
STAFF REPORT CUP26-004 A CONDITIONAL USE PERMIT

PLANNING COMMISSION MEETING DATE: March 19th, 2026

A. APPLICATION: An application submitted by Modern Land & Development, LLC requesting a Conditional Use Permit for a private home / Recreational Lodge with up to 5 chair lifts in an Open Space (OS) District. (ECC 4-2-1 (B) (1)). As defined by Elko County Code Title 4, Chapter 1, Section 9, (RECREATIONAL LODGE: A building with five (5) or less guest rooms where lodging with or without meals is provided in conjunction with any outdoor recreational pursuit. No guest may occupy the lodge for more than twenty-eight (28) consecutive days. (ECC 4-1-9)).

B. LOCATION: APN 006-510-019, a 2,296.22-acre (+/-) parcel, as shown as Parcel 11 on the Amended Record of Survey for Elizabeth S Rabe Trust, filed in the Office of the Elko County Recorder, Elko, Nevada, on May 24, 2012, as File No. 656272, being located in portions of Sections 10, 14, 15, 21, 22, & 23 T. 32 N., R. 57 E., M.D.B.& M., County of Elko, State of Nevada.

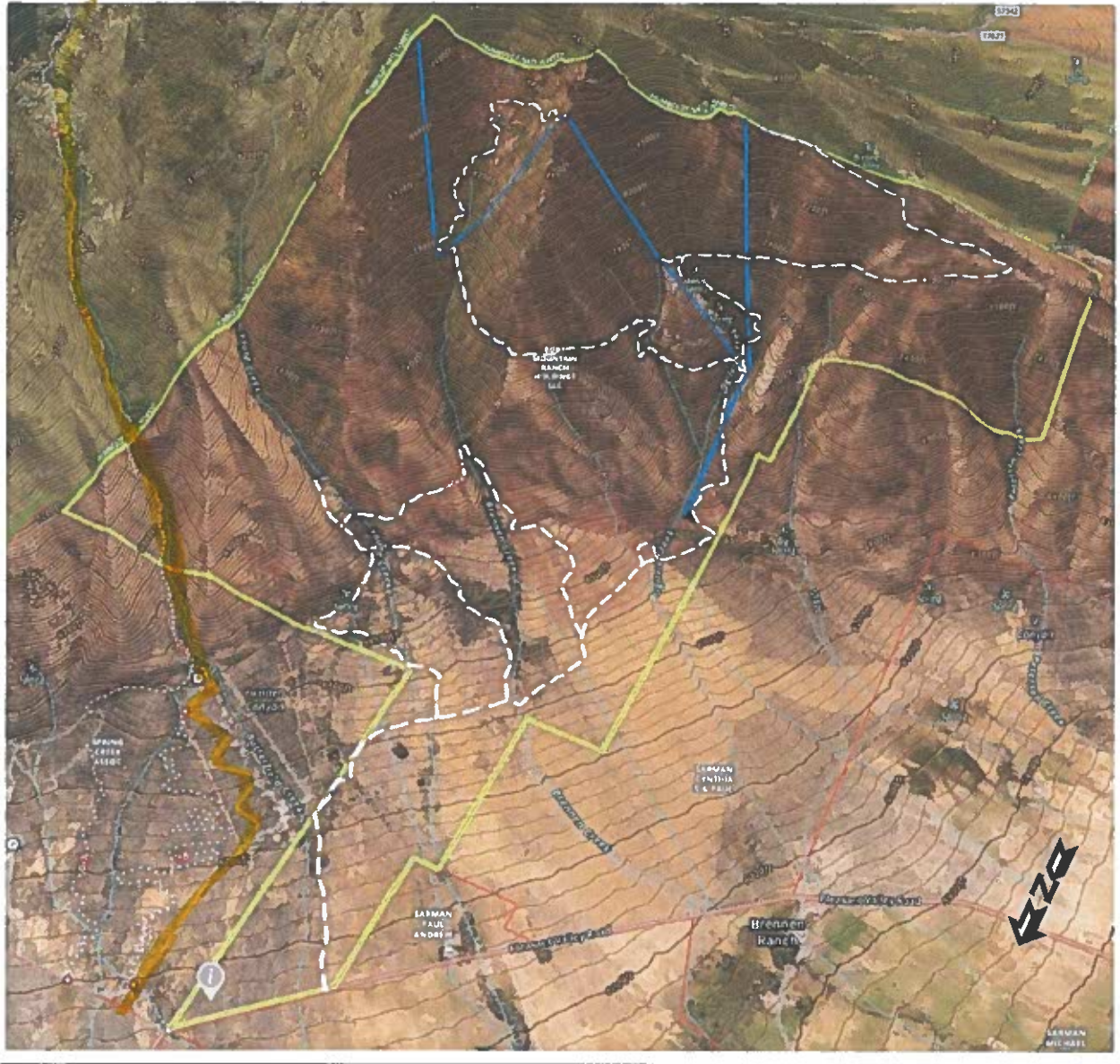
C. BACKGROUND INFORMATION:

- APN(s)_____006-510-019
- Owner(s) of Record:_____Ruby Mountain Ranch Holdings, LLC
- Current Zoning:_____Open Space (OS)
- Conditional Use Purpose:_____Recreational Lodge (20,000 sq. ft. or less) with private residence & including five (5) or less guest lodging rooms, with or without up to five (5) mechanical chair lifts for recreational uses (skiing, Mountain biking, mountain / National Forest access).
- Previous Applications on Property:___Previous request for Change of Zoning from Open Space (OS) to Agricultural / Recreational (A), Application No. 24-2000-0010, was denied by the Elko County Planning Commission November 21st, 2024
- Size of Property:_____2,296.22-acres (more or less)
- Access:_____Pleasant Valley Road
- Master Plan:_____None
- R3 Overlay District:_____No
- FEMA:_____Flood Zone "X" CPN 32007C 6125E
Dated: Not Printed



white = roads
yellow = outline property lines
blue = proposed chair lifts

Application No. CUP26-004, Modern Land & Development, LLC
APN 006-510-019
Public Hearing Date: March 19th, 2026
Conditional Use Permit for a Recreational Lodge



STAFF REVIEW AND COMMENTS:

D. PROJECT IMPACTS:

1. EFFECT UPON THE EXISTING LAND USE PATTERN IN THE AREA:

- a) The surrounding properties in the area are predominantly zoned Open Space (OS) Districts and National Forest lands. The existing useage of private lands surrounding this parcel is primarily agricultural (ranches dedicated to livestock raising and hay crop production). The Spring Creek Association Campground which borders the parcel to the northeast is zoned as an Open Space (OS) District and is used as a semi-private recreational property associated with the campgrounds and shooting range.
- b) Due to the private nature of the proposed recreational lodge, a minimal increase in traffic along Pleasant Valley Road would result from construction and use of the lodge that would be negligible compared to other potential uses of the property under the current Open Space (OS) zoning designation.

2. EFFECT UPON THE HEALTH, SAFETY AND GENERAL WELFARE OF THE AREA:

- a) Other than the minimal increase in traffic staff feels that the proposed Recreational Lodge would will have little negative impact or effect on the general health, safety, and welfare of the area.

E. CONSISTENCY WITH EXISTING ZONING AND MASTER PLAN:

1. COMPATIBILITY OF PROPOSED CONDITIONAL USE PERMIT APPLICATION WITH THE EXISTING ZONING AND DEVELOPED USAGE IN THE AREA:

- a) A Recreational Lodge is an allowable Conditional Use within an Open Space (OS) District. (ECC 4-2-1(B)(1)), which is defined by Elko County Code as (RECREATIONAL LODGE: A building with five (5) or less guest rooms where lodging with or without meals is provided in conjunction with any outdoor recreational pursuit. No guest may occupy the lodge for more than twenty eight (28) consecutive days. (ECC 4-1-9) per ECC).
- b) The applicant is proposing to develop a Recreational Lodge with a private residence and a maximum of five (5) rooms available for rent privately, to be made available to family members and friends by reservation for stays up to twenty-eight (28) consecutive days associated with offering access to winter and summer recreational pursuits, including skiing, mountain biking and hiking. **The proposed lodge would be less than 20,000 sq. ft. and would be located approximately within the SE ¼ of Section 15, T. 32 N., R. 57 E., M.D.B.& M., County of Elko, State of Nevada, between 6,500' and 6,600' elevation.**

- c) The application includes a proposal for the future development of up to five (5) mechanical chair lifts to support recreational activities and access on mountainous terrain within the upper elevations of the parcel. (See accompanying maps submitted with Application CUP26-004, attached hereto).

- d) The current Open Space (OS) Zoning of the parcel allows for the subdivision of this 2,296.22-acre parcel into 40-acre minimum lots for agricultural uses or private residences (approximately fifty (50) parcels). The majority of the acreage within this parcel is comprised of steep mountain slopes (average cross-slope 25% or greater) which are not suitable for hay production and poorly suited for livestock grazing. The size, shape and terrain of this parcel contribute to the parcel being well suited for recreational uses combined with National Forest access.

STEEP MOUNTAIN SLOPE: Any land having an average cross-slope of twenty five percent (25%) or more. (ECC 4-1-9).

2. CONFORMS TO THE EXISTING MASTER PLAN OF THE AREA:

- a) This parcel is not located within an Elko County Master Plan area.

F. STAFF COMMENTS:

- 1. Prior to the completion of this report comments have been solicited from and may or may not have been received from the following agencies listed below. Those received will be incorporated or attached to this report.
 - o Elko County Sheriff's Office
 - o Elko County Building & Safety
 - o Elko County Public Works
 - o Elko County Highway Department
 - o Elko County Manager Office
 - o Elko County Fire District
 - o Elko County Emergency Management
 - o US Forest Service – Ruby Mountains Ranger District Office
 - o Spring Creek Association
 - o Nevada Division of Water Resources
 - o Nevada State Health
 - o Nevada Division of Environmental Protection

- 2. In accordance with NRS Chapter 278, the 30 closest property owners were notified at least 10 days prior to this public hearing. The list is attached at the end of this report.

G. STAFF RECOMMENDATIONS, FINDINGS AND CONDITIONS: Based upon the above stated analysis and findings, Staff recommends approval with the following conditions and restrictions.

1. At the time of development, the developer shall comply with all applicable provisions of the Nevada Revised Statutes, Elko County Code development criteria and all local building and development requirements pertaining to Open Space (OS) District properties. (ECC 4-2-1).
2. If said property is sold in whole or otherwise conveyed to a new owner or owners, and the new owner(s) wish to continue operating a Recreational Lodge they must apply for a new Conditional Use Permit within six (6) months after the purchase of the property, and the deed of conveyance shall contain verbiage that identifies that this conditional use is **not** transferable.
3. The access road from Pleasant Valley Road to the proposed lodge shall be constructed to a minimum 24' wide travel surface with minimum 6" compacted aggregate base, to be regularly maintained by the operator.
4. Construction plans must be submitted and approved to both the Elko County Building and Safety Division and the Elko County Planning and Zoning Division.
5. Applicant shall comply with all requirements from Nevada Division of Environmental Protection (NDEP) regarding the septic system and drinking water quality.
6. Applicant shall comply with all requirements from the Nevada Division of Water Resources concerning the proposed development.
7. Applicant shall grant a 15' wide easement for public access along that portion of the existing Hennen Creek (Ruby Dome via Griswold Lake) Hiking Trail which crosses the applicants' property (APN 006-510-019), located in the NE ¼ of the NE ¼ of Section 14, T. 32 N., R. 57 E., M.D.B.& M., County of Elko, State of Nevada.

Note: The recommendations of Staff were derived from a lack of negative or adverse comments on the proposed. Should testimony from the public arise before or during the Public Hearing opposed to this Application, or Staff is provided with adverse or contradictory information, recommendations may be withdrawn.

Respectfully Submitted,
Corey L. Rice, PLS, WRS
County Surveyor / Senior Planner
Elko County Planning and Zoning Division

Application No. CUP26-004, Modern Land & Development, LLC

APN 006-510-019

Public Hearing Date: March 19th, 2026

Conditional Use Permit for a Recreational Lodge

APPLICATION No. CUP26-004
30 CLOSEST OWNERS

APN	OWNER	Mailing Address	City, State	Zip Code
049015015	GRALIAN, DANIEL L & LYNN R	911 HARDROCK PL	SPRING CREEK, NV	89815-7411
006510005	USA (FOREST SERVICE)	660 S 12TH ST STE 108	ELKO, NV	89801-4006
049015010	HARMENING, JOHN D	928 HARDROCK PL	SPRING CREEK, NV	89815-7411
049026021	SPRING CREEK ASSOC	401 FAIRWAY BLVD	SPRING CREEK, NV	89815-6005
049020026	HARMENING, JOHN ARTHUR TR ET AL	908 PARKRIDGE PKWY	SPRING CREEK, NV	89815-7413
006510018	SARMAN, PAUL ANDREW	HC 36 BOX 59	SPRING CREEK, NV	89815-9702
006510020	SARMAN, CYNTHIA S & PAUL	HC 36 BOX 59	SPRING CREEK, NV	89815-9702
006510021	RUBY HERITAGE LLC	HC 36 BOX 58	SPRING CREEK, NV	89815-9702
049015009	BLANC, DANA G & KELCEY	920 HARDROCK PL	SPRING CREEK, NV	89815-7411
049015007	FISH, MARCUS DAVID ET AL	988 PEMBERTON DR	SPRING CREEK, NV	89815-7457
049015006	KRAINTZ, JOHN E & PRISCILLA R T	PO BOX 1326	ELKO, NV	89803-1326
049015005	HULET, STEVEN E & VICKI L	976 PEMBERTON DR	SPRING CREEK, NV	89815-7405
049015012	WETMORE, MARK L & KIMBERLY M TR	935 HARDROCK PL	SPRING CREEK, NV	89815-7411
049015011	936 HARDROCK SERIES LLC	935 HARDROCK PL	SPRING CREEK, NV	89815-7411
049015008	SCOTT, DERRICK SEAN II	915 PARKRIDGE PKWY	SPRING CREEK, NV	89815-7414
006510003	MADAN, S K & SHOBHANA ET AL	PO BOX 24066	LOS ANGELES, CA	90024-0066
006510006	SPRING CREEK ASSOC	401 FAIRWAY BLVD	SPRING CREEK, NV	89815-6005
006510007	MERCHANT FUNDS LLC	2260 W CLEAR CREEK DR	EAGLE, ID	83616-7636
007070006	USA	3900 E IDAHO ST	ELKO, NV	89801-4692
049020027	WARREN, EMMETT W & PATRICIA J	914 PARKRIDGE PKWY	SPRING CREEK, NV	89815-7413
006510017	SARMAN, MICHAEL LEE	HC 36 BOX 61	SPRING CREEK, NV	89815-9702
049015004	HUSBANDS, PAUL W & MICHELLE L TR	970 PEMBERTON DR	SPRING CREEK, NV	89815-7405
049026016	SPRING CREEK ASSOC	401 FAIRWAY BLVD	SPRING CREEK, NV	89815-6005
049015014	GRALIAN, DANIEL L & LYNN R	911 HARDROCK PL	SPRING CREEK, NV	89815-7411
049015013	DERRICK, JOHN C & LINDA S KENNE	927 HARDROCK PL	SPRING CREEK, NV	89815-7411
007070902	US FOREST SERVICE	2035 LAST CHANCE RD	ELKO, NV	89801-4808
006520068	RUBY HERITAGE LLC	HC 36 BOX 58	SPRING CREEK, NV	89815-9702
006510014	SARMAN, PAUL ANDREW	HC 36 BOX 59	SPRING CREEK, NV	89815-9702
006510015	SARMAN, MICHAEL LEE	HC 36 BOX 61	SPRING CREEK, NV	89815-9702
006510022	SARMAN, EDWIN CARL III ET AL	HC 36 BOX 57	SPRING CREEK, NV	89815-9702
006510019	RUBY MOUNTAIN RANCH HOLDINGS LLC	3455 WASHINGTON ST	SAN FRANCISCO, CA	94118-2035