

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406
November 10, 2021

1. Call to Order.

The regular meeting of the Planning Commission was called to order at 7:01 p.m. on November 10, 2021 by Chair Diehl.

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

Absent: Member Shane Yates

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 November 4, 2021, between 8:30 a.m. and 5:00 p.m., at all of the locations listed on the Agenda, in accordance with NRS 241 and the Churchill County Code.

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

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

Member Getto moved to approve the agenda as submitted. Vice Chair Arciniega seconded the motion which carried by unanimous vote.

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

Chair Diehl verified with the Administrative Assistant that notification was sent to all landowners in accordance with NRS and the Churchill County Code.

7. Consideration and possible action re: Approval of the Minutes of the meeting held on:

A. October 13, 2021 Public Hearing

Member Bunyard moved to approve the October 13, 2021 minutes as written.

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

8. Old Business.

A. Consideration and possible action re: Temporary use permit renewal for temporary quarters during home construction granted to John Gurney for property located at 6550 Zephyr Lane, Assessor's Parcel Number 008-133-53, *origination date 11/8/17*. The applicant states that there have been setbacks due to lack of materials and labor help.

Dean Patterson, Senior Planner, stated that Mr. Gurney was expected to be at the meeting, but it appears that he didn't make it. He stated that they can hold it for later in the meeting or table it until the meeting next month. Chair Diehl asked the commissioners what they wanted to do.

Member Bunyard moved to table the temporary use permit for temporary quarters

during home construction for John Gurney at 6550 Zephyr Lane, APN 008-133-53, until the next meeting. Member Getto seconded the motion and the decision carried by unanimous vote.

9. Public Hearings.

- A.** Consideration and possible action re: Temporary use permit application for temporary quarters for hardship/caretaker filed by Jewel Berry for property located at 8940 Brush Garden Drive, Assessor's Parcel Number 007-121-27, consisting of 10 acres in the A-10 zoning district. The applicant proposes to have a caretaker reside in an RV on the property to help with repairs, maintenance and care of the land as well as being available to assist the property owner.

Jewel Berry, 8940 Brush Garden Drive, and Carrie Johnson, 8940 Brush Garden Drive, were present to speak for the application. Chair Diehl asked Loreli LeBaron to comment on this application. Loreli LeBaron, Code Compliance Official, stated that the reason this is coming before the commission is a code compliance investigation that determined a violation existed. She noted that Ms. Berry has been very compliant through the process to get the property into compliance the best that she is able. There were three RVs originally that were occupied upon the initial inspection. Two of these are no longer occupied—one has been completely removed and the other is almost disconnected from utilities, but is not occupied. The only RV that is occupied is the one that is adjacent to the garage. She is in support of the temporary use permit as far as the medical hardship that she has observed on the property. Ms. Berry shared that her husband passed away last year, and she is by herself. They can't get too much done around the property. She has Carrie and her husband in the motorhome to help her. Originally, the other motorhomes came into being because she lost \$500 worth of income when her husband passed away. She was trying to make up the difference. She still has the same expenses, but she doesn't have the same income. She expressed a need for help and described how the couple living in the motorhome has been helping her. She stated that the other people that were living in the other RVs are no longer in them—the one man is in Dayton and his daughter is renting a room inside the house with her because she works here in Fallon. She informed that she plans to be selling her property next year, so that she can move nearer to her family. She will need help to get things done on the property to get it ready to sell.

Chair Diehl asked for any public comment; there were none. Therefore, she turned the discussion over to the commissioners. Chair Diehl said that Ms. LeBaron has been working with the people and has stated there is a need for help, and Loreli LeBaron agreed that it appears to her that she does need assistance. There is a tire pile with some other miscellaneous stuff on the property that the couple are helping her to clean up. Chair Diehl noted that there was no documentation provided in the application regarding a medical need. Loreli LeBaron explained that she understood that this type of documentation was not needed due to the fact that Ms. Berry is over 70 years old. Ms. Berry did offer to obtain a doctor's note from her physician if the Planning Commission does need it. Chair Diehl then addressed Carrie Johnson to ask if she was the caretaker, and Mrs. Johnson confirmed that she and her husband assist Ms. Berry and described things they do to help. Chair Diehl followed up with Ms. Berry about her comment that she plans to sell her property. Jewel Berry hopes to sell her property by August 2022, so that she can move to Oregon where her children live.

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

Vice Chair Arciniega, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 007-121-27, thereby meeting the criteria found in CCC 16.08.070(B)3, as described in the Staff Report. Member Getto 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 Jewel Berry to establish a Temporary Quarters for Hardship/ Caretaker at 8940 Brush Garden Dr. (APN 007-121-27). This approval is subject to conditions, as listed in the Staff Report. Member Bunyard seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The temporary quarters must comply with Churchill County Code.*
- 2. All required Building Department approvals and safety certificates must be obtained, including any required set-up permits, and any inspections of water, septic and electrical connection.*
- 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.*

Dean Patterson, Senior Planner, inquired if Ms. Berry had a chance to review the conditions that were in the staff report, and she verified that she had. He clarified that if she is going to be there for more than the year, she will need to renew the permit.

B. Consideration and possible action re: Temporary use permit application for temporary quarters for hardship/caretaker filed by Eric Hunter for property located at 5075 Toyon Drive, Assessor's Parcel Number 006-435-09, consisting of 10 acres in the A-5 zoning district. The applicant proposes to reside in an RV on the property to help take care of his parents that reside in the home as well as the property.

Steve Hunter and Eric Hunter, 5075 Toyon Drive, were present for the application. Eric Hunter stated that he is living in an RV on the property to help his parents and aid in the clean up the property per a citation they received.

Loreli LeBaron, Code Compliance Official, stated that this is also a compliance based situation where we have the son staying in an RV on the property for the purpose of helping his parents who are elderly. In addition to that, as she understands, they would like in the future to attempt to build some type of second dwelling, but that is far out. There are some long term unsightly conditions on the property. It does appear that over time there is a collection of vehicles and automotive parts, and the son is going to help clean up the property to bring it into compliance. Chair Diehl asked if they have done that. Ms. LeBaron responded that they are working on it. The first step was for them to get the temporary use permit and get the placement permit, and then they will work on a plan with code compliance to slowly progress over the duration of time to get the property cleaned up. It is going to take a while as they have a lot there. Eric Hunter pointed out on the aerial photograph displayed on the screen that there is 30 plus years of collection, and it is going to take a while, and his parents are getting older. Unfortunately, they will only be getting older, and he will be there for some time to help out. The long term goal is to build a small house on the property in compliance with codes. With COVID the plans were delayed indefinitely as prices of lumber and labor skyrocketed very quickly.

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

Member Bunyard questioned how many vehicles he has on the property right now. Steve Hunter said that he has gotten rid of six cars so far, and he really doesn't know how many are there right now. He has a lot of antique truck parts, Model T stuff that he would like to keep and has had for years. He had a Peterbilt truck that he converted into a motorhome, and he has parts for it. He no longer has that vehicle, so those parts may be able to be gotten rid of. He just needs to start sorting through and taking

the things not needed to a scrap yard. Member Bunyard asked what the estimated timeframe was that he has worked out with Loreli LeBaron to become compliant. Steve Hunter said that they haven't determined a deadline. Ms. LeBaron confirmed that they haven't gotten to that extent, but the agreement that they have come up with is that while the son is on the property, he can help relocate some of these vehicles on the property, try to find appropriate storage, and remove the vehicles, parts and miscellaneous items that there is really no use for. She thinks they might reasonably be able to accomplish about half in a year, keeping in mind that he has a full work schedule on top of helping out his parents. Contemplating all of the factors it could take a year or two.

Vice Chair Arciniega asked Ms. LeBaron if this was a compliance issue, and she confirmed that to be accurate. Vice Chair Arciniega inquired if there is a timeframe when there is a code compliance case, or if that is even a part of this. Loreli LeBaron stated that there is a notification process and a timeframe that specified by code; however, it does provide leniency to work with the, for the lack of a better word, "violators" to bring the property into compliance. As long as they are engaged into a voluntary compliance, she is happy to work with them regardless to the extent of time it takes, as long as it is reasonable, and we can see progress on an ongoing basis. Vice Chair Arciniega asked the applicant to walk him through the property as displayed in the aerial photograph on the screen. He can see some buildings, an RV, etc. Steve Hunter noted that the gray is his house, and there's a shop next to that. He wasn't sure how old this photograph is, but it could be the Peterbilt motorhome next to the garage. Eric Hunter pointed out that the motorhome is no longer on the site. It was also shown where the requested RV is located; however, the photo doesn't show the RV that he is currently residing in, but an older one. The new RV is a 2017 fifth wheel trailer. Vice Chair Arciniega questioned if the vehicles and other items along the serpentine road were the ones being discussed. That was confirmed by both Mr. Hunters. Vice Chair Arciniega inquired if they are being asked to remove them. Eric Hunter stated that they are supposed to remove what they can and organize what is left; get it into a more sightly manner for their neighbors, apparently. Vice Chair Arciniega then asked if the RV is hooked up to facilities right now. Eric Hunter remarked that he does have existing septic, electric and water. Dean Patterson questioned if there is a separate septic system for the RV, and Eric Hunter replied in the affirmative. Mr. Patterson then asked if they have a septic permit for that septic system from the Building Department. Steve Hunter informed that this was put in years ago for another RV—over 30 years ago, so there was no permits.

Chris Spross, Director, noted on the conditions for clarification, that Condition 5 states that this "temporary use permit is subject to annual renewal before the Planning Commission, until determined such is no longer needed", and he wanted to make sure that the applicant understands that there is still an annual renewal for this permit through an administrative function. It won't have to come before the Planning Commission when they decide it is no longer necessary. He said that this was discussed when he met with the Hunters in the department.

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 Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 006-435-09, thereby meeting the criteria found in CCC 16.08.070(B)3, as described in the Staff Report. Member Getto 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 Eric Hunter to establish a Temporary Quarters for Hardship/ Caretaker at 5075 Toyon Dr. (APN: 006-435-09). This approval is subject to conditions, as listed in the Staff Report. Member Bunyard seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *The temporary quarters must comply with Churchill County Code.*
2. *All required Building Department approvals and safety certificates must be obtained, including any required RV set-up permits, and any inspections of water, septic and electrical connection.*
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 before the Planning Commission, until determined such is no longer needed. **The applicant must show substantial progress of cleaning up the property during the annual review hearing.***

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: Special use permit application for a small vehicle service and repair business filed by Shelby & Kim Cecil, owners of C & L Auto, for property located at 620 S Crook Road, Assessor's Parcel Number 007-851- 08, consisting of 1.92 acres in the A-5 zoning district. The applicants propose to relocate their existing business to this property, to construct a shop building, and to install screened fencing.

Shelby & Kim Cecil, 740 Cleveland Street, stated that they are selling the property on Grand Avenue where their automotive repair business is currently located. They were notified today that escrow is due to close on the 23rd, so they only have a few weeks left before they need to clear that property. Kim Cecil informed that her mother owns the property at 620 S Crook Road, and she has offered for them to use the proceeds from the sale to go ahead and build a shop on this property on the north side to be able to conduct their business out of.

Chair Diehl asked for any public comment.

Melanie Reeves, 1854 Albert Street, said that she has lived off of Crook Road for 34 years, and she thinks this would be a positive thing for the neighborhood. She understands that it will probably bring some more traffic to the neighborhood, but, at the same time, it would be great because everybody thinks that road is their personal runway. She thinks that having more traffic might slow some of it down. She's known these people for a long time, and for them to be able to not have to worry about anything and be able to move there would be a great for them and that neighborhood.

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

Member Bunyard asked about when they estimate having the shop completed. Kim Cecil replied that she hopes it would be by spring. Member Bunyard questioned if they have contacted a contractor or anyone yet. Kim Cecil informed that a lot of them won't really sit down and go into details with her about the plan because they want to see the architectural designs. They plan to do a steel building, and she won't get the official design until she puts down the deposit on that building. It is a nonrefundable deposit, and if this permit is not approved, then she wouldn't need the building and would lose her deposit. Member Bunyard inquired how they will conduct their business in the meantime. Kim Cecil remarked that they will just close the business and focus on building the new shop.

Member Getto asked about the cars that are currently located at the business on Grand Avenue and where they will be taken. Kim Cecil stated that they will not be moving with them. The temporary use permit they were granted for the Grand Avenue property will end because there is a residence on this property that they will be living in, and they will no longer need a watchman. She will turn in a notice that the need no longer exists for the temporary use permit in December. She described the

vehicles that would be moved to this property for their daughters and said that they plan to work on these during this down time since mechanics never get time to work on their own cars. Then those two cars will leave because the daughters will not be living on this property. Kim Cecil remarked that this is a completely fresh start for them. They've definitely learned some lessons along the way on how to keep vehicles from piling up again.

Director Chris Spross inquired what kind of assurance does the Planning Commission have that you won't end up in that same kind of position that they have been in with the business at Grand Avenue. Kim Cecil answered that they have been going through Nevada Revised Statutes and other things. They have had to learn what it takes to get rid of a vehicle when it has been abandoned on the property. It takes about two months from the day that it has been left there until she can get rid of it if they have to go the long route through the court and getting a title. They are going to develop some paperwork that the customer will sign ahead of time stating that if the vehicle is left for more than fifteen (15) days it will be considered abandoned, which will speed up the process in gaining a title through the courts. Kim Cecil said that she read through the staff report and there were a couple of things that she would like to discuss. One of the conditions does say that they will have a haul trailer, which is one of the purchases that they have been wanting to make for a while. It has been hard to have the money for this previously, but it is one of the purchases they plan to make from the profit of selling the property on Grand Avenue. They are using someone else's trailer right now to help get rid of vehicles. They will have one of their own. Dean Patterson continued that one of the recommended conditions is to have that haul trailer so that they can dispose of abandoned vehicles, but that could include something as simple as delivering the vehicle back to the person that dropped it off. This would alleviate the issue with seeking ownership; however, he believes that there will be some customer paperwork that will be required for this as well. Kim Cecil affirmed that they will be having the proper paperwork for the customers to sign at the time they will be dropping off a vehicle.

Chair Diehl brought up the condition regarding an upgrade to the septic system for the commercial use. Kim Cecil responded that they spoke with Ray Brown, Building Inspector, and because of the small scale of the business, he has approved them to connect to the residential septic as long as they put in a new tank with a minimum of 1,200 gallon capacity. Chair Diehl noted that they will be adding the new shop building and the application indicates screening will be provided to enclose the area for the cars. Kim Cecil pointed out on the site plan as displayed on the screen the northwest corner of the property marked as vehicle storage yard and said that the line of Xs will be a screened fence. Chair Diehl inquired how many customers they anticipate having per day. Mrs. Cecil remarked that they usually only see a couple of customers per day in and out. Some vehicles take a few days to fix because they are waiting for parts. Those would have to move out to the storage yard while they are waiting for that part, depending upon what it is. They don't expect to have things sitting around for very long. This last year was a big learning lesson for them.

Kim Cecil asked about the condition for the noise mitigation where it states that they would keep the doors closed at all times during business. She was hoping that they could come to an agreement where they will close them when they are working on a job that is expected to create noise. Eighty percent plus of their jobs is turning a wrench or a screwdriver, and there is not really any noise generated. They are not a tire shop, and the only time that they would use high impact wrenches would be if they are removing a tire to work on something behind it. They are also not an autobody shop, so they wouldn't be pounding out dents in fenders or anything like that. They are also not a performance shop, so there are very few jobs that would require them to rev up engines. It would be just a normal engine running inside the building. They are also right in the flight path of NAS Fallon, so the little bit of noise that they would generate wouldn't be anything worse than the jets that fly over on a daily basis. She was hoping to come to an agreement to change that to say that on any job that they anticipate a high amount of noise, they would close the doors at that time. She likes the natural lighting, which would save on power bills. She also likes the air circulation during the summer months especially, and then they do work with different chemicals and vehicle exhaust so it would be good to be able to have the doors open

for ventilation.

Chair Diehl asked if they would have adequate parking. Kim Cecil showed on the site plan the area designated for parking. There will be one ADA (Americans with Disabilities Act) parking space and four additional parking spaces. There is also a large open spot to the south that could be overflow as well. They anticipate maybe using three spots at any given time that might be filled, including delivery drivers. She noted that their personal cars would be parked at the residence, so they didn't need to include any for them. Chair Diehl then inquired if they understood the landscaping and other code requirements as well. Mrs. Cecil responded in the affirmative. She noted that there will be the eight foot strip of landscaping that goes between them and the ditch. She asked if they are able to have a break in that strip for access to the bay doors because there will be two bay doors facing Crook Road or does it have to be one continuous strip. Dean Patterson stated that it would need to be fairly continuous, but he thinks that they have plenty of space. There is about 50 feet from the center of the drain ditch and the easement. Kim Cecil said that between the berm and where the edge of the easement is about 34 feet of drivable land. She doesn't know how much they would want to go into that because if TCID (Truckee-Carson Irrigation District) has to go in to clear the ditch, they would possibly destroy the landscaping. Dean Patterson remarked that they just need to have enough room for them to drive their vehicle there. He thinks that if they could keep about 8 feet to 10 feet from the edge of the ditch to leave a driving space, it should be fine. If TCID has an easement, it doesn't mean that you cannot use it for anything. It just means that you can't obstruct their use.

Loreli LeBaron, Code Compliance Official, asked related to the property on Grand Avenue what will happen with all of the vehicles that are currently there. Kim Cecil answered that some of them have been returned to the customers, some of them have been taken to the scrap yard, and some of them have been sold. She further declared that none of them are going to move to the property on Crook Road. Ms. LeBaron then clarified that none of them would be staying on the property on Grand Avenue either, and Mrs. Cecil said that the new owner has told them that he only wants an empty lot and building. There are a couple of vehicles that she is waiting for titles to come back before she can get rid of them. The new owner has agreed that they may stay there for short timeframe on the far end of the property. This is a completely clean slate for them and the county. It will take care of all of the concerns. Loreli LeBaron then offered a congratulations for them. Kim Cecil then stated that if this doesn't get approved, they have no idea what they will do at this point.

Director Spross shared the response received from NAS Fallon stating, "Please be aware that the property is located within a buffer zone near active military operation area and may be impacted by varying degrees of noise levels from low military aircraft overflight. NAS Fallon is a training base for deploying forces in active on average two hundred eight days a year, which includes some weekends and holidays." The question that the Navy has is two-fold. It is regarding the lighting. Is the lighting going to be twenty-four hours per day? Kim Cecil answered that the lighting would only be during the day in the wintertime when the sun goes down before the end of business. They will have a light on, and these are downward facing lights. She had Dean Patterson look at what she found, and he approved one that he thought would be acceptable. If they have to go out into the yard for any reason after dark, they would only be on for the few minutes they are out there. They do not intend to be working after hours. Chris Spross commented that she answered the second question before he had a chance to ask.

Vice Chair Arciniega expressed concern over the number of vehicles at the property on Grand Avenue. Kim shared that she thought they were going to have a little more time to keep working on them, and the buyer wanted to close escrow sooner. She shared that she has two weeks to have it cleared. There are two vehicles that she is still going through the legal process on, but the others will be gone. Vice Chair Arciniega appreciates that and is glad that they are working on that issue. He said that he is a little apprehensive about the number of vehicles that could be stored in the storage yard at the property on Crook Road. He is fearful that he is going to drive down Crook Road and see through the screened fencing a lot of vehicles in there. In the application it is stated that there will be 15 daily average visitors, working Monday through Friday, so that's up the 75 vehicles. Kim Cecil explained that the 15 daily

visitors is also including the delivery drivers, the vendors that come in, and they won't all be leaving a vehicle every time that they come. They might have five or six vehicles pending at a time, and that will only be while they are waiting for parts to come in. When a part comes in, it will be put in and the vehicle will go out. They are not going to sit on them like they did previously. Mrs. Cecil informed that they took over this business from Shelby's dad running it, and a lot of the vehicles that were on Grand Avenue were accumulated by his dad. By the time they took it over people were getting their tax refunds and deciding to bring their vehicle in to get it fixed, so they got an influx of a lot of vehicles at that time. Then COVID hit and people came back to ask to put it on hold because they were out of work and didn't know when they would be getting back to work. If they would have anticipated the outcome, they would have had them take their vehicle at that time. Vice Chair Arciniega verified that with the drop off of a vehicle there is going to be paperwork included stating, as previously mentioned, that your vehicle will be returned to you and if you cannot pay the bill, it will be sold off or whatever. Kim Cecil said that if repairs have not been made, it would be delivered to the customer; however, if repairs have been made, then they have to go through the legal process to take ownership of it if they fail to pay it. If repairs have been made, it takes a little longer to take ownership of it so that they can make their money back of what they put into it. Chair Diehl inquired about the process if the customer does not want their vehicle back. Mrs. Cecil restated that if no money has been put into it, the vehicle will get dropped off at the customer's driveway. If they have put money or time into it, then they need to be reimbursed, and so they will go through the legal process to take ownership of it.

Chair Diehl noted that the signage was provided with the application. Kim Cecil replied that they want to keep it simple like a banner with their logo on it. Chair Diehl then asked about the state and federal permits for their business.

Dean Patterson, Senior Planner, wanted to clarify in the conditions for approval under Item 1 because normally a business would get approved and that approval would run with the land; however, with this location and the difficulties with auto repair businesses, we recommend that this approval is limited to the Cecils and to what they have proposed. If they want to sell it to someone else, that person would need to obtain a new special use permit, and if they wanted to expand the operation, they will need to get another special use permit. They have done a really good job of providing a lot of good information in their application, so that makes him more comfortable with this kind of application for an auto repair in a residential area. That is why we felt Condition 1 was a better option than to just give the normal blanket approval. Kim Cecil informed that the only change she can foresee at this time might include cutting the size of the building down depending upon the cost. They don't want to go any bigger because it would cost a lot more money.

Vice Chair Arciniega inquired how they would feel about the commission putting a limit on the number of vehicles allowed on the site. Is that something that they would be comfortable with, referring back to his previous concerns about the existing shop? This is a residential, agricultural area. Where the current location of the business is in a commercial use zone. Many people probably don't even realize the number of vehicles there that we are talking about. Kim Cecil shared that she wouldn't have a problem with a limit as long as it doesn't limit them so much that they can't be working on something because there's another vehicle waiting on a part. Vice Chair Arciniega doesn't want to set the limit so high that soon there would be that number of vehicles out there. Ben Shawcroft, Deputy District Attorney-Civil, noted that there is a condition that requires the vehicles on this site to be within the vehicle storage yard. That does put somewhat of a limit on how many they could have there. Vice Chair Arciniega questioned how big the vehicle storage yard here is compared to the vehicles that are being stored on Grand Avenue. Kim Cecil noted that the current location is 1.3 acres, and about 75% of that was filled with vehicles. Vice Chair Arciniega then remarked that it was about an acre's worth of area. Kim Cecil concurred. This is only going to be about a quarter of that size, if that. She agreed that a limit could be placed, but she is afraid to give too low of a number. Sometimes there is a month that she has to wait for a part from the other side of the country. Vice Chair Arciniega asked what a reasonable number would be, and Mrs. Cecil thought that no less than 15 would be reasonable. Vice Chair Arciniega

then asked staff if that would be something that would be enforceable. Dean Patterson replied that it is mainly something that would come into play if it got out of hand, and it came to the attention of the enforcement official or one of the staff. Then it could be enforced to remove the excess vehicles. Vice Chair Arciniega shared that he would feel better if there was a limit on the number of vehicles there, and Ben Shawcroft wondered if he would be comfortable with 20. Vice Chair Arciniega expressed that he would be comfortable with 25. Kim Cecil agreed to the 25 and said that she would work to never reach that limit.

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 the application for a special use permit on APN 007-851-08, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Member Getto 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 special use permit application for C & L Auto to establish a Vehicle Service and Repair business at 620 S. Crook Rd. (APN 007-851-08). This approval is subject to conditions, as listed in the Staff Report, removal of staff recommended Condition Item 5, and addition of a condition to limit the number of vehicles on the property to twenty-five (25). Member Bunyard seconded the motion and the decision carried by unanimous vote.

Recommended Conditions as amended:

1. *This approval is limited to operation by the applicant's only (Kim and Shelby Cecil), and limited to the facility described in the application. Changes to this requirement must receive a new SUP.*
2. *The site must be constructed and operated in conformance with County Code and building permit requirements, including but not limited to:*
 - a. *Outdoor storage of inoperable vehicles shall be inside a visually screened vehicle storage yard.*
 - b. *Lighting must meet Dark Skies code requirements*
 - c. *Signage is limited to that which is described in the application.*
 - d. *Applicable community development fees must be paid.*
3. *A landscape strip shall be provided to meet the landscaping and friction zone requirements satisfactory to the Public Works Director. It shall include plants with irrigation. It shall be located along Crook Road from the driveway to the north property line, and shall provide separation from the agricultural drain to allow a vehicle to drive along the drain.*
4. *Abandoned and inoperable vehicles shall not be permanently accumulated on the property, whether inside or outside the vehicle storage lot.*
 - a. *The business shall maintain an operable haul trailer with winch capability or similar piece of equipment capable of delivering vehicles abandoned by customers back to them, or otherwise remove them from the property.*
 - b. *The business shall require customer authorization to leave abandoned vehicles at the customer's residence or otherwise dispose of the abandoned vehicles.*
5. *The number of vehicles allowed to remain on the property in the storage yard will be limited to twenty-five (25).*
6. *Any necessary alterations shall be made to upgrade the septic system to commercial standards.*
7. *State and federal permits and requirements shall be maintained in good standing.*
8. *Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*

Chair Diehl 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: Major special use permit application to expand an existing explosives/combustion testing facility filed by Northern Nevada Research Co. LLC, Michael Rodzinski, Engineer, for property located at 7162 California Street, Assessor's Parcel Number 009-251-84, approximately 3.5 miles north of Hazen, consisting of 100 acres in the Industrial zoning district.

Applicants and representatives Nick Manov, Palo Alto, California; Ally Freitas, Reno, Nevada; Michael Rodzinski, Sparks, Nevada; and Hannah DelaCruz, Sparks, Nevada, were available to discuss the application. Hannah DelaCruz, Engineer, introduced Michael Rodzinski, Engineer, and Nick, Engineer, with Northern Nevada Research Company and Ally, Consultant with McGinley & Associates, Inc. She shared a presentation (see attached) to explain their plans for the site that they have been working at for the last several years. They plan to construct an additional concrete pad and testing area as shown on the site map that was in the application. This will be a certified test space for product validation to assure code compliance for various countries. Dean Patterson, Senior Planner, verified that the pad she described as 150 feet by 150 feet is for the new pad and doesn't include the existing one. Hannah confirmed that this is for the proposed site that isn't physically on site yet.

Michael Rodzinski continued with the presentation and shared that this site was acquired in 2013 by Northern Nevada Research Co and testing started at this facility shortly afterwards. They have six (6) full time staff that are on site, and then they see on average about two (2) to four (4) visitors per week. Their hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday. This is a research and development facility. It is primarily used for the development and certification of advanced energy storage systems. These storage systems primarily consist of lithium ion batteries that power vehicles and stationary storage systems, which are used to supply energy to the grid. They ensure that the products are safe before they are delivered to consumers. The site preemptively studies risks and hazards to ensure that, if the products fail, they do so in such a way that minimizes risks to the general public or first responders. They have five (5) types of testing that are performed on site—thermal testing, conductive fluid testing, electrical abuse, mechanical abuse, and code compliance. They do not store any large quantities of Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regulated explosives. They do have airbags in vehicles that do have a small explosive inside, but that is sort of the extent of everything that is stored on the site. Thermal event testing consists of overheating the battery to a point that it propagates thermally. That is done to essentially represent a failure that they would see, then look at what happens to the pack, and collect various data points. Mechanical abuse testing is very similar in the sense that they do initiate a thermal event through mechanical means of initiation. This would represent an impact from a heavy object or a pole such as in a car crash. They also do electrical abuse testing where they institute a soft or hard short and see how the fuses clear, and code compliance is an Occupational Safety and Health Administration (OSHA) certified testing space that allows them to certify these products for various countries.

Hannah DelaCruz stated that safety is one of the key priorities at the site. During the hours of operation, they have standard operating procedures in place that are followed for all of their tests and procedures, and they have training on site for people working at this location. Most of the employees have been there for a long time and have experience. Their last line of defense is their personal protective equipment (PPE). They have a stock of these items on site so that if there is anyone visiting who doesn't have the proper equipment it can be provided for them. When they are about to run a test, they notify all of the local fire departments—Lyon County, Fernley Fire Chief, Churchill County/Fallon fire department. They also have emergency response guides should any emergency occur. They have the plans for every emergency that they can think of. When they are not operating, they have a twenty-four (24) hour security system that operates seven (7) days a week. They are also in the process of getting fire detection (infrared) cameras. The system that they do have will notify appropriate personnel

internally, and should the employee think that external authorities need to help and come on site, they will notify them and make sure that they don't waste anyone's time. They also have an emergency contact for fire departments to call. They have a security operations center that is staffed 24/7, and they have an escalation list that will be able to bring someone onsite within forty-five (45) minutes should that number be called. They have fire protection equipment onsite—3,000 gallons of water stored in containers and 500 gallon water trailer with a pump.

Alley Freitas, McGinley & Associates, Inc, which is an environmental engineering and consulting firm, said that Northern Nevada Research Co (NNRC) retained them as a third-party to look at some of the environmental considerations. From an Air Quality perspective, in 2018 the site applied for a no permit determination from Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP BAPC). That no permit determination was based off of thresholds of material that is being tested and demonstrating that air emissions would be below the required thresholds for which a permit would be required. To date the activities in the proposed expansion are still going to be in conformance with that original determination, and NDEP BAPC was engaged to revisit that original determination, and they reissued the letter in November 2021 confirming that the no permit determination is appropriate for the activities that are being proposed. In terms of stormwater, for the construction activities that are being proposed the notice of intent was filed for a Stormwater Pollution Prevention Plan. In terms of an industrial Stormwater permit, per the standard industrial code, no current permit is required, but the facility is taking proactive measures to implement some stormwater controls in place and upgrading those stormwater controls, including upgrading the retention pond, some erosion control, as well as preventing any sediment runoff. In terms of waste, their observations and interviews with personnel onsite is that any waste or scrap metal generated at the site is taken off site for disposal or proper recycling. All of that seemed to be in conformance with the requirements. Dean Patterson, Senior Planner, remarked that during previous conversations with Michael Rodzinski it was shared that batteries sometimes fail without any kind of emissions—fire or explosion—and sometimes they do. When they do, the fire is either suppressed or allowed to burn itself out, and then it is cleaned up by picking up the debris and sweeping the area. It is basically when you have a rainfall event that those materials get washed off, and they would flow through the stormwater control system into the retention pond. Is this accurate. Ally Freitas responded that the best management practices at the site are to clean up and store that debris after each event as far as she understands. Michael Rodzinski explained that after the event, they will dissect the battery or product to get as much information out of the event to understand what happened. Once they have completed their analysis the burned debris gets separated into plastic lined containers or cardboard boxes that are lined with plastic. Then they close the bags, zip tie them shut, and these go off site for recycling. Any of the scrap metal that gets generated from that event goes into a roll off container, and gets disposed of weekly through a local scrapper. Dean Patterson then pointed out that whatever else is on the ground that doesn't manage to get swept up would possibly get washed off during a runoff event or even if there is a fire being fought with water, and then he questioned if that would be contained in the retention basin. Ms. Freitas agreed that this would be the goal. Ultimately, the first line of defense would be to eliminate the potential for the material to be on the ground, and in the case that it is there for runoff it would be retained onsite. This would be the upgrades that are being considered.

Chris Spross, Director, informed that he hasn't received a new set of improvement plans showing how the retention basin is going to be modified. He questioned if there would be some type of impervious layer—clay, bentonite, etc.— on the bottom of this basin that would prevent any sort of contaminants being washed into the retention basin as a result of firefighting or something of that sort leaching into the ground. Ally Freitas shared that she believes that the upgrades will include lining those retention basins so there would be a layer to prevent that.

Chair Diehl inquired if Loreli LeBaron, Code Compliance, had anything to share. She reported that at this time she didn't have much to share regarding compliance. She asked about the length of time they would have the discarded materials onsite, which they had said it would potentially be one week.

Mr. Rodzinski replied that once they go through a test, and there has been a thermal event, it gets cleaned up instantly. If they have to go through analysis, it can take up to three to four days before batteries are completely discharged, broken down and shipped from the site. Loreli LeBaron then questioned regarding the bins when you first walk into the site in the concrete barricade area as there are miscellaneous assortment of materials, and whether these are the items that would be properly discarded on a three to four day basis. Mr. Rodzinski stated that they usually get a roll off container once a week, and sometimes this does take time for the company to pick it up a few days later. As soon as there is room in the container all of that gets removed.

Chair Diehl asked if there was any public comment.

Roy Edgington, 516 Pioneer Court, Fernley, said that he is the Mayor of the City of Fernley. He expressed his concern about the potential of groundwater contamination, which goes into their basin. He realizes that this is within the Churchill County jurisdiction, and he pointed out that the City of Fernley and Churchill County have an MOU (memorandum of understanding) that talks about construction and different types of incidents that will go along Highway 50. We've both agreed, especially after the last fiasco with Mr. Rosen, to consult on projects that are near the county and city line. Over the years we have been really good about communication between our jurisdictions. He said that his main concern is that nothing get into the groundwater, and he doesn't think that it is unrealistic. He isn't sure what all chemicals could be exposed on this site. He stated that he spent 32 years in the fire service—27 of these at the airport. He taught at UNR (University of Nevada-Reno) for 12 years as an adjunct fire instructor. He understands Class D fires, and that is what this is. This isn't wood or a house, it is a Class D. This is a unique firefighting experience. The last incident that they had they were told not to put water on it, but they went ahead and did that. Where did the water go and the materials that were exposed by the fire? This is his concern. On the positive side, he is not opposed to this. He understands the reason for testing this, and he knows that electric cars and batteries are new. They just approved in Fernley a battery recycling plant for lithium batteries. It isn't that he doesn't understand, he just has some concerns. He would like to ensure that things are lined and that the water stays on their property. He saw some pictures of the fire that they had; there were projectiles that left the concrete pad and left the fence line. He wants to make sure that those pieces are picked up and disposed of after a fire. He doesn't want that stuff left out there. As a past fire fighter, he and the Chief went out a few days later and he was pleased to have them offer to train their fire fighters. He would like to see them train at least once per year. These fires are not something that is easy to put out. He has put out metal fires—wheels on an airplane—and those metals catch on fire. He has seen where 1,500 gallons wouldn't even phase it. If you are trained correctly, you can fight these types of fires with success. He would like to see that they keep the residue out of the water table and that they provide training annually at a minimum.

Jason Nicholl, Fire Chief for the North Lyon County Fire Protection District, 108 Rachel Street, Fernley, said that he does support this organization and the mission that they are undertaking. He stated that he does have some concerns. He recognizes that North Lyon County Fire is not the primary response agency to Churchill County, and in no way is he attempting to usurp any of Fallon/Churchill Fire Department's authority in their own jurisdiction. However, there are a few things. First is that we do have robust MOU agreements with Fallon/Churchill Fire where we agree to assist each other in times of need and respond when requested, which includes this facility. Secondly, due to geography the smoke and the fire byproduct is readily seen every burn day, and as such 911 calls come into dispatch, more often than not, in Yerington because most people are calling from Highway 50 or Interstate 80. These are distributed to both North Lyon County Fire and Fallon/Churchill County Fire. Although Lyon County Fire is not the primary response agency, they are the de facto primary response agency. The initial facility was approved in 2013, and he is happy to say that over the course of the past six months the relationship they have been able to build with NNRC and with their staff has been incredible. They have been very up front in providing opportunities for training and he feels that they have put everything on the table for them. That said, the previous five or six years were not the same, and he pointed to Member Arciniega's comment on Item C on the previous agenda item, what is to say that what NNRC is saying

now doesn't follow the track record of what has been done in the past. He wants to make the same comparison; although the relationship is very good right now and they support this request for a major special use permit, he, without having seen the list of conditions that were provided to NNRC by the commission, would like to request that they consider additional or confirmation that some conditions are included as follows:

- A red flag moratorium on burning. They do not allow burning with residential, agricultural or commercial burning in North Lyon County Fire Protection District jurisdiction during a red flag event. Those red flag days are widely advertised and may be found on multiple websites as well as via phone. Since he doesn't have the authority to require this of NNRC, he is asking that the commission do so as part of the conditions for approval. Chair Diehl asked for clarification on what a "red flag" event is, and Mr. Nicholl stated that this is a day where it is environmental unsafe to burn. The RH is at a level is not good or the wind plays a major factor.
- NNRC should have to abide by whatever requirements Fallon/Churchill County Fire Department places on them. That is a standard condition that is placed in Fernley, and he would assume that something like that exists here. If it doesn't, he asked that it be included that NNRC meet any additional requirements that are backed by code presented by Fallon/Churchill County Fire Department and North Lyon Fire.
- That NNRC would have proper fire suppression material. As the Mayor mentioned, Class D fires, which this is a combination of a Class C and Class D with energized electrical equipment and flammable metals, water is not ideal. They can have 3,000 gallons of water there, but this is typically only good for Class A fires, which is ordinary combustibles. We are not talking about that here, and this might not be sufficient to fight this type of fire. He would need the proper materials available for firefighting when he arrives.
- He realizes that they cannot require the applicant to fill out a hazardous materials permit with North Lyon County Fire, but one of the contingencies that they have on their permit is a very simple windsock. All of their hazardous materials sites are required to have a windsock, so that from a distance they can see where the bad stuff is going.
- The access is a 3.5 mile dirt road that leads to the site, and they have been very good at doing road maintenance. He isn't sure if the road is even their responsibility, but they have taken very good care of it lately. He would encourage that this be placed in the conditions also that this road has to be maintained in order to facilitate a \$64,000 fire apparatus driving on it. They are the largest user of that road, and he thinks that it is incumbent on them to be able to keep it in good shape.

Mr. Nicholl reiterated that he does support this application IF these conditions can be adequately met.

Chair Diehl asked if there was more public comment.

Scotty Moss, Moss & Sons Landscaping, 2519 Resource Drive, remarked that he has been working with NNRC for the last 7 ½ years constructing this site. When they first started the program here, they didn't realize the capabilities or the expansion that they would be able to do. The person that was in charge of the site when they first came in was not aware of the requirements at that point. He thinks that it was an oversight between the county and this company. He had to go through the same thing with his facility on Resource Drive. He thinks that the oversight was on both parties and not necessarily only on NNRC. This group has been working here for about 9 years now. He mentioned that these people are here every day, and they purchase things in Fallon and in Fernley. They've poured millions of dollars of concrete on this site. They have paid thousand upon hundreds of thousands of dollars to put in specialized fencing and dirt work around this facility to ensure that their site is as protective as possible from any mitigations around it. The water, as the Fire Chief was talking about, is not necessarily for fighting the fires that may happen during their testing, because 98% of the tests that they conduct are on top of a 10 inch thick concrete slab that is all self-contained. The water that they carry on site is to mitigate fires that may start from a projectile escaping the fence line, and that helps

them to have the capabilities to put out that fire prior to having to call Churchill or Lyon County fire departments. They carry that water mainly for the outside areas of their site. Regarding Mayor Edgington's comments about the water seeping into the ground, NNRC has hired McGinley & Associates to test the soil that is in the retention basins. There is extensive French Drain systems and drainage systems that go around that entire facility that is fenced in now, all of the way from two feet to five feet deep, that run into quite a large retention basin, that has over the years sloughed in. Their expansion is going to require them to expand that retention basin, which is something that kind of got ignored on the site plan that they provided to Churchill County. He has had many conversations with the building department, Chris, and Dean as well as NNRC, and they are doing their due diligence so that they don't have any issues. They want to do the best job that they can moving forward. They want to provide a safe, clean working environment for not only for themselves, but also the communities that they work in. They do plan to line the retention basin once they get the finalized drawings on this completed. As far as the maintenance of the road, NNRC has been in contract with his company for the last four years to maintain a public, county dirt road for a distance of 5.7 miles. This is done every other month, and this year alone they have spent \$87,942 with his company to maintain that road, not only for their use, but for everyone else that uses it. Dean Patterson inquired regarding Mr. Moss' comment about lining the retention basin what that would entail. Scotty Moss answered that they would use a 25 mil rubber liner that would go up both banks of the retention basin, up to the existing south fence, and wrap about 140 linear feet long and about 35 feet out to where the road is on top of that berm. It would be staked in and about 10-12 feet deep with a gradual slope. Dean Patterson then asked Michael Rodzinski if that was their plan to line this basin. Mr. Rodzinski confirmed this to be true.

Dean Patterson then brought up the new pad that is on the expansion site plan and if that is noted as Test Site 4. The expansion site plan was displayed on the screens, and Mr. Rodzinski confirmed that the new pad Dean was pointing out will be Test Area 4. Dean Patterson then noted the rows of Conex boxes and mentioned that during conversations held on the site it was understood that they would have structures covering either the spaces in between the rows of Conex boxes or across the entire concrete area. He questioned if that was accurate. Mr. Moss said that for this compliance lab—Test Site 4 or the compliance area—is a permanent structure. It will be 111-foot clear span by 64-foot deep three sided metal building. Dean Patterson then inquired if that would be roughly half of the concrete area. Scotty Moss agreed that it would be close as the total pad width is 150 feet and on the north side of that where the sloped area is will be 111 feet, which will leave 39 feet of that remaining slab area opened up. Dean Patterson then pointed to the flat area on the diagram to the north of the new pad and stated that when they were out there it had been mostly graded flat. The new test site area was excavated, and the material moved to the north of that to create a new flat area. When they were talking at the site, it sounded like that is going to be a storage area, and he wanted them to clarify that. Mr. Moss remarked that it is going to be storage. There are multiple 20 and 40-foot Conex boxes that they use to perform calculated tests for these batteries and energy storage. The main idea of putting this new site up is so that they can reduce the pressure on the site that they have now and take some of those Conex boxes out where they are not using them on a daily basis. They would move those in the storage area, which would allow better access to the people on the site as well as emergency personnel.

Dean Patterson noted that one of the recommended conditions in the staff report has to do with the fact that for the past 9 years the site has been operated out of cargo containers and portable equipment, so they are recommending establishing permanent facilities for a permanent business because NNRC is operating full time. Dean Patterson questioned if they have an idea where that would be located on this site. Scotty Moss said that he did kind of draw something in; however, he asked, with all of the new construction for the new site that he described in more detail including the modifications made to one of the Conex boxes for office space and portable restroom facilities, if it is necessary for them to put a permanent restroom up there when they are paying a company on a weekly basis to maintain these. Dean Patterson stated that this is a permanent business with a full time staff, and it needs permanent facilities. This is the County's approach is to all permanent businesses. This would be the same standard that we

would hold all other businesses. Scotty Moss mentioned that in conversations with the person who basically runs this compliance lab, which would be the far northeast side of the new slab, there is a 39-foot section open on the concrete that is not designated for any use at this time. He agreed that this would be the best site for a permanent office space and then to bring the septic system toward the south side of the new slab so they could run the leach field out. He has already contacted Day Engineering about engineering a septic system and getting the permit process started for a well. Dean Patterson questioned if that is where Michael Rodzinski would like to have the office, or did he have a different location in mind. Mr. Rodzinski said that if they were to do one, he doesn't have an answer at this time where to put it or what it would look like. If that does become a condition, they can definitely talk about it and figure it out. Dean Patterson affirmed that he wasn't asking for a commitment at this moment, and he was just wondering if they had any thoughts already. Nick Manov stated that they were reading this language about a permanent facility and trying to reflect on what this is really intending to accomplish. The best that they came away with is it about treating your people right and making sure that they are not working in some cramped cold condition without any facilities. They looked around their current office facilities and there is a breakroom off to the side, they have drywalled and framed doors, there is a lot of space, lots of desks, and it was a pretty pleasant area. He understands that it is made of kind of corrugated metal construction, but they wondered about what is so special about stud and drywall construction. They looked and found the International Building Code is adopting shipping containers as of the 2021 standard just because it is becoming so common to make and plenty of people have homes and offices built out of these. He asked why the preference on them constructing a different permanent office. Dean Patterson pointed out that the IBC (International Building Code) has standards for residential construction and commercial construction. Most often that applies to stick built or piece built structures. It can include manufactured structures, so like a commercial coach is a common manufactured home style of building that is built to HUD (US Department of Housing and Urban Development) standards and suitable for human occupation or habitation. You can do either of those options, or the other option is to make the cargo container meet these standards, which would require extensive engineering modification. There is also the issue of whether it needs a permanent foundation, and if it is a permanent facility and you have permanent employees, then you need standard restroom facilities, not Sani huts, and a water source. Since there are employees on site you also have breakroom requirements, OSHA information requirements, and all of those kinds of things that are required with a standard office. Basically, it is a whole bunch of different things coming together and the need to have permanent facilities for a permanent business. There may be some modular facilities, like Quick Space, that build boxes that are human habitable and built to commercial construction standards—maybe HUD certified. Those may be acceptable, and it must be built to meet the standards as required. Scotty Moss responded that the Quick Space boxes that they have on site right now as their office or as the compliance labs are commercially compliant. They are insulated, fully structured, tied together and bonded. The unit they are using as their mobile office is sitting on an 8-inch thick concrete slab with number 5 rebar at 18 inches on center. At any point that would be considered a suitable foundation for the weight distribution of those Conex boxes. The only thing that is keeping them from being a permanent facility would be tying them down permanently to that location, which can be done by approximately 48 twelve-inch long $\frac{3}{4}$ inch all thread bolts with set XP Epoxy set in each hole. Realistically, that would be a permanent structure according to the IBC. Most municipal codes at this point in 2021. The City of Reno uses them all of the time. He wanted to clarify that with a well and a three or four stall restroom facility on a concrete area with a septic system should be acceptable and asked if this would be the case. Chris Spross responded that it would be up to the building department.

Michael Rodzinski asked if there could be discussion about the one large tree. Dean Patterson apologized for the landscape code, but this is what the code states. Mr. Rodzinski inquired if it was possible to do some type of native landscaping or desert plants. Dean Patterson mentioned that there are some desert trees, but it does have to be a tree according to the code—the code doesn't say it has to be a big tree. He suggested that they do choose a desert suitable tree.

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

Chair Diehl pointed out in the application that it said there were four different disposal areas for the batteries. What is the difference, and could he explain it? Michael Rodzinski noted that on the site plan there are four test areas:

- Thermal Event on Test Area 1—they inject a lot of heat into the battery, which is done through electric heater cartridges, and that causes a cluster of batteries to overheat. That propagates and causes thermal runaway through the whole pack. He pointed to it on the site plan displayed on the screen.
- Test Area 2 is slated for Mechanical Abuse—that is the equivalent of a car hits a side pole at 25 miles per hour and what that would do. They will physically hit the battery pack or the product and see how it responds.
- Test Area 3 Conductive Fluid Testing—all of these products have some sort of thermal system inside of them and are cooled through liquid coolant, just like a regular automotive engine is. They purposely inject coolant simulating a leak and see how the battery responds to that. They will flood the battery pack with coolant, put it on a rotisserie, and kind of slosh it around everywhere. Then they will hold the pack for roughly 28 days, which is why they have the six Conex storage containers that hold these for the duration. Once that is over, they will disassemble the battery pack and take note of what failed, how it failed, and analyze what can be learned from it.
- Test Area 4 Certified Lab Space—for them to be able to conduct UL (Underwriters' Laboratories) certification on products. That is currently done in their existing space right now and requires a lot of effort because they have to bring up certified equipment from another facility to be able to run the test. The intent there is to basically stock that equipment, keep it certified, and keep it separate from everything else. That way they don't have issues with certification in the future. Test Area 4 can house all of those testings.

Chair Diehl inquired if they have a Safety Person that oversees these tests. Michael Rodzinski replied that they work with the design engineers, and prior to a test they try to have some type of understanding of how the product may fail and they plan for that. Chair Diehl again questioned if there is a person that oversees these tests, and Mr. Rodzinski explained that he is the site manager at this site. He oversees everything that is going on at the site. In terms of specific instances, whether they are working on Product X or Product Y, they are bringing out the correct people to execute that test. Chair Diehl asked what safety procedures they have before you test. Mr. Rodzinski stated that they notify the fire departments, and then they have a safety meeting to go over what they are going to do, what could potentially happen and what every person's role is on the site. Once that goes through, they have site protection, so they will do their best to protect the site—putting up concrete blocks, concrete board, wrapping certain things, etc. They will then go through and charge all of their fire extinguishers and fill up the water buffalo, if it is low or empty. They will pre-charge the lines and make sure the engine runs and everything is working. Prior to running the test, they also hand out walkie-talkies so that everyone is in clear communication throughout the duration of the test. Hannah Delacruz said that they plan for the absolute worst, even if they don't think it is likely, and they do have a separate safety team that will come in and evaluate their safety internally. They don't do testing like we do, but there is a separate team just for safety. Chair Diehl asked if they test the batteries inside of the car at some point. Mr. Rodzinski reported that they go everywhere from component level testing through full assembly-level testing. They can test anywhere from a module level all of the way up to a vehicle. Chair Diehl shared that in the application it says they provide portable toilets for their employees, and in Churchill County they do expect an office with restrooms and everything for their employees since it is a 24/7 operation. Michael Rodzinski responded that they do rent out a portable restroom facility from Quick Space. It isn't a porta-potty; it is a fully enclosed trailer with heated water, radio, Bluetooth lights, etc. and it is cleaned out

every two weeks. Chair Diehl pointed out that in some of the recommended conditions you may be required to have a building for your employees. Mr. Rodzinski stated that he looked at the staff report. Chair Diehl inquired if that was a problem for them. Nick Manov commented that the restroom is the one thing that they will need to look at along with the permanent building. They will look at construction and materials, and they would like to discuss options and what is reasonable and within what timeframe. Chair Diehl noted that this is a county code requirement. Chair Diehl then inquired of Jason Nicholl, who said that 3,000 gallons of water may not be sufficient to fight a fire. What would be the correct amount that would be needed? Mr. Nicholl remarked that he cannot give a definite answer at this time until calculations could be made based upon the materials. He reiterated that one of the suggested conditions he mentioned would address this in that they would have to meet whatever the fire code requirements are as laid out by the Fallon/Churchill County and North Lyon County fire departments. Then we can ensure that we have the correct fire suppression materials that would be necessary there. Chair Diehl verified that they would need to meet with each department to discuss what would be needed, and Mr. Nicholl agreed. Michael Rodzinski confirmed that they do have a windsock, and they have been looking at temporary means of storing firefighting water, which would give them some means to suppress fires out there. It would be wise for them to sit down with Mitch Young, Fire Marshall, to figure out how much water they do want to store onsite, and what sounds feasible to do that.

Member Nelson asked Jason Nicholl what other options beyond water might be needed—would it include a foam system or what? Mr. Nicholl said that having large dry chemical containers or CAFS Systems (Compressed Air Foam Systems). There are multiple different types of fire suppression systems that could be employed in this type of situation. Right now, they would need more detailed information about the materials and quantities, and it would be unwise for him to be able to make any determination as to what they would need to include, which is why he recommended the condition to meet whatever is required by both of the fire departments—not just with Fallon/Churchill County, but also with North Lyon County. Nick Manov remarked that they are looking forward to working with the fire departments. They train a number of fire fighters and believe strongly in educating fire departments and supporting test facilities, which they are uniquely equipped to do some of the best methods for this. To date their very public recommendation is that water is a very good solution, and he thinks this would be an interesting topic for them to take and to study. Mr. Nicholls responded that he isn't a testing engineer, but he is a fire fighter. He asked Mr. Manov if he was a fire fighter to which he responded in the negative.

Member Nelson asked Scotty Moss, regarding the French drains to drain the water into the retention basin, whether they were concrete trench drains or are actually French drains that are in the soil. Scotty Moss answered that it is an actual French drain in the soil, but they are several feet deep, which is mostly for storm water prevention. Most of the testing is done where the pad is sloped to the south, which falls about ½ percent, so in that 210 span from north to south there is about 3 ¼ inches of fall in that area. He reiterated that most of that water is concentrated on the south side of that where there are a couple of large 6-foot wide by 8-foot deep trenches that are filled with 1 ½ and ¾ inch gravel and two 4-inch ADS perforated pipes that go down to a 12-inch pipe (he pointed to the lines on the site plan on the south side that run into that 12-inch ADS pipe) that goes out into the retention basin there. It is a French drain system as it stands. He pointed out that McGinley & Associates have tested that soil on a couple of occasions now and have not found it to be in any disregard or any imbalance of what could cause any harmful effects to the people onsite or to the water table. Member Nelson inquired if the French drains run into the retention basin. Mr. Moss confirmed that they do. Member Nelson then noted that if the retention basin is lined, what is the point if the French drains are leaching into the soil anyway. Mr. Moss said that they didn't want to line the basin; it is Churchill County and Lyon County are the ones that are asking them to come up with a containment area for that retention basin for the water to run off to. As far as McGinley & Associates and their studies of it, the amount of material that is going onto the ground is bare minimum. There will not be any effects on the water table from what they know. Chris Spross, Director, stated that Churchill County has never asked that the retention basin be lined. He asked that they prepare a drainage study, which showed that the retention basin was of sufficient size to

handle any sort of runoff that was going to come as part of the current project and the future project. Mr. Moss apologized for incorrectly wording his response. Churchill County is asking them to make sure that the retention basin is conforming, and Lyon County is concerned about the water seeping down into the water table. NNRC has asked what the recommendations would be as to how best to control that, and they concluded that the best option would be to line that basin, so that any mass flooding of water that comes out of that area from rainfall or anything like that would basically run into the basin to contain 90% of the runoff there. Member Nelson expressed his concern that when the water goes into the French drains, and if there are contaminants in it, that water has the potential to contaminate before it ever gets to a lined pond. He questioned McGinley & Associates about their position on this. Ally Freitas stated that they are working in close coordination with NNRC to consider any potential contamination or assessing that. She thinks this probably should be assessed a little further, but in terms of looking at best management practices to assess and delineate any potential contamination and then the best practice with lining. That is still an active and ongoing effort. Member Nelson remarked that the French drains would be fine for stormwater runoff, but if the runoff from the pads, where the contaminants are, isn't contained and going to the lined pond, there is still the potential for contamination. Ms. Freitas thinks that pursuant to the current SIC (Standard Industrial Classification) code and the stormwater industrial permit requirement there, it is not currently required. That is something that they would need to assess further offline in terms of what best management practices should be there. Contamination has not been demonstrated, and she thinks that will be assessed in determining more regarding the French drain systems and retention basin. The potential for contamination has not been shown one way or another at this time.

Ben Shawcroft, Deputy District Attorney—Civil, said that there seem to be some issues here that either the county or the company would not be comfortable with going through and approving a bunch of conditions that 1) some may not be necessary and 2) we just don't have enough information on to really make a decision. He knows that the applicants came here tonight hoping for a quick decision, and he suggested possibly tabling this to give time to talk about some of these issues and make sure to get some of these conditions worded adequately for both parties. He is not a member of the Board, so the decision is up to them. Member Bunyard concurred that there are many questions including the restrooms, what they are comfortable with and what the county would be comfortable approving. He didn't know if that was something that NNRC could work through over the next 30 days. Dean Patterson noted for the commissioners that NNRC is ready to get grading permits and other permits completed in order to get their project moving. If you are really insistent about delaying it, that is your call, but he wanted them to be aware of the consequences to the applicant. Ben Shawcroft wondered if they might be willing to do this since it could mean that the county wouldn't require them to build a permanent office. If NNRC is willing to build an office and address some of these other things tonight, then they can keep working at it. Hannah DelaCruz questioned if she was correct that it seems that there is a hang up with the restrooms and the permanent structure. Member Getto pointed out that there is an issue regarding the drainage for the facility. He pointed out that he has a concern about this just as Member Nelson mentioned; there is no point to lining the retention basin if the contaminants could potentially leach out in the French drain system. Hannah DelaCruz understands the point of the lining if the contamination could happen before that. Nick Manov said that as he understands they are on the perimeter of the facility where there is not concrete, and the vast majority of residue would be collected on the concrete, which will wash into the basin. Member Bunyard gave an example of there being a fire, and the water used to put out the fire is running off of the concrete into the French drain. This is where the potential for contamination would occur.

Chair Diehl said that at first, she was more concerned about fire safety and the safety of the employees, and then she wondered about the emissions from the battery. Ally Freitas informed that they have assessed the previous determination that was submitted to the State, who has the purview for Air Quality permitting, and they did confirm the previous determination that no permit is required under the current thresholds that the facility will continue to operate under. Emissions have been calculated and

projected with annual throughputs and usage rates at the facility, and those total to amounts that are below permit limits that would require a permit through the State of Nevada. Chair Diehl did read through what was provided. Ms. Freitas continued to describe the thresholds and how the emissions at this facility are below those requiring permitting by the State. They have recently revisited that determination with the Bureau of Air Pollution Control, and everyone still agrees with the original determination of no permit required. Chair Diehl questioned what precautions are taken with employees that are onsite because they are right there with these emissions. Hannah DelaCruz pointed out that during the tests the employees have full PPE (personal protective equipment), and they keep a distance unless the person is necessary for the test. They have full face respirators, eye protection, head protection, boots onsite, etc. Dean Patterson stated that he had some of the same concerns that were expressed by Chair Diehl about the air emissions because the 2018 exemption letter they received from NDEP (Nevada Division of Environmental Protection) was when the facility was small and how they conducted testing at that time. He has come to understand that not all tests have emissions, and when things burn it is only for a short period of time, so that is how they have calculated that the number of emissions was small and under the threshold. He explained more about how the calculations were made, so the new letter did a recalculation, and even given the much large footprint and much larger range of operations, the increase of emissions was still below those thresholds. There was discussion about continued growth and permits that may be required in the future with that growth.

Vice Chair Arciniega confirmed that Test Area 4 is just dirt work at this point, no testing is being conducted in this area. Since the French drain is an issue is it possible to build a retention basin there, and then it be flowing with protection down to the other retention basin? Is that an option? He also had a concern, which was raised earlier, regarding projectiles. He's not sure how often these occur from these tests. Can you share how big one of these batteries are that you test? Is it like the size of a car battery that he is used to? He imagines that electric vehicles require more battery than he is used to. Michael Rodzinski stated that they test three different form factors, and they are called 18650s (18 millimeters in diameter and 65 millimeters tall). This is a little under $\frac{3}{4}$ inch round and about 3 inches long, and those can go up to 4680, which would be about $\frac{1}{2}$ inch in diameter and about 3 inches tall as well. The incident that they had was in the southwest corner of the pad, where they had cells ejecting. This is not normal in their testing. That was an outlier incident, and most of the time these things are in enclosures that prevent this from happening. In that instance they were going through discharging the batteries where they take the enclosures off to expose the modules and connect the cabling to discharge them. If they do have an event where material is ejected outside of the fence, they walk around with a bucket and scoopers to pick these items up. This is a weekly task where they walk the perimeter of the site. Any plastic or other items that have blown over the fence they will pick up to keep the area clean. During tests if there is a potential of an ejection, they have people outside of the area with shovels monitoring full time. They do have things in place to be able to mitigate that as best as they can. Vice Chair Arciniega then asked again about the French drain issue. Scotty Moss thinks that everything will depend upon what the drainage study shows. They are working with some companies right now to get that completed. Once they get their findings, these can be submitted to Chris Spross and Dean Patterson for a determination. In regard to surface water that comes off of the concrete pads, an easy mitigation could be pouring concrete drainage swales in the preferred grading areas, which are on the southeast, southwest and the center of that concrete slab in the existing facility, instead of just running a regular drainage swale that would be constructed out of dirt and drainage rock that goes down into the existing catch basin. Maybe a slurry seal over the top of the existing retention basin would mitigate any problems for groundwater. It is an easy and inexpensive fix compared to having to construct another drainage retention basin. This would allow everything to be held in one site with direct paths for that water to drain, if that would be feasible to the county and commission.

Ben Shawcroft, Deputy District Attorney—Civil, recommended to the commissioners since this Board is properly equipped to be able to list specific requirements in relation to the drainage, and he knows that one of the conditions somewhat addresses this issue and we know that a study is being done,

so maybe they could just word it so that it meets whatever is required by the Public Works Director. He suggested that the condition could be that after the Public Works Director reviews the drainage study and plans NNRC will have to follow any reasonable recommendations that he might have on the drainage. The Director understands the concerns of this commission about contamination. Scotty Moss remarked that everyone is concerned about that, and he has had multiple conversations with Chris Spross about this issue. It is their priority to make sure that the county has everything that is needed to allow them to keep moving forward in a positive manner and produce a nice facility where everyone can feel safe working around it. He anticipates having the drainage study by the early part of the next week and then to Chris Spross by the middle of that week.

Chair Diehl added that she also thinks that they should meet with the Fire Marshals regarding the fire safety issues, and get those recommendations so that the commission would know exactly what they need to do. Ben Shawcroft followed with a recommendation on this as well that they meet with the Fallon/Churchill Fire Chief. He expressed understanding that North Lyon Fire would like to have them meet with them also; however, Ben thinks that might create more headaches than are necessary. Of course, the county is going to work with you through our fire department. He said that they should meet with our Fire Chief and the condition will be that NNRC will follow any reasonable recommendations that he has. He uses the word “reasonable” so that if they think that he is giving you something that doesn’t seem to be necessary and you can back it up with other information, then we can come back and talk about it. He asked if that sounded fair. Dean Patterson asked to clarify that we are moving toward modifying our conditions today rather than continuing the hearing. Ben Shawcroft believes that it is the preference of those involved to just get a decision tonight. Dean Patterson noted that there were a number of conditions that came up in public comment, and he asked if we should review these and come to a quick decision on each one for what we are going to do. Dean Patterson raised some of the more prominent ones:

- The issue regarding annual training. The existing Recommended Condition 4 deals with firefighting, and 4.a. is to continue communication and coordination with Churchill County and Lyon County Fire Departments. We could add, “including establishing an annual training schedule for fire fighters.” Ben Shawcroft thinks that this should just be more generic that they have to follow the recommendations of the Fire Chief, and it would cover all of that under this section. Dean Patterson summed up that this would be deleting all of a. through d. and just saying that that they must meet the reasonable recommendations of the Fire Department. Vice Chair Arciniega wondered about just saying under 4 that the applicant shall comply with the following firefighting requirements: a. Continue communication and coordination with Churchill County and Lyon County Fire Departments. That can be addressed through their discussions. If they feel that a firefighting water source or emergency response coordination is required, then they could come up with those. Is that feasible? Dean Patterson thinks that based upon what the North Lyon County Fire Chief was saying that he would prefer it to be more proactively stating “you shall do it” rather than “continue coordination”. Ben Shawcroft interjected that if that were challenged by a lawyer, they could argue that they were coordinating and communicating, and it doesn’t actually say that they have to implement anything. That is why he recommended saying that they are required to adopt the recommendations of the Fire Chief. Chair Diehl said that she thinks that they should meet with both Churchill and Lyon Counties. Dean Patterson reworded this as, “The applicant shall coordinate with Churchill and Lyon County Fire Departments and implement all reasonable recommendations.” Then a. through d. would go away in favor of this general statement.
- Recommended Condition 5 is the stormwater management issue. Dean Patterson stated that the first part would just say that they have to show their work that the stormwater retention basin is going to be of adequate size, and then we could add a sentence to say that the basin and French drains shall be lined and modified to reduce pollution. Ben Shawcroft remarked that we don’t

know if we need that yet. He suggested that they would need to submit the study and plans to Chris Spross, and then he can make reasonable recommendations that they will have to adopt, just like the fire condition. Dean asked for clarification on the wording to include, “reasonable recommendations relating to stormwater management.” This will be supplemented to talk about the pollution contamination also.

- The suggestions about red flag events. We had a request to include something for this. Ben Shawcroft asked the applicant regarding their thoughts on not conducting testing that has a potential for burning on red flag days. Nick Manov responded that it would be hard to respond to this because they don’t really know how many red flag days there are typically. Dean Patterson wondered if the North Lyon County Fire Chief has an estimate. Hannah DelaCruz shared that she is usually the person that calls the fire department for their testing. She thinks that there have been, since May 2021 when she started, about three (3) times that it was recommended not to burn. That is three times over the summer when there was a lot of smoke in the air. Ben Shawcroft verified that this was the fire department recommending that they not burn on certain days, and she confirmed. Some days they didn’t even run those tests. Sometimes they call the fire department as a precaution, and the test doesn’t end up in a burn. Not every single test results in a fire. Jason Nicholl clarified that there have only been a handful of days in the past six months that they have had a red flag day and a burn day that coincided. He doesn’t anticipate a massive amount of these, but it is very important that those red flag days be respected. We may have a season where they could be 30 days and a season where there could only be 3. It is like wildfire and can’t be predicted. You can prepare for it by putting in a concrete requirement for no burning on red flag days. Nick Manov questioned Chief Nicholl if he knows that if these tend to be clustered. The main concern is that some tests are rather urgent and would have to be put off, then they couldn’t get test results for a couple of weeks. That could have significant implications on their abilities. Jason Nicholl responded that is a point of negotiation that could fall into Condition 4 where they do have a mechanism to be able to allow for certain burning in red flag events because there are times when things happen. He could see a negotiation with a joint effort where burning onsite during a red flag event would require a response unit on the site for that burn event—an actual response unit of trained fire fighters. That would be outside of the condition set by the commission. Ben Shawcroft noted that this would be a good point of negotiation.
- Road maintenance is another item discussed. Member Bunyard believes this was covered. Since they have been doing this, he doesn’t think that is necessary.
- Dean Patterson stated that the last time he spoke with Michael Rodzinski it seemed that they were fine with doing the permanent facilities for a business office, and wondered if this has changed since their discussion. This is something that would need to be brought up now because it is listed as a requirement in the conditions. Nick Manov explained that part of his reluctance to commit regarding the permanent office and restroom facilities at this time is that he just doesn’t have plans in front of him and doesn’t understand what all would be involved there. He thinks that they should agree in principle, and he believes that they could work out something reasonable that they will be able to build. Ben Shawcroft recommended leaving it as a condition, but if something comes up, this board can always readdress it. Nick Manov agreed that they want to do right by their people, and he doesn’t think that the county is requesting out of the ordinary. He thinks they can come to an agreement here.

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 Special Use

Permit for an Explosion/Combustion Testing Facility on APN 009-251-84, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Member Bunyard seconded the motion and the decision carried by a vote of four (4) in favor (Members Arciniega, Getto, Bunyard and Nelson) and one (1) opposed (Member Diehl).

Dean Patterson questioned counsel regarding the motion for decision, which includes the conditions for approval, if it would be acceptable to just reference our conversation because it is recorded, or would you prefer they get specific about each condition. Ben Shawcroft agreed that it would be acceptable to say, “as discussed,” and then we will prepare the Notice of Final Action (NOFA), distribute it to make sure that everyone concurs that this was what was agreed to, and then it can be recorded as such. Chair Diehl called for a motion on the decision.

Member Nelson, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application for Northern Nevada Research Co to construct an Explosion/Combustion Testing Facility on APN 009-251-84. This approval is subject to the conditions as listed in the staff report and as amended and discussed during the meeting. Member Getto seconded the motion and the decision carried by a vote of four (4) in favor (Members Arciniega, Getto, Bunyard and Nelson) and one (1) opposed (Member Diehl).

Recommended Conditions as amended:

1. *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 alterations.*
 - b. *A business license must be obtained or updated.*
 - c. *Outdoor lighting shall meet the County Code Dark Skies Standards.*
 - d. *A landscape tree shall be provided near the office and ADA accessible parking space, and must be supported by irrigation.*
2. *A permanent business facility shall be constructed. This shall include restroom facilities, employee and visitor facilities, and a business operations office. The facility shall meet acceptable construction standards suitable for human habitation/occupation satisfactory to the Building Dept., including any required permanent foundation. The County’s Road Impact Fee and the Water Fee (payment-in-lieu of water dedication) must be paid for the business.*
3. *Official permission (easement, etc.) shall be obtained from the adjacent property owner for grading and stormwater alterations made to the adjacent property.*
4. *The applicant shall implement all reasonable firefighting recommendations as determined by the Fallon-Churchill Fire Department, who shall consult with the North Lyon County Fire Department. “Red Flag” days that prohibit burning in the community shall also apply to this facility, but may be subject to negotiation with the Fire Department in special circumstances.*
5. *A report addressing stormwater control and pollution prevention shall be prepared for review and approval by the Public Works Director. The stormwater element shall be prepared by a professional with stormwater management expertise and must document the adequacy of the retention basin that serves as the basis of the submitted pollution prevention plan. The pollution prevention element shall be prepared by a professional with pollution prevention expertise, and shall provide recommendations for controlling pollutants captured in stormwater from causing groundwater pollution. The applicant shall implement all reasonable recommendations of the Public Works Director for stormwater control and pollution prevention.*
6. *The applicant shall provide new or updated documentation of meeting state and federal agency permits and requirements, including but not limited to:*

- a. *Nevada Division of Environmental Protection, Bureau of Air Pollution, permits or exemption letters for dust control and air/chemical emissions, etc.*
- b. *Nevada Division of Environmental Protection, Bureau of Water, permits or exemption letters for stormwater control, industrial pollution prevention, etc.*

Scotty Moss thanked the Commission and shared that what this company is doing is super important for the community and for the standards going forward. Chair Diehl advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

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

- A. Consideration and possible action re: Termination of a temporary use permit that was granted to Darlene Beasley for property located at 1775 Tarzyn Rd, Assessor's Parcel Number 007-351-36, in the A-10 zoning district. *The applicant stated that the permit is no longer needed on the renewal notice; therefore, the permit should be terminated.*

Vice Chair Arciniega moved to approve the Consent Agenda as submitted. Member Zack Bunyard seconded the motion and the decision carried unanimously.

11. Public Comment.

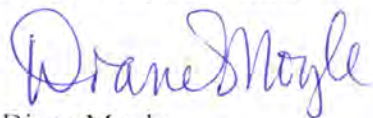
There were none.

12. Adjournment.

There being no further business to come before the Planning Commission, Chair Diehl adjourned the meeting at 9:37 p.m.

13. Appendix.

Respectfully submitted,



Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

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STAFF REPORT FOR PLANNING COMMISSION MEETING – November 10, 2021

Prepared November 3, 2021

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on November 3, 2021 to review the project applications listed below that are on the agenda for the November 10, 2021 Planning Commission Meeting. Site visits were made as noted.

- | | | |
|--|---------|---------------|
| • Berry TUP for Temporary Quarters for Hardship/Caretaker | Page 2 | No Site Visit |
| • Hunter TUP for Temporary Quarters for Hardship/Caretaker | Page 4 | No Site visit |
| • C & L Auto SUP for Vehicle Service and Repair | Page 6 | No Site visit |
| • Northern Nv. Research Co. Major SUP for a
Explosion/Combustion Testing Facility | Page 10 | No Site visit |
| • Consent Agenda | Page 17 | No Site Visit |

PC Members Present

Deanna Diehl
Charlie Arcineiga

Staff Members Present

Christian Spross
Dean Patterson
Diane Moyle

REVIEW OF PROJECT FILES

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

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

Application:	<u>Temporary Use Permit</u>	Use Table Listing:	<u>Temporary Quarters for Hardship/Caretaker</u>
Applicant:	<u>Jewel Berry</u>	Owner:	<u>Jewel & Michael Berry</u>
Site:	8940 Brush Garden Dr (APN 007-121-27) – 10.04 acres		
Designations:	Master Plan – Urbanizing // Zoning – A-10		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/ Caretaker purposes to place an RV on the property. The RV is already on-site and set up for use. This application is initiated from enforcement action. The enforcement action was a result of 3 RVs being lived in on the property. The Enforcement Official has been working with the applicant to resolve the issues. One RV was removed right away. A second RV is planned to be removed very soon. This TUP will allow the third RV to remain at the site.

Jewel Berry is over 70 years old, and her husband recently passed away, creating difficulties. She needs someone to be near in case of emergency, and to help maintain the property. She will live in the permanent home. Carrie Johnson and George Wirth (friends) will be the caretakers who live in the RV. The application indicates that the RV will not need connection to the well and septic, as the caretakers will use facilities of the home. It will connect to power services.

The 10-acre property is one of 8 similar residential lots located west of Trento Lane, and between Kamibo Dr. and Breen Dr. The main access uses Brush Garden Dr., which is a TCID-maintained canal-side dirt road located within an irrigation easement. An additional access connects to Breen Drive, which is a privately maintained dirt road in a 60' easement. Adjacent uses include the other residential lots, the TCID canal, and vacant land to the north and south. Utility easements run along the property lines and road.

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 indicates that the applicant is over 70 years old, though documentation has not been provided.

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 007-121-27, 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 Jewel Berry to establish a Temporary Quarters for Hardship/ Caretaker at 8940 Brush Garden Dr. (APN 007-121-27).

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.
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.
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>Temporary Use Permit</u>	Use Listing:	<u>Temporary Quarters for Hardship/Caretaker</u>
Applicant:	<u>Eric Hunter</u>	Owner:	<u>Stephen L. Hunter</u>
Site:	5075 Toyon Dr (APN: 006-435-09) – 9.98 acres		
Designations:	Master Plan – Agriculture // Zoning – A-5		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/ Caretaker purposes to place a 2017 recreational vehicle (RV) on the property. This application is initiated from enforcement action. This permit is complicated by a number of violations on the property, on which the Enforcement Official has been working with the owners. The property has a concentration of junk, old vehicles, and other debris; and there have been meetings with the owner to get the property cleaned up. An RV is located on-site and being lived in, and this TUP will authorize it to remain.

The application states the owners are the parents of the applicant. The father is 70 years old, and the mother nearly so, though documentation has not been provided, and they will live in the primary residence which is located in the south half of the property with access on Toyon Rd. The RV is already located on-site and in use in the NE corner of the property, with an access onto Cody Rd. The site plan shows locations and facilities for the proposed temporary quarters. Water is piped from the main well, and a separate septic system and power connection appear to have been installed for the RV.

The 10-acre property is one of many 5-10 acre residential lots located in the Toyon Road and Solias Road area. Adjacent uses include the other residential lots, an airstrip located south of Toyon Rd., with an occasional large farm field hear and there. The property is served by two roads Toyon Road and Cody Road. Both are privately-maintained gravel roads within 60' road easements. Utility easements run along the property lines and road.

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 indicates that the person needing care is over 70 years old, though documentation has not been provided.

Part of the need for this TUP is to have assistance with maintaining the property. Conditions of approval will require that the caretaker help resolve the violation to remove junk and debris from the property. It is recommended that this permit require annual review by the Planning Commission until it is deemed to not be needed. If no progress is made in these items before the annual renewal, the Planning Commission might not renew the permit.

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 006-435-09, 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 Eric Hunter to establish a Temporary Quarters for Hardship/Caretaker at 5075 Toyon Dr. (APN: 006-435-09).

For APPROVAL the motion should ADD:

This approval is subject to conditions, as listed in the Staff Report.

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

1. The temporary quarters must comply with Churchill County Code.
2. All required Building Department approvals and safety certificates must be obtained, including any required RV set-up permits, and any inspections of water, septic and electrical connection.
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 before the Planning Commission, until determined such is no longer needed. ***The applicant must show substantial progress of cleaning up the property during the annual review hearing.***

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Vehicle service and repair</u>
Applicant:	<u>C & L Auto, Shelby & Kim Cecil</u>	Owner:	<u>Letitia and Laun Buoy</u>
Site:	620 S. Crook Rd. (APN 007-851-08) – 1.92 acres		
Designations:	Master Plan – NASF Buffer-Agriculture // Zoning - A-5		

Background: The application is requesting to establish a vehicle service and repair business at the site. The applicants currently operate their business from their property at Grand Ave. and Glacier Drive. That site is currently subject to enforcement action for an excessive collection of inoperable vehicles, essentially operating similar to a wrecking yard without permits. The Planning Commission also approved a Temporary Commercial Watchman Quarters at that site to correct a violation for living in an RV. The applicants have been working to remove abandoned vehicles from the property. That site will be sold when the new site is established. The new location also helps distance the applicants from the parties that allowed the previous accumulation of vehicles. The previous location illustrates the primary problem with approving auto repair businesses.

Project Summary: The application proposes a vehicle repair and service business. The site on South Crook Rd. is currently developed for residential use with a home and associated facilities clustered in the south end of the property. The new business would occupy a new shop building and facilities in the north end of the property. The site plan illustrates the site layout. The property is owned by Kim Cecil's mother and used as a rental. The Cecil's will live in the home and build and operate the new business facilities. They intend to be owner operators, being the mechanics for the shop, with the future possibility of adding an employee. The small size of the shop (with few repair bays) would not easily support more mechanics and an expansion of business activity.

The application has a good description of business operations. The anticipated hours of operation are Mon-Fri, 8am-5pm. The property takes access from S. Crook Road, which is a publicly maintained paved road in a county-owned strip of right-of-way. A TCID irrigation drain parallels the west side of Crook Road, with a 50' agricultural easement on the Cecil's property.

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.

See Criterion 5 for assessment of environmental impacts on neighbors. See Criteria 4 regarding traffic impacts. See Criterion 2 for assessment of development standards. The zoning district for the surrounding area is A-5 for some distance in all directions. The 2-acre property is one of 7 1-2 acre residential lots in the immediate vicinity of the project site. 3 have residences, and one of these also owns the remaining 4 vacant lots. A handful of 5-10 acre lots also exist, some with residences, some with farming. Surrounding this cluster of residential lots and another on Stark Lane is large-lot farm lands.

Normally an auto repair business has trouble being compatible with residential uses. They tend to accumulate disabled vehicles as customers abandon them after learning repair costs or for other reasons. This is a problem at the current C & L Auto location. A recommended condition of approval is to maintain a haul trailer capable of returning customer cars and requiring customers to sign an authorization to disposed of unwanted vehicles. The proposed business will be small scale and conditions of approval should address compatibility issues. To ensure it stays that way a recommended condition will limit this permit to operation only by the Cecil's and to only the operation proposed for this permit.

Farms are most impacted by intense human activity that obstructs farm operations and people that complain about farm operations. See Criterion 2 for assessment of farmland friction zone requirements, which will help the business be compatible with the nearby farming operations.

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. **Vehicle and Equipment Repair is a listed use** in the use table for the A-5 zone and must be reviewed through a Special Use Permit.

Most Master Plan policies are not applicable to the development of commercial and industrial uses. The main applicable section in the Master Plan is Chapter 11 Land Use, which require protection of the community from new development.

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

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

Also see compatibility issues discussed under criterion 1, above. See criterion 3 regarding safety issues. See criterion 5 regarding environmental impacts. The proposed development must conform with the County Development Code. Conditions of approval will address specific issues, including:

- **Setbacks and Easements:** The setback and easement requirements are met by the existing structures, and the proposed new structures.
- **Sewer and water facilities:** The existing residence has residential septic and well facilities, and the applicant would like it to also be used by the business. Commercial businesses normally need commercial sewer and public water facilities. The well might be usable; however, the Building Dept. indicates that the septic system will need to be upgraded to commercial standards. The existing system might be adequate based on the small scale of the business (owners serving as employees and living on-site), but it may also have to be altered.
- **Signage and Lighting:** The applicant proposes signage in the A-5 zone, which must be approved by the Planning Commission. Signs using the logo found in the application are proposed for the north and east walls, being 4' x 8' (32 sf) each. Outdoor lighting is proposed, with details provided in the application, that appear to meet County Code requirements for Dark Skies configurations (pointed downward).
- **Outdoor Storage:** A vehicle storage lot is proposed, which is a common repair business feature for vehicles awaiting repair. Sight obscuring fabric screening is proposed (detail provided in the application). The storage lot meets code requirements. Also see Criterion 1 regarding potential compatibility issues.
- **Parking and Landscaping Requirements:** Vehicle repair does not have a defined parking requirement, so parking must be determined by the Administrator. The application estimates 10 customer trips (5 visits) with stays less than 1 hour, 20 delivery trips (10 visits with very short stays), and 1 future employee (2 trips/1 visit). The site plan shows 5 parking spaces, including 1 handicapped space. The Administrator determines that the employee and deliveries would occupy 2 spaces consistently. The remaining 3 spaces should be adequate for the chance that 3 customers will be on-site at the same

time, which is likely at morning drop off and evening pick up periods. The area around the identified parking spaces has additional room for overflow parking. The existing driveway and yard is partially graveled, and the applicant proposes additional graveling. No additional parking improvements are required, beyond the proposed handicapped parking space.

The landscaping code requires 1 parking lot tree – this can be incorporated into the landscape buffer requirement. It also requires an 8' wide street landscape buffer along public roads. This needs to be a combination of ground treatment (bark, gravel, lawn, etc.), ornamental features (rocks, interesting objects, etc.), and plants (bushes, trees, etc.). Proposing **NO** plants is not acceptable, and they must have irrigation provided to them – preferably drip irrigation. The landscape strip should provide adequate separation for driving vehicles along the agricultural drain. The landscape strip must be installed along the commercial portion of the lot – north of the driveway.

- **Friction Zones:** Friction zone requirements between commercial and residential uses include a 100' separation, in this case for the two homes across Crook Lane. This separation standard is met (being over 130'). In addition, an 8' wide landscape buffer between the business and the residence is required. This would be similar to and in the same locations as the landscaping buffer above. Commercial uses must be buffered from agricultural uses by providing a buffer plan. Separation distances between commercial and non-residential structures are normally 75'. The site plan provides 75 feet between the farm property line to the west and the new building, which should be adequate. In addition, the screen fence and conex box will provide addition buffering.
- **Community Development Fees:** New businesses are subject to the County's Road Impact Fee and Water Fee (payment in-lieu-of water dedication). These will be collected with building permits.

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 currently exist and are adequate for the proposed business. Power is already at the site. Public road infrastructure is discussed below. Public infrastructure will not be impacted.

Demand for police service will be minimally increased due to the auto storage yard, but screening and security fencing will help reduce calls. Demand for fire service will be minimally increased due to auto repair activity and the use of flammable fluids. The Fire Marshal is aware of the proposed business, has worked with the applicant's at the previous business location, and is capable of providing necessary inspections. The community police and fire services are capable of providing service.

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

The application estimates 32 business trips (1 visit = 2 trips) and provides the breakdown. The property is served by South Crook Road, which is a County-maintained paved road within its own strip of right-of-way. Traffic on Crook Rd. is not heavy, and should be adequate to serve the property. A paved approach apron onto Crook Rd. that is built to County standards will be required and is proposed in the application. No additional mitigation 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 most likely potential environmental impact issues to adjacent properties are vehicle testing noise, banging metal noises, and leaking fluids from damaged vehicles in the storage lot. Regarding leaking

fluids, a low berm around the vehicle yard is proposed to contain them from running off-site during heavy rain events. Regarding shop noises of revving engines and banging noises, a recommended condition is that shop doors must remain closed during business hours unless vehicles are being moved.

STAFF RECOMMENDATION:

APPROVAL

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

Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for the application for a special use permit on APN 007-851-08, 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 C & L Auto to establish a Vehicle Service and Repair business at 620 S. Crook Rd. (APN 007-851-08).

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. This approval is limited to operation by the applicant's only (Kim and Shelby Cecil), and limited to the facility described in the application. Changes to this requirement must receive a new SUP.
2. The site must be constructed and operated in conformance with County Code and building permit requirements, including but not limited to:
 - a. Outdoor storage of inoperable vehicles shall be inside a visually screened vehicle storage yard.
 - b. Lighting must meet Dark Skies code requirements
 - c. Signage is limited to that which is described in the application.
 - d. Applicable community development fees must be paid.
3. A landscape strip shall be provided to meet the landscaping and friction zone requirements satisfactory to the Public Works Director. It shall include plants with irrigation. It shall be located along Crook Road from the driveway to the north property line, and shall provide separation from the agricultural drain to allow a vehicle to drive along the drain.
4. Abandoned and inoperable vehicles shall not be permanently accumulated on the property, whether inside or outside the vehicle storage lot.
 - a. The business shall maintain a operable haul trailer with winch capability or similar piece of equipment capable of delivering vehicles abandoned by customers back to them, or otherwise remove them from the property.
 - b. The business shall require customer authorization to leave abandoned vehicles at the customer's residence or otherwise dispose of the abandoned vehicles.
5. Shop doors shall be kept closed during business operations to reduce noise impacts.
6. Any necessary alterations shall be made to upgrade the septic system to commercial standards.
7. State and federal permits and requirements shall be maintained in good standing.
8. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	<u>Major Special Use Permit</u>
Use Table Listing:	<u>Explosion/Combustion Testing Facility</u>
Applicant:	<u>Northern Nevada Research Co LLC</u> Owner: <u>Northern Nevada Research Co</u>
Site:	7162 California Street (Appx. 3 mi. north of Hazen; APN 009-251-84) 100 acres
Designations:	Master Plan – Industrial // Zoning – Industrial

Summary: NNRC is a subsidiary for the Tesla company. They do stress tests on batteries for the parent company to push them to their limits and learn what causes them to fail. When failure happens it can result in fire or explosion. This NNRC facility started in 2012. A meeting was held with County Staff, after which the Planning Director summarized the development of an intermittently operated site, which included concrete testing areas, cargo containers, berming and fencing, portable toilets and water sources. The facility was to run the experiments on a monthly basis – not a daily operation project. The Planning Director anticipated a Special Use Permit and rezoning application to be submitted, but allowed work to proceed and outlined grading permits that would be needed. In addition, NNRC was to inform the fire department of testing operations. The property has since been rezoned but no SUP has been submitted. The site was developed and was apparently operating as of the 2015 air photo. But by the 2019 photo, the facility had been completely rebuilt to expand it by roughly double in size and appears to be much more actively used.

This application arises from an enforcement action and complaint by the Lyon County Fire Dept. and City of Fernley over concerns of fire safety, and release of chemicals or substances into the environment. The investigation revealed several items:

1. It was learned that a SUP had not been previously obtained, though building permits were obtained.
2. It was learned that the site had dramatically increased since the 2012 meeting in size and development, and is now used on a daily basis. It was determined that a new SUP should have been obtained for the expanded area and increased operations shown in the 2019 photo.
3. Conversations with NNRC revealed plans for additional expansions, including expansions beyond the 2019 photo, extensive use of cargo containers, and a new testing pad, all of which require an SUP.
4. In addition, a large solar field was planned for on-site power, which does not require a SUP. NNRC recently obtained a Zoning Review approval for the solar field
5. Regarding the fire safety issues, the Lyon County Fire Dept. had complained that they were not being notified of testing, which resulted in reports of fire causing unnecessary fire department deployments. However, the Churchill County Fire Marshall inquired and learned that the notifications were being sent to the Lyon Co. dispatch center, but not being communicated to the Fire Dept. That matter has been resolved, and NNRC now call the Lyon Co. Fire Dept. directly. **To be clear**, Churchill County Fire Department is the primary responder and has been getting notified. Lyon County Fire Dept. has been responding due to citizen calls due to not receiving the notification call from their dispatch.
6. Regarding the matter of release of chemicals into the environment, the Fernley Mayor was concerned and raised this matter to the Public Works Director. This issue is being covered in this permit.

Summary: The applicant is requesting a Special Use Permit for ***Explosion/Combustion Testing*** which is a listed use in the land use table for the Industrial zone, needing a SUP. A thorough description of the project is provided in the application materials and site plan. Approval will:

- a. Authorize the unpermitted expansion of the current facility roughly coinciding with what shows in the 2019 air photo. This is roughly double the area in the 2015 photo.
- b. Authorized any further expansion and reconfiguration of the existing facility to what is shown on the site plan. This is roughly double the area in the 2019 photo.

- c. Authorized the new testing pad to the NE of the current facility, as shown on the site plan. This will be roughly 50% of the area of the expanded existing facility shown on the site plan.
- d. The application indicates there will be 4 testing areas that are roughly 6 times larger than the area in the 2015 photo.

Highlights of the full facility being approved include:

- 1. Greatly expanded area of grading and recontouring for both the existing facility shown in the 2019 air photo and the expansion proposed in this SUP. The proposed area appears to have stormwater controls which would contain battery materials that wash off the test areas, such as heavy metals and other dangerous materials. Note that the earthwork in the 2019 photo (and illustrated on the site plan) extends off the property in the SE corner and encroaches onto the adjacent property. It also re-routes the dry stream pathways that used to come onto the subject property onto the adjacent property. This matter will need to be addressed.
- 2. The new test pad area includes extensive cut and fill to create large level areas, both for the test area and for the area north of it. The test pad area appears to be laid out to send stormwater to the retention basin for the existing facility. Adequacy of the stormwater controls for both the expanded facility will need to be confirmed.
- 3. Large expanses of concrete. The existing facility's concrete pad will expand to roughly 210' x 150' – more than double the area in the 2019 air photo. The new testing area concrete pad will be roughly 150' x 150.' Graveled work areas are much larger.
- 4. 4 Testing areas. The existing facility will be configured to include 3 testing areas of different sizes. Test Area 1 will include a 4-sided block wall enclosure and is the same testing area seen in the 2019 air photo. Test Area 2 will include a 3-sided enclosure and is in the expanded concrete area. Test Area 3 is not enclosed and is in the expanded concrete area. The existing facility's remaining area of concrete will be used for support operations. The new pad for Test Area 4, is the largest and will be used for testing within cargo containers arrayed in rows. The application states that within the entire facility, three primary types of tests are normally conducted, but rarely a variety of alternative types of tests are done as well. In addition, page 6 of the supplemental information describes how each of the 4 testing areas will focus on a different method of stress testing products.
- 5. Extensive use of cargo containers throughout the site for battery storage, battery testing, control room operations, other storage, and office space. Note that no permanent facilities appear to be planned, which is an issue in this review.
- 6. The expanded area of the entire facility will be enclosed by new fencing. The expanded area of the existing facility will also include additional berming. Berming is not proposed for the new test area.
- 7. A designated parking area is proposed outside the fencing, with an ADA accessible space at the office.
- 8. Power for the facility will be provided with a solar field of less than 1 acre in size, which has already been approved in a Zoning Review. Electrical systems and batteries will be used to support the solar power system. A small graded and concreted pad will be built to support the power system that is located just west of the new testing area pad.

SEE PHOTOS BELOW SHOWING CHANGES.

2015



2019 *NOTE THAT THE SE CORNER IS ROUGHLY THE POINT SAME IN BOTH PHOTOS*



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 testing facility is very remote with a Master Plan designation of Industrial. The checkerboarded federal lands surrounding the site are zoned RR-20. There are few permanent uses in the area other than geothermal pipelines 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 would be 3-miles to the south, in the Hazen area. The proposed testing facility is compatible with surrounding uses. Also see Criterion 5 for environmental impacts.

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. **Explosion/Combustion Testing is allowed** in the use table for the Industrial zone, needing an SUP. Most Master Plan policies are not applicable to industrial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

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

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

Compatibility issues are discussed under criteria 1, above. Environmental Impacts are addressed in Criterion 5. The proposed development must conform to the County Development Code

Conditions of approval will address specific issues, including:

- **Setbacks and Easements:** Setbacks are required to ensure development provides reasonable separation from adjacent properties, and ensure that development near the property does not accidentally encroach on adjacent properties. The setback and easement requirements are met by the existing structures and the proposed new structures. However, the grading and filling activity on the site over time has encroached onto the adjacent property at the SE corner near the facility entrance. This fill has also forced dry stream stormwater flows off of the property and onto the adjacent property. These features essentially trespass on the adjacent property. A recommended condition of approval requires the applicant to obtain permission for grading and stormwater management on the applicable portion of the adjacent property. This would be through an easement or other appropriate method.
- **Sewer and water facilities:** The facility has been operated on portable toilet and water facilities. When the facility operated on the occasional once-a-month basis, this was acceptable. But now the facility operates on a daily, permanent basis, with a full staff present. Portable temporary facilities are no longer acceptable. Permanent restroom facilities are recommended in conditions of approval. This will require installation of a well and septic system, or other permanent option acceptable to the Building Department.
- **Permanent Business Facilities:** The applicant proposes to operate the business out of portable cargo containers. This is similar to a recent trend of business proposals – to operate with no facilities, out of cargo containers, or to use portable facilities. But Churchill County requires permanent businesses to operate out of permanent facilities with an on-site business office, restroom and sanitation facilities, employee break and information (OSHA, safety, notices, etc.) facilities, customer facilities, etc. Doing

so also ensures there is a legitimate business license location, legitimate addressing, and maintains the community image. Permanent facilities can include manufactured options, as long as they meet building code construction standards, or acceptable manufactured structure standards for human occupation, or are engineered to Building Department satisfaction. This may require a permanent foundation. A recommended condition of approval requires installing a permanent business facility. Presumably the required permanent restrooms noted under the sewer and water facilities will be included.

- **Signage and Lighting:** The applicant proposes no signage. Operations are normally limited to daylight hours. Outdoor lighting is proposed for occasional situations when operations extend into darkness. A recommended condition of approval requires conformance with the County’s Dark Skies lighting requirements, which does not allow horizontal and upward floodlighting.
- **Outdoor Storage:** Most materials will be maintained within cargo containers. But other debris and materials may be stored outside. The proposed fencing and berming will provide adequate screening.
- **Parking and Landscaping Requirements:** Explosion and combustion testing does not have a defined parking requirement, so parking must be determined by the Administrator. The application states there will be 6 employees at the site and estimates 2 other daily visits (for 16 trips). The site plan shows 10 regular parking spaces and 1 ADA accessible parking space. The Administrator determines this to be adequate parking. The area around the identified parking spaces has additional room for overflow parking. The existing driveway and parking area are partially graveled. No additional parking improvements are required, beyond the proposed handicapped parking space.

The landscaping code requires 1 parking lot tree – this can be located next to the office and ADA accessible space, where irrigation is available. No landscape buffers for roads or adjacent uses are required.

- **Friction Zones:** The County Code has friction zone requirements for separation between industrial and other uses, but none apply in this case. It also includes a ½ mile separation between Explosion/Combustion Testing facilities and local highway corridors, which the project meets.
- **Community Development Fees:** New businesses are subject to the County’s Road Impact Fee and Water Fee (payment in-lieu-of water dedication). These must be paid with any permits obtained from the Building Department.

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 are currently installed or proposed. Only portable services are proposed and are discussed under Criterion 2. Demand for fire and medical services to this remote location have increased with each expansion of the project. An arrangement already exists with the Churchill County and Lyon County Fire Departments to coordinate on fire services. Note that Churchill County Fire Dept. is the primary responder. The application notes that a water tanker is kept on-site for fire suppression, though whether this is adequate for the multiple expansions that have taken place is not known. The application includes a draft emergency response plan that is 20 pages and quite thorough. Recommended conditions of approval will (a) continue communication and coordination with the Churchill County and Lyon County Fire Departments, and (b) require installation of a firefighting water source at the discretion of the Churchill County Fire Department, and (c) require preparation of an emergency response plan in coordination with the Churchill County Fire Department, and (d) provide installation of a “knox box” or other method to

allow firefighting entry. With appropriate conditions of approval, 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.*

County Code requires both legal and physical access to the site. Legal access is provided in the form of official access easements and RS 2477 roads that extend east from the site to the other side of the ridge, then continuing southeast down-slope to near the powerline and railroad tracks, then southwest along existing roads to Hazen. This route is privately maintained and has a surface that is a combination of gravel, partially graveled, or just dirt. The application indicates that NNRC maintains the access road. Traffic on this access route has increased over time and will continue to do so with additional employees and visitors. Current traffic (1 visit = 2 trips) is not expected to exceed 20 trips per day, and the route is adequate to support the traffic.

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 facility. So potential impacts will be on the travelling public, wildlife, and the environment. The primary environmental impact will be:

(a) Dust from construction and the extensive grading on the site. State permits will require reasonable prevention of dust during grading and construction.

(b) Noise from battery testing. This will be intermittent, loud events. There are no nearby human uses to impact, and wildlife will not be significantly impacted.

(c) Materials released when batteries catch fire or explode. (The application notes that explosives are not used on-site.) This includes both air emissions and discharges in stormwater runoff from the testing areas. The application describes these materials. A complaint was received regarding the release of air and runoff contaminants.

Regarding air emissions, the application includes a 2018 letter (based on 2017 information) from the NV. Dept. of Environmental Protection that indicates the site is exempt from an air permit as long as the amounts burned stay below triggering thresholds, and includes a caveat that if the facility increases the material throughput, the facility may require a full permit. This letter was obtained at a point before or near the first expansion (before the 2019 air photo). The proposed facility will be dramatically larger (possibly 6 times larger) in scale and operations. A recommended condition of approval requires obtaining an updated letter confirming the continued exemption under the proposed size of the project.

Regarding stormwater runoff discharges, the application includes a draft pollution prevention plan. It is entirely dependent on using a retention basin (shown on the site plan) to hold runoff, sedimentation, and contaminants. However, the collection area has increased dramatically since the retention basin was installed before 2015. A recommended condition of approval requires providing any state pollution prevention permits that are obtained, and the documentation by a professional with stormwater management expertise showing the adequacy of the retention basin.

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 an Explosion/ Combustion Testing Facility on APN 009-251-84, 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 Northern Nevada Research Co. to construct an Explosion/ Combustion Testing Facility on APN 009-251-84.

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 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 alterations.
 - b. A business license must be obtained or updated.
 - c. Outdoor lighting shall meet the County Code Dark Skies Standards.
 - d. A landscape tree shall be provided near the office and ADA accessible parking space, and must be supported by irrigation.
2. A permanent business facility shall be constructed. This shall include restroom facilities, employee and visitor facilities, and a business operations office. The facility shall meet acceptable construction standards suitable for human habitation/occupation satisfactory to the Building Dept., including any required permanent foundation. The County's Road Impact Fee and the Water Fee (payment-in-lieu of water dedication) must be paid for the business.
3. Official permission (easement, etc.) shall be obtained from the adjacent property owner for grading and stormwater alterations made to the adjacent property.
4. The applicant shall comply with the following firefighting requirements:
 - a. Continue communication and coordination with the Churchill County and Lyon County Fire Departments,
 - b. Install a firefighting water source at the discretion of the Churchill County Fire Marshal,
 - c. Prepare an emergency response plan in coordination with the Churchill County Fire Marshal,
 - d. Provide installation of a "knox box" or other method to allow firefighting entry at the discretion of the Churchill County Fire Marshal.
5. A report shall be provided from a professional with stormwater management expertise that documents the adequacy of the retention basin that serves as the basis of the submitted pollution prevention plan.

6. The applicant shall provide new or updated documentation of meeting state and federal agency permits and requirements, including but not limited to:
 - a. Nevada Division of Environmental Protection, Bureau of Air Pollution, permits or exemption letters for dust control and air/chemical emissions, etc.
 - b. Nevada Division of Environmental Protection, Bureau of Water, permits or exemption letters for stormwater control, industrial pollution prevention, etc.

Consent Agenda:

NOTE: All matters listed under the Consent Agenda are considered routine and may be acted upon by the Planning Commission with one action and without an extensive hearing. Any member of the commission or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.

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

RECOMMENDED MOTION

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

NNRC Zoning Review

Northern Nevada Research
Company Special Use Application
Public Meeting

November 10, 2021

NOTICE

The information contained in this documents is confidential, privileged and only for the information of the intended recipient and may not be used, published or redistributed without the prior written consent of Tesla, Inc.

LAST EDITED

November 2, 2021



NNRC's Request for Special Use Permit

NNRC plans to decompress its existing site activities and to construct an additional concrete pad/testing area as referenced in the site map attached. The modification described under the site project is approximately 150 X 150 ft (0.5 acres) in size. This will be a certified test space for product validation to assure code compliance for various countries.

Site Background

- History: Site acquired in 2013 by NNRC
- Located ~3.5 miles north of Hazen, NV.
- Employees
 - 6 full-time
 - 2 – 4 Visitors on site/weekly
 - Average head count site: 8-10 people
- Operation hours
 - 8am to 5pm, Monday - Friday
- Site Activities
 - R&D facility for development of advanced energy storage systems
 - Thermal testing
 - Conductive fluid testing
 - Electrical abuse
 - Mechanical abuse
 - Code Compliance
 - No explosive (ATF regulated) materials in operation at NNRC, larger than an airbag ignitor. Only combustible materials on site include lithium-ion batteries.



100 x 100 sqft



200 X 200 sqft

Safety

During hours of operation

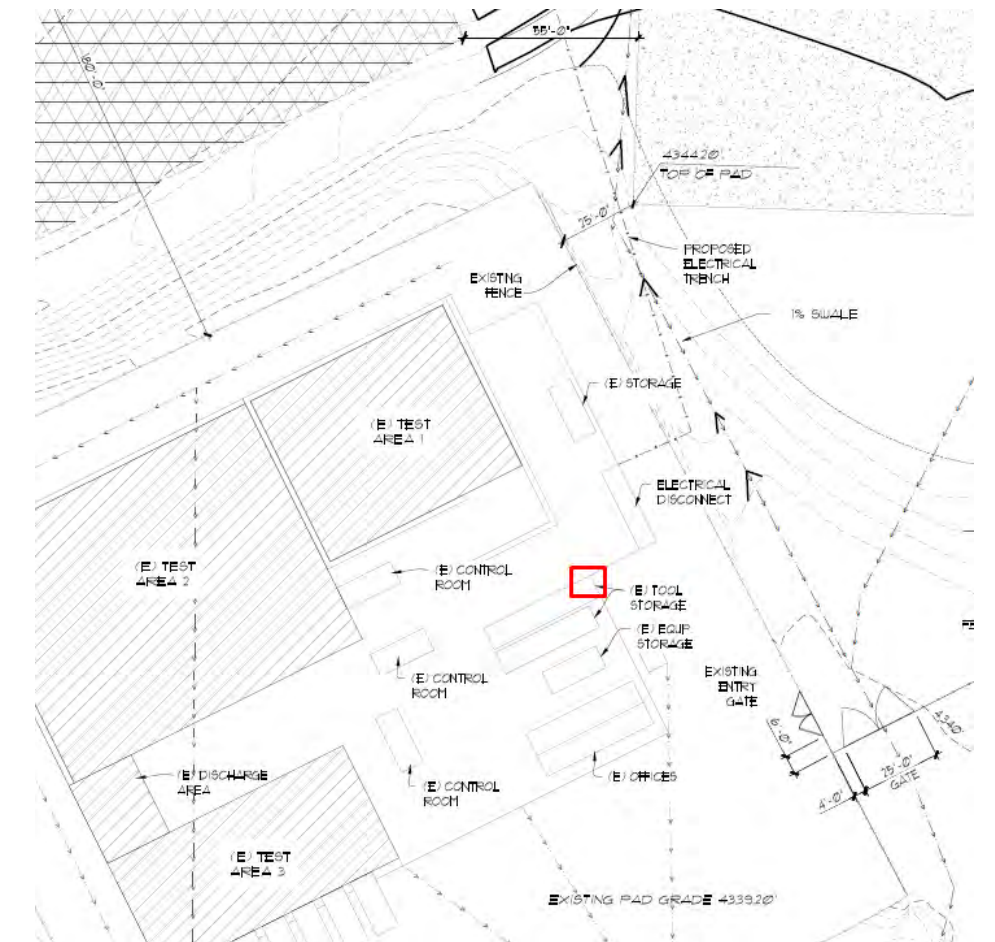
- Training: Standard Operating Procedures followed and on-site training.
- Personal Protective Equipment (PPE)
- Notify local fire departments (Lyon County, Fernley Fire Chief, Churchill County, and Fallon County) prior to start of test
- Emergency Response Guide

Beyond hours of operations

- 24/7 Security System and Fire Detection (IR cameras, in-progress)
- System will notify appropriate person internally and appropriate authorities externally should an incident occur
- Emergency contact for fire department to call: 775-453-7255
 - Security operations center staffed 24/7
 - Escalation list provided to bring personnel onsite within 45 minutes

Fire Protection Equipment

- 3000-gallon water stored on site in containers
- Multiquip WT5C Water Trailer: 500-gallon tank with pump



Environmental

Air

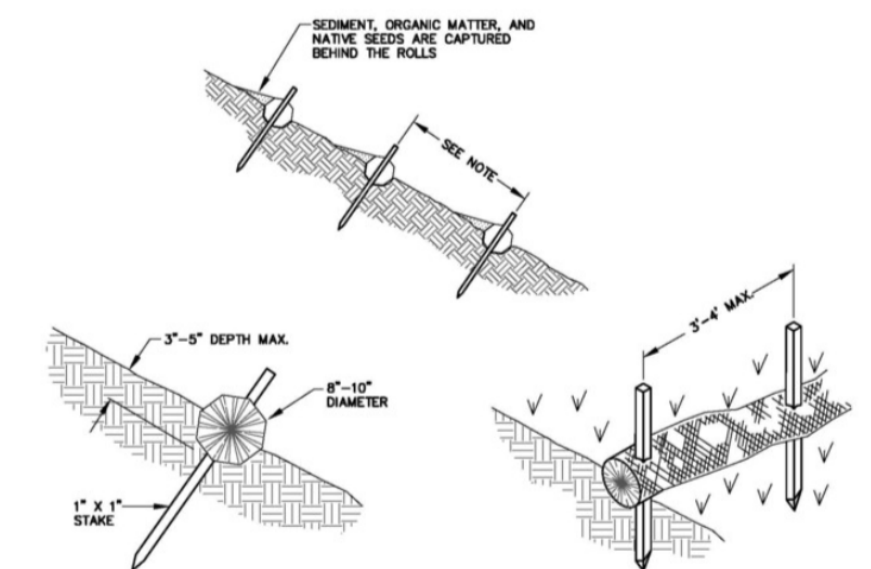
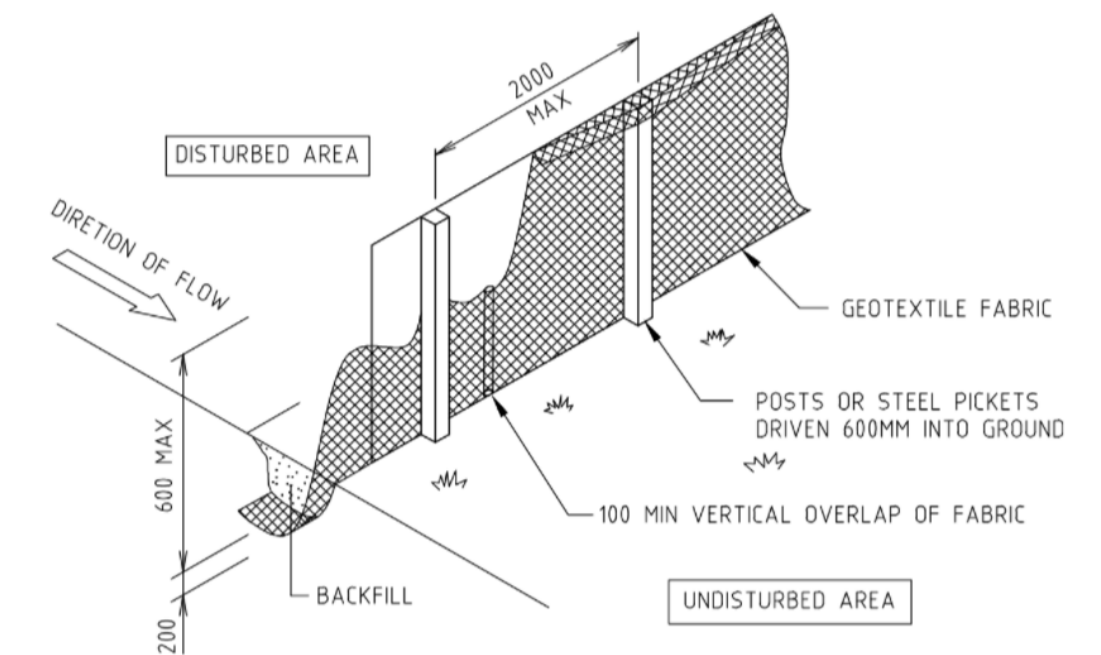
- Site still operating in conformance with the limitations of 2018 determination from the Nevada Division of Environmental Protection Bureau of Air Pollution Control (NDEP BAPC)
- NDEP BAPC reissued determination letter November 2021

Water

- Construction Stormwater Permit - required – Notice of Intent filed with NDEP 11/5/2021
- Industrial Stormwater permit - not currently required
- NNRC proactively implementing Stormwater Pollution Prevention Plan with best management practices
- Site stormwater controls include upgraded retention ponds, improved site grading, silt fences & other anti-erosion measures, and conducting regular inspections to ensure responsible environmental management

Waste

- Waste and scrap metal generated at the site is taken offsite for disposal or recycling



Thank you.

November 10, 2021 at 7:00 p.m.

[illegible]

PLEASE SIGN IN & PRINT YOUR NAME AND CONTACT INFO