

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

**155 N. Taylor St., Fallon, NV 89406
September 8, 2021**

1. Call to Order.

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on September 8, 2021 by Chair Diehl.

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

Absent: Member Scott Nelson

Planning Staff Present:

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

Civil D.A. Staff Present:

Ben Shawcroft, Deputy District Attorney

2. Pledge of Allegiance.

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 September 1, 2021, between 8:30 a.m. and 3:30 p.m., at all of the locations listed on the Agenda, in accordance with NRS 241 and Churchill County Code.

5. Consideration and possible action re: Approval of the agenda as submitted or revised.

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

Vice Chair Louis moved to approve the agenda as submitted. Member Getto 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. August 11, 2021 Public Hearing

Member Arciniega moved to approve the August 11, 2021 minutes as written.

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

8. Old Business.

- A. Consideration and possible action re: A temporary use permit renewal for temporary quarters during home construction filed by Oscar & Sally Alldredge for property located at 13215 Power Line Road, Assessor's Parcel Number 006-121-09, in the RR-20 zoning district. The applicant stated that he has started construction on the residence, has obtained building permits and some inspections. They are requesting a renewal of the permit for them to continue construction of the residence. *Origination date 9/13/17.***

The Alldredges were not at the meeting. Chair Diehl asked if there was any correspondence on this item. Dean Patterson, Senior Planner, informed that he had been out by this property about a month ago, and he did note that there appeared to be some construction taking place like a foundation.

Chair Diehl asked legal counsel if they would be able to take action on this item since the applicant wasn't in attendance. Ben Shawcroft, Deputy District Attorney—Civil, stated that they could take whatever action they felt they had enough information to take. Member Arciniega stated that in

reviewing the minutes from previous meetings regarding this item he noted that the Alldredges were not available last year. The commission did renew their permit last year.

Member Arciniega moved to table the decision regarding the temporary use permit for Oscar and Sally Alldredge at 13215 Power Line Road, APN 006-121-09, to the next meeting so that they can be in attendance. Member Getto seconded the motion and the decision carried by unanimous vote.

- B.** Consideration and possible action re: A temporary use permit renewal for temporary quarters during home construction filed by Robert Hunter for property located at 4432 Benson Lane, Assessor's Parcel Number 006-631-27, in the A-5 zoning district. The applicant provided a copy of the contract for drilling the well. *Origination date 9/11/19.*

Robert Hunter, 4432 Benson Lane, was available for questions. Chair Diehl noted that they were provided a copy of the contract for the well, and Mr. Hunter informed that the well was just drilled the previous week. Chair Diehl questioned if he had done anything else besides that, such as building permits or other things in order. Robert Hunter said that he wasn't able to do anything else; it was all that he could do to get the well drilled as the price for the well is not cheap.

Chair Diehl asked for any public comments regarding this request; there were none, so she turned the discussion over to the commission.

Vice Chair Louis inquired when he plans to start on the actual building of the house. Mr. Hunter remarked that as soon as the construction prices start coming down, then he will be able to do something else with the property. He stated that his next step will be septic system. He figured that he could work on that next since the prices for construction materials is still too high for him to be able to afford to build a house.

Chair Diehl asked for any other questions or concerns; there being none, she called for a motion.

Member Bunyard moved to renew the temporary use permit for the temporary quarters during home construction filed by Robert Hunter at 4432 Benson Lane, APN 006-631-27, for another year. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

9. Agenda Item.

None.

10. Public Hearings:

- A.** Consideration and possible action re: A temporary use permit application for temporary quarters for hardship/caretaker filed by Elizabeth Hill for property located at 1300 Lattin Road, Assessor's Parcel Number 010-581-27, consisting of 0.35 acre in the E-1 zoning district. The owner needs a caretaker nearby due to ongoing health issues.

Elizabeth Hill and Maddilyn Hill, 1300 Lattin Road, were in attendance for this application, and Maddilyn is the caretaker for her mother. Chair Diehl noted that there was a letter from the doctor with this application. Elizabeth Hill stated that she has an autoimmune disease. She previously lived on a property where there were two residences, which allowed her daughter, Maddilyn, to reside in the other house; however, the landlord sold the property and she had to find another place to live. She found this house, which is only a three bedroom, that she could afford. She has a daughter and son that take up the bedrooms in the house, and there was an RV awning already on the property when she purchased it and they put an RV under this awning for Maddilyn to live in to help care for her mother. It is only used as a bedroom as Maddilyn and her boyfriend use the facilities inside of the home. Elizabeth Hill continued to state that with her autoimmune disease sometimes she is great and other times she can't even get

herself to the restroom. Her daughter has been living with her full time since she was 15 even though she has shared custody with Maddilyn's father. She has been found unconscious in her home before with no one around. There have been times where she has had to call someone to carry her to the car to take her to the emergency room because when it flares up it is completely debilitating.

Chair Diehl asked for any public comment regarding this application.

Paul Gonzales, 1295 Lattin Road, lives directly across the street from this property. He said that he hasn't ever seen her debilitated. She is always in her yard working or using her sprayer to clean the driveway and so forth. He stated that she goes places without her caretaker. He questions the debilitation because she doesn't appear to be disabled at all. He noted that he has heart disease and diabetes, and he tries to do everything that he possibly can every day. He remarked that he doesn't have an "axe to grind", but these people have not been great neighbors. He wasn't sure if he could bring up instances of that. He also stated that he had a garage put up in his backyard that is not permanent, and he was told by the Planning Commission that it needed to be five feet from the fence. He asked if that same rule apply here. Chair Diehl answered that it would and noted that the application states they will be moving on a new RV and placing it in a location where it will meet the setbacks. Elizabeth Hill informed that they did purchase a new RV and just moved it onto the property two days ago. He has dates for the work to be done on the fence on the other side of the house for the gate. It will be five feet off of the fence on the other side of the house.

Chair Diehl pointed out that there was correspondence from a doctor. Elizabeth Hill affirmed that the letter was provided with the application. Dean Patterson, Senior Planner, noted that it isn't really correspondence but rather just a part of the application to show the need for a caretaker. Ms. Hill wasn't sure how many people were familiar with autoimmune diseases, but things are very different from one day to the next.

Dean Patterson mentioned that Mr. Gonzales, having brought up his garage, is probably referring to a similar situation with this application. Ms. Hill interjected that there is an RV awning that has been on this property for 10 years according to some of the neighbors. She just purchased the property in October 2020. She had no idea that there were no permits issued when that was installed. She would be happy to do whatever she needs to do to get the permits that are needed to have it there. Mr. Gonzales pointed out that nobody lived in the RV that was under the awning.

Loreli LeBaron, Churchill County Code Compliance Official, shared that in the application it states that the RV is going to be relocated to opposite side of the property. Elizabeth Hill replied that will be complete by September 26th. The other aspect of this, which she believes that Dean was trying to bring up, was the setback requirements and permits on the RV carport itself. She acknowledged that the owner had no idea, and it was not her fault that it was placed there, but we also have to acknowledge it is still there without any permit and without meeting any of the setback requirements in that zoning district. She would appreciate the commission putting some of that as part of the conditions for approval of the permit to bring those things into compliance with code.

Chair Diehl asked Ms. Hill if she has read the recommended conditions, and Elizabeth Hill noted that in those conditions it requires the removal of the awning. She said that she does not have the ability to remove that because it is an expensive process. If there are permits that she could obtain, she would be happy to get them. She said that this only has her truck parked under it now because her truck doesn't fit in the garage. Member Yates pointed out that the condition reads, "removed or relocated," so long as it can be relocated within the code meeting the setbacks. Elizabeth Hill remarked that she doesn't think that she can tear that thing down. It is like a 15-foot awning and is higher than her house. Dean Patterson agreed that it will need somebody that knows what they are doing. He imagines that a group of strong guys that could go and move it. Ms. Hill interjected that there has to be some permit that she could get to keep it because these awnings are all around her neighborhood. Dean Patterson continued that she would need to get someone that could move this for her. He noted that the other awnings he has looked at on aerial photographs are not within the setbacks like this one, which is right on the side property line and is also within the front setback; it is in the front and side setback, so there is no way that it could

have gotten permits the way it is. It could be relocated. Elizabeth Hill replied that she will have to get an extended period of time to be able to get that handled because that is going to be an expensive process.

Chair Diehl asked for any questions or comments from the commissioners. She then asked if they have gotten any inspections of the power, water and sewer connections for the RV and questioned if she realized that she will need to get these inspected. Ms. Hill said that there are no water and sewer connections because they use the facilities in the house. It is only plugged into the RV plug that is on the side of the house. Elizabeth Hill reiterated that they only sleep in the RV and come into the house for all other facilities; water and sewer are not an issue because they don't use these.

Sandy Bright, 1320 Lattin Road, has a problem with the setbacks. She pointed out on the site plan that the new RV will be located on the other side of the house, but she believes that with the slide pulled out it will be too close to her property, and she doesn't want them to look into her house. Elizabeth Hill remarked that it will still be five feet off of the fence on that side even with the slide out. Ms. Bright inquired how temporary this permit would be and how long this would be permitted. Chair Diehl stated that she is asking for a caregiver and that generally is while she still needs the help. Elizabeth Hill responded that in this case it would only be two years because her son will be graduated and leaving for college in two years, and then her daughter can move into that bedroom inside the house. Sandy Bright also expressed concerns with the width of the gate and gravel drive and what they will do to be able to move the RV to the other side. She said the drive isn't very wide, when they park their cars there, they get out of their vehicles onto her property, and she doesn't like that. Elizabeth Hill addressed gate and fence by informing that they have a date when the fencing materials will be in on the 17th, the fencing company will start installing them on the 20th, and she's not sure how many days that might take. There will be a 12-foot pull through gate on the east side of the house and a 4-foot man gate up against the house. It will be matching to the fence that her neighbor already has on her property—chain link with the red privacy slats in it. On the 25th of September they will be renting the skid steer to adjust the landscaping in the front yard and widen the gravel drive to allow the RV access to that side—it will be the full 22-feet wide. All of that will be done and the RV will be parked back there by the 26th. Sandy Bright then asked if everything should be done by Halloween, and Ms. Hill replied that it would be within the next two to three weeks.

Estelle Hockemier, 3404 Old River Road, stated that she's known Beth since Junior High when she moved here. She has seen the effects of her autoimmune disease over the years and has gone to her place on occasion to assist her. She is really excited that as a single mother she has been able to purchase her own home and her daughter is able to come back and be that caretaker for her. She stated that it seems like she moved into a neighborhood that has just a core unit of people who knew each other very well, and when the other gentleman moved out and this young woman moved in with her young kids...she moved on to discuss the plans for widening the gate and the RV is going to fit perfectly. She remarked that Elizabeth is making those modifications in order to make her neighbors happy, and she bought this house not knowing that the awning wasn't permitted. She pointed out that the neighbors didn't seem to have an issue with this awning all of the years that it was there before she moved in. They will do everything that they can to make sure that the neighbors are happy because it is just a different dynamic of family than they are used to having there.

Sara Scott, 1292 Lattin Road, isn't sure about the real need for a caretaker. Ms. Hill claims that she needs a caretaker, but she has been watching things every day from her property, and she hasn't seen even one time where Elizabeth goes to the trailer, or the daughter go into the house to check on her. This puts up big flags for her to believe that she needs a caretaker. If you need one, they should be monitoring you, they should be checking up on you, and she doesn't see it. Ms. Hill also said that they only use the RV as a bedroom, and she believes this is a lie. They have groceries brought into the trailer, they have pictures, clothes and everything inside the trailer. They may shower and stuff inside the house, but they do not check on her. She noticed last week that Elizabeth went camping and her caretakers stayed at home and didn't leave to go with her until the next day. She also noted that when Elizabeth is gone, her caretakers are home, and vice versa. If you need someone to take care of you and look after you, she

thinks that they need to be around when you are around. She doesn't believe that there is a real need for a caretaker.

Elizabeth Hill shared that when she goes out, most of time she is with her boyfriend. When her daughter and fiancé goes to Gardnerville over the weekend to visit his family, then her boyfriend comes and stays with her. She also noted that sometimes her ex-husband will send her son to stay with her even when he is supposed to be with his dad just to help care for her. She pointed out that her daughter is always in and out of the house.

Member Getto asked for clarification on the condition item 2.a. Would she have a year to move the carport, or how would that work? Dean Patterson stated that the commission may, on 2.a. want to add a date for having the awning corrected. He then also pointed out Item 1 was regarding bringing code violations into compliance. He pointed out that if this is an issue that the Planning Commission wants to check up on, you might want to change Item 5 to make the annual renewal with the Planning Commission.

Chair Diehl asked Loreli LeBaron if she would be checking up on the conditions for this application. Loreli LeBaron does a 30 day follow up on monitoring for permits. She noted that Ms. Hill has been available whenever she needs to reach her and on keeping her updated on progress. Ms. LeBaron suggested that three months would be appropriate for the awning removal, but it is completely up to the commission.

Paul Gonzales, 1295 Lattin Road, replied that the neighbors don't really care about the awning and added that the commission could pull that item.

Vice Chair Louis inquired if Ms. Hill would be able to remove the awning within three months. Elizabeth Hill responded that it would depend upon the cost. She mentioned that she spoke to someone that told her it would be too costly for him to remove it to make it worth purchasing from her. He was looking at over \$5,000 just to tear it down and move it to his property. She said that she doesn't have that kind of money and had to buy this small of a house because she is on a limited income and is a single parent. Ben Shawcroft, Deputy District Attorney—Civil, suggested that the awning be handled through code enforcement or something of that nature. He thinks this is really a side issue and not related to whether or not she qualifies for the temporary use permit for the RV. Chair Diehl agreed that this could be handled through code enforcement.

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

Member Getto, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 010-581-27, thereby meeting the criteria found in CCC 16.08.070(B)3, as described in the Staff Report. Member Yates seconded the motion and the decision carried by unanimous vote.

Member Getto, based on the previously adopted findings made for this project, moved to approve the Temporary Use Permit application for Elizabeth Hill to establish a Temporary Quarters for Hardship/ Caretaker at 1300 Lattin Rd. (APN 010-581-27). This approval is subject to conditions, as listed in the Staff Report, with removal of Condition 2 and 2.a. Member Bunyard seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The temporary quarters must comply with Churchill County Code. If the current code violations are not corrected, this permit might be brought before the Planning Commission and not be renewed.*

2. *The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.*
3. *When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.*
4. *This temporary use permit is subject to annual renewal providing proof that the need still exists.*

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

B. Consideration and possible action re: A special use permit application for off premises outside storage filed by Walker Lake Disposal, Inc for property located at 9895 Carson Highway, Assessor's Parcel Number 007-171-13, consisting of 37.78 acres in the C-2 zoning district. The property has been used as a storage yard for the business and there will not be an onsite office.

Michael Hatch-Safety Director, Joe Peters-Operation Manager, and Diane Marcin-Administrative Director, 8383 Reno Highway, were there to represent Walker Lake Disposal, Inc. Mr. Hatch noted that this is an outside, storage yard that they have had for several years in this location.

Chair Diehl asked for any public comments.

Henry Schenkel, owner of parcels 007-231-02 & -03, was concerned about off load for dumpster containers on this property and the trash, rats, etc. that might accompany this use. He also asked about fencing or screening in the event they plan to use the whole parcel, especially if it would be near neighboring properties. Mr. Hatch noted that they only intended to continue the use they have for the last several years within the fenced location near Carson Highway. He also informed that they would only be storing equipment that they do not use very often on this property. There would be no storage of roll off containers with or without garbage at this location.

Mr. Schenkel also asked about fire suppression due to the various fire concerns we have in the desert and whether they would have a well or water tank to manage any fires that may result from the use of this area. There was no answer provided to this. Member Arciniega asked regarding the location of Mr. Schenkel's property in relation to this operation. There was not an aerial photograph to show Mr. Schenkel's parcels, which are near the "T canal", and it was determined that it was to the east and on the opposite side of this parcel.

Dean Patterson, Senior Planner, shared email from Truckee Carson Irrigation District (TCID) where Rusty Jardine had some questions:

- Was the entire property going to be used or just the existing storage area?
- Will the parcel be fenced?

Mr. Patterson believes that these questions were answered with the questions from Mr. Schenkel.

Member Arciniega verified with the representatives that this aerial map accurately shows the extent of the storage area, and Michael Hatch responded in the affirmative.

Chair Diehl asked about any plans for landscaping since this is on the Carson Highway. Mr. Hatch remarked that they don't plan to have any landscaping. They have the fenced in area and will be making some adjustments of the equipment within the area to make it neat and orderly. Chair Diehl inquired about signage, and Michael Hatch noted that there is a sign on the fence. As far as he understands based upon the correspondence they have received from the county, the signage that is there is sufficient.

Member Arciniega questioned if the representatives were aware of the conditions recommended for approval of the permit that the county had provided to them. He read through the conditions as listed in the staff report. Michael Hatch said that they will be changing the orientation of the trailers in the fenced in area to meet the condition requested.

Dean Patterson asked regarding the commercial coaches that are on this site and whether they will eventually go away. Michael Hatch answered that these belong to a neighboring property owner,

who had asked to store them there for a short time while he got things in order to use them. This will not be ongoing, and they only intend to use this area for storage of their less used equipment.

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

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for a Special Use Permit for Off-Premises Outside Storage on APN 007-171-13, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Member Arciniega seconded the motion and the decision carried by unanimous vote.

Member Yates, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application for Walker Lake Disposal to establish an Off-Premises Outside Storage at 9895 Carson Highway (APN 007-171-13). This approval is subject to conditions, as listed in the Staff Report. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The site must be operated in conformance with County Code, building permit requirements and this approval of a Special Use Permit, including screening of the fenced storage yard and meeting setback requirements from the highway.*
- 2. Commercial coaches, cargo containers, and cargo trailers shall meet setbacks, and be arranged in an orderly row on a north-south orientation.*

Chair Diehl thanked the applicant and 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 expansion of the waste disposal operation filed by Walker Lake Disposal, Inc for property located at 8355 Reno Highway, Assessor's Parcel Number 007-151-30, consisting of 1.67 acres in the C-2 zoning district. Special use permits were previously approved on adjacent properties for the operation of the waste disposal business, and the expansion to another parcel requires a special use permit.

Michael Hatch-Safety Director, Joe Peters-Operation Manager, and Diane Marcin-Administrative Director, 8383 Reno Highway, were there to represent Walker Lake Disposal, Inc. Joe Peters stated that basically they are just expanding their yard due to the business growing. They needed more area to park their trucks and equipment on the lots.

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

Member Bunyard inquired on which parcel is this expansion. Is it at the west end? It was pointed out that it was the parcel on the east near Pioneer Way. Member Bunyard asked if the yard was currently fenced, and Mr. Peters responded in the affirmative. Member Bunyard then questioned if they were going to use the same access as they currently have been off of the highway. Mr. Peters affirmed that they will be using the same access as they have been and don't plan on using a different access. Member Bunyard asked if there wasn't a fence between the lots, and Mr. Peters confirmed that there isn't a fence between the lots.

Member Arciniega inquired about access points to be used for this operation, whether it is off of Pioneer Way or the highway. Joe Peters stated that they have been accessing the parcels in front of the office on the middle lot there on the aerial photograph displayed. Member Arciniega verified that this was off of the Reno Highway, and Mr. Peters agreed. Michael Hatch noted that there were three access points for the three parcels off of the highway; however, they primarily use the entrance in front of the main office on the middle parcel. He noted that there are gates on the parcel to the east, but they do not

intend to use these for regular access at this time. Member Arciniega clarified that their access is on and off of the highway to which the representatives concurred it was.

Dean Patterson, Senior Planner, stated regarding the access situation there was input received from Nevada Department of Transportation (NDOT), who said that the applicant would need to submit new permits, but they didn't anticipate any changes being needed. Their understanding is that the current access, which is right in front of the main building would continue to be used for the full property as it is proposed.

Chair Diehl questioned if they had a business license. Diane Moyle, Administrative Assistant, noted that this business has had a business license for this operation for several years. Chair Diehl then asked about building permits, which were stated as not needed since they are not constructing anything. Chair Diehl then inquired about landscaping for the properties, including Xeriscaping. Michael Hatch confirmed that they are aware of this and have some plans in the works. Dean Patterson noted that our landscape code doesn't require a lot of plants, and so if they could do something similar to A & K Earthmovers and place a few bushes, gravel, boulders, decorative/antique equipment, etc.

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

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for a Special Use Permit for Waste Collection Service on APN 007-151-30, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

Member Arciniega, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application for Walker Lake Disposal to expand a Waste Collection Service at 8355 Reno Highway (APN 007-151-30). This approval is subject to conditions, as listed in the Staff Report. Member Yates seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *The entire business, including expansion, must be in conformance with County Code, including but not limited to:*
 - a. *A business license must be maintained.*
 - b. *All necessary building permits must be obtained.*
 - c. *Dumpsters shall meet the 60' setback from the Pioneer Way edge-of-pavement.*
 - d. *A landscape buffer shall be installed along the adjacent roads that meets County Code.*
 - e. *The "miscellaneous equipment yard" shall meet County Code screening requirements.*
2. *The entire business, including expansion, shall be operated in a sanitary and clean manner, including but not limited to:*
 - a. *Household trash may not be brought to the site, and trucks used for such material shall be kept in a sanitary condition when on-site.*
 - b. *Containers of non-household trash and debris (whether on or off the truck) may not be left on-site overnight. The exception is that loads of recycling materials to be delivered the next day may stay overnight at the site.*
 - c. *Roll-off bins and dumpsters shall be stored in neat rows along the rear lot line, and otherwise away from the highway.*
3. *Operations of the entire business, including expansion, shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*
4. *All required NDOT access permits and authorizations must be obtained. All access changes or improvements required by NDOT must be installed.*

Chair Diehl thanked the applicant and 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 major special use permit application for a 120-kilovolt transmission line and associated facilities filed by Ormat Nevada, Inc a portion of which runs along the west county line north of Fernley in the RR-20 zoning district. The extensive list of parcels can be reviewed in the application on file at the department. The new line mostly follows an existing line and uses an existing service road.

Jake Steinman, Ormat Nevada, Inc., 6140 Plumas Street, Reno, Nevada, shared a presentation to discuss the project. This is a 120-kilovolt transmission line between the North Valley Geothermal Power Plant, which is northeast of Pyramid Lake, running to the Eagle Substation near Fernley. The complete project will cover 57 miles total with 7 of these miles being in Churchill County. This will be on the northwest county line between Churchill and Washoe. It will also be in Washoe, Pershing, and Lyon County. This is running adjacent to an existing transmission line and will primarily be using existing roads within the powerline corridor. There will be minor access construction using overland travel with light construction as needed, including approximately 2,000 feet of constructed road as noted in the application packet. He shared an aerial view of the project location and informed that this will cross federal lands and some private lands. They have obtained easements across the private properties for this line.

Chair Diehl asked for any public comment.

Jennifer Haley, Naval Air Station (NAS)-Fallon, remarked that the Navy has no concerns to their mission for this application.

Chris Spross, Director, inquired about the 2,000 feet of new road that needed to be built and whether that would be in Churchill County. Jake Steinman responded that this is specifically in Churchill County. He noted that they do as little as possible to construct these roads as they just need to make room to get the equipment onto the pad. Director Spross then asked if they plan to submit for a grading permit, and Mr. Steinman replied that they will.

Vice Chair Louis questioned how long the project will take. Jake Steinman said that they are getting ready to kick off construction of the power plant, which is scheduled to start this year. He noted that there are still several things that need to take place; however, they would like to have this power line constructed by end of the year 2022.

Chris Spross inquired if the construction of the plant would run concurrently with the construction of the transmission line. How long will the duration of the construction take? Jake Steinman was unsure. There is still some additional things that NV Energy has to do to prepare the substation for the transmission line to come in. That will play a big part. They try to get things done as quickly as possible and if they can do it concurrently, they will.

Chair Diehl asked about the construction, and Mr. Steinman explained that they build the poles on the ground and then stand them up. They auger holes in and put them into place. Chair Diehl then asked if they have the building permits for these. Jake Steinman believes that Ormat Nevada has a building permit for construction in Churchill County. As far as operation of the transmission line, he isn't aware of a building permit required for that. Dean Patterson, Senior Planner, informed that the grading permit and business license would be through the Public Works, Planning and Zoning Department, and the building permits would be done through the Building Department. Dean also stated that the business license might possibly run with other licenses they currently have for the same types of operations, and he should check with our office for this.

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

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for a Special Use Permit for a Utility Transmission Line - Level 2 in the northwest area of the County

on multiple APNs that are listed in the application, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

Member Yates, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners approve the Special Use Permit application for Ormat Nevada Inc. to construct a Utility Transmission Line - Level 2 in the northwest area of the County on multiple APNs that are listed in the application. This approval is subject to conditions, as listed in the Staff Report. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *Before construction begins, a Road Maintenance Agreement shall be entered into with the Road Department to ensure that damage to area roads is repaired. This will apply to Sagehen Creek Road, Duffy Road, and any other area roads determined appropriate by the Road Supervisor.*
2. *Disturbed areas on private lands shall be restored using the same criteria and standards as public lands.*
3. *The project must be constructed and remain in compliance with Churchill County Code, including but not limited to:*
 - a. *Any necessary building permits must be obtained for all structures, and all pertinent impact fees must be paid.*
 - b. *A business license must be obtained or updated for the transmission line.*
 - c. *Documentation of the final approved lease (if not already provided) from federal agencies shall be provided before facility construction.*
4. *The project must meet the following long-term conditions of approval:*
 - a. *Closure/decommissioning of the facility shall follow the timing and details described in the application and shall apply to facilities on both public and private lands.*
 - b. *This permit will expire in the event of non-use of the facility in accordance with County Code.*
5. *Prior to issuing building permits, a facility decommissioning and removal bond, as deemed acceptable to the Public Works Director, shall be provided for the portions of the transmission line on private lands.*
6. *The applicant shall comply with state and federal agencies permits and requirements, including but not limited to:*
 - a. *The BLM Environmental Assessment and all other monitoring plans, studies, and other documents required for federal approval shall be provided prior to facility construction.*
 - b. *Nevada Division of Environmental Protection Bureau of Air Pollution Control Surface Area Disturbance permit and permits for chemical emissions.*
 - c. *Nevada Division of Environmental Protection Bureau of Water Pollution Control Stormwater Pollution Prevention Plan, and injection well permits.*

Chair Diehl advised that there is a ten-day appeal period and to contact the department for further permitting procedures. Dean Patterson asked Jake Steinman about the decommissioning bond and road maintenance agreement for the portions that are not federal, and Mr. Steinman remarked that he would work with the departments about these in the future.

11. Consent Agenda. (Action Items generally not requiring discussion or explanation.) **All matters listed under the Consent Agenda are considered routine and may be acted upon by the Planning Commission with one action and without an extensive hearing. Any member of the board or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.**

- A. Consideration and possible action re: A change in ownership for a temporary use permit previously granted for temporary quarters for commercial watchman filed by Zachary Riley, owner of Expert Auto, LLC, for property located at 5860 Reno Highway, Assessor's Parcel Number 008-572-50, in the C-2 zoning district. The type of business will not change. However, the business was sold to a new owner, and they would like to continue the use of the commercial watchman to continue to discourage theft and vandalism on the lot.
- B. Consideration and possible action re: Termination of a temporary use permit previously granted on 7/14/1999 to Ramon & Frankie Sue Galaz for temporary quarters for hardship for property located at 85 St. Clair Road, Assessor's Parcel Number 006-371-12, in the A-5 zoning district. Frankie Sue's mother passed away on August 22, 2020, and the need for the temporary use permit no longer exists. Therefore, the permit should be terminated.

Chris Spross, Director, noted that Item A is a request to change an owner related to a temporary use permit, where the business type and use will not change, but they would still like to have a watchman's quarters to discourage theft and vandalism. He noted that the new owner had called prior to the meeting stating that he was unable to attend due to illness.

Chair Diehl inquired of counsel if they needed to take separate action or if they could just approve all items together. Ben Shawcroft, Deputy District Attorney—Civil, stated that they could take a single action on the entire item unless the decisions would be different for each item.

Aldin Deslauriers, an employee of this business, was in attendance and expressed the continuing need for a watchman's quarters due to thefts of vehicle parts. He noted that they have also had to add cameras. He further stated that there is an older lady that lives in a house next to this property, who had a stroke, and they also watch out for her too.

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

12. Public Comment.

There were none.

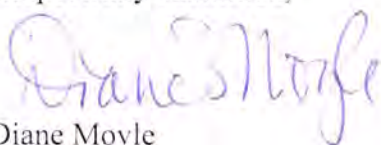
13. Adjournment.

There being no further business to come before the Planning Commission, Chair Diehl adjourned the meeting at 8:05 p.m.

14. Appendix.

Staff Report

Respectfully submitted,



Diane Moyle
Administrative Assistant



CHURCHILL COUNTY PLANNING

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

*Planning Commission
Planning Department
Drafting Department
Zoning Enforcement
Business License Dept.*

STAFF REPORT FOR PLANNING COMMISSION MEETING – September 8, 2021

Prepared September 1, 2021

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on September 1st to review applications for the September 8th Planning Commission Meeting. Site visits were made to the following projects (which are described in this report):

1) Hill TUP for Hardship/Caretaker	Page 2	No Site visit
2) Walker Lake Disposal SUP for Off Premises Outside Storage	Page 4	Site Visit
3) Walker Lake Disposal SUP for expansion	Page 8	Site Visit
4) Ormat Nevada Inc for North Valley Transmission Line	Page 12	Site Visit

PC Members Present

Deanna Diehl
Charlie Arciniega

Staff Members Present

Christian Spross
Diane Moyle

REVIEW OF PROJECT FILES

The Planning 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 Planning Department staff for assistance.

Respectfully submitted,

Christian Spross
Director, Public Works, Planning & Zoning

Application:	<u>Temporary Use Permit</u>	Use Table Listing:	<u>Temporary Quarters for Hardship/Caretaker</u>
Applicant:	Elizabeth Hill	Owner:	Elizabeth Hill
Site:	1300 Lattin Rd. (APN 010-581-27) – 0.35 acres		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/ Caretaker purposes to place an approximately 2005 era RV on the property. The RV is already on-site and used. This application is initiated from enforcement action.

Elizabeth Hill has health issues and needs family to be near for help with daily living. She will live in the permanent home. Maddilyn Hill (her daughter) and Gavin Bailey will be the caretakers who live on-site. The applicant has several children, and all are living in the 3 bedroom home, plus the RV.

The small .35 acre lot is in an established subdivision, but it is functionally much smaller due to the road and drainage easements, making it seem more like a .2 acre lot. The buildable area (for structures) is even smaller considering normal setbacks. A variety of utility easements exist on the property according to the GIS system. The 60' road easement and the road itself are centered on the front property line, plus a 30' setback from the edge of easement. A 100' TCID drain easement and the drain are centered on the rear property line. It appears that structures and fill have been placed inside the easement. Utility easements run adjacent to the above easements and along the side lot lines. The application does not indicate what the RV's well, septic, and power services will be, but the enforcement officer indicates that the occupants seem to use the home for bath and kitchen purposes and the RV is used more like an extra bedroom.

The RV situation is complicated by several factors. The existing RV is already placed on the property, though no permits have been obtained for the new quarters. The existing RV has a leaky roof, so the applicant is proposing to replace it. Its current location is on the narrow (12') east side of the property under an RV awning structure. This location is not adequate for placing a temporary quarters due to width and side yard setbacks. The RV awning has walls roughly 13-15' high, and is located on the property line. It was installed without permits and sits within both the front and the side yard setback, so it must be removed. County Code allows vehicles to be parked in the setbacks, but structures cannot be built in setbacks.

The applicant is proposing to (a) purchase an RV in better condition, (b) place it on the wider (22') west side of the property, (c) locate it behind the existing fence, and (d) dispose of the current RV. The site plan and narrative also show this situation. The RV and its pop-outs must meet a 5' setback from the side property line. Moving the RV to the west-side of the house will require moving landscaping and altering the side yard fence. The applicant would like to use the awning structure in its current location for parking, but it will need to be moved to meet County Code. If placed in a different on-site location, it must meet setbacks and have approved permits.

Criteria Review: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for a hardship/caretaker's quarters in CCC 16.08.070(B)3 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria are:

- “a. A residence for an aged, invalid, or physically or mentally disabled person who requires care;
- b. A residence used by an attendant caring for an aged invalid or physically or mentally disabled person”

The application includes a doctor’s note indicating that the applicant has a medical condition, and intermittently needs assistance with daily living activities.

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 Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 010-581-27, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)3, 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 Temporary Use Permit application for Elizabeth Hill to establish a Temporary Quarters for Hardship/ Caretaker at 1300 Lattin Rd. (APN 010-581-27).

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. If the current code violations are not corrected, this permit might be brought before the Planning Commission and not be renewed.
2. All required Building Department approvals and safety certificates must be obtained, including any required set-up permits, and any inspections of water, septic and electrical connection.
 - a) The existing RV awning must be removed or relocated to meet setbacks and obtain necessary permits.
3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.
4. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
5. This temporary use permit is subject to annual renewal providing proof that the need still exists.

Application:	<u>Special Use Permit</u>	Use Table Listing:	<u>Off-Premises Outside Storage</u>
Applicant:	<u>Walker Lake Disposal</u>	Owner:	<u>Walker Lake Disposal Inc.</u>
Site:	9895 Carson Highway (APN 007-171-13) - 37.78 acres		
Designations:	Master Plan – Urbanizing // Zoning – C-2		

Project Summary: The applicant is requesting to store objects, equipment, and vehicles for the Walker Lake Disposal business located at 8383 Reno Hwy. (about 1.7 miles away on the highway). The site is currently used for storage, and this application will bring the site into conformance with County Code.

The proposed site is along the Carson Highway near Beasley Drive, and across the street from Welsco Well Drilling and the geothermal equipment storage site. Easements for US 50 cross the north edge of the property on a diagonal line, placing part of the lot on the north side of the highway. In addition, this property is one of 3 narrow properties south of the highway. All three have road and utility easements along their north property lines, though the ones on the subject property overlay the highway easement. No other easements are apparent on the property. Access is from the Carson Highway.

The proposed storage area occupies only a small part of the parcel between the highway and a high sand bank. The remaining acreage to the south is mostly undisturbed land with native vegetation. A chain link fence currently surrounds the storage area for security. The area just west of the fenced area is being used to store cargo containers (empty) and commercial coaches (empty). The application indicates that they are trying to have the commercial coaches removed.

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.

A C-2 zoning district is located on this parcel and the 2 adjacent narrow lots. Across the street is an Industrial zone, and a small C-1 zone. Surrounding that area to the north is RR-20 zoning, and surrounding the property to the south is A-10 zoning. Within this area only small areas are developed with industrial-type development or storage, while most of the larger area is vacant. The proposed storage area is compatible with the surrounding uses and development. See Criterion 5 for assessment of environmental impacts on neighbors. See Criterion 2 for assessment of community gateway visual quality.

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. ***Off Premises Outside Storage is a listed use*** in the use table for the zoning district and must be reviewed through a Special Use Permit.

Most Master Plan policies are not applicable to the development of industrial uses or are neutral in terms of general industrial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

Chapter 11, under Gateways to the Community, states: “The appearance of a community as seen from the main streets and highways expresses the community character and leaves a lasting impression on visitors and potential future residents and businesses. Thus, special attention should therefore be given to the types of land uses that are permitted along these corridors...

To promote a positive image of the County, all development fronting the major highways must adhere to appropriate landscaping and signage requirements, and only those land uses that are aesthetically appealing should be encouraged.”

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 storage of materials and equipment raises concerns regarding the impacts to the visual character of the highway entering into the community. Screening outdoor storage yards can mitigate visual character concerns of storing smaller items, so they are visually less prominent when viewed from the highway. Screening of the storage yard is proposed and will meet screening requirements.

Screening of the cargo containers and commercial coaches is not normally required in the Code, but these larger items can just as easily present an unsightly appearance to the traveling public. A recommended condition would require that these large objects be placed in a neat row and on a north-south orientation so that approaching vehicles only see one of them from the side. It is also recommended that cargo trailers (normally for 18-wheelers) not used in business operations (and also being stored long-term) be oriented this way. This applies to those both inside and outside the fenced area. The commercial coaches are currently placed with a north-south orientations, but the cargo containers and cargo trailers will need to be re-oriented.

The proposed development must conform with the County Development Code. Conditions of approval will address specific issues, including:

- **Setbacks and Easements:** The County requires C-2 zoning to have a front yard setback measured from the highway easement. The setback is composed of a 30’ normal setback plus an additional 30’ setback for high speed roads. The street-front fence is located at the highway easement. The C-2 zone has no side setbacks. The east fence line of the storage yard is on the east property line, where there is no side setback requirement.

The cargo containers and commercial coaches that are both inside and outside the fenced area are equivalent to structures (or even used as structures) and need to meet the street setback - being 60’ from the street-front fence, or the extended line of the fence. This also includes the long-term storage of the cargo trailers. In addition, outside storage areas must meet setbacks - see those requirements below. There are probably stored items in setbacks that are not allowed there, and they will need to be shifted southward.

- **Sewer and water facilities:** None required for outside storage, since no business office is located at the site.
- **Outside Storage Requirements (CCC 16.16.020.3.1):** Storage of operable trucks, trailers, cars, and heavy equipment may be located within the setbacks noted above, but other materials and equipment may not be stored in required setbacks. The storage area’s north fence is placed at the edge of the highway easement. This results in the north half (60’) of the storage area falling within the street setback from that edge, while the south half falls outside the setback. Currently, materials are stored somewhat randomly. Some re-organization is needed to place items allowed in the setback on the north half of the storage yard, and other items in the south half.

- **Parking and Loading Requirements:** None required for outside storage, unless the business office is located at the site.
- **Landscaping:** None required for outside storage, unless the business office is located at the site.
- **Signage & Lighting Requirements:** No pole sign proposed. An existing sign on the fence meets signage requirements.

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 do not exist and are not required. No power will be needed. Public road infrastructure is discussed below. Public facilities and services will not be impacted.

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 employees periodically access the storage yard. No impacts are expected.

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.

A manufactured home placed on the property across the street is used as a business office. There are no other residential uses immediately adjacent to the site, though homes are located some distance away along the Carson Highway and along Marshall Drive. Adjacent commercial uses have few customers. The potential environmental impact issues to adjacent properties are truck and vehicle noise from heavy equipment and loading operations, though less than from the highway traffic. Visual impacts are discussed in Criterion 2.

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 for Off-Premises Outside Storage on APN 007-171-13, 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 Temporary Use Permit application for Walker Lake Disposal to establish an Off-Premises Outside Storage at 9895 Carson Highway (APN 007-171-13).

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 operated in conformance with County Code, building permit requirements and this approval of a Special Use Permit, including screening of the fenced storage yard and meeting setback requirements from the highway.
2. Commercial coaches, cargo containers, and cargo trailers shall meet setbacks, and be arranged in an orderly row on a north-south orientation.

Application:	<u>Special Use Permit</u>	Use Table Listing:	<u>Waste Collection Service</u>
Applicant:	<u>Walker Lake Disposal</u>	Owner:	<u>Bill and Karen Austin</u>
Site:	Expansion area is 8355 Reno Highway (APN 007-151-30) (Existing operations are on the two lots to the west, at 8383 & 8525.) 1.67 acres - Existing operations on two lots of 2.13 & 2.0 acres		
Designations:	Master Plan – Urbanizing // Zoning – C-2		

Introduction: Walker Lake Disposal is requesting a Special Use Permit (SUP) to expand its business onto the adjacent property. Walker Lake Disposal previously received Special Use Permits in 2010 to operate on the middle of the 3 parcels at this location that front on the Reno Hwy. They then received a Special Use Permit in 2018 to expand onto the west-most of the 3 parcels. This Special Use Permit proposes to expand onto the east-most of the 3 parcels.

Summary: The applicant is requesting to expand the current waste disposal business onto the subject parcel. The expansion area will allow additional storage of containers and more defined truck parking. Roll-off containers, which are loaded onto a carrying vehicle and taken for disposal, will be stored west of the office. Dumpsters, which are dumped into the waste collection truck and left with the customer, will be stored east of the office near Pioneer Way. The miscellaneous storage yard will be located between the office and the dumpster yard, and will be screened with fence panels that are slatted, but are movable to access the storage yard. Collection trucks will be stored along the highway, and a line of concrete barriers has been installed to protect the fence from backing trucks. There are no immediate plans to add any structures on-site. Lighting is shown on the site plan near the buildings, and the application indicates it already meets Dark Sky code requirements.

A fence exists along the full highway frontage with three gates (one for each parcel) – the center gate being the main business access. Any previous fencing between the current lots has been removed (except for possibly remnants). The expansion lot also has an access gate onto Pioneer Way. The expansion lot has no easements identified on the County GIS system, other than the US 50 access easement near the fence. Pioneer Way has no official road easement since it is one of the oldest roads in the County, being located on the old California Emigrant Trail and thus originating as an RS 2477 road. NDOT has not indicated that changes will be required for the expansion.

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 property and the area along US 50 is zoned C-2 Commercial on both sides of the highway. The Walker Lake Disposal properties are entirely within the C-2 zone. There are 3 residences nearby, along Pioneer Way, that are associated with the farmed parcels. The nearest residences is 220 feet south of the expansion lot, and it is also in the C-2 zone. The 2 other residences are 850' to the SW and 850' to the SE of the nearest Walker Lake Disposal property. All lands to the south are farmland in production. To the north is the New Millennium Truss plant and the livestock yard at Trento Lane.

The proposed expansion is onto a property used for commercial activity for many years. This expansion should be compatible with the existing surrounding land uses and development. This commercial use has a friction zone requirement from the nearest residence that is met by the existing separation. There is a friction zone between agriculture and commercial uses that normally applies, but this property has been used for commercial used for a long time, before the friction zone was established.

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. 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.

Chapter 11, under Gateways to the Community, states: “The appearance of a community as seen from the main streets and highways expresses the community character and leaves a lasting impression on visitors and potential future residents and businesses. Thus, special attention should therefore be given to the types of land uses that are permitted along these corridors... To promote a positive image of the County, all development fronting the major highways must adhere to appropriate landscaping and signage requirements, and only those land uses that are aesthetically appealing should be encouraged.”

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. Regarding visual quality issues, the applicant has previously agreed to store waste bins along the rear of the property and park waste collection trucks in a neat and orderly manner, which provides adequate mitigation.

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

- **Setbacks and Easements:** The C-2 zone has a 60’ front/street setback, being measured from the Hwy 50 property line and from the edge of pavement on Pioneer Way. The C-2 zone has no side setback, and a 20’ rear setback. As a corner lot, the expansion property has 2-front setbacks and 2 side setbacks. The other two lots do have the rear setback. Trucks, trailers, and other vehicles may be within setbacks. The dumpsters proposed near Pioneer Way might be in the 60’ setback, and may need to be shifted westward. See Outside Storage requirements below.
- **Sewer and water facilities:** The existing septic and water system on the adjacent property will be used and appears to be adequate.
- **Outside Storage Requirements:** Outside storage items may not be stored in setback areas and must be screened. The roll-off garbage bins and dumpsters are mobile and moved regularly, and will not need to be screened. Outdoor storage of other materials must be placed behind a site obscuring fence or barrier to reduce visibility from the highway, which is proposed using movable screened fencing.
- **Parking and Loading Requirements:** Business expansions normally require additional parking. The business has expanded its customer base over the last 12 year, and has expanded its operations to include the 3 parcels on Reno Hwy. This has in turn increased the number of waste collection trucks and the need to park them. The site plan shows that truck parking will take place (a) on the expansion lot, (b) in front of the office along the concrete barriers, and (c) just west of the office. The application indicates that trucks will be parked in neat rows. .
- **Landscaping:** Business expansions normally require additional landscaping. Over time the larger site has been cleaned up with the removal of the previous buildings, trees, and debris. The site has been leveled and graveled and appears neat and orderly. This clean-up activity

substituted for additional landscaping in previous reviews. But normally, the Code requires a 10' landscape buffer along roads (the highway and Pioneer Way), excluding gated lengths. It is recommended that the landscape buffer be installed at this time. Contents of the landscaping are up to the applicant, and may include gravel, bark, boulders, trees, turf, shrubs, and decorative items. The intent is to give a favorable impression of the business and community to the traveling public. Plants will need a source of irrigation.

- **Lighting:** Outside yard lights are used on the property, and described in the application. These lights must meet the Dark Skies Ordinance requirements of lights shining down, and the application indicates they do.
- **Signage Requirements:** No additional signage is being proposed with this permit.
- **Water rights and impact fees:** Existing businesses are not required to dedicate water or pay impact fees.

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

There are no public sewer and water services on or near the site. Private sewer and water service currently exist for the business site, and can be used for the expansion area as well. Power exists on-site. Public road infrastructure is discussed below. Police and fire service demand will be minimally increased. Services will not be overburdened.

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

This expansion will allow the further increase in business capacity and related traffic – mainly for business trucks. Access for the existing and expansion sites is taken from US 50, a NDOT facility. NDOT has been notified of this expansion in use, and they indicate a new permit will be needed but that changes to accesses will probably not be needed.

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.*

The proposal increases the business operations area by roughly 50%. Waste handling uses can cause smells and pollution, which are the primary potential environmental impacts. The application indicates that the business does a minimal amount of household garbage collection, and that trucks are emptied before returning to the yard, inspected, and cleaned as needed. Most waste handling is for only dry waste. The applicant indicated that collected bins of waste are normally taken to the landfill before returning. There are some instances where a collected bin is for recyclable materials, and the bin may have to stay at the site overnight so it can be delivered the next day to the recycling facility in a different area.

The previous SUP included conditions requiring that no garbage/debris will be left in or out of containers overnight. They must be dumped before returning to the site at a facility authorized to accept garbage/debris. It is recommended that this continue except for recyclables needing delivery on the next business day.

Dust resulting from large truck traffic is also a potential environmental impact. This can be mitigated by graveling the driving paths through all properties to the access points. This may require renewing the existing surface gravels.

Noise impacts from collection trucks is also possible, but it will not be significantly different from ongoing highway traffic noise.

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 for Waste Collection Service on APN 007-151-30, 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 Walker Lake Disposal to expand a Waste Collection Service at 8355 Reno Highway (APN 007-151-30).

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. The entire business, including expansion, must be in conformance with County Code, including but not limited to:
 - a. A business license must be maintained.
 - b. All necessary building permits must be obtained.
 - c. Dumpsters shall meet the 60' setback from the Pioneer Way edge-of-pavement.
 - d. A landscape buffer shall be installed along the adjacent roads that meets County Code.
 - e. The "miscellaneous equipment yard" shall meet County Code screening requirements.
2. The entire business, including expansion, shall be operated in a sanitary and clean manner, including but not limited to:
 - a. Household trash may not be brought to the site, and trucks used for such material shall be kept in a sanitary condition when on-site.
 - b. Containers of non-household trash and debris (whether on or off the truck) may not be left on-site overnight. The exception is that loads of recycling materials to be delivered the next day may stay overnight at the site.
 - c. Roll-off bins and dumpsters shall be stored in neat rows along the rear lot line, and otherwise away from the highway.
3. Operations of the entire business, including expansion, shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
4. All required NDOT access permits and authorizations must be obtained. All access changes or improvements required by NDOT must be installed.

Application:	<u>Major Special Use Permit</u>	
Use Table Listing:	<u>Utility Transmission Line - Level 2</u>	
Applicant:	<u>Ormat Nevada Inc.</u>	Owner: <u>Various - Using Easements</u>
Site:	Many – see application submittal for full list The corridor mostly parallels the existing power transmission line	
Designations:	Master Plan – Rural // Zoning – RR-20	

Summary: The applicant is requesting a Special Use Permit for a ***Utility Transmission Line – Level 2*** which is a listed use in the land use table for the RR-20 zone, needing a SUP. A Utility Transmission Line – Level 2 is one that does not qualify for the Level 1 status. Level 1 transmission lines are those that lie within corridors identified in the Master Plan for transmitting power at over 200-kV. The Master Plan states that transmission lines less than 200-kV or not in the corridor require a Special Use Permit.

The route of the line is over 50 miles long, though only 2 parts will be in Churchill County - just inside the west edge of the County north of Fernley. The 2 segments in Churchill County are a longer segment at the NW corner of the County, and very short segment across the “tail” of county land in the Duffy Road area. The route is mostly parallel to an existing power line, and will mostly use the existing access road except for short spurs or segments needing to be built at specific locations. The corridor can be accessed from the Eagle Substation near Fernley or the Brady Hot Springs exit and Sagehen Creek Road.

The proposal is to build a new 120-kV power line to connect a power plant in Washoe County to the Eagle Substation near Fernley. The line will have a 45 MW capacity. The submittal includes plans showing”

- (a) the corridor route along the existing power line where it lies inside the County,
- (b) the access road and additional road segments,
- (c) the wire suspension elevations across the landscape, and
- (d) the variety of power pole elevations that will be used in different landscape scenarios.

The Plan of Development at the end of the submittal provides a description of the construction activities.

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 transmission line is very remote with a Master Plan designation of Rural. The broader area along the route is zoned RR-20. There are few permanent uses in the area, mainly several other transmission lines, pipelines, some mining sites, possibly some geothermal facilities outside the County, and rangeland grazing. Most or all of the private land is owned by a few parties. The remainder of the area is vacant federal land. The closest developed uses may be some remote homesites in Pershing County, the mix of uses near Brady Hot Springs, and the Fernley area development near the Eagle Substation. The proposed transmission line is compatible with surrounding uses. 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 Utility Transmission Line – Level 2 is allowed*** in the use table for the RR-20 zone, needing an SUP. Most Master Plan policies are not applicable to power transmission activity. The main applicable section

in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development. In addition, Chapter 9 Public Services and Facilities includes Goal PSF 4 and its policies, which cover Aboveground Utility Corridors, and excludes transmission lines similar to the proposal, as previously described in the Summary.

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 criteria 1, above. Environmental Impacts are addressed in Criterion 5. The proposed development must conform to the County Development Code, but few standards apply to transmission lines.

- **Generally:** Easements have been obtained for the transmission line corridor. The transmission line will cross other easements along its route and cross them safely. Setbacks do not apply to linear infrastructure corridors. Utility towers are excluded from meeting height limits. Sewer and water services are not used for transmission lines. Water needs for dust control are small and adequately addressed in the BLM requirements. No signage is proposed. No permanent outdoor storage is planned, though temporary construction storage will be needed (lay-down yards). If this is temporary, no screening is required. No permanent lighting is planned, though if aviation safety lighting is required it will be installed. No parking, landscaping, or impact fees are required for linear infrastructure. Stream corridors and wildlife areas will be traversed by overhead wires and the access road, but will be minimally affected.

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. No permanent private sewer and water service will be installed – temporary services will be provided during construction. Demand for fire and medical services to this remote location will be increased during construction due to human and machinery activity, but not permanently. Public services and infrastructure will not be overburdened. Roads are discussed below.

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

Traffic on the power line access road, Sagehen Creek Road, and the road serving the Eagle Substation will be temporarily increased during the transmission line construction period but will be negligible afterward. Construction traffic (1 visit = 2 trips) is not expected to exceed 20 trips per day, and will affect the parts of the corridor being constructed at the time. None of these are County-maintained roads, but the large truck traffic will likely degrade the road. A Road Maintenance Agreement with the County is recommended to ensure that damage is repaired.

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.*

There are no human-occupied uses in close proximity to the route. So potential impacts will be on the travelling public, wildlife, and the environment. The response to this application question (and similar ones) refers the reader to federal and state documents and permits. The Plan of Development at the back of the submittal (p. 14) provides a list of mitigation measures required by BLM for the transmission lines on federal land.

Mitigation measures focus on reducing disturbance. For example, the existing access road will be used as much as possible. Most other vehicle paths and some pole construction sites will simply drive over the landscape and vegetation without road construction or clearing construction sites to minimize disturbance. Many actively cleared areas will be revegetated. Stormwater and erosion control is not discussed much in the application other, than referring to State or federal permits, which should help minimize such 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 a Special Use Permit for a Utility Transmission Line - Level 2 in the northwest area of the County on multiple APNs that are listed in the application, 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 Ormat Nevada Inc. to construct a Utility Transmission Line - Level 2 in the northwest area of the County on multiple APNs that are listed in the application.

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. Before construction begins. a Road Maintenance Agreement shall be entered into with the Road Department to ensure that damage to area roads is repaired. This will apply to Sagehen Creek Road, Duffy Road, and any other area roads determined appropriate by the Road Supervisor.
2. Disturbed areas on private lands shall be restored using the same criteria and standards as public lands.
3. The project must be constructed and remain in compliance with Churchill County Code, including but not limited to:
 - a. Any necessary building permits must be obtained for all structures, and all pertinent impact fees must be paid.
 - b. A business license must be obtained or updated for the transmission line.
 - c. Documentation of the final approved lease (if not already provided) from federal agencies shall be provided before facility construction.
4. The project must meet the following long-term conditions of approval:
 - a. Closure/decommissioning of the facility shall follow the timing and details described in the application and shall apply to facilities on both public and private lands.
 - b. This permit will expire in the event of non-use of the facility in accordance with County Code.

5. Prior to issuing building permits, a facility decommissioning and removal bond, as deemed acceptable to the Public Works Director, shall be provided for the portions of the transmission line on private lands.
6. The applicant shall comply with state and federal agencies permits and requirements, including but not limited to:
 - a. The BLM Environmental Assessment and all other monitoring plans, studies, and other documents required for federal approval shall be provided prior to facility construction.
 - b. Nevada Division of Environmental Protection Bureau of Air Pollution Control Surface Area Disturbance permit and permits for chemical emissions.
 - c. Nevada Division of Environmental Protection Bureau of Water Pollution Control Stormwater Pollution Prevention Plan, and injection well permits.

<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.



ORMAT

JULY 2021

Copyright © 2021 Ormat Technologies, Inc.

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.

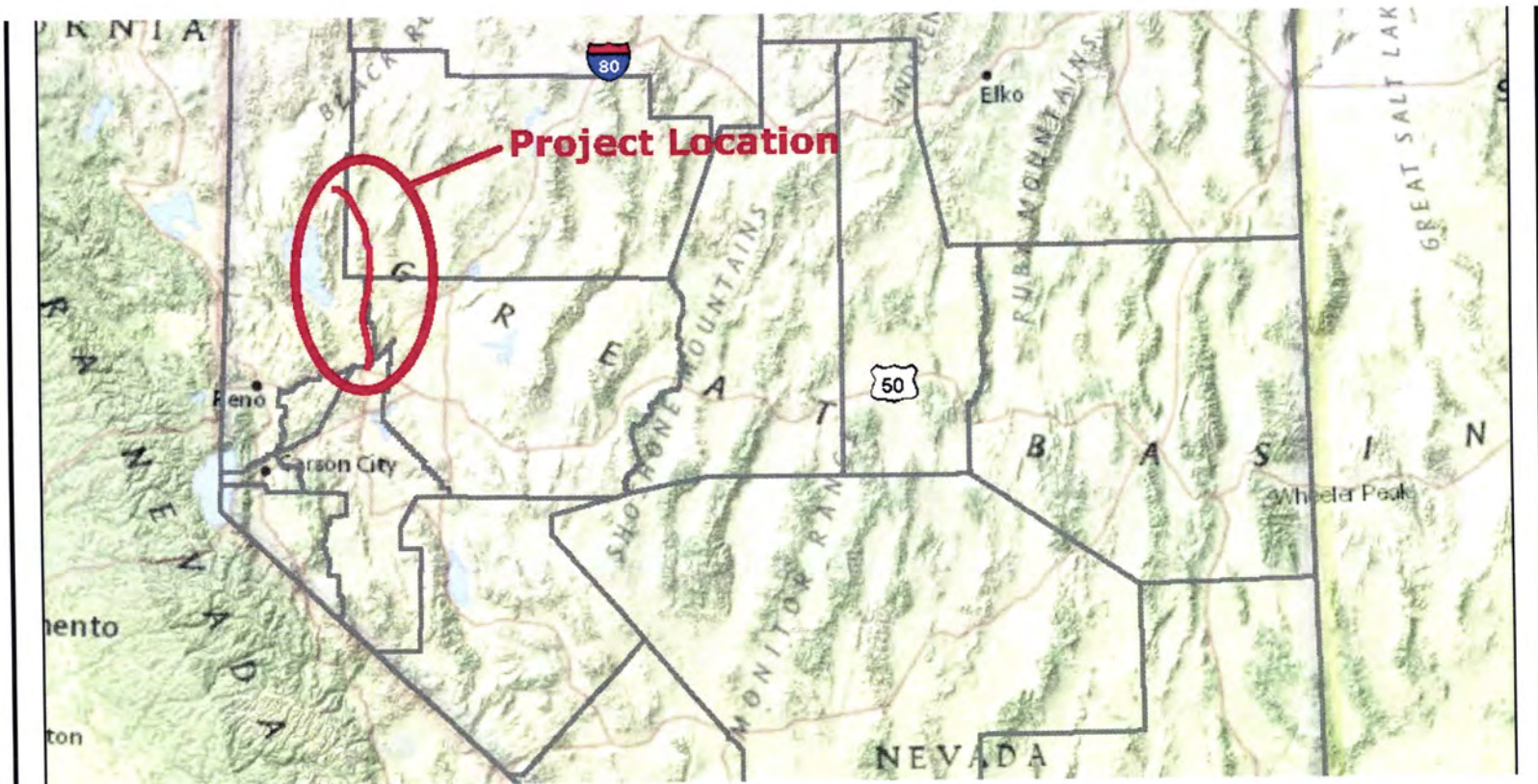


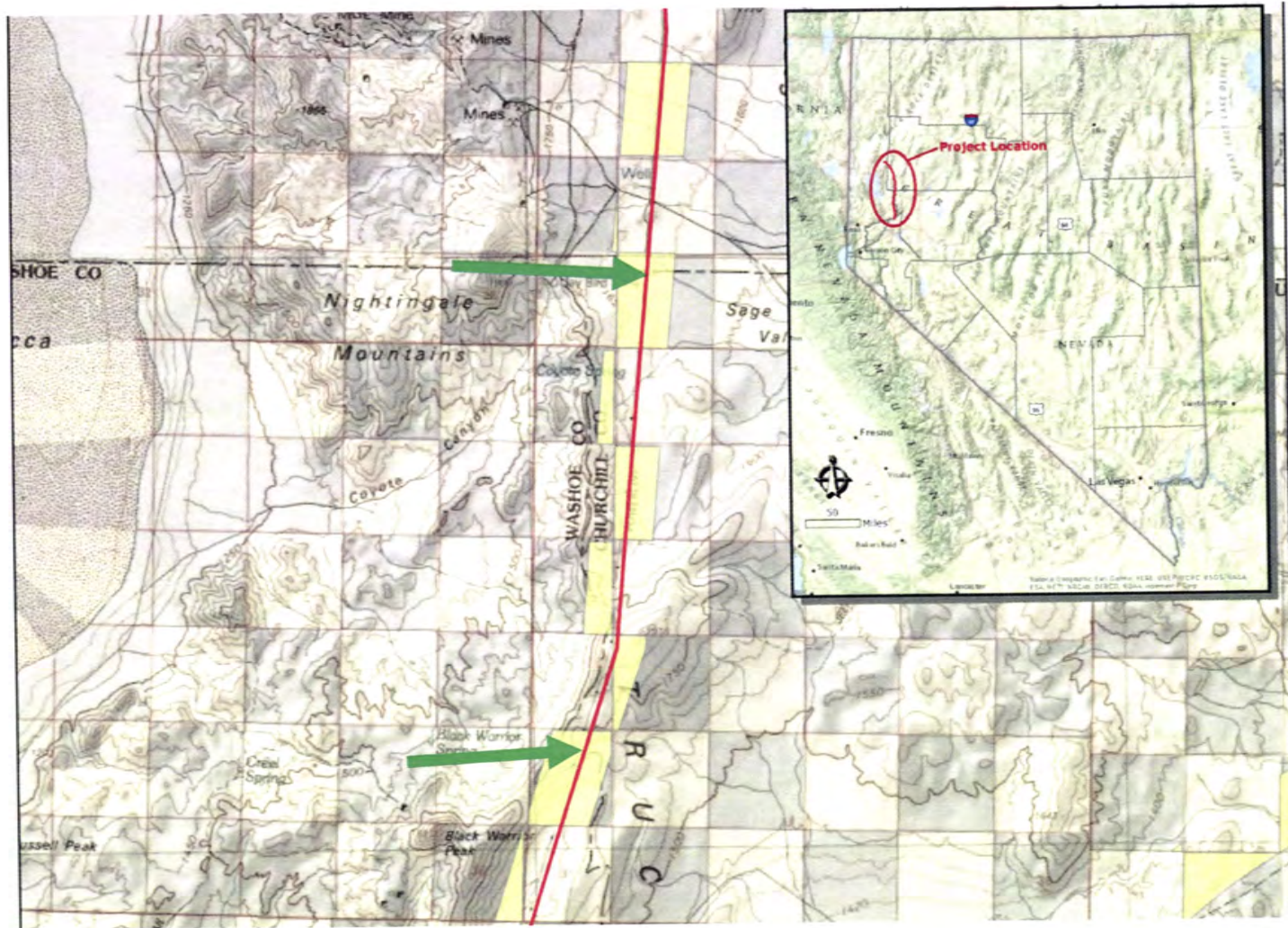
PROJECT OVERVIEW

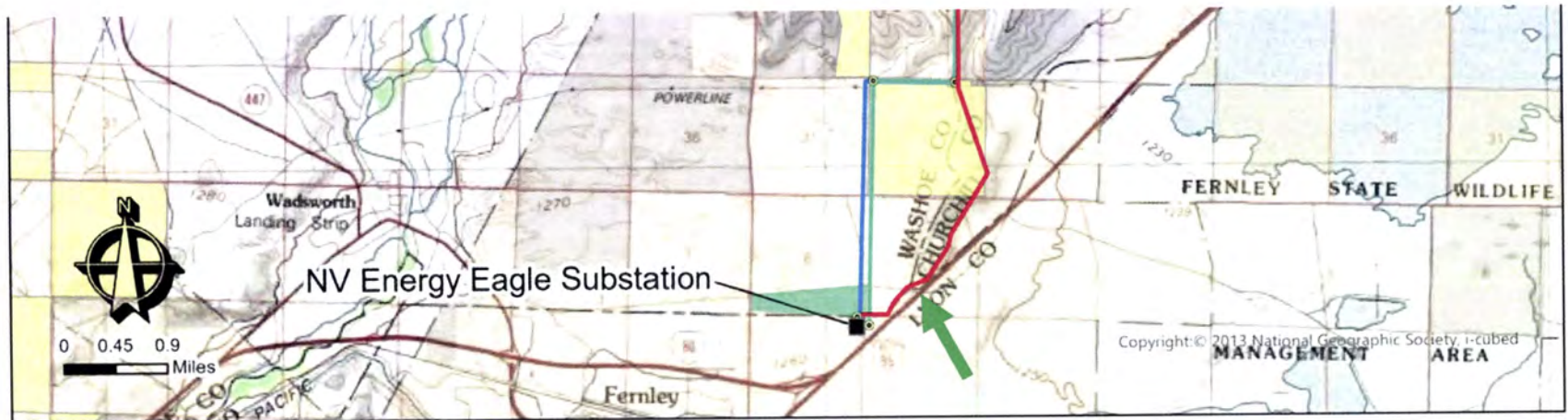
Introduction

- **120 kV Transmission Line**
 - Interconnection between North Valley Geothermal Power Plant and Eagle Substation
 - North Valley Geothermal Plant is fully permitted with BLM and Washoe County
 - 57 Miles total – 7 miles within Churchill County
 - Also within Washoe, Pershing and Lyon County
 - Adjacent to existing transmission line
 - Road Access
 - Main access existing roads within powerline corridor
 - Minor access over land travel (light construction as needed)
 - Approximately 2,000 feet of constructed road

PROJECT OVERVIEW

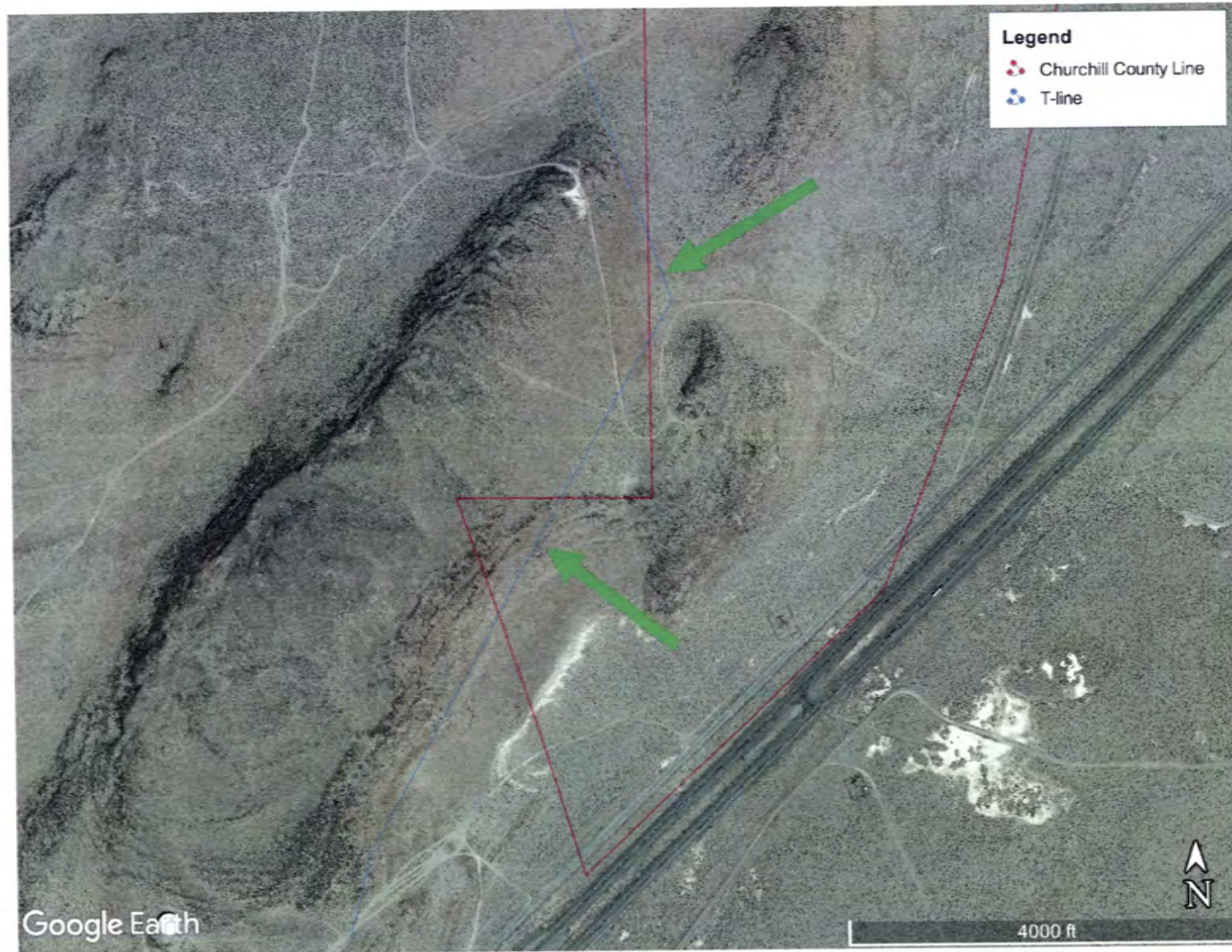






Page 3/3 09/18/2019	ORMAT NORTH VALLEY PROJECT FIGURE 2	Rev.	Date	Description	By
	PROJECT OVERVIEW MAPPING	1	09/18/2019	Issued For POD	JRA
	Washoe/Lyon/Churchill/Pershing County Nevada	2			
		3			
		4			







THANK YOU!

QUESTIONS?

CHURCHILL COUNTY PLANNING COMMISSION MEETING
155 North Taylor Street, Commission Chambers
September 8, 2021 at 7:00 p.m.

Name	For Which Agenda Item	Contact Info
JAKE STEINMAN	10D	(775) 437-3560
Diane Marcia	B & C	(775) 423-2382
Mike Hatch	B & C	(775) 423-2382
HENRY JScheideke Jr	N/A	775 1 378-6302
ZACK RYAN ^{ALAN} JESIAKIEWICZ	N/A	775-217 6733
SARA SCOTT	N/A	775-453-5179
Mary Gonzales	N/A	209-485-0302
Ken Gonzales	Hill	209-485-1192
Muddilyn Hill	Hill	(775) 466-5587
Elizabeth Hill	Hill	775 453 3413
Estelle Hockanier	Hill	775 313 7200
Robert Hunter	Hunter	775-443-2168
Joe Peters	Doc	775-423-2282
SANDY BRIGHT	HILL	775-423-9143
JANET FELTIER	HILL	775-423-9143
Carolyn Parrish	Hill	775-350-5344
Jennifer Haley	-	jennifer.haley@navy.mil

PLEASE PRINT YOUR INFORMATION