

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

October 11, 2023

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on October 11, 2023 by Chair Blakey.

Present: Eric Blakey, Chair; Zack Bunyard, Member; Jeff Goings, Member; and Paul Picotte, Member.

Absent: Mark Hyde, Member; Deanna Diehl, Member; and Scott Nelson, Vice Chair

Planning Staff Present:

Chris Spross, Public Works Director

Dean Patterson, Senior Planner

Loreli LeBaron, Code Compliance Official (via Go To Meeting)

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 October 4, 2023, between 8:30 a.m. and 5:00 p.m., at all of the locations listed on the agenda, in accordance with NRS 241 and the Churchill County Code.

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

Chair Blakey noted that Public Hearing item 9.D (Sage Valley RV Park SUP) would be heard before item 9.C (Sage Valley RV Park Variance) and Safety-Kleen (Public Hearing item 9.E) has requested a postponement to the November 8, 2023 meeting.

Member Bunyard moved to approve the agenda as revised. Member Goings seconded the motion which carried by unanimous vote (4-0).

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

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

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

A. September 13, 2023 Hearing

Member Goings moved to approve the September 13, 2023 minutes as written.

Member Picotte seconded the motion and the decision carried by unanimous vote (4-0).

8. Old Business

- A. Consideration and possible action re: A renewal of a temporary use permit for temporary quarters during home construction granted to Aaron & Katherine Murray for property located at 2400 Lucas Road, Assessor's Parcel Number 008-112-15, in the A-5 zoning district.

Origination date 9/12/2018. *The applicant states that the house is in progress.*

Ron Murray, 2400 Lucas Road, was available to speak regarding this application.

Director Spross shared that this is a request for a renewal of a temporary use permit. During the staff's investigation, we contacted the Building Department to get an update on progress. They stated that there is a building permit for this location to build an 869 square foot single family dwelling, and it was issued in February 2020. There were various inspections performed with the most current being September 30, 2022. The same day that inspection was done, the owner requested that the permit be extended for six months to complete the construction. The extension was approved and extended to March 30, 2023. Since then, there have been no further inspections, nor has the owner contacted the office. The Building Official noted that they sent a letter to the owner notifying him of the expiration date and to determine if the project is still active. If the owner shows progress on the project, the permit may be extended to allow completion. If the owner does not respond, the permit will be terminated.

Chair Blakey inquired if the applicant had any comments. Aaron Murray said that he talked with Ray Brown in the Building Department last week on October 3, 2023, and Mr. Brown told him that the permit was good until March 2024. Mr. Murray further declared that they have made significant progress on the building.

Chair Blakey verified that the home is still under construction, and he further noted that the temporary use permit expired at the end of September. Director Spross stated regarding the building permit that it had been extended to March 2023 from the September 2022 expiration. The letter received from the Building Department as dated in September 2023, so Mr. Murray may have gone in to speak with them since then. Chair Blakey questioned if Mr. Murray had any written proof that the building permit is active until 2024. Aaron Murray said that he spoke to Ray Brown in the Building Department on October 3, 2023 at 7:15 a.m. and was told that the permit had been extended to March 2024. Chair Blakey inquired if he received anything in writing, and Mr. Murray responded in the negative. He stated that Ray Brown was supposed to come by, but he hasn't seen him yet. Mr. Murray remarked that they are working on the rough utilities right now—electrical, and once that is done, they will work on the plumbing. The exterior is finished with the exception of trim around the windows, painting around the eaves, etc. The siding is done, painted, and sealed. It has an asphalt shingle roof on it. The windows and doors are in place. The outside construction was all signed off. There have been several people who came out to help them with guidance. The last house he built was in 2007, and some things have changed since then. Hopefully, if everything goes well and he stays healthy, they will be done by next summer and have a certificate of occupancy.

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

Member Bunyard stated that a year ago Mr. Murray had just had the foundation laid, so he has made significant progress as compared to previously. He then asked how much is still left on the inside to finish to get the certificate of occupancy. Aaron Murray replied that they are working on the electrical right now, and once that is done and okayed by the electrician, he will call Mr. Brown to get that inspected. After that they will finish the rough plumbing, and then they will come and do the interior inspection. Then he can get the insulation and sheetrock in. He thinks that they can get it done by summer and get the certificate of occupancy, which is his goal.

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

Chair Blakey called for a motion and suggested that they align the expiration date for the permit with the building permit, so that it will expire when the permit expires.

Member Goings brought up that there is a discrepancy between what the applicant says and what was provided by the Building Department. He thinks that part of their motion should include Mr. Murray providing the department with proof that the building permit has been extended. Director Spross responded that our staff could check with the Building Department regarding the permit, and that way Mr. Murray doesn't have to get something from their office.

Member Goings moved to approve the renewal of the temporary use permit application for Aaron & Katherine Murray for temporary quarters during home construction at 2400 Lucas Road (APN 008-112-15) based upon the extension of the building permit and the expiration date to align with the expiration of the building permit as stated by the applicant (March 2023). Member Picotte seconded the motion and the decision carried by unanimous vote (4-0).

- B. Consideration and possible action re: Change in a temporary use permit for hardship/caretaker previously granted to Michael & Mary Lakin for property located at 2615 Sorensen Road, Assessor's Parcel Number 006-411-65, in the A-10 zoning district. Origination date 8/13/1997. *Mr. Ritter, who was being cared for, passed away, and Mr. Lakin is disabled and needs help, so Cody Sammons, Mary's son, who lives in the house on the property, will help provide care.*

The applicants were not in attendance.

Director Spross stated that this is a temporary use permit for a hardship/caretaker. The person that was being cared for has since passed away. There is another person that lives in the temporary residence that is disabled, and the stepson is going to help take care of her and the property. This is almost a transfer of the hardship/caretaker from one person to another. Mary Lakin is the one that is going to be cared for and her stepson, Cody Sammons, is going to be living there and helping take care of her and the property.

Diane Moyle, Administrative Assistant, clarified that Michael Lakin is the one needing care as he is 100% disabled. Mary's son lives in the house on the property, which is a large farm, and he will help take care of them and the farm.

Chair Blakey asked if any of the commissioners had any questions or discussion. There were none.

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

Chair Blakey called for a motion.

Member Picotte inquired if they can transition this to a different name, or should this be written up as a new temporary use permit. Director Spross answered that it will be written up as a new temporary use permit for the same location; it will just have different names on it. The need still exists at that residence for a hardship/caretaker. Member Picotte verified that it will be a new one.

Member Picotte moved to approve the change in temporary use permit for hardship/caretaker for Michael & Mary Lakin at 2615 Sorensen Road (APN 006-411-65) for temporary quarters for Michael Lakin, who is disabled. Member Goings seconded the motion and the decision carried by unanimous

vote (4-0).

- C. Consideration and possible action re: A renewal of a temporary use permit for temporary quarters during home construction granted to Latricia Dean for property located at 17323 Lahontan Dam Road, Assessor's Parcel Number 006-122-23, in the RR-20 land use district. Origination date 9/14/2022. *The application states that the old mobile home has been removed, she is working on obtaining the documents needed to get the property into her name, and they have been working to clean up the property as much as possible.*

Latricia Dean, 17323 Lahontan Dam Road, was available to speak regarding this application.

Director Spross reported that there was an old mobile home on the property that has since been removed. The applicant is working on obtaining the documents needed to get the property into her name. There were some deaths in the family, so she has been working to get the deed into her name, and she has also been working to clean up the property. There is a code compliance action on this property. The Building Department stated in correspondence received that a Recreational Vehicle placement permit to place two RVs was issued on May 11, 2023. There has been one inspection performed on September 29, 2023, which failed as the electrical connection was spliced incorrectly and the septic connection was also incorrect, so a reinspection is required. The electrical and septic connection must be corrected immediately, and a new inspection completed within the next 30 days, which would be October 29, 2023. The Building Department has not received any other applications for any other permits. The Building Department respectfully request that if the Planning Commission does approve this temporary use permit renewal, a time limit should be placed or set for receipt of an application and an issuance of a permit for building a single family dwelling or placing a manufactured home. Impact fees will be required to be paid at that time. They have not received any plans for either a stick-built home or placement of a manufactured home. They would like to have some sort of a time limit is set on when those plans need to be submitted to the Building Department.

Loreli LeBaron, Code Compliance Official, verified that she performed the most recent inspection on September 15, 2023, and there was a lot of progress made on the property—removing the unsafe structure (the old double-wide mobile home) and picking up a lot of the stuff scattered around. They have not removed all of the extra RVs or junk motor vehicles from the property. In her correspondence with Mrs. Dean, it has been discussed that there is a issue with the deed to the property. She has been working in small stages to get the property into her name in order for her to be able to obtain the loan, which Latricia Dean has assured her would be done around tax season between March and May 2024. The last thing that she heard was that Mrs. Dean had obtained a death certificate for her mother, but there is some difficulty in obtaining the stepfather's death certificate. She has to go through some extra steps in order to do this. She had not been informed about the result of the inspection for the placement permit for the RVs. She has noticed a lot of progress in removing debris from the property and cleaning it up. There are still items, such as furniture, wood collection, and parts that need to be sorted and stored better if not removed.

Member Goings asked if Loreli LeBaron could see the aerial photograph displayed on the screen at the hearing, and she stated that she could not. She said that she could try to view the livestream.

Chair Blakey inquired if the applicant had anything to add, and Latricia Dean responded that she has been without a vehicle for about six months, and she relies upon people helping her

haul stuff off. It is kind of hard to get stuff off of the property right away, but she is doing the best that she can. Chair Blakey asked what Mrs. Dean believes the progress level will be by this time next year. Latricia Dean hopes that it will be finished, and that they will have a home in the process of being on the property. She is looking at a double-wide manufactured home. They hope that with a tax return they might get progress started with that. She is hoping to have the debris removed well before the year timeframe.

Member Goings requested Director Spross read the Building Department statement again. Director Spross asked if he was referring to their request. They are respectfully requesting that if the Planning Commission approves a temporary use permit renewal, that a time limit be set for receipt of an application and issuance of a building permit for either a single family dwelling or the placement of a manufactured home. They have not received anything from the applicant in terms of what she would like to build, so if this temporary use permit is approved, they would like to have a time limit set on when that application is to be submitted to the Building Department. Member Goings then spoke to the applicant and asked if she could give them some type of timeline that would fit. Latricia Dean replied that it would have to be around tax season when she would have the money to get the permit and to get approval for a manufactured home. Member Goings then questioned if this commission were to approve something and give her a deadline of May 15, 2024, is that going to give her enough time to be able to provide what the Building Department is looking for. Latricia Dean said that she believes that it would.

Member Bunyard said that one of the first issues that the applicant has is that the property is not in your name and then asked how long she has been working on this. Latricia Dean responded that when she started working with Loreli LeBaron, she found out that she needed to get the property in her name. Member Bunyard inquired if it has been more than a year, and Mrs. Dean agreed. She stated that the only thing that she is waiting for right now is her stepdad's death certificate. Member Bunyard then questioned if she would be able to complete probate at that time. Latricia Dean replied that she has gotten everything else that she has been told she needed so far. Member Bunyard verified that there wouldn't be anyone that would submit a protest to keep this from being transferred to the applicant. Mrs. Dean responded in the negative. Member Bunyard shared his opinion that if they were to approve something, they would have to give sufficient amount of time for the applicant to get the property into her name before she could even start to get a building permit or a loan. Latricia Dean remarked that she's never applied for a loan like this before, so she isn't sure how long it will take. Member Bunyard pointed out that she would have to have the property in her name before she could get it financed or do anything that way. Member Bunyard questioned how long she anticipates before she would receive her stepfather's death certificate. Latricia Dean thinks it might be 60 days, but hopes it is sooner. Joe Sanford, Deputy District Attorney-Civil, shared that it normally takes about four to six weeks once requested from the Department of Vital Statistics. He asked Mrs. Dean if she has actually requested the death certificate at this time. Latricia Dean responded that she has only gotten all of the paperwork together and has not been able to get to Carson City yet. Member Bunyard believes that we would have to push the timetable out more than six months, so that she can get the death certificate. Member Goings expressed his belief that they should put some type of timeline on it to satisfy the request from the Building Department, and it will have to come back for another renewal next year. This would give something for the commission to review at the renewal. Joe Sanford, DDA-Civil, admitted that every probate is different, and it will depend on whether the applicant has legal assistance and know what she is doing or not. Typically, someone who is doing it pro se should expect about 10 months from the stage that she is at currently. He reminded the commission that

this will be back for another renewal in a year, and they will have the opportunity to review it at that time. If they want to place a condition, he recommends that the applicant has completed the probate and gotten the property in her name by the time of the next renewal. Should the applicant not complete the condition set, they have the opportunity to deny the renewal. He suggested setting the timetable for the renewal hearing in one year.

Chair Blakey asked for any further comments; there being none, he called for a motion and any approval to include the applicant would be the owner of the property, the property cleanup should be near completion, and get started on a new home.

Member Bunyard moved to approve the renewal of the temporary use permit application for Latricia Dean for temporary quarters during home construction at 17323 Lahontan Dam Road (APN 006-122-23) for another year and should have ownership of the property by the next renewal. Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

Chair Blakey confirmed with the applicant that she will have one year to get the probate done, to clean up the property, and moving forward with putting a home on the property. Latricia Dean agreed that she understood. Chair Blakey told her that should there be any questions, please contact the department, and they will help to guide you as much as they can.

D. Consideration and possible action re: Review of a special use permit for a bulk fuel storage and distribution--small facility previously granted to Granite Propane, Inc, for property located at 2880 Enterprise Way, Assessor's Parcel Number 007-311-42, in the Industrial zoning district. *This is the one year review of the special use permit as required by a condition for approval of the permit to determine compliance with conditions and resolution of any current violations.*

Rudy Forster, 860 Desert Shadows Lane, Fernley, was available to speak regarding this application.

Director Spross stated that when it comes to a review of a special use permit, prior to the hearing, we request from the applicant an update on where they are in terms of meeting the conditions in the Notice of Final Action, and the department received an update from Logan Forster. There were seven conditions, and of those six have been completed. The reason that the seventh has not been completed is due to a delay in the completion of a subdivision map to be completed and recorded. The condition is related to the landscape strip that would be affected by the subdivision because the property line has not been established yet. They want to make sure that they know where the line will be located before they install the landscape strip. Director Spross further remarked that the Building Department had issued a permit to install footings and foundations for two 30,000 gallon propane tanks. That was issued on July 28, 2018, there were multiple inspections that were performed and approved, and the permit has been closed out. The road impact fees for that were paid on September 27, 2023 for this parcel. Progress is being made, and it is anticipated that the subdivision map will be completed before the end of 2023.

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

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

Chair Blakey called for a motion. There was some discussion about what type of motion would be needed. Joe Sanford, Deputy District Attorney-Civil, stated that this is a review, so their

choices would be to set another review to determine whether or not the landscaping item gets completed, or they could not require any further review. Director Spross suggested that instead of setting another annual review, Code Compliance could check that the landscaping is done once the subdivision map is recorded. If it is not complete, then we can open a code enforcement action, and if it continues not to be done, we could start a revocation process. It was decided that no further review is needed by the Planning Commission.

Member Bunyard moved to require no further review of the special use permit for Granite Propane Inc. for a bulk fuel storage and distribution—small facility at 2880 Enterprise Way (APN 007-311-42). Member Picotte seconded the motion and the decision carried by unanimous vote (4-0).

9. Public Hearings:

A. Consideration and possible action re: A temporary use permit application for temporary quarters during home construction filed by John Pocino for property located at 420 Bench Road, Assessor's Parcel Number 007-141-20, consisting of 4.3 acres in the A-10 zoning district. The applicant proposes for two (2) of the owners to live in two (2) RVs on the property during the replacement of the home that burned.

John Pocino, 990 Soda Lake Road, stated that he is one of the owners of the property at 420 Bench Road. The home that was on the property caught fire and burned down. The principal owner, Gary Reno, asked him to step in and get the place cleaned up and make it functional as a viable property, which included building a house. Currently, during the cleanup, they have an electrical contractor, Vinnie, who is supposed to file for the permit to get the electrical fixed, and NV Energy took three months to finally put a pole in and hooked up the meter. Now they are waiting for the contractor to hook the electric up. They plan to reconnect the existing, underground conduit to the existing power to the back building in order to reconnect the water pump. There will be no new construction there, but they will file a permit for rebuilding the structure and anything else needed, and they will reconstruct the fence and stuff like that. They have been waiting for the contractor to get the permit and connect the electrical, so they have water and electricity. They applied for this permit because they have been the subject of vandalism, theft, and threat of life. Law enforcement has been out there a few times, and the only way that he knows how to rectify this situation is to have a physical presence out there. There are two people that will be out there. The principal owner's granddaughter, Crystal Reno, will be out there, and Mr. Pocino will be out there. They request two units because she is 33 and he will be 60, and it feels inappropriate to share one place with her in his opinion. They removed the units until they obtained this permit, but Crystal moved back there because somebody stole her camera that they had on a pole to monitor the property.

Director Spross added some information from the staff report. The original home burned down in March 2023. Due to recent instances of theft, the applicant has indicated the need for an onsite security and construction supervision in addition to the existing cameras. The units are both 1995 model year RVs. There is power to the property, and the applicant intends to have the temporary pedestals installed for the RVs to connect to. Vinnie's Electric will be doing the electrical work and applying for all necessary permits. Sewage disposal is proposed using new connections to the existing septic tank, and water will come from the existing domestic well. The complication for this proposal is that the applicant proposes multiple RVs onsite. The request for two units is not typical, but it would be acceptable for each of the two property owners, who intend

to live onsite, to occupy their own RV. Director Spross shared correspondence from the Building Department outlining history showing no previous permits, requirements for the placement permits for the RVs, and requirements for construction or placement permits for any new dwelling. A copy of the letter was given to the applicant. The staff does recommend approval of this permit, and he went over the conditions recommended should it be approved.

1. The temporary quarters must comply with Churchill County Code.
2. All required Building Department approvals and safety certificates must be obtained:
 - a. Any Setup Permit necessary for the setup of the temporary quarters must be obtained along with any required inspections of water, septic and electrical connections of connecting to a service.
 - b. All necessary permits for home construction must be obtained, including permits for a new foundation.
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. 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. No manufactured homes may be used as a temporary residence while constructing a home.
5. This temporary use permit is subject to annual renewal. ***The applicant must show substantial progress of home construction during the annual review hearing.***
6. 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.

John Pocino remarked that he fully understand the requirements and is willing to comply. He had already spoken with the Building Department. He had a question regarding the foundation and requested that someone come out to look at it because he didn't really want to have to remove something that was a solid slab in order to rebuild a foundation, which is a little outside of their budget. Chair Blakey pointed out that regarding the foundation it would be between him and the Building Department. It is not under the Planning Commission's jurisdiction.

Chair Blakey inquired if Mr. Pocino could share what he believed would be completed in one year. John Pocino responded that he put a timeline together, and he thinks that since they have designed a smaller house for now that could be expanded later just so that they can live there legally, it might take about six to eight weeks depending upon the weather during this winter. They may not be able to start construction until after winter is over, which might be around April. They just spent \$30,000 on cleanup of the property. They need to get the basics set up and then worry about security, and this will involve rebuilding the fences. There is a lot of work still left to be done before they can actually build the structure. Phase one will be to establish health, safety and security measures. Phase two will be the actual construction of the dwelling. He will probably get a contractor to do this instead of trying to do it, and they are shopping around for a contractor now. The hard thing is to get people to come out and look. Chair Blakey verified that they should be through with the cleanup, and John Pocino reiterated that he has to move out there, clean it up, and make it right.

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

Chair Blakey inquired about public comments, and there were none.

Chair Blakey 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 for a Temporary Use Permit found in CCC 16.08.070(F) on APN 007-141-20, as described in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

Member Picotte, based on the previously adopted findings made for this project, moved to approve the temporary use permit application for John Pocino and Crystal Reno to establish two Temporary Quarters for Home Construction at 420 Bench Rd. (APN 007-141-20). This approval is subject to conditions, as listed in the Staff Report. Member Bunyard seconded the motion and the decision carried by unanimous vote (4-0).

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period, and the department will contact you to complete the process.

- B. Consideration and possible action re: A special use permit application for a feline kennel filed by Debbie Hunter of Fallon Animal Welfare Group, for property located at 4629 Reno Highway, Assessor's Parcel Number 008-473-20, consisting of 0.98 acres in the C-2 zoning district. The applicant proposes to use this property for feline adoptions and kennel.

Debbie Hunter, 4629 Reno Highway, and Serena Clark, 4629 Reno Highway, were available to speak regarding this application.

Director Spross went over information from the application and staff report. This is for a special use permit for an animal kennel for cats. The applicant is requesting a permit for a kennel to house and adopt cats and kittens. The applicant accepts all cats and kittens from the Fallon Animal Control and is a no-kill shelter. This group previously operated under an approved special use permit on the adjoining property to the west, but has ceased operations at that location. They intend to relocate onto this site. Kennels can be proposed in the C-2 zoning district through a special use permit. The site fronts Reno Highway and is developed with a 3,021 square foot, multi-tenant commercial building. The applicant will occupy the two front units, which total approximately 1,500 square feet. There is a well and a septic system. The kennel houses an average of 10 to 40 friendly cats and kittens at any given time for adoption to the general public. No changes are proposed to the outside of the building. Cat waste is cleaned up by volunteers and disposed of in the trash. Feral cats are housed at a separate location, which has an approved special use permit. The site is normally staffed by one to two volunteers, who visit two to three times per day, seven days per week, to tend the facility and care for the cats. Volunteers may occasionally visit the site after hours to care for the cats, and the applicant anticipates four to six customer trips per day and no more than twenty trips total per day between the volunteers and the customers. They do not anticipate any truck traffic or deliveries.

Director Spross noted that some letters were received by the department. The Building Department indicated that based upon the application no additional requirements are needed to meet the code. The Fire Marshal requires an inspection prior to them moving any animals into the building. Nevada Department of Transportation (NDOT) stated that this proposal appears to have minimal impact on NDOT infrastructure, and they do not have any concerns with the proposal.

Director Spross then went over the criteria for eligibility for approval of the permit from the

staff report, and the staff has determined that the application meets all of these criteria or could meet them with conditions proposed in the recommendations. He stated that the staff recommends approval with the following conditions:

1. Approval of the Animal Kennel is limited to the following. Exceeding these limits will require a new SUP:
 - a. The Fallon Animal Welfare Group shall be the operator, and this permit is not transferable.
 - b. The number of animals shall be limited to 40.
 - c. This kennel shall only be used to house cats. Other animals, and activities such as training classes are not allowed without a new SUP.
2. The project must be in conformance with County Code, including but not limited to:
 - a. A business license must be obtained and maintained.
 - b. All necessary building permits must be obtained.
 - c. ADA accessibility criteria must be met as deemed necessary by the Building Department.
3. The highway access apron shall be cleaned and kept clear of gravel or other material that prevents clean acceleration.
4. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code. Animal waste will be cleaned from the litter boxes daily.

Chair Blakey asked if the applicant had anything to add.

Debbie Hunter remarked that they are a 501(c)3 organization, so she doesn't think that really requires a business license. She was informed that she would need to have one, and Chair Blakey instructed her to contact the department for assistance with this.

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

Member Goings asked for clarification if the adjoining property already had a special use permit for the feral cats, and Director Spross restated that the feral cats are being housed at a completely different location where they have an approved permit. They were operating on the adjoining property, and have now ceased operations there and are moving next door.

Chair Blakey called for public comment.

Brenda Utterback, 900 Gummow Drive, inquired if they are open every day for people to come to see the cats and how they take care of the cats that get sick. Will there be certain days that they will be open, or is it just volunteers going in to take care of the cats?

Debbie Hunter stated that there will be people there every day, and they will have to work with the volunteers to see which days work best for everyone to determine when they will be open. A lot of the customers will be handled by appointment.

Member Goings wanted to verify with the applicant that they are aware of all of the recommended conditions and that they are agreeable to all of them. He also noted that even though they are a non-profit, they still need to get the business license. Member Bunyard stated that he believes that they already have a business license because all they are doing is changing locations. Debbie Hunter said that she doesn't know if they have one or not, and another person with her said that she has a copy of one.

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 for a Special Use Permit found in CCC 16.08.080(H) on APN 008-473-20, as described in the Staff Report. Member

Picotte seconded the motion and the decision carried by unanimous vote (4-0).

Member Bunyard, based on the previously adopted findings made for this project, moved to approve the special use permit application for the Fallon Animal Welfare Group to operate an Animal Kennel for cats at 4629 Reno Highway (APN 008-473-20). This approval is subject to conditions, as listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and the department will contact you to complete the process.

C. Consideration and possible action re: A variance application to reduce RV spacing requirements filed by Joey Jennings for Sage Valley RV Park located at 4800 Reno Highway, Assessor's Parcel Number 008-472-12, consisting of 13.18 acres in the C- 1 and C-2 zoning district. The applicant is re-building the RV park and is requesting variances from Churchill County Code (CCC) 15.24.040.B(1) and B(2), and 15.24.050.

This item was heard after Item 9.D. (Special Use Permit). Review those minutes first.

Joey Jennings, 4800 Reno Highway, was available to speak regarding this application.

Director Spross shared information from the application and staff report. He indicated that he wouldn't repeat the history of the park since he shared that with the special use permit. The applicant is requesting three variances for the RV park unit spacing requirements found in Title 15 of the County Code. The RV park is on approximately 4.5 acres of the total acreage. The applicant wants to put the RV park back in a layout similar to how it was previously for the last decade. He noted that the pop-outs must be included in the spacing requirements. An important consideration was raised by the Fire Marshal that complicates the review of RV spacing requirements. A normal RV body is typically eight feet (8') wide, large pop-outs can be three feet (3') wide, and pop-outs on both sides an RV can readily expand to fourteen feet (14') wide. If there is a pop-out within a pop-out, it can actually be wider. Photos demonstrating this were displayed on the screen. RVs are becoming amazingly long, and 45' long are not uncommon. He outlined the variance requests:

- CCC 15.24.050 requires 23' RV space width. The application proposes 21'.
- CCC 15.24.040.B.1 requires 40' separation between RV fronts across an access way. The application proposes 20' - equal to the driveway width.
- CCC 15.24.040.B.2 requires 15' between the sides of RVs. The application proposes 9'.

Director Spross explained that if some of the variances are not granted, the site plan will have to be updated with an approved spacing, but this will not prevent the RV park from being viable. The Fire Marshal's concerns are that smaller separations increase the risk that an RV on fire will catch the adjacent RV on fire. The application narrative includes a statement that larger and wider RVs will be turned away. He went over the four criteria that are required for this review. He noted the response received from the Fire Marshal as he had stated previously. Based on the staff's criteria review it was determined that the application does meet some of the criteria and with conditions will meet others. The staff recommends:

- To approve the variance to reduce the cross-street setback to 20', which is basically the width of the driveway,
- To deny the variance to reduce the RV space width, and
- To approve the variance to reduce the side by side spacing of RVs to 10'.

Director Spross then went through the recommended conditions for approval:

1. The approved variances expire in 1 year. Construction of the RV spaces must begin before expiration.
2. The approved **Cross-Street Setback** shall be 20' as measured at the RV space boundary corners that touch the driveway edge, with the understanding that normal RV spacing will be much wider.
3. The approved **RV space width** shall be 23' as required by code.
4. The approved minimum **RV side-to-side spacing** shall be 10'.
5. The RV Park site manager shall monitor placement of RVs within the RV spaces and require adjustments of RV locations as needed to ensure required spacing limits are met. Installing visual guides or using other methods to help drivers correctly position their RVs is recommended.
6. The RV Park shall be subject to random inspection by the Fire Marshal to confirm implementation of the spacing requirements.

Chair Blakey asked if the applicant had anything to add.

Joey Jennings said that he did have a meeting with Mr. Patterson and the Fire Marshal to discuss those options that were acceptable. One of these regarding the width of the spaces changed from 21' to 23' wide, which was acceptable. Also, the 20' road width spacing was acceptable as long as they keep that 20' clear of any trailer tongues or anything like that.

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

Member Bunyard asked if the applicant had read the staff report and the recommendations to approve the 20', to deny reduction of the RV space width, and to approve the side spacing to be reduced to 10', and if he was okay with that. Mr. Jennings confirmed that to be accurate.

Chair Blakey called for public comment. There were none.

Member Goings expressed confusion about approving the reduction in RV side-to-side spacing and denying any space width change, according to the Fire Marshal the width that is written in the code is enough to allow for these new pop-outs considering the RV side-to-side spacing. He pointed out that the space would stay 23', but the side-to-side spacing could be reduced to 10'. Dean Patterson, Senior Planner, pointed out the difference between RVs today compared to 30 years ago, and the reality is that it is almost impossible to meet that 15' spacing that is required in our code if you use the 23' space width that is also in the code. The Fire Marshal was okay with reducing the side-to-side spacing to 10', but he didn't want to go less. Ten feet (10') is the amount of spacing required between houses, and he at least wanted to keep that much space. He is not happy with the current code standards because they are outdated and don't provide enough space for the very large RVs that we have today. One of his objectives would be to revisit those code standards and make changes. Chair Blakey asked for clarification that the 10' is measured from the point where the pop-outs are extended. Dean Patterson confirmed that and also noted that while this 10' is the minimum, the reality is that the normal spacing will be wider because not all RVs have the full size pop-outs and there will be the diagonal orientation of RVs, so that the circumstance of one RV pop-out corresponding to another RV pop-out in the next space is less likely, compared to the closeness of RVs with side by side spaces. This minimum width spacing will not be the normal thing that happens and would be more rare.

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 for conformance with

the criteria found in in CCC 16.08.090(F):

- (a) have been for a Variance from the Cross-Street Setback requirement**
 - (b) have not been for a Variance from the RV space width requirement**
 - (c) have been for a Variance from the RV side-to-side spacing requirement**
- on APN 008-472-12, as described in the Staff Report. Member Picotte seconded the motion and the decision carried by unanimous vote (4-0).**

Member Picotte, based on the previously adopted findings made for this project, moved to

- (a) approve the request for Variance to reduce the Cross-Street Setback requirement**
 - (b) deny the request for Variance to reduce the RV space width requirement**
 - (c) approve the request for Variance to reduce the RV side-to-side spacing requirement**
- at 4800 Reno Hwy. (APN 008-472-12). This approval is subject to conditions, as listed in the Staff Report. Member Bunyard seconded the motion and the decision carried by unanimous vote (4-0).**

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and the department will contact them to complete the process.

- D. Consideration and possible action re: A special use permit application for an RV park filed by Joey Jennings for Sage Valley RV Park for property located at 4800 Reno Highway, Assessor's Parcel Number 008-472-12, consisting of 13.18 acres in the C-1 zoning district. The applicant proposes to rebuild and to expand the number of spaces for the RV Park portion of the property.

This item was heard before Item 9.C.

Joey Jennings, 4800 Reno Highway, was available to speak regarding this application.

Director Spross summarized information from the application and staff report for the commissioners. The RV park is on approximately 4.5 acres of the total acres. He shared a little bit of site history as noted in the staff report. In 1966, the Board of County Commissioners approved the RV, which at the time was called Hub Motel. The applicant claimed that it was for 50 spaces, but they only built 20 spaces arranged in one row in the shape of a horseshoe that generally matches the recent layout inside row. In 1972, a special use permit was approved for an additional 15 spaces, totaling 35 spaces in the RV park. In 1980, the property changed hands, and in 1981 a special use permit was approved for a concept for an expanded RV park and a new mobile home park behind the RV park. This allowed for 52 spaces, which someone manually changed to 62 spaces, but in 1983 the agency letters all say 52 spaces. The construction plans for the RV park expansion and mobile home park were approved in 1983. The agency reviews took over 8 months according to the letters in the file. Aerial photographs from 2005 and 2022 consistently show 41 RV spaces. They were arranged in two rows in the shape of a horseshoe. Ownership changed during this period to The Kishan Group Inc (2005) and to 4800 Reno Hwy LLC (2016). In 2018, there was a septic failure notice from Nevada Division of Environmental Protection (NDEP) at the southwest septic field. At the end of 2020, the property ownership changed again to Sage Valley Park LLC. They began reconstruction of the site in 2021. The applicant's engineer had been working with NDEP regarding rebuilding the infrastructure for both the mobile home park and the RV park. In 2022,

communications began regarding the current special use permit and reviews of plans and forms. The permits for the RV park gave a definitive number of units as 35, and in the decades afterwards a consistent number of actual sites in the RV park was 41. This application includes both the rebuilding and request for expansion that will resolve any discrepancies in the past RV spaces. The proposed number of spaces is 39, but this may not be possible depending on approval of the variance, which is another item on the agenda. Director Spross indicated that the reason for the special use permit is largely because the past RV spaces were wiped clean and all new facilities being installed, thus losing their non-conforming status. If the RV park proposal is approved, a decision on the variance may necessitate adjustment of the layout. He continued to share the summary of the RV park layout in the application from the staff report. He mentioned some of the items that are subject to the variance permit application, including the Fire Marshal's concerns about insufficient space between RVs because of the predominance of pop-outs in modern RVs that can nearly double the width of RVs and place them very close together. He is concerned that a fire from one RV could then transfer to an adjacent RV across the small separation.

Director Spross went over the criteria that are required to be met, or could be met with recommended conditions, in order to determine eligibility for the permit as stated in the staff report. He read correspondence that the department received regarding this application from NDEP, Bureau of Safe Drinking Water, and NDOT. He stated that after review of the application and numerous discussions with the applicant, the staff has found that the criteria have been met, or could be met, and is recommending approval with numerous conditions.

1. This permit is subject to annual review to confirm compliance with conditions until such time as the Planning Commission determines it is no longer necessary.
2. The maximum approved number of RV spaces is 39, but the number shall be reduced to meet any standards resulting from denial of requested variances.
3. Before construction may begin, a revised site plan shall be provided that includes a revised layout and any modifications required to meet code requirements or conditions of approval, including RV spacing, lighting, landscaping, setback compliance, trash collection bin screening, and other requirements discussed in the staff report.
4. Conditions of approval for the associated variances to RV spacing standards are incorporated in this permit.
5. All RV space facilities shall be installed, including borders to identify each RV space, hookups for each RV space, and the landscaped recreation area shown on the site plan for each RV space.
6. The entire business must be in conformance with County Code, including but not limited to:
 - a. Business licenses must be maintained.
 - b. All necessary building permits must be obtained.
 - c. The RV park must meet standards for RV spacing, except as approved in a Variance.
 - d. The horseshoe-shaped driveway shall be improved by adding road base or other methods to provide a driving surface strong enough to support fire trucks to the Fire Marshal's satisfaction.
 - e. Lighting for the RV park shall meet lighting standards for Dark Skies compliant fixtures.
 - f. The central facilities shall be modified to be ADA accessible. Contact the Building Dept. for information on such requirements.
 - g. RV water supply facilities for ¾ inch service and freeze-proof valve shall be installed.
 - h. Refuse collection bins and screening of them shall meet Code standards.
 - i. Pest control shall be implemented in compliance with code requirements.
7. Fire extinguisher stations shall be placed around the RV park of a size, number, location, and

- identification that is acceptable to the Fire Marshal.
8. Landscaping shall be provided to rehabilitate and enhance the recreation area between the RV park and the highway. The recreation area for each RV space shall be landscaped and shall include a tree or large shrub, as proposed on the site plan.
 9. Operation of the business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
 10. All state and/or federal permits required for this type of business shall be obtained and maintained.

Chair Blakey asked if the applicant had anything to add.

Joey Jennings responded that his discussions with planning have been relevant to everything that they need to do. Coming into compliance through the approval of the variances would be nice, but he agreed that is what they are here to discuss.

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

Director Spross pointed out that he forgot to mention the letter received from the Building Department, which he was not going to read into the record because of the length, but he provided a copy to the applicant. It basically discusses parking and passenger loading facilities.

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

Chair Blakey 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 on APN 008-472-12, as described in the Staff Report. Member Picotte seconded the motion and the decision carried by unanimous vote (4-0).

Member Picotte, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application for Sage Valley RV Park to authorize the proposed rebuilding and expansion at 4800 Reno Hwy (APN 008-472-12). This approval is subject to conditions, as listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and the department will contact them to complete the process.

- E. Consideration and possible action re: A special use permit application for chemical manufacturing filed by Safety-Kleen Systems, Inc. for property located at 22211 Bango Road, Assessor's Parcel Number 007-071-80, consisting of 15.48 acres in the Industrial zoning district. The applicant proposes the addition of a Hydrogen Generator and throughput increase at the existing facility.

The applicant requested a postponement to the November 8, 2023 meeting since they were unable to attend the meeting.

10. Action Item: None.

11. Consent Agenda: All matters listed under the Consent Agenda are considered routine and may

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

- A. Consideration and possible action re: Termination of a temporary use permit for temporary quarters during home construction previously granted to Oscar & Sally Alldredge for property located at 13215 Power Line Road, Assessor's Parcel Number 006-121-09, in the RR-20 zoning district. Origination date 9/13/2017. They are not living on the property and no longer need the permit; therefore, the permit should be terminated.
- B. Consideration and possible action re: Termination of a special use permit for establishing a casino business with alcohol sales, 24-hour operations, and eating and drinking establishments previously granted to Todd Nigro representing Fallon 50 LLC for property located at 2254 & 2180 Reno Highway, Assessor's Parcel Numbers 008-361-50 & 008-361-51, in the C-1 zoning district. The applicant has provided the county with a notice of termination for the project, and the permit is no longer needed.
- C. Consideration and possible action re: Termination of a special use permit to establish a Flea Market with accessory activities previously granted to Fallon Animal Welfare Group for property located at 4677 Reno Highway, Assessor's Parcel Numbers 008-473-18 & 008-473-19, in the C-2 zoning district. The applicant provided the county with a letter stating that the permit is no longer needed and their desire to terminate it.

Member Bunyard moved to approve the consent agenda as written. Member Picotte seconded the motion and the decision carried unanimously (4-0).

12. Public Comment:

There were none.

13. Adjournment:

There being no further business to come before the Planning Commission, Chair Blakey adjourned the meeting at 8:27 p.m.

14. Appendix:

Supporting Documentation

Approved: 
Eric Blakey, Chair

Approved: 
Scott Nelson, Vice Chair

Approved: NOT IN ATTENDANCE
Zack Bunyard, Commissioner

Approved: Deanna H. Diehl
Deanna Diehl, Commissioner

Approved: Jeff Goings
Jeff Goings, Commissioner

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

Approved: Paul Picotte
Paul Picotte, Commissioner

ATTEST:

Diane Moyle
Diane Moyle, Administrative Assistant