

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406
July 14, 2021

1. Call to Order.

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on July 14, 2021 by Chair Diehl.

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

Absent: Member Scott Nelson and Member Shane Yates.

Planning Staff Present:

Chris Spross, Public Works Director
Dean Patterson, Associate Planner
Diane Moyle, Administrative Assistant
Alexa Robinson, Office Specialist

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 8th day of July 2021, 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 the agenda as submitted or revised.

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

Member Myles Getto moved to approve the agenda as submitted. Member Charlie Arciniega 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. June 9, 2021 Public Hearing

Chair Diehl asked for any corrections to the Minutes of the June 9, 2021 meeting, and there being none she called for a motion.

Vice Chair Charlotte Louis moved to approve the June 9, 2021 minutes as written.

Member Zack Bunyard seconded the motion and the decision carried by unanimous vote.

8. Old Business.

There was none.

9. Action Item.

A. Consideration and possible action re: A sending site application filed by the Eckert Family Trust for properties located at 1805 Norcutt Lane, 9295 Pasture Road, and farmland off of Pasture Road, Assessor's Parcel Numbers 006-111-25, 006-111-26, 006-111-27, 006-111-29 and 006-111-37, consisting of 262.88 acres with 220.08 acres of water rights in the A-10 zoning district. The applicant proposes to place a conservation easement on the property.

Director Chris Spross informed that the Sending Site Review Committee went over this

application and decided that it met the criteria in Churchill County Code for a Sending Site, and they also determined that it was eligible for 352 Transfer of Development Rights (TDRs). The Sending Site Review Committee recommended approval of this application.

Member Zack Bunyard, based on the information provided in the application, in the staff report, and heard at this hearing, I move to recommend the following to the Board of County Commissioners: (a) approval of the Sending Site application for the Eckert Family Trust on property at 1805 Norcutt Ln, 9295 Pasture Rd and farmland on Pasture Rd (APN: 006-111-25, -26, -27, -29 & -37), consisting of 262.88 acres with 220.08 acres of surface water-rights, based upon meeting the criteria for a Sending Site; and (b) approval of 352 Transfer of Development Rights for the same property. Member Myles Getto seconded the motion and the decision carried by unanimous vote.

- B. Consideration and possible action re: A sending site application filed by Robert E. Smith, Jr. for properties located at 7250 Curry Road and 3303 Gwinn Marie Court, Assessor's Parcel Numbers 006-553-37 & 006-553-41, consisting of 211.0 acres with 89.81 acres of water righted property in the A-10 zoning district. The applicant proposes to place a conservation easement on the property.

Director Chris Spross informed that the Sending Site Review Committee went over this application and decided that it met the criteria in Churchill County Code for a Sending Site, and they also determined that it was eligible for 195 Transfer of Development Rights (TDRs). The Sending Site Review Committee recommended approval of this application.

Member Charlie Arciniega, based on the information provided in the application, in the staff report, and heard at this hearing, I move to recommend the following to the Board of County Commissioners: (a) approval of the Sending Site application for Robert E. Smith Jr. on property at 7250 Curry Road & 3303 Gwinn Marie Court (APN: 006-553-37 & -41), consisting of 211.0 acres with 89.81 acres of surface water-rights, based upon meeting the criteria for a Sending Site; and (b) approval of 195 Transfer of Development Rights for the same property. Vice Chair Charlotte Louis seconded the motion and the decision carried by unanimous vote.

- C. Consideration and possible action re: Parcel map applications for six maps filed by NEV DEV LLC for property located north of Dillon Road, Assessor's Parcel Numbers 008-113-49 & 008-113-56, consisting of 80.0 acres in the E-1 zoning district. These maps will implement the tentative parceling plan that was approved by the Board of County Commissioners.

Kim McCreary, 2405 Farm District Road, Fernley, Dan McCreary, 1205 Jessica Lane, Fernley, were in attendance to answer any questions regarding the maps. Dean Patterson, Senior Planner, reminded the commissioners a little about the history of this project. He noted that the original configuration was to divide these parcels into 16 long skinny lots, which didn't appeal to the Board of County Commissioners, and the McCrearys were asked to come up with something else. This tentative parceling plan proposes 16 more rectangular lots. The row of lots on the south side front Dillon Road, and the lots on the north include a segment of lot like a "flagpole" that extends south and touches Dillon Road. Each pair of flagpoles would create a private driveway for a group of four lots that would be maintained by the residents, as stated in a road maintenance agreement that will accompany the maps for these parcels (a template for the road maintenance agreement was included in the applications packet). It is recommended that these driveways have gravel standard construction with a paved apron where they reach Dillon Road, and that they have signage to indicate that these are distinctly private and not public roads. The Board of County Commissioners approved that parceling plan, and now these maps will implement what was approved by creating the separate lots. This is done in a series of parcel maps

on each of the two large parent parcels; where for each parent parcel the first map has three lots created with a larger remainder, the remainder has another map with three lots with a remainder, and then the final map with two lots.

Chair Diehl asked for any public comments; there were none. Therefore, she turned the discussion over to the commissioners. Chair Diehl questioned if she correctly understands that since these 5-acre parcels are not served by community water or sewer cannot be divided. Dean Patterson confirmed that right now they could not be divided; however, he noted that they could be in the future. This is E-1 zoning, but you cannot create 1-acre lots without community services. In the future, when water or sewer reaches the area, one of these future owners split his lot into 10 smaller lots because you could have half-acre lots with community services. They would be able to use the driveway, which would probably become a public road at that time, split the lots, provide water or sewer service to the development and perhaps the other property owners on that driveway would get in on that project too. This is a long way down the road. Chair Diehl verified that would be only if they connected to the county services, and Mr. Patterson concurred.

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

Member Myles Getto, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for 6 parcel map applications implementing a previously approved parceling plan on APN 008-113-49 & -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 Charlie Arciniega seconded the motion and the decision carried by unanimous vote.

Member Charlie Arciniega, based on the previously adopted findings made for this project, moved to move to recommend that the Board of County Commissioners:
(A) APPROVE the 6 parcel maps entitled 1st through 3rd Parcel Map for Nev Dev LLC, and 4th through 6th Parcel Map for Mason 1 LLC to divide APNs 008-113-49 & -56 into 16 parcels. This approval is subject to conditions, as listed in the Staff Report.

(B) ACCEPT the offer to grant easements identified on the map.

(C) REJECT all offers to dedicate lands and improvements at this time.

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

Recommended Conditions:

- 1) *Changes shall be made for compliance with Churchill County Code and the parceling plan conditions of approval, including but not limited to:*
 - a) *Corrections for clarification and typographic errors*
 - b) *Adding additional Note 2 references (regarding road maintenance agreements) on all road easements for the private driveways.*
- 2) *Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:*
 - a) *Corrections for clarification and typographic errors*
- 3) *The shared driveways serving each group of 4 lots shall include the following:*
 - a) *Paved aprons meeting Road Dept. standards shall be provided for each driveway at its intersection with Dillon Road.*
 - b) *Shared driveways shall be constructed to County gravel road standards.*
 - c) *Each driveway shall be provided with signage near Dillon Road to state "Privately maintained driveway".*

- d) Improvements for each shared driveway shall be completed or bonded before recording the maps that create the lots fronting the shared driveway.*
- 4) *A road maintenance agreement acceptable to the Public Works Director shall be recorded along with the maps creating the parcels using the driveway.*

Chair Diehl reiterated that they have only made a recommendation to the Board and advised that the application will be forwarded with their recommendation to the Board of County Commissioners at their August 5, 2021 hearing.

10. Public Hearings.

A. Consideration and possible action re: A temporary use permit for temporary quarters for farm labor filed by Chris & Alyssa Sowersby for property located at 12233 Carr Lane, Assessor's Parcel Number 007-141-81, consisting of 10.2 acres in the A-10 zoning district. The applicants plan to start a livestock operation and propose to place a mobile home on the property for farm labor to reside in while tending and monitoring the livestock.

Alissa and Chris Sowersby, 4300 Raven Drive, shared that their children raise livestock for 4H and Grange. They bought this property four years ago hoping to build their home on it, and due to COVID and life, they ended up having to purchase a home instead of building. Their plan is still to build a home on this property and have this be their main residence. In order to get the children's' livestock operation going—cattle and hogs—they need help with that. This is the reason that they have requested the temporary use permit.

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

Vice Chair Louis asked how long they thought that they would need this temporary use permit for their animals and how long it would be before they move onto the property. Mr. Sowersby expressed his hope that if everything went well, they would continue preparing the property with the septic and power, and they would place the mobile home for the farm labor on the same location where they intend to build the residence. He would like within two to four years they will be removing the mobile home and building their house in the same place. Mrs. Sowersby interjected that she would rather it be two years if she has her way. She pointed out that with them buying their first home they have to get enough equity into the one they have to make it equitable for them to sell it and build the home on this property. She said it would be two years minimum and four years maximum because their end goal is to be on that property with their animals. Vice Chair Louis questioned how many animals they have. Alissa Sowersby answered that they currently they only have three pigs because they are keeping them at a friend's house because they can't have animals where they live. Their goal is to raise 6-12 head of cattle per year for private selling to family and friends for butcher. As far as project hogs for the kids for 4-H and Grange they would have 9-12 per year. They would like to also start breeding their own swine so their kids would have from start to finish projects and experience the whole thing for themselves. Chris Sowersby also pointed out that for this local area they had to drive to Elko to pick up the hogs that they purchased. Their friends that are also in 4-H have to get theirs from Lovelock, so they hope that by establishing a breeding program they can open up more doors to local kids not having to travel halfway across the state to purchase a competitive animal, or even a butcher hog.

Member Getto inquired if the person that would be occupying the mobile home would be taking care of the animals. Alissa Sowersby remarked that they would be filling in for them. She works full time at her kids' school, so her hours are pretty early and pretty late, and her husband works full time as an electrician, and as everyone knows emergencies happen. They would need help with morning feedings and then fill in for when they are not able to be there in the evenings.

Member Arciniega stated his understanding that they want to raise these animals for your children in 4-H and Grange; however, it seems that if you have farm labor doing this then they are not

raising those animals. This has become an outsourced situation, so this is a sticking point for him. Mrs. Sowersby explained that she is a big stickler since both she and her husband raised animals since they were 8 years old, but the more use they will need from the person who would stay there would be for the cattle and hogs for starting their livestock sales operation. They would be there for morning feedings; however, they wouldn't be there for all of the care and feedings of the children's project animals. They are firm believers in teaching responsibility for raising animals. The other reason the person would be onsite is due to coyotes along the Bench Road area, and they want someone there to help deter those animals from messing with their livestock. They just want someone there when they won't be living there until they can get a house built there. Member Arciniega inquired if they have a farm laborer chosen yet. Mrs. Sowersby replied that they don't right now; however, they do have someone that could potentially be that person. Member Arciniega questioned if this person would be renting this structure. Mrs. Sowersby responded that they will not be paying rent; they will be providing care for the animals, building fencing and putting up panels in lieu of rent.

Dean Patterson, Senior Planner, remarked that in the review portion of the staff report it points out that temporary quarters for farm labor is kind of reserved for bona fide farming operations, and this one just doesn't really qualify. He noted that the staff recommendation is for denial. If the commission decides that it is a bona fide farming operation, they will need to pay attention to the findings, which are set up for either decision. He further stated that the staff report points out some other options for this situation. One would be to just establish a permanent home, which wouldn't have to be a constructed home, as they could get a manufactured home that could qualify even though it may be older than what they ultimately plan to construct for a residence. Essentially, this would establish a permanent dwelling, and this could be replaced later when they are ready to build something larger. Another option mentioned in the staff report is to propose a temporary use permit for general purposes, but that has different criteria that needs to be met. A final option would be for a temporary use permit for home construction; however, that would require the applicants to live onsite in an RV, so this is probably not too preferable.

Chair Diehl verified that they intend to put a mobile home on the property, and Mrs. Sowersby agreed. Chair Diehl noted that this would only be allowed to be placed using temporary construction without a fixed foundation. It would also need to be removed when it is no longer needed. She pointed out that they don't have that many animals. Mrs. Sowersby said that they are planning to have between 6 and 12 head of cattle per year grossing anywhere from \$12,000-\$30,000 per year because they are trying to start a private selling of these animals to family and friends, who want to do that. They are pursuing that as far as farming and ranching goes, in addition to their children's livestock. Chair Diehl inquired when they anticipated starting their herd of cattle. Mrs. Sowersby declared it would be as soon as possible. Chair Diehl questioned how many livestock they may have. Alissa Sowersby informed that including the children's project animals there would be 20-25. They don't want to have too many, but do intend to move in that direction. Chair Diehl asked if this would qualify them as a bona fide farm, and the Sowersbys indicated that it would. The hiccup is that they can't get it started until they finish getting the well and power and establishing a place for the farm labor to be onsite in order to start the operation. They bought this property wanting to live there and starting their ranch; however, due to COVID and their finances they had to end up purchasing a home somewhere else. Now, in order to move in the originally intended direction this this temporary situation is the route they need to go. Alissa Sowersby expressed her true desire to be able to complete their home and move to the property within two years. Chair Diehl confirmed that they would not be living in this home on the property, and Mrs. Sowersby stated that it would be the caretaker for the animals and property at that location because they have a mortgage at the other house where they live that they must continue to pay at this time.

Joseph Sanford, Deputy District Attorney—Civil, asked if they already own the animals that are going to be there and they are presently somewhere else, or will they buy them when you get someone on the property. Mrs. Sowersby responded that they do not own the cattle yet; however, they have friends that raise cattle and they have spoken to them about this. The children's project pigs are at this friend's property right now. They can't move forward with their cattle operation until they can get this temporary

residence going. Mr. Sowersby added that they have also been held up because they got their well drilled and have been waiting for about a month to get the pump set. They are also waiting for NV Energy to give them some power to run the well, so that they could actually water these animals. There are a lot of pieces moving right now, and they can't just grab 6 head of cattle and throw them on the property and hope for the best. They would also have to truck water in, so they haven't really moved on getting any actually long term livestock. The only thing that they have right now are the kids' market animals. Joseph Sanford inquired if there are any panels or other facilities set up on the property where they would go when it is set up, or it is just empty. Chris Sowersby noted that right now the property is fenced about 75%; the only side that is not fenced is the diagonal cut right along the canal. If they put up a fence there, then the whole entire property will be enclosed. This would allow them to just let the cows loose inside the fenced area. When they put the house in there, they would fence around that area to keep the animals away from the residence.

Chair Diehl asked if this was going to be an RV for the caretaker, and they stated that it would be a 1970s mobile home, single wide. Dean Patterson pointed out that the application says 1977, which would make it a mobile home, if it were after 1985 it would be a manufactured home. Chair Diehl inquired how they would be connecting it to sewer and water. Chris Sowersby said that he planned to put it where the actual house will be in the future. They will have a septic installed and then tie the mobile home in. The water would be brought over to the mobile as well, and then when that home is removed it will be in place and ready for the permanent home. Chair Diehl verified that they have the well in right now. Mr. Sowersby answered that it has been drilled. There was discussion that they need the power and pump installed in order to get the water out of the ground. Mrs. Sowersby responded that they have been on the schedule for a year, and during the last week she has received calls informing that they are coming next week. They are hoping to have the pump installed next week. Chair Diehl then confirmed that they don't have the septic yet. Alissa Sowersby replied that they are on the schedule to be done as well. She remarked how hard it has been to work with contractors due to COVID last year and now with construction projects going these people are so busy. Chair Diehl pointed out that basically they can't put the mobile home on the property as a residence yet because they still have to get the permits, and everything done to hook up the home. Mrs. Sowersby noted that the well has already been permitted, and the septic system is in process as well as the pump for the well. The pump for the well is already permitted, but it just needs to be installed and hooked up. They could move the mobile home onto the property as soon as the use gets approved and work toward setting it up. The septic still needs to be permitted and installed, and then NV Energy still needs to bring the power to the property, which they won't do until you have a structure there.

Member Bunyard inquired of Dean Patterson if he understood that another option would be to have them apply for the General Purpose temporary use permit, so that they could table this to the next meeting to give them an opportunity to go in that direction. Mr. Patterson restated that one of the options he included in the staff report would be the general purpose temporary quarters, which is sort of like one of the others, but there are different criteria. They could table this item for tonight and ask them to provide additional information regarding those different criteria, and then consider it next time.

Chair Diehl verified that the commission could table this until they have more information about the well, septic, and so forth. The applicants were in agreement.

Director Chris Spross inquired of the applicants if they were granted this permit today, when would they have livestock on the property. The Sowersbys indicated that it would probably be in the next couple of months. Mr. Sowersby added that the one big hang up for them is NV Energy at this point, and that could take 6-8 weeks to get a response.

Member Arciniega stated that he feels that they are a little premature in their application. There are a lot of parts that are not in place beginning with the well, which is not even operational at this time, the septic is not installed, and there is a large section of the property that could be fenced to run the livestock out there. NV Energy is a moving target. It just seems to him like this is a little bit early in the process, and he feels at this time he would not be in favor of approving the application. Mrs. Sowersby

remarked that part of the reason they are doing this prematurely is because once the mobile home is on the property, they will have to do some construction work on it. It is an older home and isn't something that is ready for someone to live in it. Part of the reason they wanted to do it the right way and come to the commission now is so that they could get permission to move the home there and start working on the repairs that are needed as the other pieces are falling into place.

Vice Chair Louis questioned if they had thought of using an RV instead of a trailer. Mrs. Sowersby admitted that wasn't something that was on their minds. Vice Chair Louis suggested that maybe the person who will be on the property could use an RV as the dwelling instead of a mobile home. Alissa Sowersby said that is something that they could consider. They had just been thinking of a mobile home that could be removed when they want to place the home on the same site. Vice Chair Louis pointed out that an RV could be put in that same area and hook it up to the septic and power, and then the person that they choose to be the caretaker could also provide their own RV to use in order to save them some money and time as well.

Member Getto shared his thoughts based upon the set of criteria that they have to follow and whether or not you qualify for this temporary use permit. The first one is "evidence that the labor needed is greater than what would be reasonable expected of the property owner." Personally, he doesn't see the need for that based upon the stated 6-12 cows right now. These types of temporary quarters are generally reserved for dairies of 600 cows or maybe a farm that has 1,200 acres that needs to be irrigated, where someone needs to be onsite at all times either to tend to those large herd of cows or tend to water flowing down a ditch. He doesn't see how the number specified for this location needs constant care and maintenance. He just wanted them to understand why he would not be able to approve this type of permit.

Chair Diehl asked for any further comments, and there were none. She expressed her desire not to discourage the property owners because the commissioners want to allow people to develop our community. It is her opinion that the commission table this item maybe to next month, so that they can get more information to them to make a better decision. Right at the moment she doesn't believe that they have enough information to decide in favor of the application. She would prefer to table it and give them time to come back with some more information so that they can do what they want to do. She expressed appreciation that they were thinking ahead. She further inquired if 90 days would give them enough time, and the Sowersbys agreed.

Member Zack Bunyard made a motion to table the application for a Temporary Use Permit for Temporary Quarters for Farm Labor on APN: 007-141-81 for a period of 90 days. Member Myles Getto seconded the motion and the decision carried by unanimous vote.

B. Consideration and possible action re: A special use permit application for a home based custom metalsmithing business filed by Paul Hampton for property located at 2480 Dalila Street, Assessor's Parcel Number 006-691-85, consisting of 1.0 acre in the A-5 zoning district. The applicant proposes to do gunsmithing and metal work by appointment only to his property.

Paul Hampton, 2480 Dalila Street, wants to do a small scale business out of his garage. It would be mostly gunsmithing and some light metal fabrication. It would be by appointment only and looking at evenings and weekends because he has a regular full time job.

Chair Diehl asked for any public comments.

Patrick McDougall, 742 Wildes Road, said that he owns four lots on Joel Way. He is in support of small businesses in the community, and it appears that the customer parking is off of Thornbird Drive, which is good. He asked about the hours of operation that will be by appointment and if they could be not past 10:00 p.m. He shared that the Road Department does require a permit for the access off of Thornbird Drive for the customer parking and it costs \$50 as he has done this in the past. There being no further public comment Chair Diehl turned the discussion over to the commissioners.

Dean Patterson wanted to confirm with the applicant that he had a chance to look over the staff report that was sent to him regarding the recommended conditions for approval of the permit. He specifically noted when there are these types of operations being proposed in a neighborhood it is recommended that all ammunition and firearms are stored securely on the premises and that the owner contact the Fire Marshal and Sheriff regarding the storage of ammunition and firearms on the property. Mr. Hampton remarked that all storage of firearms, firearm parts, and ammunition would be in fire resistant safes, and there will be a security door added to the man door on the garage with possible surveillance in the future.

Member Bunyard questioned approximately how many people per week would he have coming by. Paul Hampton answered that starting out it might be two to five people per week. Member Bunyard asked if this was for both of the businesses—metalsmithing and gunsmithing, and Mr. Hampton confirmed this to be accurate.

Member Arciniega verified that he understood correctly that Mr. Hampton has another job, which was answered in the affirmative. Member Arciniega then asked when the appointments would be scheduled. Paul Hampton responded that on the weekdays it would be most likely between 6:00 p.m.-8:00 p.m. and then weekends could be from 8:00 a.m.-6:00 p.m. Member Arciniega noted that on the application that a sign is proposed for the business. He asked Dean Patterson if this was in compliance with the code related to advertising signs, and Mr. Patterson stated that the code requires the Planning Commission to approve the sign, Mr. Hampton has provided an example of what it might look like and that it will be 4' by 2 ½', which is 10 square feet—the maximum allowed for a home business. Member Bunyard inquired if one of the recommended conditions for this sign is that it has to be off of the easement. Dean Patterson confirmed that the recommended condition is related to the applicant placing the sign outside of the road easement, which is generally measured from the center of the road over 30' toward the house. This would be the edge of the easement and the sign needs to be outside of that. Paul Hampton verified if it would also be acceptable to place the sign on the gable of the garage above the rollup door on the south side of the building. He thinks that would be a better location for that sign.

Chair Diehl questioned where the firearms and ammunition will be stored. Mr. Hampton replied that these would be in fire resistant safes inside the garage. Chair Diehl confirmed that this is securely locked. Paul Hampton responded that these would be bolted to the floor and locked at all times when not in use. Chair Diehl asked if he has spoken with the Fire Marshal and Sheriff. Mr. Hampton stated that he hasn't yet as he wanted to see if he would be approved for the business first. Chair Diehl inquired if Mr. Hampton has his permits for the guns and then added a question if he was going to have guns or just gun parts onsite. Paul Hampton answered that due to federal law he would be required to obtain the federal firearms license for repair of firearms, and he cannot get that federal license until all of the local licensing is complete. Chair Diehl then asked if he had obtained the local licensing. Mr. Hampton stated that this is the start of this process.

Vice Chair Louis inquired how much noise Mr. Hampton anticipates that the metalsmithing will have, and Paul Hampton replied that it would be minimal as his garage is fully insulated and climate controlled. He keeps the door closed all of the time. He doesn't see there being any more noise than normally residential use. Vice Chair Louis confirmed that the neighbors wouldn't be able to hear what he was doing to which Mr. Hampton concurred.

Chair Diehl noted that it appears he will have adequate parking since this would be by appointment only, and Mr. Hampton agreed.

Joseph Sanford, Deputy District Attorney—Civil, clarified that since Mr. Hampton will be having customers come onto the property, he will be responsible to make sure that any building or place that the enter meets all of the federal laws relating to things such as ADA (American with Disabilities Act) access and so forth. Mr. Hampton answered that he understands this.

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

Member Zack Bunyard, 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 special use permit application for a Home Based Business on APN 006-691-85, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Vice Chair Charlotte Louis seconded the motion and the decision carried by unanimous vote.

Member Zack Bunyard, based on the previously adopted findings made for this project, moved to approve the special use permit application to establish a Home-Based Business for metal-smithing and gun-smithing at 2480 Dalila Street (APN 006-691-85). This approval is subject to conditions, as listed in the Staff Report. Member Charlie Arciniega seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *Approval of the Home-Based Business is limited to:*
 - a. *Operation only by Paul Hampton. Approval is not transferrable to another location or operator.*
 - b. *This approval is for the proposed metal and gun-smithing services. Adding other activities, such as a gun show, etc. is prohibited.*
 - c. *No employees are authorized.*
 - d. *Visits by customers are limited to appointment only and one at a time.*
 - e. *Secure storage shall be implemented to minimize security and fire hazards from storing firearms and quantities of ammunition. The applicant shall coordinate with police and fire services on an annual basis to ensure they have knowledge of, and can plan for service to the business. In addition, any applicable fire and building code standards regarding a firearms business shall be implemented.*
2. *The project must be in conformance with County Code, including but not limited to:*
 - a. *Any outside storage must be located west of the garage and provided with view obscuring fencing.*
 - b. *The proposed sign must be located outside the road easement, being 30' from the road centerline.*
 - c. *A business license must be obtained and maintained.*
 - d. *All necessary building permits must be obtained.*
3. *All required state/federal permits, approvals, and inspections for the business must be obtained and maintained.*
4. *Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.*

Chair Diehl advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

- C. Consideration and possible action re: A special use permit application for a home based retail sales business filed by Carolyn Waddell for property located at 4270 Equestrian Drive, Assessor's Parcel Number 006-171-28, consisting of 5.0 acres in the A-5 zoning district. The applicant makes and sells items made from alpaca wool.

Carolyn Waddell, 4270 Equestrian Drive, informed that they own 46 alpacas and process their fiber. Then they make some items with this fiber as well as send some of the fibers to a co-op to have products made and returned to them that they sell in the store. They were in Reno for nine years doing this and they really need the store right now.

Chair Diehl asked for any public comment. Director Chris Spross shared correspondence that was received from Robert Jackson that stated he did not object to this home based business. Chair Diehl then turned the discussion over to the commissioners.

Member Bunyard inquired if they already have the store set up or the shed that they are going to

use currently on the property. Mrs. Waddell confirmed that it is there and set up. Member Bunyard then asked how much traffic they anticipate having per week. Carolyn Waddell responded that some days there are none and other days there are three or four different groups that come to see the alpacas and to shop in the store, but they all have an appointment so that they can regulate when they come. Member Bunyard questioned department staff if restroom facilities are supposed to be provided. Dean Patterson remarked that the restroom requirement comes from the building code, and as Joseph Sanford raised in the previous application there are also ADA accessibility issues, and one of the things that is pointed out in the staff report is that this is a shed from Out West Buildings that is not constructed to meet the International Building Code (IBC) standards. That aspect of this project raises some difficulties. It is going to be dependent upon the applicant to find ways to limit the activity at the shed so that it functions more like storage, for example bringing the materials out to the customer or having the display easily visible so that they don't have to spend much time in the building. When it starts being used more like a normal retail store, that is when you start having the building code problems, which includes construction of the walls, roof, foundation, accessibility, electrical, etc. As far as restrooms, this is something that is also handled through the building code, and he isn't sure when it triggers the building code requirements for restrooms. The ADA accessibility comes into play there, too.

Vice Chair Louis asked if Mrs. Waddell will have a sign for the business. Carolyn Waddell stated that right now it just has some wooden letters that says STORE on the building. Vice Chair Louis then questioned if they were going to advertise anywhere. Mrs. Waddell informed that they advertise at the Navy base, and then in Churchill County directory they have a little blurb about their alpacas and products for sale.

Member Arciniega inquired how they go about setting up their appointments. How do people contact them? Mrs. Waddell replied that they usually call, text or email. Member Arciniega asked if people know of them or seen their ads. Carolyn Waddell answered that a lot of people do know them and have seen them at vendor events around the county. Member Arciniega questioned if there are times when people just show up, and Mrs. Waddell admitted that they do once in a while. Member Arciniega asked how they handle those situations, and Mrs. Waddell responded that her husband usually meets them at the gate, and those are the ones that usually come to see the alpacas. If they want to go into the store, then her husband will get her, and they will let them look at the products.

Chair Diehl inquired about the types of products that they sell. Mrs. Waddell shared that they make sweaters, hats, gloves, imported teddy bears made from alpaca fiber, saddle blankets, rugs, and so forth. Chair Diehl asked if she made these, and Mrs. Waddell answered that a lot of the items are made by others where she sends the fibers from their alpacas. She doesn't know how to weave. She just knits and crochets with some of the fiber that comes back from the mill.

Dean Patterson asked if the applicant has read the recommended conditions from the staff report that was sent to her. Mrs. Waddell confirmed that she did. Dean Patterson pointed out that one of these is limiting the customers so that she doesn't trigger the building code requirements, and she may still need to put a ramp for access. She will need to speak with the Building Department about that as well as possibly a building permit or placement permit for the shed. She will need to work with that department to meet the requirements for the shed. He further noted that Mrs. Waddell mentioned a sign; however, that wasn't in the application, so if the commissioners want to approve the sign, they will need to add it to the motion for the decision.

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

Member Myles Getto, 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 special use permit application for a Home Based Business on APN 006-171-28, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Vice Chair Charlotte Louis seconded the motion and the decision carried by unanimous vote.

Member Charlie Arciniega, based on the previously adopted findings made for this project, moved to approve the special use permit application for Carolyn Waddell to establish a Home-Based Business for Retail Sales at 4270 Equestrian Drive (APN 006-171-28) and including a sign on the building saying STORE that will be no larger than 10 square feet. This approval is subject to conditions, as listed in the Staff Report. Member Myles Getto seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *Approval of the Home-Based Business is limited to:*
 - a. *Operation only by Carolyn Waddell. Approval is not transferrable to another location or operator.*
 - b. *This approval is for the proposed retail sales business. Adding other activities, such as classes or craft shows is prohibited.*
 - c. *Visits by customers are limited to appointment only and one at a time.*
 - d. *Customer access inside the shed shall be limited to stay within compliance with building code standards and ADA accessibility standards.*
2. *The project must be in conformance with County Code, including but not limited to:*
 - a. *A business license must be obtained and maintained.*
3. *All necessary building permits must be obtained.*

Chair Diehl advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

- D. Consideration and possible action re: A special use permit application for a Warehouse Storage and Distribution Facility filed by Fallon Partners, LLC, Justin Lucas, Director Development, for property located at 149 Mc Lean Road (corner of Reno Highway and Mc Lean Road), Assessor's Parcel Number 008-473-17, consisting of 1.555 acres in the C-2 zoning district. The Frito Lay Company proposes to build a new distribution warehouse.

Matt Rasmussen, Techtonics Design Group, the owners' representative, explained that this is a smaller distribution center for Frito Lay and Pepsi. This facility is about 5,900 square feet and there are usually four employees and a manager. Instead of distributing through their facility in Reno they bring a one large semi-truck to fill the warehouse, and then they make their deliveries in smaller box vans. Even though the application is asking for twenty-four hour use they do not operate all of those hours. They just can't guarantee that the deliveries will be within the normal 7:00 a.m. to 7:00 p.m. hours. He doubts that there will be deliveries at 2:00 or 3:00 a.m., but it could be 6:00 a.m. and maybe a little later in the evening.

Chair Diehl asked for any public comment. Darwin Haffner, owner of Fallon Floors next door to this property on the Reno Highway, stated, as he has understood since he obtained it, that the property line goes down the center of the driveway to his building. It would have access to the Reno Highway along with what looks like access off of Mc Lean Road. He questioned if they would use the access off of both entrances. Mr. Rasmussen clarified that it would strictly be access off of Mc Lean Road, where the new Nevada Department of Transportation (NDOT) access will be. Mr. Haffner shared that since he has been at this location, they have used an access across the back of this parcel to get onto Mc Lean Road without having to get onto the highway. He inquired whether they would be fencing this in or would it still be open for them to use that access even though it wouldn't be their privilege. Mr. Rasmussen informed that he was just the owners' representative; however, he would be able to put Mr. Haffner in touch with the owners, so that they could discuss this issue. Mr. Haffner noted that he wasn't going to oppose this project. He has been living there since the early 1980s, and he figured that some

time in the future someone would develop this property. He doesn't have an objection to it, but he wanted a little more information about how the building was going to be built and the access across the south part of the parcel. Mr. Rasmussen informed that it would be a pre-engineered metal building. Mr. Haffner expressed his familiarity with the current operation on Gummow Drive and wondered if it would be a lot busier or bigger than that. Matt Rasmussen replied that they call these types of facilities a four-door, where the four delivery positions will pull in to load their vehicles. Darwin Haffner asked about the gray area displayed on the screen, and Mr. Rasmussen stated that this is asphalt for the parking and driveways. He explained that there is a large semi-truck that comes in so they will have this area for them to maneuver. Mr. Haffner inquired if the white area shown on the screen between the asphalt and the south property line will be developed. Another picture was displayed on the screen showing that this area will be the open landscaped area. Mr. Haffner requested to be able to get in touch with the new owner to discuss how things would work there.

Director Chris Spross read the response that was received from Nevada Department of Transportation (NDOT). "NDOT concurs with their [Fallon Partners LLC] request to access from Mc Lean Road instead of Reno Highway, and no traffic study will be required. They will need to get an NDOT occupancy permit for the new access to Mc Lean Road before they can start using it." There being no more public comment Chair Diehl turned the discussion over to the commissioners.

Member Bunyard asked if they have an approximate time when they will start construction and building. Matt Rasmussen informed that they have already submitted the NDOT approach permit, and they are ready to submit the building application within the next two weeks. They could probably have this open before the end of the year.

Vice Chair Louis inquired if there will be any signage on this property. Matt Rasmussen did not know for sure, and he knows that no pylon sign had been proposed. They don't really advertise what it is. He has done a couple of others of these in some other states; however, he doesn't believe that they have signage on the building, but he couldn't say for sure.

Chair Diehl questioned how many employees may be here, and Mr. Rasmussen responded that there is only five. Chair Diehl further asked if they would be coming from somewhere else, or if they would be hiring locally. Mr. Rasmussen answered that they should be local. Diane Moyle, Administrative Assistant, noted that this company is already in operation. They currently operate out of some storage units off of Gummow Drive, and this would be just a move of that operation to the new building. Chair Diehl wondered if this was to make the operation run more smoothly, and Mr. Rasmussen shared that he is just their civil engineer and doesn't know anything about their operations.

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

Member Zack 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 on APN 008-473-17, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Vice Chair Charlotte Louis seconded the motion and the decision carried by unanimous vote.

Chair Diehl inquired if they have all of their permits and licenses, and Mr. Rasmussen responded that they are in process.

Member Zack Bunyard, based on the previously adopted findings made for this project, moved to approve the special use permit application for Fallon Partners & Frito Lay to establish a warehouse and distribution facility with 24 hour operations at 149 Mc Lean Road (APN 008-473-17). This approval is subject to conditions, as listed in the Staff Report. Vice Chair Charlotte Louis seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The site must be constructed and operated in conformance with County Code and building permit requirements.*
- 2. A County Business license shall be obtained and maintained.*
- 3. The applicant shall obtain any necessary road approach permits or approvals from NDOT; and shall install paved access aprons to NDOT specifications.*

Chair Diehl advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

E. Consideration and possible action re: A major special use permit application for a major power generation facility filed by Brady Power Partners at the Desert Peak geothermal location, Assessor's Parcel Number 004-051-21, consisting of 640.0 acres in the RR-20 zoning district. The applicant proposes to construct a 9.5 megawatt Solar Project to provide power to run the existing geothermal power plant.

Jake Steinman, Ormat Technologies at 6140 Plumas Street, Reno, shared a PowerPoint presentation to explain what they are proposing to do. They plan to build a 9.5 megawatt photovoltaic solar array near their current Desert Peak geothermal power generation facility. It will be a 55 acre footprint right next to an existing transmission line and substation, which they utilize for this project. The point is to supplement power for operations of the Brady power facility, and this will essentially run the pumps and the facilities in the background so that they are able to put more geothermal energy onto the grid. He showed diagrams from the application as well on the screen. This is located outside of Fernley and south of the interstate. There will be two solar sites that will equal 55 acres. He shared some other aerial photos and diagrams on the screen to demonstrate the preliminary design for the project.

Chair Diehl asked for any public comment. Director Chris Spross shared that Nevada Department of Transportation (NDOT) stated that the Nightingale and Interstate 80 should have adequate capacity to handle the new trips generated by the solar plant and as a result they have no concerns at this time.

There being no more public comments Chair Diehl turned the discussion over to the commissioners.

Chair Diehl inquired if this was to generate more energy so that they can sell more energy from what is already there. Mr. Steinman reiterated that this would increase the efficiency of the existing geothermal plant, so it is all behind the meter and won't be power that they will be selling. The way their power purchase agreements are set up, they are not able to do that, but they can use it to optimize what they have.

Dean Patterson, Senior Planner, said that in previous discussions with the applicant, and these are two items that are discussed in the staff report, the applicant indicated that he could provide more information about the plans to protect the RS-2477 road that runs through this valley and also talk a little bit about the decommissioning bond that is requested in the conditions of approval. Jake Steinman noted that, regarding the roadway, they still have a few more steps before they finalize the engineering designs for the facility and put in the application for a building permit. Part of the final design will be looking at any potential stormwater impacts or any water that could be diverted toward that roadway, and they will look for the best options to protect that road whether it is a culvert system designed for a 100-year storm or an armored swale in the road. They are more than happy to discuss that with the county before they proceed with that. After he spoke with the engineers, he was informed that they will be vegetating most of the site after construction, so that will help with infiltration of stormwater and add additional protection to the roadway. As far as the bond is concerned, it is Mr. Steinman's understanding that the current Desert Peak facility has not had a bond put in place for it, even though it is county regulation, and he has agreed to develop a reclamation plan and a bonding cost that they will put forward via a surety bond with the county. This will cover the costs of decommissioning the facilities should they walk away from the project. He will work with Dean Patterson and Chris Spross on getting an

adequate document for that.

Chair Diehl questioned if they have already started their building permit and business license, and Mr. Steinman replied that they have not yet as the engineers are still finalizing the designs to ensure that they will work. These will come shortly.

Member Arciniega asked for clarification of the location of the RS-2477 road, and Diane Moyle shared a few aerial photos that demonstrated this roadway. Dean Patterson pointed out the diagonal white line that goes through the southeast corner of the parcel, and this reaches all of the way out of the valley and wraps around the hillside to Interstate 80 and then goes up the old highway pavement, which existed before the freeway. Mr. Steinman noted that there would be some additional traffic during construction of the project, which is generally a couple of months, but after that it will be essentially the same traffic that visits the Desert Peak facility as the maintenance for the solar is pretty minimal. Member Arciniega then questioned where the runoff possibility located. Dean Patterson showed with the mouse pointer on the aerial photograph where the solar field on the south edge of the parcel has the most potential for causing runoff to the RS-2477 road since the solar field north of the geothermal facility would have run off going through the geothermal plant before reaching the road.

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

Member Charlie Arciniega, 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 004-051-21, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Vice Chair Charlotte Louis seconded the motion and the decision carried by unanimous vote.

Member Charlie Arciniega, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application for Brady Power Partners to establish a Major Power Generation facility on APN 004-051-21. This approval is subject to conditions, as listed in the Staff Report. Vice Chair Charlotte Louis seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The 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. Any new gravel pit established to supply gravel must receive separate permitting.*
 - d. Additional future facilities such as for battery back-up may need additional permitting.*
 - e. The solar panels and support structures shall meet required setbacks from property lines.*
 - f. Proof of liability insurance covering all aspects of the operation in the amount of \$1,000,000 shall be provided to Churchill County prior to initiation of operations.*
 - g. 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.*
 - h. A Fire and Emergency Plan shall be developed or updated in coordination with the Fire Marshal and local authorities.*
 - i. Closure/decommissioning of the facility must be completed within 1 year from cessation of operations.*
 - j. Prior to issuing building permits, a facility decommissioning and removal bond, as deemed acceptable to the Public Works Director, shall be provided for the entire facility in conformance with CCC 16.16.030(F)(2).*

- k. *Minor changes may be made and authorized by the Public Works Director per CCC 16.16.030(E)(13).*
- l. *The proposed screening fence and interior modules/structures shall be of a color to blend with the landscape.*
2. *The RS 2477 roads used for access may not be moved, destroyed, or blocked without approval through additional processes. The applicant is responsible for maintenance and repair of the road to the site during the life of the geothermal facility.*
3. *Before grading or building permits are issued, plans shall be provided demonstrating how stormwater flows from the solar facility will be managed to cross the RS2477 road without damaging it.*
4. *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*
5. *Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*

Chair Diehl advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

10. 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: Termination of a temporary use permit for a temporary residence for hardship/caretaker that was granted to Dorothy Dodson for property located at 823 Soda Lake Road, Assessor's Parcel Number 008-531-42, in the C-1 land use district. Ms. Dodson passed away, and her daughter is requesting an extension of time for the removal of the temporary residence from 90 days to 1 year. She stated in a letter the extenuating circumstances that make it difficult to accomplish in 90 days.
- B. Consideration and possible action re: Termination of a special use permit for a home based daycare facility granted to Carolynne Daniels for property located at 4767 Rancheria Road, Assessor's Parcel Number 008-121-95, in the A-5 zoning district. This permit was supposed to have been terminated when Ms. Daniels moved the facility to 2163 Sabrinias Way; however, this was an oversight. The permit is no longer needed at this location and should be terminated.

Vice Chair Charlotte Louis moved to approve the Consent Agenda as submitted. Member Charlie Arciniega seconded the motion and the decision carried unanimously.

11. Public Comment.

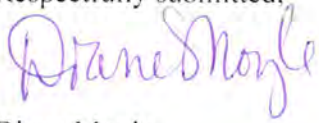
There were none. Chair Diehl inquired if they will have a workshop, and Dean Patterson noted that their next workshop is scheduled for August 2021.

12. Adjournment.

There being no further business to come before the Planning Commission, Chair Diehl adjourned the meeting at 8:23 p.m.

13. Appendix.

Respectfully submitted,

A handwritten signature in purple ink that reads "Diane Moyle". The signature is written in a cursive, flowing style.

Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

155 N. Taylor, Ste. 194, Fallon, Nevada 89406
Off. (775) 423-7627 Fax (775) 428-0259

STAFF REPORT FOR PLANNING COMMISSION MEETING – July 14, 2021

Prepared July 7, 2021

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on July 7 to review the project applications listed below that are on the agenda for the July 14th Planning Commission Meeting. Site visits were made as noted.

• Eckert Family Trust Sending Site Application	Page 2	No Site Visit
• Smith Sending Site Application	Page 3	No Site Visit
• NEV DEV LLC - 6 Parcel Maps (north of Dillon Road)	Page 4	No Site Visit
• Sowersby TUP for Temporary Quarters for Farm Labor	Page 9	No Site Visit
• Hampton Home Bus. SUP for metal and gun smithing	Page 11	No site visit
• Waddell Home Bus. SUP for retail sales	Page 15	No Site Visit
• Frito Lay/Fallon Partners SUP for Warehouse & Distribution Facility	Page 18	No Site Visit
• Brady Power Partners / Ormat SUP for major power generation (solar)	Page 21	No Site Visit
• Consent Agenda	Page 28	No Site Visit

PC Members Present

Zack Bunyard
Myles Getto
Scott Nelson

Staff Members Present

Christian Spross
Dean Patterson
Diane Moyle

REVIEW OF PROJECT FILES

The Public Works, Planning, and Zoning Department Staff has reviewed these applications for compliance with Churchill County Code as required by the Development Code. This staff report summarizes our findings and provides recommendations for the Planning Commission to consider while making their decisions on a project or making recommendations to the Board of County Commissioners.

If you have questions concerning details of the project or this staff report, please contact the Public Works, Planning, and Zoning Department staff for assistance.

Application:	<u>TDR Sending Site Approval</u>	Use Listing:	<u>Agriculture & Single Family</u>
Applicant:	<u>Eckert Family Trust</u>	Owner:	<u>Eckert Family Trust</u>
Site:	1805 Norcutt Ln, 9295 Pasture Rd. and nearby farmland on Pasture Rd (APN: 006-111-25, -26, -27, -29 & -37) 262.88 acres with 220.08 acres of surface water-rights		
Designations:	Master Plan - Agriculture // Zoning - A-10		

Summary: This application is for approval of a Sending Site and Transfer of Development Rights calculation. The subject property meets the 20-acre minimum parcel size for a sending site, has water rights, meets the zoning district requirements, totals more than 100 acres, and is located within the military operations buffer zone.

The Sending Site Committee reviewed the application on June 21, 2021 and recommends approval of the sending site. The Committee recommended a total of 352 TDRs.

Staff Recommendation: **APPROVAL - as provided below.**

□ **For APPROVAL the motion should include:** Based on the information provided in the application, in the staff report, and heard at this hearing, I move to recommend the following to the Board of County Commissioners:

- (a) approval of the Sending Site application for the Eckert Family Trust on property at 1805 Norcutt Ln, 9295 Pasture Rd and farmland on Pasture Rd (APN: 006-111-25, -26, -27, -29 & -37), consisting of 262.88 acres with 220.08 acres of surface water-rights, based upon meeting the criteria for a Sending Site; and
- (b) approval of 352 TDRs for the same property.

Application:	<u>TDR Sending Site Approval</u>	Use Listing:	<u>Agriculture & Single Family</u>
Applicant:	<u>Robert Smith Jr.</u>	Owner:	<u>Robert Smith, Jr</u>
Site:	7250 Curry Road & 3303 Gwinn Marie Court (APN: 006-553-37 & -41) 211.0 acres with 89.81 acres of surface water-rights		
Designations:	Master Plan - Agriculture // Zoning - A-10		

Summary: This application is for approval of a Sending Site and Transfer of Development Rights calculation. The subject property meets the 20-acre minimum parcel size for a sending site, has water rights, meets the zoning district requirements, totals more than 100 acres and is located within the military operations buffer zone.

The Sending Site Committee reviewed the application on June 21, 2021 and recommends approval of the sending site. The Committee recommended a total of 195 TDRs.

Staff Recommendation: **APPROVAL - as provided below.**

- **For APPROVAL the motion should include:** Based on the information provided in the application, in the staff report, and heard at this hearing, I move to recommend the following to the Board of County Commissioners:
- (a) approval of the Sending Site application for Robert E. Smith Jr. on property at 7250 Curry Road & 3303 Gwinn Marie Court (APN: 006-553-37 & -41), consisting of 211.0 acres with 89.81 acres of surface water-rights, based upon meeting the criteria for a Sending Site; and
 - (b) approval of 195 TDRs for the same property.

Application:	<u>6-Serial Parcel Maps for 16 lots</u>	Use Listing:	<u>Land Division/ residential</u>
Applicant:	<u>Jessica Stranger of Nev Dev LLC</u>		
Owner:	<u>Nev Dev LLC (Maps 1-3) & Mason1 LLC (Maps 4-6)</u>		
Representative:	Steve Bell, Bell Land Surveying		
Site:	North side of Dillon Rd. (APN: 008-113-49 & -.56) – 80.64 acres		
Designations:	Master Plan – Urbanizing // Zoning - E-1		

Summary: The Master Plan land use designation for this area is Urbanizing, with the intent that urban densities and infrastructure be extended from the central core of the community over time. The zoning district is E-1, which allows 1-acre lots (or smaller) if adequate services are in place.

The site is located on Dillon Road and on the north side of the Sky Ridge development – which is a large neighborhood of 1-acre lots on well and septic systems. Large 1-acre developments like that are no longer allowed without community sewer or water services (and paved roads).

The applicant has submitted a series of 6 Parcel Map applications to implement the previously approved Tentative Parceling Plan to split 2 adjacent 40-acre vacant lots into 16 5-acre residential lots. The process for serial parcel maps is to do the first map of 3 small lots and a remainder, then on the remainder do 3 small lots and a new remainder, then repeat the process until all lots in the plan are completed. Because they are used for larger developments, serial parcel maps are subject to additional requirements similar to subdivisions.

According to the development code, serial parcel maps are not allowed to create lots of less than 5-acres, so the applicant has configured the plan to create 5-acre lots. In addition, new 5-acre lots must either front on a public road or have a paved road built to each new lot. Dillon Road is a paved County maintained road, so the applicant has arranged all lots to front Dillon Road and avoid the need to build a new paved road.

Road Issues

Initially, lot configuration dominated the review of the parceling plan, ultimately causing its rejection and redesign. The review of subsequent redesigned alternatives was dominated by road issues. The final approved parceling plan provides for 16 lots arranged in two rows. The south row has direct road frontage along Dillon Road. The north row of lots is provided with direct road frontage by making them “flagpole” lots where each pair of lots are configured to extend strips of lot down a shared driveway to touch on Dillon Road, with a public road easement lain on the driveway. The easement passes between a pair of south row lots that can also use the easement. This arrangement creates groups of 4 lots that each have frontage and usage of the driveway. Each driveway also lines up with the alignment of the existing roads in the Sky Ridge development so that the driveways have the future potential to directly extend those roads, and important issue during the parceling plan review.

Another major issue in the parceling plan approval, was the concern that owners would misconstrue the status of the private driveways to be public roads. Each driveway may have a road easement but will not be a road at this time. It will just be a shared driveway that is privately maintained. But it could be upgraded in the future if one or more of the four owners fronting the easement develops their property into smaller lots. To make the status of private driveway clear, each group of 4 lots will share maintenance costs through a private road maintenance agreement – a draft of which has been developed in conjunction with staff and included with the meeting packet. A recommended condition of approval will require that the final maintenance agreement for

each driveway be recorded with the maps creating the lots fronting on the driveway. In addition, the parceling plan approval also required that signage be posted on the driveway stating that it is privately maintained.

There are a number of road easements involved with this project. Dillon Road fronts the south side of the development, is a paved County-maintained road, and is in good condition. It lies within a 60' road easement on the south side of the property line that was established with the Sky Ridge development, and a 30' road easement from the original patent along the north side of the property line, giving a total width of 90-feet. The Road Supervisor has reviewed the proposal, and does not want individual lot access onto Dillon Road when the driveways are available. A parceling plan condition prohibits access onto Dillon Road, and these maps implement it. Roberson Lane runs along the west property line, lying in a 60' road easement centered on the property line, and is a privately maintained dirt road that is highly degraded in some places. It is not adequate to meet the requirements for new lots to access a publicly maintained road. A parceling plan condition prohibits access onto Roberson Lane, and these maps implement it. . The north property line has a proposed 30' access easement that provides half of a future 60' road easement in case properties to the north develop. The east property line also serves as the centerline of a 60' road easement; however the east half (off the property) is not complete along the full length. As noted above, the applicant proposes a 60' road easement between each pair of lots fronting Dillon Road that overlies the "flagpoles" to the rear pair of lots. These will be shared access driveways for groups of 4 lots that line up with the existing roads in the Sky Ridge Development. These driveways will need paved aprons onto Dillon Road. The apron and private road signage (noted above) will be needed to be installed or bonded before recording.

As required by NRS 278.378, offers to grant easements, and dedicate land to the County must be accepted or rejected along with approval of the map, and will take place with each parcel map. Staff often recommends that the lands under existing roads be dedicated along with recording the map so that the County has full ownership and authority of activities in the roadway. In this case, the existing Dillon Road is not on the property, Roberson Lane is a privately maintained road, and no new roads are proposed. Staff does NOT recommend the dedication of road lands for Dillon Road. Staff DOES recommend that Roberson Lane be "offered" for dedication but rejected by the County at this time. Staff recommends that the driveway road easements be "offered" for dedication but rejected by the County at this time. As usual, all easements that are offered would be accepted by the County. Appropriate recommended actions are included in the motions.

Development Issues

The property is a mix of different land features. Each lot has a reasonable area of generally flat and easily developable land, and this is usually near Dillon Road. The exception is that Lot 5 will be significantly encumbered by a salt pan depression near Dillon Road, which is unsuitable for home construction due to water ponding, and unsuitable for septic system operation due to clay soils. But the lot is big enough to provide a developable area away from the depression. The flagpole segments of Lots 6 and 7 will also cross the edge of the salt pan depression, and driveway construction will need to deal with it. The north row of new lots have much of their area located on sand hills. These are not high, but many have steep side-slopes. Making those areas more accessible for use will require minor grading of the steep slopes and developing these lots may be a challenge in locations where they may be pure sand.

Criteria Review:

CCC 16.04.040(C) Design Standards: Churchill County has adopted development standards, which shall be complied with in all application submittals.

The proposed development must conform to the County Development Code. Conditions of approval will address specific issues.

- **Setbacks and Easements:** New lot lines will not create setback problems for existing buildings. The existing and proposed road easements, including those provided for the driveways, will have setbacks that limit the location of buildings.
- **Lot size and width:** The E-1 zone has a 1-acre minimum lot size. The proposed lots comply with this standard. Minimum lot width is 60', with a minimum average width of 100.' The proposed lots comply.
- **Access, sewer, and water facilities:** See comments under Criterion 4, below.
- **Water rights and community development fees:** Community development fees will be due with home construction on the proposed vacant lot. The exception is that water dedication is required for new lots, unless no water rights exist on the property, in which case a payment-in-lieu is allowed. The existing lots are vacant and do not have water rights. The 16 proposed lots will have to make a payment-in-lieu of water rights fee of \$3276 per lot, paid with the parcel maps creating the lots.
- **Adjacent Property Access:** County standards require that firefighting access be provide to large tracts of land adjacent to a development. Standards also require that development not isolate lots behind the development from access. The south, east, and west edges of the property already have access easements. The development proposes another access easement along the north property line. This will provide access to the large undeveloped properties north of the project.

CCC 16.04.050(A) Conditional Development Approval: The planning director, planning commission or county commissioners are authorized to apply conditions to applications for development. Conditions are employed to development projects to ensure:

1. Conformity with the master plan.

The **Master Plan** designates the area as Urbanizing and is implemented by the existing E-1 zoning district. Most Master Plan policies are not applicable to the issue of a land division, but **Goals PSF 1 and 2** (and their associated policies) tie the use of sewer and water services to lot size, especially for lots of less than 5-acres. As noted previously, the 5-acre lot configuration was chosen to use the serial parcel map process and because community services are required for developments with smaller lots. Both **GOAL LU 2** and Policy LU 2.1 discuss compatibility issues that are discussed under criterion 2, below.

2. Compatibility with existing adjacent properties and uses.

The adjacent uses are smaller-lot residential development south and west of the property. The proposed lots will be 5-acres, and most of these lots (excluding a homesite) will be largely undeveloped. The proposal is compatible with the nearby developed areas, and with the adjacent largely vacant lands to the north and east. The 16 proposed lots will be residential, which are allowed uses under the zoning code. Very little alteration of the neighborhood character will result from the proposal other than an increase in traffic and human activity due to the additional lots being developed.

3. Protection of the public health, safety and general welfare.

The creation of 16 additional developable lot will substantially increase human activity on Dillon Road, and modestly increase human activity in the immediate vicinity, but such activity is of the same character as the existing neighborhood. The protection of public health, safety and welfare will not be affected.

4. That adequate public facilities and services are available to the development.

With the proposal, the potential development of two existing lots will become the potential development of 16 lots, thus increasing potential future traffic on adjacent roads. As described previously, due to road condition and traffic concerns, the parceling plan approval prohibited access onto Roberson Lane and Dillon Road, and these maps implement it. This means that all lots need to take access on the shared driveways they front on, then those driveways will access onto Dillon Road.

See the discussion above regarding road issues. Dillon Road is a County maintained paved road that will not be overburdened by the project traffic. Roberson Lane is inadequate to provide access to new lots, and its use is prohibited (as noted previously). New road easements are being provided for the shared driveways that are adequate for the current proposed development, but can be adequately upgraded for additional development in the future. While the driveways do not have to be paved, the parceling plan required that they be constructed to County gravel road standards, and this is carried through to these maps in the recommended conditions of approval.

There are no public sewer and water facilities on or near the site. Other public utilities (power, communication, gas) do exist in the Sky Ridge neighborhood and can serve the proposed lots. Current county practice is for road easements and property lines to include utility easements.

As previously discussed, new septic systems will be needed for each proposed lot. In certain locations, soils may pose problems for septic systems, particularly in or near the depression with the clay and alkali soils on Lots 5, 6, & 7, and also in those extremely sandy locations on all lots, but the lots are large enough to find suitable septic locations. New water wells will be needed for each proposed lot, and no obvious problems with water supply exist.

5. ***As a part of the review and analysis of the development request, findings of conformance with the goals and objectives of the code and the master plan must be made in order to recommend approval and impose conditions. The conditions imposed by the staff may be modified by the final decision-making body.***

Based on the above assessment, options for Findings are provided below.

STAFF RECOMMENDATION:

APPROVAL - as provided below.

MOTION 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 that the findings **[HAVE BEEN // HAVE NOT BEEN]** met for 6 parcel map applications implementing a previously approved parceling plan on APN 008-113-49 & -.56. to split the lots into 16 parcels thereby **[MEETING // NOT MEETING]** the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report.

For DENIAL the motion should ADD:

Specifically, the project fails to **[ADD NEEDED REASONING RELATED TO CRITERIA]**

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

- Based on the previously adopted findings made for this project, I move to recommend that the Board of County Commissioners:
 - (A) [**APPROVE // DENY**] the 6 parcel maps entitled 1st through 3rd Parcel Map for Nev Dev LLC, and 4th through 6th Parcel Map for Mason1 LLC to divide APNs 008-113-49 & -.56 into 16 parcels.
[For **APPROVAL add**] This approval is subject to conditions, as listed in the Staff Report.
 - (B) ACCEPT the offer to grant easements identified on the map.
 - (C) REJECT all offers to dedicate lands and improvements at this time

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) Changes shall be made for compliance with Churchill County Code and the parceling plan conditions of approval, including but not limited to:
 - a) Corrections for clarification and typographic errors
 - b) Adding additional Note 2 references (regarding road maintenance agreements) on all road easements for the private driveways.
- 2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:
 - a) Corrections for clarification and typographic errors
- 3) The shared driveways serving each group of 4 lots shall include the following:
 - a) Paved aprons meeting Road Dept. standards shall be provided for each driveway at its intersection with Dillon Road.
 - b) Shared driveways shall be constructed to County gravel road standards.
 - c) Each driveway shall be provided with signage near Dillon Road to state "Privately maintained driveway"
 - d) Improvements for each shared driveway shall be completed or bonded before recording the maps that create the lots fronting the shared driveway.
- 4) A road maintenance agreement acceptable to the Public Works Director shall be recorded along with the maps creating the parcels using the driveway.

Application:	<u>Temporary Use Permit</u>	Use Listing:	<u>Temporary Quarters for Farm Labor</u>
Applicant:	Chris & Alyssa Sowersby	Owner:	Chris & Alyssa Sowersby
Site:	12233 Carr Lane (APN 007-141-81) – 10.2 acres		
Designations:	Master Plan – Agriculture // Zoning – A-10		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Farm Labor using a 1977 mobile home. The applicant does not have an agricultural operation at the site or in the area. The property was previously part of a larger farm that was split up, so it does not have residential facilities existing (well, septic, power), except for a possible well. Facilities will need to be installed with the temporary quarters, and locations are shown on the site plan. The unit is not already on-site, and will be located toward the middle of the property, near the canal. It is important that the temporary quarters are not permanently placed, because permanent dwellings do not qualify for this type of permit and are subject to residential construction taxes and other impact fees. In addition, the age of the unit is not allowed as a permanent dwelling.

The property is located on Carr Lane (just west of the intersection with Bench Road), which is a county-maintained paved road located in multiple overlapping road easements that are approximately 80 feet wide, and perhaps 100 feet wide along the property frontage. A canal runs along the northeast side of the property within a 60' canal easement.

Criteria Review: CCC 16.08.070(F) Findings requires that the Planning Commission find that the criteria for farm labor quarters from CCC 16.08.070(B)1 are met. These allow a temporary residence for farm laborers which are:

“only permitted in conjunction with a bona fide functioning farming or ranching operation. Evidence of an active farming or ranching operation and demonstration of need will be required. Demonstrated need must include:

- Evidence that the ... **labor needed** ... is greater than what could be reasonably expected of the property owner ...
- Evidence that farm help is an employee of the farm, and/or
- Other circumstances that demonstrate the need of a temporary use permit for farm labor. The planning commission shall determine if these circumstances meet the intent of this temporary use.”

The existing property has been owned by the Sowersby's, but there is no agricultural operation at this time. The application provides no evidence that there is a “bona fide functioning farming or ranching operation.” The narrative primarily states that the owners do not live at the property, and farm help needs to live there to watch the livestock that will be placed there in the future. It is unknown who would live there. Verbally, the applicants indicate they want to use the site for their children's 4H animals, of which there will be a dozen or so. Their homesite on Raven Drive has restrictions preventing its use for livestock. They had initially planned on building a home at the Carr Lane property, but the pandemic has put those plans on hold.

The “bona fide functioning” standing is important because otherwise anyone that wants to add RVs or mobile homes rentals to their property would simply add a few cows to claim that it is a farm. In addition to not having a “bona fide functioning” status, there is also no evidence provided to meet criteria (a) regarding extra labor being needed to run the farm, (b) that the person living there will be a farm employee, or (c) other circumstances showing a need for housing for labor on a farm or ranch. The small number of animals do not

appear to be enough to warrant needing a laborer/employee. The real function would be to serve as a property watchman, and there is no standard TUP option for watchman other than for businesses. Furthermore, the applicant's animal can be kept on the property without a watchman. Many properties have animals that do not have a watchman over them – particularly rangeland.

The property does not qualify for a temporary quarters for farm labor. A more appropriate option would be to simply establish a permanent home on the site. Another option would be for the applicant to propose a General Purposes TUP, though this application should be tabled until next meeting since additional information about the criteria for that option would need to be provided. Another option might be a Home Construction TUP, though the applicant would have to live on-site in an RV. Staff recommends denial of the application; but if approved, there should be discussion of how the criteria are adequately met, and the modified motion described below should be used. In addition, a condition is recommended to require annual review by the Planning Commission to ensure that an agricultural operation gets established.

STAFF RECOMMENDATION:

DENIAL

MOTION 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 that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a Temporary Use Permit for Temporary Quarters for Farm Labor on APN: 007-141-81, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)1, as described in the Staff Report.

NOTE: For DENIAL, the Staff Report has adequate justification:

NOTE: For APPROVAL, the motion should add: Adequate evidence has been provided to demonstrate that a future “bona fide functioning farming or ranching operation” will be established.

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the application for a Temporary Use Permit for Chris & Alyssa Sowersby to establish Temporary Quarters for Farm Labor at 12233 Carr Lane (APN 007-141-81).

[For APPROVAL the motion should ADD] 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 temporary quarters must comply with Churchill County Code
2. All required Building Department approvals and safety certificates must be obtained. A Setup Permit for the temporary quarters must be obtained, including any required inspections of water, septic and electrical connections by the building department.
3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use any existing services on the property.
4. This temporary use permit is subject to annual renewal by the Planning Commission, until such time as it deems its review is no longer needed. Thereafter normal annual review requirements will apply.
5. Once farmhands working on the property are no longer living in the temporary quarters it must be removed from the property and disposed of properly, or otherwise be made an approved use through other required permitting processes.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Home Based Business for Metal and Gun Smithing</u>
Applicant:	Paul Hampton	Owner:	Paul and Karin Hampton
Site:	2480 Dalila Street, APN 006-691-85 (1.0 acres)		
Designations:	Master Plan – Agriculture // Zoning – A-5		

Summary: The applicant is requesting a Special Use Permit (SUP) for a Home-Based Business at the 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 un-noticeable 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: (1) customers coming to the property, (2) signage of 10 sq. ft. as shown in the application, and (3) the possibility of outside storage next to the shop (though a shed will likely be used instead).

The applicant wishes to authorize a metal-smithing and gun-smithing business at the home. Services will also include light fabrication and metal art. 2-5 customers per week are expected to come to the site, and will be by appointment only. Hours of operation are not specified but are limited to appointments. Customers will park in front of the garage where the business will operate, which is off of the end stub of Thornbird Dr. which has no normal traffic. No street parking is expected. Personal parking will normally take place in front of the home on Dalila Street.

Thornbird Drive is a county-maintained paved road located within a 60' road easement. Dalila Street is a privately-maintained paved road located within a 60' road easement, which is in poor condition. Utility easements run around the perimeter of the property. A mix of agricultural easements occupy the west 50' of the property. No alterations that impact the well and septic are proposed. The garage vehicle door should meet ADA accessibility requirements, but the Building Code might require alterations for ADA accessibility.

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 has a Master Plan designation of Agriculture. The property is zoned A-5 agriculture, and does not have any water-rights. The Thornbird Drive neighborhood is composed of 1-1.5 acre lots. The residential area is surrounded by large, mostly agricultural parcels, including the land immediately to the west.

A full-blown gun and metal smithing business would not normally be allowed in the A-5 zone, but the proposed home business is of a much smaller scale. Businesses in residential settings normally raise concerns about compatibility with the neighborhood, and the homes nearby this business make this a possible concern. However, all operations will take place inside the garage. The applicant indicates the garage is fully insulated, which will reduce machinery noise impacts. There will be no outward evidence of the home business other than infrequent customer visits, the small sign, and possibly a storage area next

to the garage that will meet code requirements. The small scale and 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. **Home Based Businesses are a listed use** in the zoning district or use table for the A-5 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:

- **ADA Accessibility:** Since customers will visit the business, the garage may need to meet some accessibility requirements (for customers with disabilities). The Building Dept. can provide additional information.
- **Storage and signage:** Outdoor storage next to the garage is being considered, though the applicant may use a shed. All outdoor storage must be screened by a view obscuring fence, such as by chain link slats, etc. Signage is proposed along Thornbird Drive, is shown in the application materials, and meets area requirements. But it must be placed more than 30' from the centerline of the road. Recommended conditions of approval are included related to these items.
- **Generally:** Changes to the residential septic system and water well should not be needed. Additional lighting for the business is not proposed, nor approved. No exterior changes are proposed, and the existing buildings appear to meet setbacks and easements. The parking code (including handicapped parking) does not require parking for activities accessory to a residential use. Any required parking for a Home-Based Business would be determined through the SUP, but the proposed parking area appears adequate. Similarly, the landscaping code does not apply to activities accessory to a single-family residence, like a Home-Based Business. New residences must pay County impact fees and dedicate water, but an accessory home business does not.

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

There is no public sewer and water services on or near the site. Private sewer and water service currently exist on-site and can be used for the accessory Home-Based Business. The proposed business will need a federal FFL firearms license. Storage of firearms creates an attraction to criminal elements, including wayward youth. Similarly larger quantities of ammunition stored for a gun testing presents a greater hazard to the owner, neighbors and firefighters in the event of fire than do normal quantities. Conditions of approval should be included to ensure secure storage of firearms and ammunition to minimize both

issues. The business will need additional consideration from police and fire personnel but will not overburden those services. Conditions of approval should require ongoing coordination to ensure their knowledge of the business and any planning needed to serve it. Public road infrastructure is discussed below.

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

Traffic trips for the business (to and from) should be small. Thornbird Drive and Delila Street are paved and adequate for the minor amount of customer traffic. Dust from site traffic is discussed below.

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 due to impacts, but a small-scale operation can be conditioned to be compatible. Potential environmental impact issues are:

(a) Customer traffic and related dust impacts. These are likely minimal due to the paved roads and the minor scale of the business. The existing gravel parking area will mitigate any dust impact. The infrequency of customer traffic will minimize traffic impacts.

(b) Attraction of criminal elements to these businesses and the additional fire hazard of storing larger quantities of ammunition than normal in a residence may have fire and security impacts. Requirements for secure storage of firearms and ammunition will mitigate the impacts.

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 that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a special use permit application for a Home Based Business on APN 006-691-85, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.080(H), as described in the Staff Report.

For DENIAL the motion should ADD:

Specifically, the project fails to [ADD NEEDED REASONING RELATED TO CRITERIA]

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

□ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the special use permit application to establish a Home-Based Business for metal-smithing and gun-smithing at 2480 Dalila Street (APN 006-691-85).

For APPROVAL the motion should ADD: 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 Paul Hampton. Approval is not transferrable to another location or operator.
 - b. This approval is for the proposed metal and gun-smithing services. Adding other activities, such as a gun show, etc. is prohibited.

- c. No employees are authorized.
 - d. Visits by customers are limited to appointment only and one at a time.
 - e. Secure storage shall be implemented to minimize security and fire hazards from storing firearms and quantities of ammunition. The applicant shall coordinate with police and fire services on an annual basis to ensure they have knowledge of, and can plan for service to the business. In addition, any applicable fire and building code standards regarding a firearms business shall be implemented.
- 2. The project must be in conformance with County Code, including but not limited to:
 - a. Any outside storage must be located west of the garage and provided with view obscuring fencing.
 - b. The proposed sign must be located outside the road easement, being 30' from the road centerline.
 - c. A business license must be obtained and maintained.
 - d. All necessary building permits must be obtained.
 - 3. All required state/federal permits, approvals, and inspections for the business must be obtained and maintained.
 - 4. Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Home Based Business for Retail Sales</u>
Applicant:	<u>Carolyn Waddell</u>	Owner:	<u>Waddell Living Trust</u>
Site:	4270 Equestrian Drive (APN 006-171-28) – 5.0 acres		
Designations:	Master Plan –Agriculture // Zoning – A-5		

Summary: The applicant is requesting a Special Use Permit (SUP) for a Home-Based Business at the 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 un-noticeable 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: customers coming to the property. The shed is already in place and includes a sign, though a sign is not proposed in the application.

The applicant wishes to have a retail sales business in the home for making and selling alpaca products. The alpacas are raised on the property. The sales business will take place in a shed south of the home, which is shown on the site plan and already in place. Customer visits will mainly be by appointment, though the expected number of visits and hours of operation are not provided. Customers will use a U-shaped driveway for access and parking, and no street parking is expected.

Equestrian Drive is part of a loop road through the neighborhood, and is a County-maintained paved road located within a 60' road easement. Utility easements run around the perimeter of the property. An agricultural easement runs diagonally through the rear of the lot. No alterations that impact the well and septic are proposed. The home does not appear to be ADA accessible, but customers are only coming to the shed to view or purchase items by appointment. The Building Code might require alterations for ADA accessibility, and the Building Department can provide additional information.

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 has a Master Plan designation of Agriculture, is zoned A-5 agriculture, and does not have any water-rights associated with the parcel. The Equestrian Drive neighborhood is composed of 5 acre lots, and broader area is also developed with large lot residential uses.

A full-blown retail store would not be allowed in the A-5 zone, but the proposed home business is of a much smaller scale. Businesses in residential settings normally raise concerns about compatibility with the neighborhood, and the homes near this business make this a possible concern. However, all operations will take place at the shed, with no outward evidence of the home business other than customer visits. The small scale and 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. **Home Based Businesses are a listed use** in the zoning district or use table for the A-5 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:

- **Building Code and ADA Accessibility:** The home business is proposed in an Outwest Buildings Shed with a small porch, and appears to be setup like a store. Such buildings are acceptable for storage, but do not meet residential or commercial construction standards. If the shed will be used in typical store manner, it will have to be upgraded to Building Code standards, which may not be possible. This may include a foundation, electrical safety standards, wall and roof construction, etc.

Use of the shed may be possible if customer access is limited, thus making the shed function more as a storage area with customer use areas focused outside, such as on the porch. Limiting customer time inside may be acceptable, such as only one or two people, escorted by the owner, and limited duration. Since customers will visit the business, the shed may need to meet accessibility requirements (for customers with disabilities); such as a ramp to the porch, door width (if customers are entering the building), and an accessible parking space. The Building Dept. can provide additional information.

- **Generally:** Changes to the residential septic system and water well are not needed for the business. Outdoor storage is not proposed, so screening is not needed. Lighting and Signage is not proposed, nor approved. No exterior changes are proposed, so the site appears to meet setbacks and easements. The parking code (including handicapped parking) does not require parking for activities accessory to a residential use. Any required parking for a Home-Based Business would be determined through the SUP, but the proposed parking area appears adequate. Similarly, the landscaping code does not apply to activities accessory to a single-family residence, like a Home-Based Business. New residences must pay County impact fees and dedicate water, but an accessory home business does not.

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

There is no public sewer and water services on or near the site. Private sewer and water service currently exist on-site and can be used for the accessory Home-Based Business. Public road infrastructure is discussed below.

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

Traffic trips for the business (to and from) should be small. Equestrian Drive is paved and adequate for the minor amount of customer traffic. Dust from site traffic is discussed below.

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 and related dust impacts. These are of minor scale. The existing gravel driveways will mitigate the dust impact. The infrequency of customer traffic will minimize traffic impacts.

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 that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a special use permit application for a Home Based Business on APN 006-171-28, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.080(H), as described in the Staff Report.

For DENIAL the motion should ADD:

Specifically, the project fails to [ADD NEEDED REASONING RELATED TO CRITERIA]

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

□ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the special use permit application for Carolyn Waddell to establish a Home-Based Business for Retail Sales at 4270 Equestrian Drive (APN 006-171-28).

For APPROVAL the motion should ADD: 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 Carolyn Waddell. Approval is not transferrable to another location or operator.
 - b. This approval is for the proposed retail sales business. Adding other activities, such as classes or craft shows is prohibited.
 - c. Visits by customers are limited to appointment only and one at a time.
 - d. Customer access inside the shed shall be limited to stay within compliance with building code standards and ADA accessibility standards.
 - e. A store sign is not requested, nor approved. The sign on the shed shall be removed.
2. The project must be in conformance with County Code, including but not limited to:
 - a. A business license must be obtained and maintained.
 - b. All necessary building permits must be obtained.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Warehouse and Distribution with a 24 hour schedule</u>
Applicant:	<u>Frito Lay / Fallon Partners, LLC</u>	Owner:	<u>Lance Johnson</u>
Site:	149 Mc Lean Road (APN: 008-473-17) – 1.56 acres		
Designations:	Master Plan – Commercial // Zoning – C-2		

Project Summary: The applicant proposes to establish a new warehouse and distribution facility and move their current operation here, which currently runs out of a mini-storage complex on Gummow Road. The Churchill County Code normally does not require a Special Use Permit for such uses, but automatically requires a SUP for 24 hour businesses and other special situations.

The proposed building will provide area distribution for Frito Lay products. The proposed site is located at the Reno Hwy.–McLean Road intersection, with both roads being state highways. The applicant has been working with NDOT to design the access onto McLean Road. The application indicates that a paved access apron and parking lot are planned. A landscape plan indicates the project will have good landscaping and will be an asset to the visual character of the community.

The facility may not always operate on a 24-hour schedule, but will do so at times. At this time, employees will include 4 drivers and a manager, though the parking lot will accommodate additional employees with 16 spaces (shown on plan, text refers to 12). Operations include the arrival of delivery drivers and a manager in their cars, loading of the delivery vans, making deliveries during the shift, returning at the end of shift, and departure of drivers and manager. In addition, a daily freight delivery truck is expected. This would result in 20 trips a day, plus mail and delivery visits for the site. Building facilities will include septic system, water well, and power and telecom facilities.

The Reno Highway and McLean Road are both State-maintained paved roads within their own state-owned rights-of-way. Public utility easements exist around all property lines – 10' wide on the highway property lines, and 5' wide on other property lines. No irrigation/drainage easements appear to be on the site.

Criteria Review:

CCC 16.08.080(H) Findings: Findings from a preponderance of evidence must indicate that the proposed use:
1. Is compatible with the existing surrounding land uses and development.

This lot is zoned C-2. However, the stretch of highway between Fallon and Briggs Lane is mainly zoned C-1. The exception is this area around the McLean Road and Soda Lake Road intersections, which is a “tossed salad” of C-1 and C-2 zones. South of the Reno Hwy., the site and the three lots to the east (including Fallon Floors) are zoned C-2, but the surrounding area of commercial strip is C-1. On the north side of Reno Hwy., the properties along Grand Ave. and Beacon Way are zoned C-2, along with properties westward fronting the highway, but to the rear and mixed in are C-1 zoning. These commercial properties are occupied by a variety of heavy commercial, storage, and industrial uses; and near the site are a single family home and mobile home park.

The proposed warehouse and distribution facility is similar to and compatible with the surrounding commercial and storage uses. There is a residential use (a home) to the SW, and a mobile home park to the north, but they are distant enough that friction zone standards are met. See Criterion 5 for assessment of environmental impacts on neighbors. See Criterion 2 for assessment of code requirements.

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. **Warehouse and Distribution is a listed use** in the use table for the C-2 zoning district and must be reviewed through a Zoning Review, except that all 24-hour operations require a Special Use Permit.

Most Master Plan policies are not applicable to the development of commercial and industrial uses or are neutral in terms of such 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.

Also see compatibility issues discussed under criterion 1, above. The proposed development must conform with the County Development Code. Conditions of approval will address specific issues, including:

- **Setbacks and Easements:** The County requires a 60' front yard setback along higher speed streets, measured from the highway right of way lines in this case. This corner lot does not have a rear setback, and the C-2 zone has no side setbacks requirement (extending back from the two roads). There are no complicated easements for other purposes. The proposed facility meets setback and easement requirements.
- **Sewer and water facilities:** The new building will include private septic system and water well facilities. Restrooms will have to be ADA accessible, and reviewed with the building permit. The commercial septic system will have to be approved by the state.
- **Parking and Loading Requirements:** Warehouse operations require 1 parking space per employee. The proposal provides 16 spaces, which is more than enough and accommodates increased employee numbers. The warehouse is specifically designed to be the loading dock.
- **Landscaping:** The landscaping code requires one tree per parking space, which is provided. It also requires street front landscape buffers and residential landscape buffers, both of which are provided.
- **Signage & Lighting Requirements:** Exterior lighting is proposed in the application which indicates that lights will be directed down in conformance with the County's dark sky lighting requirements. No sign is proposed in the application, but it can be proposed at a later date and approved by staff.
- **Construction Standards & Impact Fees:** For years the site has been receiving truckloads of dirt and fill material resulting in the site being covered by piles 3-4 feet high. Recently this fill was leveled out. The Building Department indicates that this unconsolidated fill may require additional work to ensure it meets building code standards for foundations; and it may also affect the septic system. The project must also pay applicable impact fees, which will be determined and paid for with the building permit.

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 available at the site. On-site sewer and water service will be constructed with the building. Power is available to the site. Public road infrastructure is discussed below. Public facilities and services will not be impacted. The demand on fire and police services will be minimally increased.

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

Anticipated traffic generated by the site will mainly be from personal vehicles and delivery vans, with an expected total of 20 trips per day (1 visit = 2 trips). Since both McLean Road and Reno Hwy. are paved, this traffic can be handled by the existing roads and no impacts are expected. The applicant proposes a paved access apron to protect the road edge from damage, which was designed in conjunction with NDOT.

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.

Potential environmental impact issues from the warehouse and distribution facility are loading and delivery vehicle noises, mainly on nearby residential uses. Such activity is common in the area and will not be substantially increased by this project. Minimal impacts are expected. There are residential uses adjacent to the site – a home to the SW and a mobile home park and RV park across the highway to the north. Both are distant enough from the proposed business that they meet friction zone standards, plus landscape buffers are provided along the two roads that also meet residential buffering requirements. Adjacent business uses have few people present to be affected and have similar operations with similar impacts.

STAFF RECOMMENDATION: **APPROVAL - as provided below.**

MOTION 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 that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for the application for a special use permit on APN 008-473-17, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.080(H), as described in the Staff Report.

For DENIAL the motion should ADD:

Specifically, the project fails to [ADD NEEDED REASONING RELATED TO CRITERIA]

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

Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the special use permit application for Fallon Partners & Frito Lay to establish a warehouse and distribution facility with 24 hour operations at 149 Mc Lean Road (APN 008-473-17).

For APPROVAL the motion should ADD: 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 site must be constructed and operated in conformance with County Code and building permit requirements.
2. A County Business license shall be obtained and maintained.
3. The applicant shall obtain any necessary road approach permits or approvals from NDOT; and shall install paved access aprons to NDOT specifications.

Application:	<u>Major Special Use Permit</u>	Use Listing:	<u>Major Power Generation (Solar)</u>
Applicant:	<u>Brady Power Partners / Ormat</u>		
Owner:	<u>Stacy, David, & Timothy Frase; and JR GEO LLC</u>		
Site:	Desert Peak geothermal site (APN: 004-051-21) – 640.0 acres in a remote location		
Designations:	Master Plan – Rural // Zoning – RR-20		

Summary: The applicant is requesting a Major Special Use Permit for a **Major Power Generation** facility, which is an allowed use in the use table for the RR-20 zoning district, needing an SUP. The request is to construct a 9.5 MW solar energy facility on approximately 55 acres, with the energy used to help power the geothermal facility, rather than the geothermal power plant using its own energy to power itself. This allows more geothermal power be sold within the existing power contract.

The site is approximately 20 miles northwest of Fallon, 18 miles northeast of Fernley, and 4 miles southeast of Brady Hot Springs (over the hills). The site is accessed via RS 2477 roads that also include easements across public and private lands. The gravel access road follows a long U-shaped path beginning at the I-80 interchange at Brady Hot Springs, running southwest parallel to I-80, and then curving around the hills to the site. The site is on a privately owned parcel that is 1 square mile or 640 acres in area. The existing Desert Peak 2 geothermal facility is located on the site within a smaller leased area. The proposed solar plant will be located just to the west of the geothermal plant.

The existing geothermal operation began as Desert Peak 1, starting up in 1985, and operating directly off of geothermal steam. It was replaced by the more powerful Desert Peak 2 in 2006, which used a binary (indirect) power system. It uses two energy converters – one air cooled and one water cooled. The plant owns a large groundwater right, and the plant has a continual stream of hot water released from the system and running across the road and down a stream path. The plant has a transmission line that runs directly to the Brady Hot Springs area – over the hills.

The layout of the solar field is illustrated in Attachment 1 of the application. It is situated between and around the geothermal well pads. Minimal additional ancillary facilities will be needed, such as power lines, roads, etc. The solar plant will build on-site electrical infrastructure and construct a new buried transmission cable to send power to the geothermal plant. There are two blocks of solar panels, each of which is fenced. The majority of the solar field will be cleared and graded, though extensive cut and fill activity is not anticipated. Solar panels are mounted on steel pilings driven into the ground, and stand approximately 4-5 feet high in rows. Access-ways run between rows of panels. Panels are arranged in groupings with concentrating facilities mixed in that are often housed in modular units/structures/containers that may need foundation work. Stormwater erosion control will be installed for the large impervious surface being created. A battery backup system is often proposed with solar projects, and large blocks of batteries come with potential hazards such as fire, explosion, and gas release hazards. No batteries are proposed for this project at this time, but adding battery facilities in the future might need additional permitting at that time.

During construction, 50-60 workers are expected at the site. After construction, the facility will be largely unstaffed, with operations remotely monitored from central control rooms at other facilities, and maintenance performed by employees of the nearby Brady Hot Springs geothermal facility.

Extensive gravel resources will be needed for the solar field. The applicant has indicated that an existing permitted gravel pit will be used, rather than establishing a new gravel pit, which would require separate permitting.

The criteria review discusses specific issues related to facility operations.

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 facility is very remote, and has the Rural Master Plan designation. The broad area around the site is zoned RR-20. There are few or no uses in the immediate area. Similar uses and industrial uses are located to the north at Brady Hot Springs. Immediately adjacent is a checkerboard of BLM and private lands, with the Frase family owning most private lands and New Nevada Lands owning the rest. Nearby lands are vacant or used for wildlife, recreation, grazing, or mining. The proposed energy facility is compatible with the other uses in the area. Also see Criterion 5.

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. ***A Major Power Generation facility is allowed*** in the zoning district or use table for the RR-20 zone, needing an SUP. The Master Plan includes several policies that are supportive of renewable energy facilities, or are neutral in terms of general industrial activity. The main applicable section in the Master Plan is Chapter 11 Land Use and Chapter 3 Conservation and Natural Resources, which require 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.

Policy CNR 4.1 Encourage and support development of renewable energy and geothermal activity without adversely impacting the surrounding community and environment, including migration routes, nesting/roosting sites, and unique habitats of wildlife and plant species.

Policy CNR 4.2 Ensure that renewable energy projects are viable, adequately maintained, compatible with surrounding environments, and that site rehabilitation will be completed once the project is terminated.

Policy CNR 4.3 Renewable energy companies will be required to consult with NAS Fallon to ensure that their projects will not interfere with aircraft operations throughout Churchill County.

Policy CNR 4.4 Renewable energy projects will not encroach upon residential development and their location shall be a suitable distance from existing homes and neighborhoods.

Policy CNR 4.11 Ensure that solar farms and other projects with large areas of impervious surface consider the stormwater volumes generated from the site.

Compatibility issues are discussed under criterion 1, above. Environmental Impacts are addressed in Criterion 5. The proposed development must conform to the **County Development Code**. Conditions of approval will address specific issues, as noted below:

- **Generally:** No new services for sewer, water, or traffic will be needed by the solar facility - existing facilities will be adequate. Also see SUP review criteria. The screening is addressed under the renewable energy facility standards below. Special parking and landscaping standards are not required for REFs. No signage is proposed. Facility lighting is addressed under the renewable energy facility standards below.
- **Setbacks:** There are setback requirements for the RR-20 zoning district, which has front and side yard setbacks of 30 feet from the property line. The solar field is specifically laid out to follow the property's south line, but the property line is not shown on the site plan. The panels and other structures must meet the setback distance. The fence may be placed on the property line.

CCC 16.16.030 Renewable Energy Facilities, including subsections 16.16.030.1 & 16.16.030.2, apply to solar facilities.

16.16.030(C) Requires REFs to be located in certain zoning districts, reduce visual impacts along highways, and avoid peaks and ridgelines. The project complies with the requirement.

16.16.030(E)(4) requires documentation of easements, leases, and property rights. The lease to the applicant, Brady Power Partners, is not included in the project binder, but was provided later. The project complies with the requirement.

16.16.030(E)(5)(a, b, & c) Churchill County can require additional technical studies and assessments to determine the project's overall impact on the surrounding environment. The County has required no additional studies for this proposal. Any analysis or studies required by the federal government must be provided, as well as any Environmental Assessments. The application binder includes information about previous studies done for the facility's state or federal permits.

16.16.030(E)(6) ***Travel Routes and Traffic Impact: A detailed map showing travel routes and roads to and within the proposed site(s) and estimates of traffic loads and quantities both during construction and at build-out/operations phase. Churchill County road department (CCRD) will determine, in consultation with the applicant, the potential impact and mitigation measures, if any, that will be required of the applicant. ...***

Traffic routes (binder attachment 2) and anticipated traffic volumes are provided (binder attachment 5). Access to both the existing geothermal facility and the proposed solar facility is from existing gravel roads connecting to I-80, and no new road segments (other than on-site driveways) will be constructed. The access roads are part of the network of RS 2477 roads that exist in the project area. These roads come with easements that are sufficient for the dirt road that existed before the Bureau of Land Management gained responsibility over them. Geothermal power operators in the area (including the applicant) have upgraded the road easements on private lands, upgraded access permits from BLM; and upgraded the road surfaces to their current conditions.

Construction of the new solar field will require a large staff. The application indicates a construction staff of up to 60 workers (binder p. 6) who will arrive and depart daily. This will result up to 120 vehicle trips on the access road, reduced for any carpooling. In addition, construction material deliveries will result in many additional trips, though a daily number is not given. During construction, daily staff travel and materials delivery will generate a large amount of traffic. During operation, the solar field will require no additional staff and minimal maintenance traffic that varies with needs.

The main traffic impacts will be during construction. There are likely to be thousands of trips for construction staff and construction materials deliveries. New facilities using County roads often need to enter into road agreements with the Churchill County Road Department, but no County roads will be used. The State maintains I-80 and the Nightingale interchange, but NDOT indicates that those facilities are adequate to handle the traffic.

16.16.030(E)(8) A screening plan is required, and the application (p. 9) proposes view obscuring slatted fencing around the solar facility. Fences and facilities will use a color compatible with the surrounding landscape. There are no permanent viewers of the site, and visiting viewers are few or project employees.

16.16.030(E)(9) *Best Management Practices: A technical report showing that construction and operation of the REF including, but not limited to, the development, operation and reclamation of all roads, access corridors, foundation pads, equipment storage and staging areas, and all related facilities uses BMPs...*

No report or BMPs are provided. The County has not required a report, but rather deferred to the State for stormwater control permits. The State only requires a plan to be filed. The solar site is sloped, but there are no major gullies or water courses running through the solar field areas. The solar facility will have roughly 55 acres of land cleared and graded. The installation of solar panels on the area will result in a fully impervious coverage of approximately 40%, and the compacted work area around them will increase runoff from those areas as well. State permits focus on erosion control, but do not address retention for the increased runoff. The stormwater runoff from the panels and compacted areas will be greatly concentrated and flow out of the solar facility. These will in turn flow onto adjacent lands and across the access road. The potential for erosion of the RS2477 road should be addressed in conditions of approval by providing defined and protected locations for concentrated stormwater runoff to cross the road. This has been discussed with the applicant's representative, who indicates that he will discuss approaches to dealing with the problem at the hearing.

16.16.030(E)(10) *Water Usage.*

There will be a large construction and dust control water demand during construction of the project, but minimal demand during operation. The application binder (p. 7) estimates a water demand of 20-30,000 gallons per day during the grading activity, with volumes typically declining during later stages of the project. The adjacent geothermal facility has extensive groundwater rights and the company controls wells in the area. Water resources available to the applicant should be adequate to meet the construction water needs. Drinking water would be obtained from nearby domestic wells or purchased from a commercial bottled water source.

16.16.030(E)(11) A Fire and Emergency Protection plan is required in consultation with local authorities. A 2-page plan is provided in the submittal, though it focuses on construction rather than operation. The existing geothermal plant coordinates with the Fire Marshal. Recommended conditions require additional coordinate and planning for the solar project.

16.16.030(E)(12) A Lighting Plan is required. Facility lighting is expected, but no details are provided. The application (p. 9) states that lights will be shielded and focused downward or inward (into the facility). The screened fencing will also block escaping light.

16.16.030(E)(13) A Closure, Removal and Postclosure plan that is required by any state or federal entity must be provided, or otherwise a plan must be developed. The application (p. 8) addresses

decommissioning of the solar plant on this private property, which indicates that when the solar arrays are removed, the grade of the land will be largely unaltered from its natural state. Minimal description is provided about planned reclamation methods.

Future removal of the facility after it is no longer operable is an issue addressed in County Code. Renewable energy facilities on federal land are subject to stringent reclamation plan and facility removal requirements, but private lands are not. CCC 16.16.030(F)(2) allows the Planning Commission to require the applicant to provide an estimate of the removal cost and a bond (or other financial guarantee) for the amount plus 15%. The code also allows this requirement to be applied to the full facility being expanded if it does not have a removal guarantee in place. A condition of approval for this expansion is recommended to ensure the entire facility will be removed when it is at the end of its life. It should be noted that this is already an issue, as parts of the defunct Phase 1 Desert Peak geothermal facility still have not been removed.

16.16.030(F) requires a \$50,000 deposit to cover county consultant costs. No studies needing a deposit are being required by the County.

16.16.030.1(F) requires that the operator maintain \$1,000,000 in liability insurance. This will be a condition of approval.

16.16.030.2 requires that any state or federal monitoring plans be submitted, and allows the County to require a monitoring plan. No monitoring plans are known to be required by state or federal agencies for this solar project, since it is on private land. However, study information from previous state and federal permits is included in the application binder.

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

There is no public sewer and water services on or near the site. Private sewer and water service currently exist at the geothermal facility and can be used for serving the solar facility. Temporary facilities will be provided during construction. Public services and infrastructure will not be overburdened. Social public services and fire/safety public services may be impacted in minor ways that will not overburden them. Roads are discussed below.

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

See the criteria review for renewable energy facilities regarding road impacts.

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.*

Potential impacts of the solar facility include the following.

Solar facilities can have glint and glare impacts on adjacent landowners, traveling public, and wildlife. A view obscuring fence will block some low angle glare to more distant persons, though it will be less effective due to the site slope. Most effects will be contained by the small valley's surrounding hillsides. There are no adjacent landowners or traveling public within the valley. Glare impacts should be minimal.

Converting native vegetation to a solar facility could have ecological impacts. There is a seep/spring nearby that appears to be inactive at this time, and the geothermal plant's discharge of water has resulted in a segment of stream vegetation becoming established a short distance from the geothermal and solar

plant sites. A biological assessment (binder attachment 3) indicates that the solar fields are located to avoid identified special status plant species and includes recommendations to deal with limited instances of plants that do exist in the area, as well as avoiding the spread of invasive species. The assessment also addresses a number of special status animals, most of which are birds that are highly mobile and can escape disturbance. There is not expected to be much potential for listed animals to be present, but the assessment provides mitigation measures, such as avoiding work during nesting seasons

The existing geothermal plant is located within a small valley. The valley's drainage path runs through a ravine above the geothermal plant, and then close to the plant below the ravine. The solar plant is also proposed in or near the bottom of the valley and the stream path. These can be hazardous locations due to flash floods running along the stream path. In this case there is no defined channel below the ravine, so storm flows have not historically been big enough to create one. This indicates that the flash flood hazards are smaller in this location.

STAFF RECOMMENDATION: **APPROVAL - as provided below.**

MOTION 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 that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a Special Use Permit application for a Major Power Generation facility on APN 004-051-21, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.080(H), as described in the Staff Report.

For DENIAL the motion should ADD:

Specifically, the project fails to [ADD NEEDED REASONING RELATED TO CRITERIA]

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

Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the Special Use Permit application for Brady Power Partners to establish a Major Power Generation facility on APN 004-051-21.

For APPROVAL the motion should ADD: 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 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. Any new gravel pit established to supply gravel must receive separate permitting.
 - d. Additional future facilities such as for battery back-up may need additional permitting.
 - e. The solar panels and support structures shall meet required setbacks from property lines.
 - f. Proof of liability insurance covering all aspects of the operation in the amount of \$1,000,000 shall be provided to Churchill County prior to initiation of operations.

- g. 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.
 - h. A Fire and Emergency Plan shall be developed or updated in coordination with the Fire Marshal and local authorities.
 - i. Closure/decommissioning of the facility must be completed within 1 year from cessation of operations.
 - j. Prior to issuing building permits, a facility decommissioning and removal bond, as deemed acceptable to the Public Works Director, shall be provided for the entire facility in conformance with CCC 16.16.030(F)(2).
 - k. Minor changes may be made and authorized by the Public Works Director per CCC 16.16.030(E)(13).
 - l. The proposed screening fence and interior modules/structures shall be of a color to blend with the landscape.
- 2. The RS 2477 roads used for access may not be moved, destroyed, or blocked without approval through additional processes. The applicant is responsible for maintenance and repair of the road to the site during the life of the geothermal facility.
 - 3. Before grading or building permits are issued, plans shall be provided demonstrating how stormwater flows from the solar facility will be managed to cross the RS2477 road without damaging it.
 - 4. 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
 - 5. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

<u>Consent Agenda:</u>

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.



JULY 2021

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SAFE HARBOR STATEMENT

This presentation includes Forward-Looking Statements and the disclaimer should be read carefully

Forward-Looking Statements

This presentation, and information provided during any discussion accompanying this presentation, may contain “forward-looking statements” within the meaning of the Private Securities Litigation Reform Act of 1995. These statements involve estimates, expectations, projections, goals, objectives, assumptions and risks, and activities, events and developments that may or will occur in the future. When used in or during the course of this presentation, the words “may”, “will”, “could”, “should”, “expects”, “plans”, “anticipates”, “believes”, “estimates”, “predicts”, “projects”, “thinks”, “forecasts”, “guidance”, “continue”, “goal”, “outlook”, “potential,” “prospect” or “target”, or the negative of these terms or other comparable terminology are intended to identify forward-looking statements, although not all forward-looking statements contain such words or expressions. Such forward-looking statements include, but are not limited to:

statements about Ormat Technologies, Inc.’s and its affiliates’ (“Ormat”) business strategy;

statements about Ormat’s competitive strengths;

statements about Ormat’s development and operation of electricity generation, storage and energy management assets, including distributed energy resources;

statements about Ormat’s other plans, expectations, objectives and targets;

statements about Ormat’s views on market and industry developments and economic conditions, and the growth of the markets in which Ormat conducts its business; and

statements about the growth and diversification of Ormat’s customer base and Ormat’s future revenues, expenses, earnings, capital expenditures, regional market penetration, electricity generation, and other operational performance metrics, including statements about “target” or “targeted”

amounts for 2022 growth (MW) or 2022 operational performance metrics such as growth (MW), revenue by segment, segment breakdown and domestic/international geographic breakdown, among others. All of these and other forward-looking statements made in or during the course of this presentation are made only as of the date hereof and Ormat undertakes no obligation to update or revise any forward-looking statements, whether as a result of new information, future developments or otherwise, except as required by law. Forward-looking statements about “target” or “targeted” amounts represent current goals of Ormat’s management and are neither estimates of Ormat’s actual results nor financial projections or forecasts that have been prepared in accordance with Securities and Exchange Commission (“SEC”) rules or guidelines adopted by the American Institute of Certified Public Accountants. These forward-looking statements are not intended to be a guarantee of future results, but instead constitute Ormat’s current expectations based on assumptions that Ormat currently believes are reasonable. You are cautioned not to place undue reliance on the expectations, projections and other forward-looking statements made in or during the course of this presentation as actual future results and developments may differ materially from such expectations, projections and forward-looking statements due to a number of risks, uncertainties and other factors, many of which are beyond Ormat’s control.

These risks, uncertainties and other factors include, but are not limited to, the risks, uncertainties and other factors described in Ormat Technologies, Inc.’s Form 10-K filed with the SEC on March 02, 2020 and from time to time, in Ormat’s quarterly reports on Form 10-K that are filed with the SEC.



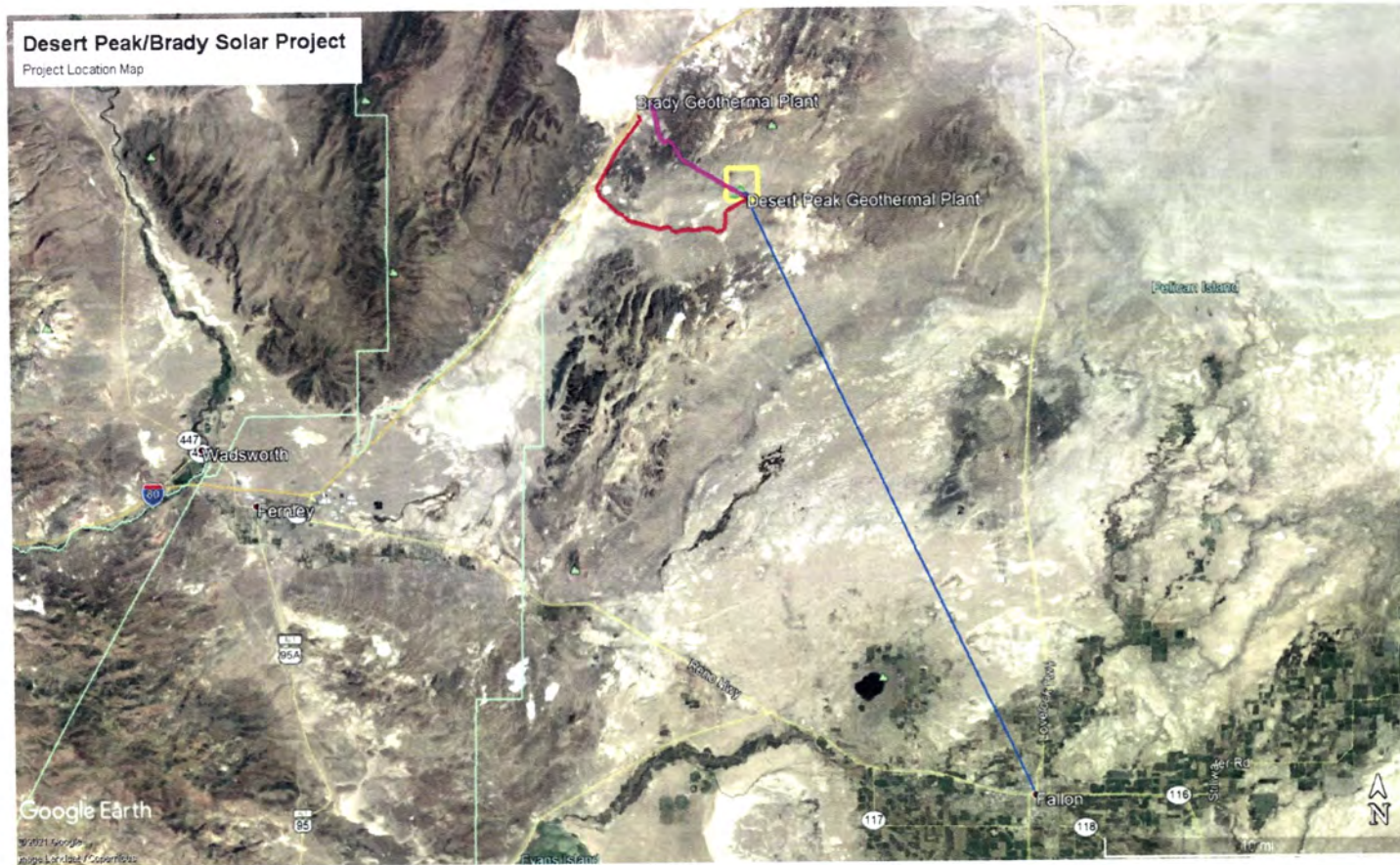
PROJECT OVERVIEW

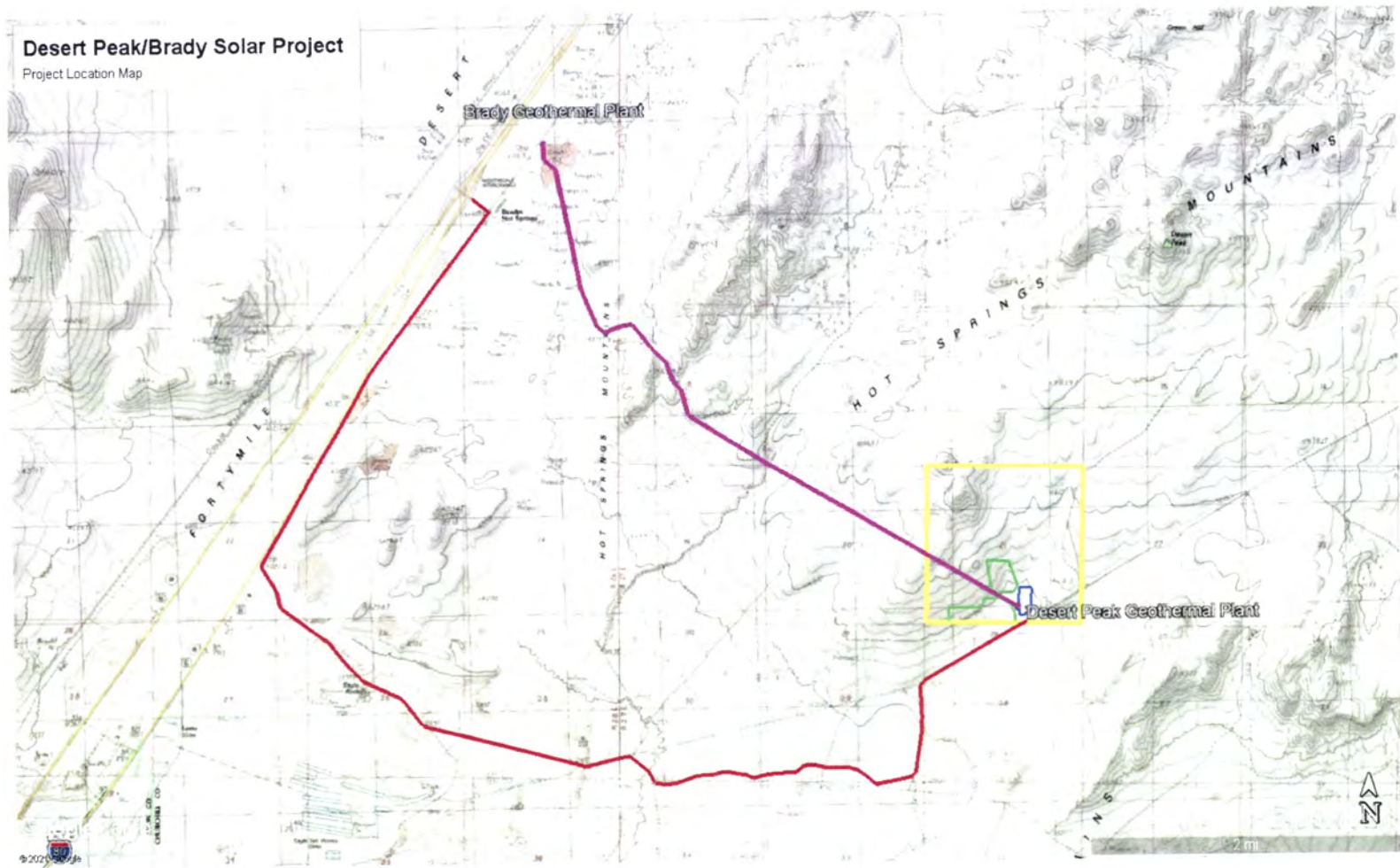
Introduction

- **9.5 MW Photovoltaic Solar Array**
 - Parcel No. 003-931-01 (private)
 - Adjacent to existing Desert Peak Geothermal Power Facility
 - 55 acres facility footprint
 - Existing transmission line and substation
 - Power will be utilized for parasitic load at the Brady Geothermal Power Facility
 - Powers pumps, office and operation facilities

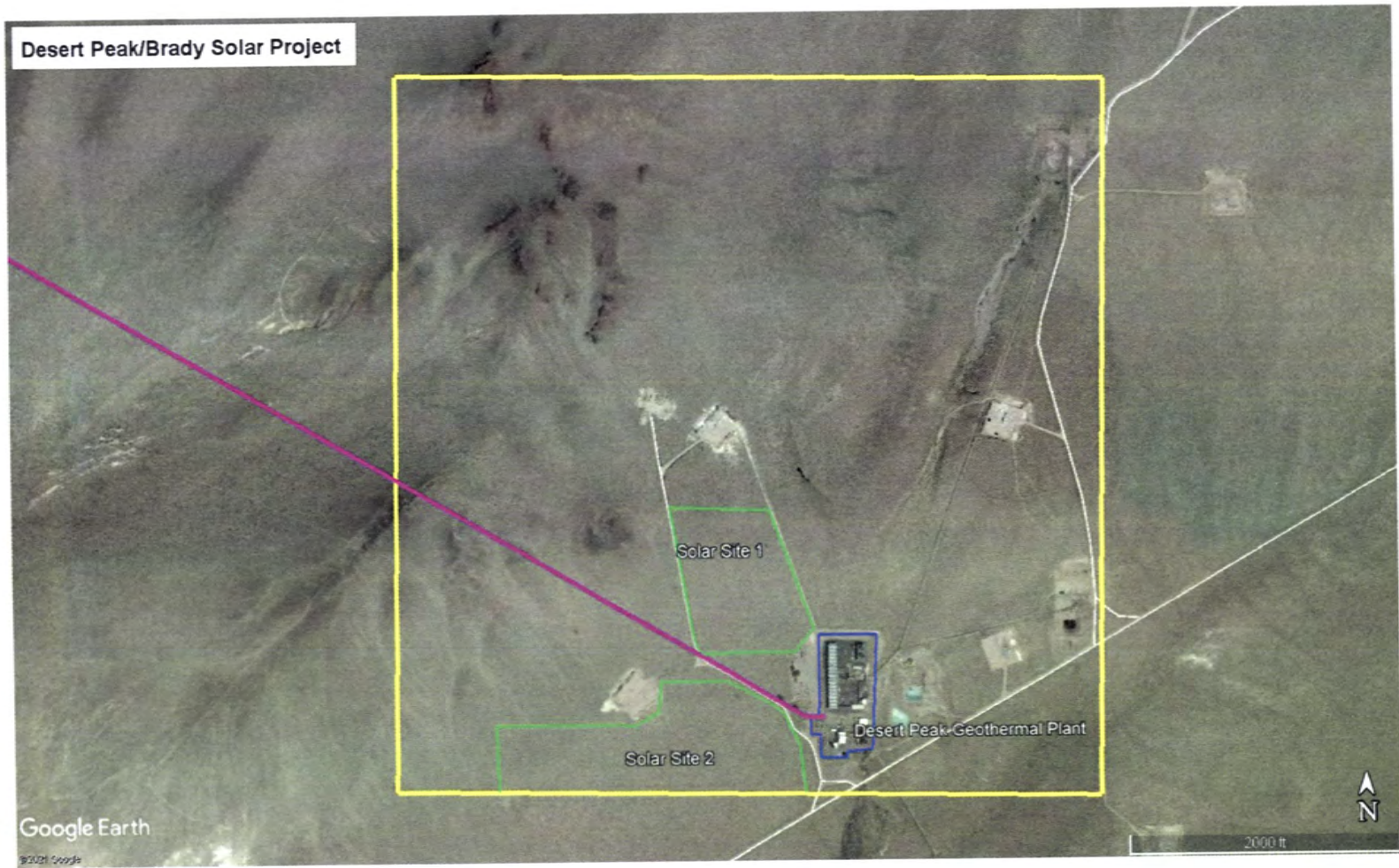


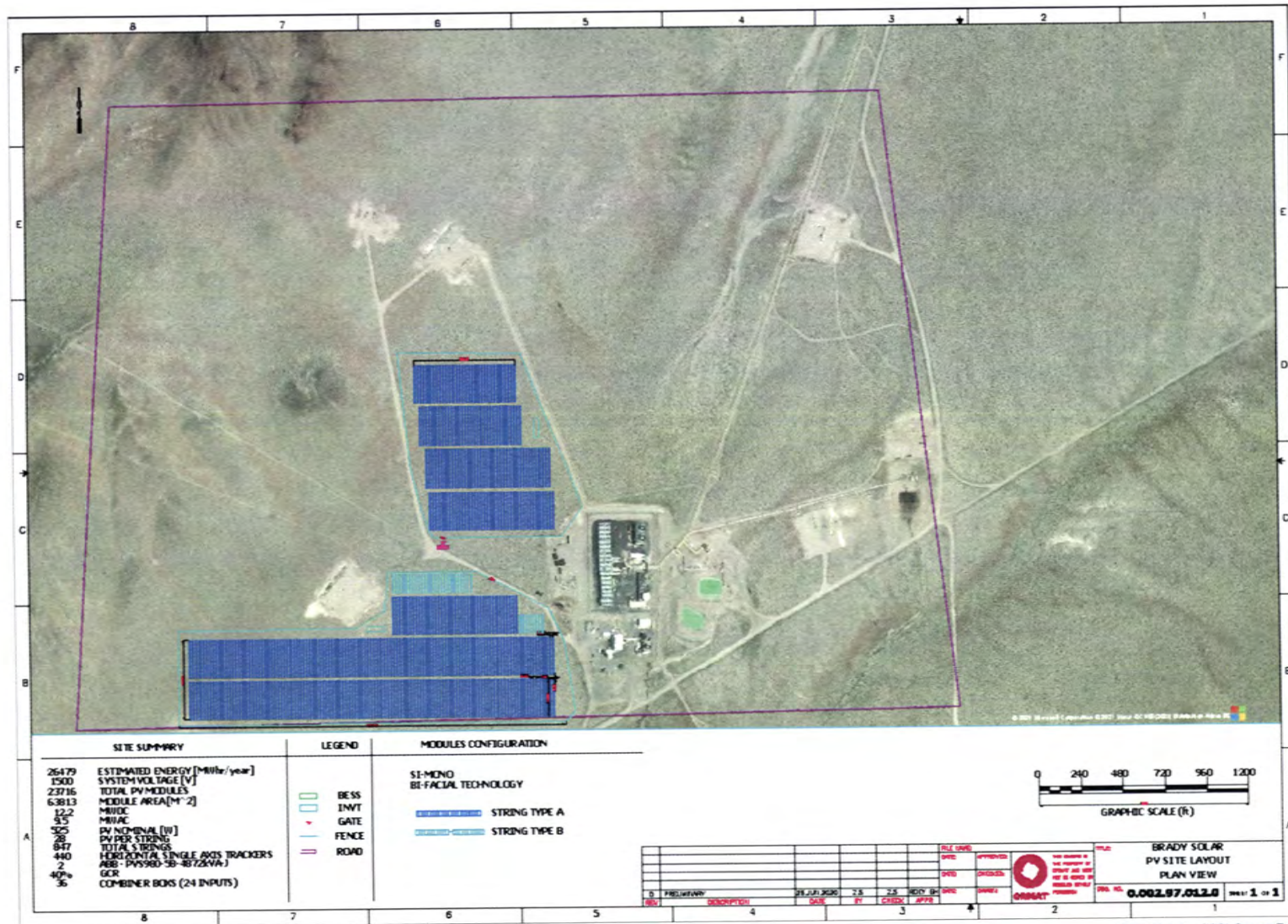
PROJECT OVERVIEW





Desert Peak/Brady Solar Project







ORMAT

THANK YOU!

QUESTIONS?

Wednesday, July 14, 2021 at 7:00 p.m.

PLEASE PRINT YOUR INFORMATION