

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406
January 13, 2021

1. Call to Order.

The regular meeting of the Planning Commission was called to order at 7:01 PM on January 13, 2021 by Chair Diehl. The meeting was held via Zoom Meeting on the internet as well as in person in the Commission Chambers.

Present: Chair Deanna Diehl, Vice Chair Charlotte Louis, Member Charlie Arciniega, Member Myles Getto, Member Scott Nelson, Member Shane Yates, and Member Zack Bunyard.

Absent: None

Planning Staff Present:

Chris Spross, Public Works Director
Dean Patterson, Associate Planner
Diane Moyle, Administrative Assistant

Civil D.A. Staff Present:

Ben Shawcroft, Deputy District Attorney

2. Pledge of Allegiance.

This was skipped due to the Zoom Meeting.

3. Public Comment.

There were none.

4. Verification of the Posting of the Agenda.

It was verified by Diane Moyle, Administrative Assistant, the Agenda for this meeting was posted on January 7, 2021 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 the agenda as submitted or revised.

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

Vice Chair Louis moved to approve the agenda as posted. Member Yates seconded the motion which carried by unanimous vote.

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

Chair Diehl 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 the Minutes of the meeting held on:

A. December 9, 2020 Public Hearing

Vice Chair Louis moved to approve the December 9, 2020 minutes as written.

Member Getto seconded the motion and the decision carried by unanimous vote.

8. Old Business.

- A. Consideration and possible action re: A continuation of a temporary use permit for Temporary Quarters for Home Construction filed by Dean Metz for property located at 725 Wade Lane, Assessor Parcel Number 008-273-29, consisting of 2.15 acres in the E-1 zoning district. The applicant proposes to reside in an RV during the renovation of an existing structure on the property. *Mr. Metz was given 90 days to get an inspection of the septic system and request an inspection of the dwelling to obtain a list of what would need to be completed to bring the house into compliance as a residence, and this is the follow up to this request by the Planning Commission.*

Dean Metz wasn't in attendance at the meeting, nor available online or via phone call to answer any questions or provide any feedback.

Director Chris Spross informed that the Code Compliance Official went to the property and visited with Mr. Metz, who indicated that he wasn't going to move forward with this permit. Therefore,

he thinks that it is the commission's responsibility to make the decision on whether or not he should be able to reside in the RV. From what we have been told Mr. Metz is not moving forward with a plan to get the septic system inspected, nor to get his dwellings inspected for code compliance.

Chair Diehl asked for any public comments, and there were none. She asked if anyone from the Building Department was in attendance and could speak toward any building permits. Director Spross explained that this never went to the Building Department because Mr. Metz had opted not to get the inspections done. If he would have done those inspections, that information could have been provided to the Building Department, and then Mr. Metz would have worked with them to determine the permits needed and been able to work with them to bring the structure into compliance as a residence. Chair Diehl questioned the commissioners what they thought should be decided, and there was no responses given.

Chair Diehl inquired of Ben Shawcroft, Deputy District Attorney—Civil, regarding their authority in this matter. Ben Shawcroft asked for clarification regarding whether there is an existing temporary use permit on the property. Director Chris Spross explained that three months ago Mr. Metz came in to apply for the temporary use permit for a one year period; however, the Planning Commission agreed to grant a permit for a period of 90 days. Ben Shawcroft verified that the permit on the property was only granted for 90 days, and Director Spross agreed and further stated that according to Diane Moyle Mr. Metz never came in to complete the process by signing the Notice of Final Action, nor paying the recording fee. Ben Shawcroft then suggested that the commission could make a motion to deny the temporary use permit for the property just to make sure that the record is clear that there is no temporary use permit for this use on the property.

Member Arciniega moved to deny the temporary use permit renewal for temporary quarters during home construction for Dean Metz at 725 Wade Lane, APN 008-273-29, and require the RV to stop being used as a residence within 90 days. Member Bunyard seconded the motion and the decision carried by unanimous vote.

Dean Patterson wanted to ensure that the motion was understood since the audio seemed to be cutting out while Member Arciniega was speaking. Diane Moyle shared that she understood him to be say that the renewal was denied. Vice Chair Louis also recommended that it be added to the motion that Mr. Metz has 90 days to remove the RV off of the property; however, during a discussion after this suggestion it was determined that the code requires them to stop using the RV as a residence within 90 days after the termination or denial of the permit. This note was added to the motion above since this is the code requirement, and the commissioners voted to agree to this addition.

Chair Diehl questioned whether the Code Compliance Officer would go to this property. Director Spross confirmed that this would be handled through Code Compliance from this point forward, especially since the permit renewal has been denied and there is 90 days for him to remain onsite with his RV. We will put it into our notes to ensure that site visits are being completed after that period. Depending upon what is being done after that time period, our department will consult with the District Attorney's office to see what direction we need to go. Chair Diehl confirmed that the Planning Commission is done with this matter.

Ben Shawcroft requested if a call was made for any opposed to the decision, and Chair Diehl followed with a call for any opposed votes. There were none.

9. Public Hearings.

- A. Consideration and possible action re: A Sending Site application filed by Paulsen Family Trust for property located at 3600 Austin Highway, Assessor Parcel Number 007-911-53, consisting of 144.4 acres with 96.79 water righted acres in the A-5 zoning district. The applicant proposes to place a conservation easement on the property.

Director Chris Spross shared that the Sending Site Review Committee reviewed this application and verified that this property meets the criteria to be a sending site and also decided that 169 Transferable Development Rights (TDRs) were eligible for the application. The hearing with the Planning Commission is the next step in the process.

Chair Diehl asked regarding the correspondence that was received, and Diane Moyle reported that the Lahontan Conservation District and Stillwater Conservation District sent a letter in support of this application.

Steven Paulsen stated that this farm was left by his parent to he and three siblings in a trust. They believe they are acting on their parents' best interest in getting this conservation easement placed on the property to keep it in agricultural production. Chair Diehl verified that they realize this would be forever, and Mr. Paulsen agreed that they all understand this.

Chair Diehl asked for any public comments; there were none. Chair Diehl asked for any comments or questions by the commissioners; there being none she called for a motion.

Vice Chair Louis, based on the information provided in the application, in the staff report, and heard tonight, moved to recommend the following to the Board of County Commissioners: (a) approval of the Sending Site application for the Paulsen Family Trust on property at 3600 Austin Hwy. (APN: 007-911-53), consisting of 144.4 acres with 96.79 acres of surface water-rights, based upon meeting the criteria for a Sending Site; and (b) approval of 169 TDRs for the same property. Member Yates seconded the motion and the decision carried by unanimous vote.

B. Consideration and possible action re: A temporary use permit for temporary quarters for watchman filed by Shelby and Kim Cecil of C and L Auto, LLC, for property located at 96 Grand Avenue, Assessor Parcel Number 008-472-31, consisting of 1.37 acres in the C-2 zoning district. The applicant proposes to have a watchman reside in an RV on the parcel.

Shelby & Kim Cecil, owners of C and L Auto, LLC, shared that they currently have one of their employees staying in his RV on the property, which is self-contained in that it is not hooked up to water or septic system. Kim Cecil stated that they have had issues with people coming onto the property in the evenings. Some people need to drop their vehicles off for service or pick up vehicles after hours that have been fixed. This person helps to facilitate these issues.

Chair Diehl asked for any public comments; there were none. Therefore, she turned the discussion over to the commissioners. She then inquired how many vehicles they have on the property. Mrs. Cecil wasn't sure of an exact count at this moment. They have had a lot of people bring their vehicles out to them in the last year and then request that they not complete work on them. Because of the pandemic they didn't have the money to pay for the repairs needed. She is in the process of going through the list of these and contacting people to either authorize the work or to remove the vehicle. They are working on getting things organized and dwindle the number down to what is currently going to be authorized for work. Chair Diehl inquired if they have a storage area for the vehicles that are to be worked on. Kim Cecil remarked that they were advised by the Code Compliance Official that they need to put up a fence for this purpose. They are acquiring the necessary items to do this. Chair Diehl questioned if there were other RVs on the property that they are using for storage. Mrs. Cecil answered that there is just an RV belonging to her brother, who is currently living with them; however, they do not have anywhere for the brother to store his possessions while he is going through some issues. The RV just has her brother's property in it, and this is temporary while he deals with some legal issues of his own. Once he gets that taken care of, he will move his RV. Chair Diehl queried if there was designated parking for the customers. Kim Cecil said that they are working on getting some things rearranged for this. She further informed that the property along the west side of the building will be employee and customer parking only. Chair Diehl confirmed that they understand they might need an enclosure for the vehicles that are being worked on that are outside. Kim Cecil remarked that they are working on getting

the fence put up for this purpose. Chair Diehl further inquired if they have well, septic and electric connections on the property for the watchman. Mrs. Cecil responded that when they spoke with the employee, he wanted to remain self-contained and not connect to the utilities. He didn't want to hook up to their well or septic.

Member Bunyard questioned if the employee is moving the RV on and off of the property to take it to be dumped. Mrs. Cecil agreed that this is what he plans on doing. She said that he has family up in Oregon, so when he wants to go visit them, he wants to be able to take the RV with him. He is electing to not connect to any of the businesses' utilities. Kim Cecil noted that he has access to the building during the day, so he uses the restroom in their most of the time.

Vice Chair Louis asked how long they anticipate the RV to be staying there. Mrs. Cecil replied that it would be as long as the employee wants to keep working for them. It started out because he had been displaced because of the pandemic, so he started doing some odd jobs for them. They allowed him to put his RV there not thinking that it would be long term, and he has just fit in with them very well and does quite a bit of work for them now. They need to get the temporary use permit in place, so that he may stay there as long as needed.

Director Chris Spross noted that there are several violations on this property, which Mrs. Cecil has started to address. He asked Dean Patterson, Associate Planner, to make sure that the Planning Commission understands the violations and the applicant may respond with what will be done to remedy these. Dean Patterson asked the applicants if they had a chance to go through the staff report that was sent to them. Kim Cecil responded in the affirmative. Dean Patterson stated that the staff report identifies what those violations are and the things that need to be fixed. Some of these are very easy and just need some action taken to have someone do the work required. There are a number of recommended conditions that have been added in the event the commission decides to grant the permit that relate to these violations. Under condition number 5 there are several mentioned, including, removing the vehicles from the road easements. He outlined that there are road easements along two sides of this parcel, and generally the road easement would be 30 feet from the centerline of the road with an additional 30 feet for a setback. The vehicles would need to be removed from within the 30 foot road easement area measured from the centerline. Some of these vehicles are inoperable at this time, so they will need to find a way to get these moved. Another one is about the parking area in front of the business, which needs to be cleared of inoperable vehicles or those that are there for service, so that customers and employees have an area to park as required in the code. All businesses must have off-street parking for customers and employees. With an auto repair business there could be a lot of storage of cars that are temporarily inoperable because they are waiting for parts and so forth, and in those cases, you need a site obscuring fence, which is item c. In talking to the Code Compliance Official, it sounds like they are planning to screen the whole property or most of the property, but it doesn't have to be the entire property. It just needs to be the area for the temporary vehicle storage. Once the fenced area has been added, they will be required to store all of the vehicles awaiting service inside of this area. Dean Patterson continued by informing that RVs are not intended to be used as storage units, and one of the conditions will require that the stored items be removed from the RVs there or have the RVs moved off of the property to another location as this use is not allowed. Under item f in this section they would need to get rid of all of the vehicles that are not associated with the business. Right now, it looks like a wrecking yard or something operating similar to this use. Either do something about this or they would have to get permits where all of these uses would be allowed. In this zoning district and this close to the highway, wrecking and junkyards are prohibited. Another part that is recommended, similar to the Dean Metz temporary use permit, it is recommended to approve this permit for a period of 90 days, and then renewed annually thereafter, so it would give the applicants 90 days to make substantial progress toward completing the conditions associated with the permit. They may need more time for some of these things, but they could come back in 90 days to update the Planning Commission about their progress. Then they could make decisions about renewals at that point, which is under recommended condition number 4.

Chair Diehl stated to the applicants when the watchman's quarters are no longer needed, they will need to remove it.

Member Bunyard asked for clarification purposes that once the fence is built, if there wouldn't be a need for a night watchman. Kim Cecil remarked that they would like to continue with it because they do have customers that cannot come during regular business hours for their vehicles. This person would be able to facilitate this. She gave an example of a customer that wanted to pick up their vehicle in the evening saying that they would just pay the bill the next morning, and the watchman was able to stop them from taking the vehicle until they paid the bill.

Chair Diehl asked for any further comments; there being none she called for a motion.

Vice Chair Louis, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for the application for a Temporary Use Permit for a Temporary Watchman's Quarters on APN 008-472-31, thereby meeting the criteria found in CCC 16.08.070(B)2, as described in the Staff Report. She also noted that the temporary use permit would be valid for 90 days when they would be required to come back to show progress. Member Getto seconded the motion and the decision carried by unanimous vote.

Ben Shawcroft, DDA-Civil, inquired about the 90 day renewal, which is different from the normal recommendations in the past. This is a lot of work to just get done in 90 days, and this could be a heavy burden placed upon these owners. He's not sure why they are not giving them a year to accomplish all of these things. Vice Chair Louis noted that this was the suggestion that was provided in the staff report by Dean Patterson. Ben Shawcroft wanted to raise the question to ensure that the commission really wants to impose the 90 day requirement, or if they may wish to consider a little bit longer. Dean Patterson agreed that the commission can make any changes they desire, but the reason that he recommended this is to encourage the applicants to start making progress soon after obtaining the permit instead of waiting until a renewal in a year. This doesn't mean that they have to complete all of these items, but they should be able to demonstrate that they have started to work toward meeting these conditions. Member Getto expressed that he agrees that this would give 90 days for the applicant to show some sort of progress working on meeting the conditions. He agreed that 90 days may be a little bit short, but he believes that some of the items could be accomplished within this timeframe to show intent to meet the conditions.

Chair Diehl said that in the motion for decision the length of time for the permit should be mentioned. If you think 90 days is what you would like to propose and this doesn't mean that everything has to be completed but to show some type of progress, then please include that in the motion. Member Getto inquired of the applicants regarding how busy they are and whether they think that they could make progress in 90 days or if they would need more time to do something. Kim Cecil responded that she thinks that they would be able to, within 90 days, get some of the vehicles rearranged, so that they can ensure that the easement has been cleared and also their parking area at the front of the building. She doesn't think that the fence will be completed in 90 days. This is both of their full-time jobs and they have kids that have to be taken care of, which is why Kim is only able to be at the shop part of the time. When everything came crashing down last year is when things started getting out of hand. They are trying to find new routines to get everything done with school, work, and getting customers to authorize work to be done. She does think that they could show some progress within 90 days. It was reiterated that they are only asking for progress.

Member Getto, based on the previously adopted findings made for this project, moved to approve the Temporary Use Permit application for C & L Auto to establish a Temporary Watchman's Quarters on APN 008-472-31. This approval is subject to conditions, as listed in the Staff Report. Member Yates seconded the motion and the

decision carried by unanimous vote.

Recommended Conditions:

1. *The temporary quarters must comply with Churchill County Code.*
2. *All required Building Department approvals and safety certificates must be obtained within 90 days of approval. A Setup Permit for setup of the temporary quarters must be obtained, including any required inspections of water, septic and electrical connections.*
3. *The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must share the business's water well, power supply, and septic system to the extent possible.*
4. *This temporary use permit is valid for 90 days, at which time it must be renewed. It is subject to annual renewal thereafter, until the Planning Commission determines it is no longer needed.*
5. *To obtain renewal of the TUP, violations on the property must be corrected or progress shown. Documentation must be provided through photos and receipts. Violations to be addressed include:*
 - a) *Business vehicles, customer vehicles, and inoperable vehicles must be removed from road easements, and kept out of road easements*
 - b) *The parking area in front of the business must be cleared so it may be used by customers and employees, and must be maintained clear.*
 - c) *A 6' view obscuring fence must be installed around the business's vehicle storage area.*
 - d) *Customer vehicles stored while awaiting repair parts (or for similar reasons) and other inoperable vehicles must be stored within business's vehicle storage area.*
 - e) *RVs on the property that are used for storage must cease such use, and be made conforming.*
 - f) *The property may not be used for long-term vehicle storage, rental storage, wrecking yard, junk yard or other similar uses without appropriate permits. Vehicles stored for more than a month may trigger the designation of the property as such by the Planning Commission during renewal review or by the Public Works/Planning Director. Inoperable vehicles not associated with the business must be removed. For vehicles with title problems, progress must be demonstrated on renewal dates.*
6. *Once the **watchman** is no longer needed or no longer living in the RV, the RV must be disconnected from sewer/water/electric services and made lawful at its subsequent location.*

C. Consideration and possible action re: A major special use permit application for a major power generation facility expansion filed by Ormat/ORNI 43 LLC, Tungsten Mountain Phase II Geothermal and Solar Expansion Project, for property located off Alpine Road, Assessor Parcel Number 003-931-01, in the RR-20 zoning district. The applicant proposes to construct Phase II of the power plant and solar field next to the existing facilities and using the existing infrastructure.

Chair Diehl noted that there is correspondence regarding this application. She asked if Jennifer Haley, USA Department of Navy, was in attendance and wanted to discuss this correspondence. Ms. Haley expressed that the Navy was supportive of this project and didn't have any major concerns with the application. Dean Patterson also pointed out that Nevada Department of Transportation also submitted correspondence regarding this application.

Mark Hanneman, Ormat Business Development Group, had a presentation ready to share if the commission was interested. He also noted that there were other Ormat employees online as well—Paul Thomsen and Melissa Wendt. Chair Diehl asked if he could just tell a little about the project. She pointed out that the infrastructure is already there. Mr. Hanneman gave a summary of the project. He mentioned that there is an existing geothermal power plant in this area, which was approved under another special use permit from Churchill County in 2017. There is also a solar field that was installed and became operational last year. The power plant has been operating really well and as designed. Their reservoir engineers have determined that there is some additional capacity in the system, and they could produce more power. What they would like to do is to add another smaller power plant adjacent to the existing

one. For now, it will use all of the existing wells. They have one additional production well that is not being used at this time, so that will power the new plant for now. They will also use the existing injection wells, although they may drill another one. They have about a 9 MW solar field, which provides power that offsets the parasitic losses of the geothermal facility. They would like to add another 9 MW of solar panels to that array. Both the power plants and the solar panels have been approved by the Bureau of Land Management (BLM) in a couple of environmental assessments that they did—one for the power plant and one for the solar field.

Chair Diehl asked for any public comments, and there were none. Therefore, she turned the discussion over to the commissioners.

Member Scott Nelson recused himself due to past participation and possible future participation in these projects.

Member Arciniega asked Mr. Hanneman if he was familiar with what was in the staff report that was compiled by the Planning Department, and Mr. Hanneman agreed that he was and has been working closely with Dean Patterson. He went through the report and believes that he provided information that responds to most of the Planning Department's concerns. Member Arciniega noted that when the first plant was approved, and it appears that there were two site locations that were included in that approval. Neither of these sites were chosen to be used, and then summarizing what he understands from the staff report that the placement of the current facility caused some problems with flash flooding. He asked how they can be certain that they will build the new facility where they say they will. The figure that was originally submitted that had two locations was a very preliminary figure. Mr. Hanneman noted that they start the permitting process before they have the geothermal system fully characterized, so they don't actually know where they will have the production wells or injection wells. When they started the permit process, they only had noted two well locations on there. After that, they subsequently determined where they would produce from and where they would inject, and then they sited the power plant based on those parameters. They wanted to keep the plant as close to those wells as possible to reduce the infrastructure costs. They did move the plant from one of the original sites up the hill a little bit. With the new facility, they have submitted engineered design drawings. These were shared on the screen from the presentation to show exactly where the new plant would be built. It will not move an inch from this location since these are the 90% drawings. Photos were also shown on screen to show the area where there was a flash flood that required them to construct a stormwater diversion berm, and a map depicting the area where they would like to increase the size of this berm. There was a very large flash flood that came down Stone Canyon in 2018. Dean Patterson inquired if this was the one that washed out the road. Mr. Hanneman replied that he believes this is the only flash flood that has occurred out there. The pictures were the aftereffects. The amount of water that came out of the canyon was pretty significant. The road has been restored up to the mouth of the canyon, but the flash flood washed out a good chunk in the canyon itself. People still have a hard time getting up there. Mr. Hanneman confirmed that they did move the original plant to a better setting because of the locations of the wells and the site required less work to prepare than the other sites that were located further down the hill. The map displayed on the screen showed how the Phase II plant will be tucked in against the existing plant and between a couple of injection well pads. It will disturb very little new ground and will not be moved from that location. Member Arciniega asked regarding the stormwater diversion berm area that was also shown on the map. Mark Hanneman noted that the new diversion would kick the water off to the southwest. The berm would provide protection for both the power plants and the solar facility.

Member Bunyard inquired if this stormwater diversion has already been done. Mr. Hanneman responded that there is a smaller ditch that was originally done with Phase I, and it needs to be upgraded. Member Bunyard asked if they have all of the permits or environmental impact statements (EIS) done. Mark Hanneman replied that since this is on BLM property, they have had to complete two environmental assessments (EA). One was done to analyze impacts for the power plant, and under that EA they were allowed to build two power plants. They are also allowed to put in twenty-four geothermal wells and have so many miles of pipelines. They are not even close to these numbers. They only have

eight wells that are operating right now. They did a second EA for the solar field, and that allows them to install panels up to 130 acres, but right now the existing solar field occupies maybe 35 acres, and Phase II would only occupy another 40 acres. They are staying well within the BLM's environmental assessments. Member Bunyard then questioned if BLM would authorize them to redo the drain and all of the work to increase the stormwater diversion. Mr. Hanneman said that they have to survey all of the sites out there and make sure there aren't any resources that they could be impacting. The BLM is concerned about cultural, botanical, wildlife, and all other resources that are analyzed in the environmental assessment. The EA included the two power plants, and to get the second one approved they have to send a sundry notice to the BLM, which they have already done, and then they will review the details of exactly what they want to do and approve that notice. This is kind of a minor application at this point since all of the analysis has already been done.

Dean Patterson noted that Member Arciniega and Member Bunyard brought up a couple of things in that there has been changes from the previous approvals, more specifically the location of the plant and its location. In the staff report he tried to include the approval of those changed situations along with the motions. He said that while he was writing up the review, he also noted that the application stated that they would be using fixed solar panels, but that was wrong. As he was working with Ormat, Mark Hanneman pointed out that in the original solar special use permit they did propose rotating panels, so the staff report was wrong in respect to this.

Member Yates reiterated that the Navy did indicate that they were supportive of this project, but he wanted to ensure that some of their requests from the correspondence that was received will be done by Ormat. He wanted to make sure that Ormat would continue to communicate with the Navy, and Mr. Hanneman agreed that they could do that. Member Yates wanted to make sure that they would keep the Navy apprised when they are doing construction in the area.

Director Chris Spross urged that if any changes that need to be made after this meeting if this special use permit is approved that they will contact the Planning Department to ensure that it wouldn't require any further action by the Planning Commission. There is some latitude to make some minor adjustments without having to go back to the Planning Commission, and it would be good that we are made aware of any changes that may be happening after any permit approval.

Chair Diehl inquired regarding the glare from the panels and whether the Navy had any concerns about this. She asked if the panels were coated. Mr. Hanneman believes that the ones that were installed had a matte finish on the surface, so they are fairly nonreflective. They would be installing the same type of panels for Phase II. It will be a single axis rotation and some sort of matte surface. Chair Diehl then asked if the screening would be just like Phase I. Mark Hanneman remarked that there is a fence around the facility. Chair Diehl further questioned if they were taking the safety measures as required as well, and Mr. Hanneman agreed that the BLM has some other requirements for monitoring of the solar panels that they have to do for them. They have monitoring plans with Nevada Division of Environmental Protection (NDEP) as well for groundwater and surface water.

Dean Patterson wanted to add a couple of things before the commission made motions. He said that the first condition for approval talked about making sure that all of the previous conditions for the original special use permits were completed. He informed that Mark Hanneman has been working with him to address this. Two of the main concerns that have been addressed includes the insurance documentation on insuring the facility, which has been provided, and the other is coordinating with the County's water consultant regarding groundwater monitoring. They have been consulting with Chris Mahannah, who is the consultant that Churchill County uses, and Mr. Mahannah has indicated that he doesn't think that additional monitoring will be needed beyond what BLM requires. He then brought up regarding condition 4, the road maintenance agreement, that Mark Hanneman stated that had completed with the construction of Phase I. The previous agreement was for a specific length of time and once the project is completed, then the agreement ends. Dean said that the Road Supervisor will require another road agreement for the Phase II expansion. Mark Hanneman pointed out that they do maintain the road right now, but they would be happy to do this. Dean Patterson urged him to coordinate with the Road

Supervisor about this. Mr. Patterson also mentioned that in the correspondence that was received from Nevada Department of Transportation (NDOT), they indicated that there may be some additional review with them needed for all of the activity that will be coming off of Alpine Road onto the state highway. He suggested that Ormat work with them as well. Mark Hanneman noted that usually the construction manager handles this sort of thing. He will make sure that he is notified.

Chair Diehl asked for any further comments; there being none she called for a motion.

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for a Special Use Permit application for a Major Power Generation facility on APN 003-931-01, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. This motion includes the modifications made to the phase one geothermal and solar facilities described in the staff report. Member Getto seconded the motion and the decision carried by a majority vote; Scott Nelson abstained.

Member Yates, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application for Ormat/ORNI 43 to establish a Major Power Generation facility on APN 003-931-01. This motion includes the modifications made to the phase one geothermal and solar facilities as described in the staff report. This approval is subject to conditions, as listed in the Staff Report, with the exception that Dean Patterson mentioned. Member Arciniega seconded the motion and the decision carried by a majority vote; Scott Nelson abstained.

Recommended Conditions:

1. *Building and grading permits for phase two will not be issued until conditions of approval for both phase one SUPs have been met to the satisfaction of the Public Works Director.*
2. *The phase two project must be constructed and remain in compliance with Churchill County Code, including but not limited to:*
 - a. *Building permits must be obtained for all structures, and all pertinent impact fees must be paid.*
 - b. *A business license must be obtained and maintained.*
 - c. *All permanently installed lights will be shielded and on motion sensors to only illuminate the working areas and to comply with the Dark Skies Initiative. Floodlighting used during nighttime repairs and maintenance shall be directed toward the center of the facility.*
 - d. *The Fire and Emergency Plan shall be updated in coordination with the Fire Marshal and local authorities.*
 - e. *Closure/decommissioning of the facility shall follow the timing and details described in the application and required by BLM, and must be completed within 1 year.*
 - f. *Minor changes may be made and authorized by the Public Works Director per CCC 16.16.030(E)(13). Any additional well needed in the future is considered to be a minor change, unless it is determined that the Planning Commission needs to be consulted.*
3. *A screening fence to block most of the low-angle glare shall be placed around the facility and shall be of a color to blend with the landscape.*
4. *A new Road Maintenance Agreement shall be signed before grading or construction begins.*
5. *All required permits and reviews from NDOT shall be obtained.*
6. *The RS 2477 road for Stone Canyon may not be moved, destroyed, or blocked without approval through additional processes. The applicant is responsible for maintenance and repair of the road during the life of the geothermal facility from Alpine Road to the mouth of the canyon, including damage to the road caused by the diverted stream. The work for the diversion facility must include provisions to protect the road where the diverted stream parallels the road.*
7. *The applicant shall comply with state and federal agencies permits and requirements, including but*

not limited to:

- a. Nevada Division of Environmental Protection Bureau of Air Pollution Control Surface Area Disturbance permit*
 - b. Nevada Division of Environmental Protection Bureau of Water Pollution Control Storm Water Pollution Prevention Plan*
 - c. All requirements and changes required by the Bureau of Land Management.*
- 8. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*
 - 9. The applicant shall consult with the County and its water consultant to determine the need for additional water monitoring beyond that which is required for BLM; and if needed, what the contents and scope of the plan should be. Ormat shall maintain a deposit with the county of up to \$50,000 to cover the County's consultant costs, unless the County deems that no further monitoring is required.*

10. Action Item.

- A. Consideration and possible action re: Request for reconsideration of conditions on the special use permit that was granted on December 9, 2020 to Jeff & Diane Bakker for a home based trucking business to be operated from 1370 Melanie Drive, Assessor Parcel Number 008-191-82, that would allow the use of the family property at 1255 Soda Lake Road, Assessor Parcel Number 008-191-81, as requested in the original application. The applicant is concerned about potential problems with neighbors on Melanie Drive if they would be required to move all of the hay storage and equipment to just this parcel.

Jeff Bakker informed that at the last meeting where the special use permit was approved, one of the conditions placed on the permit requires them to move the hay that is stacked on his parents' property or any other hay that they may bring in the future over to the Melanie Drive side. He pointed out that there is a huge sand pile in the middle of their property where the conditions wanted them to put it. They are working toward getting rid of it, but it is just going to take time. He has talked with a few people to see if there was any interest in someone wanting to get the sand for their projects coming up. The hay is stacked on his parents' property right now—it is only temporary—and it is farther away from houses in this location. His parents are fine with them using this area on their property temporarily. Mr. Bakker hoped that the commission would allow them to leave this in this location until they can get the big pile of sand out of the way, so that it would make enough room for them to have the hay storage on their side of the property and distance it from the houses on Melanie.

Chair Diehl asked for any public comment; there were none. Chair Diehl questioned if all of that property was under one family name, and Mr. Bakker said that it is all one family as his parents own the parcel on Soda Lake Road and they own the parcel behind them. Chair Diehl turned the discussion over to the commissioners. Chair Diehl believes that since the property is all within one family, she thinks it would be okay to amend the conditions to allow the use of the adjacent property on Soda Lake Road.

Member Bunyard moved to amend the previously approved special use permit granted to Jeff & Diane Bakker to include both parcels—APN 008-191-82 and 008-191-81. Member Getto seconded the motion and the decision carried by unanimous vote.

- B. Consideration and possible action re: A reversion to acreage map application filed by Sheldon & Patricia Mogg for property located at 3270 & 3292 Duane Drive, Assessor Parcel Numbers 010-104-01 and 010-104-02, consisting of 0.79 acre and 0.48 acre respectively in the E-1 zoning district. The applicants propose to combine the two lots into one parcel.

Sheldon Mogg explained that they would like to put these parcels together so that they could have a smaller accessory unit on the property. He has a disabled brother, who currently resides with them. He would like to have him in his own little home, like an in-law's quarters on their property. They

have already gotten the septic approved and the electrical power in. In order for him to move forward with the accessory dwelling he must combine these into one parcel.

Chair Diehl asked for any public comment; there were none. She turned the discussion over to the commissioners, who had no questions. She then called for a motion.

Vice Chair Louis, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for an application for a Reversion to Acreage to merge Assessor Parcel Numbers 010-104-01 & 010-104-02, thereby meeting the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Member Arciniega, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners approve the Reversion to Acreage permit application for Patricia Mogg to merge APNs 010-104-01 & 010-104-02 into a single parcel. This approval is subject to conditions, as listed in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1) Changes shall be made for compliance with Churchill County Code, including but not limited to:

a) Changing the County Surveyor's Certificate of Amendment certificate to the map review certificate.

C. Consideration and possible action re: A parcel map application filed by Dalton Lowery for property located at 2490 Soda Lake Road, Assessor Parcel Number 008-121-55, consisting of 44.83 acres in the A-5 zoning district. The applicant proposes to divide the parcel into two lots.

Dalton Lowery wishes to separate an approximate 10-acre residential portion from the rest of the parcel. There is an existing home in the north part that he is proposing to divide. This parcel was previously irrigated; however, US Fish and Wildlife purchased the property and removed the water rights from it. It is his intention to relevel the southern portion, which consists of approximately 35 acres. He would only relevel about 11-15 acres of this and apply water rights to the parcel in order to return it to agricultural production. He has traded some underground water rights that he had with the County for some surface water rights that he plans to apply to this property. This would be a pasture for his cattle, which are adjacent to his home at 4660 Rice Road. This is a move to try to fund the releveling, pipelines, and service of the water to the property by selling the approximate 10-acre portion divided from the property. The residential portion would make a nice ranchette in conformance with the 2015 Master Plan.

Chair Diehl asked for any public comments; there were none. She then asked Mr. Lowery if she understands that he wishes to reestablish the larger portion as agriculture, and he confirmed this to be accurate. He confirmed that he has the water rights ready to transfer to this parcel after the division. Chair Diehl asked if he had spoken with Mr. Hesselgesser about his plans. Dalton Lowery verified that he actually had a survey completed of the parcel and it was discovered that the neighbor's south fence line encroached on the north end of the property. They have done a boundary line adjustment map and taken care of this issue. Mr. Lowery said that Mr. Hesselgesser is in favor of this plan. Mr. Lowery further explained that the water delivery for the residential part originally crossed Mr. Hesselgesser's parcel, and he plans to turn it around, relevel it and provide the water service through his home place at 4660 Rice Road. It will go across his property and terminate at that point.

Chair Diehl asked for any questions or comments from the commissioners.

Dean Patterson mentioned that in the staff report that there are a few conditions that indicate the changes required on the final map. He asked that Mr. Lowery ensure that Steve Bell meet the conditions noted on the staff report. Mr. Lowery agreed.

Chair Diehl asked for any further questions; there being none she called for a motion.

Member Arciniega, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for an application for a Parcel Map on APN: 008-121-55 to split the lot into two parcels thereby meeting the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report. Member Bunyard seconded the motion and the decision carried by unanimous vote.

Member Bunyard, based on the previously adopted findings made for this project, moved to: (A) Recommend that the Board of County Commissioners approve the Parcel Map permit application for Dalton Lowery to divide APN: 008-121-55 into two parcels. This approval is subject to conditions, as listed in the Staff Report; (B) Recommend that the Board of County Commissioners ACCEPT the offer to grant easements identified on the map; and (C) Recommend that the Board of County Commissioners REJECT the offer to dedicate lands for Soda Lake Road at this time. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *Changes shall be made for compliance with Churchill County Code, including but not limited to:*
 - a. *Making any changes to the Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land.*
 - b. *Add a label to offer the Soda Lake Road easement for dedication.*
 - c. *Corrections to the "Planning Department" certificate, including adding the Planning Commission signature line.*
 - d. *Removal of duplicate Clerk Treasurer certificate.*
 - e. *Removal of Water Right Dedication certificate.*
 - f. *Addition of missing "and" in Surveyor certificate item (2).*
 2. *Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:*
 - a. *Correct the addition errors for distances on the east line of Parcel 1 (likely rounding errors)*
 - b. *Correct the "Traveled Way Detail" for parcel lines and labels.*
 - c. *Add a reference to the "Traveled Way Detail" to the reference for "Detail 1".*
 - d. *Add the reference document number to "NDOT R/W" label (likely R4 and R5).*
 - e. *Add document numbers for reference to the boundary line adjustment preceding this parcel map in the text of reference documents, title block, and label within Parcel 1 area.*
 3. *Water dedication requirements must be met prior to recording the map.*
- D. Consideration and possible action re: A tentative parceling plan application for NEV DEV, LLC, filed by Dan McCreary and Jessica Stanger for property located on Dillon Road, Assessor Parcel Numbers 008-113-49 and 008-113- 56, consisting of a total of 80.64 acres in the E-1 zoning district. The applicant proposes to divide the two parcels into 16 parcels, as indicated on the tentative parceling plan.

Dan McCreary explained that they have two forty-acre parcels and they propose to divide each of those parcels into eight five-acre parcels for a total of sixteen parcels. Dillon Road will be the access, and it is a paved, county maintained roadway. The power is underground and stubbed into the property. The natural gas is also stubbed into the property. The telephone and cable is there. They have been

working with Mr. Patterson as well as other staff in the department and Gary Fowkes with the Road Department, Marie Henson in the Building Department, and Ben Shawcroft, who is the Deputy District Attorney—Civil. He has also been working with Dave Goudswaard at NV Energy and Stuart at CC Communications. The staff has given them a lot of input, which they appreciate. They agree with their suggestions on how to proceed, and this application is a result of those discussions.

Chair Diehl asked for any public comments, and there were none. Therefore, she turned the discussion over to the commissioners.

Vice Chair Louis inquired about the reason they are proposing the long skinny lots instead of square lots. Mr. McCreary responded that the existing roadway, Dillon Road, is paved and is a good road. The county allows them to divide lots that front these roads without requiring the development of other paved roads to access the lots. It is basically to avoid having to develop more roads in the area and to just use the existing roadway. Vice Chair Louis noted that in the staff report there was a statement regarding lots number 5, 6 and 7 that have a salt pan depression, which is unsuitable to home construction due to the water ponding. She asked how he was going to deal with those lots and if he was going to continue to try to sell them. Mr. McCreary answered that the plan was to keep the houses on these lots pretty close to the road. He thinks that the pan is about 150 feet from the front of the lot. The other lots would have the houses built a little further back from the road. He further stated that if that doesn't work, they could actually put the houses in behind this area to the north. They want to create the best lots and best home sites that they can, and if they need to go north of this depression, they don't have a problem to do that. There is a lot of room in the back.

Dean Patterson clarified that the Planning Commission is only deciding on the recommendation for the parceling plan. This won't actually create the lots. If this gets approved by the County Commissioners as well, then the McCrearys and Steve Bell will follow it up with a series of parcel maps. They would probably start from the Roberson Lane side where they would submit the first map with three small lots and a remainder, then continue in the same fashion until they have completed all of them. Chances are that they would submit all of the maps at one time and then recorded sequentially in order to create these lots at the same time.

Chair Diehl asked if there were any other questions or issues. Chair Diehl then asked about sewer and water and so forth to this development. Mr. McCreary pointed out that the county allows wells and septic systems on lots of this size, and this is what they intend to do. Kim McCreary noted that the symbols on the maps relate to the planned location of the wells and septic systems on each lot. It was pointed out the circles have well radius noted for each to ensure they are spaced appropriately. Dean Patterson then clarified that each arch is around a circle, which designates the well. There is a 100-foot setback that is required between the well and the leach field. The little rectangles that are next to each arch represents the leach fields. These are examples of how they could be done. The reason that these are displayed is to demonstrate that things will all fit together. Other developments where the lots are smaller it becomes much more important than it is here because there is much less space in order to make everything fit together. Chair Diehl verified that the only access to these would be Dillon Road, and Mr. McCreary agreed with the exception of the parcel on the west, which also borders Roberson Lane. They also pointed out that across Dillon they also line up with the other roads going north and south. It was stated that Dean Patterson recommended that they create a continuation of these roads going through the parcels created between every other lot for continuity as well as potential future development should the county water and/or sewer system be developed in the area at some time in the future. The zoning in the area is E-1, which could mean that each 5 acre lot could be divided into five one-acre parcels someday down the road. At that time the paved roads would need to be developed within the easements created.

Member Arciniega restated that at this time Dillon Road is the primary access and then Pattie, Pams, Heidi and so forth may be extended in the future. He inquired if he understands what they are intending. Mr. McCreary confirmed this to be true, and he noted that this is something that Dean Patterson and the Road Department were emphatic about including in this development. As he

understands there have been times in the past where good access was not provided on parcel maps to other properties beyond those being developed. This has caused problems later on. They suggested that this be included, and it was something that the McCrearys agreed with. It just makes for good planning.

Chair Diehl further clarified that this would also be the access for emergency vehicles. Mr. McCreary believes that to be the case. Dean Patterson concurred that this would provide access to large vacant lots to the north, which is a code requirement. This would allow firefighting access, and there is a standard that also requires that a new development not landlock properties behind them. They need to provide access to undeveloped properties beyond the development. These serve multiple functions.

Chair Diehl asked for any further comments; there being none she called for a motion.

Member Yates, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for a Tentative Parceling Plan application on Assessor Parcel Numbers 008-113-49 & 008-113-56. to split the lots into 16 parcels thereby meeting the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report. Member Bunyard seconded the motion and the decision carried by unanimous vote.

Dean Patterson questioned if Dan and/or Kim saw the list of conditions at the end of the staff report regarding minor corrections that need to be made to the map. He verified that Mr. McCreary will work with Steve Bell to get these corrected when he finalizes them. Mr. McCreary noted that Steve Bell told him that he had some work to do on the map. Dean Patterson reiterated that these changes will need to get worked into the six parcel maps that will create this project. The conditions for approval will go along with the motion for the decision, which is next.

Member Bunyard, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners approve the Tentative Parceling Plan permit application for Nev Dev LLC to divide Assessor Parcel Numbers 008-113-49 & 008-113-56 into 16 parcels. This approval is subject to conditions, as listed in the Staff Report. Member Yates seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *Changes shall be made for compliance with Churchill County Code, including but not limited to:*
 - a. *Label and draw the Roberson Lane road easement as offered for dedication, but not accepted by the County.*
 - b. *Clarify road easements existing along the east property line.*
 - c. *Show the leach field site on Parcel 1, similar to other parcels.*
2. *Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:*
 - a. *Label the road arrows found on Parcel 4 (likely for the road easement in R5).*
 - b. *Add arrows to the road easement label near Parcels 11 & 12.*
 - c. *Add the reference source to the Roberson Lane easement (likely R17).*
 - d. *Remove the duplicate label for the road easement on Parcel 16.*
 - e. *Add R12 to the reference documents list.*
 - f. *Add legend items for section corner markers.*

11. Consent Agenda. (Action Items generally not requiring discussion or explanation.) **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: A temporary use permit termination for temporary quarters during home construction granted to Rick Johnson for property located at 4150 Margoree Lane, Assessor Parcel Number 006-434- 34, in the A-5 zoning district. *The applicant states that the permit is no longer needed; therefore, it should be terminated.*

Member Arciniega moved to approve the Consent Agenda as submitted. Member Getto seconded the motion, which passed by unanimously vote.

12. Public Comment.

There were none.

13. Adjournment.

There being no further business to come before the Planning Commission, Chair Diehl adjourned the meeting at 8:28 p.m.

14. Appendix.

Respectfully submitted,



Diane Moyle
Administrative Assistant