

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

September 14, 2022

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on September 14, 2022 by Chair Arciniega.

Present: Charlie Arciniega, Chair; Shane Yates, Vice Chair; Zack Bunyard, Member; Myles Getto, Member; Scott Nelson, Member; and Paul Picotte, Member.

Absent: Deanna Diehl, Member

Planning Staff Present:

Chris Spross, Public Works Director

Dean Patterson, Senior Planner

Alexa Robinson, Office Specialist

Civil D.A. Staff Present:

Joe Sanford, Deputy District Attorney

(via phone call)

2. Pledge of Allegiance:

The Pledge of Allegiance was recited by the commission and public (microphones were turned off).

3. Public Comment:

There were none.

4. Verification of the Posting of the Agenda:

It was verified by Alexa Robinson, Office Specialist, that the agenda for this meeting was posted on September 8, 2022, between 8:30 a.m. and 3:30 p.m., at all of the locations listed on the agenda, in accordance with NRS 241 and the Churchill County Code.

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

Chair Arciniega asked for any changes to the agenda. Dean Patterson, Senior Planner, noted for the record that the Frey Ranch Distillery is on the agenda, and they would like to be taken out of order because they have a large event that they can only spare a limited time to be at this meeting.

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

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

Chair Arciniega verified with the Office Specialist that notification was sent to all landowners in accordance with NRS and the Churchill County Code.

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

A. August 10, 2022 Hearing

Vice Chair Yates moved to approve the August 10, 2022 minutes as submitted.

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

8. Old Business

A. Consideration and possible action re: A temporary use permit renewal for temporary quarters during home construction filed by Oscar & Sally Alldredge for property located at 13215 Power Line Road, Assessor's Parcel Number 006-121-09, in the RR-20 zoning district. *Origination date 9/13/17*. The applicant is requesting another renewal stating that Oscar Alldredge has had some health problems since June.

Sally Alldredge, 13215 Power Line Road, reported that this year they have reinforced the joists with the metal brackets that they were told that they needed to have. They put up a carport and built a corral. At this time, due to some medical issues that her husband has had, they are on hold for at least the next two months.

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

Chair Arciniega asked Mrs. Alldredge for a summary of what has been completed for their home construction to this point. Mrs. Alldredge indicated they have several items completed including the foundation, plumbing, electrical, and other projects on the property completed. She also indicated that they have not been residing on the property since June but visit to care for animals that reside on the property. Chris Spross indicated that there have been no new inspections since September 2, 2021.

Member Zack Bunyard asked a question to clarify that the applicants are not currently residing on the property. Mrs. Alldredge confirmed that they are not residing on the property but living with her mother. They would like to keep the permit open in case things change and they can return to permanently reside on the property.

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

Member Getto moved to approve the renewal of the temporary use permit for Oscar & Sally Alldredge for property located at 13215 Power Line Road, Assessor's Parcel Number 006-121-09, for another year. Member Bunyard seconded the motion and the decision carried by unanimous vote.

B. Consideration and possible action re: A temporary use permit renewal for temporary quarters during home construction filed by Robert Hunter for property located at 4432 Benson Lane, Assessor's Parcel Number 006-631-27, in the A-5 zoning district. *Origination date 9/11/19*. The applicant states that he is working on progress toward building of home.

Robert Hunter, 4432 Benson Lane, indicated that he has been working slowly towards the building itself. The electrical is to the property, a well has been drilled, and he is prepared for a percolation test for the septic system.

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

Director Chris Spross indicated that there have been no building permits issued to date. Mr. Hunter confirmed that to be true. He indicated that Ray Brown from the County had inspected the electrical.

Chair Arciniega indicated that the permit has been open since 2019 and asked for assurances that there would be significant progress moving forward. Mr. Hunter responded that once the septic system is installed, he would then work on the building permit.

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

Vice Chair Yates moved to approve the renewal of the temporary use permit for Robert Hunter for property located at 4432 Benson Lane, Assessor's Parcel Number 006-631-27, for another year. Member Bunyard seconded the motion and the decision carried by unanimous vote.

9. Public Hearings:

A request to take an item out of order on the Agenda for Frey Ranch Distillery was granted due to scheduling conflicts. Item 9. E. was taken first under Public Hearings.

- A. Consideration and possible action re: A temporary use permit application for two (2) temporary quarters while establishing a permanent dwelling filed by Latricia Dean for property located at 17323 Lahontan Dam Road, Assessor's Parcel Number 006-122-23, consisting of 19.38 acres in the RR-20 zoning district. The applicant proposes to have her family live in two (2) RVs on the property while they work toward placement of a permanent dwelling on the property.

Latricia Dean, 17323 Lahontan Dam Road, said that they are in the middle of tearing down a double-wide mobile home and removing it from the property. She said that they are also working to clean up the property as well. They have been living in two RVs—one is the main RV where they cook and use bathroom facilities and the other is just used for bedrooms. As soon as they get the old mobile gone, they plan to put a new manufactured home there. Chair Arciniega inquired why they needed two RVs, and Mrs. Dean indicated that there were members in their family, and one RV doesn't provide enough room.

Chair Arciniega questioned if this was the result of a code compliance violation. Loreli LeBaron, Code Compliance Official, provided input about the active code compliance case on the property, which had gone to court. She is making progress on a monthly basis, and has been working toward removal of the old double-wide mobile home and some cleanup, which she pointed out on the screen. The application for the temporary use permit is part of working toward compliance.

Director Spross informed that the Building Department will require placement permits and related inspections for each of the RVs should this application be approved. The department did a record search and found that a construction permit was approved for a septic system on that site, and a certificate of occupancy for this construction was also found in the file. Continued use of that septic system is permitted until it fails to operate appropriately.

Dean Patterson, Senior Planner, reminded the commission that in this case there are multiple dwellings, or what could be considered dwellings, on this property. Staff would not normally recommend approval for additional RVs to live in; however, the applicant has made a lot of progress toward correcting code enforcement violations that have been on this property for years. They have been working with Loreli LeBaron, and so staff is recommending approval, so that this problem site can get cleaned up and the enforcement brought to resolution.

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

Member Picotte noted that the applicant's name is not actually on the title ownership for this property, and he pointed out that legal counsel had okayed that she apply in her name for this permit. Is that correct? Joe Sanford, Deputy District Attorney—Civil, verified this to be accurate. This is a case where legal title owners are now deceased.

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

Member Nelson, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.070(B)4 regarding a Temporary Use Permit for Temporary Quarters for Home Construction on APN 006-122-23, as described in the Staff Report. Vice Chair Yates seconded the motion and the decision carried by unanimous vote.

Member Bunyard, based on the previously adopted findings made for this project, moved to approve the application for a Temporary Use Permit for Latricia Dean to establish a Temporary Quarters for Home Construction at 17323 Lahontan Dam Road (APN 006-122-23). This approval is subject to conditions, as listed in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *The two (2) temporary quarters must comply with Churchill County Code.*
2. *All violations shall be resolved to the satisfaction of the Code Compliance Official. Derelict RVs, truck campers, and mobile homes shall be removed. Failure to meet this condition may prevent renewal of the permit.*
3. *All required Building Department approvals and safety certificates must be obtained for both units:*
 - a. *Any Setup Permit necessary for the setup of the temporary quarters must be obtained along with any required inspections of water, septic and electrical connections within 90 days of connecting to a service.*
 - b. *All necessary permits for home construction must be obtained.*
4. *The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation. No manufactured homes may be used as a temporary residence while constructing a home.*
5. *This temporary use permit is subject to annual renewal. **The applicant must show substantial progress of home construction during the annual review hearing.***
6. *Once home construction is complete enough to allow habitation, the RV must be disconnected from sewer/water/electric services and made lawful at its subsequent location.*

Chair Arciniega thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures. He suggested that Mrs. Dean continue working with the Code Compliance Official to complete this process.

- B. Consideration and possible action re: A temporary use permit application for temporary quarters for a commercial watchman filed by Brenda Garabito, owner of Bulldog Restorations, for property located at 3921 Arnold Way, Assessor's Parcel Number 008-411-55, consisting of 1.09 acres in the C-1 zoning district. The applicant proposes to have a watchman reside in an RV on the property to protect the property and equipment inside the building.

Brenda Garabito and Brian Garabito, 3921 Arnold Way, said that they live in Reno and commute into the area, and they want to stay in an RV on the property those days they are too tired

to return home. They also do not have a reliable security system on the property to protect the expensive equipment and tools in the building.

Director Chris Spross shared conditions that the Building Department want included if the Temporary Use Permit is approved. He indicated there are also some concerns about the location of the RV and possible connections. There was an approved permit for a septic system on that site.

Chair Arciniega asked for any public comments; there were none. He then asked if there has been any theft that has occurred on the property where they filed any law enforcement reports, and Mr. Garabito replied that there has not been. Chair Arciniega noted that usually a watchman's quarters is requested in order to protect the property from theft, which isn't the case here. He then turned the discussion over to the commissioners.

Director Spross said that the approval of the original special use permit was fairly recent, like within a year or 18 months, for the construction of the building. He asked the applicants if they were unaware at that time that they were going to be commuting and that this may be an issue, or is this something new that has come up. Could this have been addressed at the time that they selected this location? Brian Garabito responded that he wasn't aware of the issues with commuting when they decided to have this business in Fallon.

Member Yates stated that the problem is that they have not demonstrated a need for the watchman quarters since they have not had or reported any thefts, and the applicant would not be present on a full time basis to provide protection against any theft. Although he understands the commute to Reno, the County Code doesn't really provide for a convenience for them to stay in an RV. It cannot be used as a "hotel" because they live in Reno. He just wanted to point out the issue that he has regarding this application.

Member Nelson asked if any of the neighbors were having problems with theft that they are aware of. Mr. Garabito said that he did not know. Mrs. Garabito noted that they do have an alarm system that been triggered a few times, and the Sheriff has gone to check the property. This is part of the problem that when the alarm does go off, they are so far away that they cannot go there to check on it. The Sheriff calls them, and they have to drive from Reno to reset the alarm because it cannot be done remotely. Member Nelson pointed out that if they are staying there every night, they still have to do that anyway.

Member Picotte expressed his understanding of a need for a watchman, and if they got a different watchman, then they would be covered. He concurs with the commissioners that the proposed use for the watchman's quarters is not within the scope of the intended use per code.

Chair Arciniega read the purpose of a watchman's quarters from the code and indicated that this request does not seem to meet the requirement since there won't be someone there every night. Mr. Garabito asked if they would need to have someone living there to qualify for this permit. Chair Arciniega restated that this is generally the case with a watchman so that this person could provide protection services full time.

Member Picotte inquired if they would hire someone to be a watchman at some point in the future. Brian Garabito said that he would have to find someone. He does have plans to build a house on property that they have. They would probably apply for a watchman permit again, so that maybe that they could stay there during that time. Chair Arciniega noted that this application is for the present time as things are currently.

Chair Arciniega asked for any further comments; there being none he 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 not been met for

conformance with the criteria found in CCC 16.08.070(B)2 regarding a Temporary Use Permit for Temporary Quarters for Commercial Watchman on APN 008-411-55, as described in the Staff Report. Member Picotte seconded the motion and the decision carried by unanimous vote.

Vice Chair Yates, based on the previous determination that the findings were not made for this project, moved to deny the Temporary Use Permit application for Bulldog Restorations to establish a Temporary Watchman's Quarters on APN 008-411-55. Member Getto seconded the motion and the decision carried by unanimous vote.

Chair Arciniega advised that there is a ten-day appeal period in which the applicant could appeal the Planning Commission's decision to the Board of County Commissioners.

- C. Consideration and possible action re: A temporary use permit application for temporary quarters for a hardship/caretaker filed by Zoanne Clark for property located at 4969 Silver Sage Lane, Assessor's Parcel Number 006-811-62, consisting of 5.5 acres in the A-5 zoning district. The applicant proposes to have her son reside in an RV on the property to help care for her and the property.

Zoanne Clark, 4969 Silver Sage Lane, and Sally Mahoney, Zoanne's daughter, were there to represent the application. Mrs. Clark was having a hard time speaking, so her daughter was there to help. Sally Mahoney explained that they were applying for this permit so that her brother could live in the trailer to help care for their mother and the property.

Chair Arciniega asked for any public comment; there were none. He then asked if there has been any correspondence. Director Chris Spross shared that the Building Department outlined some items that will need to be completed should the permit be approved, including a placement permit and related inspections for the temporary residence. The department staff has some concern related to the appropriate septic connection from the proposed placement of the RV. A records search did find an approved permit for the septic system on this site. Continued use of the septic system is permitted until the system fails to operate.

Chair Arciniega noted that a site plan of her property was being displayed on the screen, and he requested verification for the location of the septic system and of the RV, which Mrs. Clark confirmed. He inquired if the septic is currently hooked up to the RV, and Mrs. Clark confirmed that it is hooked to the septic, but has never been connected to the water. She further stated that the connections were already on the property when she bought the property.

Director Spross also shared correspondence from a neighbor of Mrs. Clark in favor of this permit being approved. They indicate that Mrs. Clark and her son are quiet neighbors, and the property is kept looking nice.

Chair Arciniega turned the discussion over to the commissioners.

Director Spross noted that Zoanne Clark has been in front of the planning commission once before applying for a special use permit for a home based horse boarding facility, and he wanted to make sure that Mrs. Clark was aware of the recommended conditions for approving this temporary use permit. The first condition addresses that no business is authorized to operate at this site, and if they wish to do that, they will need to apply for other permits prior to doing that. Sally Mahoney remarked that Zoanne Clark did not appear before the Planning Commission regarding that application. Dean Patterson, Senior Planner, noted that they had received an application previously

regarding the home business. Sally Mahoney concurred that Mrs. Clark submitted an application. Dean Patterson confirmed that after the review was completed and nearby landowners were notified, Mrs. Clark withdrew her application very shortly before the hearing. Chair Arciniega asked if the applicant if she had seen the recommended conditions. Sally Mahoney was unsure what conditions were being discussed, so Chair Arciniega read the conditions that would be required should the permit be approved. Mrs. Clark and Mrs. Mahoney agreed to the conditions. Dean Patterson asked that Mrs. Clark show her license to Loreli LeBaron, Code Compliance Official, to verify her age, which would satisfy one of those conditions.

Chair Arciniega asked for any further comments; there being none he 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 conformance with the criteria found in CCC 16.08.070(B)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 006-811-62, as described in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote.

Vice Chair Yates, based on the previously adopted findings made for this project, moved to approve the Temporary Use Permit application for Zoanne Clark to establish a Temporary Quarters for Hardship/ Caretaker at 4969 Silver Sage Lane (APN 006-811-62). This approval is subject to conditions, as listed in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. This permit does not authorize a business to operate at the site. Doing so requires other permits.*
- 2. The applicant shall provide documentation that the person needing care qualifies for the use either for age or physical/mental disability.*
- 3. The temporary quarters must comply with Churchill County Code. 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.*
- 4. 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.*
- 5. 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.*
- 6. This temporary use permit is subject to annual renewal providing proof that the need still exists.*

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

- D. Consideration and possible action re: A special use permit application for a home-based business for firearm service and repair, which requires an FFL (Federal Firearms License), filed by Grant Corrigan for property located at 1195 Dean Lane, Assessor's Parcel Number

008-532-21, consisting of 1.0 acre in the E-1 zoning district. The applicant proposes to operate a home-based business with customer traffic by appointment during business hours.

Grant Corrigan, 1195 Dean Lane, proposes to service and repair firearms at his home, not manufacturing, not buying or selling guns and ammunition, and not doing transfers of firearms. He thinks that he may have three or four customers a week. He plans to have business hours on Tuesday through Saturday from noon to 6:00 p.m. He had proposed being able to test fire on the property using an all clear device; however, he was informed that there was a concern, so he has no problem taking the firearm to a range or out to public lands to do the testing.

Chair Arciniega asked for any public comment; there were none. He asked staff for any public comment, and Director Chris Spross shared comments from the Building Department. They couldn't find any records for any permits issued related to the garage that is proposed to be used. If that construction was completed prior to 1981, no permit would have been required at that time. The Building Department would require an inspection of the building prior to starting the business in order to determine what alterations may be needed to change the use from an undetermined type of outbuilding to a commercial gun repair shop. The existence of customer traffic will require alterations for ADA compliance. Director Spross shared a letter of opposition from a neighbor. Chair Arciniega inquired if Mr. Corrigan understood the Building Department's requirements, and he stated that he was not aware of those until Mr. Spross read them. Grant Corrigan remarked that Dean Patterson had walked the property with him and discussed some items of concern, but none of these other requirements were mentioned. Dean Patterson, Senior Planner, informed that he spoke with the building department about some of these. They understood that if the customers are not going into the house, the ADA bathroom may not be required. He encouraged Mr. Corrigan to offer optional services for customers who are disabled, such as pick up and delivery. Grant Corrigan confirmed that could be done. He further informed that he believes one of the previous owners was handicapped because there is a ramp to the back door of the home and the doors are wide enough for wheelchairs and walkers.

Member Picotte questioned if this was or was not in compliance with a home based business due to the letter of concern from a neighbor. Joe Sanford, Deputy District Attorney—Civil, explained that regardless of what this commission does, if there is a covenant that runs with the land that is actually related this property, their decision wouldn't be able to supersede that because it is a covenant between the homeowners themselves. He understood that research showed that this property was not part of the restrictive covenants, and if this decision is against people that are governed by the same restrictive covenants, it would be a civil matter for the landowners to deal with through the court system. The Planning Commission's decision wouldn't supersede that anyway.

Dean Patterson noted that the Planning Commission has approved other firearm related home businesses, so this is something that is possible. He pointed out that the test firing option raised a concern for the Sheriff as well as the planning staff, so that was recommended not to be approved. Other than that, the approval of the rest of the application for a home business is fine. Member Picotte then asked if the test firing is using a clearing barrel, would this be in an area where he could discharge a weapon, or is the issue just because he is close to another dwelling that it is illegal. He is curious why Mr. Corrigan wouldn't be allowed to use a legal, discharging barrel. Dean Patterson responded that it isn't a question of whether or not shooting a weapon is illegal; it is more of the hazard to the neighborhood and the noise factor to the neighborhood. This also wouldn't generally be operating like a residence. It is supposed to be a residence first and a home business as an accessory use. Mr. Corrigan expressed his understanding of this. He would probably rather meet

customers at a range for them to try out the weapon for themselves. Member Picotte verified that Mr. Corrigan understands that their decision would supersede the property owners' agreement in that area. Grant Corrigan responded in the affirmative.

Member Nelson confirmed with staff that this property doesn't fall within these restrictive covenants. Dean Patterson isn't sure of the exact details; however, we looked up the covenant that was provided with the letter in opposition to the application, and that covenant applied to other lots that did not include Mr. Corrigan's property. He couldn't definitively answer whether Mr. Corrigan's property was under a separate restrictive covenant involving other property owners. Member Nelson restated that the one that was provided did not apply to this lot, and Dean Patterson said that it does not to the specific one provided does not include Mr. Corrigan's lot.

Member Picotte inquired if this business would be subject to other approvals, such as FFL. Grant Corrigan stated that he contacted FFL, and they are the ones to reach out to Churchill County. That is when he found out the steps he needed to take for this business.

Chair Arciniega asked how long Mr. Corrigan has been in the business of repairing weapons. Grant Corrigan replied that he's been doing this kind of work since he was a child, and it was about four years ago that he started his own FFL business in California.

Dean Patterson stated that when he visited the property, he didn't notice a safe, and he noted that one of the recommended conditions for approval would be to have a secured storage for the firearms. We don't want any attracted robberies to be able to get these. He verified that would be okay, and Grant Corrigan confirmed he has several safes.

Director Spross asked Mr. Corrigan if he has seen the recommended conditions, understands them, and would be willing to be bound by them. Mr. Corrigan said that he has seen these. He reported that some of these things are also required with the FFL permitting process.

Chair Arciniega asked for any other discussion, and there were none. He then called for a motion.

Vice Chair Yates, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.080(H) on APN 008-532-21, as described in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Member Nelson, based on the previously adopted findings made for this project, moved to approve the special use permit application to establish a Home-Based Business for Gunsmithing and Firearm Service at 1195 Dean Lane (APN 008-532-21). This approval is subject to conditions, as listed in the Staff Report. Vice Chair Yates seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *Approval of the Home-Based Business is limited to:*
 - a. *Operation only by Grant Corrigan. Approval is not transferrable to another location or operator.*
 - b. *This approval is for the proposed gunsmithing and firearm service and repair business. Adding other activities, such as firearms classes, large scale fabrication of parts, etc. is prohibited.*
 - c. *The proposed test firing of weapons is prohibited.*

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

Russell Wedlake, Master Distiller for Frey Ranch and Churchill Vineyards, at 1045 Dodge Lane, was available for this item. The application is requesting two additions--first a 1,000 square foot addition to distillery for additional equipment, and second an additional barrel warehouse to be added in the future, probably sometime next year.

Dean Patterson, Senior Planner, provided a brief history of the permitting of the winery and distillery. A site plan of the property showed that additions had been made since the previous special use permit without the needed land use permits from the Planning Commission because they didn't realize these were needed. This action is to bring them into compliance with what has been added since the previous permit and for the additional plans they have for future development. Signage is also being addressed in this application. The staff report includes recommended conditions with provisions for minor improvements and alternative expiration dates. The conditions will also outline those things that will need additional land use permitting with any future changes. Dean Patterson pointed out one of the conditions is to work with the Fire Marshall to ensure proper improvements are made to deal with possible fire requirements. Mr. Wedlake shared on the site plan how they have created fire safety measures that slope to a nearby field in the event that there is a fire and barrels break open the liquid will flow away from the other buildings, and they plan to put in a ditch for the new building as well to direct any liquid away from the other buildings and into the field. If the Fire Marshal has other ideas, they are willing to comply with those. Chair Arciniega inquired whether this is something that has been discussed with the Fire Marshal at this time. Russell Wedlake confirmed that they have spoken with Mitch Young, Fire Marshal, several times, and originally there used to be a propane tank that powered the distillery, but this was moved further away and the current buildings are made to drain away. He said that the Fire Marshal,

originally, wanted this to drain straight out the back, but when they brought up the propane tank, he said that it would be better to have it moving a little in another direction. In talks with Mitch Young, they were informed that they needed to continue that drain straight through the middle of the two barrel warehouses.

Director Chris Spross indicated that the Building Department will require a commercial building permit with engineered plans for any construction. They would also require the County Fire Marshall or State Fire Marshall to sign off on any plans. This may help to address some of those issues. Mr. Wedlake said that they were aware of the Building Department's requirements for the commercial building.

Chair Arciniega turned the discussion over to the commissioners there were none. Member Bunyard recused himself from the vote. Chair Arciniega then 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 conformance with the criteria found in CCC 16.08.080(H) on APN 006-092-02, as described in the Staff Report. Vice Chair Yates seconded the motion and the decision carried by unanimous vote (5 in favor) with Member Bunyard abstaining.

Vice Chair Yates, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application for Frey Distillery to:

- (a) authorize the structures installed since the last SUP,**
- (b) authorize the signage installed since the last SUP,**
- (c) authorize the proposed structures, and**
- (d) authorize the additional signage at the business entry, at 1045 Dodge Lane (APN 006-092-02).**

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

Member Getto seconded the motion and the decision carried by unanimous vote (5 in favor) with Member Bunyard abstaining.

Recommended Conditions:

- 1. This SUP includes alternative expiration deadlines for implementation. The distillery building expansion, the new 4th barrel house, and the additional proposed signage must be completed within 3 years, or the development must re-apply for approval in a new SUP.*
- 2. This SUP does not include expansion of distilling capacity for the existing 3 stills. Additional stills will require a new SUP.*
- 3. This SUP does not include expansion of the visitor facilities. Expansion of the tasting room or other visitor facilities, and extending visitor hours outside of the weekend and holiday hours will require a new SUP, particularly to consider traffic and other impacts. This limitation does not include events with visitors for strictly marketing purposes.*
- 4. Construction of additional buildings or additions requires a new SUP. Construction of minor buildings or facilities that do not increase production capacity or liquor storage may be approved by the Director without a new SUP.*
- 5. The entire business must be in conformance with County Code, including but not limited to:*
 - a. Business licenses must be maintained.*
 - b. All necessary building permits must be obtained.*
 - c. All fire safety requirements shall be maintained, as required by the Fire Marshall.*

- d. *Necessary modifications shall be made to meet lighting, signage, and other code requirements discussed in the staff report. If requirements cannot be met, the applicant may submit a Variance application.*
6. *The owner shall coordinate with the Fire Marshall to ensure a burn-down of the first barrel house (next to the distillery) will not result in flaming liquids flowing to other buildings. Modifications recommended by the Fire Marshall shall be implemented.*
7. *Operations of the entire business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*
8. *All state and/or federal permits required for this type of business shall be obtained and maintained, including those for producing alcoholic beverages and serving alcohol.*

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

*****Chair Arciniega returned to Agenda Item 9. A. for Latricia Dean.**

- F. Consideration and possible action re: A major special use permit application for additional facilities at a chemical manufacturing plant filed by Safety-Kleen Systems, Inc. for property located at 22211 Bango Road, Assessor's Parcel Numbers 007-071-80 and 007-071-81, consisting of a total of 30.5 acres in the Industrial zoning district. The applicant proposes to update their current special use permit to add another office building and a glycol recovery unit.

Jeremy Moss, Director of Operations for Safety-Kleen Systems, Inc. at 22211 Bango Road, presented a PowerPoint presentation regarding the proposed changes. He provided a background of the current operations at the facility and what the changes would do, including adding recycling of the glycol through another processing unit. They also have a glycol facility in Las Vegas. He gave an overview of what has been done at this location since they have purchased it. Recycling reduces the country's dependence upon foreign oil imports and makes lubricants a renewable resource. They remove contaminants from the oil that comes from different sources to produce refined oil and other products. Mr. Moss further explained what the glycol process would include. He showed pictures of the unit and compared it to other tanks on the premises. He wanted to assure the public and the commission that there will be no odors coming from this unit. Dean Patterson, Senior Planner, asked if Mr. Moss would also share a little about the office building since it is shown on the site plan being displayed on the screen. Jeremy Moss demonstrated the location for the temporary office building that they propose to have on this site. It is a mobile office that they plan to use for a couple of years. This is an alternative to constructing a new building due to the high costs of building products and companies to do the work. Mr. Moss then went over a very simplified description of the flow of product through their systems. He also mentioned how they process wastewater that allows them to reduce the amount of well water they have to use. Currently, the 50/50 glycol/water is sent out on rail to one of their evaporation ponds in Idaho. This additional process would reduce the amount of wastewater that would have to be shipped off. The glycol would be concentrated to 95%, which is a sellable, reusable product instead of going into an evaporation pond. The water that comes from this process is soon to be approved by Nevada Division of Environmental Protection (NDEP) to be used in their cooling towers. This will take more reliance on water from the well.

Mr. Moss remarked that he knows one of the major concerns is related to odors, so he shared how they will control those through this process. He stated that the glycol unit will not produce any additional odors. This unit is fully contained, and any off gas generated will stay in the enclosed system. All off gases generated are piped to one of the natural gas fired process heaters where it is

burned. Then all emissions from the heater pass through a scrubber where all emissions are absorbed before they are emitted to the atmosphere. Emissions from this scrubber have strict limits set by the state. With these regulated systems in place, the Fallon Re-refinery will not create any odors from operating this glycol unit. Jeremy Moss shared a photo of the heater and scrubber system that he described. He further shared some of the benefits of operating this glycol unit for their company, as well as the community. These include things like less truck and rail traffic transferring wastewater to evaporation ponds in another state, creating another reusable product, and reusing the water in the cooling towers to lessen the amount of water they use from the well. He also shared their compliance and safety record since acquiring this facility in 2016.

Chair Arciniega asked for any comments from staff. Director Chris Spross indicated that comments were received from the Building Department, and he provided a copy to the applicant.

Chair Arciniega inquired if there was no glycol being processed at the facility currently, and Mr. Moss clarified that there is glycol that comes out of the feed stock; however, they are not processing it to be a concentrated product. This is being shipped with wastewater to evaporation ponds in Idaho.

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

Member Bunyard asked if they do this at all of their other plants. Jeremy Moss responded that they don't right now. He said that this is primarily a function of the facility in Las Vegas where this product is shipped from all over the west coast. They also have it at their Chicago facility. The reason they want to do this here is to have less reliance on water from the well and the wastewater disposal is the highest cost to any refinery, so they will also save money on the disposal. He noted that this glycol unit was in their Tacoma facility when they bought it and had not been used for three or four years.

Dean Patterson, Senior Planner, questioned if they have an existing wastewater treatment plant that does some level of glycol concentration. Jeremy Moss concurred that it is the 50/50 concentration that was mentioned during the presentation. Dean Patterson verified that processing that concentration also goes through the same process and odors go through the same heating and scrubbing processes that Mr. Moss was describing. Mr. Moss agreed. Dean Patterson inquired if this unit would tap into that same system with the heater and scrubber as described, and Mr. Moss confirmed that it will.

Member Picotte asked about potential hazards and how they will mitigate for them. Jeremy Moss confirmed that there are potential hazards with anything, but they mitigate for these through their Process Safety Management (PSM) requirements that were adopted by Occupational Safety and Health Administration (OSHA). On a daily basis they use best practices at the refinery. The biggest hazard from the new unit might be broken pipes or spills getting into the local environment. Should these happen they have the proper containment in place so that it doesn't get outside the containment area. He went on to explain some of the other measures they take to minimize hazards.

Director Spross shared that he and Dean Patterson went out and got a tour of the facility. As Mr. Moss has explained this unit is within the tank farm, and they witnessed concrete berms all of the way around this area to contain any spills. If there is a spill, there is a concrete berm to collect any of that. Another thing that Mr. Moss mentioned to them is that unlike the current process at the refinery, which is 24 hours a day, seven days a week, and 365 days per year, this plant will actually be running batches as opposed to running consistently. They may run once or twice per week for a certain number of hours during the day or something like that, which helps bring safety into mind. You can run this during the times that you feel is going to give the least exposure for safety.

Dean Patterson mentioned that glycol when it is pure, which is what you are going to be trying to produce, is poisonous and flammable. That is probably not news for the employees at the plant, and he wanted to make sure that they will work with emergency response teams so that they are aware of the situation and hazards and can be prepared in the event there is some kind of emergency at the facility. He then brought attention to some of the conditions in the staff report. He asked if these are okay with him and the company, and Mr. Moss agreed that he was fine with the conditions. He mentioned several plans that are in place and required drills that they must comply with regarding safety. They welcome a closer relationship with the fire department. They have fire monitors placed throughout the facility. He will certainly encourage any necessary training regarding the products and processes. Dean Patterson stated that this condition would be a requirement for them to reach out and work with emergency services regarding the glycol unit. He also mentioned that they would like to have a review in a year regarding the glycol unit, and Jeremy Moss doesn't have a problem with that. Dean Patterson noted the condition related to the office that they would be approved for both the temporary and permanent office. If the Planning Commission agrees, they would suggest that when the temporary office is removed, and the permanent office is built, that it can just be reviewed through a zoning review instead of requiring them to come back to the Planning Commission for the permanent office. He remarked that the last time that Safety-Kleen was in front of the Planning Commission was regarding the truck traffic and increasing the number of truckloads of feedstock and wastewater entering and leaving the plant. One condition is to reduce the number of wastewater truckloads from 60 down to 10, which would allow for a contingency, and allow for some wastewater truckloads instead of none. Jeremy Moss noted that the railroad seems to be about to go on strike, and that could interrupt their business. Their alternative plan is using trucks. He could assure that even if they used all trucks, they would not come near the 160 feedstock and 60 wastewater truckloads. He doesn't think that they would have a problem with reducing the 60 down to 10, but they would not supplement the feedstock loads for the wastewater loads.

Chair Arciniega asked for any further comments; there being none he 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 conformance with the criteria found in CCC 16.08.080(H) on APNs 007-071-80 & -81, as described in the Staff Report. Vice Chair Yates seconded the motion and the decision carried by unanimous vote.

Member Nelson, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application for Safety-Kleen Systems to modify the Chemical Manufacturing Facility on APNs 007-071-80 & -81. This approval is subject to conditions, as listed in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. This permit is subject to review in 1 year to determine compliance with conditions, and to review any issues related to odors created by the glycol unit.*

2. *The proposed office is approved. Installation of the temporary and permanent office shall meet all building code requirements. Placement of the temporary office shall meet all State of Nevada requirements for manufactured structures and commercial septic systems. When the temporary office is removed and a permanent office is built, it may be reviewed through a Zoning Review instead of new Special Use Permit.*
3. *The site's operations manuals, and emergency response plans shall be updated to incorporate issues related to glycol handling. The applicant shall inform and coordinate with emergency responders regarding the new chemical and new facilities.*
4. *The truck traffic limit for the facility is modified to limit traffic to 180 oil-related truckloads per month (averaging 6 per day), and 10 wastewater-related truckloads per month.*
5. *Previous conditions of approval continue to apply, except as modified by this decision.*
6. *The project must be in conformance with County Code.*
7. *All necessary building permits shall be obtained for installation of all proposed facilities*
8. *The project must remain in compliance with all state and federal requirements.*
9. *Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*

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

- G. Consideration and possible action re: An application for a Variance from the setback requirement filed by Stanislaus Farm Supply for property located at 500 Gummow Drive, Assessor's Parcel Number 008-391-10, consisting of 3.54 acres in the C-1 zoning district. The applicant requests to be allowed to leave the two (2) storage containers that are west of the main building and within the street setback of Gummow Drive.

Don Chesney, 624 Service Road, Modesto, CA, was in attendance to represent this application. They had come before the commission in August regarding a variance for additional storage containers on the property, which was approved for a total of 16 containers. Two of the containers were not in compliance with the setback requirement, and so they are here requesting a variance regarding the two containers that are directly west of the building on the site.

Chair Arciniega asked for any public comment.

Sheryl Hooper Bancroft is a neighbor to this property. She has 34 acres to the east and north of this site. She is concerned because she plans on developing the property that she has, and she understands that those two containers are too close to the road. She believes that in order for her to be able to develop her property they will have to widen the road. She doesn't care if they had a temporary variance, but she thinks that when she starts to develop the road will need to be widened. She also asked regarding the additional containers because she thought only two would be there. There are several containers that haven't been moved yet. Another concern is that if they did get the permission to leave the two there temporarily, could they paint them or something to make them a little more attractive since that is a major street. It is a nice area, and when you are entering the town from the county it would be nice to make them as attractive as possible so it doesn't deter from the other properties that will be developed behind it. She noted that containers tend to start looking rusty and ugly over time, and she has seen containers that have been painted and made to look very pretty to fit in with the surrounding area.

Dean Patterson, Senior Planner, verified that the drawing they provided to the department shows the locations of the containers. They have moved some of them to the west side of Gummow

Drive and some have remained on the east side. He confirmed with Mr. Chesney that they have measured for the 90' setback as required with the last variance. The two red containers next to the existing building are the ones that we are talking about, and Mr. Chesney concurred this to be accurate. Some photos were provided that were displayed on the screen. Dean Patterson pointed out that one of the containers has been moved as you can see the difference between the two photos. He then asked if one of the red ones was moved, the white one moved over, and the canopy replaced between them. Mr. Chesney stated that was correct. Dean Patterson said that the staff report noted that the white container is actually two containers, and he asked if they were aware of this because the original variance was for 16 containers total. It may be that the count of 16 might have been assuming these were a single container. Don Chesney said that there are 16 containers on the property now. He noted that the red container that was by the building was unsightly as the neighboring property owner mentioned, and the white ones were recently painted. They moved the red one to the east and then put the two white ones here because they were a lot more attractive than the other one. They have made an effort for the people using Gummow Drive to see a nicer looking container. Dean Patterson went back to the site plan provided with the application and asked regarding the containers in the blue block on the west side of Gummow Drive because when they went out there and measured these were more like 80' rather than the required 90'. This isn't really pertinent to the variance application being considered tonight, but he wanted it to be stated so that these would be moved to be in compliance with the original variance. He also noted that there is a Quick Space Office Container that was moved onto the property next to the tanks. This is something that is also within the setback and needs to be addressed as a follow up to the decision on this application.

Chair Arciniega inquired regarding the meeting in July or August 2022 where they discussed the block of blue area on the displayed plan where the containers are east of Gummow Drive that had about 12 containers originally. He thought that was supposed to get down to only four in that area. Is this something he is recalling accurately? There was a consensus that it was supposed to be either four or six, but it was less than the number that are there currently. Director Spross stated that he would look at the minutes, and if that was the decision made at that meeting, then they would enforce that separately. He doesn't want that to derail their decision on this variance item.

Chair Arciniega asked if there was any additional public comment for this item. Director Spross asked counsel regarding Mrs. Bancroft's comments. If this variance is granted, and at some time in the future when development happens and a traffic study indicates that Gummow Drive needs to be widened, is there any way that this variance is going to potentially impede a development from being constructed because the road cannot be widened, or does the County have any recourse with something like that? Joe Sanford, Deputy District Attorney—Civil, then asked if these storage containers are movable and not permanent structures. He stated that it may be a concern; however, it is something that could be put in as a condition to the variance, which would say that should the County wish to consider widening the road for purposes of a public easement, that the variance may be modified for that purpose. Director Spross asked if this is approved, would they have an exception to a condition such as that being added to this motion. Don Chesney replied that if the County decides to widen Gummow Drive, they would be more than willing to move those containers. Chair Arciniega inquired if there is a reason that those containers can't be moved now out of the setback. Mr. Chesney responded that the red containers have 220 amp service and that is required at that location for welding and other demands. The container adjacent to the building has roll up doors, so that material can be brought in from the building into that red storage container. The two white containers on the west side are for storage of equipment and to support the canvas

arch structure. Chair Arciniega questioned if the white containers require 220 amp service, and Mr. Chesney stated that the work that is performed under the canvas arch requires 220 amp service.

Chair Arciniega turned the discussion over to the commissioners.

Member Bunyard referred to the site plan displayed and stated that they need 90' from the center of the road to be in compliance. This is what the variance is requesting since there is 44' and 68', and he noted that the variance they are to consider granting would be all of the way to the 44' so that both containers could remain. He restated that the reason is due to the need for the power at that location. He inquired if there was any way that they could move or change the power to these to another location. Don Chesney said that there is really no other place to put these containers. He pointed out that they can't put them to the north because trucks come through to the scale and turn to the right to load. There isn't any other area on the north to fit these. He then pointed to the area on the east side of the building where placement would more than likely violate fire codes. The fire department would want to have access to that side of the property. This is the best location for this work area and storage of equipment to be. Member Bunyard then questioned if they would be opposed to putting a timeframe on this variance, like a period of three or five years, knowing that it is temporary and wouldn't impede any future widening of the road. Don Chesney responded that they wouldn't have an issue with that, and they agreed with department staff to a three-year revisit of this from the date of acceptance. Member Bunyard noted that he drives by this about four times per day and it doesn't stick out to him at this time as an issue. He also shared that the building itself is almost as close to the road.

Vice Chair Yates, noting that Mr. Chesney didn't say anything about relocating them to the south side of the building, asked why they couldn't be placed there. Don Chesney informed that the south end of the building has roll up doors where they load and unload product into the warehouse portion of that building. He further stated that the containers next to the power pole are there for electrical hookups to keep products heated during the wintertime.

Member Nelson asked staff how far the existing building is from the center of the road on the northwest corner, and Dean Patterson replied that the structure was built long ago when the setback was about 60' from the center line and the building meets that setback but not the 90' required currently. Member Nelson shared that the permanent building is at 60' and these containers are around the same distance as that.

Chair Arciniega noted that he drives by this lot fairly frequently, and the only reason that he notices it is because it was on the agenda a couple of months ago. He doesn't really notice the containers or structures there. He does feel that there is room for some modification to those containers and perhaps a different look at the configuration of the work area, but that remains to be seen pending the outcome that is determined. Chair Arciniega then asked for any further comments.

Member Bunyard inquired if they would be able to include the three-year review of this permit like they did on the previous variance for the total of containers to be allowed, and Director Spross responded that the commission could make the decision to require a three-year review of this variance like they did of the previous one. The commissioners would be able to add a condition to this permit that requests a review at the same time as the review of the previously approved variance.

Vice Chair Yates restated that Mr. Chesney said that they would be willing to make concessions should the road need to be widened, and he asked if they are making plans now to change that configuration knowing that it is out of compliance currently, and that even if they happen to approve this permit, is there a plan in place for a more permanent work area. Don Chesney couldn't answer that question at this time. He is sure that Nick Biscay, the CEO and

president of Stanislaus Farm Supply, would have an alternative, and certainly if the County made mention, or stipulated, that Gummow Drive was going to be widened, there wouldn't be an issue of them moving this area. Vice Chair Yates pointed out that this is already in violation of a safety code, which is the reason for the setback. If the road needs to be widened, you would be willing to make a move, but if it isn't widened, then they wouldn't make the move, even though they are already violating the safety setback. Don Chesney remarked that there are a couple of issues, one being a three-year revisit for this issue. He would completely agree that in three years to revisit everything including the number of containers and their locations. The second issue regarding safety. Vice Chair Yates reiterated that the 90' setback is there for traffic safety on that road. He realizes that the building was built before the change in setback, but even at 60' it is safer than the one container at 44'. It just seems to him that they should be trying to come up with something that would come closer to conforming. He sees it as this is what they have and what they are going to go with, instead of this is where we are now temporarily, and in the future, we want to move this to a safer place. If he worked in that spot, he would be worried about it too. Don Chesney commented, with his opinion as a licensed civil engineer, to address the traffic engineering for this specific property. If there is a vehicle traversing northbound on Gummow Drive from Reno Highway, they have to negotiate an incline and railroad tracks, and then by the time that they are in the storage container they may be doing 15 to 20 miles per hour. The southbound traffic has to negotiate the curve coming toward the property, then the railroad tracks and stop sign at Reno Highway, which means that they are decelerating. Vice Chair Yates remarked that we hope that they are at that point. He is just thinking of the worst case scenario, and he thinks that instead of analyzing whether anyone thinks something may happen, they should be trying to come up with a way to get everything back as close to the setback as they can. He doesn't feel that they are trying to do that at this point. Mr. Chesney responded that in the previous meeting it was determined that they should come back with a variance application for those two containers. Vice Chair Yates agreed that is what they are considering right now, and he is just expressing his concerns on this variance. He doesn't feel that Mr. Chesney is acknowledging those concerns.

Member Getto agrees that none of the existing structures in this area of Gummow Drive are in compliance with the current requirements. This is going to be a compliance issue no matter what, whether it is this building or other buildings further down with multiple different owners. He doesn't see this as a hindrance that much. He believes that if they approve the variance, they can add a condition item that will state that should Churchill County see fit to terminate or modify the variance then they will do so. As it stands now, those containers have been there for at least a year and have posed no issue, and if they do pose an issue in the future, then they would need to address it. This is why he would add a condition item that addresses these issues.

Chair Arciniega asked if Mr. Chesney had any further comments. Don Chesney restated as he said in the previous meeting that they want to be good neighbors in Churchill County, and he thinks that they are. They provide a supreme service to Churchill County farmers, and they are not trying to skirt any issues here. There are just some logistical issues including the 220 amp service, the fact that it is adjacent to the warehouse, the fact that it provides a canvas awning so the people can work under that, and there is really no way to move those two red containers to the north because of the truck scales and movement of trucks to the loading facility. He also noted that the fire department has to have access to the east side of the building. This is a highly unusual property because there is also a road running through the middle of a parcel. Due to the logistics of the traffic on Reno Highway versus Gummow Drive there's really no way that they can move those two red containers anywhere else on the east side of the road, and there's no 220 amp service on the

west side of the road.

Member Nelson expressed that he agrees with everything that Mr. Chesney is saying, but he thinks that the concern is that the company is willing to review this in three years. If in three years it becomes a problem and nothing has been done to mitigate this, it would potentially be a problem. He noted that Mr. Chesney is a civil engineer and if they are planning on staying at this location, this is a problem that may have to be addressed, so he suggested that they use those three years to have some answers at that point. Don Chesney agreed.

Director Spross noted that the Building Department provided a response that indicated that each shipping container will need to get a placement permit. There haven't been any placement permits for any of these containers as of the date of the letter that was received. He offered to give Mr. Chesney his copy of the letter.

Chair Arciniega asked for any further discussion, and since there was none, he 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 conformance with the criteria found in CCC 16.08.090(F) regarding a Variance from the street setback on APN 008-391-10, as described in the Staff Report. Member Bunyard seconded the motion and the decision carried by a majority vote of 5 in favor (Members Bunyard, Getto, Nelson, Picotte, and Vice Chair Yates) and 1 opposed (Chair Arciniega).

Member Nelson, based on the previously adopted findings made for this project, moved to approve the request for Variance to reduce the street setback distance found in CCC 16.16.020.1 at 500 Gummow Drive (APN 008-391-10). This approval is subject to conditions, as listed in the Staff Report, and as amended during the discussion to include a review in three years and Churchill County reserving the right to apply for modification or termination of the permit. Member Getto seconded the motion and the decision carried by a majority vote of 5 in favor (Members Bunyard, Getto, Nelson, Picotte, and Vice Chair Yates) and 1 opposed (Chair Arciniega).

Recommended Conditions:

- 1. This variance is only for Stanislaus Farm Supply. It is not transferable to another location or another operator. This variance does not change the previously approved variance to limit storage containers to 16.*
- 2. The variance will be reviewed in three years at the same time as the variance for the total number of storage containers on the parcel.*
- 3. Churchill County reserves the right to apply for a review of the permit to modify conditions or terminate the permit for road modification or safety concerns.*
- 4. The approved street setback for the closest proposed container in front of the building shall be 47' measured from the centerline of Gummow Road.*
- 5. Other containers and recent structure on the property, on both sides of the road, shall be located at least 90' from the centerline of Gummow Road.*
- 6. The operation shall be in compliance with Churchill County Code, including outdoor storage screening requirements for the storage area east of the road, and building department*

placement permits for all moved containers.

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

H. Consideration and possible action re: An application for a Variance from the paving requirement for creating new lots filed by Emma Fullerton for property located at 1767 Lovelock Highway, Assessor's Parcel Number 008-273-62, consisting of 6.7 acres in the E-1 zoning district. The applicant requests a variance to reduce the road surface standard for Northview Drive from paved to gravel when she does her parcel map.

Emma Fullerton, 1767 Lovelock Highway, said that she is here to try to subdivide her property and also keep the current gravel road as it is. Steve Bell, Bell Land Surveying, stated that he prepared the map and the survey. Ms. Fullerton noted that the gravel road has been there since the 1980s. There is a little test strip that was done by A & K Earthmovers twenty or more years ago. What she would like to do is to subdivide her 6.7 acres into three two-acre parcels, and, essentially, keep the gravel road the way that it is. It is not currently maintained by the county. Only the third lot (Parcel 3 on the map displayed) is really going to be using the actual road of Northview. The northeast parcel there that is close to Lovelock Highway does have direct access to the highway, technically, through the approach there. Ms. Fullerton's driveway does come off of the Lovelock Highway.

Dean Patterson, Senior Planner, shared that Nevada Department of Transportation (NDOT) said that the northeast parcel to be created would have to take access off of Northview Drive and not off of Lovelock Highway. Emma Fullerton replied that the access for that parcel wouldn't go passed anyone else's lots, technically, as it goes straight from Northview Drive onto the approach there. There is no real change to the current neighborhood or current traffic of the lots there.

Chair Arciniega asked for any public comment.

Mark Reynolds, 610 Northview Drive, remarked that he and his wife have lived in this location for 35 years. They feel that the requirements to pave the road for further subdivisions was put in for a reason, and that reason is still valid today. The current occupants on Northview Drive do the maintenance on the road, which has a tendency to develop wash boarding, and they try to keep new residents aware that the road deteriorates very easily if they drive too fast. The road maintenance is a problem, and they feel that to have further subdivisions and more houses using that road without improving the road is not a good idea for them.

Chris Spross, Director, mentioned that the office has received two letters regarding this application. One of them is relatively lengthy, and he summarized by saying that they are opposed to approving the variance (the commissioners were provided with a copy of the letter). The second letter said, "Years ago, I brought a tentative map to the Churchill County Planning Department that would have created two new parcels on Northview Drive, and he was told that he would have to bring the gravel road up to county specifications and pave the entire road. Also, I would have to bring water rights for all four lots on the map, even though two of the four already had homes with wells and septic on the lots. I would think that the county rules would still apply." Director Spross believes that copies of both letters were in the commissioners' packets. Chair Arciniega confirmed that they do have copies, and he asked for additional public comment.

Alan Harrison, 590 Northview Drive, mentioned some of his concerns. Even though there may be only a minimal increase in the use of the road, the county is not going to take on maintenance of another gravel road for which they don't have the manpower, machinery, or budget

to do so. For over 25 years Mr. Hammond has maintained most of the gravel portion, and he has done what he could do to sustain the existing asphalt in supporting the shoulders, filling cracks, and adding cold mix in the potholes. All of that was done at no expense to either the county or any of the other landowners. Mr. Harrison said that they moved there in 1982, and in 1987 all of the existing property owners were required to sign a road maintenance agreement, sharing the burden of the cost for maintenance of that road to keep it in a “safe and usable in all weather” condition. With the introduction of new parcels, there are no requirements for them to share any maintenance costs because those parcels didn’t exist at that time. They were part of a larger parcel, which was designated as to not be subdivided, but over the years and through various maneuvers changes were accepted, the Planning Commission ignored stated rules, and then Northview Drive was never brought up to meet the requirements. The residents of Northview Drive have shouldered the costs of those decisions. As he sees the map here and in order for them to be compliant, they would have to take out 343 feet of existing asphalt because the variance would allow the developer to construct a road to meet county standards gravel road to the existing highway, which would include the non-NDOT approved apron. Per the map you have a gravel road intersecting with a US Highway with no pavement prior to that stop sign. That introduces some significant safety issues—gravel on the road, wash boarding, stopping and starting at the highway intersection breaks down the -200 component in the gravel (i.e. dust to most people)—so you end up with non-bound aggregate, which tends to work its way onto the roadway and creates unsafe steering and stopping. There is a posted speed limit of 10 miles per hour on Northview Drive, and most people try to adhere to this, but some people think that only applies to the people that live there. Per the Planning Commission’s prior decisions to allow someone to circumvent the existing regulations, it complicated property lines, Mr. Harrison’s in particular, ending up costing him close to \$25,000 to correct property lines that were moved to allow someone else to develop their property. Frankly, he doesn’t feel like putting money into someone else’s profit. If the market bears the cost of developing those lots, then let the developer spend that money, put those parcels on the market, and see if it works out. To ask the existing residents of Northview Drive to have another 343 feet of gravel that they have to drive on, as opposed to a paved strip that has stood the test of time for 25 years, comes across as a penalty. To approve this variance would just be to perpetuate bad decisions that previous Planning Commissions made by ignoring printed documents. He doesn’t have any ill will against the developer, and he believes that she was unaware of the mess they were stepping into here. This mess is not new and has existed for quite some time. There are no cheap and easy fixes, but a decision to grant the variance actually costs the other residents. The previous decision to allow a developer to split a piece of property that was not to be split has caused many issues. He shared that he purchased a couple of the lots next to his, and part of the valuation for those lots is that they front the paved portion of the road. Removing pavement that the county didn’t spend any money on affects the value of his properties and allows a developer to have a better profit margin on their subdivided lots.

Steve Bell asked Mr. Harrison about the document regarding a maintenance agreement that was established previously, and Alan Harrison said that he would get that document number to him after the meeting.

Emma Fullerton indicated that she visited the Planning Department on March 17th prior to finalizing the purchase of the property and spoke to the County Planner about road maintenance and gravelling the road. She said that it was “go, go, go, yes, yes, yes, your good to go,” and then here we are come September, within the last thirty or forty-five days, she found out that she will have to pave the road. This has made her kind of disheartened in the whole subdivision. One, she did ask

about a road maintenance agreement, and no one ever said anything about a road maintenance agreement. No one said anything. She asked if she could try a new one and was told that would not happen. She had no idea about the road maintenance agreement from the 80's. Also, to brush up on the fact that these properties have been established since the 80's these houses are not new builds they are not new construction. Everybody bought a house knowing it was on a dirt road. She thinks that since she is only adding one more residence and she could uphold the standards that the neighbors have continued with. It's a great neighborhood, and she is trying to create one two-acre ranchette. These are bigger lots than everybody else's. She was that she cannot create lots that are one-acre or less. She also acknowledged that there is a 100-foot agricultural set back easement that she will abide by on Parcel 3 (demonstrated on the map on the screen). Due to the agricultural set back the house would be placed in line with the rest of the lots toward Northview Drive. She pointed out that it is just one lot with a large roadway frontage, and it would just be one to two cars using that. The only reason that she can't leave the paved strip is because the county said that it must be removed. She is trying to make this more of a uniform road and to continue on with it. The middle lot is going to be going straight out onto the approach at the Lovelock Highway. Again, she did not know about the road maintenance agreement, all of these houses were established in the 80's, this is a dead-end road, and there are four houses that this lot isn't going to be affected by. She argued that the other bought these properties knowing that it was a dirt road.

Chair Arciniega asked for any other public comment. There being none, he turned the discussion over to the Planning Commission.

Member Nelson restated that Ms. Fullerton said that the County is requiring the removal of the asphalt. It is not your first choice? Emma Fullerton nodded in agreement. Originally, the county had an agreement with the original developer that was supposed to pave the first 350' to specifications, is that correct Chris? Director Spross answered, based upon their investigation, when this was being developed there was a bond put up to pave 350' of road at 26' wide. There was an irrevocable letter of credit with a bonding agency that was put up. Since then, that bank has gone out of business. What we can see is that it was never paved. At some point in time, we believe A & K Earthmovers was doing an NDOT job and was required to do a test strip. Instead of paving 350' at 26' wide, they paved 16' wide for 343'. That was a test strip they did for NDOT, but it was not to county standards in terms of the width. How that ended up that way was back in the late 80's or early 90's. Member Nelson clarified that there is 350' give or take. That is the actual number that is paved, correct? Director Spross concurred. Member Nelson inquired if that was also the actual number that the county had a bond for, at one time. Director Spross responded that the width was supposed to be 26' wide. Member Nelson guesses that someone probably cut a deal and paved 350' that wasn't to specifications, and it got left there until the letter of credit was null and void. Director Spross agreed.

Member Nelson agreed that this creates a problem for the County and Ms. Fullerton. He understands what she wants to do, but he also understands the people that live on the road and removal of an existing 350' of pavement. If anyone has driven down Dixie Valley Road lately, that is a really bad idea. He also doesn't feel like it's totally Ms. Fullerton's responsibility that the county let something go that was supposed to have been paved. He doesn't think it's fair that she has to bear 100% of that responsibility for the whole length of the road when the first 350' was supposed to already be paved. We have talked about things like this before with developers having to bear 100% of a responsibility. It says in the application that she is willing to pave from the 350' to the new parcel created. Is that correct? Emma Fullerton replied that if it is cost effective, she would be willing to do that. She doesn't want to have to remove the existing paving and then have

pave the road all the way to the highway. She received three different quotes of \$90,000 to \$150,000, and at that rate the lots are not even feasible. We would be left right where we are, in the exact same predicament of where half of it is paved and half of it is gravel where one person maintains it. She explained that she is trying to improve these lots in this area, not hurt them.

Member Nelson stated that he thinks that this is going to have to go before the County Commission because he doesn't believe that he can approve this based on what the laws say. He is not an elected official, so his power is limited. He shared his view, and the county commission has asked the commission members to at least tell them what they think, that he doesn't think that Emma Fullerton should have to bear the 350' that the County was original supposed to pave. He doesn't think that the residents should have to suffer because they have lost all of their existing pavement. He agrees that one lot on a gravel road is not going to make that much difference.

Mr. Harrison asked to come forward again and said that there are solutions. Unfortunately, it's a sequence. The 343' was a 4-inch leveling course brought to NDOT specifications. It's not "an inch and a half, fly by night, knock on your door, I'll do your driveway for \$50" kind of job. It is very common for the state to take and remediate road. He suggested to mediate costs that there are a couple options: one, do the wings on that existing 343', tie it in, and bring it up to County specifications. There is the 26' wide without removing 343'. Then if you had to take and tie in new asphalt to that new lot, there is the road at 26' wide. You don't tear out about 343', and the developer is not saddled with the cost. With what he suggested, obviously, someone has to go knock on some doors, come back, and state that they talked to the residents of Northview. He believes that the previous developer was a very colorful individual and wouldn't have a problem lying to people to get them to support his ideas. He believes that conversations with residents on Northview Drive outside of this meeting to determine if they would be able and willing to contribute to something like the idea he suggested, and if the County would agree. There are ways to mitigate the injury to all parties involved, and it will take a little bit of time. But with the removal of the 343' of paving, nobody wins. Director Spross stated, emphatically, that the Road Supervisor is against tying onto the existing asphalt and paving 5 feet to either side.

Member Picotte stated that after looking at all of this, Ms. Fullerton isn't going to put a drastically higher percentage of traffic on the road. There has already been a precedence of properties built up and down the road that's currently there. I have been looking at it on Google Earth there's quite a few properties, and you're going to add one dwelling with the split. Emma Fullerton said that, technically, only one of the parcels she would create would be using the road. The parcel on the east would be using Northview Drive for less than a hundred feet to the approach onto the highway. Her property, the one in the middle, would remain as 1767 Lovelock Highway using the driveway with an NDOT approved approach. The lot to the west is the only lot that is really going to be, minimally, changing the traffic using Northview Drive. Member Picotte remarked that is what he had envisioned after all of this is done. There is just one property being added to this. There are already maybe eight or nine properties currently using the road. He definitely feels like the precedence has already been set with that road being used for residential properties. Emma Fullerton corrected by stating there are fourteen already existing properties using that road.

Director Spross cautioned the commission that there is no differentiation between a developer that wants to develop two lots and one that wants two hundred lots, and by allowing one person to do something based on the size of their property or the cost that must be absorbed by one or two lots compared to somebody that is doing fifty lots, where the cost can be absorbed a lot easier, they are still a developer. It is still a requirement by the county code that if you are going to

develop properties, you must pave the road. He expressed that they use caution with their decision that they don't set a precedent that another developer might be able to take advantage of.

Member Picotte understands what Director Spross said and agrees with it. He stated that there are already houses built there and he didn't understand why those were approved on properties along that road without it already being paved. Director Spross explained that our code is developed over time, and there are lots of instances in our code where you were allowed to do something 20 or 30 years ago that you can't do now. So, there are things that change throughout our code through things that we learn. Member Picotte wondered if it could possibly consider this already grandfathered in with all of the other ones knowing that they were going to develop that piece of property. Emma Fullerton interjected that it is zoned E-1 currently, and it's not like she changed that. She remarked that E-1 zoning is for like multiple residences in a small area, almost like a Planned Unit Development (PUD), which is not what she is trying to do. Director Spross informed that there was a developer in the past that tried to do something similar to what Ms. Fullerton is requesting, and he was told that he'd have to pave the road.

Mark Hammond, 700 Northview Drive, stated that one of the lots that he was going to break off, when he was told that he would have to pave the whole thing is right next to Ms. Fullerton's. If you allow her to do this, then he is going to come back and request to divide the one next to her. Then Milt is going to do the same with his lot on the end. If you make that exception for her, then you'll make it for us and end up with two more properties that will request the same thing for a lot or two from each parcel. Member Picotte asked if there is copy of that denial from years ago, and Mark Hammond stated that he can bring it show the commission or department. He remarked that Lumos & Associates prepared the parcel map for him, and he was informed that he would have to pave the road. He didn't ask for a variance because he didn't want anything more to do with it after that and the fact that he would also have to bring water for all four lots created by the map. There were already two houses on the parcel, and they said that the map shows four lots so he would have to provide water for all four lots created as well as pave the entire road. He had no intention of doing all of that because it wouldn't be cost effective.

Member Nelson questioned if Mr. Hammond meant dedicate water rights when he said to provide water, and Mark Hammond confirmed that it is. He pointed out that there's already two houses there with wells and septic on them, and he was told that he would be creating four lots, he would have to bring water for all four and pave the road. Member Nelson understands all points being made. There are county codes that we have to adhere to. This situation does put us in kind of a bind, and again he went back to that first 350' where he doesn't believe that they should have to bear that cost, but that is the way it is. Mark Hammond reiterated that it just seems foolish to tear the existing paving out. It was A & K Earthmovers, and they were trying to bring that up to state specifications for a new plant they had for that state highway. That's how that strip got put down there. That's what the county told him would be required in order to split the lots on Northview Drive. He again pointed out that the commissioners may think that this is just for one more lot, but others will come forward to get the same variance, and they'll still have just a gravel road instead of the paved portion that they have now.

Emma Fullerton inquired regarding whether she decides to continue with the subdivision of her lot exactly what will be expected of her in clear and certain terms. She doesn't want to be told what she might be able to do or get, and she wants things in exact terms. Vice Chair Yates shared that the code requirements come from the department and County Commissioners. The Planning Commission just have to interpret the codes and whether or not something meets the criteria.

Joe Sanford, Deputy District Attorney—Civil, stated that he may be able to provide

guidance in terms of where things are at and what options exist. There is this variance that is being requested, and there's a subsequent parcel map action as well. The way it's currently set up the parcel map action is a recommendation with final approval by the County Commission, and the variance isn't one of those, which is why it's an action item for the Planning Commission. He suggested, based on what he has heard, that this is a significant departure from the code, and this would be the kind of thing you'd expect more for the County Commission to decide. At this point, something that could be considered should the application be denied today, and Ms. Fullerton would be able to file an appeal to go in front of the County Commission. Ultimately, they are the ones who would be able to consider the arguments made regarding this variance. Based upon the wording in the code as expressed by Director Spross, you would have to remove the existing asphalt that is not to county specifications, and then pave the entire road. There are good reasons for why the code is that way. There are findings that need to be made in order to grant this variance. If the Planning Commission wanted to have this type of decision go in front of the County Commission, they can deny it, and then Emma Fullerton could have the commission review it through an appeal. If they were to approve this variance, there could be a subsequent problem with the recommendation portion that could cause the parcel map not to be approved. He wants the members to understand the path going forward regardless of what they do in terms of the parcel map, will be to leave an option for appeal should that be the intention to move forward based off of a denial of a variance from the strict application of the code. Chair Arciniega thanked Joe Sanford.

Emma Fullerton said that she's been told three different probable scenarios, but still no black and white answer. She remarked that she was never told about the paving requirement, even when she spoke with the planning department prior to even purchasing the property. She was told that she had to pave 30' into her property, and then told that she would need to pave all the way through the property, and then also told she had to pave all of the way to the end of the road. Which one is it? Do we not know?

Dean Patterson wasn't sure where she got the information for the scenarios she shared. He affirmed that this department stated the requirement for a parcel map would be to pave. He assured that he never said that she would need to pave all of the way to the end of the road. She would need to pave the road, and that would typically be to the point where access is taken. So, if you don't want to limit where you're going to take access, it would have to go all the way through the property. But most people would just take access at the nearest corner and pave to that point. This would also have to be shown on the map, and that would be how it would be approached. Emma Fullerton said that there's really no guidelines of where she actually had to stop as long as it was at least 30' in as she is understanding. She just wants to make sure that she's hearing that correctly. Dean Patterson confirmed that she would need to get to the driveway of the property, and if she doesn't designate where the driveway would be, then she'd have to do the frontage of that parcel.

Member Bunyard inquired if Dean Patterson meant this for parcel 3, and Mr. Patterson agreed. Member Bunyard questioned regarding the original property if the access would be from the Lovelock Highway. Emma Fullerton replied that it is. Member Bunyard believes that the access easement for the original parcel was from the highway, and that could be why this property wouldn't have been included in the road maintenance agreement.

Emma Fullerton asked about an easement through her property. Dean Patterson remarked that would be a different proposal, and he isn't really sure what she means by an easement through her property that would probably result in reconfiguration of the project. Emma Fullerton shared an idea to extend lot three into the front of her property and using the same access for both parcels. Mr. Patterson pointed out that she would have to widen the flagpole to be the full width of a normal

road, which would probably end up taking out the house. Ms. Fullerton disagreed because her house is 60' away. Dean Patterson noted that would have the house right on the edge of the easement, which is also not allowed. Mr. Patterson stated that coming up with alternative configurations for the parcel map is something for outside this meeting. He said this application is regarding the variance for the parcel map submitted, which has a specific configuration to be proposed and acted on. He noted that they could discuss alternatives after this meeting, but right now the Planning Commission can only consider this specific parcel map and not alternative configurations. Chair Arciniega explained that the discussion tonight is for the variance of a road surface standard from paved to gravel. That's what we are discussing and requested to act upon at this time. Is that correct? Dean Patterson responded that he was correct, normally Planning Commission sends a recommendation on the map to the County Commissioners, and if the Planning Commission decides to deny the variance, Ms. Fullerton will most certainly appeal that decision, so that she can have the decision about the gravel road made at the same time as the decision on the parcel map by the Board of County Commissioners.

Chair Arciniega would her parcel map remain the same or would she be able to make changes. Dean Patterson replied that it would remain the same. She would still want to ask for the paved road standard to be waived, which is what she is requesting with the variance application.

Chair Arciniega asked if there was any further discussion.

Member Nelson inquired if Emma Fullerton is considering redoing the parcel map. Ms. Fullerton would consider anything as long as she can get black and white answers and real guidance on it. Member Nelson asked if she is going to redo her parcel map why this would move forward to the county commission at this point. Dean Patterson remarked that if she would be making changes to the parcel map and is withdrawing the variance application, then the Planning Commission wouldn't need to be make a decision on it. Member Nelson recommended that Ms. Fullerton and Steve Bell think about what they want to do before taking this any further if they are going to make a change. It's a waste of time to go to the county commission with something they're going to change anyway. Emma Fullerton thanked him for his suggestion.

Alan Harrison requested to ask a quick question. Is it essential that the existing 343' of asphalt has to be removed? Can there be a request for a variance to extend the gravel outside of the existing paved road. He noted that there has never been an automobile accident on that piece of pavement, it's in good shape, and it serves all of the residents. Is it essential to remove the paving? Could there be a modified request for a variance for the existing gravel to be brought into compliance for the county specifications? Chair Arciniega said that would be another matter to be acted on with a different request. Dean Patterson declared that the choice is whether the application is being withdrawn or the commission will take action on the application as it is before them. Member Picotte pointed out that there is a chance that if they do deny it, that it could get approved by the county commission as it is in the application. Chair Arciniega questioned if it was denied, does it automatically go to the commissioners. Dean Patterson explained that Ms. Fullerton would have to file an appeal of their decision to the board, in order for them to consider the variance as it is in the application. He said that if she wants the gravel road, she will have to appeal a denial and have it go with the parcel map to the county commission. Part of the difficulty is that the Planning Commission is in the position of approving variances for county roads, and the Road Supervisor is the one responsible for roads in the county. The county commissioners are over all departments in the county, and so we've talked a lot about the existing setup for these situations. We could suggest a change to regulations for these types of situations where someone could ask for a variance from a road standard, and the Planning Commission would give a recommendation to the board rather than

having to make a decision on a variance. This is something we are considering for the future, but right now this is the only recourse we have to work with according to the county code. Chair Arciniega noted that this is still a privately maintained road, and the road department doesn't have anything to do with it. Dean Patterson reported that the Road Supervisor does not maintain these, but he is also responsible for all the county roads. For example, if someone tries to block the road off, he's responsible, along with the county commissioners, to make sure the road stays open. There are lots of privately maintained roads, there are lots of desert paths that are actual roads, and so they are to be maintained in an open state.

Alan Harrison stated his understanding that the county has a system regarding roads that may be a non-maintained county easement, and then a road is developed and becomes a minor road or a major road with the idea that once the requirements for pavement are met the county accepts responsibility for the road. That's why people want roads moved into the county's possession, but the county won't take possession of this road unless it's brought up to their specifications. This road is still considered a non-maintained county easement. Since the road was never built to county standards, it was not accepted into the county road system. Emma Fullerton wondered if it is paved, would the county take over maintenance of it. She then stated that she wanted to move forward with it as is for now.

Member Picotte questioned Joe Sanford how far from the county code is the scope for their decision on this variance. Joe Sanford replied that this is within the scope for the planning commission to decide on the request in the variance application. He outlined from the code the terms for agreeing that the findings have been met if the commission is considering granting the variance.

- The property is characterized by an extraordinary or exceptional situation or conditions, such as exceptional narrowness, shallowness, or shape, or has exceptional topographic conditions at the time of enactment of the regulations.
- The strict application of the regulations would result in peculiar and exceptional practical difficulties to, or exceptional undue hardships upon, the owner of the property.
- Granting of this variance will not be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the vicinity.
- The proposed variance is consistent with the intent and purpose of this title.

Those are the four things they have to consider and all of them need to be met. It is the obligation of the applicant to show that those things are true. Consideration of this variance request is within the commission's scope, and it is up to them to decide if they can make those findings at this time. Member Picotte thanked him for that answer to the question. He shared that he does understand the point that Mr. Hammond made about the others that weren't able to develop in the area because of the code requirement for the road.

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

Member Nelson, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings, as is, have not been met for conformance with the criteria found in in CCC 16.08.090(F) regarding a Variance to reduce the parcel map road surface standard from paved to gravel on APN 008-273-62, as described in the Staff Report. Vice Chair Yates seconded the motion and the decision carried by unanimous vote.

Vice Chair Yates, based on the previously adopted findings made for this project,

moved to deny the request for Variance to reduce the parcel map road surface standard found in CCC 16.12.040.2.A.4.a from paved to gravel on APN 008-273-62. Member Getto seconded the motion and the decision carried by unanimous vote.

Chair Arciniega advised that there is a ten-day appeal period in which the applicant could appeal the Planning Commission's decision to the Board of County Commissioners.

10. Action Item:

A. Consideration and possible action re: A parcel map application filed by Emma Fullerton for property located at 1767 Lovelock Highway, Assessor's Parcel Number 008-273-62, consisting of 6.7 acres in the E-1 zoning district. The applicant proposes to divide the parcel into 3 parcels of approximately 2-acres each.

Emma Fullerton, 1767 Lovelock Highway, and Steve Bell, Bell Land Surveying, were available for questions.

[**Note** that this parcel map agenda item was preceded by a variance agenda item for the same project to reduce the paved road standard to a gravel road standard. There was extensive discussion of the project centered around the variance request and related road problems. The Road Supervisor recommended denial of the variance, which formed the recommendation of the staff report. It was noted that a denial of the variance could be appealed to the County Commissioners by the applicant, and the Planning Commission did deny the variance application. In addition to discussion of variance matters, there was conversation about road access for the new parcels and other configurations that might deal with the road surface issues, maintenance, and traffic on Northview Drive. Dean Patterson, Senior Planner, noted the response received from Nevada Department of Transportation (NDOT) that stated the new parcels created would need to take access on Northview Drive and no new access from Lovelock Highway should be requested.]

Chair Arciniega noted that the Planning Commission's recommendation for this item will be forwarded to the Board of County Commissioners for a final decision. He asked for comments from the Planning Commission, and Member Nelson stated that they have basically been through the request for dividing the property while discussing the variance application. They have spoken with the public regarding the road issues related to the variance request, which the Planning Commission denied. Member Nelson commented that they don't have a problem with the division of the parcel; however, the issues came up regarding the variance from paving the road.

Chair Arciniega invited Emma Fullerton to add anything that she would like, and Ms. Fullerton responded that she could go back over everything that they discussed with the variance application, but it is 10:00 p.m. Chair Arciniega then 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 conformance with the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A) regarding an application for a Parcel Map to split the lot into three parcels on APN: 008-273-62. Member Getto seconded the motion and the decision carried by a majority vote (5 in favor-Members Bunyard, Getto, Nelson, Picotte and Chair Arciniega; and 1 opposed-Vice Chair Yates).

Member Getto, based on the previously adopted findings made for this project,

moved to recommend that the Board of County Commissioners:

(A) APPROVE the Parcel Map permit application for Emma Fullerton to divide APN: 008-273-62 into three parcels. This approval is subject to conditions, as listed in the Staff Report.

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

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

Member Bunyard seconded the motion and the decision carried by a majority vote (5 in favor-Members Bunyard, Getto, Nelson, Picotte and Chair Arciniega; and 1 opposed-Vice Chair Yates).

Recommended Conditions:

1. *Changes shall be made for compliance with Churchill County Code, including but not limited to:*
 - a. *Typographic errors in certificates shall be corrected.*
2. *Any final changes required by the County Surveyor shall be made prior to recording.*
3. *A Note shall be placed on Parcel 5 stating: "Access for this property must be from Northview Drive."*
4. *An Agricultural Protection Plan shall be submitted. An acceptable alternative is to place a setback line 100' from the south property line of Parcel 3 labeled "100' residence setback from agricultural land".*
5. *Northview Drive shall be improved to the County standard consistent with the final decision on the proposed Variance from the road surface standard.*
6. *All required permits and authorizations from NDOT must be obtained for improvements and alterations made to Northview Drive.*
7. *An application for new addresses shall be submitted prior to recording the map.*
8. *Water dedication requirements must be met prior to recording the map and includes an existing credit for the existing home.*

Chair Arciniega thanked the applicant and advised that the Planning Commission's recommendation will be forwarded to the Board of County Commissioners meeting on October 6, 2022.

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

- A. Consideration and possible action re: Termination of a temporary use permit for temporary quarters during home construction previously granted to Michael & Renee Matovina for property located at 675 River Village Drive, Assessor's Parcel Number 008-421-78, consisting of approximately 1.04 acres in the E-1 zoning district. *Origination date 8/11/21.* Their house is complete, and the permit is no longer needed.
- B. Consideration and possible action re: Termination of a special use permit for off premise outside storage to establish a construction storage yard previously granted to Scotty & Cheyne Moss for property located at 2519 Resource Drive, Assessor's Parcel Number 009-251-43, in the Industrial zoning district. *Origination Date 7/11/18.* This permit was superseded by a subsequent special use permit to include the office building and other onsite facilities;

therefore, this permit is no longer needed.

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

12. Public Comment:

There were none.

13. Adjournment:

There being no further business to come before the Planning Commission, Chair Arciniega adjourned the meeting at 10:15 p.m.

14. Appendix:

Supporting Documentation

Respectfully submitted,



Diane Moyle
Administrative Assistant



**CHURCHILL COUNTY
PLANNING COMMISSION
CHURCHILL COUNTY, NEVADA**

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******NOTICE OF PUBLIC MEETING******

AGENDA

PLEASE POST

PLACE OF MEETING: Churchill County Administrative Building, Commission Chambers,
155 North Taylor Street, Fallon, Nevada

DATE & TIME: September 14, 2022 at 7:00 PM

TYPE OF MEETING: Regularly Scheduled Planning Commission Meeting

Live Webcasting:

<https://churchillconv.suiteonemedia.com/web/live/>

If you wish to make public comment, you may make them in person at the meeting or via e-mail, no later than 4:30 PM the day before the meeting, to: planning-admin@churchillcounty.org and planning-bl@churchillcounty.org.

Notes:

- I. These meetings are subject to the provisions of Nevada Open Meeting Law (NRS Chapter 241). Except as otherwise provided for by law, these meetings are open and public.***
- II. Action will be taken on all Agenda items, unless otherwise noted.***
- III. The Agenda is a tentative schedule. The Planning Commission may act upon Agenda items in a different order than is stated in this notice – so as to affect the people's business in the most efficient manner possible.***
- IV. In the interest of time, the Planning Commission reserves the right to impose uniform time limits upon matters devoted to public comment.***
- V. Any statement made by a member of the Planning Commission during the public meeting is absolutely privileged.***
- VI. All persons participating in the meetings are put on notice that an audio and video recording is made of these meetings.***

AGENDA:

- 1. Call to Order.**
- 2. Pledge of Allegiance.**
- 3. Public Comment.**
- 4. Verification of the Posting of the Agenda.**

5. **Consideration and possible action re: Approval of Agenda as submitted or revised.**
6. **Verification of notification of all landowners in accordance with NRS and the Churchill County Consolidated Development Code.**

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

August 10, 2022 Public Hearing

8. **Old Business.**

- A. Consideration and possible action re: A temporary use permit renewal for temporary quarters during home construction filed by Oscar & Sally Alldredge for property located at 13215 Power Line Road, Assessor's Parcel Number 006-121-09, in the RR-20 zoning district. *Origination date 9/13/17.* The applicant is requesting another renewal stating that Oscar Alldredge has had some health problems since June.
- B. Consideration and possible action re: A temporary use permit renewal for temporary quarters during home construction filed by Robert Hunter for property located at 4432 Benson Lane, Assessor's Parcel Number 006-631-27, in the A-5 zoning district. *Origination date 9/11/19.* The applicant states that he is working on progress toward building of home.

9. **Public Hearings:**

- A. Consideration and possible action re: A temporary use permit application for two (2) temporary quarters while establishing a permanent dwelling filed by Latricia Dean for property located at 17323 Lahontan Dam Road, Assessor's Parcel Number 006-122-23, consisting of 19.38 acres in the RR-20 zoning district. The applicant proposes to have her family live in two (2) RVs on the property while they work toward placement of a permanent dwelling on the property.
- B. Consideration and possible action re: A temporary use permit application for temporary quarters for a commercial watchman filed by Brenda Garabito, owner of Bulldog Restorations, for property located at 3921 Arnold Way, Assessor's Parcel Number 008-411-55, consisting of 1.09 acres in the C-1 zoning district. The applicant proposes to have a watchman reside in an RV on the property to protect the property and equipment inside the building.
- C. Consideration and possible action re: A temporary use permit application for temporary quarters for a hardship/caretaker filed by Zoanne Clark for property located at 4969 Silver Sage Lane, Assessor's Parcel Number 006-811-62, consisting of 5.5 acres in the A-5 zoning district. The applicant proposes to have her son reside in an RV on the property to help care for her and the property.
- D. Consideration and possible action re: A special use permit application for a home-based business for firearm service and repair, which requires an FFL license, filed by Grant Corrigan for property located at 1195 Dean Lane, Assessor's Parcel Number 008-532-21, consisting of 1.0 acre in the E-1 zoning district. The applicant proposes to operate a home-based business with customer traffic by appointment during business hours.
- E. Consideration and possible action re: A special use permit application for an expansion of a crop processing facility filed by Colby Frey of the Frey Ranch Distillery for property location at 1045 Dodge Lane, Assessor's Parcel Number 006-092-02, consisting of 50.0 acres in the A-10 zoning district. The applicant proposes to authorize the facility expansions that have happened since the last special use permit, a new expansion of the

distillery, and a new barrel house storage building.

- F. Consideration and possible action re: A major special use permit application for additional facilities at a chemical manufacturing plant filed by Safety-Kleen Systems, Inc. for property located at 22211 Bango Road, Assessor's Parcel Numbers 007-071-80 and 007-071-81, consisting of a total of 30.5 acres in the Industrial zoning district. The applicant proposes to update their current special use permit to add another office building and a glycol recovery unit.
- G. Consideration and possible action re: An application for a Variance from the setback requirement filed by Stanislaus Farm Supply for property located at 500 Gummow Drive, Assessor's Parcel Number 008-391-10, consisting of 3.54 acres in the C-1 zoning district. The applicant requests to be allowed to leave the two (2) storage containers that are west of the main building and within the street setback of Gummow Drive.
- H. Consideration and possible action re: An application for a Variance from the paving requirement for creating new lots filed by Emma Fullerton for property located at 1767 Lovelock Highway, Assessor's Parcel Number 008-273-62, consisting of 6.7 acres in the E-1 zoning district. The applicant requests a variance to reduce the road surface standard for Northview Drive from paved to gravel when she does her parcel map.

10. Action Item.

- A. Consideration and possible action re: A parcel map application filed by Emma Fullerton for property located at 1767 Lovelock Highway, Assessor's Parcel Number 008-273-62, consisting of 6.7 acres in the E-1 zoning district. The applicant proposes to divide the parcel into 3 parcels of approximately 2-acres each.

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

- A. Consideration and possible action re: Termination of a temporary use permit for temporary quarters during home construction previously granted to Michael & Renee Matovina for property located at 675 River Village Drive, Assessor's Parcel Number 008-421-78, consisting of approximately 1.04 acres in the E-1 zoning district. *Origination date 8/11/21.* Their house is complete, and the permit is no longer needed.
- B. Consideration and possible action re: Termination of a special use permit for off premise outside storage to establish a construction storage yard previously granted to Scotty & Cheyne Moss for property located at 2519 Resource Drive, Assessor's Parcel Number 009-251-43, in the Industrial zoning district. *Origination Date 7/11/18.* This permit was superseded by a subsequent special use permit to include the office building and other onsite facilities; therefore, this permit is no longer needed.

12. Public Comment.

13. Adjournment.

14. Appendix.

Supporting Documentation

STATE OF NEVADA)
 : ss.
County of Churchill)

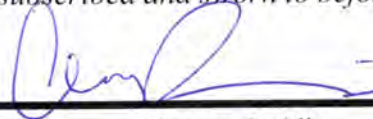
I, **Diane Moyle, Administrative Assistant**, do hereby affirm that I posted, or caused to be posted, a copy of this notice of public meeting, on or before the **8th day of September 2022**, between the hours of **8:30 a.m. and 4:30 p.m.**, at the following locations in Churchill County, Nevada:

1. County Administration Building, 155 N. Taylor St., Fallon, NV;
2. The Churchill County Website @ www.churchillcountynv.gov;
3. The State of Nevada Website @ <https://notice.nv.gov/>.



Diane Moyle, Administrative Assistant

Diane Moyle, Administrative Assistant, who was subscribed and sworn to before me this **8th day of September 2022**.



Notary Public



ALEXA ROBINSON
Notary Public - State of Nevada
Appointment Recorded in Churchill County
No: 21-2602-04 - Expires December 1, 2025

Endnotes:

Disclosures:

**Churchill County is an equal opportunity provider and employer.*

Accommodations/Nondiscrimination:

**In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies or complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency [(775)423-4092] or USDA's TARGET Center at (202)720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800)877-8339. Additionally, program information may be available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at: http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the Complaint Form, call (866)632-9992. Submit your completed form or letter to USDA by:*

1. Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

2. Fax: (202)690-7442; or
3. Email: program.intake@usda.gov.

Procedures:

**The public meetings may be conducted according to rules of parliamentary procedure.*

**Persons providing public comment will be asked to state their name for the record.*

**The Churchill County Planning Commission reserves the right to restrict participation by persons in the public meeting where the conduct of such persons is willfully disruptive to the people's business.*

**All supporting materials for this Agenda, previous Agendas, or Minutes are available by requesting a copy from the Public Works, Planning and Zoning office, 775-423-7627. During the meeting, there will be one copy available for public inspection. Additional copies are available by making the request from the Public Works, Planning and Zoning office. You are entitled to one copy of the supporting materials free of charge.*



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

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

STAFF REPORT FOR PLANNING COMMISSION MEETING – September 14, 2022

Prepared September 7, 2022

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on September 7, 2022 to review the project applications listed below that are on the agenda for the September 14, 2022 Planning Commission Meeting. Site visits were made as noted.

• Dean TUP for Temporary Quarters for Home Construction	Page 2	No Site Visit
• Garabito TUP for Temporary Quarters for Commercial Watchman	Page 4	No Site visit
• Clark TUP for Temporary Quarters for Hardship/Caretaker	Page 6	No Site Visit
• Corrigan SUP for Home Based Firearms Business	Page 8	No Site visit
• Frey Distillery SUP for Crop Processing & Storage (& bottling)	Page 11	No Site visit
• Safety-Kleen SUP for Chemical Manufacturing	Page 17	No site visit
• Stanislaus Farm Supply Variance from street setback	Page 20	No Site visit
• Fullerton Variance for gravel road on parcel map	Page 23	No Site visit
• Fullerton & Johnson Parcel Map (3 lots)	Page 26	No Site visit
• Consent Agenda	Page 30	No Site Visit

PC Members Present

Scott Nelson
Charlie Arciniega
Deanna Diehl

Staff Members Present

Dean Patterson
Chris Spross
Diane Moyle
Alexa Robinson

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:	Temporary Use Permit	Use Table Listing:	2X Temporary Quarters for Home Construction
Applicant:	Latricia Dean	Owner:	William & Rosa Stewart
Site:	17323 Lahontan Dam Road (APN 006-122-23) – 19.38 acres		
Designations:	Master Plan – Agriculture // Zoning – RR-20		

Background: This application results from enforcement action on the subject property for 2 RVs being lived in. This request attempts to resolve the violation. There is a history of code enforcement actions regarding the mobile homes.

Summary: The applicant is requesting a Temporary Use Permit for 2 Temporary Quarters for Home Construction to place two recreational vehicles (RV) on the property during the construction of a home. The proposed 2000 RVs are already located on-site and set up for use.

The property has been owned by the applicant's parents, who are now deceased, since 1999. The property was previously developed with a mobile home, and has a septic system and well. The site has a long history of having multiple derelict mobile homes on-site – usually having 3 in various states of habitation or decay or demolition. The earliest photo is 2005. The site plan is on the 2017 photo. In the air photos there are different RVs present in variable locations. There is also a large patched-together shed on the property.

The applicant had been living on the property with her parents and has been paying the property taxes for years. Since they have passed away, she is working to get the title in her name. Her family is living in 2 RVs. After much interaction with the Code Enforcement Official, the applicant has submitted this application for permission to continue living in the RVs while they work to place a manufactured home on-site to live in. According to the enforcement official, they are working on dis-assembling the derelict mobile homes and have made progress.

The application indicates they are looking for a replacement manufactured home, though it has not been acquired yet. They plan to have it completed in about 6-months. The site plan shows it located in the midst of the derelict mobile homes, presumably after those have been removed. It will be served by the existing septic system, water well, and generator. It will have to be permanently setup with a permanent foundation. No building permits are obtained yet. The 2 RVs will be connected to the site's existing well and septic but will use a generator for power.

The property is served by Lahontan Dam Road (near the reservoir), which is a privately-maintained (really not maintained) gravel and dirt road in a 60-foot easement that is entirely on the property and running along the west property line. In addition, Nobs Hill Road runs along the east property line, and is a privately-maintained (really not maintained) gravel and dirt road in a 60-foot easement that is entirely on the property. No known public utility easements are found on the property, although the major power line running through the area lies just of the property to the east.

Criteria Review: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for temporary quarters for home construction in CCC 16.08.070(B)4 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria are:

“On a lot or parcel when the temporary living quarters are parked on the same parcel of land and utilized as a temporary residence during the construction or placement, renovation, or remodel of an on-site permanent dwelling. The temporary use permit shall be subject to yearly renewals and shall terminate upon expiration of the building permit or within thirty (30) days of the issuance of a certificate of

occupancy or if the Planning Commission denies the renewal. Each yearly renewal will require evidence of substantial progress toward the construction or placement of the permanent residence in order to be granted.”

The proposed RV site is on the same lot as the new home site; being located in the vicinity of the derelict mobile homes, which will be removed. The RV, including pop-outs, must meet a 5-foot setback from the property line, which it does. The existing services and home location are located amongst the derelict mobile homes, which will be removed. Conditions of approval will require obtaining all necessary building permits and RV setup permits. This permit will require annual review if not completed within the first year. If no progress is made in these items before the annual renewal, the Planning Commission might not renew the permit. The complication for this proposal is that the applicant has multiple existing mobile homes and RVs on-site that are in violation of County Code, and is asking for additional RVs to be allowed. Resolution of the other homes and RVs should be a requirement of any approval.

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 conformance with the criteria found in CCC 16.08.070(B)4 regarding a Temporary Use Permit for Temporary Quarters for Home Construction on APN 006-122-23.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – Staff Report provides adequate findings.]

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the application for a Temporary Use Permit for Latricia Dean to establish a Temporary Quarters for Home Construction at 17323 Lahontan Dam Road (APN 006-122-23). **[For APPROVAL 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 violations shall be resolved to the satisfaction of the Code Compliance Official. Derelict RVs, truck campers, and mobile homes shall be removed. Failure to meet this condition may prevent renewal of the permit.
3. All required Building Department approvals and safety certificates must be obtained
 - a. Any Setup Permit necessary for the setup of the temporary quarters must be obtained along with any required inspections of water, septic and electrical connections within 90 days of connecting to a service.
 - b. All necessary permits for home construction must be obtained.
4. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation. No manufactured homes may be used as a temporary residence while constructing a home.
5. This temporary use permit is subject to annual renewal. ***The applicant must show substantial progress of home construction during the annual review hearing.***
6. Once home construction is complete enough to allow habitation, the RV must be disconnected from sewer/water/electric services and made lawful at its subsequent location.

Application:	Temporary Use Permit	Use Listing:	Temporary Quarters for Commercial Watchman
Applicant:	Bulldog Restorations (Brenda Garabito)	Owner:	Bulldog Auto Sales.
Site:	3921 Arnold Way (APN 008-411-55) – 1.09 acres		
Designations:	Master Plan – Urbanizing // Zoning – C-1		

Background: This application results from enforcement action on the subject property for an RV being lived in. This request attempts to resolve the matters.

Proposal: The Company does vehicle repair and alterations work. The facility is new, and received a SUP in May 2021 for auto painting activity. A 2020 RV is already on site and being used. The site is fenced and screened, including the vehicle storage yard. A secure building is also onsite. The proposed RV site is to the rear of the building, and will use the site water, septic system, and power services. The application indicates the owner (husband of applicant) will live in the RV.

The property takes access from Arnold Way, which is a publicly maintained paved road located in a 60' road easement centered along the north side of the property. A privately maintained unnamed road runs along the east site in a 60' road easement, 40' of which lies on the subject property. It provides access to the farm south of the property. The RVs must be located outside the easements and yard setbacks, which it does.

Criteria Review – Commercial Watchman: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for a watchman's quarters from CCC 16.08.070(B)2 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria are:

"Temporary living quarters for watchman's quarters is only permitted in conjunction with a commercial or industrial operation and is to be used for **security purposes only**. These security purposes must be proven, established, justified, or demonstrated. Watchman's quarters shall not be used solely as a primary single-family dwelling."

Information in the application and conversations with the applicant provide the following background for the request. The business is a bona-fide commercial operation operating for over a year. It also has a business license in compliance with County Code. The applicant claims to have a need for a commercial watchman but have provided no evidence of a security problem and the business appears to be more secure than many businesses in the community. It is not clear why the owner would be living at the site in an RV rather than their local home.

STAFF RECOMMENDATION: DENIAL

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [***HAVE BEEN // HAVE NOT BEEN***] met for conformance with the criteria found in CCC 16.08.070(B)2 regarding a Temporary Use Permit for Temporary Quarters for Commercial Watchman on APN 008-411-55.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – Staff Report provides adequate findings.]

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the Temporary Use Permit application for Bulldog Restorations to establish a Temporary Watchman's Quarters on APN 008-411-55.

For APPROVAL the motion should ADD: This approval is subject to conditions, as listed in the Staff Report.

Recommended Conditions for either temporary quarters on the property (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 person occupying any RV must be an employee.
2. The temporary quarters must comply with Churchill County Code.
 - a. All required Building Department approvals and safety certificates must be obtained for the RV, including any required set-up permits, and any inspections of water, septic and electrical connection when the temporary quarters is installed.
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.

Application:	Temporary Use Permit	Use Table Listing:	Temporary Quarters for Hardship/Caretaker
Applicant:	Zoanne Clark	Owner:	Zoanne Clark
Site:	4969 Silver Sage Lane (APN 006-811-62) – 5.5 acres		
Designations:	Master Plan – Agriculture // Zoning – A-5		

Background: This application results from enforcement action on the subject property for an RV being lived in. This request attempts to resolve the matters.

The property was previously on the Planning Commission agenda for the October 13, 2021 meeting, though the applicant asked to postpone the application and there has been no action on it. A horse boarding business had been run on the site. When discovered, the Code Compliance Official encouraged the applicant to submit a Home Business SUP. During the review, it was also learned that the applicant and her son were both living in RVs. The applicant was in the last stages of having a new manufactured home installed and has since moved out of the RV and into the home. The applicant was informed that she needed a Temporary Use Permit for her son to live in the RV, which is the purpose of this application. Other issues arising from that review are:

- Regarding the horse boarding use, the applicant recently stated that is no longer taking place. But neighbors have called to complain about the continued business activity.
- It was also learned that the horse corral covers were unsecured and had been installed without building permits.
- A second uninhabitable mobile home was placed very close to an old creosote timber constructed building, has no placement permit, and is a violation. The applicant indicates it is being used for a “play house” for kids to sleep and watch TV, so it is being occupied. It may have electricity connected to it, but currently does not appear to have bath or kitchen appliances present or operable. It does not meet separation requirements from the adjacent building.

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/ Caretaker purposes to place a recreational vehicle (RV) of unknown age on the property. The unit is already on-site, and is set up for use. It has been on site since early 2021 when the applicant purchased the property.

Ms. Clark is 81 years old, and is requesting a temporary quarters for her son Guy Lewin to live in and assist her with maintenance of the property and keep an eye on her. Ms. Clark will live in the permanent home, and her son will live in the temporary quarters. The site plan shows the proposed layout; and the RV will be located near the shop/garage, and will connect to the site septic, power, and water. **NOTE** that the Code Compliance Official indicates that the son is also handicapped with mobility difficulties.

The property is one of many similar 5-acre residential lots along Silver Sage Lane. For the most part, these lots are surrounded by agricultural lands, with other 5-acre or similar lots mixed in. Adjacent to the south and east of the property are agricultural lands, the other side are residential. Access is from Silver Sage Lane, which is a County-maintained paved road located within 60’ road easement centered on the west property, though the road deviates to the west side of the easement where it approaches its intersection with Union Road. The property does not front on Union Road, being separated by a TCID canal. Weaver Road runs along the east side, but is separated from the property by another delivery canal. Roads and property lines have utility easements along them.

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 no documentation was provided.

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 conformance with the criteria found in CCC 16.08.070(B)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 006-811-62.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – add additional findings:] 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 Zoanne Clark to establish a Temporary Quarters for Hardship/ Caretaker at 4969 Silver Sage Lane (APN 006-811-62).

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 permit does not authorize a business to operate at the site. Doing so requires other permits.
2. The applicant shall provide documentation that the person needing care qualifies for the use either for age or physical/mental disability.
3. The temporary quarters must comply with Churchill County Code. 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.
4. 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.
5. 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.
6. This temporary use permit is subject to annual renewal providing proof that the need still exists.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Home Based Business for Gunsmith & Firearm service/repair</u>
Applicant:	<u>Grant Corrigan for Grants Gun Garage</u>	Owner:	<u>Jean M. Corrigan Trust</u>
Site:	1195 Dean Lane (APN 008-532-21) - 1 acres		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

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

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

Thus, a Home-Based Business is accessory to, and subordinate to the primary residential use. Normally a Home-Based Business is reviewed through an over-the-counter permit. They must meet EIGHT (8) criteria of CCC 16.16.020.8.1(a-h), which would help them to be nearly un-noticeable to neighbors. Those that cannot meet the criteria might have impacts on neighboring residences but might be approved through an SUP if they can meet the criteria of CCC 16.16.020.8.2(a-h). The proposed business is requesting the SUP due to customers coming to the property. **IT SHOULD BE NOTED** that one of the criteria for a home business is that it will be operated in a way that DOES NOT change the residential character. An item in the application mentions that weapons will be test fired. This would require review under the Special Use Permit, but that is not requested, and Staff recommends that test firing weapons in a residential area is inappropriate for a home business.

The business will be run out of an existing shop on the property. There will be no sales or ammunition storage involved. Gunsmithing involves repair, alterations, and other service to a firearm that may involve machining parts. The applicant owns several pieces of metal machining equipment that will be used. The applicant owns a simple and mobile test firing machine, mainly composed of a large diameter pipe filled with sand into which he shoots the firearm. The applicant indicates that test firing is variable, but done roughly a couple times a week. This equipment is moved into the insulated building which will reduce the sound. If not allowed, the applicant will use a nearby range to do test firing.

There will be no employees besides the applicant. Hours of operation are by appointment only, 12-6 pm Tuesday through Saturday. Some delivery visits can also be expected to increase trip counts. No alterations that impact the well and septic are proposed. The property is served by Dean Lane, which is located in a 60' road easement centered on the east property line. Utility easements run along the road easement and property lines.

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 neighborhood is very consistently residential with the property surrounded by 1 acre lot sizes and a few larger lots mixed in. A full-blown firearms business would not normally be allowed in a residential neighborhood. But running the firearms business as a home business with only the owner as an employee could be compatible with surrounding residential and commercial uses, and the Planning Commission has approved such requests before. **The exception** in this case is that the applicant proposes test firing weapons, which is inappropriate in a residential from both a noise and a hazard perspective.

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

The **Master Plan** establishes land use districts that are implemented by the zoning districts. The area around the proposed home business has a Master Plan designation of Urbanizing. The property is zoned E-1 residential. **Home Based Businesses are a listed use** in the zoning district or use table for the zone, needing an SUP for those proposals that do not meet certain criteria. Most Master Plan policies are not applicable to the development of commercial uses; or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

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

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

Compatibility issues are discussed under criterion 1, above. Environmental Impacts are addressed in Criterion 5. **Conditions of approval should allow the project to meet the above policies.**

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

- **Generally:** Changes to the residential septic system and water well should not be needed. Changes to the existing buildings are not proposed and would not affect setbacks and easements. The parking code (including handicapped parking) does not require parking for activities accessory to a residential use. Any required parking for a Home-Based Business would be determined through the SUP, but the proposed parking area appears adequate. Similarly, the landscaping code does not apply to activities accessory to a single-family residence, like a Home-Based Business. No signage is proposed. New residences must pay County impact fees and dedicate water, but an accessory home business does not.
- **Outdoor lighting:** Security lighting is likely planned but not discussed. Existing and proposed lighting needs to be Dark Skies Compliant fixtures that point down, not sideways or upward. Conditions of approval are recommended.

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

There is no public sewer and water services on or near the site. Private sewer and water service currently exist on-site and can be used for the accessory Home-Based Business. Firearm businesses can attract a criminal element, which could place additional demand on Police service. Ammunition storage is not included in the business proposal, so it should NOT place additional demand or hazard on Fire service. Staff recommends ensuring the security of such materials using a weapon safe, etc. The Sheriff and Fire Marshall are aware of the project and it will not overburden police and fire services. Public road infrastructure is discussed below.

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

Traffic trips for the business are minimal with a handful per day (1 visit = 2 trips). The street is paved. The driveway concrete to the shop building. It is adequate for the small amount of customer traffic, and no mitigation is necessary.

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

Businesses with customer and employee traffic often have traffic impacts on neighboring uses, but in this case impacts will be minimal. A Federal Firearm License is required for the business and the applicant is in the process of applying for it. Secure storage of firearms and ammunition should be required to address issues of increased security for firearm businesses. The Sheriff has questioned the suitability of test firing weapons in a residential neighborhood due to safety concerns. There are also noise impacts to neighbors. Staff recommends that test firing weapons be prohibited.

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 conformance with the criteria found in CCC 16.08.080(H) on APN 008-532-21.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – add additional findings:] Specifically, the proposal 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 to establish a Home-Based Business for Gunsmithing and Firearm Service at 1195 Dean Lane (APN 008-532-21).

For APPROVAL the motion should ADD: This approval is subject to conditions, as listed in the Staff Report.

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

1. Approval of the Home-Based Business is limited to:
 - a. Operation only by Grant Corrigan. Approval is not transferrable to another location or operator.
 - b. This approval is for the proposed gunsmithing and firearm service and repair business. Adding other activities, such as firearms classes, large scale fabrication of parts, etc. is prohibited.
 - c. The proposed test firing of weapons is prohibited.
 - d. Business hours and customer visits are limited to “appointment only” and one at a time. Appointments shall be spaced to avoid customer overlap.
2. Firearms and ammunition shall be stored in a secure non-movable environment, such as a gun safe secured to the building.
3. The applicant shall coordinate with the Sheriff and Fire Marshall annually to ensure their knowledge of the business in the neighborhood, and implement any recommendations they have.
4. The project must be in conformance with County Code, including but not limited to:
 - a. No outside storage, signage, or outside modifications have been approved.
 - b. All outdoor light on the property (including for security) shall comply with the Dark Skies requirements.
 - c. A business license must be obtained and maintained.
5. Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	Special Use Permit		
Use Table Listing:	Crop Processing Facility (beverage processing)		
Applicant:	Frey Distillery (Colby Frey)	Owner:	Frey Ranch LLC
Site:	1045 Dodge Lane (APN 006-092-02) - 50 acres		
	NOTE: There are several other addresses on this property		
Designations:	Master Plan – Agriculture // Zoning – A-10		

Introduction: The property has been the site of the farmstead area (housing the buildings) for the Frey Ranch for generations – at least since the early 1900s. But other farming activities also take place. The mansion on the property is a historic building. For most of its history the Frey Ranch was strictly agricultural oriented. In recent years the owners have ventured into the production of alcoholic beverages: first with a winery, then distilling brandy, then distilling grains for gin, vodka, absinthe, and whiskey. Most recently the focus is strictly on whiskey, with the previous products ceasing. One of the unique features of the Frey Ranch Distillery is that it produces “Estate” products, meaning the products are made from the agricultural products grown on site. You commonly find this designation on wines, but not on distilled products.

Permit History:

The site plan provided with this application show the layout of the existing buildings associated with the distillery with labels, as well as the proposed changes. Note that the site includes several residences for the Frey family and employees – these are located west of the distilling operation buildings.

When started, the winery received a Special Use Permit - being issued in 2005. Vines were planted. The winery building was established, along with a tasting room. A limited amount of brandy distillation also took place. This operation continued until recently when the vines were removed. As of 2013, the winemaking (and brandy distilling) took place in what is labeled as the “existing bottling room” for the distillery. This building and the building containing the “existing farm shop” and “existing malt room” were all that existed before the distillery operation was established. In the space that distillery and multiple barrel houses sit, the site was setup for a dairy operation. The corrals were laid out in a “half-pie” shape with the triangles focused at the milking parlor.

The current distillery was established in 2013 under an SUP. A distillery building was constructed, and is the same building used today. A tasting room was also authorized. Whiskey production was started, though sales were delayed 4-5 years due to the required aging process. In the interim, “immediate sale” products were produced, being vodka, gin, and absinthe. All products used grains and products produced on the farm or “Estate.” The building includes a tasting/sales room and a distillery room at the front (west end) of the building. The facility has a copper pot still and two column stills. In the rear room are the vats used for various steps of the process. There are several open top and enclosed vats along with extensive piping. Also in the building are the grain handling, processing, and storage rooms.

The distillery site has undergone extensive expansion with new buildings. Beginning shortly after construction of the distillery, other buildings were added over time. However, these buildings should have also obtained SUP approval but did not. The signature “barrel house E” storage building was constructed shortly after the distillery. Over time the other “barrel houses F & G” were added. Two other buildings were added more recently - the “existing grain storage building”, and the “existing dry goods storage”. At some point the original winery building was converted to the “existing bottling room” where products are shipped from. In addition, the milking parlor was converted to the current business offices (located off the north side of the site plan). This permit will cover the existing layout since the first distillery SUP, as well as upcoming expansions that are described below.

Of particular note is that a distillery and the associated storage buildings pose a special fire hazard. Whiskey is highly flammable, so the production rooms and storage buildings need special attention. A google search of distillery fires will find some spectacular videos of distillery burn-downs. Of particular concern is the resulting rivers of fire from burning whiskey caused by barrel houses collapsing and burning. The applicant indicates that the lands surrounding the east barrel houses is sloped eastward toward the farm fields, rather than toward other buildings. The applicant works closely with the Fire Marshall regarding fire safety issues. It is unclear if the signature barrel house (the west-most and oldest) uses this "sloping the ground away from other buildings" treatment – a recommended condition will make sure this is checked and any additional site work implemented.

Signage: The distillery business also has a sizable amount of signage. The sign code requires that signs in the A-10 zoning district must be approved by the Planning Commission, but signage was not included in the previous SUP. Three existing signs are described with pictures in the application:

- (1) A main entry sign is located on one of two structures located on either side of the Dodge Lane driveway entrance. Measured at the midpoint of the sloping top the sign (to average the high and low spots): 108" X 65" = 49 sf.
- (2) One of two small signs on a structure are located at a "Y" in the driveway directing operations traffic one direction and the distillery logo directing visitors in the other direction. Measured at: 44" X 29" = 9 sf.
- (3) A large sign is located in the parking area near the visitor area. Measured at: 92" X 33" = 21 sf.

These signs total 79 sf and fall within the allowed signage allowance. Signs are discussed in detail below.

Proposed Expansion

The application also shows expansions - two for buildings, and one for signage.

- (1) A small expansion is proposed for the distillery building to hold additional processing tanks, which feed the stills. The existing processing tanks cannot provide enough material to run the stills at full capacity. The additional tanks will allow the stills to run closer to their full capacities.
- (2) A 4th barrel house storage building will be added. There are 2 existing barrel houses east of the distillery building. The new barrel house will be just north of them, creating a row of 3 barrel houses.
- (3) Additional signage is proposed for the structure on the opposite side of the driveway from the main entry sign. It too would total 49 sf.

The expansion will not result in changes to other facilities, nor the need for additional employees. The existing customer facilities will remain the same. The existing access driveways and parking areas will remain the same.

The applicant is proposing that the distillery addition will be constructed ASAP, but is requesting special phasing to allow additional time to construct the new barrel house and to install the additional signage. Staff is recommending approval of additional time for completion.

Street access for the property is at the intersection of Dodge Lane (coming off the Schurz Hwy. - US 95), and Flying K Ranch Road. Both lie within 45' or 60' easements, though both roads are not centered within them. Dodge Lane runs in the south ½ of the easement, and Flying K Ranch Road runs in the east ½ of the easement, which lies within its own strip of state-owned land. The Frey Distillery driveway is a continuation eastward of Dodge Lane. The driveway does not have a paved approach. Access is discussed in detail below.

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

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

The property is zoned A-10 Agricultural, as are the surrounding lands, all of which are used for farming, livestock, and related buildings; and including farmstead or farm labor residences. While a commercial/industrial development might be incompatible with neighboring uses in many instances, the industrial activity is directly related to nearby agricultural activity, being processing of crops grown directly on-site. In addition, the proposed distillery is centrally located within a large 50 acre parcel, and this property is surrounded on all sides by land under the same ownership. The only exception to adjacent ownership is a portion of the NW border, which is owned by Dodge Brothers. The nearest distillery building is 1000'+ from this property line. The Storms Oasis Dairy is 2000'+ from the north property line, across other intervening Frey property. The resulting situation is that the distillery operation needs to be compatible with land that is owned by the distillery operator, and that provides crops processed by the distillery. It is compatible.

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

The **Master Plan** establishes land use districts that are implemented by the zoning districts. ***The proposed use is a listed use*** in the use table for the zoning district, needing a SUP to be approved. Throughout the Master Plan are many policies and multiple programs that are especially supportive of agriculture. The allowance for Crop Processing in the agricultural areas where crops are grown is one example. Otherwise, most Master Plan policies are not applicable to the development of commercial or industrial uses or are neutral in terms of general commercial and 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 criterion 1, above. The proposed development must conform to the County Development Code. Conditions of approval will address specific issues, including:

- **Setbacks and Easements:** The A-10 zone has setbacks measured property lines, but all property lines are distant from proposed construction. All existing and proposed buildings conform to the standards. The height limit is 35'. The building official has confirmed that existing buildings do not exceed the height limit, and proposed building plans do not exceed the height limit.
- **Friction Zones:** Normally a friction zone buffer is required between business uses and agricultural uses, and requires a protection plan. The typical buffer requires separation between uses with the most common distance being 100'. The existing and proposed buildings greatly exceed this distance to the nearest property lines. In addition, surrounding lands are owned by the distillery owner. This situation is adequate for friction zone buffer protections.
- **Office, sewer, and water facilities:** The existing buildings with sewer and water needs are connected to the on-site water and sewer systems, including the business office. Permanent facilities for employees and customers exist and ADA accessible improvements are installed.
- **Outside Storage Requirements:** Outside storage is not proposed. Outside storage for the agricultural operations are not required.

- **Parking and Loading Requirements:** The parking code provides calculations for determining required parking. Manufacturing uses require 1 space per employee on maximum shift, plus 5 visitor spaces. It is unknown how many employees are employed for the distillery. The tasting room/visitor facilities (~600 sf) requires 1 space per 100 square feet – needing 6 parking spaces. There is a vast amount of space for employee parking on the larger property. There is a great excess of space for parking around the tasting room building. While parking spaces for the entire operation are not defined or shown on the site plan, the Director finds that there is adequate parking. This could change with future expansions, especially for visitor facilities.

The areas around the buildings are graveled, which is an adequate surface. And there are extensive areas for truck loading spaces.

- **Landscaping:** New and expanding businesses normally require 10' landscaping strip along the street frontage. In addition, the expanded parking lot at the rear of the building requires additional parking lot trees at 1 tree/15 parking spaces. There are numerous trees in the areas where people park, which adequately meet the requirement. The distillery has no road frontage; but the driveway entrance has extensive landscape trees along the street.
- **Lighting:** The application does not mention lighting. Existing and future lights must meet the Dark Skies Ordinance requirements for lights shining down.
- **Signage Requirements:** Extensive signage is found on-site – see above existing conditions description. All signage must be approved by the Planning Commission because it is in the A-10 zone. Of the 2 large structures on either side of the Dodge Lane driveway entrance, one has an existing sign on it. The applicant would like to place another sign on the second structure, which has an identical sign face – being 49 sf. Approval of this sign would increase current signage from 79 sf to 128 sf. Businesses in the A-10 zone are allowed to have maximum total of 160 sf of signage.
- **Water rights and impact fees:** Additional fees are not required.

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 service on the site. There is power and gas to the site. Utility easement do not appear to encumber the distillery operations area. Police service demand should not increase.

Fire service demand will be increased slightly due to the expanded distillery and storage operations, but existing services are adequate. The fire hazard will increase somewhat due to additional storage of large quantities of highly flammable whiskey. The ground surrounding the east barrel houses has been sloped eastward away from other buildings to reduce the risk of any fire spreading. As noted above, it is uncertain if this was done for the 1st barrel house, so a recommended condition will ensure that it will have similar safety provisions. If needed, an example might be swales to direct flaming liquids eastward then northward. Otherwise, services will not be overburdened.

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

Access for the site is taken from the intersection Dodge Lane and Flying K Ranch Road. Both are paved county-maintained roads within 60' easements (though not centered within them). Traffic is greater than the previous SUP, but roads are adequate to handle it. No additional impacts are expected.

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

Any environmental impacts will most affect the landowner, who is also the owner of most adjacent properties. The possible impacts are:

- (a) Smells from the liquor making process are common in a distillery, but there are no other landowners nearby to be affected. No impacts are expected.
- (b) Dust from the on-site traffic for the distillery and visitors could be a problem, but there are no other landowners nearby to be affected. No impacts are expected.
- (c) General Fire Hazards will be increased somewhat with more storage, but the risk of catastrophic failure and fire hazards need careful attention. See comments above regarding recommendations.

Adverse environmental impacts will be minor with recommended conditions of approval.

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 conformance with the criteria found in CCC 16.08.080(H) on APN 006-092-02.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – add additional findings:] Specifically, the proposal 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 Frey Distillery to:
 - (a) authorize the structures installed since the last SUP,
 - (b) authorize the signage installed since the last SUP,
 - (c) authorize the proposed structures, and
 - (d) authorize the additional signage at the business entry,at 1045 Dodge Lane (APN 006-092-02).

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. This SUP includes alternative expiration deadlines for implementation. The distillery building expansion, the new 4th barrel house, and the additional proposed signage must be completed within 3 years, or the development must re-apply for approval in a new SUP.
2. This SUP does not include expansion of distilling capacity for the existing 3 stills. Additional stills will require a new SUP.
3. This SUP does not include expansion of the visitor facilities. Expansion of the tasting room or other visitor facilities, and extending visitor hours outside of the weekend and holiday hours will require a new SUP, particularly to consider traffic and other impacts. This limitation does not include events with visitors for strictly marketing purposes.

4. Construction of additional buildings or additions requires a new SUP. Construction of minor buildings or facilities that do not increase production capacity or liquor storage may be approved by the Director without a new SUP.
5. The entire business must be in conformance with County Code, including but not limited to:
 - a. Business licenses must be maintained.
 - b. All necessary building permits must be obtained.
 - c. All fire safety requirements shall be maintained, as required by the Fire Marshall.
 - d. Necessary modifications shall be made to meet lighting, signage, and other code requirements discussed in the staff report. If requirements cannot be met, the applicant may submit a Variance application.
6. The owner shall coordinate with the Fire Marshall to ensure a burn-down of the first barrel house (next to the distillery) will not result in flaming liquids flowing to other buildings. Modifications recommended by the Fire Marshall shall be implemented.
7. Operations of the entire business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
8. All state and/or federal permits required for this type of business shall be obtained and maintained, including those for producing alcoholic beverages and serving alcohol.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Chemical Manufacturing</u>
Applicant:	<u>Jeremy Moss for Safety-Kleen</u>	Owner:	<u>Safety-Kleen Systems Inc.</u>
Site:	22211 Bango Road (APN 007-071-80 & -81) – 30.5 acres (total)		
Designations:	Master Plan – Industrial // Zoning – Industrial		

Project Summary: Safety Kleen operates the existing motor oil re-refinery located on Bango Road. They are requesting to add additional facilities to the chemical manufacturing facility:

- (1) Install additional office space. A temporary office will be installed immediately (actually in place already). This will eventually be replaced by a permanent office.
- (2) Install a new glycol (antifreeze) distillation unit.
- (3) Replacement of a back-up generator and fuel tank, and minor replacements of components that are wearing out. These items do not need additional SUP review.

Note that the applicant does not request a change to the oil refining volume limits placed on the facility in previous permit approvals.

The new glycol unit is the major item of concern. The current operation separates water and antifreeze from the motor oil, it undergoes a process to concentrate it to a 50/50 ratio and remove a portion of water that is then reused for cooling, and the concentrated mixture is then shipped or trucked to an approved disposal site. The new glycol unit will be added after the first concentrator unit. It will further separate and concentrate the glycol antifreeze from the water to 95% purity. Then it will be sold as a product and shipped out by rail. Glycol is poisonous and flammable. The application describes it, and its safe handling procedures (including rail transloading). This has consequences for emergency services and they are aware of the proposal.

A major concern is odors generated by the new process. The water-glycol mixture has a smell similar to the chemical added to natural gas to make it smell. The smell is similar to rotting cabbage or smelly socks. This is a smell similar to complaints received in the early days of the refinery when wastewater ponds were used for disposal, and the water was also evaporated to the air. These processes had ended when Safety Kleen took over the plant, or were ceased by them. Emissions and leaking equipment are much more carefully controlled now. All refining processes at the plant have emissions that are first run through a burning unit, and then a scrubbing unit. The existing glycol concentrator is operated within this system with minimal odor problems. The new glycol unit will also be configured into this system. The applicant has submitted air quality permits to NDEP (info in application packet) but have not obtained approval yet.

The glycol unit will remove almost all the water from the glycol, and the water will be reused at the plant for evaporative cooling purposes. This will nearly eliminate the large volume of wastewater that must be disposed of. This in turn will reduce a sizable percentage of truck traffic allowed by previous permits to export wastewater to an approved disposal site. Previous permits discuss truck traffic for the previous configuration of the plant. The glycol unit will reduce the wastewater truck traffic, so the discussion of traffic from the last permit is provided below. It attempts to deal with contradictory or inconsistent treatment of truck traffic in earlier permits.

[excerpt from previous permit]

The previous permits appeared to address truck traffic with specific numbers without really considering the realities of facility operation. In conversations with Andrew Lane, it appears there are a number of considerations that truck limits should include:

- (1) Rail delivery using the on-site rail spur, which requires no truck traffic, is by far the preferred delivery method due to lower costs and complexity. It will always be chosen when possible.

- (2) The remaining deliveries that are by truck are for situations where rail delivery is not feasible, such as for regional deliveries, or due to the lack of rail facilities at the source or destination.
- (3) For the normal and consistent delivery volumes, the current rail/truck ratio is roughly 90%:10%, though this can fluctuate. If operating at a near-maximum capacity of 28 million gallons per year, the truck volumes should be near 2.8 million gallons per year (~233,000 gallons per month), which equate to approximately 33 trucks (at 7000 gal.) per month coming in (~1/day), and a roughly equal number (~1/day) going out. The numbers can fluctuate depending on customer needs. This is a small number of truck deliveries.
- (4) The true volume of truck traffic is by far dominated by off-site events that obstruct normal rail deliveries, such as rail system back-ups and breakdowns. This causes the need to transfer or re-route product to trucks, which results in a surge of truck traffic to keep the facility running at consistent volumes. The established truck limit number needs to actually be based on these situations, not on the normal and consistent deliveries. These surges would not be normal traffic volumes on the road.
- (5) The requested 180 oil-based trucks per month and 60 wastewater-based trucks per month would allow for the off-site events. While the site has been handling surges within the current limit (120 trucks/month; 4/day), this is at the limit of the facility's logistical abilities (including lab testing operations). The requested 180 trucks per month will ease the logistical challenges, but not change the actual truck traffic much.

Staff recommends that the stormwater truck trips NOT BE converted to oil-based truck loads, and the applicant has not requested this. Rather staff recommends a condition that the stormwater truck trips be greatly reduced to 10 trucks per month. While such truck trips are not planned, the small number would serve as a contingency to allow for unforeseen events.

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.

Surrounding land uses are industrial, rail uses, electricity transmission, and open desert. The additional office will not substantially change normal operations or staff traffic. The new glycol unit will substantially reduce truck traffic by eliminating most wastewater truck exports. The reduced truck traffic will continue to be compatible with surrounding land uses as the current facility is.

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

The facility is an industrial use, in an industrial zoning district, and in an industrial master plan designation. The proposed new facilities will continue to be in conformance with the Master Plan and Code.

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

The new facilities will have minor effects that will not overburden public services and infrastructure. The reduced truck traffic will reduce the burden on public services and infrastructure. The glycol unit will result in nearly pure glycol, which is poisonous and flammable. A recommended condition will require that the emergency response plan be updated to account for it, and coordination take place with emergency responders.

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

The new office will have minor changes to staff traffic. The glycol unit will dramatically reduce or eliminate wastewater truck traffic on Bango Road, and at the US 50-Bango Road intersection. The reduced traffic will reduce road wear and tear compared to existing conditions.

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 glycol unit will reduce truck traffic, and truck noise and emissions. However, the existing plant has a long contentious history with neighbors over odors. The glycol unit will separate the glycol from the water. Glycol will be shipped out on rail as a product. Water will be re-used at the plant for evaporative cooling. Emissions permits are required by NDEP for the glycol unit and for using the recycled water in evaporative cooling process. There may be an odor associated with the processes, but this is unlikely. The current concentrator unit emissions are run through the burner/scrubber system with little odor impacts. The proposed glycol unit will have similar emissions that will also be run through the system. Minor impacts are expected that are consistent with the existing industrial use.

STAFF RECOMMENDATION: APPROVAL

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.080(H) on APNs 007-071-80 & -81.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – add additional findings:] Specifically, the proposal fails to **[ADD NEEDED REASONING RELATED TO CRITERIA]**

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the Special Use Permit application for Safety-Kleen Systems to modify the Chemical Manufacturing Facility on APNs 007-071-80 & -81.

For APPROVAL the motion should ADD:

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

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

1. This permit is subject to review in 1 year to determine compliance with conditions, and to review any issues related to odors created by the glycol unit.
2. The proposed office is approved. Installation of the temporary and permanent office shall meet all building code requirements. Placement of the temporary office shall meet all State of Nevada requirements for manufactured structures and commercial septic systems. When the temporary office is removed and a permanent office is built, it may be reviewed through a Zoning Review instead of new Special Use Permit.

3. The site's operations manuals, and emergency response plans shall be updated to incorporate issues related to glycol handling. The applicant shall inform and coordinate with emergency responders regarding the new chemical and new facilities.
4. The truck traffic limit for the facility is modified to limit traffic to 180 oil-related truckloads per month (averaging 6 per day), and 10 wastewater-related truckloads per month.
5. Previous conditions of approval continue to apply, except as modified by this decision.
6. The project must be in conformance with County Code.
7. All necessary building permits shall be obtained for installation of all proposed facilities
8. The project must remain in compliance with all state and federal requirements.
9. 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>Variance from street setback</u>	Use Listing:	<u>Retail and Services</u>
Applicant:	Nick Biscay for Stanislaus Farm Supply	Owner:	Roze Family Trust
Site:	500 Gummow (APN 008-391-10) - 3.54 acres		
Designations:	Master Plan – Urbanizing // Zoning – C-1		

Background: Stanislaus Farm Supply is a co-op that supplies local farmers with products and provides services such as application of products, and renting equipment to apply products, etc. They recently closed the Yerington store, and now the Fallon store needs to hold enough product to serve both valleys. Due to the limited space in the existing store and storage buildings, they added cargo containers to store the products. The site currently holds 16 containers, far more than is normally allowed. The 3.5 acre parcel is split by Gummow Road with 1.3 acres east of the road and the remainder west of the road. All containers were east of the road.

On seeing the added containers, staff informed the company of the container limit. The company then applied for a variance from the limit on the number of storage containers to increase it from the 4 containers (1 per acre, rounded up) currently allowed for the site, to 16 containers. This variance for 16 containers was approved by the Planning Commission at the July 2022 meeting. During the review it was determined that containers that had been in front of the building for a while were inside both the old street setback and the newer, enlarged setback (for speed limits over 25 mph). The PC members recommended that the applicant propose a variance from the street setback to allow those containers to remain in place. This application is that variance request.

For most of the building's life, there has been a fenced storage yard in front of the building. The corner of the fence is approximately 47 feet from the center of Gummow Drive, which is within the street setback line located approximately 60' from the centerline. A fence inside the setback is allowed. In 2016 or 2017, a cargo container was added to the front parking lot of the store outside of the fence, placing its corner approximately 47 feet from centerline, (being about 32' from the pavement) which is not allowed. In approximately 2018, the County Code was changed to increase the setback along faster County Roads, which would be 90' from the center of Gummow Drive. Recently, another container was added outside the first one, with a setback of approximately 40' or less from the centerline; and another was added inside the fence next to the building, which is inside the newer setback line.

Application: The applicant requests to allow two containers in front of the building configured on either side of a work area, with the containers supporting a canopy structure to cover the work area. All features are within the current setback, which is discussed in detail under Criterion 1. No specific distances are provided.

During a site visit, it was observed that (a) there is 1 container abutting the building, (b) there are 2 small containers (end to end) placed outside/abutting the fence, (c) the containers support a canopy structure covering the space between them, which is enclosed by a mostly-screened fence, (d) the second container that had been outside the fence was removed, (e) the containers west of Gummow Road are 80' from the centerline rather than 90', and (f) a new portable office structure has recently been placed on the west side of the road next to the tanks approximately 65' from the centerline. Before and after photos of the canopy area are provided in the submittal. **NOTE** that the 2 small containers outside the fence consume 2 of the 16 allowed in the previous variance. This was originally thought to be 1 container.

Measurements of the canopy area containers were taken and are described in detail below.

Variance Criteria Review:

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

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

The application indicates that the Planning Commission recommended submitting this variance.

Staff comment – The applicant wishes to retain the containers that provide storage, and the covered work area to protect employees. The containers and the canopy structure are not allowed by Code inside the street setback. They are also movable and could be placed elsewhere.

The property does have a peculiar condition because of an odd shape and the road cutting through the middle. The road consumes double the normal amount of road, easement, and setbacks as a normal lot. This leaves 1.3 acres east of the road centerline (with the store), much of which is consumed by the setback requirement. The Code's setback requirement includes the basic 30' from easement (normally 60' from centerline), and an extra 30' for roads over 25 mph (normally 90' from centerline). But the extra distance has an exception for lots less than 1.5 acres.

While the entire lot does not qualify for the exception, the east side of the lot operates like a normal 1.3 acre lot would. Thus, a variance request to reduce the 90' setback from centerline to a 60' setback from centerline would be a very reasonable request. **Note** that the building was built long ago and meets the 60' from centerline setback. The question then becomes more about whether it is reasonable to reduce the setback below the normal 60' from centerline.

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

The application provides no response. Staff comments – Staff agrees that a reduction of the variance to the basic setback (60' from centerline) is reasonable. But reducing it further is questionable. It is unclear why storage containers and canopy have to be in this location. They are movable items. As with any normal lot, the street setback prevents structures near the street. The remainder of the lot is used for structural purposes, and choices are made for how to use that space without overbuilding and degrading the usability of the lot. Thus, the strict application of the regulation is inconvenient for the applicant.

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

The application provides no response. Staff comments – Staff agrees that a reduction of the variance to the basic setback (60' from centerline) is reasonable. But reducing it further is questionable. Setbacks provide a safe separation from traffic, which are especially important on higher speed roads and curves, such as Gummow Road. The mitigating factor is that these structures are movable and can be removed quickly if needed. Approval would not set a precedent for allowing permanent buildings this close to the road.

The containers should normally be set back approximately 60' from easement (90 feet from centerline). The proposed closest containers is setback 17' from easement (47 feet from centerline). This is an 81% reduction. Small setback reductions are regularly requested and authorized. Large reductions increase safety risks and are normally not approved.

There are **examples of past decisions**: (1) A couple years ago a homeowner on Carol Street requested a variance to place a metal carport close to the easement line, and the Planning Commission denied it. (2) In the last year Leslie Beach requested a reduction of the 30' setback to 25' from the Reno Highway, and the Planning Commission approved it.

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

Setbacks are established to provide a safe separation from traffic, to provide a visually appealing streetscape, and to reduce sound impacts from the road. The application did not respond to this criteria, but the applicant did so in an email. The variance would allow for space to store product and space to work under the canopy structure. It also promotes the convenience of operations. Staff comment. Retaining the containers and canopy structure would be convenient for the business. But convenience is not a reason for not meeting street setbacks. These are mobile items and can be moved anywhere on either side of the road, but choices need to be made for how to use the available space while meeting the laws. On the other hand, their movability makes them easy to move if a need arises, and approving the variance will not set a precedent for placing permanent structures close to the road. **Sound** is not an issue for the business. See Criterion 3 for **safety** risks. Placing cargo containers close to the street degrades the visual **streetscape**. **NOTE** that the Code also requires outside storage areas to be visually screened. If a variance is approved to place the storage area close to the road, this is especially important.

STAFF RECOMMENDATION:

NO RECOMMENDATION

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.090(F) regarding a Variance from the street setback on APN 008-391-10.

[For DENIAL - Staff Report provides adequate findings.]

[For APPROVAL – IN DISCUSSION, THE PC NEEDS TO ADD ADDITIONAL FINDINGS RELATED TO CRITERIA]

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the request for Variance to reduce the street setback distance found in CCC 16.16.020.1 at 500 Gummow (APN 008-391-10)

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 variance is only for Stanislaus Farm Supply. It is not transferable to another location or another operator. This variance does not change the previously approved variance to limit storage containers to 16.
2. The approved street setback for the closest proposed container in front of the building shall be 47' measured from the centerline of Gummow Road.
3. Other containers and recent structure on the property, on both sides of the road, shall be located at least 90' from the centerline of Gummow Road.
4. The operation shall be in compliance with Churchill County Code, including outdoor storage screening requirements for the storage area east of the road, and building department placement permits for all moved containers.

Application:	<u>Variance of the road surface standard from paved to gravel</u>		
Use Listing:	<u>Residential</u>		
Applicant:	Emma Fullerton	Owner:	Justin Johnson & Emma Fullerton
Representative:	Bell Land Surveying – Steve Bell		
Site:	1767 Lovelock Hwy. (APN: 008-273-62) – 6.7 acres		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

THIS APPLICATION WAS ORIGINALLY SCHEDULED FOR THE AUGUST MEETING AND WAS POSTPONED.

Project Summary: Emma Fullerton is proposing a Variance for her parcel map to reduce the road surface standard from paved to gravel. The parcel map is also being heard at this meeting – see the next staff report item. The creation of new lots requires frontage on publicly maintained road, or construction/upgrading of a road reaching to the new lots. When the new lots are under 20 acres, the road must be paved. The road serving the applicant’s parcel map is Northview Drive. It is mostly gravel, but has a strip of paving on its east-most end. The applicant had thought the existing strip of paving was adequate and was prepared to pave the remainder to serve her new lots.

During the review it was learned that Northview was not paved correctly, and the condition of the road is questionable. It is unknown if it was built to any road standard. In addition, the last land division was required to pave the east-most portion of the road (an estimate from the time lists 350 feet). County records indicate that a letter of credit was posted to financially guarantee the road construction, and the lots were allowed to record. But the road was not built, and the letter expired. Repeated contact with the developer was apparently ineffective. However, the developer eventually had a 16’ strip of road paved (not the required 26’ width) that is roughly 700’ long. This is the width of a paving machine, so he probably got a paving company to do a reduced price “test strip” in preparation for a large road project. It does not meet the required 26’ paved driving surface standard, and there is no “extra” gravel driving surface, just the shoulders. West of the paved strip, the gravel road also does not meet the 34’ driving surface standard, though the defined edge is difficult to identify.

When the paving inadequacies were discovered, it was determined that the correction would require tearing out the existing paving and repaving it to County standard. This would be prohibitively expensive for two new lots. The only alternative staff could think of was to request a Road Surface Variance to allow a gravel road. If the gravel surface variance was granted, the substandard strip of paving would be contrary to that standard and would have to be removed. Then the gravel bed would need to be assessed, and deficient portions upgraded. Such deficiencies could be minor or major. If the variance was granted, the savings from not paving the road will be substantial, Staff would recommend the County gravel standard be carried to the west edge of the property.

The Road Supervisor recommends denial of the Variance.

The Road Supervisor also recommends that whatever standard is used, the road should remain privately maintained.

Variance Criteria Review:

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

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

The application provides no extraordinary or exceptional situation. Staff comment – While there is no physical characteristic of the property generating the need for a Variance, an exceptional situation is created by the failure of the previous developer to adequately pave his part of the road. The variance would generally allow the existing gravel road to remain, though it will be upgraded where it does not meet County gravel standards. Denial of the Variance will likely mean that the applicant will have to abandon the land division.

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

The application indicates that the difficulty would be the unforeseen cost of removing existing paving, and repaving that segment. Staff comments – This road situation was caused by someone else and presents an unforeseen and undue hardship on the applicant in dividing her property.

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

The application indicates that the variance would not affect neighbors. Staff comments – The proposal will create 2 new homesites, with an associated increase in traffic on the Northview Road. County standard roads are required to ensure they are of a condition and durability to serve the new lots. Paving reduces maintenance costs and controls dust. Approval of the variance to allow the road to remain gravel would increase maintenance costs and dust generation somewhat. Public health and neighbors would be detrimentally affected to a minor extent. If the variance is approved, Staff recommends that the upgraded gravel standard be carried to the west end of the applicant's property.

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

The paved road standard for smaller parcels found in CCC 16.12.040.2.A.4.a ensures that roads are provided that are of a condition and durability to serve the new lots. Paving reduces maintenance costs and controls dust. The application indicates the variance will create a wider gravel road. Staff comment. Increased traffic will affect existing users some as noted in Criterion 3. The road is existing and apparently satisfactory to the users, including the paved strip. Approving the variance will not substantially change the existing situation other than improving the existing gravel surface to some extent. The Road Supervisor recommends denial of the Variance, and recommends that the land division provide a paved road.

STAFF RECOMMENDATION: **DENIAL** **NOTE that the staff report findings do not definitively support a single decision. They could support either approval or denial. The Road Supervisor recommends denial.**

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.090(F) regarding a Variance to reduce the parcel map road surface standard from paved to gravel on APN 008-273-62.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – Staff Report provides adequate findings.]

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the request for Variance to reduce the parcel map road surface standard found in CCC 16.12.040.2.A.4.a from paved to gravel on APN 008-273-62.

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 approved road standard for the proposed parcel map shall be for a County gravel road, which shall be improved through the west end of the property.
2. Compliance with Churchill County Code.
3. This variance expires 1 year from the date of approval. Any parcel map utilizing this variance must be approved by the BOCC within 1 year.

Application:	<u>Parcel Map for 3 lots</u>	Use Listing:	<u>Residential</u>
Applicant:	<u>Emma Fullerton</u>	Owner:	<u>Justin Johnson & Emma Fullerton</u>
Representative:	<u>Bell Land Surveying – Steve Bell</u>		
Site:	1767 Lovelock Hwy. (APN: 008-273-62) – 6.7 acres		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

THIS APPLICATION WAS ORIGINALLY SCHEDULED FOR THE AUGUST MEETING AND WAS POSTPONED.

Proposal: The applicant is requesting a Parcel Map to split the property into three lots: one containing the existing home, and 2 new homesites. All new parcels will be slightly larger than 2 acres.

The existing parcel is U-shaped with two points of frontage on Northview Drive (on the north edge), and frontage on the Lovelock Highway (east edge). There are two existing parcels located within the “U” shape that were created from this larger parcel long ago and also front on Northview. The existing home takes access on Lovelock Highway, a state-maintained paved highway set within its own strip of state-owned land. It will continue to use this access using a flag-lot configuration, with the “flag-pole” reaching to the highway. The 2 new homesites will both take access off of Northview Drive, a privately maintained public road in a 60’ road easement that lies entirely on the existing lot.

This proposal has road problems that stem from a previous developer’s failure to fulfill road requirements. (Reference the McKenzie-Smitten Amended Parcel Map recorded 11/5/93.) Due to complexities and costs of correcting the deficiencies, the applicant has submitted a Variance from road surface requirements to reduce the standard from Paved to Graveled. The variance will be heard at the same meeting as this parcel map. Road issues are discussed in detail below.

Criteria Review:

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

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

- **Setbacks and Easements:** The proposed new lot lines will not be placed near any existing buildings. All required road and utility easements are provided. There are wells and septic systems on the existing property and adjacent properties, but there is room on the proposed 2-acre lots to provide needed setbacks for new wells and septic systems. The Code’s Friction Zone standards require protection of farm property from new residential development – see Criterion 2 below.
- **Lot size and width:** While the lots are of non-standard shape, they meet lot area and lot width standards, except for the “flag-pole” portion of the lot for the existing home.
- **Access, sewer, and water facilities:** The existing home on the parent parcel is served by on-site water well and septic system. The two new homesite parcels will be served by new well and septic systems and has adequate road access. Also see Setbacks and Easements.
- **Water dedication and community development fees:** County Code requires that community development fees will be due with any new home or new business construction on the new lots. The exception is that a parcel map requires a water right dedication of 2 acre-feet for each new lot; unless no water rights exist on the property, in which case a payment-in-lieu is allowed in the amount of

\$3276 per lot. This also applies to sites with existing homes, unless the home has already satisfied the requirement. Previous dedications can contribute to meeting this requirement.

The parent parcel has a water right dedication credit on-file from previous development, but a water dedication or fee will be needed for the two new homesites.

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

1. Conformity with the master plan.

The Master Plan designates the area as Urbanizing and is implemented by the existing A-5 zoning district. Most Master Plan policies are not applicable to the issue of a land division. Both **GOAL LU 2** and Policy LU 2.1 discuss compatibility issues that are discussed under criterion 2, below. The Goals and Policies in Chapter 12 Public Services and Facilities do not allow most land divisions of less than 5 acres without community sewer or water services. But it includes exceptions, such as for in-fill, and this proposal meets those exceptions.

2. Compatibility with existing adjacent properties and uses.

The potential of two more residential properties adjacent to other similar residential properties will be compatible with them. The existing residential use on the large parent parcel will not change, and its compatibility with existing nearby uses will also not change.

However, there are Friction Zone requirements to provide a Protection Plan to reduce compatibility problems between the new residential uses and the existing farm south of this site. No plan has been provided for the 3 new parcels being created. Staff recommends the following:

Parcel 4 – On the middle lot, the existing home is already set back ~65' from the farm field. This is inadequate compared to other friction zone setbacks, but it is a situation that has existed for nearly 20 years. No additional changes are needed.

Parcel 5 - The east-most new parcel will be separated from the farm parcel by the 30' flag-pole driveway, plus the farm field does not extend adjacent to this portion of the property line. No additional changes are needed.

Parcel 3 – The west-most new parcel will abut directly with the farm field. An additional setback is needed to ensure the home will not be placed close to the farm field. Several other friction zone standards use a 100' separation. That seems adequate in this case, and Staff recommends that a setback line and label stating "100' residence setback from agricultural land" be displayed on the map unless a suitable alternative is proposed.

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

The existing 1 residential use on the parent parcel will become 3 residential uses when the parcel is split, with no change in protection of public health, safety and welfare. The creation of 2 additional residential parcels will minimally increase human activity in the neighborhood. Public health, safety, and general welfare are adequately protected.

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

With the parcel map, the future development of 2 additional residential lots will place a minimally greater demand on facilities and services.

There are no public sewer or water services, so on-site services are currently used or will be used for new development. Power is available at the site, with a utility easement provided along property lines. Power poles exist along the south and north property lines. The current county standard is for road easements

and property lines to include utility easements. The map complies with this. Fire and police services are adequate to serve the existing or future uses.

All three new lots will have road frontage: the middle lot will have access on Lovelock Highway, and the 2 new homesites will front Northview Drive along their north edges. NDOT indicates that any additional access points onto Lovelock Highway will be prohibited, but the existing access can continue to be used. Northview is a privately maintained public road within a 60' road easement, and the new lots will be required to use it for access.

The problem for this proposal is the condition of the road. It is unknown if it was built to any road standard. In addition, the last land division was required to pave the east-most portion of the road (an estimate from the time lists 350 feet). County records indicate that a letter of credit was posted to financially guarantee the road construction, and the lots were allowed to record. But the road was not built, and the letter expired. Repeated contact with the developer was apparently ineffective. However, the developer eventually had a 16' strip of road paved (not the required 26' width) that is roughly 700' long. This is the width of a paving machine, so he probably got a paving company to do a reduced price "test strip" in preparation for a large road project. It does not meet the required 26' paved driving surface standard, and there is no "extra" gravel driving surface, just the shoulders. West of the paved strip, the gravel road also does not meet the 34' driving surface standard, though the defined edge is difficult to identify.

Road Surface Variance A Variance to reduce the road surface standard from paved to gravel is submitted with this parcel map, and it is being heard at the same meeting as this parcel map. The applicant had thought the existing strip of paving was adequate and was prepared to pave the remainder to her new lots. When the paving inadequacies were discovered, it was determined that the correction would require tearing out the existing paving and repaving it to County standard. This would be prohibitively expensive for two new lots. The only alternative staff could think of was to request a Road Surface Variance to allow a gravel road. If the gravel surface variance was granted, the substandard strip of paving would be contrary to that standard and would have to be removed. Then the gravel bed would need to be assessed, and deficient portions upgraded. Such deficiencies could be minor or major. If the variance was granted, the savings from not paving the road will be substantial, Staff would recommend the County gravel standard be carried to the west edge of the property.

The Road Supervisor recommends denial of the Variance.

The Road Supervisor also recommends that whatever standard is used, the road should remain privately maintained.

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

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

STAFF RECOMMENDATION: APPROVAL

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 conformance with the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A) regarding an application for a Parcel Map to split the lot into three parcels on APN: 008-273-62.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – add additional findings:] Specifically, the project fails to **[ADD NEEDED REASONING RELATED TO CRITERIA]**

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

- Based on the previously adopted findings made for this project, I move to recommend that the Board of County Commissioners:
 - (A) [**APPROVE // DENY**] the Parcel Map permit application for Emma Fullerton to divide APN: 008-273-62 into three parcels.
[For APPROVAL add] This approval is subject to conditions, as listed in the Staff Report.
 - (B) ACCEPT the offer to grant easements identified on the map.
 - (C) REJECT all offers to dedicate lands and improvements at this time.

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

- 1) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Typographic errors in certificates shall be corrected.
- 2) Any final changes required by the County Surveyor shall be made prior to recording.
- 3) A Note shall be placed on Parcel 5 stating: “Access for this property must be from Northview Drive.”
- 4) An Agricultural Protection Plan shall be submitted. An acceptable alternative is to place a setback line 100’ from the south property line of Parcel 3 labeled “100’ residence setback from agricultural land”.
- 5) Northview Drive shall be improved to the County standard consistent with the final decision on the proposed Variance from the road surface standard.
- 6) All required permits and authorizations from NDOT must be obtained for improvements and alterations made to Northview Drive.
- 7) An application for new addresses shall be submitted prior to recording the map.
- 8) Water dedication requirements must be met prior to recording the map and includes an existing credit for the existing home.

Consent Agenda:

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

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

RECOMMENDED MOTION

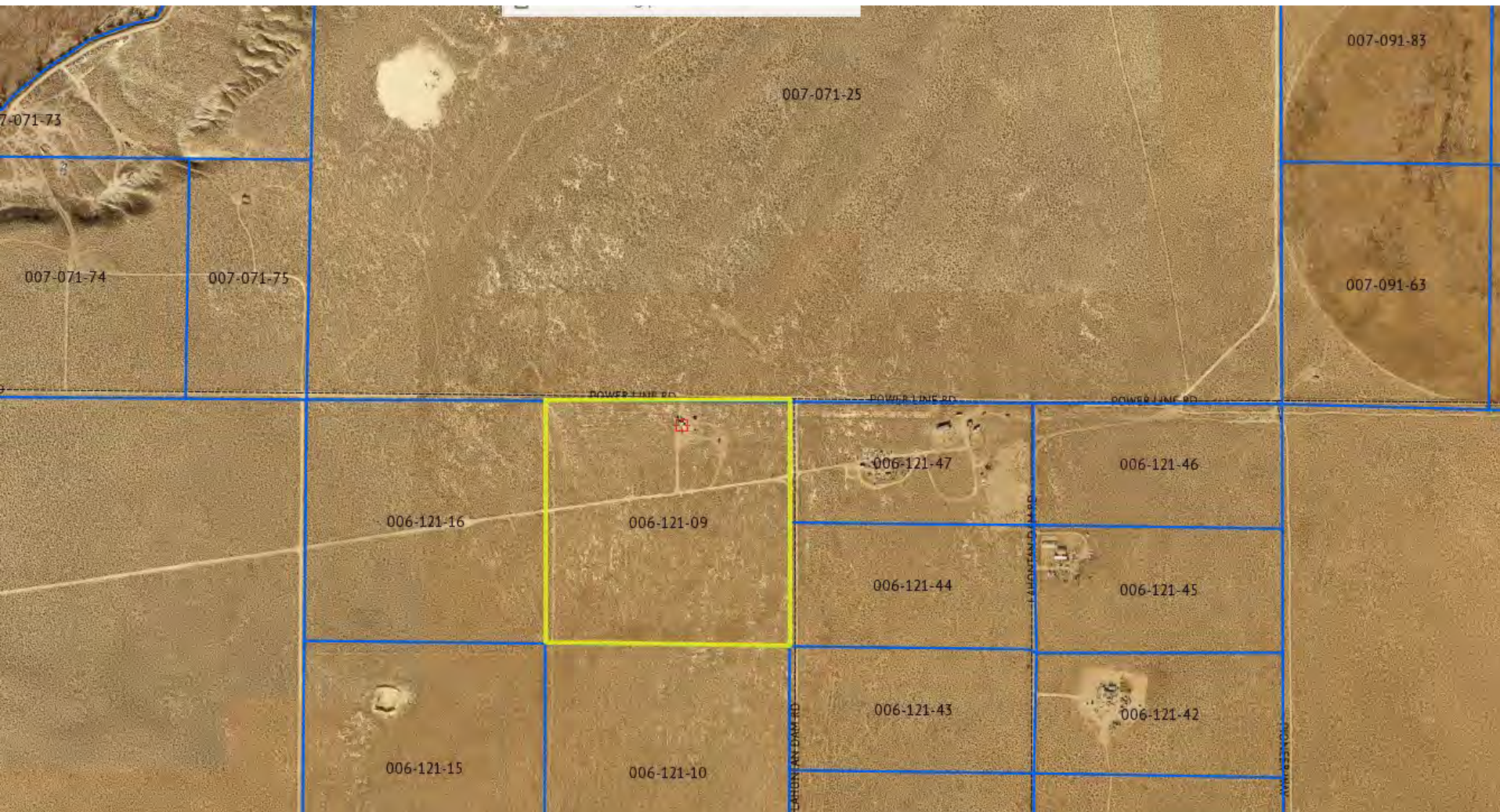
- I move to **Approve** the Consent Agenda as submitted.
- ***[IF YOU WISH TO REMOVE ANY ITEM FOR FURTHER DISCUSSION]***
I move to ***remove Item*** ____ for further discussion, and to approve the remainder of the Consent Agenda as submitted.



CHURCHILL COUNTY PLANNING COMMISSION HEARING

September 14, 2022

Aldredge, TUP Renewal, 13215 Power Line Rd, APN 006-121-09



007-071-25
POWER LINE RD

086-154-09

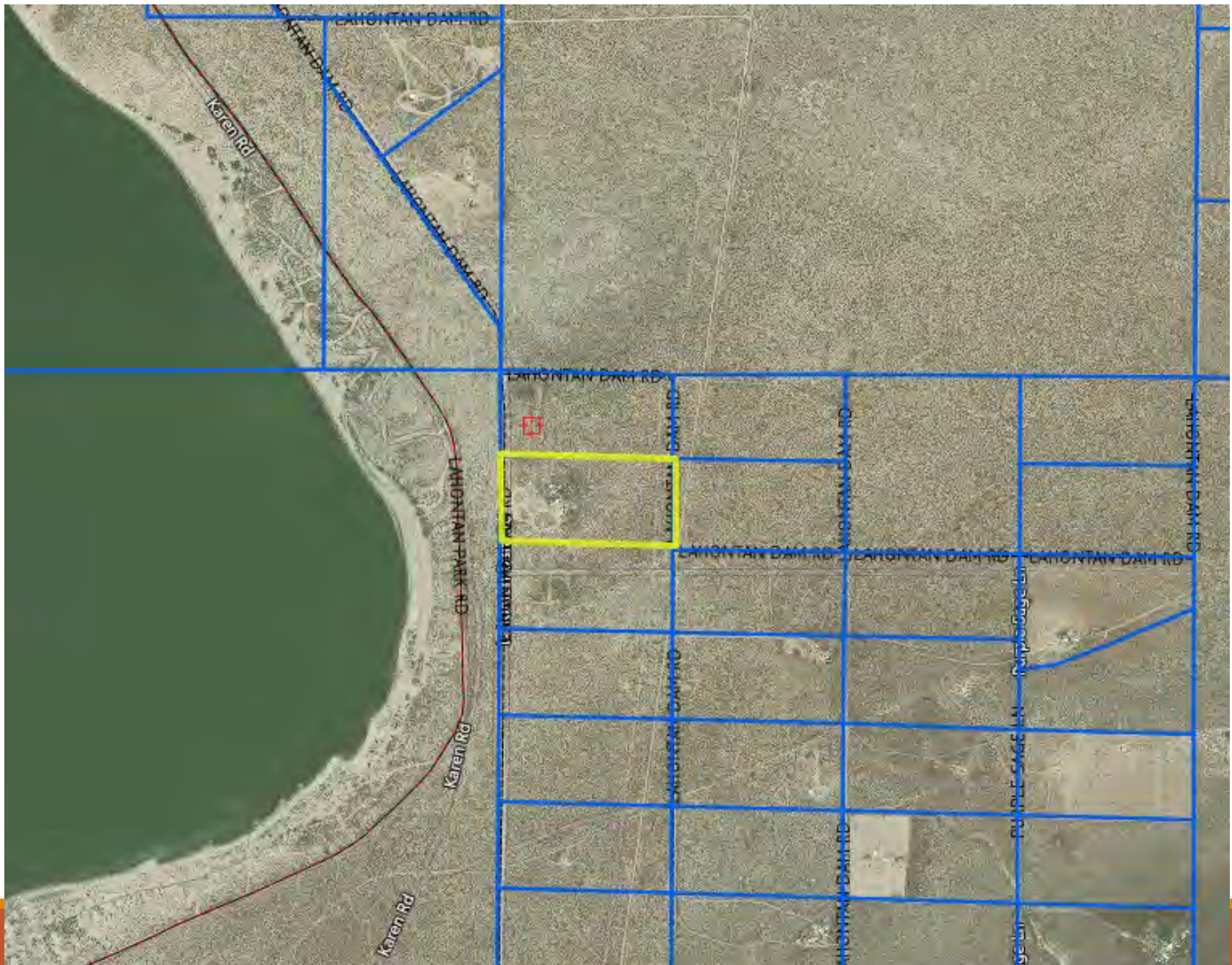


Hunter TUP Renewal, 4432 Benson Ln, APN 006-631-27





Dean TUP Application, 17323 Lahontan Dam Rd, APN 006-122-23





LAWSON DAM RD

006:122:23

006-122-23





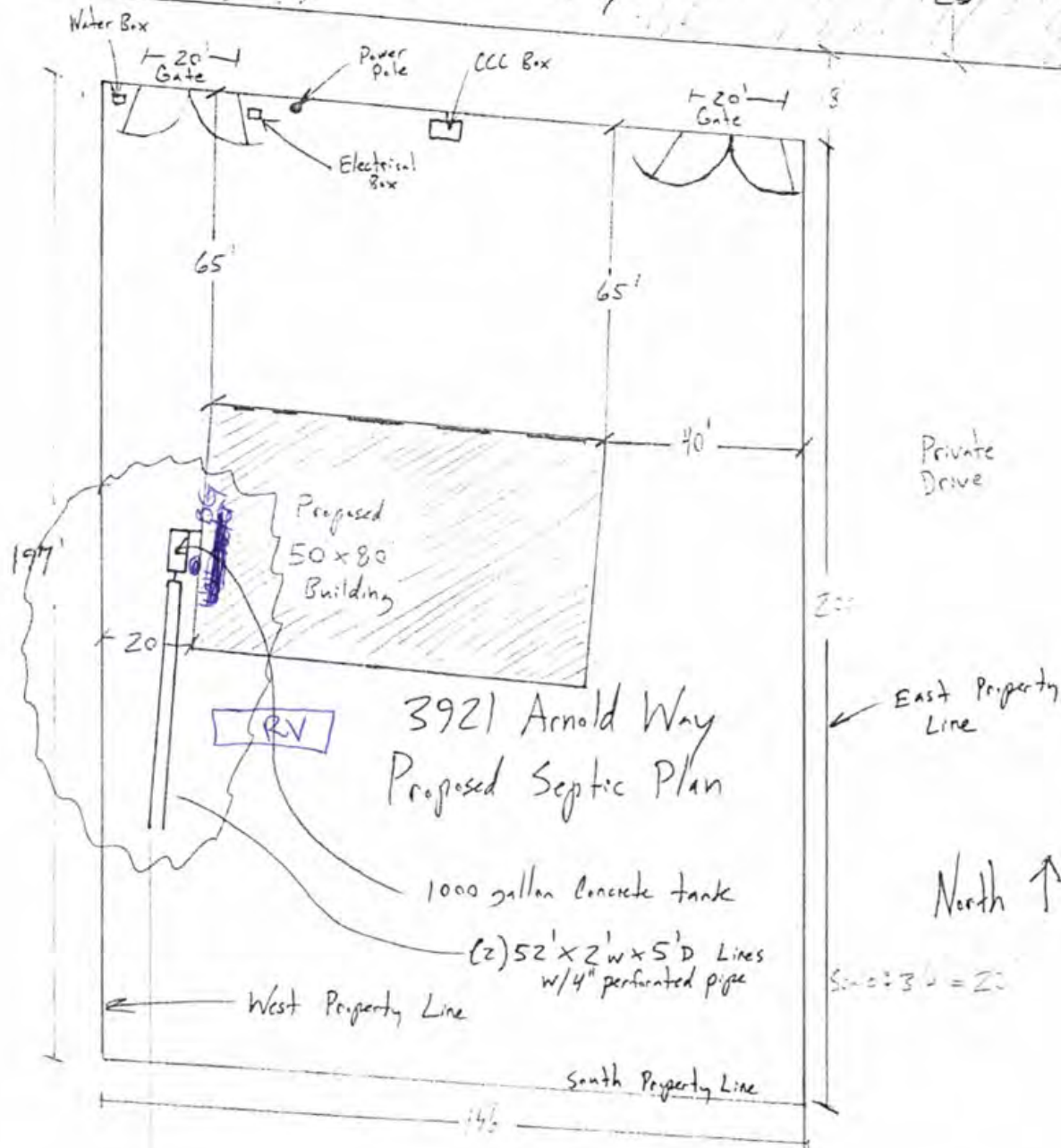
Bulldog Restorations TUP Application, 3921 Arnold Way, APN 008-411-55



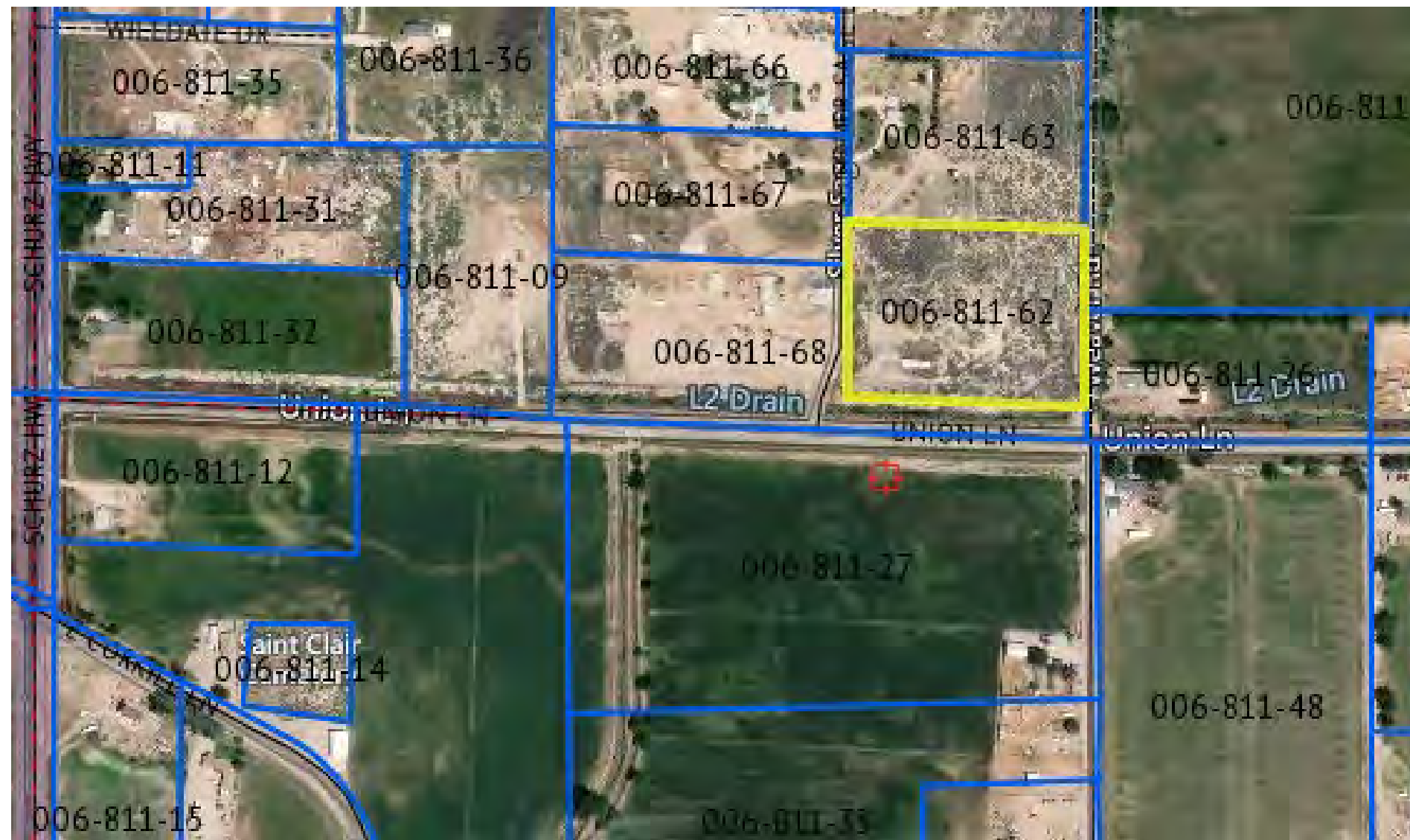


Arnold Way

26'



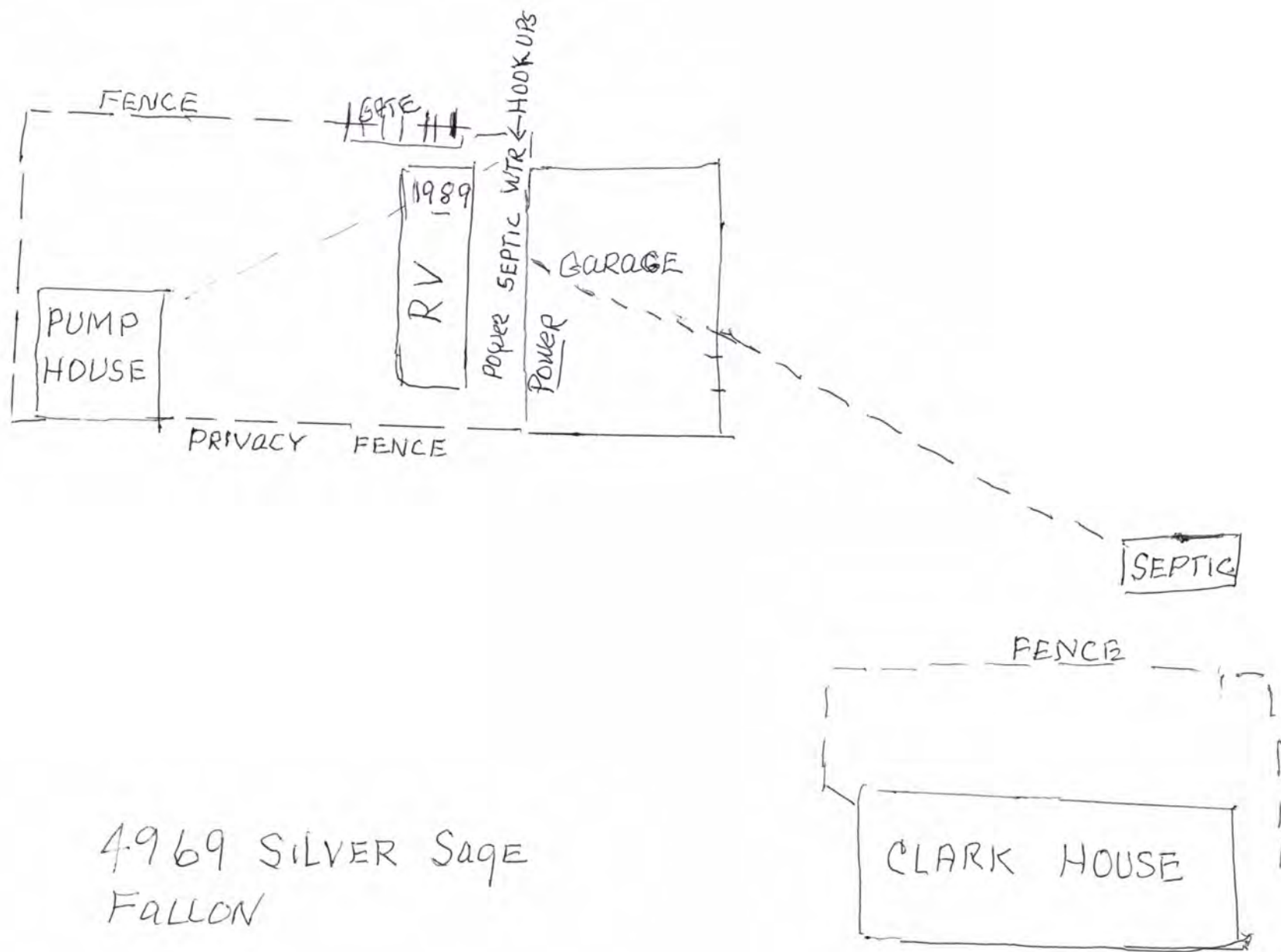
Clark TUP Application, 4969 Silver Sage Ln, APN 006-811-62





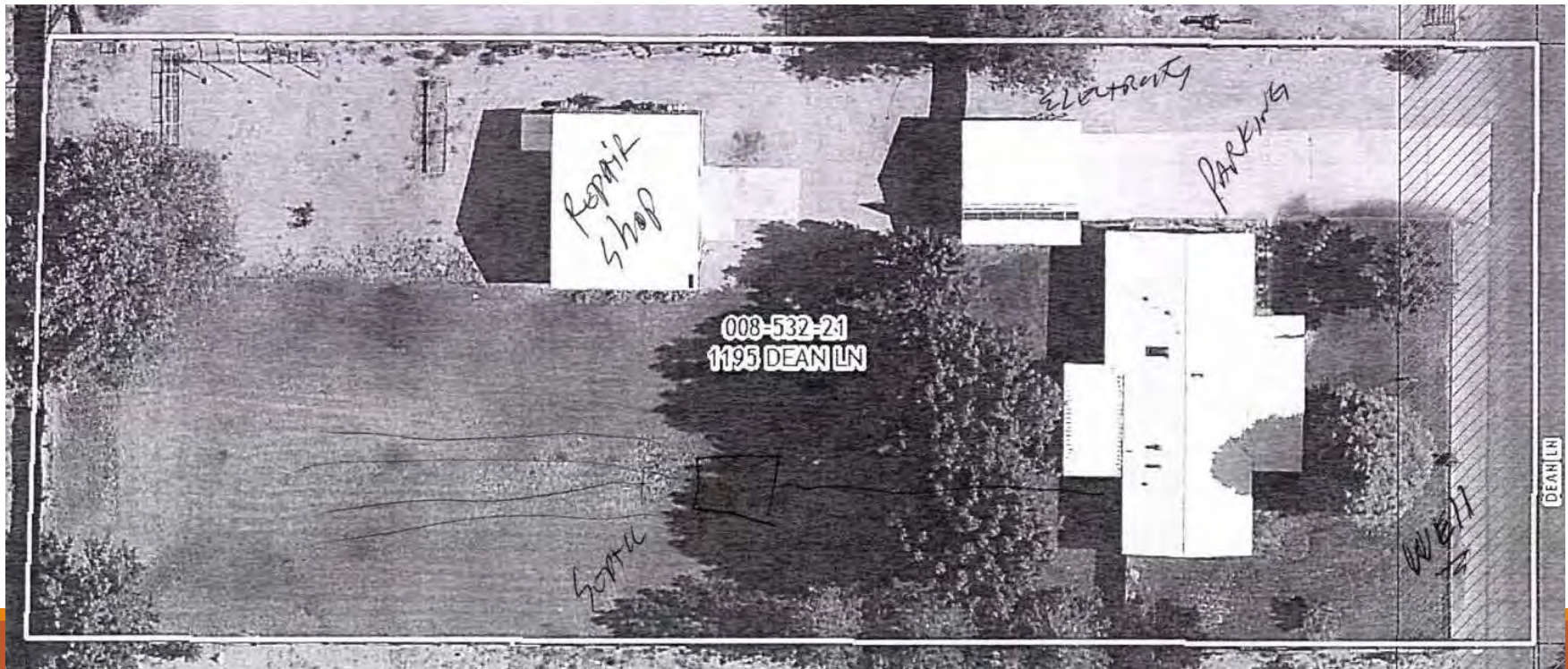


006-811-62

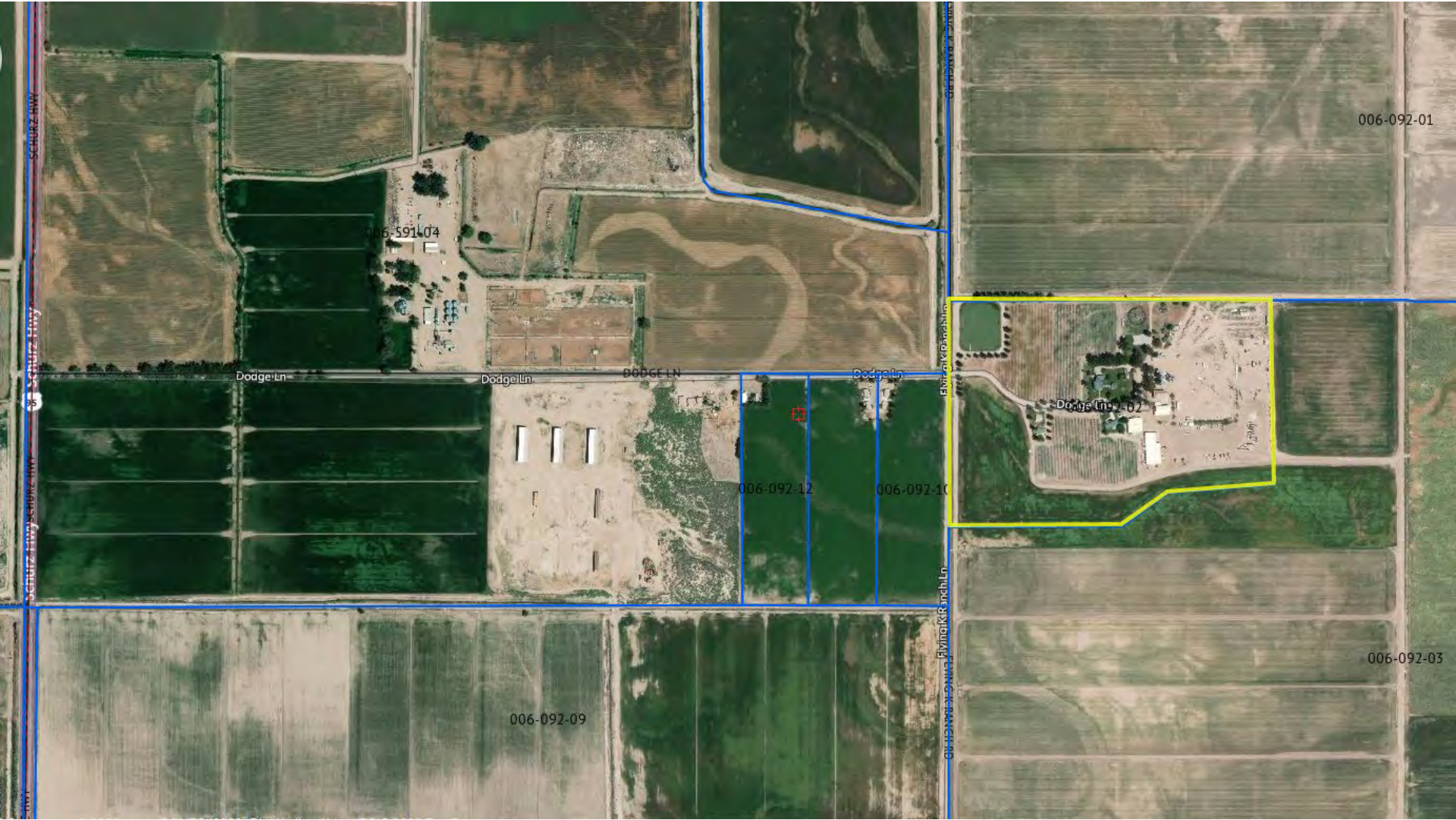


Corrigan SUP Application, 1195 Dean Ln, APN 008-532-21





Frey Ranch Distillery SUP Application, 1045 Dodge Ln, APN 006-092-02



Frey Ranch Distillery Original SUP Site Plan



Frey Ranch Distillery Original SUP Building Elevation

Steel Center Building 30' X 80' - 22' Steel Eves
Plus Add 12" high concrete all walls = 23' Eves
6"- 12" roof pitch with 18" Extended Eves all sides

Steel Lean 20' X 30' - 12' Eves
Plus Add 12" high concrete all walls = 13' Eves
2"- 12" roof pitch - 18" Extended Eves all sides

Steel Lean 20' X 80' - 12' Eves
Plus Add 12" high concrete all walls = 13' Eves
2"- 12" roof pitch - 18" Extended Eves all sides



West Elevation

Untitled Map

Write a description for your map.

Legend

- Feature 1
- Frey Ranch Distillery







General Notes

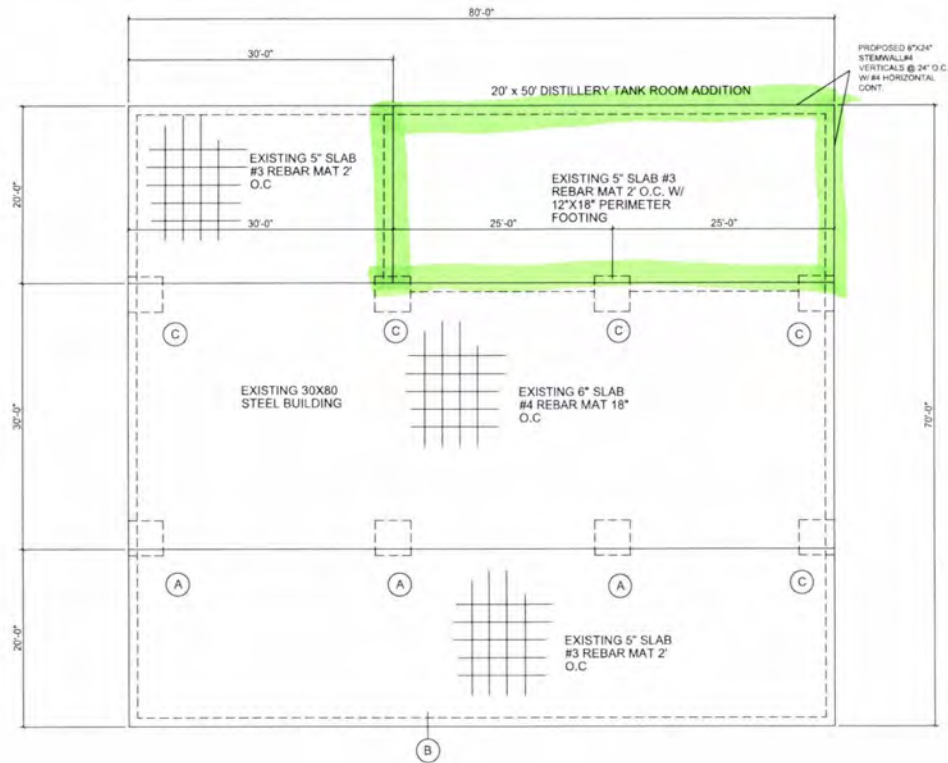
No.	Revision/Issue	Date

Firm Name and Address
 HAMMOND HOMES AND
 CONSTRUCTION LLC
 NV LIC #67694
 NV LIC #72882

Project Name and Address
 FREY DISTILLERY
 DISTILLERY SUP PLOT
 1045 DODGE LN
 FALLON, NV 89406

Project	Sheet
Date	P1
Scale	

Distillery Top View



General Notes

No.	Revision/Issue	Date

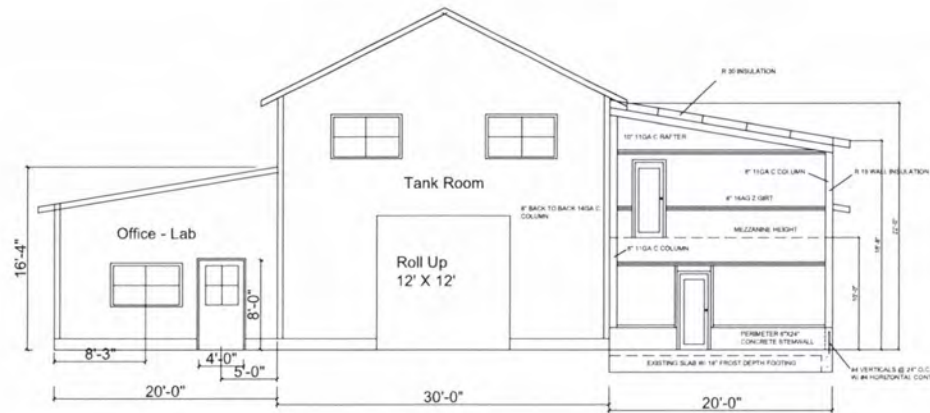
Per Name and Address

HAMMOND HOMES AND
CONSTRUCTION LLC
NV LIC #67694
NV LIC #72882

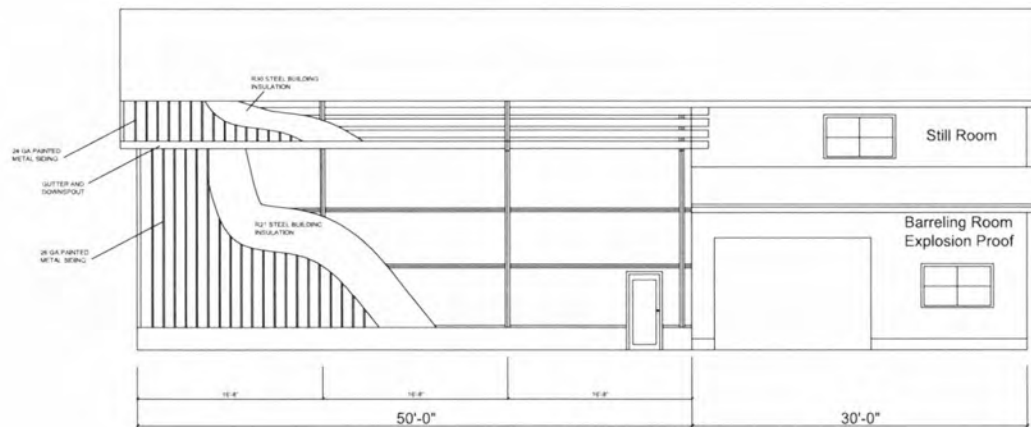
Project Name and Address

FREY DISTILLERY
DISTILLERY ADDITION
1045 DODGE LN
FALLON, NV 89406

Project	Sheet
Date	A1
Scale	



East Elevation



North Elevation

General Notes

No.	Revision/Issue	Date

Firm Name and Address
HAMMOND HOMES AND CONSTRUCTION LLC
 NV LIC #67694
 NV LIC #72882

Project Name and Address
FREY DISTILLERY
 DISTILLERY ADDITION
 1045 DODGE LN
 FALLON, NV 89406

Project	Sheet A4
Date	
Drawn	

Frey Ranch Main Entrance Sign



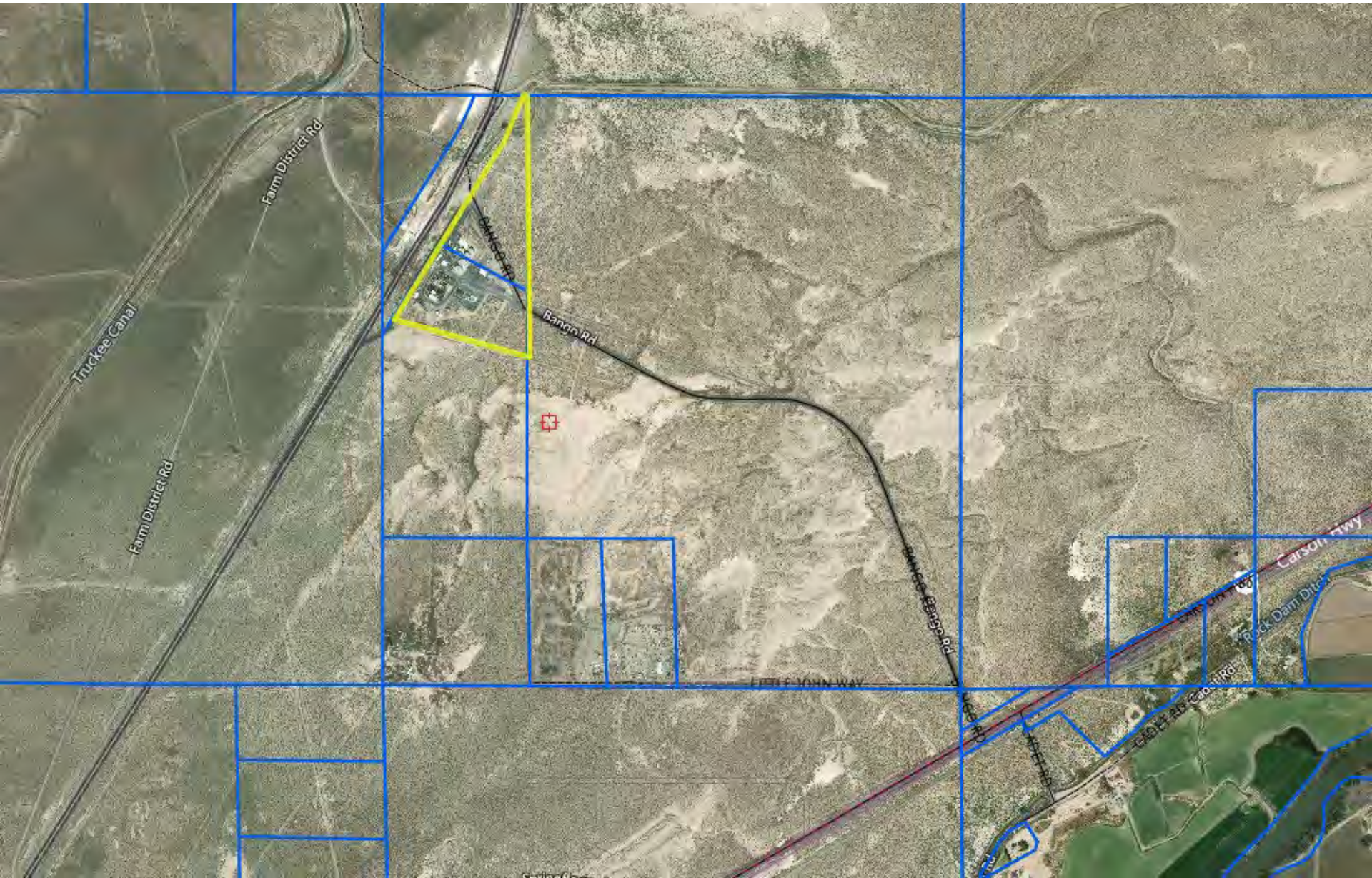
Intersection Sign



Distillery Sign



Safety-Kleen Systems SUP Application, 22211 Bango Rd, APNs 007-071-80 & -81





007-071-81

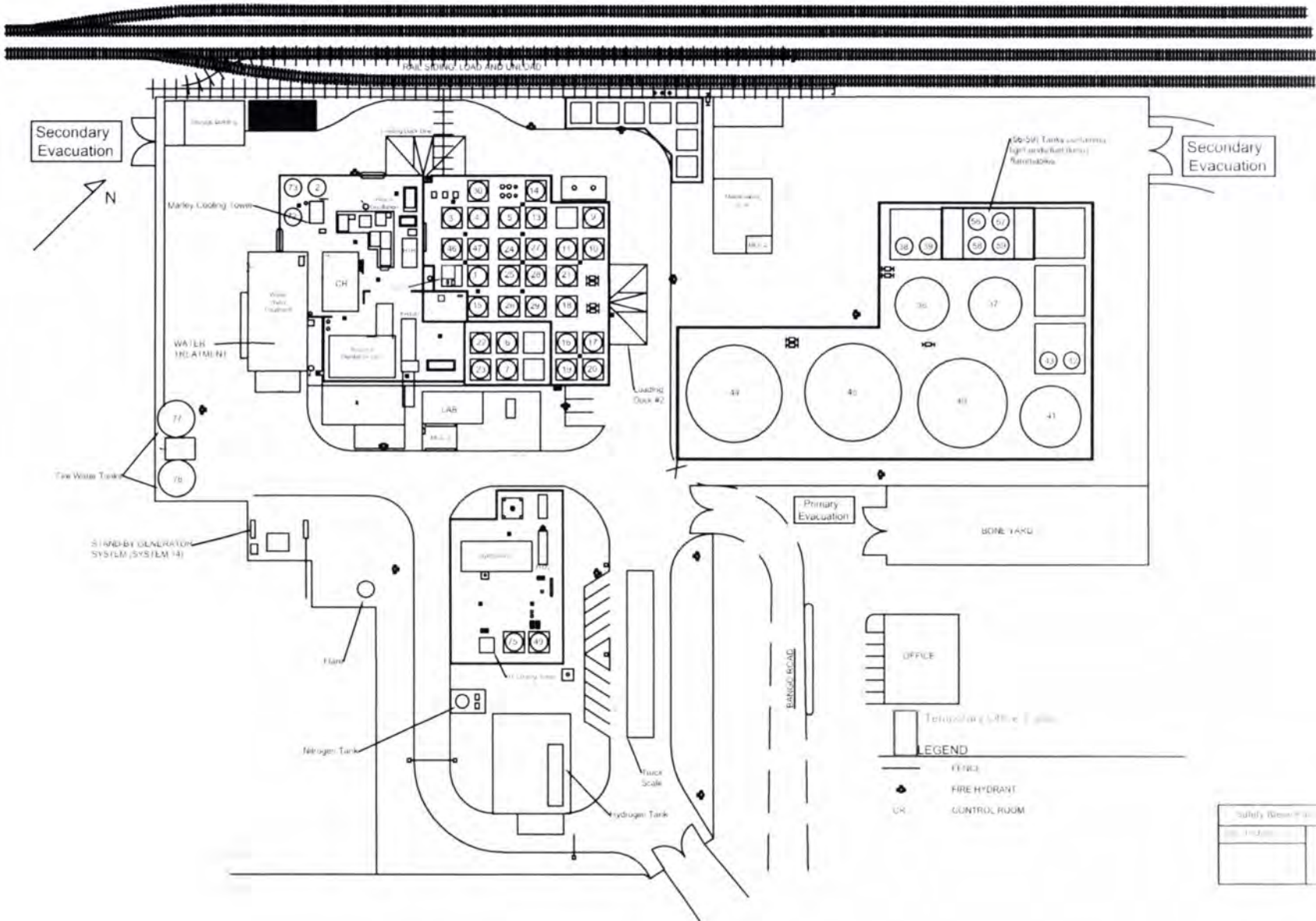
007-071-80

007-071-77

007-071-7

BANCO RD

BAN



Safety Brownfield Facility Map	
Map Number	
Map Date	

Fullerton Variance Application, 1767 Lovelock Hwy, APN 008-273-62





Variance Application - Site Plan

500 Gummow Drive
Fallon, Nevada

- Legend**
- Centerline Distance
 - Previous NOFA Containers
 - Variance Application Containers

500 Gummow Drive

Stanislaus Farm Supply

68'

44'

>90'

>90'



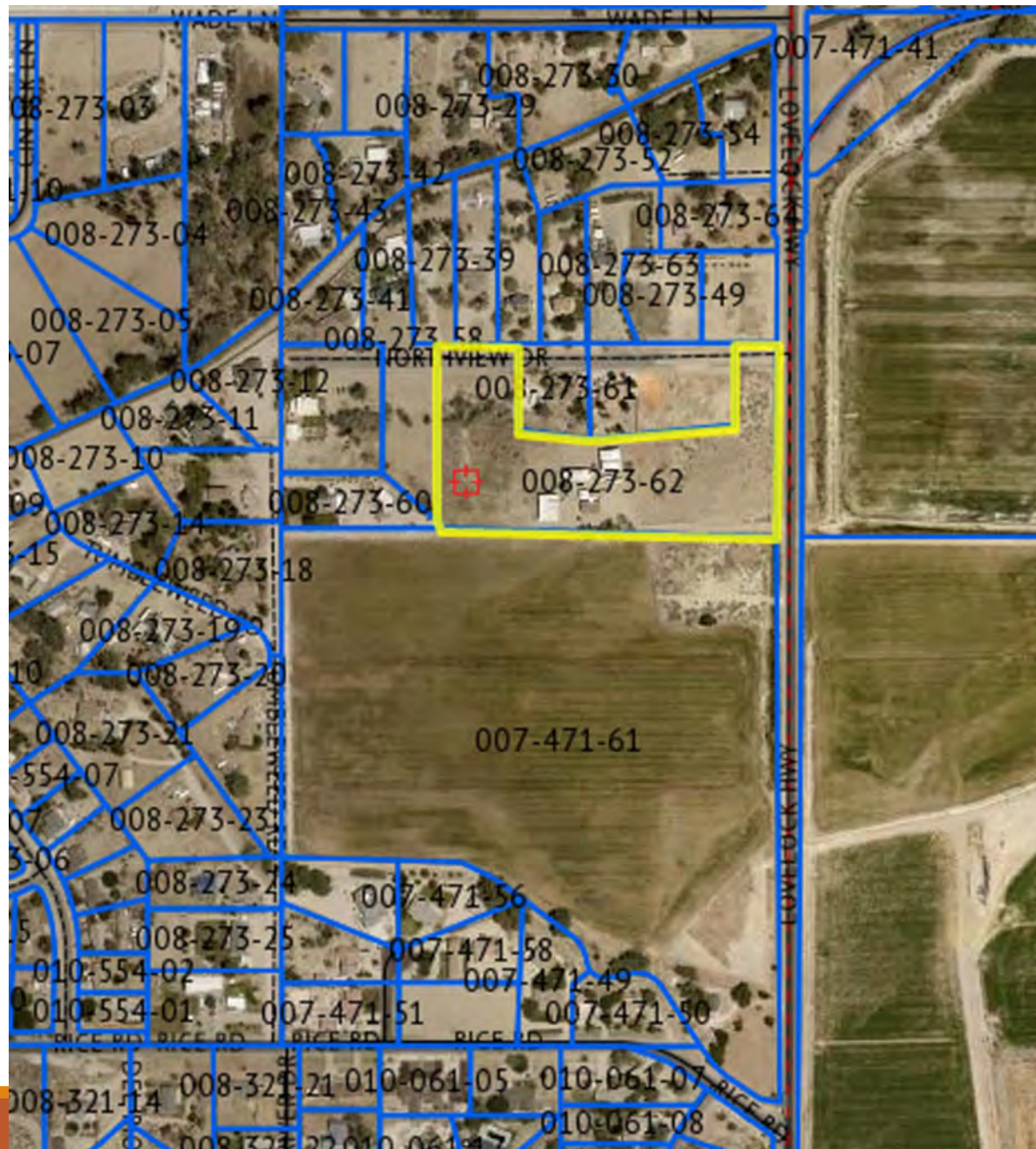
100 ft

Google Earth

Image © 2022 CNES / Airbus



Fullerton Variance Application, 1767 Lovelock Hwy, APN 008-273-62





This is an aerial map of a residential area, likely in a suburban or rural setting. The map displays numerous property boundaries outlined in blue. Each parcel is labeled with a unique identifier, such as '008-273-03', '007-471-61', and '010-061-05'. A prominent yellow rectangle highlights a specific parcel, and a small red square is located within this highlighted area. The map also shows major roads, including 'LOWLOCK HWY' running vertically on the right side and 'RICE RD' running horizontally at the bottom. The terrain appears to be a mix of developed land with buildings and open fields.



BASIS OF BEARINGS

THE BASIS OF BEARINGS IS THE NEVADA STATE PLANE WEST ZONE FROM GPS OBSERVATIONS AND SHOWN AS N89°49'26"W ON THE SOUTH LINE OF NE1/4 OF THE NW1/4 OF SECTION 19, T19N R29E AS SHOWN. GROUND COORDINATES AND DISTANCES ARE SHOWN COMPUTED WITH A COMBINED SCALE FACTOR OF 1.000280.

WADE LANE

1/4 Corner
T19N
R29E
Set Not & PLS 11420 Tie
Position per R1
Section 19
E 2572091.67
N 14807344.32
E 2572093.63

HAMMOND APN 8-273-39 P 2 PER R5
REBBETOY APN 8-273-38 PARCEL 1 PER R5
REYNOLDS APN 8-273-37 PARCEL 3 PER R7
REYNOLDS APN 8-273-36 PARCEL 2 PER R7
HARRISON APN 8-273-63 PARCEL 1B PER R8
RENO HWY PROPERTIES APN 8-273-49 PARCEL 2 PER R6
RENO HWY PROPERTIES APN 8-273-50 PARCEL 3 PER R6

NORTHVIEW DRIVE
EXISTING ROAD PROPOSED TO BE IMPROVED
OFFERED FOR DEDICATION
TO COUNTY GRAVEL STANDARD

JOHNSTON
APN 8 - 273 - 61
PARCEL 1 PER R1
NOT A PART

HIRSCHMUGL
APN 8 - 273 - 47
PARCEL 1 PER R2
NOT A PART

Parcel 3
2.00 Acres +/-
NW/R

Parcel 4
2.70 Acres +/-
NW/R

Parcel 5
2.00 Acres +/-
NW/R

OWNER

EMMA FULLERTON
JUSTIN JOHNSON
1767 LOVELOCK HIGHWAY
APN 8 - 273 - 62
FALLOW, NV 89406

SITE: SAME
ZONE: E-1
TOTAL AREA: 6.70 ACRES +/-

FISHER
APN 8 - 273 - 60
PARCEL 2 PER R4

FOUND R8 & CAP STAMPED
PLS 9612 PER R9

EASEMENTS FOR UTILITY AND VIDEO SERVICES

10' WIDE ALONG LOT LINES THAT COINCIDE WITH THE EXTERIOR BOUNDARY OF THIS LAND DIVISION, EXCEPT WHERE THE BOUNDARY IS FRONTED BY A ROAD.

5' WIDE ALONG INTERIOR LOT LINES, EXCEPT WHERE THE LINE IS FRONTED BY A ROAD.

7.5' WIDE MEASURED FROM THE EDGE OF ROAD EASEMENTS OR RIGHTS-OF-WAY.

ALL EASEMENTS ARE ESTABLISHED AS INDICATED EXCEPT WHERE SUCH EASEMENT OVERLAYS AN EXISTING PUBLICLY MAINTAINED IRRIGATION OR DRAINAGE EASEMENT. IN SUCH CASE THE APPROPRIATE UTILITY EASEMENT SHALL BE PARALLEL TO AND CONTIGUOUS WITH THE EXISTING EASEMENT.

A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED WITHIN EACH PARCEL FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING UTILITY SERVICE FACILITIES TO THAT PARCEL, WITH THE RIGHT TO EXIT THAT PARCEL WITH SAID UTILITY FACILITIES FOR THE PURPOSE OF SERVING ADJACENT PARCELS, AT LOCATIONS MUTUALLY AGREED UPON BY THE OWNER OF RECORD AT THE TIME OF INSTALLATION AND THE UTILITY COMPANY. PUBLIC UTILITY EASEMENTS INCLUDE CATT.

A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED TO SOUTHWEST GAS CORPORATION WITHIN EACH PARCEL AS SHOWN FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING UTILITY SERVICE FACILITIES TO THAT PARCEL, WITH THE RIGHT TO EXIT THAT PARCEL WITH SAID UTILITY FACILITIES FOR THE PURPOSE OF SERVING ADJACENT PARCELS. PUBLIC UTILITY EASEMENTS INCLUDE CATT.

REFERENCES

R1 AMENDED PARCEL MAP FOR MCKENZIE & SMITTEN BY LUMOS DOCUMENT # 214464 DATED 01/11/1999.
R2 AMENDED PARCEL MAP FOR NORMAN, SMITTEN, & BARREDO BY LUMOS DOCUMENT # 258315 DATED 03/21/1991.
R3 PARCEL MAP FOR BOHMAN BY WILSON DOCUMENT # 199898 DATED 12/28/1979.
R4 AMENDED PARCEL MAP FOR GETTO BY LUMOS DOCUMENT # 2011999 DATED 02/27/1999.
R5 PARCEL MAP FOR ROBINSON BY WILSON DOCUMENT # 179462 DATED 11/05/1990.
R6 PARCEL MAP FOR BAKENIE BY LUMOS DOCUMENT # 278235 DATED 11/05/1993.
R7 PARCEL MAP FOR LIMA BY WILSON DOCUMENT # 166669 DATED 12/28/1979.
R8 PARCEL MAP FOR HARRISON & BRADSTREET INV. BY LUMOS DOCUMENT # 465495 DATED 21/05/2018.
R9 AMENDED PARCEL MAP FOR BAKENIE BY EMERY-BELL DOCUMENT # 201067 DATED 7/11/1999.

LEGEND

- FOUND 1/4 CORNER AS DESCRIBED.
- 1/16 CORNER AS DESCRIBED.
- SET 56" REBAR AND PLS 11420 YELLOW CAP.
- WITNESS CORNER
- SET 56" REBAR AND PLS 11420 YELLOW CAP.
- FOUND R8 & CAP STAMPED PLS 7809 PER R1 OR R2 OR AS DESCRIBED.
- CALCULATED POINT, NOTHING SET.



FALLOW NDOT VRS STATION
NEVADA WEST ZONE (2703)
STATE PLANE GRID COORDS
N 14840563.40
E 2573739.66
GROUND SF 1,000 280
N 14844718.76
E 2574460.31

TCID ID # 22-006

NOTE
IN ACCORDANCE WITH NEB 247 AND 236, TO OBTAIN AN OFFICIAL COPY OF THIS MAP, CONTACT THE CHURCHILL COUNTY RECORDER.

PARCEL MAP FOR
JUSTIN JOHNSON & EMMA FULLERTON
PARCEL "2" OF DOCUMENT 314494
LOCATED WITHIN A PORTION OF THE NW 1/4 OF SECTION 19,
TOWNSHIP 19 NORTH, RANGE 29 EAST M.D.B. & M.
CHURCHILL COUNTY NEVADA
Bell Land Surveying
1000 Colorado Hwy
Hendee, Nevada 89319
(775) 240-3079 FALLOW 775-423-8701
Email: 57615@BELLANDSURVEYING.COM

Consent Agenda



Safety-Kleen Systems, Inc. 2022 Glycol Unit Operation Application



Purpose

- Safety-Kleen is ready to commission a Glycol Unit that will process our current 50% Glycol and 50% Water waste stream into reusable water at the refinery and produce a sellable recycled glycol stream
- Agenda
 - Introductions and a little bit about Safety-Kleen
 - What does this glycol unit do?
 - Where does the glycol unit go in the refinery?
 - How will the refinery ensure to run this unit odor free?
 - What are the benefits to the refinery and the community of running this unit?
 - Overview/Update of the safety record and compliance record since Safety Kleen purchased the refinery in 2016

Intros....

■ Jeremy Moss – Director of Operations

- 12 years with Safety-Kleen
- Responsible for all Operations at 4 of our 8 Refineries across US and Canada; including a small glycol recycling operation in Las Vegas

■ Chris Balhoff – Fallon Refinery GM

- Just started as GM earlier this month
- Joins us from SK Primacor Americas where he was responsible for all operations at a world class chemical facility

■ Mark Boggs – Director of Engineering

- Mark has been with Safety-Kleen for over 6 years
- Leads all major projects at the Fallon Refinery. He's led over \$10M of capital projects in Fallon over the last 6 years
- Brings 40 years of experience in Refineries

What Does the Fallon Re-Refinery Do?

- The Fallon Re-Refinery currently processes about 28 million gallons of used oil annually
- It produces the following products:
 - 120N base oil lubricant
 - 240N base oil lubricant
 - Various industrial fuels
 - Asphalt material
- This is recycling at it's best!
 - Reduces our dependence on foreign oil imports
 - Makes lubricants a renewable resource



A Little On Re-Refining

- Feedstock is used lubricating oil and NOT crude oil
- Key processes are dehydration, distillation, wiped film evaporation, and hydrotreating
- These processes separate the contaminants from the oil
- Produces lubricants as good or better than what others are making from crude!

Our Finished Product!

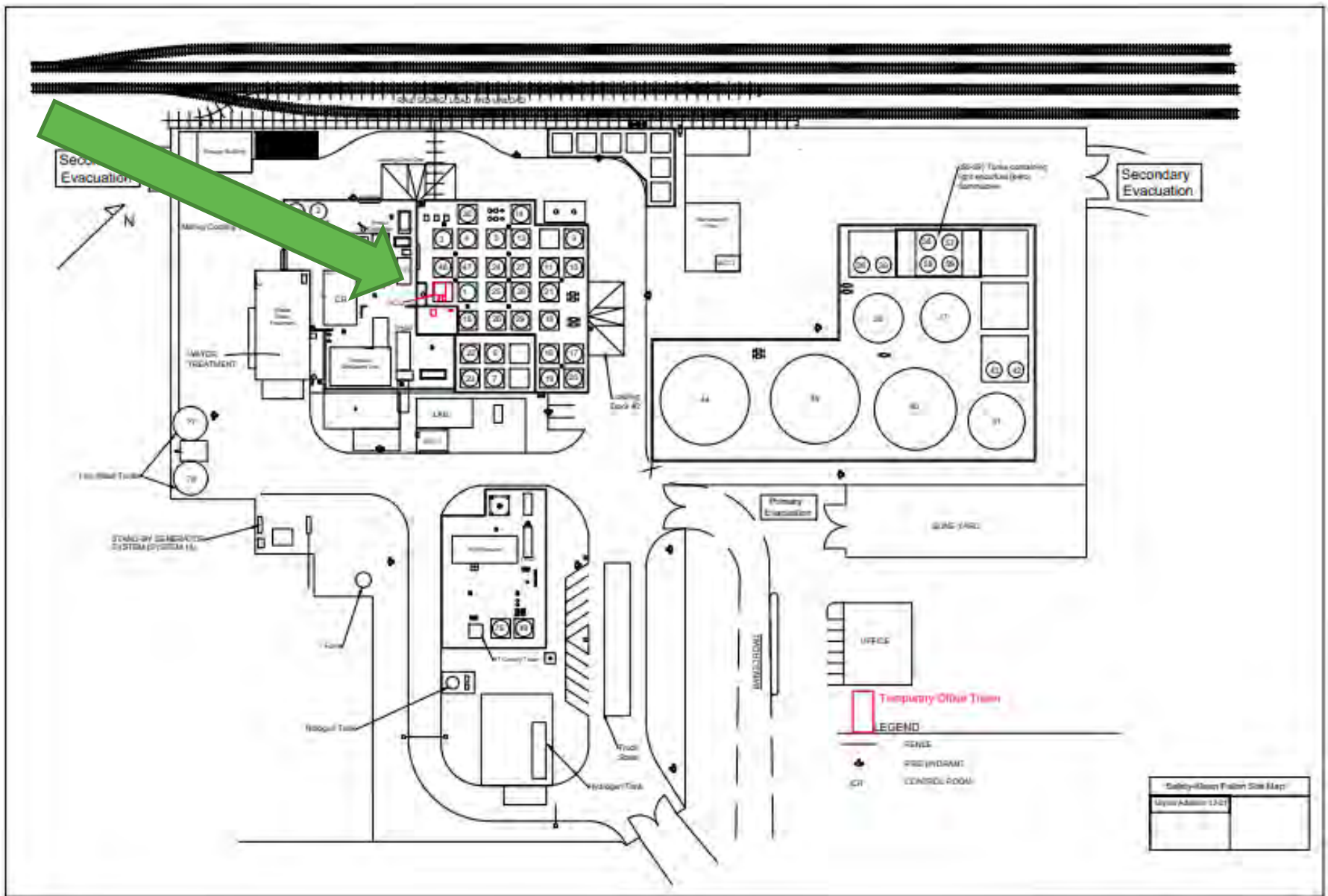


What Does a Glycol Plant Do?

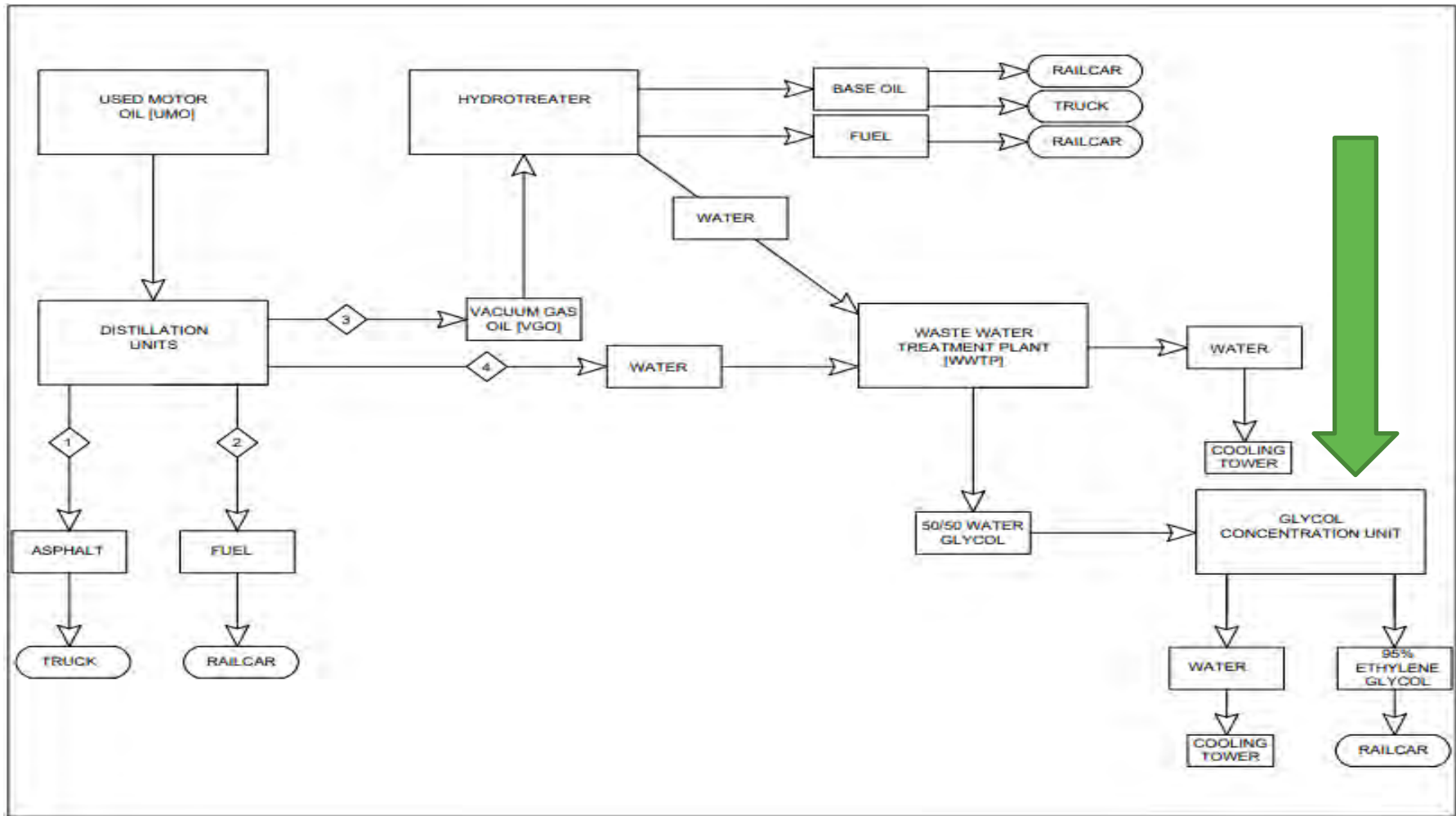
- 'Glycol' (ethylene glycol/antifreeze) comes in with used oil feedstock and is separated out during the refining process as a byproduct
- Through a vacuum distillation process, the Glycol unit will separate the glycol and water from our current 50/50 - glycol/water waste stream that comes from our wastewater treatment plant

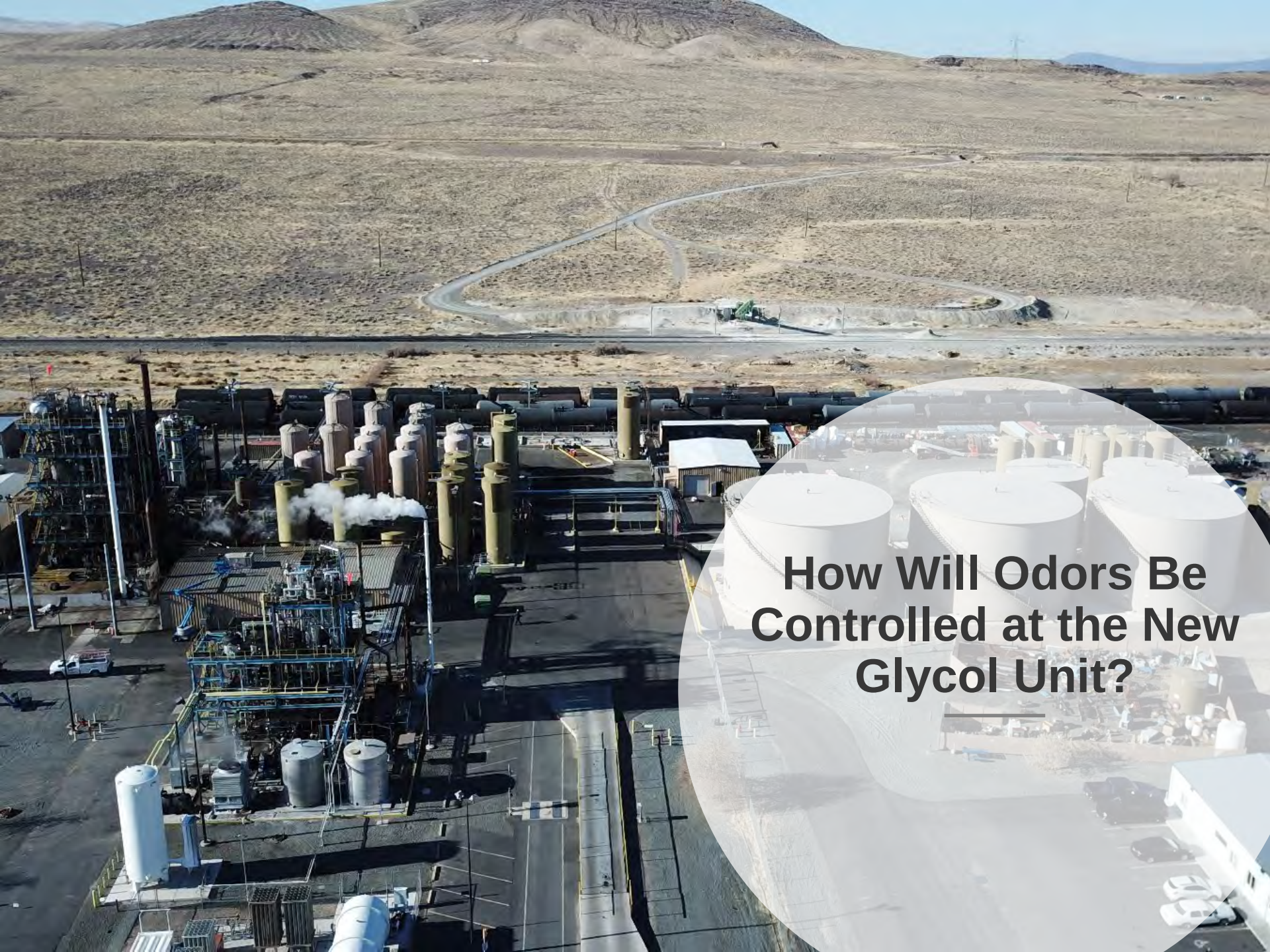
Where Will This Glycol Unit go?





Where Does the Glycol Unit Fit in the Process?





**How Will Odors Be
Controlled at the New
Glycol Unit?**

How Will Odors Be Controlled?

- This unit **will not** produce any additional odors!
- The glycol unit is a unit that is fully contained. This means all feedstock remains in the process and any off gas generated from this unit stay in this enclosed system
- All emissions “off gasses” generated from this unit are piped to one of our natural gas fired process heaters where the off gas is burned.
- All emissions from the heater then pass through a scrubber where all emissions are absorbed before they are emitted to atmosphere. Emissions from this scrubber have strict limits set by the state.
- With these regulated systems in place, the Fallon Refinery **will not** create any odors from operating this Glycol Unit.

Odor control systems..



An aerial photograph of an industrial facility, likely a glycol unit, situated in a vast, arid desert landscape. The facility features a complex network of pipes, tanks, and a tall distillation column emitting a plume of white steam. Several large, cylindrical storage tanks are visible in the foreground. A parking lot filled with various vehicles, including pickup trucks and cars, is located in the lower left. A long, low industrial building is positioned in the center. In the background, rolling hills and a clear blue sky are visible. A semi-transparent circular graphic is overlaid on the right side of the image, containing the text.

Benefits of Operating the Glycol Unit...

Benefits of Operating this Glycol Unit

- Currently, the Refinery sends about 1 million gallons, annually, of the 50% Glycol and 50% Water coming off the Waste Water Treatment Plant to a permitted evaporation pond
- This equates to about 48 railcars a year
- Operating this unit will allow the Refinery to use approx. 500,000 gallons of water generated from this unit as cooling tower make up water

Benefits of Operating this Glycol Unit; cont'd....

- With the ability to send this water now to the cooling towers, the Refinery will ship 24 less railcars a year and reduce its reliance on well water by about 500K gallons a year.
- **Less railcar traffic – Less reliance on well water.**
- Operating this unit will also provide a now recycled/concentrated glycol product that can be sold back into the antifreeze market, instead of just sending it to an evap pond.
- More recycling/reuse of products which is the name of the game at Safety Kleen.



Refinery Compliance and Safety Record.

Safety Kleen Refinery – Safety and Compliance

- Since Safety Kleen acquired the Refinery in 2016:
 - Odors that were prevalent at the refinery pre-acquisition have been eliminated! Complaints have stopped.
 - This is all due to using best practices when running the Refinery. There is no cost too great to keep the refinery safe and compliant so we can be a good resident to Fallon, NV!!
 - There are been 3 very minor recordable injuries at the Refinery since 2016. This puts our TRIR at less the 1.0 during that time, much lower than industry standard. Safety Kleen will always put safety first!!!

Summary...

- In short, Safety Kleen has proven the refinery can be run near odor free, stay in compliance with the state, county and city while keeping everyone safe inside and out.
- The addition of this glycol unit will reduce traffic in and out of the refinery and significantly reduce its reliance on well water annually.
- We feel this is a must do project that benefits not only Safety Kleen, but the county of Churchill as well.
- Thank you all for your time today.

Questions?



From: [Jeralynne Pierson](#)
To: [Planning Admin](#)
Cc: [Dean Patterson](#)
Subject: RE: Building Permit(s) status for Home Construction
Date: Thursday, August 18, 2022 11:06:31 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Please see below.

Jera Pierson

Churchill County Building
155 N. Taylor Street
Suite 170
Fallon, NV 89406-2754
O: (775) 428-0264
Fax: (775) 423-8185
jpierson@churchillcounty.org



From: Planning Admin <planning-admin@Churchillcounty.org>
Sent: Tuesday, August 16, 2022 2:46 PM
To: Jeralynne Pierson <jpierson@Churchillcounty.org>
Cc: Dean Patterson <DPatterson@churchillcountynv.gov>
Subject: Building Permit(s) status for Home Construction
Importance: High

We have 3 TUP renewals coming up and want to follow up on building permits that have been applied for, approved, and/or completed for the following:

13215 Power Line Road, APN 006-121-09, Oscar & Sally ALLDREDGE A building permit for the house has been issued but no inspections have been completed since 9/2/21.

4432 Benson Lane, APN 006-631-21, Robert Hunter No building permits have been issued to date.

2400 Lucas Rad, APN 008-112-15, Aaron & Katherine Murray A building permit for the house has been issued and the last inspection was completed in June.

Please let me know, so that we can add this information to their renewal applications when they are

submitted.

Diane Moyle

Churchill County Public Works, Planning & Zoning Department

155 N Taylor St, Suite 194

Fallon, NV 89406

775-423-7627 phone

775-428-0259 fax

Churchill County is an equal opportunity employer and provider.

Hunter TUP Renewal Photos





Churchill County Building Department

August 22, 2022

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: DEAN TUP APPLICATION, 17323 LAHONTAN DAM ROAD

Mr. Spross:

Regarding the TUP for placement of two Recreational Vehicles while either building a new residence or placing a manufactured home, the Building Department will require the following:

- A. Placement Permit for each recreational vehicle (\$200.00 fee apiece)
- B. Electric connection inspection, each vehicle
- C. Sewer connection inspection, each vehicle

A search of the records available in the Churchill County Building Department indicates a construction permit was approved for a septic system on that site, and a certificate of occupancy approving the construction and authorizing its use was found in the file

Continued use of the existing septic system is permitted until the septic system fails to operate properly, or until a community sewer system becomes available. If the septic system fails to operate properly, repair or replacement will require a construction permit issued by the Churchill County Building Department. The replacement or repaired septic system must conform to the codes in effect at the time of failure.

If, in the future, a manufactured home is to be placed on the parcel for a permanent residence, a separate Placement Permit (\$200.00 fee) and a Conversion/Foundation Permit (\$200.00 fee) will be required.

If instead, a stick-built structure is to be built on the parcel as a permanent residence, plans must be submitted to the Building Department and a Building Permit purchased.

If questions arise, or if I may be of further assistance, please contact me.

Sincerely,

Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov

Dean TUP Application Photos





Churchill County Building Department

August 22, 2022

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: BULLDOG RESTORATIONS TEMPORARY USE PERMIT, 3921 ARNOLD WAY

Mr. Spross:

Regarding the Temporary Use Permit application for placement of one recreational vehicle for commercial watchman's quarters, the Building Department will require the following:

- A. Placement Permit (\$200.00 fee)
- B. Electric connection inspection
- C. A plot map with dimensions showing the vehicles connection to the septic system.
- D. A septic connection inspection prior to occupancy of the vehicle.

The Building Department has concerns as to whether a suitable connection to the existing septic system is possible from the proposed placement of the recreational vehicles.

A search of the records available in the Churchill County Building Department indicates a permit was approved for a septic system on that site, and a Letter of Inclusion authorizing its use was found in the file

Continued use of the existing septic system is permitted until the septic system fails to operate properly, or until a community sewer system becomes available. If the septic system fails to operate properly, repair or replacement will require a construction permit issued by the Churchill County Building Department. The replacement or repaired septic system must conform to the codes in effect at the time of failure.

If questions arise, or if I may be of further assistance, please contact me.

Sincerely,

Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov

Bulldog Restorations Photos









Churchill County Building Department

August 22, 2022

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: CLARK TEMPORARY USE PERMIT APPLICATION, 4969 SILVER SAGE LANE

Mr. Spross:

Regarding the Temporary Use Permit application for placement of a Recreational Vehicle for a caretaker, the Building Department will require the following:

- A. Placement Permit for the recreational vehicle (\$200.00 fee)
- B. Electric connection inspection
- C. A plot map with dimensions showing the vehicles connection to the septic system.
- D. Sewer connection inspection

The Building Department has concerns as to whether a suitable connection to the existing septic system is possible from the proposed placement of the recreational vehicle.

A search of the records available in the Churchill County Building Department indicates a construction permit was approved for a septic system on that site, and a certificate of occupancy approving the construction and authorizing its use was found in the file

Continued use of the existing septic system is permitted until the septic system fails to operate properly, or until a community sewer system becomes available. If the septic system fails to operate properly, repair or replacement will require a construction permit issued by the Churchill County Building Department. The replacement or repaired septic system must conform to the codes in effect at the time of failure.

If questions arise, or if I may be of further assistance, please contact me.

Sincerely,

Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov



Churchill County Building Department

August 22, 2022

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: COMMENTS PERTAINING TO SPECIAL USE PERMIT APPLICATION FOR GRANTS GUN GARAGE,
GRANT EDWARD CORRIGAN, 1195 DEAN LANE

Mr. Spross:

In a search of records in the Churchill County Building Department, no permit was found for construction of the indicated garage at the above address. If construction of the garage was prior to 1981, no permit would have been required at that time.

Prior to starting business in this structure, the Churchill County Building Department will require an inspection of the building to determine what alterations may be needed to change the use from an undetermined type of outbuilding to a commercial gun repair shop.

The existence of customer traffic will require the following alterations to the existing building;

An approved ADA entrance/access into the building.

A level, hard surfaced designated parking space.

An approved access route from the parking space to the access into the building.

An approved ADA bathroom.

Depending on what the pre-business inspection reveals, other alterations for fire, safety and/or structural situations may be required.

A full description of gun or weapon testing procedures must be submitted to the Building Department to determine if any additional safety measures are required to be constructed.

A building permit and inspections will be required for any construction.

Please contact me with any questions or concerns.

Sincerely,
Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov

Churchill County, NV is an equal opportunity provider and employer

Scott and June Sharkey

1060 Dean Lane

Fallon, NV 89406

RECEIVED

SEP 02 2022

Churchill County Public Works,
Planning & Zoning

September 1, 2022

Dear Churchill County Planning Commission;

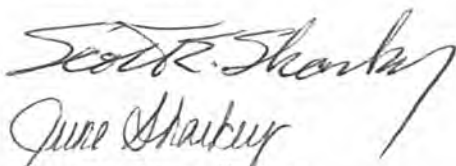
We received the notice of the meeting on September 14, 2022 which will include a public hearing for a special use permit application by Grant Corrigan (1195 Dean Lane) for a home-based firearms service and repair business.

We are strongly opposed to this application. We live in a quiet neighborhood on a dead-end street and have lived here for 14 years. The neighborhood has small children who, at times, ride their bikes along the street. It is clear that such a business will increase traffic on our street and as such will change the safety for our children as well as the quiet nature of the neighborhood.

This area is not zoned for businesses. This proposed business would be in direct conflict with the homeowner's covenants that have long been in place. If you allow this, a precedent will be set which could make the case for other businesses in the neighborhood. Not only would the nature of our neighborhood be changed, but we believe it would negatively impact the value of our property.

Please do not approve this application.

Respectfully,


June Sharkey
Scott and June Sharkey

* Enclosed is a copy of "The Declaration of Covenants and Restrictions - Kissick Development of Churchill County"

DECLARATION OF COVENANTS AND RESTRICTIONS
KISSICK DEVELOPMENT
OF CHURCHILL COUNTY

This declaration of restrictions, made this 1 day of AUGUST, 1996, by Everett and Maureen Kissick, legal owner of the real property described by EXHIBIT A Development in the County of Churchill, State of Nevada, and recorded in the office of Churchill County Records Office, do hereby certify and established the following restrictions:

The undersigned, Everett and Maureen Kissick, hereinafter called "OWNER", does hereby make the following declaration as to limitations, restrictions and uses to which the parcels constituting said development may be put, hereby specifying that said declaration shall constitute covenants to run with all of the land in perpetuity, as provided by law, and shall be binding on all parties and all persons claiming under "OWNER", and for the benefit of and limitations upon all future owners, this declaration of deed restrictions being designed for the purpose of keeping said development desirable, uniform and suitable in design for suburban residential use.

Land Use. No parcel shall be used except for residential purposes. No business, commercial enterprise or professional occupation whatsoever shall be maintained, carried on or conducted, nor shall any noise, noxious or offensive activity be carried on, nor shall anything be done which may become an annoyance or nuisance to the neighborhood, upon any portion of said property. No structure shall be erected, altered, placed, installed, or permitted to remain on any residential parcel other than one family dwelling unit.

Building Type. The dwelling structure may be a conventional "site built" home or a 1993 or newer manufactured or modular type home of not less than 1250 square foot shall be erected or placed on any parcel of said development. Owner approval for older 1992 to 1985 manufactured home which will consist of a visual inspection. If the structure is a manufactured or modular type home it shall be not less than a "double wide" unit. No building shall be erected, altered, placed or permitted to remain on any parcel other than one detached single-family dwelling not to exceed two stories above ground level at any single point in height, and a private garage or carport for not more than four cars, which garage or carport should be used only in connection with such residential dwelling house or for storage of owners personal effects. Additionally, one (1) painted utility shed or one (1) combination tack shed and horse stall shall be allowed. All sheds, barns, or other outbuildings shall be constructed of at least painted hardboard siding and composition shingle roofing or of enamel paint.

finished ridge rolled steel material. All manufactured homes shall be installed on a foundation system that meets the requirements of the applicable lending institution and Churchill County building code and State of Nevada regulations and Veterans Administration requirements.

No part or portions of any dwelling of any kind shall be placed or maintained upon any parcel shown on said map closer than those distances as specified by Churchill County building codes pertaining to front, back and side yard setbacks.

Fences. No wall, fence or hedge over four (4) feet in height shall be erected or maintained on any parcel within twenty (20) feet of the property lines fronting on street. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and lines connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. No tree shall be permitted to remain within such distances of such intersection unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines. All fences constructed on any lot other than as set forth in this paragraph shall be no less than four (4) feet in height or greater than six (6) feet in height.

All utilities connections and service lines to each individual lot, dwelling unit, or outbuilding shall be installed underground, including electric service, gas service, cable television service, an telephone service in accordance with accepted construction and utility standards.

No temporary structures nor trailers shall be allowed on lots except as and for temporary residence while construction of permanent dwelling is in process. Such temporary structures or trailers to be allowed on lots for maximum period of nine (9) months from date of placement thereon. If building is not completed within said nine (9) month's period, said temporary structure or trailer must be completely removed from said subdivision at or before end of said nine (9) month's period.

No billboards or advertising signs of any kind shall be placed, erected or maintained on any lot shown on said map, except "For Sale" signs not to exceed 18" x 24" in size or signs used by Declarant or a contractor to advertise the property during the construction and sales period.

Garbage and Refuse Disposal. No lot shall be used or maintained as a dumping ground for rubbish except during construction of said subdivision. Trash, garbage or other waste shall not be kept except in sanitary containers. All stored containers or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition screened from public view of street.

Vehicle Storage. It is the intent of this restriction to prohibit the storage of vehicles in such a manner as to be unattractive nuisances in the neighborhood. No owner shall violate the spirit of, nor the intent to retain the best possible visual conditions in this development. No trucks, trailers, boats, or unlicensed motor vehicles of any kind shall be kept or parked in or upon any portion of a public street.

All pets shall be confined to the property on which they are kept, and shall under no circumstances be permitted to run at large through said subdivision.

While no covenants are made concerning landscaping and maintaining the appearance of the grounds, it is agreed that the orderliness and neatness are a part of the value of the development and failure to keep up the premises may damage the value of adjoining property or other sites in the development and thus is a possible cause for legal complaint.

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from date, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by a vote of the majority of the then owners of the parcels it is agreed to change the covenants in whole or in part.

The undersigned and every person hereinafter having any right, title, or interest in said development shall have the right to prevent or stop violation of any of the said restrictions, by injunction or other lawful procedure, and to recover any damage resulting from such violation.

Failure by the undersigned or any person hereinafter having any right, title, or interest in any lot in said development to enforce any restriction, condition, covenant, or agreement herein contained, shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to occurring prior to subsequently thereto.

It is expressly understood that in the event any covenant or condition or restriction herein or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction.

Each grantee of a conveyance, purchase under contract of sale or lease under any lease by accepting a deed, or contract of sale or agreement of purchase or a lease accepts the same subject to all of the covenants, restrictions, easements, and agreements set forth in this declaration and agrees to be bound by the same whether or not they are set forth or referred to in such instrument. Damages for any breach of the terms, restrictions, and provisions of this declaration are hereby declared not to be adequate compensation therefore; and such breach and any continuation thereof may be adjoined or abated by appropriate action by the Declarant, their successors, heirs, or assigns or by an owner or by owners of the other lot or lots in said unit or units.

IN WITNESS WHEREOF, the undersigned has executed this Declaration of Restrictions as of the day and year first above written.

BY: Everett L. Kissick OWNER

BY: Maureen L. Kissick OWNER

STATE OF NEVADA)
) ss.
COUNTY OF CHURCHILL)

On 05 Aug 96, personally appeared before me, a notary public EVERETT L & MAUREEN L KISSICK who acknowledged that they executed the above instrument.

Debbie K. Dunham
NOTARY



299622

EXHIBIT "A"

The W1/2-SE1/4-SW1/4 of Section 20, Township 19 North, Range 28 East, M.D.B. & M.

PARCEL MAP: CHURCHILL COUNTY RECORDER'S FILE NUMBER 297941.
RECORDED ON MAY 22, 1996 FOR LOTS 5, 6, AND 13.

PARCEL MAP: CHURCHILL COUNTY RECORDER'S FILE NUMBER 298845.
RECORDED ON JUNE 25, 1996 FOR LOTS 7, 11, AND 12.

PARCEL MAP: CHURCHILL COUNTY RECORDER'S FILE NUMBER 299560.
RECORDED ON AUGUST 1, 1996 FOR LOTS 8, 9, 10.

299622

OFFICIAL RECORDS
CHURCHILL COUNTY NEVADA
RECORDED BY

Maurice Kissick

96 Aug 05 4:25 P.M.
Year / Month / Day Time

TRENA MORETTO CORNELLA
COUNTY RECORDER

FEE 11.00 DEP

END OF DOCUMENT

... but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c), of the United States Codes.

3. Taxes for the fiscal year 2008-2009, including any secured personal property tax, a lien now due and payable.

APN:	#8-532-34
Total:	\$1,405.59
1st Installment:	\$352.59 Paid
2nd Installment:	\$351.00 Due October 6, 2008
3rd Installment:	\$351.00 Due January 5, 2009
4th Installment:	\$351.00 Due March 2, 2009
Land	\$10,500.00
Improvements	\$40,451.00
Exemptions	\$None

4. Any portion of said lands within the lines of public roads as now established.
5. Right of way for any existing roads, trails, canals, ditches, drain ditches, pipe, pole or transmission lines traversing said lands.
6. Reservations, provisions, conditions and stipulations contained in
Patent No.: 1141569
Recorded: November 27, 1953 in Book 2, Page 411, under Document No. 78905. Patent Records, Churchill County, Nevada.
7. Any and all matters as contained in that certain Record of Survey for Bill Ward recorded April 13, 1990, under File No. 251281, Official Records, Churchill County, Nevada.
8. Matters as contained in that certain License for Construction and Maintenance and of Permanent Structure by and between Everett Kissick et ux and Truckee-Carson Irrigation District recorded under Document Nos. 291822 and 295402, Official Records, Churchill County, Nevada.
9. Easements, rights of way and any and all matters as disclosed or dedicated on the Parcel Map for Everett and Maureen Kissick, recorded February 12, 1996, under File No. 295707, and Certificate of Amendment recorded March 7, 1996, under File No. 296209, Official Records, Churchill County, Nevada.
10. Easements, rights of way and any and all matters as disclosed or dedicated on the Parcel Maps for Everett and Maureen Kissick, recorded under File Nos. 296662, 297338, 297941 and 298845, Official Records, Churchill County, Nevada.
11. The effect of a Road Maintenance Agreement recorded July 23, 1996, under Document No. 299343, Official Records, Churchill County, Nevada.
12. Covenants, conditions and restrictions in an instrument recorded as Document Nos. 296123, 296730, 297789 and 299622, Official Records, Churchill County, Nevada.

enclosed

... but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c), of the United States Codes.

Said covenants, conditions and restrictions have been modified by an instrument recorded April 7, 1997, as Document No. 304910 of Official Records, Churchill County, Nevada.



Churchill County Building Department

August 22, 2022

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: COMMENTS PERTAINING TO SPECIAL USE PERMIT APPLICATION FOR
CHURCHILL VINEYARDS, 1045 DODGE LANE

Mr. Spross:

Regarding the Special Use Permit application for Churchill Vineyards, the
Churchill County Building Department will require the following:

- A. A commercial building permit application that includes:
 - a. A fully dimensioned plot plan,
 - b. Complete building plans drawn by a State of Nevada Registered Architect, or a State of Nevada licensed commercial contractor or engineer, to include structural, floor plan, HVAC, plumbing and electrical schematics
 - c. Completed Com-Check Energy report if the building is to be heated or cooled.
 - d. Additional information as determined.
- B. In-process inspections at all stages of construction. No building component may be covered, or any new construction started prior to an approved inspection by the Churchill County Building Department.
- C. No business occupancy or storage will be allowed prior to an occupancy certificate being issued by the Churchill County Building Department.
- D. Plan approval and approved inspections by either the Churchill County Fire Marshal, or if required the State of Nevada Fire Marshal.

If questions arise, or if I may be of further assistance, please contact me.

Sincerely,

Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov



Churchill County Building Department

August 22, 2022

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: COMMENTS PERTAINING TO MAJOR SPECIAL USE PERMIT APPLICATION FOR
SAFETY KLEEN, 22211 BANGO ROAD

Mr. Spross:

Regarding the Special Use Permit application for Safety Kleen, the Churchill County Building Department will require the following:

CONSTRUCTION OF GLYCOL RECOVERY UNIT

- A. A commercial building permit application that includes:
 - a. A fully dimensioned plot plan,
 - b. Complete plans drawn by a State of Nevada Registered Architect or engineer,
 - c. Geotechnical report,
 - d. Soil compaction test,
 - e. Additional information as determined.
- B. In-process inspections at all stages of construction. No component may be covered, or any new construction started prior to an approved inspection by the Churchill County Building Department.
- C. No occupancy or storage will be allowed prior to an occupancy certificate being issued by the Churchill County Building Department.
- D. Plan approval and approved inspections by the State of Nevada Fire Marshal.

PLACEMENT OF TEMPORARY OFFICE TRAILER

- A. A Placement Permit (\$200.00 fee),
- B. Electric connection inspection
- C. A permit from Nevada Division of Environmental Protection allowing the use of a sewage collection service rather than a typical commercial septic system.
- D. A copy of the sewage collection service contract.

CONSTRUCTION OF PERMANENT OFFICE STRUCTURE

- A. A commercial building permit application that includes:
 - a. A fully dimensioned plot plan showing all parking spaces and landscaping,
 - b. Complete building plans drawn by a State of Nevada Registered Architect, or a State of Nevada licensed commercial contractor, to include structural, floor plan, HVAC, plumbing and electrical schematics,

155 N Taylor St
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Fallon, NV 89406

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Churchill County Building Department

- c. Geotechnical report,
- d. Soil compaction test,
- e. Completed Com-Check Energy report.
- f. Additional information as determined.
- B. In-process inspections at all stages of construction. No building component may be covered, or any new construction started prior to an approved inspection by the Churchill County Building Department.
- C. No business or occupancy of any type will be allowed prior to an occupancy certificate being issued by the Churchill County Building Department.
- D. Approved Individual Sewage Disposal Construction and Usage Permit from the Nevada Division of Environmental Protection.

All plans and construction will be required to meet or exceed the 2018 International Building Code, 2018 International Fire Code, 2018 Uniform Plumbing Code, 2018 Uniform Mechanical Code, 2018 International Energy Code, 2017 National Electric Code and all Churchill County Municipal Code requirements.

If questions arise, or if I may be of further assistance, please contact me.

Sincerely,

Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov

Churchill County, NV is an equal opportunity provider and employer



Churchill County Building Department

August 22, 2022

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: COMMENTS PERTAINING TO VARIANCE APPLICATION FOR STANISLAUS FARM
SUPPLY, 500 GUMMOW DRIVE

Mr. Spross:

Regarding the Variance application for Stanislaus Farm Supply;

The Churchill County Building Department requires that each shipping container placed in Churchill County must have a Placement Permit applied for and issued.

A search of the Churchill County Building Permit records found no Placement Permits for any of the shipping containers at 500 Gummow Drive have been issued.

To meet Churchill County Code requirements, Stanislaus Farm Supply must apply for and have issued a Placement Permit for each storage container at 500 Gummow Drive. Each Placement Permit has a fee of \$200.00.

If questions arise, or if I may be of further assistance, please contact me.

Sincerely,

Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov

Churchill County, NV is an equal opportunity provider and employer

Mark & Linda Hammond
700 Northview Dr.
Fallon, NV 89406
August 9, 2022

Churchill County Public Works, Planning & Zoning
155 North Taylor, Suite 194
Fallon, NV 89406

To: Churchill County Public Works, Planning & Zoning Department

A resident on Northview Drive for thirty plus years.

Years ago, I brought a tentative map to the Churchill Planning Department that would have created two new parcels on Northview Drive and was told I would have to bring the gravel road up to county specifications and pave the entire road. Also, I would have to bring water rights for all four lots on the map even though two of the four already had homes with wells and septic on the lots. I would think that the county rules would still apply.

Respectfully,



Mark Hammond

September 12, 2022

Churchill County Public Works, Planning & Zoning
155 N. Taylor ST – Ste 194
Fallon, NV 89406

ATTN: Christian Spross, Director

Dear Mr. Spross,

In addition to my letter of 8-2-22, I would also like to submit the following points to further support my opposition to the granting a variance regarding required road improvements to Northview Drive.

The granting of the requested variance would require the developer to remove 343' of existing asphalt which has served all traffic on Northview drive for over 25 years well. Residents, visitors, vendors, delivery services, law enforcement, firemen, first responders and all motorized traffic have not had to deal with a loose, dusty, wash boarded surface which accelerates the deterioration of their vehicles. I OPPOSE THIS VARIANC REQUEST DUE TO THE FACT THAT EVERY CURRENT AND FUTURE USER OF NORTHVIEW DRIVE IS PENALIZED BY THE REQUIRED REMOVAL OF 343' OF EXISTING ASPHALT WHICH CHURCHILL COUNTY DID NOT SPEND ONE DIME TO INSTALL OR MAINTAIN.

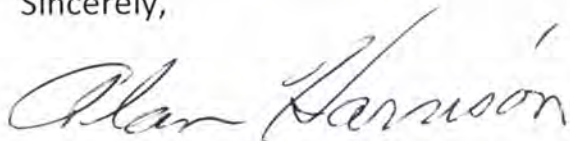
The removal of the 343' of existing asphalt includes the asphalt apron that transitions onto U.S. Highway 95. The acceleration and deceleration of vehicles, particularly evident at "STOP" signs, on gravel surfaces results in the wash boarding of the gravel surface due to the loss of the fine materials which bind the gravel aggregate together. This "wash board" condition radically affects steering, braking and overall diminished control of a moving vehicle. Removing the existing asphalt introduces a safety issue on US Hwy 95. At this time, there is no other access to US 95 from, the city limits of Fallon to the intersection of US Hwy 95 and US Hwy 80, that serves as many residents as North View drive that does not have a minimum of 200' of paved road surface prior to entering the highway. (The existence of Shady Court drive is indeed a gravel roadway but at this time, the

gravel road services a single residential unit with one other potential resident.) Even with a standard NDOT specification and approved asphalt approach apron, the amount of gravel carried onto these aprons results in gravel aggregate being introduced onto the highway surface which is then often picked up by the tread of passing vehicles and turned into projectiles capable of injury to pedestrian traffic and damage to other vehicles operating on the roadway. This situation is very visible on or at the numerous private property accesses that intersect with the highway. THE REMOVAL OF THE 343' OF EXISTING ASPHALT ON NORTHVIEW DRIVE CREATES A DANGER AND SAFETY ISSUE!

Currently, the existing property owners on Northview Drive are obligated to share in the road maintenance costs as set forth in the Road Maintenance Agreement , #226792 dated 3-19-87. The proposed variance would result in the introduction of additional road traffic accelerating the deterioration of the road. Due to the fact that these proposed lots did not exist in 1987 and due to the fact that Churchill County allowed the previous developer to ignore his obligations, once again, the current residents of Northview Drive are financially negatively impacted so that a developer can put money in its bank account . I OPPOSE THIS GRANTING OF A VARIANCE DUE TO THE UNFAIR FINANCIAL BURDEN CURRENT NORTHVIEW RESIDENTS WILL BE REQUIRED TO CARRY!

Thank you for your time and consideration on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Alan Harrison". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Alan Harrison
590 Northview Drive
Fallon, NV 89406

August 2, 2022

RECEIVED

AUG 03 2022

Churchill County Public Works, Planning & Zoning
155 N. Taylor ST – Ste 194
Fallon, NV 89406

Churchill County Public Works,
Planning & Zoning

ATTN: Christian Spross, Director

Dear Mr. Spross,

My name is Alan Harrison and I have been a property owner on Northview Drive since October 18, 1982. I do plan to attend the August 10th Churchill County Planning Commission meeting, but as a result of my being an active resource in wildland fire fighting and the possibility of being deployed at the time of the scheduled meeting, I feel it is prudent to forward this letter to you for your consideration.

I am writing this letter to the Churchill County Planning Commission to state my opposition to the requested variance of the existing requirement for developers to pave Northview Drive as a condition for further development of adjoining properties which would use Northview Drive as a primary land access.

Northview Drive exists as a NON-MAINTAINED County access. Over the years, Northview Drive has been routinely graded and serviced through the efforts of both me and Mr. Mark Hammond. These activities include, as mentioned, grading, compacting, shoulder maintenance via the introduction of Type II gravel, tarring of cracks and repairing potholes with bituminous cold mix. Churchill County does not compensate us for our efforts, nor reimburse us for our expenses. I do not find anywhere in the "Churchill County Public Works, Planning & Zoning" letter of July 26, 2022, any indication that Churchill County plans to take Northview Drive on as a maintained access. Apparently, the assumption that the current residents on Northview Drive, who will suffer accelerated degradation of the road due to increased traffic, will be left to fend for themselves.

Quite simply, if a developer desires to market a product, let them absorb their development cost and pass those costs on to their consumers. Quit asking others to suffer negative impacts so that one individual can financially benefit. Past actions by the Planning Commission have cost me thousands of dollars because the Planning Commission ignored existing restrictions and allowed individuals to pursue their financial goals at the expense of others. Current property line issues exist on Northview Drive because of these Planning Commission actions.

Another area of concern to me is the apparent removal of the existing asphalt road surface to accommodate the installation of the "County Standard Gravel Road." The supplied proposed area map indicates the gravel road will extend from the new parcel boundary line to U.S. Hwy 95. In order to achieve this requirement, 343 feet of asphalt roadway would have to be removed from Northview Drive. Once again, such actions would significantly impact my property values in a negative fashion. I do not feel that I should be required to suffer a negative financial impact so that a developer can put more money into their bank account.

Last, but not least, I have a concern regarding the area on the proposal map designated as "Parcel 5". During the late 1970's, the EPA released studies and declared that the Carson River watershed was considered to be contaminated with mercury which had been used in the mining operations of the Comstock Lode during the late 1800's. I believe this position is still maintained by the EPA. In the early 2000's, TCID engaged in a sediment removal project around structures in the Carson River. This "removed" river sand fell under the areas designated as contaminated by the EPA and yet the excavation project moved forward. During the project, TCID established areas for this excavated sand to be stored. However, during the active project, the property owner at that time of the now proposed "Parcel 5" and "Parcel 4", engaged in importing this excavated river sand and put substantial quantities of this "contaminated" sand on these parcels to raise their elevations. To this day, this sand is still visible to the naked eye. I cannot say that this sand poses any health risks to any future resident, and I doubt that the current property owner even knows that this situation exists. Quite frankly, I doubt that any member of the Churchill County Planning Commission or any current employees of TCID are aware of this event.

In conclusion, I do not have any ill will against a developer trying to bring a product to market, but I strongly oppose having to suffer financial consequence in my life so that the developers profit margin reaches greater levels. If the ordinances require the paving of Northview Drive for further development, then let the developer meet these requirements and pave or find another access avenue.

Sincerely,

A handwritten signature in cursive script that reads "Alan Harrison". The signature is written in dark ink and is positioned below the word "Sincerely,".

Alan Harrison (also Reno Highway Properties LLC)
590 Northview Drive
Fallon, NV 89406
775-423-7447 – Home
775-427-3012 – Cell



Churchill County Building Department

July 14, 2022

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: COMMENTS PERTAINING TO PARCEL MAP FOR JUSTIN JOHNSON & EMMA FULLERTON

Mr. Spross:

The following comments are provided for the above referenced map that was received July 12, 2022.

Regarding the existing house shown on parcel 4, a search of the records available in the Churchill County Building Department indicates a construction permit was approved for a septic system on that site, and a certificate of occupancy approving the construction and authorizing its use was found in the file.

Continued use of the existing septic system is permitted until the septic system fails to operate properly, or until a community sewer system becomes available. If the septic system fails to operate properly, repair or replacement will require a construction permit issued by the Churchill County Building Department. The replacement or repaired septic system must conform to the codes in effect at the time of failure.

Suitability of parcels 3 and 4 for the placement of septic systems may not be determined without individual soil profiles, and percolation tests being performed.

It is not possible to determine how long a septic system will operate because of many variables. Those variables include soil loading, soil types and sewage composition. Therefore, the Churchill County Building Department does not guarantee the viability of any parcel for septic systems. This letter is also not a guarantee that any system installed on the parcels referenced above will operate properly in the future.

Please contact me with any questions or concerns.

Sincerely,

Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov

CHURCHILL COUNTY PLANNING COMMISSION MEETING
155 North Taylor Street, Commission Chambers
September 14, 2022 at 7:00 p.m.

Name	For Which Agenda Item	Contact Info
Sally Aldredge	Renewal of permit	
Jason Crook	Gunsmit	775-217-9706
GRANT CORRIGAN	Gunsmit	775-699-5029
Emma + Justin Johansen	~~Low~~ Lowlock Hwy sub	217-9538
Robert Hunter	Temp. Permit	775-443-7168
Chris Pazzola	Temp permit	775-225-1252
Jeremy Moss	Safety Kleen	719-689-7485
Chris Balhoff	Safety Kleen	832-865-4589
MARK BOGGS	SAFETY KLEEN	870-312-6075
Russell Wedlake	CHURCHILL Vineyard	775-666-5037
Marc + Kathy Reynolds	Variance Northview Dr.	775-423-0689
ZOLANNE CLARK		775-217-1093
MARK HAMMOND	Northview	775-427-1415
SHARIL BANCROFT	G VARIANCE Commerce	602-418-6528
Rick Williams	G VARIANCE Commerce	714-916-074
Brenda Garabito	Buildog Restrictions	775-636-0302
Lara-Lee Denney	Gunsmit	775-338-9291
Andrew Denney	Gunsmit	559-380-9141
Stee Bell	Fullerton Map	240 3079
Alan + Tracy Harrison	Fullerton	423-7447

PLEASE PRINT YOUR INFORMATION