not been verified that the RV has been removed from the property as of today. He said that since he has been on the commission this item has come before them three times, and this board denied the application. During the last discussion and now the people were supposed to be moving off of the property. If the RV has been removed, the permit is not needed. Chair Blakey stated that this item is on the agenda to decide if they are going to extend the permit or deny it. This permit was approved by the Board of County Commissioners upon appeal of this board's decision to deny the application for a period of six months.

Member Picotte inquired if the RV is supposed to be removed tonight, should this be tabled to the next meeting so that they can verify that it is gone. Director Spross remarked that it is the staff's recommendation, based on the information they received today, there is no reason to extend the permit. It has been denied once before. This was really a stopgap for Mrs. Miller to get done what she is doing. There was discussion between members of the commission regarding the need for another extension before denying the renewal.

Member Diehl asked for legal counsel regarding their options. Joe Sanford, Deputy District Attorney-Civil, said that based off of the evidence provided today, it is unlikely that the commission could make the findings they need to in order to renew the permit. If the commission chooses to table the item, he doesn't have the ability to stop them from doing that.

Chair Blakey stated for context that the only reason that the property owner was trying to request an extension is in order to be legal and in compliance while she is trying to remove the people from her property.

Chair Blakey asked for public comment; there were none.

Loreli LeBaron stated that regardless of the Planning Commission's decision, it would still have code enforcement involvement and follow up until the case is closed.

Chair Blakey called for a motion.

Member Goings moved to deny extension of the temporary use permit for Ruth Miller for property located at 4810 Schindler Road, APN 006-292-48. Member Nelson seconded the motion and the decision carried by unanimous vote.

- D. Consideration and possible action re: Review of a special use permit that was previously granted to Paul & Tiffany Picotte for property located at 2030 Reno Highway, Assessor's Parcel Number 008-361-56, in the C-2 zoning district. The Planning Commission required a review in one year to show progress on meeting the conditions of approval for the permit. *This item was tabled at the August 9, 2023 Planning Commission meeting.*

Paul Picotte recused himself from discussion and voting as a commission member.

Director Spross reminded the members that this item was tabled at the August 9th meeting in order to give Mr. Picotte the opportunity to satisfy the conditions of the special use permit. There were two outstanding items. One of these was the fencing in the back, so that traffic could not go from the parking lot into the driveway to the north as well as people entering from that easement into the parking area for these parcels. The other was a determination from NDOT (Nevada Department of Transportation) that they were going to include the front entrance improvements in an upcoming project that they have. Director Spross remarked that he has driven by this

property, and Mr. Picotte has installed a temporary fence along the north property line, which prevents any traffic from entering or exiting the property through that area. He then referred to Mr. Picotte regarding conversations with NDOT relating to the second condition.

Paul Picotte said that he was able to speak with NDOT through a couple of different avenues. They did not have this front entrance within their current project. That is not saying that it won't come to fruition in the future, but as of right now they are not going to do. Today they are installing a new drain in front of the building because there are water runoff issues, which they are fixing with a Drop Inlet (DI) on the northwest side of the parcel to the west of his parcel. NDOT is making some improvements; however, they will not be making sidewalk improvements with this project. Mr. Picotte went to A & K Earthmovers to get an estimate, and they could only give a rough estimate, which he accepted. He needs an official estimate so that he can set up the account to meet the county's requirement. It will take a little bit of time because they are so busy that they haven't been able to get to the parking lot with the fencing on the north done as they had planned due to other jobs taking longer than expected. He requested an extension of time that is reasonable for the Board to give time for A & K Earthmovers to get the street front job completed, which would only take about three days. Paul Picotte remarked that he is still trying to get NDOT to work with him on the project because the current road height is eighteen inches (18") above where it started when those buildings were constructed. He's hoping that NDOT will help them with the project in the future. If they don't, they will still be willing to pay for the project. He spoke more about the official estimate and setting up an account to cover the costs of the project.

Chair Blakey inquired regarding any conditions with deadlines that still need to be met and whether they have the authority to extend these. Director Spross explained that one of the conditions required prior to recording the map was the completion of the sidewalk and encroachment area or a bond or security is in place for the project. He stated that Mr. Picotte requested that the Board of County Commissioners allow him additional time to get the security in place and let him record the map prior to completing that condition. The Board gave him 120 days to get the security in place, and that deadline has expired. Director Spross stated that we need to have some sort of financial security, and he suggested that Mr. Sanford be involved in determining what that instrument could or should be to protect not only the county, but also Mr. Picotte. As soon as we get a bona fide estimate of what it is going to cost, the county will request 110% of the cost of those improvements to be put into whatever instrument is needed to secure those funds as soon as possible. Chair Blakey inquired if Joe Sanford, Deputy District Attorney-Civil, had any comments. Mr. Sanford, DDA, remarked that we should set out a review hearing in a certain number of months to see that this has been completed. Director Spross noted that six months would be a good timeframe because NDOT is going to have to design this approach. This isn't going to be something that you can just get from any engineer. This is in their right of way. A & K Earthmovers will have to get an encroachment permit, and that will not be granted unless it has been designed by NDOT. That will not happen in a very short time. He said that we could do a review hearing regarding the cost anticipated for construction of the project to determine the amount and instrument that the county will require for assurance. Joe Sanford pointed out that the condition is that the project be built or secured by some type of financial instrument for the construction. He recommended to give six months, and if the bond or other security is in place, then no review hearing is necessary because the condition will be met. If it isn't in place at that time, then they should review it again.

Chair Blakey inquired what hindrance has made him not be able to meet the conditions up to

this time. Paul Picotte responded that they just recently completed the property split, and now it is two separate parcels with two different owners. There has been a lack of response from NDOT in order to determine whether the improvements were to be part of their current project. He ended up having to get a friend to go to a friend to reach someone at NDOT for an answer. He had been going on an assumption that it would be included since a contractor that he spoke with believed that it would be. Now he has found out that it is not going to be included.

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

Member Goings requested clarification from Director Spross of whether there was a specific amount required in the bond, and Director Spross replied that as he remembers the improvement agreement was 110% of the cost of the project to be financially secured, and he thinks the amount was somewhere between \$50,000 and \$55,000. Member Goings then asked Mr. Picotte if he had looked into getting the bond and where he was with that process. Paul Picotte stated that to do a bond for one simple project there is a lot of paperwork to set these up. Once you are structured to have bonds, then you can continue doing them easily. For him to have the ability to have the bonding authority to do that, there is just a lot of paperwork and dealings with the bond company. He would just put all of the money up into an account, and then when the job is done, he will take the money out to pay the contractor because it is less of a hassle. A bond also costs \$1,500 that is forfeited at the end of the construction. Member Goings inquired if that is something that he is willing to do right away, and Mr. Picotte agreed. Member Goings believes that would solve the problem. If Mr. Picotte puts the funds up, then we no longer need to have a review. Paul Picotte remarked that A & K Earthmovers is going to give them an official estimate. The amount they had gotten before was from Lumos & Associates because he needed some engineered drawings for that, and they gave him an estimate. Now he is getting an official estimate for the entire project. Member Goings then questioned whether it would take six months before he has that estimate, and Mr. Picotte confirmed that it wouldn't. He has been steering away from a bond because he would lose money with that. He would rather put all of the money into a secured account acceptable to the county. Member Goings believes that this could be accomplished fairly quickly, and then they wouldn't need another review in six months.

Member Hyde thinks that a bid from A & K Earthmovers will probably include something about being subject to what NDOT will require because they will require engineering that meets their specifications. He recommends that we take the amount that A & K Earthmovers estimates for the job now, and then include a clause in the financial agreement that you will add more money should the cost increase based upon NDOT requirements. Mr. Picotte didn't have any problem with that, and he fully intends to complete the project. A & K Earthmovers is currently working with NDOT on this project. Member Goings believes that within 30 days Paul Picotte will be able to put up the financial security. Mr. Picotte agreed that part would be done, and he stated that it could take more time for A & K Earthmovers to be able to complete the project with their scheduling. Member Goings thinks that the county is fine with it taking some time because the state works at a snail's pace. Financial security is the most important. Member Hyde said that he understands that Mr. Picotte could have the finances done in 30 days, but he thinks there should be a review in 6 months rather than 30 days just to give time to make sure the funding is in place. There was more discussion regarding the timelines. Chair Blakey summarized that Commissioner Goings is recommending that the financial security be in place within 30 days, and then the county is asking that all of the construction be completed within six months. Director Spross believes that the county is amenable to have a financial instrument in place within 30 days. Just because

the commission would request another review in six months does not preclude the applicant from putting that money into a financial instrument sooner than that. All of the conditions of the permit must be met within six months.

Member Bunyard verified that the Planning Commission is reviewing the conditions of the special use permit, which doesn't really have anything to do with the security deposit. This commission is just approving an extension to get that work done as required in the conditions. Joe Sanford, DDA-Civil, agreed and added that they can put in stipulations related to timeframe of the financial instrument. The review today is related to whether the conditions have been met, and it seems everyone is in agreement that there are some conditions that have not been met. It is up to the applicant to ensure that all conditions of the permit are completed. Chair Blakey questioned if the applicant finds these conditions acceptable to their project. Paul Picotte doesn't foresee any problems with putting the money up; however, he is a little worried about A & K Earthmovers being able to schedule the time to complete the project within six months. He may have to come back to request another extension should A & K Earthmovers not be able to get it done. Director Spross believes that six months is doable as long as NDOT is willing to work with Mr. Picotte to get this design. He would hate to have to come back and review another extension, but this isn't something that is within the ability of anyone here to control.

Dean Patterson, Senior Planner, reminded everyone that there is also the requirement for a permanent screened fence around the back as well as clarifying the final parking plan. This should also be completed. Paul Picotte noted that the parking plan was engineered and submitted with the SOP (standard operating procedures). There is an official parking plan with all of the spaces required. Currently, that back parking area will be excavated within the next week, the new driveway will be going in, and markings will be in place. Dean Patterson requested that Mr. Picotte get with him about that.

Member Goings wanted to clarify that it will be 30 days for the cost estimate and obtaining the financial instrument for the project, and then six months for the completion of the project. Mr. Picotte said that he understands and will work to meet these deadlines.

Chair Blakey asked for public comment, and there were none.

Chair Blakey called for a motion.

Member Goings moved to extend the time required for meeting the conditions of the special use permit for Paul & Tiffany Picotte for property located at 2030 Reno Highway, APN 008-361-56 for a period of 30 days to secure the funding and 6 months for completion of the project. Member Hyde seconded the motion and the decision carried by unanimous vote.

Member Diehl commended Mr. Picotte on this new establishment. She remarked that it is beautiful.

9. Public Hearings:

- A. Consideration and possible action re: A temporary use permit for temporary quarters during home construction filed by Kenny and Lori Rhodes for property located at 2007 Soda Lake Road, Assessor's Parcel Number 008-121-81, consisting of 5.04 acres in the E-1 zoning district. The applicant proposes to live in an RV on the property while constructing the residence.

Kenny & Lori Rhodes, 2007 Soda Lake Road, were available to speak regarding this

application.

Director Spross summarized the application for a temporary use permit to allow the owners to live in a 2018 RV on the property during the construction of the primary residence. He stated that the staff has reviewed the application and noted how the applicants provide the criteria for findings as outlined in the staff report. Staff has determined that the findings have been met. He shared comments received from the Building Department and provided a copy to the applicant. Director Spross also mentioned a letter of support for the application that was sent to the department. Staff recommends that the permit be approved.

Chair Blakey questioned if the applicants had anything to add, and they did not.

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

Member Hyde requested an idea for a timeline related to the construction of the home. Lori Rhodes remarked that they are hoping to have it completed within two years, but it could take up to three years. They are not exactly sure how quickly they will be able to get things done based upon the fees and costs. They haven't decided if they want to build a home or get a manufactured home. Member Hyde inquired what has been accomplished up to this point in time, or when it will be done. Mrs. Rhodes stated that they are in correspondence with construction companies. They do already have a well installed, and she has a lot of paperwork for NV Energy. Member Hyde asked about the septic system. Kenny Rhodes questioned if it was required to have a permanent one in, and Chair Blakey said that they will need to speak with the Building Department regarding the construction. The Planning Commission is just asking what they think will be accomplished within the first year, so that there is some accountability. Lori Rhodes answered that they should have the power and the septic system installed within the first year.

Member Goings mentioned that there will be some conditions that will be required to be met with the approval of this type of permit. One of those conditions is that all required Building Department approvals and safety certificates must be obtained, i.e., water, sewer and power services that are acceptable to the Building Department shall be provided to the temporary quarters. He wanted to make sure that they were aware of the things that would be required for the RV hookup.

Member Diehl verified that the applicant was aware that this is a temporary use permit and will require renewal every year, and Lori Rhodes confirmed that she understands. Member Diehl also mentioned that they will check the progress of their residence, and Mrs. Rhodes agreed.

Chair Blakey called for public comment, and there were none.

Director Spross said that the staff is recommending approval, and then he went over the conditions that are recommended for approval of the permit.

1. *The temporary quarters must comply with Churchill County Code, including but not limited to:*
 - a. *The access road must be upgraded to the County driveway standard (20' wide gravel surface strong enough to support a fire truck).*
2. *All required Building Department approvals and safety certificates must be obtained:*
 - a. *Water, sewer, and power services that are acceptable to the Building Department shall be provided to the temporary quarters.*
 - b. *Any Setup Permit necessary for the setup of the temporary quarters must be obtained along with any required inspections of water, septic and electrical connections to a service.*
 - c. *All necessary permits for home construction must be obtained.*
3. *The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation. No manufactured homes may be used as a temporary residence while constructing a home.*

4. *This temporary use permit is subject to annual renewal. **The applicant must show substantial progress of home construction during the annual review hearing.***
5. *Once home construction is complete enough to allow habitation, the RV must be disconnected from sewer/water/electric services and made lawful at its subsequent location.*

Chair Blakey asked for any further comments; there being none 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)4 regarding a Temporary Use Permit for Temporary Quarters for Home Construction, as described in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote.

Member Nelson, based on the previously adopted findings made for this project, moved to approve the Temporary Use Permit application for Kenny & Lori Rhodes to establish a Temporary Quarters for Home Construction 2007 Soda Lake Rd. (APN 008-121-81). This approval is subject to conditions, as listed in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote.

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

- B. Consideration and possible action re: A temporary use permit for temporary quarters for Hardship/Caretaker filed by Rebecca Ford for property located at 2245 Coleman Road, Assessor's Parcel Number 008-351-28, consisting of 2.83 acres in the E-1 zoning district. The applicant proposes allowing an RV for the care of a disabled family member.

Rebecca Ford, 2245 Coleman Road, was available to speak regarding this application.

Director Spross summarized the application for a temporary use permit to allow Ms. Ford's brother, who is disabled, to reside in a 2019 RV that is already onsite in order for her to help care for him. He stated that the staff has reviewed the application and noted how the applicants provide the criteria for findings as outlined in the staff report. Staff has determined that the findings have been met. He shared comments received from the Building Department and provided a copy to the applicant. Staff does recommend approval of the permit.

Chair Blakey inquired if the applicant had any questions or anything to add. Rebecca Ford asked if she will get a copy of the information from the Building Department, and it was handed to her at that time.

Chair Blakey asked if any of the commissioners had any questions or discussion, and there were none.

Chair Blakey called for public comment.

Director Spross said that the staff recommends approval, and then he went over the conditions that are recommended should the permit be approved.

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 called for a motion.

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.070(B)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker, as described in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote.

Member Bunyard, based on the previously adopted findings made for this project, moved to approve the Temporary Use Permit application for a Temporary Quarters for Hardship/Caretaker for Rebecca Ford on APN 008-351-28. This approval is subject to conditions, as listed in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote.

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

- C. Consideration and possible action re: A temporary use permit for temporary quarters for farm labor filed by Mike & Debra Johns for property located at 4755 Silver Sage Lane, Assessor's Parcel Number 006-811-60, consisting of 5.08 acres in the A-5 zoning district. The applicants propose allowing the use of 2 RVs on the parcel as residences for farm labor for Longhorn Ranch.

Debra Johns, 4755 Silver Sage Lane, was available to speak regarding this application.

Director Spross summarized the temporary use permit application for temporary quarters for farm labor to allow two (2) RVs on the site for the site manager and a farm labor employee. This is the same site where there was previously a horse boarding facility, and there was a temporary use permit for a watchman to reside in an RV onsite. That business ceased operations and the property was sold to the applicants, who own the Longhorn Ranch, which is a large ranching operation with three locations in various parts of Nevada. This type of permit is only permitted with a bona fide farming or ranching operation, and evidence of an active farming or ranching operation and demonstration of a need would be required in order to meet the criteria. Planning Commissioners shall determine if these circumstances meet the intent of this temporary use. He also shared correspondence from the Building Department that was received in the department, and he gave the applicant a copy of the letter for their information. Based on the information in the application and review of the criteria, the staff does recommend approval. After questions and discussion with the applicant and staff from the commissioners, he will go through the recommended conditions should they decide to approve the permit.

Chair Blakey inquired if the applicant had anything to add or questions for the commission, and she didn't have any.

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

Member Diehl questioned the applicant to explain why they need this for farm labor, and Mrs. Johns stated that they have ranches in Tonopah, Paradise Valley and a lease in Gardnerville, Nevada. They purchased the property because it is kind of centrally located. She shared how their operation works.

Chair Blakey called for public comment, and there were none.

Director Spross remarked that the staff's recommendation was based upon the following conditions:

1. *The temporary quarters must comply with Churchill County Code*
2. *All required Building Department approvals and safety certificates must be obtained. A Setup Permit for setup of the temporary quarters must be obtained, including any required inspections of water, septic and electrical connections by the building department.*
3. *The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must share the property's main water well, power supply, and septic system, unless the Building Department deems that it is not feasible.*
4. *This temporary use permit is subject to annual renewal.*
5. *Once farmhands working on the property are no longer living in the RV it must be removed from the property and disposed of properly, or otherwise be made an approved use through other required permitting processes.*

Director Spross noted that these are listed in the Staff Report, of which the applicant received a copy.

Chair Blakey verified that the applicant agrees and recognizes those conditions.

Member Hyde wanted to get a better understanding of what the operation entails. In Tonopah, they have an operation, and the applicant answered in the affirmative. Member Hyde inquired if this operation is raising cattle, and the applicant responded that they have a BLM (Bureau of Land Management) lease between Tonopah and Silver Peak where they run cattle. Member Hyde inquired if it was a summer permit or winter permit, and Mrs. Johns stated that it is a year around permit. They generally use it in the winter. Member Hyde questioned if they had any lodging in Tonopah. Debra Johns replied that they have a one-room cabin in Silver Peak. Member Hyde then asked about the number of employees they have. Mrs. Johns responded that they had one, and he passed away about 10 days ago, so they are trying to find another employee. They have one permanent employee that was out in Paradise Valley with them. They have a caretaker that stays mostly at the property on Silver Sage Lane to look after things here and in case they leave stock there, this person can be there to look after the animals. Member Hyde verified what he understands as there is a caretaker that stays at Silver Sage Lane, and they had another employee that passed away a few days ago. He then asked about the one in Paradise Valley, and Mrs. Johns said that was the one who passed away, and he would travel with them if they needed help at the different places, or that person would be in one location while they shipped cattle through from another location. They plan to fill that position as soon as possible. Member Hyde then inquired about the lease in Gardnerville, and Debra Johns reported that was a summer lease. Member Hyde outlined that right now they have one employee, which is the caretaker here in Fallon, and he is staying in one of the temporary residences. Mrs. Johns confirmed this, and Member Hyde then said that they need another temporary residence for the new employee that they plan to hire. Debra Johns stated this is correct.

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

Member Nelson, based on the information provided in the application, in the staff

report, and heard tonight, moved that the findings have been met for a Temporary Use Permit for Temporary Quarters for Farm Labor, thereby meeting the criteria found in CCC 16.08.070(B)1, as described in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote.

Member Goings, based on the previously adopted findings made for this project, moved to approve the application for a Temporary Use Permit for Mike and Debra Johns of Longhorn Ranch to establish Temporary Quarters for Farm Labor at 4755 Silver Sage Lane (APN 006-811-60). This approval is subject to conditions, as listed in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote.

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

- D. Consideration and possible action re: A special use permit for a Fabrication business filed by Antonio Moran Romero for property located at 8920 Ara Lane, Assessor's Parcel Number 007-151-85, consisting of 1.0 acres in C-2 zoning district. The applicant proposes to operate a fabrication business to build and sell gates and panels on the property. The business is named Sierra Gates & Panels.

Antonio Moran Romero and Nancy Moran, 8920 Ara Lane, were available to speak regarding this application.

Director Spross summarized the application for a special use permit for fabrication of metal gates and panels. The applicant and owner reside on the property in an existing residence. This is located on Ara Lane, which is almost entirely residential, and all of the lots are zoned C-2. This commercial use is allowed in the zoning district; however, due to the extensive outside activity and the closeness of residential uses, a special use permit is required. The business is proposed at the applicant's home. While it has similarities to a home business, it probably could not be approved as a home business, so it is being proposed as a standard business. The home will serve as the office and an existing shed on the west property line serving as the fabrication building. No additional structures will be installed. The welding will take place in the shop, which is insulated. Product will be stored around the margins of the property behind the home after the animal feeding pens are removed, which is currently underway. The rear of the property fronts Reno Highway, so a street setback applies along that property line. A sign is proposed at the northwest corner. Standard weekday hours are proposed. Few or no employees are proposed, and the only current employee will be the business owner. No customers will visit the site as products are delivered directly to them. Incoming traffic will primarily be materials delivered and similar traffic. External raw materials storage is proposed to be screened. Pipe clanging and welding noise will be contained inside the shop, which is insulated and will reduce noise. There are five criteria that must be met as part of the finding review, and Director Spross went over these as outlined in the staff report how these are met or will be met through the recommended conditions. He further shared comments received from NDOT (Nevada Department of Transportation) since this property is adjacent to the NDOT right of way, and he provided a copy to the applicant. Since there will be no impact on the right of way, there are no requirements the applicant will need to meet with NDOT. The access is taken from Ara Lane, and since there will be truck traffic to the property, the Road Supervisor will require paved aprons at the access points, and he will work

with him regarding this requirement. Based upon review of the criteria and the findings, the staff recommends approval of this application with several recommended conditions.

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

Member Goings inquired regarding the materials that he will be using whether they will be shipped from out of state, or will they be delivered on a more daily basis from local areas. Nancy Moran answered that they will most likely be coming from out of state. Member Goings expressed a concern that these deliveries could be made during the late night or early morning hours, and the moving of these materials by forklift or tractor making noise during the nighttime hours would disturb the neighborhood. Even though it is in the C-2 zoning district, this is in a primarily residential area. Nancy Moran remarked that any materials would be delivered during business hours. Chair Blakey then mentioned that sometimes the drivers show up early, like at 1:00 a.m., and they would park outside of your business with their truck running. This could result in complaints from neighbors about the noise. He wanted to bring this up, so that they could discuss this with the drivers as they were coming in so they could park somewhere else. Ms. Moran thanked him for this information.

Member Hyde said that he has thought about the zoning in this area and similar ones along the highway. He's not sure how residential development was permitted in C-2 zoning. Because we do have residences there, we have to be solicitous of them; however, this is zoned for a business, and as such he pointed out that this is a gateway into Fallon. He then questioned what type of landscaping they are envisioning along the highway there. Nancy Moran responded that right now they are planting trees and bushes all around the property. Member Hyde then confirmed that these will also provide a type of screening for the materials stored on the property, and Ms. Moran agreed that it will be a barrier between all of the neighbors and the street as well. Member Hyde then asked about the sign they are proposing for the site in the northwest corner. Nancy Moran said that they planned to put a business sign there, and they can move it back a little bit more onto the property. This gives them some advertising for people traveling on Reno Highway so that they may call them for more information. Member Hyde requested who their targeted customers would be. Ms. Moran stated that it will be more geared toward ranches and anyone that has livestock. Member Hyde asked for clarification where they fit in the sales of the products they make—are they wholesaling to someone, who then sells to the public, or will they sell directly to the consumer? Are people coming to this site to buy gates and corrals. Nancy Moran remarked that the customers would not be coming to the property as it is mostly an online business. Mr. Romero will be delivering the product to the customer.

Member Goings questioned if they paint their panels. Antonio Romero replied that he only paints the welds. Member Goings responded that this might be another area of concern regarding painting. There are a lot of residences around there, and he would recommend that the painting should also be done inside of a building as well, so that he is not affecting the neighbors with paint smells. Antonio Romero stated that he only uses spray cans on the welds, not on the whole panel. There was discussion that these are galvanized panels, and he is only painting the welded area to match the rest of the panel.

Member Diehl inquired about the storage for the materials. Nancy Moran pointed out that all of the animal pen fencing has been removed. Mr. Romero is in the process of leveling the area in order to create a storage area. Member Diehl verified that the only traffic will be the people delivering the materials, and Ms. Moran agreed with that and the deliveries of finished products to the customers. Member Diehl then questioned about outdoor signage or lighting, but the applicant didn't understand the question and asked for clarification that wasn't given.

Chair Blakey called for public comment.

Chair Blakey then asked Director Spross to go over the recommended conditions, and further added that on condition 2 legal counsel would like to add at the end “or until a variance has been obtained”.

Director Spross restated that the staff recommends approval of this permit with the following conditions, which are in the staff report and a copy sent to the applicant prior to the meeting:

1. *This permit is limited to operation by Antonio Romero only. It may not be transferred to another person or a different location.*
2. *The business may not operate until the friction zone standards are met for the home to the west, or a variance has been applied for and approved by the Planning Commission.*
3. *The fabrication business is limited to the following operation limits:*
 - a. *No employees are authorized other than people living in the on-site home.*
 - b. *No customers are allowed at the site. Finished products must be delivered to customers off-site.*
 - c. *Hours of operation are limited to Monday through Friday, 8am – 5pm.*
 - d. *All fabrication activity (pipe bending, welding, assembly of pieces, etc.) must take place in the shop building with the doors closed.*
 - e. *If these limits are exceeded, the business should be moved to a suitable commercial location.*
4. *This permit is subject to review by the Planning Commission in 1-year for compliance with conditions of approval and code requirements. Thereafter, reviews shall be conducted annually from the date of approval until such time as the Planning Commission deems that they are not needed.*
5. *The facility must comply with Churchill County Code, including but not limited to:*
 - a. *Screening the outside material storage area.*
 - b. *Installation of gravel or other acceptable dust control on vehicular parking and driving surfaces.*
 - c. *Providing 6 parking spaces.*
 - d. *Installation of access aprons at driveway connection points on Ara Lane, as deemed necessary by the Road Supervisor.*
6. *The facility must comply with the Building Code, including but not limited to:*
 - a. *ADA accessible parking spaces, entries and restrooms, as deemed necessary by the Building Official.*
 - b. *Conversion of the residence to commercial use, as deemed necessary by the Building Official.*
 - c. *Conversion of the fabrication shop to commercial use, as deemed necessary by the Building Official.*
 - d. *Upgrading the septic system, as deemed necessary by the Building Official.*
7. *On-site driving surfaces shall be graveled.*
8. *Operations of shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*

Dean Patterson emphasized the need for the applicant to apply for the variance that will be required for the friction zone requirement regarding the residence that is near the location of the shop. They need to request to have the required distance reduced so that they can operate the business. Chair Blakey verified that they understand these conditions and didn't have any questions, and the applicants understood.

Chair Blakey asked for any further comments; there being none 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 16.08.080(H) for a Special Use Permit for a fabrication business, as described in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote.

Member Goings inquired of legal counsel if they need to state the additional requirement added to Condition 2 for obtaining a variance into the motion. Joe Sanford, DDA-Civil, remarked that he can just add it to the motion that it is subject to the conditions as presented today, at this meeting.

Member Goings, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application for Antonio Romero of Sierra Nevada Gates and Panels to authorize a Fabrication business on APN 007-151-85. This approval is subject to conditions, as listed in the staff report and as stated at this meeting. Member Diehl seconded the motion and the decision carried by unanimous vote.

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

- E. Consideration and possible action re: A special use permit for a private educational facility filed by Fallon Homeschooling Co-op DBA Veritas for property located at 665 Sheckler Road, Assessor's Parcel Number 006-191-22, consisting of 5.0 acres in the A-5 zoning district. The applicant proposes to establish and operate a private school for Kindergarten through Eighth grade at this facility.

Brook Allen, 4050 Santa Fe Drive, and Mike Rosario, 1908 Albert Street, were available to speak regarding this application.

Director Spross summarized the application for a private educational facility to be collocated on the site of the Grace Bible Church. This is the same location where Logos Christian Academy was previously. That school took some of the portable buildings that it used for classrooms. At the time of the last special use permit granted to Logos Christian Academy, they had a student body of approximately 60 students. The Veritas application stated that the previous school had 115 students when they moved. Veritas anticipates starting with over 50 students and 7 teachers. Standard school days and hours are anticipated. Very little will change compared to the previous operation for Logos, other than being of a smaller scale. Though it is possible that the operation could grow to a similar size. He noted the site plan for layout, descriptions of uses, and so forth. Director Spross went over the findings that are required to be met in order to approve the permit as outlined in the staff report. Staff has determined that the application meets the findings or can meet them with the recommended conditions. He read the response that was received from the Building Department, the response from the Nevada Department of Transportation (NDOT), and then read a portion of the responses from Nevada Division of Environmental Protection (NDEP) Bureau of Safe Drinking Water. NDEP stated that the previous school had a water treatment system installed to treat Arsenic, Iron and Manganese. The treatment systems were purchased by the previous school, and when they left, this system was taken with them. The Bureau of Safe Drinking Water last heard that the church was looking for a

similar treatment system, and if the school does not have a treatment system, they will need to be put on a do not drink order and bottled water needs to be provided. To become a permitted public water system, the facility will need to provide the following: a plan to operate with the new school's name and information, they must provide water treatment for arsenic, iron and manganese exceedance, and until treatment is provided, bottled water needs to be provided and the attached public notice posted. He provided a copy of the response and attachment to the applicant. They will need to have a certified water operator to run the water system and routine water samples will need to be collected and submitted. One of the recommended conditions, which will be read shortly, states that the school must remain in compliance with all state and federal requirements, including, but not limited to, those related to schools, health and sanitation. Director Spross wanted to make everyone aware that there is currently a situation that does not conform to the state requirements. He informed that staff has recommended approval based upon the following conditions:

1. *The project must be in conformance with County Code, including but not limited to:*
 - a. *No exterior alterations are approved in this permit. Any light fixtures, outdoor storage, etc. must be reviewed for compliance with County Code. Any increase in signage area must be approved by the Planning Commission.*
 - b. *All necessary building permits must be obtained.*
 - c. *No additional friction zone setbacks are required.*
2. *The Sheckler Road approach apron shall be cleaned and kept clear of gravel or other material that prevents clean acceleration.*
3. *The school must remain in compliance with all state and federal requirements, including but not limited to those related to schools, health, and sanitation.*
4. *Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*

Chair Blakey inquired if the applicant had any questions or anything to add at this time, and there were none.

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

Member Hyde questioned how many students they anticipate. Brook Allen stated that they currently have 55 students. Member Hyde asked if that was a number that would continue to grow, and Mrs. Allen responded that she is sure that it will grow. There are only so many that they may be able to accommodate due to the limitations in size. She stated that they started with 44, and now they have 55. Member Hyde inquired if they participate with DSA (Distributive School Account). She was unfamiliar with what he was talking about. Mrs. Allen remarked that this isn't a private school; it is a home school co-op. They are going to work toward becoming a private school. Member Hyde verified that there is no state or federal funding, and Brook Allen agreed.

Director Spross questioned if the current building has a fire sprinkler system in it that she is aware of. Mike Rosario replied that it does as far as he is aware of. They have had Mitch Young in there regularly (maybe yearly) to inspect that.

Member Bunyard wondered, related to what Director Spross was asking, regarding the occupancy level. Has Mitch Young been there to review this plan for this business at all? Brook Allen responded in the negative. Member Bunyard questioned if this is a stipulation that they should add about having the Fire Marshal inspect the property for occupancy levels. Director Spross explained that when the department receives an application such as this, it is forwarded to all of the departments—Fire, Sheriff, Building, etc.—and ask for comments from them. The department did not receive any comment from the Fire Department, and they do respond if they have a concern. He

doesn't think that it would hurt to put a condition that there be a current inspection done on the fire system prior to occupancy just to make sure that it is sound and in compliance with what the Fire Marshal deems necessary. Member Bunyard wanted to make sure that they also state the occupancy level of the buildings. Diane Moyle remarked that as part of the business license application the Fire Marshal and the Building Department have to sign off.

Member Goings inquired of legal counsel since they have this document from NDEP stating that they do not meet the state requirements with their water system, so they have to provide bottled water. This will require them to install this system at some point or continue to provide bottled water at all times. Brook Allen remarked that they have a new water system and have bottled water available. Joe Sanford, Deputy District Attorney—Civil, said that the current recommended conditions will require them to operate under the bottled water until NDEP signs off on whatever the new water system is. Once that it done, they can begin operating under the new water system. Director Spross requested a copy of the statements from NDEP that certifies the system and certifies the operator of the water system for our records.

Member Diehl asked what exactly a home school co-op. She knows what homeschooling is. Brook Allen explained that a bunch of parents, when there was a split at the other school, got together not knowing what to do. They were all going to homeschool their children, and instead of each individual family homeschooling their child it was decided to make it a group thing. Member Diehl noted that the application stated there were seven teachers. Mrs. Allen said that these are called learning coaches. Member Diehl questioned if they were accredited. Brook Allen wasn't sure how many were accredited, but some are probably not. Member Diehl verified with the applicant that with a home school co-op it is not necessary that they have to have accredited teachers teaching. Mrs. Allen replied that she homeschools one of her children and the other one goes to Veritas. Homeschooling doesn't require a teaching certificate. She stated that there are still rules that they have to follow, but they are able to fit the curriculum to the children in the classroom. They have found the best curriculum for each grade, and that is what they are going with. Member Diehl inquired if they go to regular school and then come to this program, or if this was the school that they attended. Brook Allen confirmed that they are just going to Veritas. Member Diehl stated that she was asking these questions because she is a former teacher. Mrs. Allen interjected that it is also called micro schooling. Member Diehl asked what grades are going to be taught, and Mrs. Allen replied that it was kindergarten through eighth grade. Member Diehl then said that would mean they have to go to a high school for the rest of their education to which Brook Allen agreed. Member Diehl wondered if the children were actually prepared for high school, and Mrs. Allen expressed her belief that they will be. She further expounded that she homeschools her fourth grader, and he is doing sixth grade math and fifth grade reading. As far as she is concerned, he will be ready. The number of children in each classroom is considerably smaller than at a public school, so they will be able to get through a lot more of the material. Member Diehl then commented that they will be able to get more individual attention. Brook Allen again noted that they can cater things more to each individual child because there are five or six instead of 20-25. All of the learning coaches that they have right now were previous teachers at Logos. Every one of them has teaching experience.

Member Goings inquired if the program itself was accredited, and Mrs. Allen agreed that the curriculum is accredited. Member Goings stated that he has gotten familiar with this homeschool stuff from the High School Rodeo Association. He knows that if you don't have an accredited program, it can get really dicey. Mrs. Allen confirmed that the curriculum is accredited, and they are members of a homeschooling association and a Christian private school association kind of thing.

Chair Blakey called for public comment.

Director Spross questioned if the learning coaches are parents of the kids that will be homeschooled. Brook Allen responded that some of them are, and some are grandparents.

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

Member Hyde, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.080(H) for a Special Use Permit for an Educational Facility - Private, as described in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote.

Member Nelson, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application for Veritas/Fallon Homeschooling Co-op to authorize an Educational Facility at 665 Sheckler Road (APN 006-191-22). This approval is subject to conditions, as listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote.

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

- F. Consideration and possible action re: A zone change application filed by Forty Mile Desert LLC for property located NE of Hazen, Assessor's Parcel Number 009-291-09, consisting of 640 acres in the RR-20 zoning district. The applicant requests to change the zoning district from RR-20 to Industrial in support of the recently approved permit for rocket motor testing.

Cory Hunt, 241 Ridge Street, Reno, was available to speak regarding this application.

Director Spross summarized the application for a zoning map amendment from RR-20 to Industrial. He reminded the commissioners that they previously approved a special use permit for the rocket motor testing. This is about four miles northeast of Hazen. The applicant is requesting to change the zoning on the property due to the approval of the special use permit for the Castalion rocket motor testing site since that use is not allowed in the RR-20 zoning district. The permit may not proceed unless the property is rezoned to Industrial. This proposed rezone is in support of the rocket motor testing permit. If this rezone request is denied, the rocket motor testing facility cannot be established. The special use permit also required that the existing legal and physical access problems be resolved. The proposed Industrial zoning district allows a much wider range of uses than the RR-20, specifically related to Industrial uses, and the request is for the full section of land, which is one square mile; however, the application indicates that this large property is only planned for use by the rocket testing facility. There are no plans for further development. The applicant has verbally indicated that the only long-range use that has been discussed is a possible solar farm. In reviewing the request, the Planning Commission should refer to findings for a zoning map amendment, and there are two with several subsections, and he reviewed these and shared comments from the staff report. It was noted that USA Parkway is nearing capacity, and this would be a good location for it. The staff's review indicated that the application meets the criteria for the findings. The applicant is already working with the Road Supervisor regarding the issues with the roads. The staff does recommend approval of the zone change application in support of the

previously approved special use permit.

Chair Blakey asked if any of the commissioners had any questions or discussion, and there were none.

Director Spross remarked that he received a phone message today regarding how the zone change might affect the taxes on his property in the vicinity. He wasn't able to get back with the person. He reminded the commission that this application is specific only to the property owned by the applicant and will not affect any of the surrounding properties. He also reported that there was another telephone call from a resident that was in support of the application. She was at the hearing for the special use permit and had made some comments.

Chair Blakey called for public comment, and there were none.

Chair Blakey asked for any further comments from the commission or staff; there being none, 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 Zone Map Amendment criteria found in CCC 16.08.060(E) to rezone portions of the property to Industrial, as described in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote.

Member Picotte, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners approve the request for a Zoning Map Amendment by Forty Mile Desert LLC to change the zoning on portions of APN 009-291-09. Member Goings seconded the motion and the decision carried by unanimous vote.

Chair Blakey thanked the applicant and advised that this application will be forwarded to the October 5, 2023 Board of County Commissioners meeting.

G. Consideration and possible action re: A variance application filed by Jessica Stanger, Manager of NEV DEV LLC, for property located on Desert Hills Loop, Assessor's Parcel Number 008-176-82, consisting of 16.48 acres in the E-1 zoning district. The applicant is requesting a variance from the Master Plan and Title 13 requirements for a five-acre minimum lot size for new lots that are not connecting to a municipal water and sewer system. The applicant plans a development with lots as small as 2.0 acres in size. *This item was postponed from the May 10, 2023 Planning Commission meeting.*

Dan McCreary, 1111 Roberson Lane, and Jessica Stanger were available to speak regarding this application.

Director Spross summarized the application for a variance from the five-acre lot size requirement for land divisions. The use will be single family residences. This application is a two-part with the variance followed immediately by the application for the tentative map. He shared some of the history of this development, which started in the mid-1990s and has had several developers over the years. The project was vested under the law when one-acre lots were still allowed with well and septic. Since then, the laws have changed and that is no longer allowed due to high density and the concern about septic contaminating the water systems. Last year Desert Hills Loop parcel maps were approved, which met the development agreement deadline. The

approval had a one year deadline to record the maps along with an allowance to request an extension for another year. The owner began working with NV Energy for power utilities to the development. Unfortunately, NV Energy continually delayed their design and approval for a year. The owners didn't realize that the deadline had passed, and now the project has expired. This variance request attempts to salvage some of the property by proposing lots as small as two acres, which is half of the number that were originally approved, but still more than the five lots of five acres that are allowed by code. The application that had been submitted in May included a possible layout of lots, and discussions with the department heads found that it would not work for emergency services, who would have recommended denial at that time. That is why the applicant requested a postponement in order to reconfigure the lots. Director Spross pointed to the map displayed on the screen and said that this map resolves the issues that were noted regarding the prior map.

Director Spross said that the question for this variance is are the two-acre lots acceptable to the commission. The standards at issue are that the sewer and water requirements in the County's master plan and Title 13 prohibit parcel maps that creates lots less than five acres in size unless they connect to the county's community water and sewer systems. If this variance is approved, the parceling plan layout can be considered for approval, which is the next item on the agenda. He went over the four criteria that the commission has to determine whether or not are met as stated in the staff report. Director Spross pointed out that if the applicant had requested an extension prior to the deadline, this development would have still been able to move forward with one-acre lots. He also noted that the master plan policy 2.2.6 prohibits approval of land divisions with lots less than five acres unless connecting to the county utility services; however, it provides for limited exceptions. One of these is for in-fill development options. This was at one point part of a larger development. A phase that was not constructed due to the recession of 2006-2007, so this could, if the Planning Commission chooses to view it that way, be considered an in-fill as it was part of an original development. The staff does recommend approval of this variance based upon a couple of conditions:

1. *The approved lot size is approximately 2 acres, with a maximum lot count for the development of 8 residential parcels.*
2. *The approval of this variance expires one year from the date of the final decision. An application for a Parceling Plan to implement the variance must be submitted before expiration.*

Chair Blakey invited the applicants to add anything, and Jessica Stanger noted that their engineer was supposed to attend; however, he contacted them stating that he was sick and unable to be at the meeting.

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

Member Bunyard inquired when the one-acre lot developments changed to five-acre lots. Director Spross replied that they think that it was around 2005. Various developers, once they had approved tentative maps, entered into development agreements that allowed them to continually renew those agreements. We have been frowning upon that because they were just kicking the can down the road without any real intent to develop in the near future. This applicant did have the intent of purchasing this property and proceeding with the development. There was just a mix up with deadlines and scheduling. Member Bunyard verified that this is something that has expired, and Director Spross agreed. Member Bunyard noted that everything around there is E-1 zoning. He then addressed the applicants by inquiring about their other developments that are near this area whether they were E-1 zoning. Dan McCreary stated that the lots on Michelle Drive are zoned E-1.

Director Spross stated that the applicants have developments approved for Michelle Drive and Dillon Road that were under a development agreement; therefore, they were still allowed the well and septic on the one-acre parcels. The unfortunate part about this development happened when an extension request wasn't received prior to the deadline. Dan McCreary pointed out that it just expired in February 2023, and they've been working with staff and their engineer since February to get this ready. Member Bunyard asked when they acquired the property, and the applicants indicated it was at least a year prior to the expiration. They applied for the tentative parceling plan shortly after buying the development, and it was approved by the county commissioners. By the time they realized NV Energy wasn't going to meet the deadline, he spoke with Dean Patterson about getting on the meeting to request an extension, and Mr. Patterson let him know that it was seven days past the deadline at that time. If they had realized that sooner, they would have been able to get the extension, and it would still be allowed to have one-acre parcels. Member Bunyard verified that it had previously been approved by the Planning Commission and the Board of County Commissioners, and Dan McCreary agreed that it was as 16 lots. Since it expired, they are trying to get at least seven lots. They intend to develop it; they are not the type of people to keep kicking the can down the road.

Member Diehl inquired if there was any TCID (Truckee Carson Irrigation District) easement that interferes with this development. Dan McCreary responded that he believes there is an easement along the railroad tracks at the south end of the development. Member Diehl asked if there was any other typography that interferes with this, and Mr. McCreary replied in the negative. Member Diehl confirmed that the only reason they are requesting the variance is to be able to have lots that are two acres instead of the five acres. Dan McCreary remarked that they would love to be able to get the one-acre lots back, but they understand that the deadline passed, and it expired.

Member Hyde thinks that this falls neatly within the in fill exception, and he believes that the application should be approved.

Member Nelson requested to have the map displayed on the screen again, and then he questioned where the access is for lots 7 and 8. Dan McCreary pointed to the north end of the map (top) where Desert Hills Loop will be brought down with a new cul-de-sac touching lots 6, 7 and 8. Director Spross noted that this is part of the reason that the parcels are as oddly shaped as they are for access points. Originally, Desert Hills Loop was supposed to be a completed circle through the development where access for each lot would be from that loop. He further stated that the reason that the applicant asked for a postponement at the May meeting was because it did not meet the fire department's requirements to get access to the lots, so they have redrawn the parcels so that each one has access from either the north or the east cul-de-sac that you see there.

Member Hyde inquired if the applicants were aware of the response from the Building Department that indicated that some of the present configuration of separation between wells and septic tanks wouldn't meet the requirements. He thinks that means they would just have to move those around on some of those lots to meet those requirements. Dan McCreary confirmed that they will definitely do whatever it takes to make sure that those meet the requirements. Dean Patterson, Senior Planner, remarked that the comments from the Building Official were on a previous copy of the map, and we passed those comments on to the surveyor. He has since made corrections, and this map should meet the recommended changes that the Building Department had in their comments.

Chair Blakey called for public comment.

James Sustacha asked to have the aerial photo of the area displayed on the screen again. He noted that where there is a circle in the lower right hand corner, he has an irrigation take out just to

the left of that. He indicated that Member Diehl was correct about the TCID easement by requesting that the map of the development be shown on the screen. He pointed out that along the north side of the easement for the railroad is an easement for the TCID canal. These overlap each other. His primary concern, as it is with anyone that irrigates in this county, is that this easement may be blocked by the property owners that have this easement as part of their parcel. There are many places where this occurs throughout the county. He noted that based upon this map there is the potential to have five blockages on there. He goes up and down that easement on the TCID access road when he is irrigating, and he doesn't want to come across someone that owns one of these lots and tells him that he is trespassing. He would recommend a condition be added to require a legal fence be put up along the north side of the TCID easement and that the TCID easement not be blocked. He doesn't want to meet someone at 1:00 a.m. when he is in a hurry to change water to prevent a flood. He doesn't have time to discuss easements during that time. Member Nelson inquired if he was irrigating on the other side of the road. It was demonstrated on the aerial photograph displayed where the water comes out to irrigate his property. Dean Patterson explained that Mr. Sustacha had come into the department to speak about this issue, and Mr. Patterson did talk with the applicants, who were amenable to this idea. He pointed out that these comments really apply to the tentative parceling plan map application, which deal with the layout and requirements for lots, etc. Dean Patterson reminded the commissioners that this application is strictly related to the two-acre lot sizes. The application for the tentative parceling plan will be where specific conditions will be added, and then that gets forwarded to the Board of County Commissioners for a final decision.

Director Spross inquired of legal counsel if the commission is able to take the public comment from one agenda item and stated that it is applicable to another agenda item. Joe Sanford, Deputy District Attorney-Civil, indicated that they can do that. *It was requested that these comments be added to the next agenda item for the tentative parceling plan.*

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

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.090(F) for a variance request to reduce parcel sizes, as described in the Staff Report. Member Nelson seconded the motion and the decision carried by a vote of 6 in favor (Members Blakey, Bunyard, Goings, Hyde, Nelson and Picotte) and 1 opposed (Member Diehl).

Member Nelson, based on the previously adopted findings made for this project, moved to approve the request for a Variance from the limits on land divisions with lots of less than 5-acres in Churchill County Code and Master Plan for NEV DEV LLC on APN 008-176-82. This approval is subject to conditions, as listed in the Staff Report. Member Goings seconded the motion and the decision carried by a vote of 6 in favor (Members Blakey, Bunyard, Goings, Hyde, Nelson and Picotte) and 1 opposed (Member Diehl).

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

10. Action Item:

- A. Consideration and possible action re: An application for a tentative parceling plan filed by Jessica Stanger, Manager of NEV DEV LLC, for property located on Desert Hills Loop, Assessor's Parcel Number 008-176-82, consisting of 16.48 acres in the E-1 zoning district. The applicant proposes a plan for the creation of seven residential lots.

THIS AGENDA ITEM IS THE SECOND OF TWO THAT ARE RELATED FOR THIS PROJECT. THE PRECEDING AGENDA ITEM WAS A VARIANCE THAT WAS APPROVED ALLOWING LOT SIZES IN THE PROJECT AS SMALL AS 2 ACRES.

Dan McCreary and Jessica Stanger, 1111 Roberson Lane, were available to speak regarding this application.

Director Spross summarized the application for a tentative parceling plan for seven lots. He pointed out that the history of this development is noted in the staff report and already discussed in the previous agenda item. Since there are (a) fewer lots than originally planned prior to the expiration of the previous tentative parceling plan and (b) the owner of the Skyridge phase west of this project intends to cancel that phase, a new plan will eliminate most roads and connections in favor of short stubs on each side of Desert Hills Loop ending in cul-de-sacs serving the new lots. This will also reduce road costs for the project. The applicant proposes to develop the entire development in phase 1, probably with two parcel maps recorded at the same time once the road segments are built or bonded. The average density is one lot per 2.35 acres. The existing lot is vacant and doesn't have any water rights. All lots will be residential, which are allowed uses under the zoning code. The proposed development will have the same character as the existing neighbors to the east and north. The main consequence of the development will be slightly more traffic and human activity in adjacent areas due to the new population passing through those areas. The short road segments will be paved roads within the 60' road easement and county standard cul-de-sac turn arounds. There are five criteria that need to be met, and he went through these to share how they meet these as outlined in the staff report and through the variance that was just approved. Director Spross noted that correspondence was received from the Fire Department, who had an issue with the original layout but have no issues with the current layout. There was also a comment from CC Communications that has no issues with the map. The staff does recommend approval based on certain conditions:

1. *Changes shall be made for compliance with Churchill County Code, including but not limited to:*
 - a. *Fixing typographical errors such as double printing lines and text, placing arrows, etc.*
 - b. *Adjusting radius circles to center on their center point.*
 - c. *Providing project name in the title block.*
 - d. *Placing a reference to Note 3 on Lot 5.*
2. *Any final changes required by the County Surveyor shall be made, including but not limited to the following:*
 - a. *Placing symbols for set monument at all corners, especially for Lots 1 and 6.*
 - b. *Placing symbols and notes for well monuments for roads.*
 - c. *Providing bearings and distances for all lines, especially for Lot 6.*
 - d. *Describing all monuments and corner symbols in the legend.*

Dean Patterson, Senior Planner, shared the problems that the Fire Marshal had with the previous map presented. Now there are building envelopes to make sure that the new homes are near the cul-de-sacs, so when the fire truck arrives, they can tell which end of Desert Hills Loop

they need to go.

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

Member Bunyard restated Director Spross's comment that it is going to be conforming with the existing neighborhood and inquired whether they planned to have stick-built homes or manufactured homes. The applicants weren't sure yet, but it could be a mix like others in that area.

The following comments were made during the application for a variance, but were applicable to the tentative parceling plan application. The Planning Commission requested to add them to the minutes for the tentative parceling plan application. James Sustacha asked to have the aerial photo of the area displayed on the screen again. He noted that where there is a circle in the lower right hand corner, he has an irrigation take out just to the left of that. He indicated that Member Diehl was correct about the TCID easement by requesting that the map of the development be shown on the screen. He pointed out that along the north side of the easement for the railroad is an easement for the TCID canal. These overlap each other. His primary concern, as it is with anyone that irrigates in this county, is that this easement may be blocked by the property owners that have this easement as part of their parcel. There are many places where this occurs throughout the county. He noted that based upon this map there is the potential to have five blockages on there. He goes up and down that easement on the TCID access road when he is irrigating, and he doesn't want to come across someone that owns one of these lots and tells him that he is trespassing. He would recommend a condition be added to require a legal fence be put up along the north side of the TCID easement and that the TCID easement not be blocked. He doesn't want to meet someone at 1:00 a.m. when he is in a hurry to change water to prevent a flood. He doesn't have time to discuss easements during that time. Member Nelson inquired if he was irrigating on the other side of the road. It was demonstrated on the aerial photograph displayed where the water comes out to irrigate his property.

Member Hyde wanted clarification regarding the previous comments made by Mr. Sustacha about requiring a fence along the north side of the TCID easement. Dan McCreary responded that they agree that there are lots that do include the easement, and it would be a good idea to put up a fence to try to discourage these owners from blocking access. He believes a four wire barbed wire fence should be placed along the easement, so they don't end up in that situation. Member Hyde inquired if they fence their properties, and Mr. McCreary replied that they do some of them. The five-acre parcels do not; however, the smaller parcels that are up next to other developed properties, they might do some fencing. It just depends on the property.

Member Goings asked if this should be something that they add to the recommendations here, and maybe stipulate that the fencing was agreed upon. Dean Patterson agreed and stated that when this issue was brought forward the staff report had already been completed. The commission could add that as another condition. It was clarified that it should be included in the motion for the decision, not in the motion for the findings. There was discussion related to the necessity of adding this condition, and it was determined that a deterrent to blocking the easement or confrontation by an owner thinking that people are trespassing would be if the developer put up a fence along the easement.

Chair Blakey called for public comment. He noted that Mr. Sustacha's earlier comments will be added to the minutes for this item.

Chair Blakey asked for any further comments; there being none 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 have been met for conformance with the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), for a Tentative Parceling Plan, as described in the Staff Report. Member Goings seconded the motion and the decision carried by a vote of 6 in favor (Members Blakey, Bunyard, Goings, Hyde, Nelson and Picotte) and 1 opposed (Member Diehl).

Member Hyde, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners approve the Tentative Parceling Plan permit application for Nev Dev LLC to divide APN: 008-176-82 into 7-lots. This approval is subject to conditions, as listed in the Staff Report and adding condition 3 that a legal fence will be constructed along the north boundary of the TCID easement across the properties in this development. Member Bunyard seconded the motion and the decision carried by a vote of 6 in favor (Members Blakey, Bunyard, Goings, Hyde, Nelson and Picotte) and 1 opposed (Member Diehl).

Chair Blakey thanked the applicant.

11. Letter Received.

- A. City of Fallon's notification of its intent to annex 5.0 Acres, More or Less, Located at 1700 Harrigan Road, 875 Wood Drive AND 865 Wood Drive.
This was an informational item only, and no discussion was made.

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

- A. Consideration and possible action re: Termination of a special use permit for land application of domestic septage previously granted to David McCarter for property located at 700 Lucas Road, Assessor's Parcel Number 008-133-54, consisting of 34.41 acres in the A-5 zoning district. The owners have completed the requirements with Nevada Division of Environmental Protection (NDEP) to close this business activity, and the NDEP permit has been closed; therefore, it is requested to terminate this special use permit as it is no longer needed.

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

13. Public Comment:

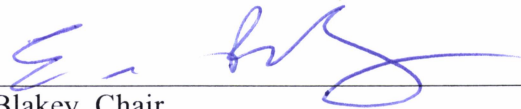
There were none.

14. Adjournment:

There being no further business to come before the Planning Commission, Chair Blakey adjourned the meeting at 9:37 p.m.

15. Appendix:

Supporting Documentation

Approved: 
Eric Blakey, Chair

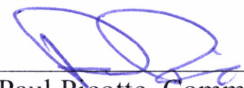
Approved: NOT IN ATTENDANCE TO APPROVE
Scott Nelson, Vice Chair

Approved: 
Zack Bunyard, Commissioner

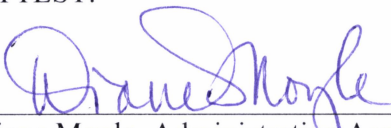
Approved: NOT IN ATTENDANCE TO APPROVE
Deanna Diehl, Commissioner

Approved: 
Jeff Goings, Commissioner

Approved: NOT IN ATTENDANCE TO APPROVE
R. Mark Hyde, Commissioner

Approved: 
Paul Picotte, Commissioner

ATTEST:


Diane Moyle, Administrative Assistant