

**CHURCHILL COUNTY
ORDINANCE BILL 2024-D, ORDINANCE 32**

**TITLE: AN ORDINANCE AMENDING TITLE 16 OF THE CHURCHILL COUNTY
CODE TO PROVIDE THE PLANNING DIRECTOR ADMINISTRATIVE
AUTHORITY TO ISSUE TEMPORARY USE PERMITS AND OTHER MATTERS
RELATED THERETO**

**SUMMARY: AN ORDINANCE AMENDING TITLE 16 OF THE CHURCHILL
COUNTY CODE TO PROVIDE ADMNISTRATIVE AUTHORITY OVER
TEMPORARY USE PERMITS BY (1) GRANTING AUTHORITY FOR
TEMPORARY USE PERMITS TO BE REVIEWED AND ISSUED BY THE
PLANNING DIRECTOR, (2) REQUIRING ADDITIONAL DOCUMENTATION
PRIOR TO THE ISSUANCE OF A TEMPORARY USE PERMIT IN CERTAIN
CIRCUMSTANCES, (3) LIMITING THE PERIOD OF RENEWAL FOR
CONSTRUCTION OF PERMANENT RESIDENTIAL AND NON-RESIDENTIAL
FACILITIES TO 3 YEARS, AND (4) OTHER MATTERS RELATED THERETO.**

NOW THEREFORE, be it ordained by the Board of County Commissioners of the Churchill County, in the State of Nevada, as follows:

SECTION 1: **AMENDMENT** “16.08.070 Temporary Use Permits” of the Churchill County County Code is hereby *amended* as follows:

A M E N D M E N T

16.08.070 Temporary Use Permits

A temporary use permit ~~is for~~authorizes the placement of temporary living quarters for a specific limited purpose, ~~use, or activity listed below~~ that is intended to cease after a ~~certain~~ limited period of time. It is unlawful to reside in a ~~recreational vehicle~~temporary living quarters outside a manufactured/mobile home park or recreational vehicle park for longer than 90 cumulative days within a 365-day period except as provided below.

- A. *Authority.* The ~~commission~~Director shall have the discretionary authority to ~~approve~~ issue a temporary use permit that meets the criteria set forth in this chapter, ~~conditionally approve, continue within allowed time frames~~ The Director may request supplemental information, or deny a temporary use permit application that does not meet the criteria set forth in this chapter.
- B. *Types of temporary use permits and their criteria.*
1. Temporary living quarters for farm labor: A temporary living quarters for farm labor is only permitted in conjunction with a bona fide functioning farming or ranching operation where: ~~Evidence of an active farming or ranching operation and demonstration of need will be required. Demonstrated need must include:~~

- a. ~~Evidence that~~ the amount, type and/or frequency of the labor needed in the farm or ranch operation is greater than what could be reasonably expected of the property owner to accomplish without ~~his~~ additional help; ~~and~~
- b. ~~Evidence that~~ the resident of the temporary living quarters farm help is an employee of the farm; ~~and/or and~~
- c. ~~Other circumstances that demonstrate the need of a temporary use permit for farm labor. The planning commission shall determine if these circumstances meet the intent of this temporary use~~ the temporary living quarters will be on the same or adjoining parcel to the farming or ranching operation.:-

~~The planning commission will use all available information to judge if the operation is a bona fide farming or ranching operation and the labor needed on the farm or ranch justifies a dwelling for the individual(s) providing the labor.~~

2. Temporary ~~living quarters for~~ watchman's quarters: A temporary watchman's quarters is only permitted in conjunction with a commercial or industrial operation ~~and is to be used for security purposes only~~ having a demonstrated need for security.:- where:
 - a. other reasonable methods of security have been attempted without success; and
 - b. the watchman's quarters is placed on the parcel of the commercial or industrial operation and located in a manner to effectively provide security.:-
3. Temporary caretaker quarters: A temporary caretaker quarters is only permitted ~~Temporary living quarters on a lot or parcel which has a residencee thereon, and the temporary living quarters is~~ to be used to alleviate hardship on a lot or parcel which has a permanent residence thereon, as follows where:
 - a. ~~A the temporary caretaker quarters is residencee for an aged~~ resided in by a person over seventy (70) years of age, invalid, or is physically or mentally disabled, ~~person who that~~ requires care and the residents of the permanent residence will be providing attendant care; or
 - b. ~~A residencee~~ the temporary caretaker quarters is resided in ~~used~~ by an attendant caring for ~~an aged, invalid, a person over seventy (70) years of age, or who is~~ physically or mentally disabled, person that requires care.
4. Temporary quarters for home construction: A temporary quarters for home construction may only be permitted ~~On a lot or parcel when the temporary living quarters are parked on the same parcel of land and utilized as a temporary residencee during the construction, or~~ placement, renovation, or remodel of an on-site permanent dwelling on that parcel. ~~The temporary use permit shall be subject to yearly renewals and shall terminate upon expiration of the building permit or within 30 days of the issuance of a certificate of occupancy or if the planning commission denies the renewal. Each yearly renewal will require evidence of substantial progress toward the construction or placement of the permanent residence in order to be granted. The temporary~~

quarters for home construction permit may only be issued upon satisfactory evidence that shall be:

- a. the temporary living quarters is a recreational vehicle (RV) or a camper, and will not include a trailer, mobile home or manufactured home that could be used as a long-term residence;-
- b. the temporary living quarters is placed in a suitable location that will not interfere with home construction as shown on a site plan of the property;
- c. the permanent dwelling will be constructed in a manner compliant with Churchill County Code as shown by architectural drawings, construction drawings, or building permit for the construction; and
- d. the permanent dwelling will be constructed in a timely manner as shown by a contract with a licensed contractor to complete the work or a statement that the work will be self-performed according to a provided construction schedule.

5. Temporary office during non-residential construction: A temporary office during non-residential construction may only be permitted ~~On~~ a lot or parcel in any land use district ~~when a commercial coach is to be used as a temporary office, in conjunction with the issuance of a building permit for~~ during construction of permanent non-residential facilities ~~where; or uses. The temporary use permit shall run concurrently with the building permit and upon completion of the construction of the permanent facility the use permit shall terminate.~~

- a. the temporary office is a commercial coach located on the same lot or parcel as the permanent facility or commercial facility;
- b. a valid building permit for construction of the permanent facility has been issued; and
- c. the temporary office will be removed within ninety (90) days of the completion of the permanent facilities.

~~A temporary residence for a person or persons for a purpose that is similar to and not more obnoxious or detrimental to uses listed in subsections B1 through B5 of this section. Evidence must be provided that demonstrates an extraordinary need and demonstrates attempts to find~~
No temporary use permit of any type may be issued that is incompatible with other existing uses within the same general area, constitutes a nuisance, or overburdens improvements or facilities.

~~A.~~ C. Application requirements. Before a temporary use permit may be considered for approval the applicant shall file with the Director:

- ~~1. The applicant shall file with the planning department~~ a complete temporary use permit application signed by at least one owner of record of the property on a form prescribed by the Director. The application shall include all plans, documents, drawings, or other evidence the applicant wishes the Director to consider in support of the application;
- ~~2. a signature of at least one owner of record~~ a detailed site plan of the subject

property including location of the proposed temporary living quarters, location of sewer, water, and electricity connections, setback requirements, and any planned construction on the parcel;

3. the fee as prescribed by resolution of the Board of County Commissioners;
4. proof that water and electrical connections for the temporary living quarters are present and ready to be connected;
5. proof that a waste disposal connection or suitable alternative is available on the property for the temporary living quarters; and
6. a safety certificate issued by the Nevada Manufactured Housing Division for any ~~Any~~ manufactured/mobile home or commercial coach. ~~must be inspected by the Nevada Manufactured Housing Division and a proper safety certificate issued prior to being occupied. Any RV being used for temporary living quarters under a TUP must meet the setback requirements of an accessory structure.~~
7. ~~The proposed use shall be listed as a temporary use in the land use district.~~
8. ~~All sections of the temporary use permit application must be complete and accurate or the application may be delayed to allow all the necessary information to be obtained. Applicants are strongly advised to discuss the applications and procedure with planning department staff prior to completing the application.~~
9. ~~Once the application is complete (but prior to signing and making copies) a meeting should be set with the planning department staff to review the application to check for accuracy.~~
10. ~~For temporary use permit types listed in subsections B1 through B5 of this section, evidence demonstrating need, including, but not limited to, letters from a medical practitioner, size and workload of a farming operation, or specifics of a commercial operation will be required.~~

B. D. Application review. The director shall review each application to ensure that the proposal is consistent with the requirements of this title. The Director shall cause notice to be issued to neighboring landowners in accordance with this title and consider evidence and facts from the applicant and any neighbor or member of the public relative to the proposed temporary use permit. The Director shall issue the temporary use permit if the application indicates, by a preponderance of the evidence, that all required criteria of the permit sought are met and the temporary use will not be incompatible with surrounding land uses, create a nuisance or overburden improvements or facilities.

C.

D. ~~Findings.~~ Findings from a preponderance of evidence must indicate that the proposed use meets at least one of the criteria listed in subsection B of this section. The applicant for a temporary use permit shall have the burden of proof by a preponderance of the evidence to provide facts supporting the proposed temporary use permit.

E. ~~Decision.~~

1. ~~Following the public hearing, the commission shall determine if there is a preponderance of evidence in the record to support the criteria established for temporary use permits and shall approve, modify, continue within allowed time frames, or deny the temporary use permit request.~~

2.

~~F.~~ E. Conditions of approval. The ~~commission~~ Director, in approving any temporary use permit, may require certain conditions under which the lot or parcel may be used, if, in the Director's ~~such commission's~~ opinion, the use will otherwise be incompatible with other existing uses within the same general area or will constitute a nuisance or will overburden improvements or facilities.

~~G.~~ F. Renewal requirements. Temporary use permits are valid for no more than one year. Temporary ~~quarters and offices are often needed for multiple years and are allowed~~ to use permit holders may request renewal ~~on a yearly basis~~ prior to the expiration of the permit using appropriate forms and accompanied by required fees. Any renewal for less than one year shall have its fee prorated.

1. A temporary use permit ~~issued~~ renewal request for farm labor must be renewed annually by providing the planning department with an annual renewal fee and must include evidence that the farming operation is active.
2. A temporary use permit ~~issued~~ renewal request for watchman's quarters must ~~be renewed annually by providing the planning department with an annual renewal fee and~~ include evidence that the commercial or industrial operation is active. The absence of an active business license for commercial or industrial operations that are required to hold a business license will automatically terminate the temporary use permit.
3. ~~A~~ F temporary use permits ~~issued~~ renewal request for ~~hardship caretaker~~ cases must ~~renew their temporary use permit annually by presenting information~~ have evidence including, but not limited to, letters from a medical practitioner, showing the original need for said permit still exists. ~~The request will be reviewed by the planning department to determine if evidence exists to justify renewal. If evidence is not provided the renewal application may be forwarded to the planning commission for decision. Notices regarding this title shall not be required unless the planning director, upon review of the renewal request, determines that a rehearing is necessary. The commission may revoke the temporary use permit if any of the conditions represented in the application or attached to the issuance of the permit have been changed. If not renewed in this manner, the temporary use permit terminates.~~
4. A temporary use permit renewal request for ~~while~~ constructing or renovating a permanent residence must include evidence of substantial progress towards completion and an estimated time for completion. A temporary use permit for renovating or constructing a permanent residence may not extend for a period longer than three years from its original date of issuance. ÷ If the building has not been completed within one year, the temporary use permit must be renewed by the planning commission. The applicant must appear at the meeting and provide the planning department with a renewal letter submitted for commission review, including an estimated time for building completion.
5. A temporary use permit renewal request for a ~~commercial coach~~ (temporary office) during the construction of permanent facilities. ~~If the building has not been completed within a year, the temporary use permit must be renewed by the planning commission. The applicant must appear at the meeting and~~

~~provide the planning department with a renewal letter submitted for commission review including an estimated time for building completion. must include evidence of substantial progress towards completion and an estimated time for completion. A temporary use permit for a temporary office may not extend for a period longer than three years from its original date of issuance.~~

~~H. G. Termination requirements.~~ If a ~~renewal review results in the~~ temporary permit expires or is not renewed ~~termination of a temporary use permit~~ the temporary living quarters or ~~commercial coach~~ office must be removed from the property within 90 days of receipt of a notice of termination. In cases where a travel trailer or recreational vehicle has been utilized for the purposes of a temporary use permit, said vehicle may remain on the subject property but must be disconnected from any and all utilities and cease to be used for the purposes outlined in the temporary use permit.

~~I. H. Expiration.~~

1. A use permitted by an approved temporary use permit must be enacted, which includes, without limitation, setup of temporary residence, connections to existing well and sewer, inspection of connections by the building department, etc., within six months from the date of approval. Failure to enact the permit shall invalidate the temporary use permit. Without further action, the temporary use permit shall be null and void and such use shall not be made of the property except upon the granting of a new temporary use permit.
2. A temporary use permit that ~~does not receive a yearly~~ is not renewed ~~ed~~ will be terminated without further ~~commission~~ action ~~30 days after the activity granted by such temporary use permit is not renewed or is no longer needed.~~

~~3.~~

- ~~4.~~ 3. A temporary use permit shall be, upon violation, subject to revocation or termination by the ~~commission~~ Director.

- ~~5.~~ 4. Once the need for which a temporary use permit has been granted no longer exists, ~~or after the termination date for the temporary use permit passes;~~ the permit is considered void and the temporary use granted must be discontinued. ~~In the case of a manufactured/mobile home, the residencee must be removed from the property, and in the case of an RV, the residencee must be disconnected from all utilities.~~

~~J. Penalty for delinquent payment.~~ I. Reinstatement of Expired Permit: In all cases where a temporary use permit has terminated, an applicant may the required renewal fee has not been paid submit an application for reinstatement within thirty (30) days of the termination. An application for reinstatement must include all documentation for a standard renewal request in addition to a reinstatement fee set by resolution of the Board of County Commissioners. when due and payable as provided in this title; a penalty of 50 percent of the amount of the fee due and payable shall be required. The Director shall not permit a renewal request more than 30 days after expiration of the temporary use permit.

(Bill No. 2019-A, 2019; Bill No. 2020-A, 7-2-2020)

PASSED AND ADOPTED BY THE CHURCHILL COUNTY BOARD OF COUNTY COMMISSIONERS SEPTEMBER 18, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Justin Heath	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Myles Getto	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Harry Scharmann	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest

Myles Getto, Chairman, Churchill
County

Pamela D. Moore, Deputy Clerk of the
Board, Churchill County