

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

November 13, 2024

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 6:00 p.m. on November 13, 2024 by Chair Blakey.

Present: Eric Blakey, Chair; Victor Ansotegui, Member; Tami Edgmon, Member (via Go To Meeting); Jeff Goings, Member; and Mark Hyde, Member.

Absent: Scott Nelson, Vice Chair, (arrived at the meeting at 6:52 p.m.) and Zack Bunyard, Member

Planning Staff Present:

Randy Hines, Public Works Director
Dean Patterson, Senior Planner
Loreli LeBaron, Code Compliance Official
Diane Moyle, Administrative Assistant

Civil D.A. Staff Present:

Joseph 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 November 6, 2024, 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:

There were no changes to the agenda.

Member Goings moved to approve the agenda as submitted. Member Hyde seconded the motion which carried by unanimous vote (5-0).

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. October 9, 2024 Public Hearing

Member Hyde moved to approve the October 9, 2024 minutes as written.

Member Goings seconded the motion and the decision carried by unanimous vote (5-0).

8. Old Business

- A. Consideration and possible action re: An annual review of the special use permit that was granted to Safety-Kleen Systems, Inc. on November 8, 2023 for an existing motor oil re-refinery facility to increase throughput and to install a new hydrogen generator. The property is located at 22211 Bango Road, Assessor's Parcel Numbers 007-071-80 & 007-071-81. The Planning Commission required an annual review of this permit to ensure that the conditions for approval have been met.

Chris Balhoff, 22211 Bango Road, was available to speak regarding this application.

Dean Patterson, Senior Planner, stated that this is a special use permit that was approved November 8, 2023. It was to install a new hydrogen generator and increase the volume throughput. There were ten conditions of approval imposed by the Planning Commission. The applicant provided some information regarding their progress, which has been provided to the commissioners. Most of the conditions of approval relate to more ongoing conditions from previous special use permits. Four are related to specific things. Number 8 related to obtaining building permits, which was done. Number 3 related to the hydrogen generator that it may not be operated until they get water rights, and this has been done. That was a major delay in the project, and they completed the water right process about a month or two ago. Number 4 was updating operations manuals and the emergency response plan. They've indicated that they are still working on this. In addition, Condition 1 talked about requiring an annual review to review issues related to odors caused by the hydrogen generator and increased throughput. Since the machinery has not been completed yet, or will soon be, staff recommends to continue to review this application annually to see how things proceed once the hydrogen generator is up and running.

Chair Blakey inquired if the applicant had anything to add, and he did not.

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

Member Hyde questioned what has been done or is being done to control the odors from the facility. He mentioned a complaint that had been received. He further remarked that at the last meeting they talked about some practices that could be employed to better contain the odors, and asked the applicant to address those things. Chris Balhoff was not aware of any new complaints, and only knew of the one public comment that was made at the last meeting. Mr. Balhoff commented regarding the specific technology that was brought up at the last meeting, and he did some research on that. Right now, they are using caustic scrubbers on their stacks, which destroys 99% of the sulfur dioxide. Dean Patterson read the comment received from Sherry Wideman today prior to the meeting and a copy was provided to the applicant. Chris Balhoff explained that the hydrogen generation unit is not in operation yet. They have just done some basic testing of that unit. They are still waiting on their supplier to complete their mechanical compliance permits with the State of Nevada. They haven't used the additional throughput at the current moment, so that remains unchanged right now. The hydrogen generation unit is not expected to increase odors or have any odors that would be outside of the fence line for sure. As far as the increase throughput, they continue to use the current odor control devices that they have. He mentioned that in the past there was a bio-pond used, but that was removed years prior and is no longer in place. He thinks that was driving a lot of the odor complaints. He said that if they receive these complaints, they can set up a way for the public to directly submit these complaints, and then they can go and investigate. He will do that with these two dates that were mentioned in the comment received. Chair Blakey recommended the applicant work with the department to provide a contact for anyone that calls with complaints.

Member Goings said that Mr. Balhoff was confident at the last meeting that the scrubber that was currently installed would be able to handle the additional throughput. He wondered what the

maintenance is on the scrubber and if that could potentially have anything to do with the times that the person experienced the odors if the system was down for maintenance. Mr. Balhoff said that the normal maintenance procedure is performed every six months. They open up and replace the packing that is helping the interface between the liquids and the gasses. They have two caustic scrubbers. Ongoing, during operation, they monitor the PH, connectivity, and flows to ensure that it is operating as designed. There are alarms that go to the operator if there are any deviations. There are also lab results that they do on the scrubbers. They test the water to make sure that it meets specifications on a daily basis.

Member Edgmon asked in regards to Condition 4 related to the site's operation manuals and emergency response plans shall be updated to incorporate the additional items and the update provided October 18, 2024 where Safety-Kleen stated that they were in the process of doing this. Was this completed by the deadline indicated in the letter that was received? Chris Balhoff replied that it was not due to the delays in starting up the hydrogen generator. He just signed the final version of that emergency response plan this week, and that would probably go out next week.

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

Member Goings moved to require another review in one year to ensure that all of the items have been completed. Member Ansotegui seconded the motion and the decision carried by unanimous vote (5-0).

B. Consideration and possible action re: An annual review of the special use permit that was granted to Cheek Construction on November 8, 2023 for off- premises, outside storage. The property is located at 9895 Carson Highway, Assessor's Parcel Number 007-171-76. The Planning Commission required an annual review of this permit to ensure that the conditions for approval have been met.

No one from the company was available to speak regarding this application.

Dean Patterson, Senior Planner, said that someone from the company contacted the office to say that they were not able to attend the meeting. Chair Blakey inquired whether the department wanted to discuss this item or postpone it to another meeting, and Mr. Patterson thought that there was sufficient information to continue with the discussion at this meeting. He said that the special use permit was approved a year ago with eight conditions of approval. While reviewing those, it appears that most of them have been met. There are a couple of unsure items related to their nighttime lighting and dark skies standard. He mentioned that the Code Compliance Official drives by that location at night regularly and may be able to comment regarding this. Another one is a Fire Marshal requirement to have fire extinguishers. The Fire Marshal provided comments that were given to the commissioners indicating that the requirement has been met for the existing outside operations and that additional extinguishers shall need to be installed in the building prior to occupancy. Dean Patterson noted that the Fire Marshal regularly checks commercial properties. Chair Blakey inquired if Mr. Patterson had confirmed that all of the conditions have been met. Dean Patterson agreed that other than the two that he mentioned had been met.

Chair Blakey questioned if the Code Compliance Official had any comments. Loreli LeBaron, Code Compliance Official, said that she does drive by this location quite often and sometimes at dark, and she hasn't seen any real issues with the lighting, but they are so far back that the light is not really projecting onto the highway. She did notice that there is a portion of the fence that is still not properly screened with opaque screening. Chair Blakey inquired if that was where the property is shared with

Walker Lake Disposal because he thought they were supposed to work together to screen that area, and it was stated that it is. He recommended that the department check with them on that item.

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

Chair Blakey called for a motion.

Member Hyde moved to require another review of this permit in one year to give Cheek Construction time to complete the remaining conditions that have not yet been met. Member Goings seconded the motion and the decision carried by unanimous vote (5-0).

C. Consideration and possible action re: An annual review of the special use permit that was granted to Omaha Track, Inc. on July 13, 2022 for a rail based services facility. The property is located at 1006 Nevada Street, Assessor's Parcel Numbers 009-251-74, 009-251-86 & 009-351-88. The Planning Commission required an annual review of this permit to ensure that the conditions for approval have been met.

Meg Ridge, representing Omaha Track, 1006 Nevada Street, was available to speak regarding this application.

Dean Patterson, Senior Planner, stated that this was a special use permit that was approved about two years ago. Shortly after it was approved, there was a fire and other proceedings since that time. Omaha Track had a permit review last year, and they've had a lot of difficulties in getting things progressing. He noted that Meg Ridge had provided a detailed review of the conditions of approval and their compliance, which had been provided to the commissioners. A lot of progress has been made, including landscaping along the highway, plans for signage, the sound berm along the side facing Hazen, metal materials storage areas along the canal using the canal berm as the screening, and progress on the building which was seen in photographs displayed on the overhead screen. There was a major delay starting some months ago when neighbors on the west side of the property with Omaha Track went through the process of abandoning some old right of way streets that were established with Hazen Township. The result of that was that each party on either side of the street or alley got half of the property; this expanded everyone's property by the area of the abandoned streets. There was a problem with the berm actually being built within the street, so this was corrected with the abandonment. It also resulted in problems that delayed the building, so that was also corrected with the abandonment. The photographs displayed were taken that day. Dean Patterson noted that it appears they are ready to go vertical from the foundation. He further noted that there have been a few occasions where the company has requested to exceed their number of ties limit that was established with the Fire Marshal. Those were temporary instances. The last instance was approved by the Director and Fire Marshal since the building was under construction. Hopefully, this will be completed rapidly. This building will house the fire trucks in a temperature controlled environment, so the water doesn't freeze, and then the Fire Marshal will allow them to go over their current railroad tie limit, which will solve a lot of their problems.

Chair Blakey inquired if the applicant had anything to add. Meg Ridge stated that she didn't have anything to add other than the comments she already provided.

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

Member Ansotegui questioned what the projected timeline on completion of the building. Meg Ridge said that she asked the contractor that day, and he indicated that as far as the outer shell it should be about a week to a week and a half. The insulation will take about a week, and then finalizing

the heating will be after that. The contractor estimated about five to six weeks for it to be completed.

Member Hyde commented that this is a breath of fresh air. He was happy to see progress being made. He congratulated them on getting things moving forward.

Chair Blakey verified that the foundation was for the storage building, and Meg Ridge confirmed that it was for the building to house the water trucks.

Member Edgmon asked for an update on the compliance related to the comments provided under Item D where it said that it was partially in compliance, Item F was not in compliance, and Item H was not in compliance. She also asked if there have been any complaints or concerns reported. Meg Ridge responded that the landscaping along the highway has been completed, the landscaping along the sound berm closest to the neighborhood is complete now, and the only landscaping that hasn't been completed is what is required after the building and the parking lot go in. That will happen once those have been constructed. Item F is part of the permitting process that will be submitted soon for the parking lot. They are concerned about this because the weather could pose an issue with getting this completed before winter. Regarding Item H, Ms. Ridge said that she was told by the Building Official, Jera Reidenbach, that since they didn't have a permanent building it didn't become applicable until they had one. They plan to be compliant once they construct the building.

Member Hyde inquired about the timeline on the outstanding items. Meg Ridge would like to say it could be completed in six months; however, due to weather concerns, she respectfully requested the review to be in one year.

Chair Blakey called for a motion.

Member Hyde moved to request another review this permit in one year to ensure the remaining items are completed by Omaha Track. Member Goings seconded the motion and the decision carried by unanimous vote (5-0).

D. Consideration and possible action re: A temporary use permit renewal application for temporary quarters during home construction filed by Keary Basford. The Planning Commission had granted a three (3) month renewal at the August 14, 2024 meeting and requested the applicant show significant progress. The applicant requests a renewal to give him time to complete the construction of the residence.

Keary Basford, 895 Howard Place, was available to speak regarding this application.

Director Hines stated that over the last three months Mr. Basford has paid the impact fees, received his building permit (issued on November 7, 2024), and so he has met the requirements that the Planning Commission set at their last hearing of this renewal. He believes that this temporary use permit for home construction should be ready to approve for one year to give Mr. Basford time to build the home. He noted that the temporary use permits are now administrative through the department, and there is a three year timeframe for completing the construction of the residence related to these types of permits. There will be a yearly renewal that requires substantial completion each year until that house is built. Director Hines questioned if since this permit started under the Planning Commission for approval, the commissioners wanted to continue with this approval or if they would want the future renewals to be approved administratively by him. Joseph Sanford, Deputy District Attorney-Civil, recommended that it be administratively through the department in order to be in compliance with all other temporary use permits. He pointed out that there is an appeal process that could be made to the Planning Commission in the event that is necessary. Director Hines reiterated to ensure that Mr. Basford understands that every year there will be a renewal process for

this temporary use permit, and there has to be substantial completion on the house that he is building. Now that he has the building permit, there needs to be substantial completion toward constructing the house. The office can work with Mr. Basford to determine what that needs to be, and this temporary use permit process moving forward cannot exceed three years. Mr. Basford needs to complete the house within three years. There was other discussion regarding deadlines (temporary use permit versus building permit) and trying to get Mr. Basford to understand what he needed to do. Keary Basford asked what would happen if the home was not completed in three years, and he was told that he wouldn't be allowed to live in the RV on the property after that three year period. He asked if he could live in the house, and he was told that he could live in the house if he had a certificate of occupancy. If he has that, he will no longer need the temporary use permit. It was pointed out that since he has already had four years, the additional three years would give him a total of seven years to have been working on this project. It was recommended that Mr. Basford meet with Director Hines to go over what he needs to do.

Chair Blakey noted that Mr. Basford has met the conditions that they made 90 days ago, now, as Mr. Basford stated, he planned to move forward with the foundation within 180 days, and he is also actively pursuing a contract for a carpenter to build the home. He asked if the applicant had anything else that he wanted to provide to the commission. Keary Basford said that he wanted to get the foundation started within 180 days, but he may need an extension if the weather would prevent him doing that. There was some confusion from Mr. Basford with the building permit timelines and the temporary use permit timelines and what he would need to accomplish and when. Joseph Sanford, DDA-Civil, wanted to clarify that renewal of the permit would only be for one year, and Mr. Basford would need to show significant progress at that renewal, and then he would continue with the yearly renewals for a maximum of three years. Chair Blakey asked Mr. Basford to schedule a meeting with Director Hines to go over the timelines and what needs to be done, so that they could take the time to help him to understand.

Chair Blakey verified with legal counsel that the Planning Commission would only renew the permit for one year and future renewals would be completed through the department. Joseph Sanford, DDA-Civil, clarified that the commission would need to either approve or deny the renewal for one year, and then further renewals would be done administratively through the department. Chair Blakey then called for a motion.

Member Goings moved to approve the renewal of the temporary use permit for Keary Basford for a period of one year and future renewals will be handled through the department. Member Hyde seconded the motion and the decision carried by unanimous vote (5-0).

9. New Business:

- A. Consideration and possible action re: An application for a variance from the paving requirement for a parcel map in Churchill County Code 16.12.040.2.A.4 filed by Cindy Troxel & Bernard Ponte for Ponte Family Trust. The property is located at 1250 Rice Road, Assessor's Parcel Number 008-272-03, consisting of 66.29 acres in the E-1 zoning district. The applicant proposes to divide a 3.6 acre lot from the parcel and requests a variance from the paving requirement.

Bernard Ponte, Jr., representing the Bernard & Joyce Ponte Family Trust that co-owns the property, 3995 Westwood Drive, Carson City, NV, and Cynthia Troxel, 1641 Tamara Lane, were available to speak regarding this application.

Dean Patterson, Senior Planner, stated that the applicants are proposing a variance from the parcel map road paving requirement. The parcel map will be heard at a later date. The creation of new lots requires frontage on a publicly maintained road or the construction or upgrading of a road reaching the new lot(s). When the new lots are twenty acres or less, the road must be paved, and this is what they are requesting a variance from. The future parcel map will create a smaller lot as displayed with the map shown on the overhead screen around the farmstead and home and a larger lot containing the farmed land. The applicant requests that their access road, which currently exists to the smaller lot not have to be paved. The application requests a variance from the paving road, but the road standard still has to be determined. This could be a county gravel road or a minimum access road. Dean Patterson pointed out that the staff report describes the differences between these two types of roads. He noted the current access for the proposed smaller lot is a road easement through the lot containing the water treatment facility (water company property) on the map displayed on the overhead screen. The easement is 60' wide and connects the property to Rice Road across the canal. The applicant's farmstead and home do not front on a public road, but rather takes access on the driveway that he pointed out within the 60' road easement across the water company property. Splitting the property requires the road serving this lot to meet county standards. The road easement is adequate to allow the lot split, but the road would have to be improved to the paved standard unless this variance is approved. The larger property containing the farmland will also front on Wade Lane. While it officially has access to this farmstead driveway that is being discussed, existing development in the farmstead area would prevent placing a road there to serve the future development of the large lot. An aerial photograph of the property was displayed on the overhead screen. He pointed out that the buildings are close to the bridge crossing and would get in the way of putting a road there for future development of the large farm lot should that happen in the future. The parcel map will explicitly cut off the larger parcel from the Rice Road driveway being discussed, but it has extensive frontage on Wade Lane and may also be able to use the Red Road connection across the canal, which lies further to the east. It will be minimally affected by losing the access through the farmstead area to Rice Road. If this variance is approved, the condition of the driveway and canal bridge will be assessed during the parcel map review. The road will still need to be improved to county road standards that are approved in the variance. There are four variance criteria reviewed in the staff report, and he summarized that if the intent was to create a new lot for development, it would be similar to all other land divisions, there would be no hardship or difficulty and staff would recommend denial; however, this road situation has existed for a long time and will not change as a result of the planned land division. The Road Supervisor has reviewed the proposal and agrees that it causes no problems to allow the road to be gravel, but recommends that whatever standard is used, the road should be privately maintained, which is a requirement of the minimum access road standard. If the variance is approved, the appropriate road standard needs to be required in the decision. This could be either a county gravel road standard or the minimum access road standard. The staff report recommends allowing the minimum access road and the county code has criteria for that. The staff report reviewed the criteria and the recommended motion includes an action on allowing a minimum access road standard. If the commission feels that a different standard is more appropriate, the motion should be changed. Staff recommends approval with the recommended conditions listed in the staff report.

Chair Blakey inquired if the applicant had anything to add, and the applicants did not.

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

Member Edgmon questioned, regarding the parcel map that would be coming forward where

they are stating there will be no additional homes using this existing driveway, how other people will not be able to use this access that is being granted as a shortcut to the new parcels once the parcel map is complete rather than them having to drive around to Wade Lane to access the other parcel. Dean Patterson, Senior Planner, said that he doesn't think that taking a shortcut to reach a future development on the large farmland lot would be very likely, although that would probably be up to the future property owner of the smaller lot to control the access, which is a glorified driveway. It is not too conducive for people using it illicitly. Joseph Sanford, Deputy District Attorney-Civil, believes that the question is related to a future parcel map that will only create the two lots discussed at this time. If there was ever any further development, another parcel map that is not being considered tonight would have to be filed. In the recommended conditions for approval of this action is one that says that any future development will have to have another discussion on what the road standard would be.

Member Goings verified that the existing driveway is what will serve the homestead parcel, and no future development of that smaller parcel will happen, so really all that this current driveway is affecting is what it is right now, which is basically the homestead. It was stated that is correct.

Chair Blakey called for public comment. There was none.

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

A. that the findings have been met for conformance with the criteria found in in CCC 16.08.090(F) and therefore approve the application for a Variance from the parcel map road paving requirement on APN 008-272-03, and

B. that the proposal meets the criteria for a Minimum Access Road.

This approval is subject to conditions, as listed in the Staff Report. Member Ansotegui seconded the motion and the decision carried by unanimous vote (5-0).

Recommended Conditions:

- 1. The approved road standard that is constructed with the future parcel map shall be the County **MINIMUM ACCESS ROAD** standard.*
- 2. This variance is only for the parcel map described with the application. Future development may require additional road improvements.*
- 3. The approval of this variance expires one year from the date of the final decision. The parcel map that implements this variance must be submitted before expiration.*

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 special use permit application for a home based horse boarding business filed by Shalena Hoisington for Benchmark Ranch. The property is located at 425 Bench Road, Assessor's Parcel Number 007-111-50, consisting of 21.04 acres in the A-10 zoning district.

Shalena Hoisington, 425 Bench Road, was available to speak regarding this application.

Dean Patterson, Senior Planner, explained that not all home businesses require a special use permit unless their operation exceeds the administrative conditions. The proposed business is

requesting to (a) have customers coming to the property, (b) have an outdoor business area for equestrian uses, and (c) have a business sign. The applicant is not proposing equestrian training classes or events, and those activities are not allowed. The site plan shows the layout of the existing facilities that will be used. The application proposes horse board, but does not specify the number of horses. Communications with the applicant indicate that there would be up to 15 horses boarded and they may share the large pens. Hours of operation are not stated, nor are the limits of customer visits. The Planning Commission may wish to question the applicant and set limits. The application proposes both long term and short term boarding. Note that in recent years short term boarding includes overnight boarding with nighttime arrivals. In addition, sometimes the clients ask to stay on the property overnight as well. This is essentially a lodging use, which is not allowed, and cannot be approved in a home business permit. An existing sign is located at the driveway entry that is too large for a home business, so the applicant will remove boards to reduce the size to be under the 10 square foot limit. The resulting sign will be about 9 square feet and a photo of the sign was included with the application and shown on the overhead screen.

Mr. Patterson stated that the staff report reviews the five criteria for a special use permit. A few issues were raised, including:

- ADA (Americans with Disabilities Act) Accessibility – Since all equestrian business access by clients are normally outside, ADA accessibility is not an issue; however, this only applies if all customers are excluded from the home business restroom. That is allowed and is proposed.
- Signage – The applicant proposes a sign as described in the application. It will be 9 square feet and meets the size limit.
- Potential environmental impact to the neighborhood – This relates to nighttime activities, and businesses with nighttime customer visits are not appropriate for a home business, nor are lodging activities. Overnight boarding customers will tend to cause nighttime customer visits. Recommended conditions will prohibit customer visits after 7:00 p.m. and prohibit customers staying overnight.

Staff recommends approval with recommended conditions to deal with issues raised in the staff report.

Chair Blakey inquired if the applicant had anything to add. Shalena Hoisington said that they took down the sign that was up until they do have it resized to meet the requirement. They don't plan to have any short-term, overnight stays. Her grandmother lives on the property. As far as the people traffic, it would be people visiting their horses. They wouldn't be in charge of feeding or anything like that. It would be on their own discretion when they wanted to visit. She doesn't imagine there will be a lot of foot traffic that would be abnormal for their neighbors.

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

Member Goings verified that the applicant was aware of the recommended conditions and was willing to abide by those conditions. Shalena Hoisington confirmed that she has received them. Chair Blakey pointed out that one of the recommended conditions is to limit customer visits to between 7:00 a.m. and 7:00 p.m. Ms. Hoisington said that she would let her customers know that.

Dean Patterson pointed out that the department did receive a comment letter from Roger Mooney in support of this application and stated that "our rural neighborhood needs more horses and fewer scrap metal yards."

Vice Chair Nelson questioned if the hours of operation during the summer were reasonable. He suggested that limiting visits to 7:00 p.m. during the summer wouldn't allow people to visit their horses when it was cooler after 7:00 p.m. and it was still daylight outside. Mrs. Hoisington agreed

that during the summer it would be better to allow later visits. There was a discussion regarding what would be best. Joseph Sanford, Deputy District Attorney-Civil, recommended changing condition 1.d. to daylight hours, no less than 7 a.m. to 7 p.m.

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

Chair Blakey then 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 in CCC 16.08.080(H) and therefore approve the application for a Home Business Special Use Permit for horse boarding at 425 Bench Road (APN 007-111-50) with a change to Condition 1.d. to limit visits to daylight hours no less than 7:00 a.m. to 7:00 p.m. This approval is subject to conditions, as listed in the Staff Report. Member Ansotegui seconded the motion and the decision carried by unanimous vote (6-0, Member Nelson arrived prior to the discussion of this agenda item).

Recommended Conditions:

1. *Approval of the Home-Based Business is limited to:*
 - a. *Operation only by Shalena Hoisington. Approval is not transferable to another location or operator.*
 - b. *This approval is for the proposed horse boarding business. Adding other activities, such as events, equestrian classes, allowing clients to stay overnight, etc. is prohibited.*
 - c. *Boarding is limited to 15 horses. Boarding more horses will need a new SUP.*
 - d. *Customer visits shall be limited to daylight hours, no less than 7:00 a.m. to 7:00 p.m. Customer visits outside this time is prohibited.*
 - e. *Proposed signage is approved and limited to the size proposed.*
 - f. *Manure shall be removed from pens weekly or more often, and stockpiles shall be spread on the property weekly.*
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. *Flood lighting of the business is prohibited. Dark Skies complaint lighting is allowed.*
3. *Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.*

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. 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 previously granted on August 14, 2024 for Fleet Vehicle Parking/Maintenance and Long Term Parking for Ivan Rudkevich, Mountain Rock, LLC. The property is located at 2528 Resource Drive, Assessor's Parcel Number 009-251-63. *The sale of the property fell through, and the applicant is seeking*

a different location. This permit is no longer needed for this location. A new permit application would be required for the new location.

- B. Consideration and possible action re: Clarification for special use permits issued to C.A. Simon and Associates, Inc, on behalf of Williams Communications, LLC. A special use permit for a fiberoptic regeneration station was previously granted for a location off the Lovelock Highway, Assessor's Parcel Number (APN) 004-091-07 on April 14, 1999. The company decided not to move forward with this location, and they subsequently applied for another special use permit off Interstate 80, Exit #65, Nightingale, Assessor's Parcel Number (APN) 004-031-28, which was granted on October 13, 1999. A Notice of Final Action (NOFA) was completed for the permit granted in April 1999; however, there was not one completed for the new permit granted in October 1999, and the permit for the Lovelock Highway location was never terminated. In order to clarify the records, the special use permit granted for the Lovelock Highway location, APN 004-091-07, needs to be terminated; and a NOFA for the special use permit granted for the Interstate 80 location, APN 004-031-28, needs to be recorded.

Member Ansotegui moved to approve the consent agenda as submitted. Member Hyde seconded the motion and the decision carried unanimously (6-0).

11. Public Comment:

There were none.

12. Adjournment:

There being no further business to come before the Planning Commission, Chair Blakey adjourned the meeting at 6:59 p.m.

13. Appendix:

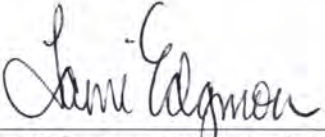
Supporting Documentation

Approved: Not Available
Eric Blakey, Chair

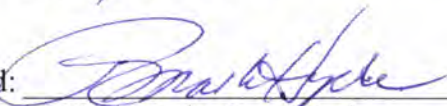
Approved: [Signature]
Scott Nelson, Vice Chair

Approved: [Signature]
Victor Ansotegui, Commissioner

Approved: [Signature]
Zack Bunyard, Commissioner

Approved: 
Tami Edgmon, Commissioner

Approved: 
Jeff Goings, Commissioner

Approved: 
R. Mark Hyde, Commissioner

ATTEST:


Diane Moyle, Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING & BUILDING

270 S Maine Street, Suite A, Fallon, Nevada 89406
Office (775) 423-7627 Fax (775) 428-0259

STAFF REPORTS FOR
PLANNING COMMISSION MEETING – November 13, 2024

LIST OF STAFF REPORTS

- | | | |
|--|--------|---------------|
| ● Ponte Variance from the road paving requirement for a parcel map | Page 2 | No Site visit |
| ● Hoisington/Benchmark Ranch SUP for Home Horse Boarding Business | Page 5 | No Site visit |
| ● Consent Agenda | Page 9 | |
-

OLD BUSINESS ITEM MOTIONS

Motion for Annual Review of SUP - should be modified by the Planning Commission as needed.

NOTE: Annual review is **NOT a new decision or renewal**. It is a review for compliance with the previously approved decision. Failure to comply with the permit can be grounds for a permit **REVOCATION** process.

- ☐ I move to review this application in one year. ***[[OR USE OTHER TIMEFRAME]]***
[[ADD OTHER REQUIREMENTS OR INSTRUCTIONS IF NEEDED]]
- ☐ I move no longer require annual review for this application.

Motion for Renewal of Temporary Use Permit - should be modified by the Planning Commission as needed.

NOTE: These permits expire in one year unless a renewal is approved, with the possibility of setting shorter renewal periods. Thus a renewal is **a new decision or approval**.

- ☐ I move to **APPROVE** the renewal of this Temporary Use Permit for ***[NAME OF APPLICANT]*** for one year. ***[[OR USE OTHER TIMEFRAME]]***
[[ADD OTHER REQUIREMENTS OR INSTRUCTIONS IF NEEDED]]
- ☐ I move to **DENY** the renewal of this Temporary Use Permit for ***[NAME OF APPLICANT]***.

Application:	Variance from the road paving requirement for parcel maps
Use Listing:	Residential
Applicant:	Cindy Troxel & Bernard Ponte Jr
Owner:	Cindy Troxel & Bernard & Joyce Ponte Family Trust
Representative:	Bell Land Surveying – Steve Bell
Site:	1250 Rice Road (APN: 008-272-03) – 66.29 acres
Designations:	Master Plan – Urbanizing // Zoning – E-1

Project Summary: The applicants are proposing a Variance from the parcel map road paving requirement. The parcel map will be heard at a later date. The creation of new lots requires frontage on a publicly maintained road, or the construction/upgrading of a road reaching to the new lots. When the new lots are 20 acres or less, the road must be paved. The future parcel map will create a **smaller lot** around the farmstead and home, and a **larger lot** containing the farmed land. The applicant requests that their access road (which exists) to the smaller lot not have to be paved. **Note** that the application requests a variance from the paving requirement, but the road standard still has to be determined. This could be a “County gravel road,” or a “minimum access road” which is a glorified driveway that has specific limitations on its use.

The applicant’s farmstead & home do not front on a public road, but rather take access from Rice Road using a short gravel/dirt driveway within a 60’ road easement across the property to the south (owned by Old River Water Company) and a bridge across the large canal. Splitting the property requires the road serving this lot to meet County standards. The road easement is adequate to allow the lot split, but the road would have to be improved to a paved standard unless this variance is approved.

The larger property will also fronts on Wade Lane. While it officially has access to the farmstead driveway, existing development in the farmstead area would prevent placing a road there to serve future development of the larger parcel. The parcel map will explicitly cut off the larger parcel from Rice Road, but it has extensive frontage on Wade Lane and may be able to use a canal crossing to access Red Road (southward). It will be minimally affected by losing the access through the farmstead area to Rice Road.

If this variance is approved, the condition of the driveway and canal bridge will be assessed during the parcel map review. The road will still need to be improved to meet the County road standards approved in the variance.

Variance Criteria Review:

CCC 16.08.090(F) Findings: In order to approve a variance, the commission shall make the following findings:

- 1. The property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness or shape, or it has exceptional topographic conditions at the time of enactment of the regulations.***

The application indicates that the road in question has existed to serve the existing home for decades. The larger lot has access to Wade Lane and no development is planned. Staff comment – While there is no physical characteristic of the property generating the need for a Variance, an exceptional situation exists by the fact that the road needed for the lot split only serves one lot, and is the same driveway used for decades. The variance would generally allow the existing driveway to remain, though it will be upgraded where it does not meet whatever County road standard is approved.

2. *The strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.*

The application indicates that the regulation would require the extensive cost of paving for one residence. Staff comments – If the intent was to create a new lot for development, it would be similar to all other land divisions. There would be no hardship or difficulty, and staff would recommend denial. However, this road situation has existed for a long time, and will not change after the land division.

3. *Granting of this variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity.*

The application indicates that the variance would have no impact. Staff comments – Staff agrees. This road situation has existed for a long time, and it will not change due to the land division.

4. *The proposed variance is consistent with the intent and purpose of this title.*

County standard roads are required to ensure they are of a condition and durability to serve the new lots. Paving reduces yearly maintenance costs and controls dust. Normally, approval of a variance to allow new lots to use a gravel road would increase maintenance costs and dust generation with additional use by new lots. Public health and neighbors might be detrimentally affected.

The application indicates there is no change to the existing situation, so there is no impact. Staff comment. Staff agrees. There will be no additional homes using the existing driveway road. The Road Supervisor has reviewed the proposal and agrees it causes no problems to allow the road to be gravel, but recommends that whatever standard is used, the road should remain privately maintained.

CCC 16.16.010.7.B.4 Minimum Access Roads

If the variance is approved, the appropriate road standard needs to be required in the decision. This could be a “County gravel road” standard or a “minimum access road” standard.” This section establishes criteria to qualify for a minimum access road.

To qualify for a minimum access road:

- The property must abut a publicly maintained road.
Review - The current property does abut Wade Lane, a publicly maintained road, but the home-site lot will not take access from it. Rather it takes access from Rice Road across an intervening property. The Planning Commission must determine if this requirement is met.
- The road must be less than 750 feet long.
Review – This criterion is met.
- The road must not be for a second and subsequent parcel map.
Review – Previous subdivisions were created from the property long ago. A previous parcel map was done on the property in the 1980s. These were over 40 years ago. The Planning Commission must determine if this requirement is met.
- The road must not be to serve commercial or industrial uses.
Review – This criterion is met.

Assuming that the criteria for a minimum access road are met, the Planning Commission must decide what road standard to apply. Below are differences between the two options to apply between Rice Road and the south property line of the property.

- Gravel road – 60’ easement width, 6-inches of gravel depth, 34’ road width (surface and shoulders), roadside ditches, turnaround on dead-end. In this case, the road would be privately maintained.
- Minimum access road – 30’ easement width, 20’ road width (surface), turnaround on dead-end. The depth of gravel must be adequate to support a 35-ton load and be an all-weather surface. Private maintenance is required. No road name is allowed, and addresses must be posted at the main road.

STAFF RECOMMENDATION: **APPROVAL**

MOTIONS FOR FINDINGS: The motion should be modified by the Planning Commission as needed.

- Based on the information provided in the application, in the staff report, and heard tonight, I move:
 - (A) that the findings **HAVE BEEN** met for conformance with the criteria found in in CCC 16.08.090(F) and therefore **APPROVE** the application for a Variance from the parcel map road paving requirement on APN 008-272-03, and
 - (B) that the proposal **MEETS** the criteria for a Minimum Access Road.This approval is subject to conditions, as listed in the Staff Report.

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions of approval are recommended to be included with any approval:

1. The approved road standard that is constructed with the future parcel map shall be the County **MINIMUM ACCESS ROAD** standard.
2. This variance is only for the parcel map described with the application. Future development may require additional road improvements.
3. The approval of this variance expires one year from the date of the final decision. The parcel map that implements this variance must be submitted before expiration.

Application:	Special Use Permit	Use Listing:	Home Based Business for Horse Boarding
Applicant:	Shalena Hoisington/Benchmark Ranch		
Owner:	Connie Armstrong		
Site:	425 (and 431) Bench Road (APN 007-111-50) - 21.04 acres		
Designations:	Master Plan – Agriculture // Zoning – A-10		

Summary: The applicant is requesting a Special Use Permit (SUP) for a Home-Based Business at their home property. The definition for a Home-Based Business is:

Any business activity customarily not associated with a residential parcel conducted as an incidental and accessory use of the residential parcel.

Thus, a Home-Based Business is accessory to, and subordinate to the primary residential use. Normally a Home-Based Business is reviewed through an over-the-counter permit. They must meet EIGHT (8) criteria of CCC 16.16.020.8.1(a-h), which would help them to be nearly unnoticeable to neighbors. Those that cannot meet the criteria might have impacts on neighboring residences but might be approved through an SUP if they can meet the criteria of CCC 16.16.020.8.2(a-h). The proposed business is requesting the SUP due to (a) customers coming to the property, (b) an outdoor business area for equestrian uses, and (c) a business sign (the box for this item is not checked but the sign is described in the application).

NOTE that the applicants are NOT proposing equestrian training or events. Boarding does allow boarding customers to ride their horses in the corrals. A boarding business also allows boarders to have a trainer come to visit their horse to train them and/or their horse. **This use DOES NOT allow equestrian classes for groups, nor for people that do not board their horse at the site to come for equestrian classes.**

The site has been used in the past as a commercial horse boarding business with breeding and sales (as indicated on the remaining road sign), though no County business license records exist. There was also irrigated farming, but most of the water has been sold.

The site plan shows Bench Rd. along the west property line, with large pens and other facilities surrounding the 2 homes. There are approximately 5 horse pens of various size, with pasture area nearby. Some areas designated as pens are divided into smaller stall-like areas. Access from Bench Road is on a paved driveway, which then splits off to separate areas on dirt/sand pathways. Parking is provided in the midst of the facilities.

The application proposes horse boarding but does not specify the number of horses. Communications with the applicant indicate that there would be up to 15 horses boarded, and they may share the large pens. Hours of operation are not stated, nor are limits on customer visits. The Planning Commission may wish to question the applicant and set limits. But horse care is required all week and hours are presumably mostly daytime with nighttime horse care as needed. The facility will offer other care services to their clients. Visitors will include clients that drop off/pick up and visit their horses, farriers and veterinarians that care for horses, equestrian product deliveries. Expected customer visits might be a couple times a week for an hour or so. Other visits will be uncommon. The home restroom will not be available to visitors. Manure will be collected weekly and stored east of the home, away from the nearest neighbors, until it is spread on the pastures.

The application proposes both long-term and short-term boarding. **NOTE** that in recent years, short-term boarding includes **overnight** boarding, with night-time arrivals. In addition, sometimes the clients ask to stay on the property overnight as well. This is essentially a lodging use, which is not allowed **that CANNOT be approved in a home business permit.**

A sign is proposed at the driveway entry based on the existing sign used for the commercial boarding operation in the past. It is too large for a home business, so the applicant will remove boards to reduce the size to be under the 10 sq. ft size limit. This will also remove text on the boards that does not apply to this business. The resulting sign will be about 9 sq. ft. A picture with notations is included in the submittal that illustrates the change.

Irrigation and road easements run along the west property line or Bench Road, and drain easements run along the north and south property lines. Bench Road is a paved County-maintained road lying just off the west property line, and is located within a 55' road easement that has 30' extending onto the property.

Criteria Review: ***CCC 16.08.080(H): Findings from a preponderance of evidence must indicate that the proposed use:***

1. Is compatible with the existing surrounding land uses and development.

The area around the proposed home business is zoned A-10 Agriculture, with a Master Plan designation of Agriculture. The Bench Road area used to be heavily farmed, but Reno and Fernley have purchased most of the water rights. Little farming remains in the area, though some livestock uses remain. Most properties are residential uses on large lots ranging from 2-20 acres. Some of the smaller residential lots are directly across the street. While some businesses could raise concerns about compatibility with the neighborhood, the agricultural/livestock nature of the proposed home business and the area's large lot sizes that provide separation between uses reduces those concerns. Also see Criterion 5 regarding impacts. The proposed use is compatible with the neighborhood. Conditions of approval should be adequate to ensure compatibility.

2. Is in substantial conformance with the master plan and policies and will be constructed and operated in full compliance of this code.

The **Master Plan** establishes land use districts that are implemented by the zoning districts. The area around the proposed home business has a Master Plan designation of Agriculture. The property is zoned A-10 Agriculture. ***Home Based Businesses are a listed use*** in the use table for the A-10 zone, needing an SUP for those proposals that do not meet certain criteria. Most Master Plan policies are not applicable to the development of commercial uses or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

GOAL LU 2 All new development must be comprehensively designed to ensure a sustainable, safe, and healthy environment that integrates into the surrounding neighborhoods.

Policy LU 2.1 In reviewing any development proposal Churchill County shall consider issues of community character, balance, sustainability, environmental impact, safety, aesthetics and efficient service provision.

Compatibility issues are discussed under Criterion 1, above. Environmental Impacts are addressed in Criterion 5. Conditions of approval should allow the project to meet the above policies. The proposed development must conform to the County Development Code. Conditions of approval will address specific issues, including:

- **Sewer and Water:** Changes to the residential septic system and water well are not needed. The well can provide adequate water for the business.
- **Generally:** Legal and physical access requirements are met. Outdoor storage is not proposed, so screening is not needed. Lighting is not proposed, nor approved. No exterior changes are proposed, so the site appears to meet setbacks and easements. Similarly, the landscaping code does not apply to activities accessory to a single-family residence, like a Home-Based Business. Accessory home businesses

do not have to pay County impact fees.

- **Parking:** Any required parking for a Home-Based Business would be determined through the SUP. The proposed parking area appears adequate for passenger vehicles. Horse transportation requires trailers that must be parked. Moving horses will be infrequent, and there is adequate space on the site for truck and trailer parking.
- **ADA accessibility:** Businesses normally need to meet ADA accessibility requirements, especially when customers stay for an extended time. However, home businesses are a special situation, especially for equestrian businesses. Customer visits for horse boarding are infrequent, and customers normally visit areas that are not conducive to handicapped accessibility. There is no store or office for customers to go to, so ADA parking and path/ramp are not needed. Visitors making extended stays normally need an accessible restroom, but a business is allowed to refuse restroom access to customers. This must apply to both abled and disabled customers, otherwise ADA restrooms for customers will be required.
- **Signage:** The applicant proposes a sign at the road entrance, as described in the application. It will be approximately 9 sq. ft., which meets the sign limit for home businesses.

3. *The project will be constructed and operated in a manner that will not overburden public services and infrastructure.*

There are no public sewer and water services on or near the site. Private sewer and water service currently exist for the home and can be used for the accessory Home-Based Business. The Sheriff and Fire Marshal had no comments, and the increased demand on emergency services will be minor. Public road infrastructure is discussed below. Public services and infrastructure will not be overburdened.

4. *Adequately mitigates road and traffic impacts generated by the construction and build out of the project.*

Anticipated traffic on Bench Rd. should be small, being a couple trips per week, since customers don't come to ride often. Overnight boarding will create much more traffic, being 2 trips to drop off in the evening, and 2 trips to pick up in the morning. The highest point of traffic demand would probably be a weekend with a visit from each client to see their horse - probably not every weekend. There will also likely be weekly deliveries for supplies. Bench Road is a paved County-maintained road and can handle the minor increase in traffic from the business. No additional requirements are recommended.

5. *Does not create adverse environmental impacts, including, but not limited to, noise, glare, fumes, and odor that may be detrimental either to public health, public safety, or general welfare of the persons or property in the vicinity or the wildlife and/or natural resources.*

Businesses with customer traffic in a residential area could be incompatible, but a small-scale operation can be conditioned to be compatible. Potential environmental impact issues are:

- (a) Customer traffic, night visits, and related dust impacts. The paved driveway will mitigate most dust impacts. Overnight boarding customers will tend to cause nighttime customer visits. Nighttime customer visits are not appropriate for a home business. Recommended conditions will prohibit customer visits after 7pm. Otherwise, the infrequency of customer traffic will minimize traffic impacts.
- (b) Dust from horse and riding activity. These are likely impacts, though of minor scale – similar to rural horse ownership.
- (c) Manure handling. Manure handling could create problems for neighbors if not managed properly. But the small number of boarded horses minimizes this impact. Manure will be collected and stored east of the home, and away from the nearby neighbors on Bench Road. The application indicates it will be spread on the pasture. Staff recommends these actions as conditions of approval.

(d) Nighttime riding by customers causes evening business activity and normally requires outdoor lighting (such as flood lights). Both can cause impacts on neighbors. Staff recommends conditions to prohibit nighttime business activity, as well as flood lighting of business facilities.

STAFF RECOMMENDATION: **APPROVAL**

MOTION FOR DECISION: The motion should be modified by the Planning Commission as needed.

□ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings **HAVE BEEN** met for conformance with the criteria found in CCC 16.08.080(H) and therefore **APPROVE** the application for a Home Business Special Use Permit for horse boarding at 425 Bench Road (APN 007-111-50). This approval is subject to conditions, as listed in the Staff Report.

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions are recommended for any approval:

1. Approval of the Home-Based Business is limited to:
 - a. Operation only by Shalena Hoisington. Approval is not transferrable to another location or operator.
 - b. This approval is for the proposed horse boarding business. Adding other activities, such as events, equestrian classes, allowing clients to stay overnight, etc. is prohibited.
 - c. Boarding is limited to 15 horses. Boarding more horses will need a new SUP.
 - d. Customer visits shall be limited to the hours of 7am to 7pm. Customer visits outside this time is prohibited.
 - e. Proposed signage is approved, and limited to the size proposed.
 - f. Manure shall be removed from pens weekly or more often, and stockpiles shall be spread on the property weekly.
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. Flood lighting of the business is prohibited. Dark Skies complaint lighting is allowed.
3. Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.

Consent Agenda:

NOTE: 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 commission or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.

Please review the Consent Agenda to determine if you have any concerns.

RECOMMENDED MOTION

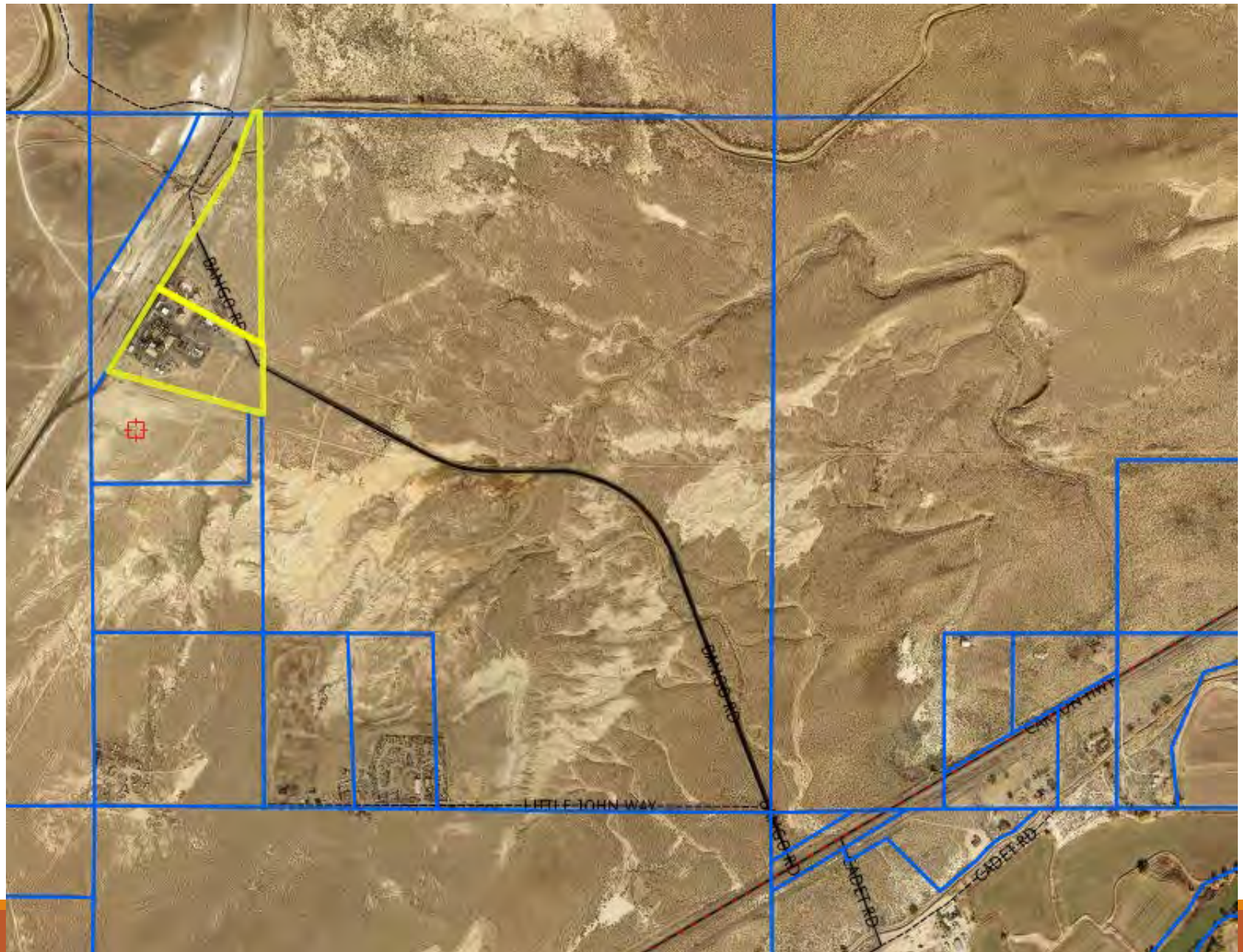
- I move to **Approve** the Consent Agenda as submitted.
- ***[IF YOU WISH TO REMOVE ANY ITEM FOR FURTHER DISCUSSION]***
I move to ***remove Item*** ____ for further discussion, and to approve the remainder of the Consent Agenda as submitted.



**CHURCHILL COUNTY
PLANNING
COMMISSION
HEARING**

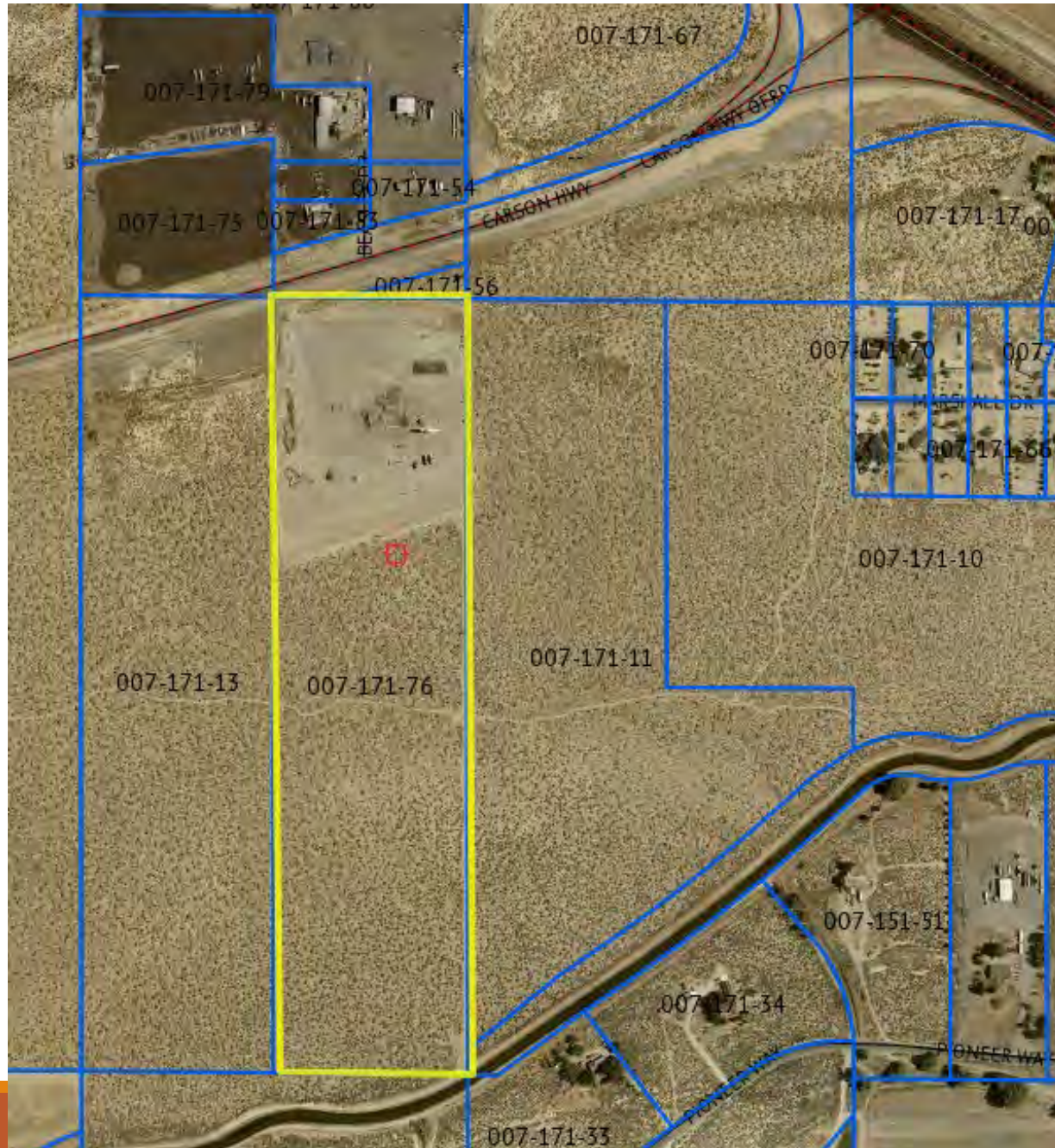
November 13, 2024

Safety-Kleen, SUP Review, 22211 Bango Rd, APN 007-071-80 & -81





Cheek Construction, SUP Review, 9895 Carson Hwy, APN 007-171-76



007-171-56



007-171-76











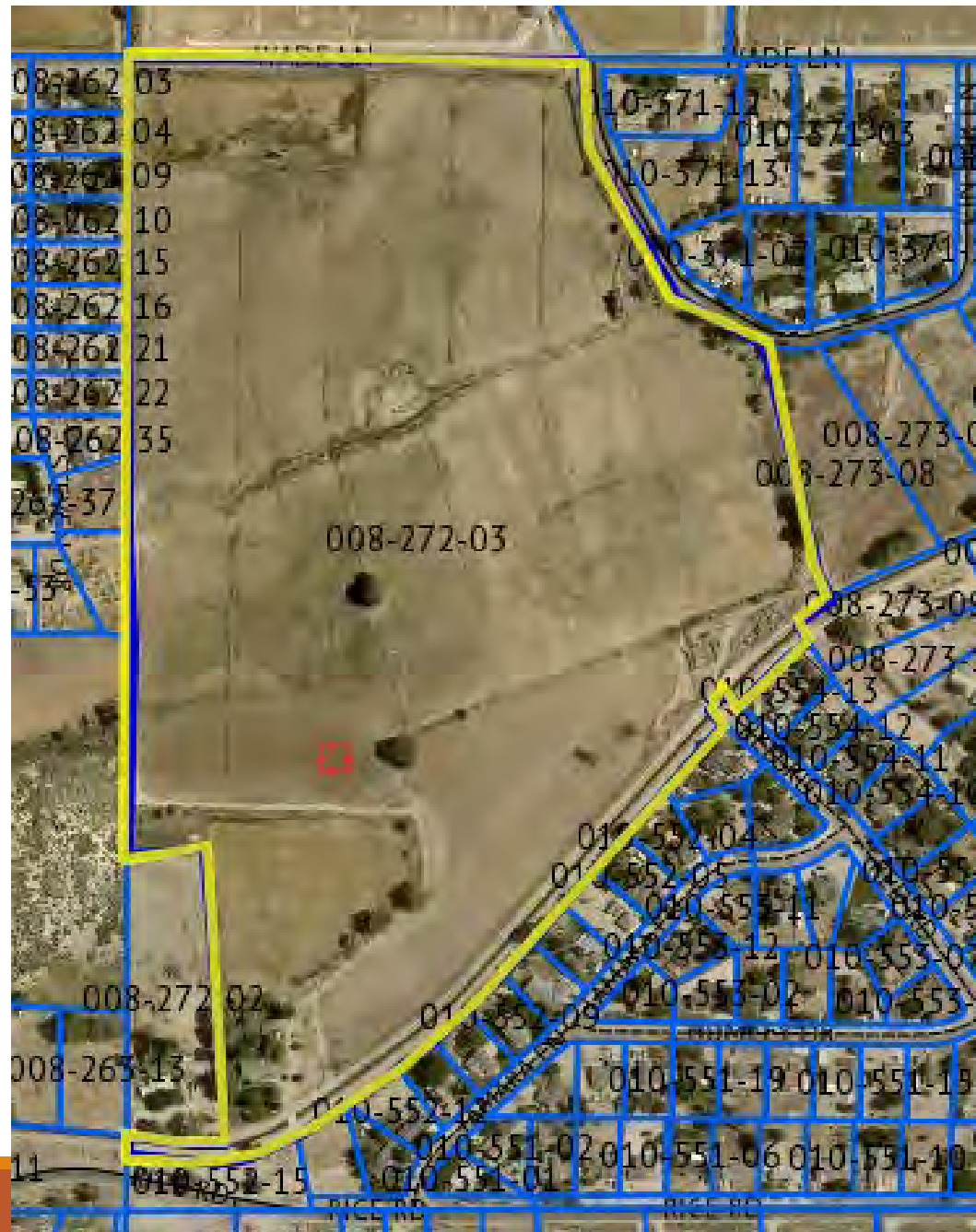
Basford, TUP Renewal, 895 Howard Pl, APN 007-851-19

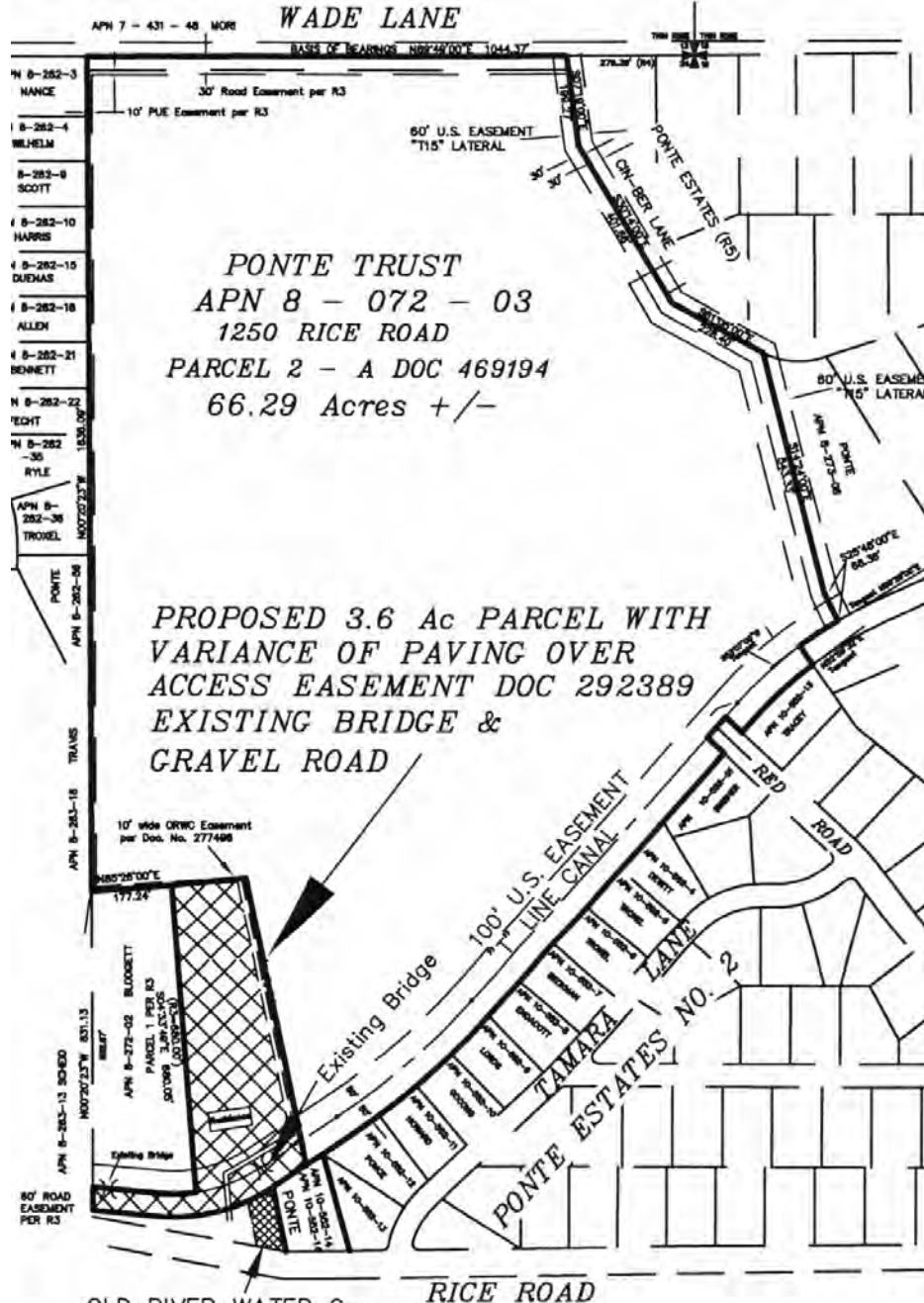




007-851-19

Ponte Family Trust, Variance application, 1250 Rice Rd, APN 008-272-03





25 APN 8-263-13 SCHED

APN 8

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APN 8-272-02 BLOOMETT

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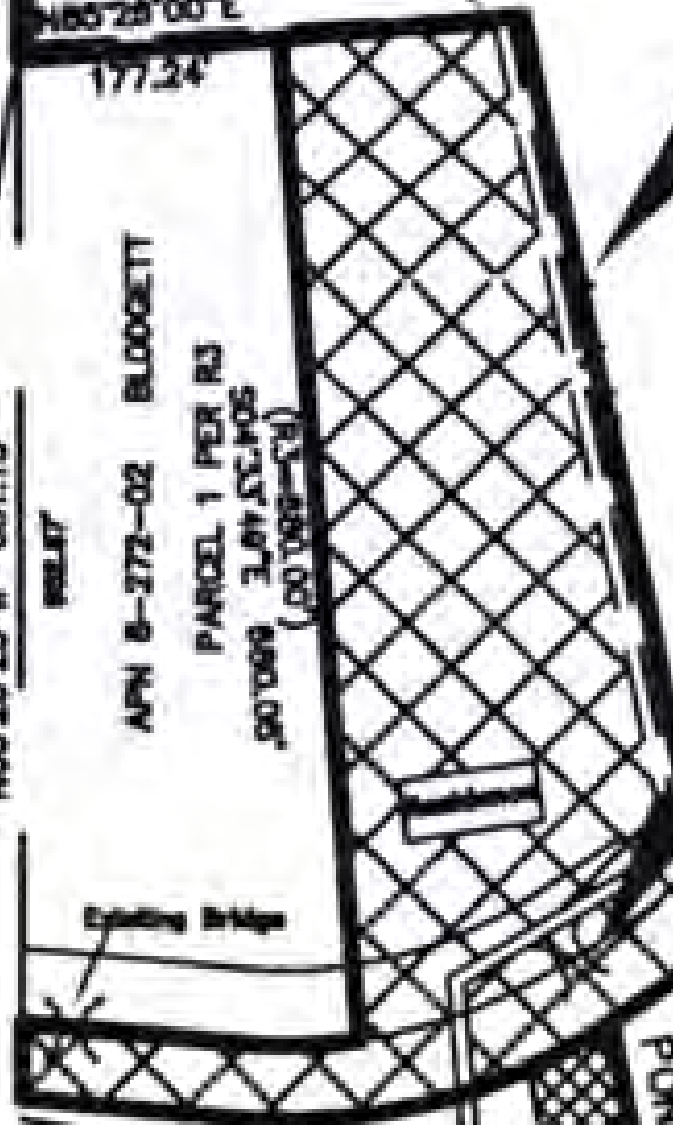
APN 10-002-14
APN 10-002-1

Existing Bridge

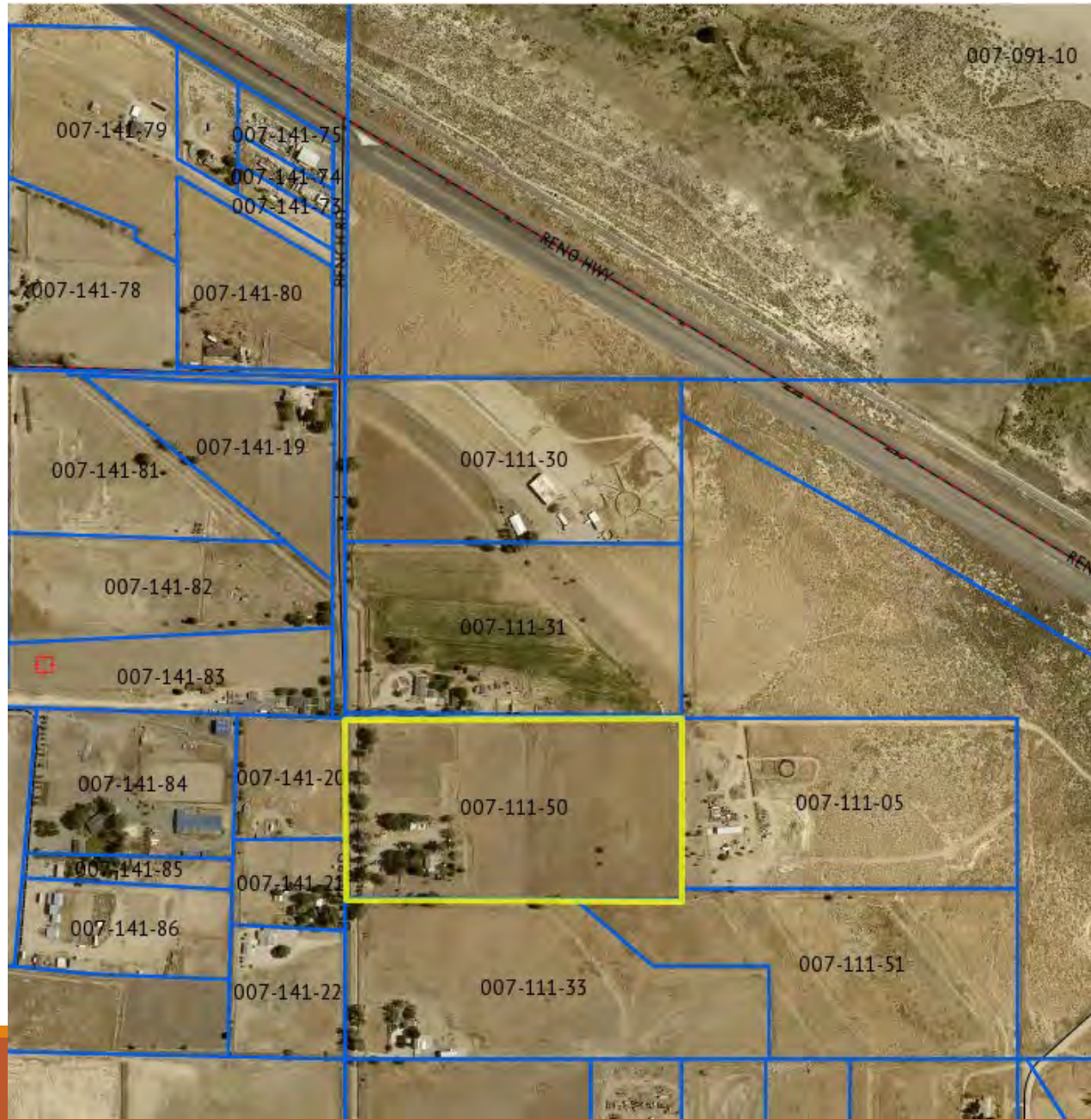
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Hoisington/Benchmark Ranch, Home Business SUP Application
425 Bench Rd, APN 007-111-50







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Septic

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Driveway

Pump house and well

Power Pole

Parking

sign

Tack Shed &
Wash Rack

Parking

Hay Stack

Pen

Pasture

N

Pasture



BENCH-MARK RANCH

X BREEDING, BOARDING, SALES

X RUSS AND CONNIE ARMSTRONG

425 BENCH ROAD

FALLON, NV • 89406

(725) 957-3746

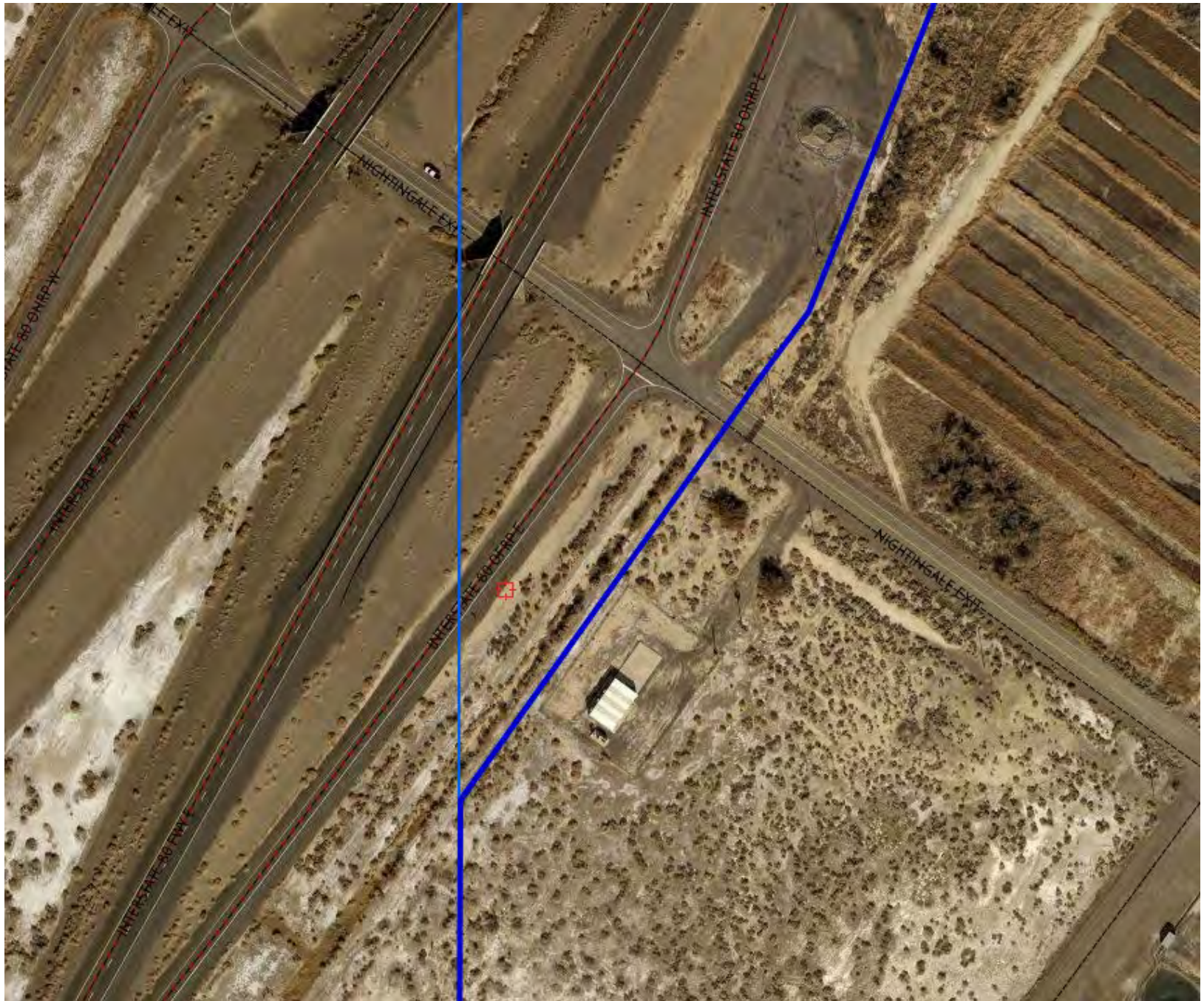


Consent Agenda

Mountain Rock LLC, Terminate SUP, 2528 Resource Dr, APN 009-251-63



Williams Communications LLC, Clarification on SUP, off I-80, APN 004-031-28





October 18, 2024

Churchill County Public Works, Planning & Zoning
155 No. Taylor, Suite 194
Fallon, Nevada 89406
Attn: Diane Moyle
planning-admin@churchillcounty.org

SENT VIA EMAIL

RE: Request for Update on Status of Special Use Permit Issued November 8, 2023
SMR Unit (Hydrogen Generator) and Throughput Increase

Dear Ms. Moyle;

The information below is being provided in response to your letter dated October 2, 2024 regarding the Special Use Permit (SUP) issued to Safety-Kleen for installation of an SMR Unit (hydrogen generator) and a throughput increase. The letter is requesting an update on the status of the project. Below are the various milestones and status of key conditions related to the SUP and the project.

- The facility has updated its corresponding permits and operations settings to allow/account for the throughput increase to 33,300,000 gallons per year.
- Documentation of water rights held that are sufficient to operate the facility, including the hydrogen generator, were provided to the Director on October 1, 2024.
- All required building permits were obtained as of May 7, 2024.
- Start-up of the hydrogen generator is pending approval of the associated pressure vessel operating permits, currently in review with the Nevada Mechanical Compliance Section.
- Safety-Kleen discussed operation of the unit, and any specific concerns, with Emergency Responders prior to submitting the initial application for the SMR Unit. Updates to the operations manuals and Contingency Plan are in progress. Safety-Kleen expects the process of updating these documents to be complete no later than October 31, 2024.
- Safety-Kleen has maintained compliance with the truck traffic limit of 180 oil-related truckloads per month (averaging 6 per day), and 10 wastewater-related truckloads per month.
- No nuisances related to odor or noise have been reported to Safety-Kleen regarding facility operations, either by public or private entities.
- There have otherwise been no changes that would impact Safety-Kleen's compliance with Nevada law or Churchill County Code.

Thank you for your inquiry regarding the status of this project. Please feel free to let us know if you have any questions or concerns regarding the information provided.

Sincerely,



Sheila Smith, Director, Environmental Compliance
Clean Harbors, Safety-Kleen, Emerald Services, and Thermo Fluids
Smith.Sheila@cleanharbors.com
253-370-7912 (c)

ecc: Dean Patterson, Churchill County Public Works, Planning, & Zoning
Randy Hines, Churchill County Public Works, Planning, & Zoning

October 11, 2023

8. Old Business

Consideration and possible action re: An annual review of the special use permit that was granted to Safety-Kleen Systems, Inc. on November 8, 2023, for an existing motor oil re-refinery facility to increase throughput and to install a new hydrogen generator. The property is located at 22211 Bango Road, Assessor's Parcel Numbers 007-071-80 & 007-071-81. The Planning Commission required an annual review of this permit to ensure that the conditions for approval have been met.

Public Comment read into the Record:

From: Sherry Wideman, 13991 & 13993 Cadet Rd, Fallon NV 89406

Planning Commissioners, Safety-Kleen Systems Inc., has not contained their odors. For example, their odors continuously hovered over the Carson River on October 31, 2024, from 6pm to 8pm the entire time I was tending my livestock. Their odors were also present again during the morning of November 2, 2024.

Their letter does not state anything about decreasing odors or reevaluating "Best Practices" or "perimeter monitoring" as discussed and requested in detail at the November 8, 2023, meeting. Just that they received no complaints. This facility has released odors over 18 years, yes, the odors are fewer, however they are still a nuisance.

The odors do go out of their facility boundary. Currently, only a slight breeze carries odors off their site.

Please hold Safety-Kleen accountable to capture their current odors prior to allowing them to increase their emissions.

From: [Dean Patterson](#)
To: [Diane Moyle](#)
Cc: [Randy Hines](#)
Subject: FW: Cheek construction review
Date: Tuesday, November 12, 2024 5:34:02 PM

FYI

Please note address and direct phone changes

Dean Patterson, Senior Planner

Churchill County Public Works, Planning, & Building

Off. 775-423-7627 || Dir. 775-710-3390 || dean.patterson@churchillcountynv.gov

270 S. Maine St., Suite A, Fallon NV 89406

From: myyoung fallonfire.org <myyoung@fallonfire.org>
Sent: Tuesday, November 12, 2024 3:43 PM
To: Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: RE: Cheek construction review

Caution: This email originated from outside of the Churchill County organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department.

Dean,

As the Cheek concrete truck site on Carson highway is up for annual review Weds night and to see if they have met conditions of approval for the fire department, I did a site visit and can verify the following:

The following requirements of the Fire Marshal must be met:

- a. -Any fuel storage shall meet secondary containment requirements set forth in the International Fire Code.
This requirement has been met.
- b. -Any fuel dispensing appliances shall meet the requirements of the International Fire Code.
This requirement has been met.
- c. -Fire extinguishers of an appropriate size and quantity shall be provided for compliance of the International Fire Code.
This requirement has been met for the existing outside operations.
Additional extinguishers shall need to be installed in the building prior to occupancy of building.
- d. -Any inhabitable structures shall be approved by the County.
This would be a Jera question.

Regards,

Mitch Young
Fire Marshal, FCFD
Office 775 423-6521 ext. 2
Cell 775 427-7911

From: Dean Patterson <dean.patterson@churchillcountynv.gov>

Sent: Tuesday, November 5, 2024 8:41 AM

To: myoung [fallonfire.org](mailto:myoung@fallonfire.org) <myoung@fallonfire.org>

Subject: Cheek construction review

Hi Mitch – The Cheek concrete truck site on carson highway is up for annual review next Weds night to see if they have met conditions of approval. One was:

The following requirements of the Fire Marshall must be met:

- a. -Any fuel storage shall meet secondary containment requirements set forth in the International Fire Code.
- b. -Any fuel dispensing appliances shall meet the requirements of the International Fire Code.
- c. -Fire extinguishers of an appropriate size and quantity shall be provided for compliance of the International Fire Code.
- d. -Any inhabitable structures shall be approved by the County.

Did these get coordinated with you?

Please note address and direct phone changes

Dean Patterson, Senior Planner

Churchill County Public Works, Planning, & Building

Off. 775-423-7627 || Dir. 775-710-3390 || dean.patterson@churchillcountynv.gov

270 S. Maine St., Suite A, Fallon NV 89406

From: [Meg Ridge](#)
To: [Planning Admin](#)
Subject: Omaha Track SUP Annual Review
Date: Monday, October 21, 2024 3:36:17 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image002.png](#)
[image007.png](#)
[Special Use Permit reply for 11-13-24 meeting.docx](#)

Caution: This email originated from outside of the Churchill County organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department.

Good afternoon,

Attached is our update regarding the SUP renewal meeting coming up on November 13, 2024. If you need anything else, please do not hesitate to contact me.

Sincerely,



Meg Ridge
Manager

[Mobile: \(775\) 217-2124](tel:(775)217-2124)

[1006 Nevada Street](#)
[Hazen, NV 89408](#)

www.omahatrack.com



IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.



Special Use Permit reply

1. This permit is subject to review/renewal in 1-year, to confirm progress toward conformance with County Code and conditions of approval. **In progress – as of 10/18/2024 we are waiting for the easement abandonment with the neighbors to be recorded. We haven't been able to move forward with the water truck building because we can't get an inspection on the stem wall until the abandonment is recorded. Randy and Dean are working on this and hopefully we will be given the ok soon. 10/21/2024 - I spoke with Jera this afternoon and she will be out on Monday, October 28, 2024, to do the inspection.**
2. The facility shall operate within a limit of 150,000 railroad ties stored on-site at one time. Short term exceedance of this limit is allowed after consultation with the Planning Director, who may schedule a hearing with the Planning Commission if deemed necessary. **In compliance**
3. Due to the need for numerous changes to the site layout, a new site plan shall be provided for approval by the Director within 3 months. **In compliance, the new site plan was approved 7/19/2024**
4. Material storage north of the railroad mainline is NOT approved in this application. A new SUP will be required when development details are determined. **In compliance**
5. Rail spur expansion on Lot 3 is NOT approved in this application. A new SUP will be required when development details are determined. **In compliance**
6. Material handling and storage on the portion of Lot 1 west of the site road (adjacent to Hazen) is prohibited. **In compliance**
7. Ownership and parcel lines. This permit allows operation of the rail yard across parcel lines. Building construction is not allowed across property lines. If parcels are sold so they are under separate ownership, this permit will be void and a new permit must be established to address the new ownership and operation changes. **In compliance**
8. Dust and mud track out onto roads shall be controlled by providing an all-weather driving surface (gravel, paving, etc.) for all driving paths used in the operation, including roads, driveways, parking lots, and loading areas. General dust abatement on-site shall be provided by wood chips/shards, water and dust palliatives. **In compliance - dust and mud are being controlled with water, wood chips/shards, type 2 base and mag-chloride**
9. The applicant (a) shall abide by the road agreement with the County Road Department regarding the use and maintenance of Nevada Street, (b) shall enter into a new agreement for Hazen Ave. and (c) shall provide any additional direction signage as determined by the Road Supervisor. **In compliance**
10. The applicant shall provide all layout and improvement needs identified by the Fire Marshal, including but not limited to appropriate height limits for railroad tie stacking, appropriate spacing between stacking rows, configuration of the scrap piles, water facilities for fire suppression, and improvements to ensure all weather access within the site for emergency equipment. **In compliance**
11. The scrap piles shall not exceed 10 feet high. **In compliance**
12. The site must be constructed and operated in conformance with County Code and building permit requirements, and any state and federal permits and requirements, including but not limited to:

- a. The storage of railroad ties must meet Fire Marshal requirements setbacks, and other code limitations. **In compliance**
 - b. All “non-tie” outdoor storage must be screened. It is recommended that such storage be consolidated in a single area and provided with a screened fence. **In compliance – screening and fencing were completed 4/19/2024 and Dean has approved.**
 - c. Signage will conform to nine feet (9’) by thirty-seven (37”) by thirty-three inches (33”) and in the location as provided at the Planning Commission hearing. **The sign we were going to put up requires welding and welding requires it to be engineered and we are not going to get it engineered so we would like to remove the signage from the SUP.**
 - d. Landscaping: Two parking lot trees shall be provided near the office and irrigated. Street landscaping shall be provided (a) at the entrance, and (b) along the Reno Highway frontage. Friction Zone landscaping shall be provided for approval along the west property line within 3 months. Landscaping may include signage, plants with irrigation, decorative rocks, boulders, equipment of interest, etc. **Partially in compliance - Landscaping near the entrance will be completed after the parking lot is completed. Landscaping along the Reno Highway is complete. Landscaping along the west property line will be completed as soon as the easement abandonment is recorded. The landscaping plan has been approved by Dean.**
 - e. A 7-foot sound barrier berm or wall shall be provided along the west property line (Hazen frontage). It shall be incorporated into the landscaping requirements. A grading permit is required. **In compliance**
 - f. A parking area shall be provided for employees and visitors. There must provide 25 parking spaces, and one must be ADA accessible (Asphalt or Cement). If staffing increases in the future, parking shall be increased to provide one space per employee, and one of them must be an additional ADA space. **In progress - the parking area will be started soon. Bob is getting a permit for the ADA parking space and flat work.**
 - g. Lighting placed within the site shall meet the Churchill County Code dark skies standards to direct lighting down, and screen it from upward or horizontal projection. **In compliance**
 - h. Impact fees and water dedication requirements must be met. **This will be paid when due**
13. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code. **In compliance**

(no subject)

1 message

Keary Basford <mrkearybasford@outlook.com>

Tue, Oct 29, 2024 at 12:58 PM

To: Churchill County Library <churchillcountylibrary@gmail.com>

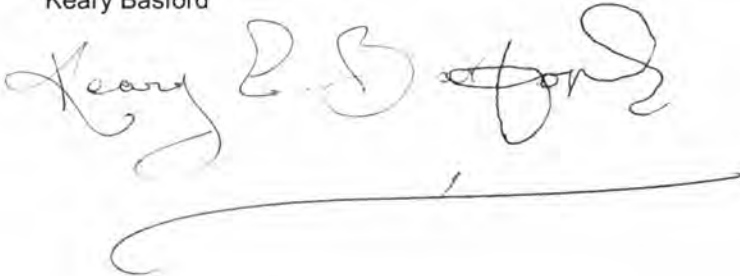
Dear Planning and Building,

Thank you for the opportunity to update you on my progress. I greatly appreciate your time. The improvements I have made to my property so far include having electricity established, a well and pump installed and enclosed in a pump house and a septic system completed.

I have located a concrete contractor that I will work with. I will be completing the foundation soon and I look forward to building as I have already submitted my floor plan and plot plan and I have dedicated a half acre of water rights to the county for the impact fees through T.C.I.D. , Receipt #491632.

On Wednesday October 23rd, I had a meeting with Lorali and Jera at her office where she went over the details of the impact fees and my building permit for which the application was approved on 10/9/2024. We agreed that I will come in on November 7th, 2024 at noon to pay for the building permit and the impact fees. I look forward to building soon as I am 76 years old and I intend to spend the rest of my retirement in the beautiful desert of Fallon, Nevada. Again, I thank you for your time and consideration.

Sincerely,
Keary Basford



From: [Buildings](#)
To: [Planning Admin](#); [Dean Patterson](#)
Cc: [Randy Hines](#); [Loreli LeBaron](#)
Subject: RE: Keary Basford, 895 Howard Place, TUP Renewal
Date: Tuesday, November 05, 2024 8:19:30 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Good morning,

Mr. Basford has not paid his impact fees and had a building permit issued. He had a meeting in the Building Department with me and the Code Compliance Official on October 23rd to discuss his application.

He has another meeting scheduled for November 7th at noon.

Jera Reidenbach

Jera.Reidenbach@ChurchillCountyNV.gov

Churchill County Building
270 S. Maine St
Suite A
Fallon, NV 89406-2754
O: (775) 428-0264
Fax: (775) 423-8185



From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Friday, November 01, 2024 2:48 PM
To: Buildings <buildings@churchillcountynv.gov>; Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Keary Basford, 895 Howard Place, TUP Renewal
Importance: High

Please provide an update for progress toward construction of the residence at 895 Howard Place. What permits have been completed, applied for, and approved? Have the impact fees been paid, water right dedication been completed, and so forth? We would like to provide information to the Planning Commission at their November 13, 2024 meeting regarding this application.

Diane Moyle

Administrative Assistant
planning-admin@churchillcountynv.gov
Public Works, Planning & Building Department
270 S Maine Street, Suite A
Fallon, NV 89406
775-423-7627 Main Phone

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From: [Dean Patterson](#)
To: [Planning Admin](#)
Subject: RE: Keary Basford, 895 Howard Place, TUP Renewal
Date: Monday, November 04, 2024 11:15:22 AM

The water deed is ready for signature and recording, but its waiting for the map from Mahannah, which should arrive any day.

Please note address and direct phone changes

Dean Patterson, Senior Planner
Churchill County Public Works, Planning, & Building
Off. 775-423-7627 || Dir. 775-710-3390 || dean.patterson@churchillcountynv.gov
270 S. Maine St., Suite A, Fallon NV 89406

From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Friday, November 1, 2024 2:48 PM
To: Buildings <buildings@churchillcountynv.gov>; Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Keary Basford, 895 Howard Place, TUP Renewal
Importance: High

Please provide an update for progress toward construction of the residence at 895 Howard Place. What permits have been completed, applied for, and approved? Have the impact fees been paid, water right dedication been completed, and so forth? We would like to provide information to the Planning Commission at their November 13, 2024 meeting regarding this application.

Diane Moyle
Administrative Assistant
planning-admin@churchillcountynv.gov
Public Works, Planning & Building Department
270 S Maine Street, Suite A
Fallon, NV 89406
775-423-7627 Main Phone

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From: [Jera Reidenbach](#)
To: [Diane Moyle](#)
Cc: [Randy Hines](#); [Dean Patterson](#)
Subject: 895 Howard Pl - Basford
Date: Thursday, November 07, 2024 1:18:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Mr. Basford paid his impact fees and his building permit was issued today 11/7/24.

Jera Reidenbach

Building Official
Jera.Reidenbach@ChurchillCountyNV.gov

Public Works, Planning, & Building
270 S. Maine St
Suite A
Fallon, NV 89406-2754
O: (775) 428-0264
Fax: (775) 423-8185



From: [Jera Reidenbach](#)
To: [Planning Admin](#); [Dean Patterson](#)
Subject: RE: Variance Application for Ponte Family Trust at 11/13/24 Planning Commission meeting
Date: Friday, November 01, 2024 3:14:32 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

The building department has no comments.

Jera Reidenbach

Jera.Reidenbach@ChurchillCountyNV.gov

Churchill County Building
270 S. Maine St
Suite A
Fallon, NV 89406-2754
O: (775) 428-0264
Fax: (775) 423-8185



From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Wednesday, October 30, 2024 12:01 PM
To: Buildings <buildings@churchillcountynv.gov>; Gary Fowkes <gary.fowkes@churchillcountynv.gov>; Mitch Young (myoung@fallonfire.org) <myoung@fallonfire.org>; Leslie Notestine <leslie.notestine@churchillcountynv.gov>
Cc: Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Variance Application for Ponte Family Trust at 11/13/24 Planning Commission meeting
Importance: High

Please review the attached application and submit any comments or questions to me and Dean Patterson prior to the meeting.

Diane Moyle

Administrative Assistant
planning-admin@churchillcountynv.gov
Public Works, Planning & Building Department
270 S Maine Street, Suite A
Fallon, NV 89406
775-423-7627 Main Phone

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From: myoung@fallonfire.org
To: [Planning Admin](#); [Buildings](#); [Gary Fowkes](#); [Leslie Notestine](#)
Cc: [Dean Patterson](#)
Subject: RE: Variance Application for Ponte Family Trust at 11/13/24 Planning Commission meeting
Date: Thursday, October 31, 2024 3:41:34 PM

Caution: This email originated from outside of the Churchill County organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department.

Diane,
Fire has no issues with this variance.
Regards,
Mitch Young
Fire Marshal, FCFD
Office 775 423-6521 ext. 2
Cell 775 427-7911

From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Wednesday, October 30, 2024 12:01 PM
To: Buildings <buildings@churchillcountynv.gov>; Gary Fowkes <gary.fowkes@churchillcountynv.gov>; myoung [fallonfire.org](mailto:myoung@fallonfire.org) <myoung@fallonfire.org>; Leslie Notestine <leslie.notestine@churchillcountynv.gov>
Cc: Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Variance Application for Ponte Family Trust at 11/13/24 Planning Commission meeting
Importance: High

Please review the attached application and submit any comments or questions to me and Dean Patterson prior to the meeting.

Diane Moyle

Administrative Assistant
planning-admin@churchillcountynv.gov
Public Works, Planning & Building Department
270 S Maine Street, Suite A
Fallon, NV 89406
775-423-7627 Main Phone
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CHURCHILL COUNTY PUBLIC WORKS, PLANNING & BUILDING

November 1, 2024

Churchill County Department of Public Works, Planning and Building
270 South Maine Street, Suite A
Fallon, Nevada 89406

RE: COMMENTS PERTAINING TO SPECIAL USE PERMIT APPLICATION BENCHMARK
RANCH, 007-111-50

Construction projects in which the owner does not physically reside are required to have an appropriately licensed contractor oversee all work performed pursuant to NRS 624.

All plans and construction must meet or exceed the currently adopted Building Codes per Churchill County Code. No work or construction may be carried out until the issuance of a building permit by the Churchill County Building Department.

All commercial businesses with employees and/or public access are required to have means of accessibility for people with disabilities. These requirements include but are not limited to the following items:

- Means of Egress
- Parking
- Restrooms

If any connections to, alterations of, or installation of a new septic system is planned, Churchill County Building Department has no jurisdiction over such work on commercial property or for commercial use. All designs, installations, and inspections must be performed by a State of Nevada licensed engineer. All permitting must be done by the Nevada Department of Environmental Protection (NDEP).

Should there be any questions, please contact our office.

Churchill County Building Department

Churchill County is an Equal Opportunity Provider and Employer

270 S. Maine Street, Suite A • Fallon, NV 89406
Public Works & Planning (775) 423-7627 • Building (775) 428-0264 • Fax (775) 428-0259
www.churchillcountynv.gov

From: myoung@fallonfire.org
To: [Planning Admin](#); [Buildings](#); [Gary Fowkes](#); [Leslie Notestine](#)
Cc: [Dean Patterson](#)
Subject: RE: Home Business Special Use Permit for Hoisington (Benchmark Ranch) at 11/13/24 Planning Commission meeting
Date: Thursday, October 31, 2024 3:24:26 PM

Caution: This email originated from outside of the Churchill County organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department.

Diane,
Fire has no issues with this application.
Regards,
Mitch Young
Fire Marshal, FCFD
Office 775 423-6521 ext. 2
Cell 775 427-7911

From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Wednesday, October 30, 2024 12:00 PM
To: Buildings <buildings@churchillcountynv.gov>; Gary Fowkes <gary.fowkes@churchillcountynv.gov>; myoung [fallonfire.org](mailto:myoung@fallonfire.org) <myoung@fallonfire.org>; Leslie Notestine <leslie.notestine@churchillcountynv.gov>
Cc: Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Home Business Special Use Permit for Hoisington (Benchmark Ranch) at 11/13/24 Planning Commission meeting
Importance: High

Please review the attached application and submit any comments or questions to me and Dean Patterson prior to the meeting.

Diane Moyle

Administrative Assistant
planning-admin@churchillcountynv.gov
Public Works, Planning & Building Department
270 S Maine Street, Suite A
Fallon, NV 89406
775-423-7627 Main Phone
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RECEIVED

NOV 12 2024

Churchill County Public Works,
Planning & Building

NOV. 12, 2024

FROM: ROGER MOONEY
465 BENCH RD.
FALLON, NV

TO: CHURCHILL COUNTY PUBLIC WORKS
PLANNING & BUILDING

I SUPPORT A SPECIAL USE
PERMIT FOR EQUINE BOARDING BUSINESS
AT 425 BENCH RD.

OUR RURAL NEIGHBORHOOD NEEDS
MORE HORSES AND FEWER SCRAP METAL
YARDS.

RESPECTFULLY:

Roger Mooney

November 13, 2024 at 7:00 p.m.

**EVERYONE PLEASE SIGN IN & PRINT
YOUR INFORMATION**