

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

October 12, 2022

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on October 12, 2022 by Chair Arciniega.

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

Absent: Shane Yates, Vice Chair

Planning Staff Present:

Chris Spross, Public Works Director

Dean Patterson, Senior Planner

Diane Moyle, Administrative Assistant

Civil D.A. Staff Present:

Joe Sanford, Deputy District Attorney

2. Pledge of Allegiance:

The Pledge of Allegiance was recited by the commission and public.

3. Public Comment:

There were none.

4. Verification of the Posting of the Agenda:

It was verified by Diane Moyle, Administrative Assistant, that the Agenda for this meeting was posted on October 5, 2022, between 2:30 p.m. and 5:00 p.m., at all of the locations listed on the Agenda, in accordance with NRS 241 and the Churchill County Code.

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

Chair Arciniega asked for any changes to the agenda.

Member Getto moved to approve the agenda as submitted. Member Bunyard 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 Administrative Assistant that notification was sent to all landowners in accordance with NRS and the Churchill County Code.

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

A. August 23, 2022 Workshop

Member Getto moved to approve the August 23, 2022 minutes as written.

Member Bunyard 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 Aaron & Katherine Murray for property located at 2400

Lucas Road, Assessor's Parcel Number 008-112-15, in the A-5 zoning district. *Origination date 9/12/18.* The applicant stated that the house is in progress.

Joe Sanford, Deputy District Attorney—Civil, gave an overview of the item for the commission.

Aaron Murray, 2400 Lucas Road, responded that they have shingles on the building, which should be completed tomorrow, and then they will work on getting it watertight by the end of the week. Chair Arciniega verified that they have the foundation, walls, roof, and so on are up. Mr. Murray noted that they plan to use wood siding on the outside walls, and then after they get the windows in the Building Inspector will come and, hopefully, sign off on that, so they can finish more.

Director Spross shared that a building permit has been issued. At the time that we received correspondence from the Building Department the last inspection had been done in June 2022. It sounds like there have been some inspections since that time.

Chair Arciniega asked for any public comment.

Loreli LeBaron, Code Compliance Official, reported that the Building Department has completed gas inspection, under slab plumbing inspection, foundation footing inspection, exterior sheer panel inspection, roof truss inspection, and rough framing inspection. The truss and roof inspection was performed on September 30, 2022. The next inspection will be for the roof and the insulation.

There being no other public comment, Chair Arciniega turned the discussion over to the commissioners.

Member Diehl congratulated Mr. Murray on the progress he has made.

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

Member Bunyard moved to approve the renewal of a Temporary Use Permit for Temporary Quarters for Home Construction on APN 008-112-15 for another year. Member Diehl seconded the motion and the decision carried by unanimous vote.

Chair Arciniega remarked that he hopes that by this time next year Mr. Murray will no longer need the temporary use permit because his home will be completed.

B. Consideration and possible action re: A temporary use permit renewal for temporary quarters during home construction filed by Steven and Renzie Easter for property located at 4143 Solias Road, Assessor's Parcel Number 006-472-37, in the A-5 zoning district. *Origination date 10/14/2015.* The applicant stated the outer footing foundation wall has been completed and inspected, and they are now working on the piers for the interior foundation for the mobile home placement and laying blocks for the skirting.

Joe Sanford, Deputy District Attorney—Civil, shared an overview of the renewal application.

Steven Easter, 4143 Solias Road, shared that they have the foundation footing poured with the uprights in and the tie downs in the concrete. Right now, they are getting ready to finish the block wall, so that he can get the next inspection. After that they should be able to bring the house onto the foundation.

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

Member Bunyard asked how much progress has been made in the last year because he knows that this has been in the works for seven years, and he thinks that this is about where things were at the last renewal. Mr. Easter remarked that they didn't have the concrete pour done yet. They had the framing up and the inspection of that completed, and then they were able to get the concrete poured. Now they are working on the block walls so the house can be moved and tied down to the foundation. Member Bunyard inquired if Mr. Easter thinks that he would be finished at the renewal next year. Steven Easter expressed his plan to have it completed. He said that he plans on pouring the walls before any snow comes.

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

Member Diehl moved to approve the renewal of a Temporary Use Permit for Temporary Quarters for Home Construction on APN 008-112-15 for another year. Member Bunyard seconded the motion and the decision carried by a majority vote of 5 in favor (Getto, Bunyard, Diehl, Arciniega and Nelson) and 1 opposed (Picotte).

Chair Arciniega stated that he hopes upon the next renewal date this permit is no longer needed and they will be in their home.

9. Public Hearings:

A. Consideration and possible action re: Reexamination or Revocation of a Special Use Permit previously issued to Omaha Track for a rail-based services facility that was approved on July 14, 2022. The facility is located at 1006 Nevada Street, Assessor's Parcel Numbers 009-251-74, 009-251-86 and 009-251-88, consisting of a total of 121.22 acres in the A-10 and Industrial zoning districts. The facility had a major fire in which most of the inventory of railroad ties burned up, and in which the County, residents, and businesses were affected. As a consequence, the Planning Director and Deputy District Attorney have determined that the approved Special Use Permit needs to be re-examined for changes to the previous conditions of approval.

Joe Sanford, Deputy District Attorney—Civil, shared that on September 7, 2022 there was a fire at the Omaha Track Hazen railroad tie sorting facility. The Planning Department initiated an investigation into the special use permit. A copy of that report was provided to all of the commissioners. Specifically, there were a number of violations found, including,

- Condition 2 where there was a limit of 150,000 ties, and there was believed to be more than that.
- Condition 10 that all of the directions of the Fire Marshal be followed, in particular the height and spacing of the ties, which were too close when emergency crews arrived.
- Condition 11 where there was a maximum height of the scrap pile set at 10', and that was believed to be significantly taller than that.

He continued by explaining that the commission has the opportunity to review and reexamine the special use permit. Their options are to either revoke the permit entirely or reexamine it and follow the recommendations as outlined by Planning staff. There is the ability to modify the conditions of the special use permit in any way that are related to the violations that were found.

Director Spross had prepared an investigation report and submitted several documents that he felt were pertinent to the investigation, including, the Fire Department incident report, the District Attorney's notice of investigation letter that was dated September 13, 2022, the Omaha

Track Fire Prevention Plan that was prepared in conjunction with county staff and the Fire Marshal, and a letter from Omaha Track accepting all of the conditions of the Fire Prevention Plan. He pointed out a Conditions for Permissible Rail Tie Storage, which lists the criteria that should be met prior to increasing number of materials for processing. He was contacted by the applicant regarding this schedule and have revised the table. He provided updated copies to the commissioners.

James Soulia, Director of Operations for Omaha Track, and Lina Tanner, attorney in northern Nevada representing Omaha Track, Inc., came forward to speak regarding this item. Chair Arciniega said that the application came before them in July 2022, and they granted a special use permit. He then asked if they have been provided with the suggested changes to the conditions of that permit related to the aftereffects of the fire—rail tie storage, fire plan, etc. Lina Tanner replied that they have. She asked for indulgence for a brief procedural issue before they go forward. She expressed her concern related to this proceeding is that the special use permit was heard before this commission on July 14, 2022, and the actual permit wasn't issued until the day after the fire. This strikes her as problematic as far as jurisdiction is concerned because the special use permit isn't in existence until it is actually recorded, and a Notice of Final Action is given. She stated that is in accordance with your county code as well as state law. In the same manner than had they denied the application in July, the client would not be able to appeal it until that Notice of Final Decision was entered, but because it wasn't entered until after the fire, there is no violation. The permit wasn't in existence; it was simply an oral decision that was not memorialized in the language of a permit that is required. She then stated that they were there in good faith. Omaha Track is a good corporate citizen of this county. It has been identified that Omaha Track has been cooperating with the Fire Marshall and the Planning Department. In large part, they are in agreement that a fire plan is warranted given the accident that occurred, but couching this in terms of a violation of a permit that wasn't in existence they don't believe is fair. Ms. Tanner remarked that they understand that there is a desire when tragic things like this happen to have someone be held accountable. They want to play in the sandbox, but they also want to be fair in doing so. Her contention is that this is not properly before the commission today because of the order in which the permit was actually issued.

Joe Sanford responded that the decision was made in July 2022, a copy of the Notice of Final Action was provided to the applicant, and requested for execution and payment of recording fees, which were not paid until the day after the fire, which is why it wasn't recorded until that time. He further stated that if the applicant wants to contend that this commission not have the right to proceed under the action that it had taken in July 2022, we can certainly address that. If they do not want to proceed under these guidelines at all, he would note that the requirement of following the Fire Marshal's standards has been in place for a significant period of time even under their prior permit as well. Mr. Sanford believes that the commission has the appropriate standing to make a decision, but if they would like to table this and have some discussion offline, he is also willing to address that.

Lina Tanner restated that the notice was sent to Omaha Track, the signature on the notice was August 14 or 18, 2022, with the county call for a credit card payment. That credit card payment was made on the day that the county called, which was, unfortunately, the day after the fire. Delays happen, and she understands that. Unfortunately, when a permit is issued is when it is executed and recorded and filed, and until that point, it isn't a permit. Omaha Track certainly had operated under the terms of that permit in light of the fact that the permit itself has no date for compliance for anything other than substantial compliance within a year. This happened a month and a half after this body heard the application. Substantial compliance within a year cannot be met in a month and a half regardless of when that permit was actually recorded.

Dean Patterson, Senior Planner, noted that they can see that the department staff and the District Attorney have a different interpretation than the applicant's attorney. He doesn't believe that their decision is delayed until some Notice of Final Action floats around through the mail and does or doesn't get signed by the applicant. At the hearing the commission gave the applicant their decision and specifically told them that they had a 10-day appeal period. They know that the decision was on that day and when the appeal period started and stopped. It is up to the commission whether they want to continue with this, but the notice regarding the status of the special use permit has already been processed through the system that we have in the code. Lina Tanner shared her different opinion that she is not aware of anybody that would allow an appeal before entry of an actual written decision. This is true at District Court, County Commission, Supreme Court, and so on. There has to be entry of the decision in writing. Joe Sanford asked for clarification that Ms. Tanner believes that they were operating without a permit. Lina Tanner responded that whether or not the prior permit was still in play she didn't have that information in front of her, so she would ask that question of the District Attorney. The fact that there was a delay in issuing the permit, you can't then come back and say that they violated a permit that doesn't yet exist. That is her point. They weren't there to get in a big fight with the commission, but the problem is that they've brought this as a violation of something that didn't exist. She doesn't even know that they need to have this hearing because what they are talking about is based upon the District Attorney's letter related to the execution of an approved Fire Plan, which has been done. This is what caused the stay of operations for the past month, and this has been completed. The only question that they have is about the schedule that came out after that meeting and after the Fire Marshal signed off on the plan, whether or not that can be implemented in a manner in which to allow this business to go forward. It isn't a violation, and they shouldn't be tagged to have a violation when there was none. They are willing to work with the county, and she is just arguing to the commission that this is the wrong vehicle for it because it just wasn't right for that. Again, by the same token, her client could not appeal even though you say that he has 10 days to appeal; he has 10 days from the date of the final entry of the decision, so it isn't 10 days from the date of the hearing, it is 10 days from the date that the decision was entered. Had the commission denied the application and not filed that decision until September 8, 2022, Omaha Track would have until September 18, 2022 to file that appeal.

Joe Sanford recommended that the Chair table this item to later in the meeting to give him time to research exactly when documents were mailed and provided to all of the parties.

Chair Arciniega tabled this item to later in the meeting.

Chair Arciniega returned to this item at the end of the Action Items on the agenda.

Joe Sanford stated that he had the opportunity to get some additional information and review the pertinent law on this matter, and in his opinion the action is appropriately in front of the commission and the document that was ultimately recorded is a notice, and that notice was provided to the applicant and was in fact signed by the applicant on August 14, 2022. As a board their actions are effective at the time that they make their decision, and this was a notice that was provided to the applicant, and he was aware and did in fact sign appropriately in August well before this issue arose.

Lina Tanner asked if she could pose some questions to staff about the report and the conclusions of the violations. Chair Arciniega agreed. Ms. Tanner inquired of Mr. Spross if he was aware of the original special use permit that was issued about three years before this one. Director Spross noted that he wasn't with the county at the time that permit was issued, but he is aware of that special use permit and the requirement to have it reviewed after three years. Lina Tanner

questioned if he was aware that at the time that permit was issued there was also this limit of 150,000 railroad ties on the site and that at that time there were more than 150,000 on site. Director Spross shared that it is his understanding that the way the special use permit is written it stated that at the time the permit was to be reviewed at three years there would be 150,000 or less railroad ties onsite. Joe Sanford interjected that he thinks that they are moving way past the scope of what we are talking about here. If the attorney wants to ask about the...Lina Tanner said that she is asking about Condition #2 regarding the violation that was found that there were in excess of 150,000 railroad ties. She asked if she was not allowed to ask about the alleged violation. Joe Sanford answered that he doesn't believe that is the purpose of this public hearing. If Ms. Tanner has questions, they will be happy to answer them at any time, but they would like to have them in writing. Lina Tanner said that the procedures allow for the presentation of evidence and the questioning of witnesses. Did I misread your procedures? Joe Sanford replied that if they would like to provide evidence; he would be happy to look it over. If Ms. Tanner wants to question a witness, he believes that they would need to have everyone sworn in and proceed in that fashion. Lina Tanner remarked that she would be happy to have the witness sworn in. Ms. Tanner said that she was just looking at their hearing procedures—it is informal, they can provide evidence, argument, formal rules of evidence shall not apply, and she doesn't see any reason that she shouldn't be able to ask questions. She would be happy to have them put under oath.

Deputy DA Sanford clarified that he just wants to make sure that any evidence provided and questions asked of a person that doesn't have any information about the answer or isn't prepared to answer questions at this time are accurate. He noted that she was asking questions about a prior permit, and Ms. Tanner stated that she was asking about his knowledge of the prior permit, which he indicated that he was aware of the prior permit. She declared that she was trying to get to this allegation that her client has violated Condition #2 of the special use permit. Joe Sanford asked anyone that wants to provide testimony, or that Ms. Tanner intends to have provide testimony, come forward, and he asked Mr. Spross and Mr. Soulia to make an oath to provide truthful testimony. They agreed.

Lina Tanner verified that Director Spross wrote the investigation report dated October 4, 2022. She read that the allegation is that Omaha Track exceeded the limit of 150,000 railroad ties stored on site at one time. Director Spross responded that was correct. Ms. Tanner reported that this was verified through aerial photographs and volumetric calculations. Director Spross stated that was correct. Lina Tanner went back to the July 13, 2022 hearing and asked if Director Spross was involved in writing the staff report. Director Spross said that he reviewed the staff report, but he did not write it. Ms. Tanner verified that he was aware of its contents. She pointed out that in the staff report it stated that the 150,000 tie limit had been met. Director Spross isn't aware of that. She pulled up the staff report that was presented to the Planning Commission and on page 12 it states, "The first SUP required that the number of stored rail ties be reduced within 3 years to less than 150,000, and Omaha Track's targeted rotating volume was planned for no more than 100,000 ties. The sorting machine would have easily accomplished this, but eventually improvements in the manual sorting operations managed to accomplish the goal." Ms. Tanner again asked Director Spross if he was aware at the time this was presented to the Planning Commission in July that staff represented that less than 150,000 ties were onsite. Director Spross reiterated that he doesn't recall. She then questioned if he has any reason to doubt the staff report, and he responded that he does not. Ms. Tanner inquired if he was aware of the activities of Omaha Track since that hearing related to reducing the number of ties onsite. Director Spross replied that the department gets a monthly report on what inventory is brought in and what inventory is sent out. Lina Tanner then asked since

July 13, 2022 if they were made aware of the amount of ties that has been reduced. Director Spross responded that he would have to check with the Code Compliance Officer, Loreli LeBaron, because she is the person that gets the reports. Ms. Tanner then inquired where the aerial photographs were that were used for volumetric calculations. Director Spross believes that some were shown to them during a discussion with Mr. Soulia after the fire occurred. He also looked at the aerial photographs when they determined the size of the stacks for calculations, and based upon the volume of the stacks to have 150,000 ties and the existing of pictures available to show the number of ties, it can be made to represent that there were more than 150,000 ties there. Ms. Tanner interrupted to ask who showed the photographs, and Director Spross said they originally were drawn up by the Fire Marshal, who also worked with the GIS Coordinator to put them on a more presentable piece of paper. The aerial photograph used was the most recent photograph, which seemed to exceed the storage area that was calculated for 150,000. Ms. Tanner questioned where the photograph come from, and Director Spross informed that it is on Pictometry that the Churchill County Assessor uses for assessments. This company flies over areas and takes aerial photographs. Lina Tanner asked what platform is used to create that photograph, and Director Spross wasn't sure of the date that the photograph was taken. He further explained that the Assessor is in charge of this data and when they are taken, and our office has access to these images. Lina Tanner inquired if they use Google Earth, and Director Spross remarked that he doesn't believe that they do. Pictometry is more up to date than Google Earth. Ms. Tanner verified that he doesn't know the date and time stamp of when the photograph was taken. Director Spross responded that if he was a little more prepared, knowing what was going to happen today, he could have brought that, but he doesn't have that information with him. Ms. Tanner stated that he has no verification of when that photograph was taken. Director Spross interjected that he isn't saying that; he is saying that he doesn't have it with him right now. Ms. Tanner then restated that he doesn't have them at this hearing and cannot definitively say how many railroad ties were on that property immediately prior to the fire. Mr. Spross replied that he could only go by what Mr. Soulia told him before that it had exceeded over one-half million ties. Ms. Tanner asked again if Mr. Soulia told Mr. Spross there were this many ties there at the time of the fire, and Mr. Spross couldn't remember when Mr. Soulia had stated in a meeting with them that there were more than 150,000 ties there.

Lina Tanner questioned if at the time of the original special use permit issued by this commission there were over 500,000 ties at the facility, and Director Spross stated that he had no idea what was there prior to the original special use permit. She then indicated that the department advised the commission that prior to the granting of the new special use permit there were 150,000 ties.

Lina Tanner then moved to alleged violation of Condition 10 regarding the layout and recommendations from the Fire Marshal on height of stacks, distance between stacks, location of scrap piles, height and distance of the scrap piles, provision of water and all weather emergency access. This was listed as a violation for a fire that occurred on September 7th of an oral condition issued by this commission on July 13th. She asked if Mr. Spross had a copy of that permit in front of him. Ms. Tanner asked Mr. Spross if there was any date listed for compliance for Condition 10. He responded that there was not. She noted the last paragraph of the permit where it states that the permit would need to be enacted within twelve months. She said that it appears through this statement that Omaha Track was given a year to comply with the conditions of the permit. Joe Sanford, Civil Deputy District Attorney, was trying to counsel Chris Spross related to the language on the permit, and Ms. Tanner interrupted to state that she didn't think it was appropriate to have a discussion with the person that is giving testimony to her questioning. She restated that it appears

that there is twelve months given to comply with the permit that the department recommended to the commission related to approval of the special use permit. Joe Sanford remarked that this is standard language added to all permits indicating that if the permit is not enacted it would expire after that time period. He indicated that once the permit is enacted then it is valid as it was approved. The time frame spoken of in this section relates to the expiration of the permit and not necessarily how long a permittee has to comply with the conditions of said permit. Ms. Tanner asked if there were any other internal deadlines for meeting any of the conditions of the permit. She pointed out that in Condition 3 is the only place that she sees an internal deadline of 3 months, and Director Spross agreed with that.

Ms. Tanner then pointed to Condition 11 where it states a violation of the height of the scrap pile exceeded 10 feet. She asked if the height of that pile exceeded 10 feet at the time that the permit was brought before the commission on July 13th. Director Spross answered in the affirmative. She then inquired that if the fire had occurred on July 15th, would it have been the department's position that these provisions would have been violated. Director Spross responded that based upon the conditions they would have been. Lina Tanner then said that they issued a conditional permit knowing that the scrap pile far exceeded 10 feet on July 13th, and Mr. Spross is saying that had the fire occurred on July 15th, they would have been in violation of that condition. Director Spross stated that it is a condition of the permit that needed to be met. Ms. Tanner asked if it is his position that they could have met that condition in a day. Mr. Spross replied that he doesn't know their operation, and Ms. Tanner started to question about issuance of a permit to an applicant when it isn't understood what they do. Director Spross pointed out that it was a condition on the permit that her client signed a month later with the scrap piles being over 10 feet high. She concurred and expressed her interpretation that within twelve months they could comply with the listed conditions. She read that they had twelve months in order to enact the permit, and Director Spross stated that the permit had already been enacted. Ms. Tanner expressed some disbelief that steps had been taken to enact a permit that was conditional. She asked if the applicant is to know that all of these conditions would have been effective on the next day after the permit was issued, and they recommended that the permit go forward. She expressed frustration that the applicant wouldn't have been given a certain time to comply with the conditions. Director Spross stated that he didn't know how to answer Ms. Tanner's question and addressed it to Joe Sanford as legal counsel. Lina Tanner said that she can assume that the applicant should have been given time to comply. She then asked at what point it becomes a violation—on July 15th, August 1st, on August 15th when they are moving material off as fast as they can. Joe Sanford then questioned if Ms. Tanner was providing evidence that the applicant was moving material off as quickly as possible after the permit was issued. Lina Tanner said that they could have the Code Compliance Officer come up to testify about what they were doing to comply. She asked if those reports were in her records. Joe Sanford asked if Ms. Tanner was finished with the questions she wanted to ask. He is waiting until she is done to ask other questions and doesn't want to use up her time. Ms. Tanner inquired if they have in the records the monthly reports that Omaha Track gives to Code Compliance as required. Mr. Spross responded that the reports are in the records in the office and pertain to inventory coming in and going out, and it doesn't contain any information on the scrap piles. Ms. Tanner confirmed that Mr. Spross is unaware of the movement of any scrap piles, and Mr. Spross verified that he is not aware. She concluded her questioning of Mr. Spross. Joe Sanford asked Mr. Spross regarding the aerial photograph that was used to estimate the number of ties on the property and whether it was taken in the last year. Ms. Tanner objected because he already said that he doesn't know. Joe Sanford replied that this isn't a formal hearing, and he reiterated that Mr.

Spross said he didn't know the exact date, and Joe is asking about an approximate date. Mr. Spross answered that he couldn't recall an approximate date either. Dean Patterson asked if he could make a statement, and Joe Sanford responded that he wasn't sworn in. Mr. Patterson said that he wanted to share that we were able to look up the aerial photography program to show the date of the most recent aerial photography. Mr. Sanford asked Mr. Spross to review that photograph and give the date once it is brought up, and he moved forward with his next question. He asked Mr. Spross regarding the question asked by Ms. Tanner about enacting a special use permit. He inquired if Omaha Track had ongoing operations at the time they submitted their application for the new special use permit. Mr. Spross confirmed that they were. Joe Sanford then asked if it could be said that they were continuing to operate without a special use permit as far as they were not in compliance with their prior special use permit, and Mr. Spross answered that he was correct. Ms. Tanner asked Mr. Sanford to repeat his question. Joe Sanford restated that prior to the July 13, 2022 permit being granted operations were ongoing at Omaha Track, he asked to reaffirm, and Mr. Spross said yes. Joe Sanford continued by saying that prior to July 13, 2022 Omaha Track had a prior special use permit, is that correct? Mr. Spross said that was correct. Joe Sanford started to ask if on July 12, 2022 the ongoing operations of Omaha Track were in compliance with the prior special use permit, and Ms. Tanner interjected that this question was outside of the scope of this hearing. She stated that this is in fact prohibited by your county rules. She reiterated that we are here to solely discuss the violation of what is being alleged, which is this new special use permit. Any violation beforehand is not relevant to this proceeding. Joe Sanford replied that he was attempting to point out that the ongoing operations of Omaha Track were not meeting the prior conditions, which was the point of requiring a new special use permit. Joe Sanford then asked Mr. Spross why there was a new special use permit application filed, and Ms. Tanner interjected again to state that this is irrelevant to this investigation and alleged violations. She restated her understanding that the commission can only consider what has been provided with this investigation and complaint. She declared that bringing up whether or not they were in compliance before is irrelevant to this proceeding. She accused Joe Sanford of trying to make Omaha Track look bad. Joe Sanford responded that he was asking a question related to her questioning of Mr. Spross that as of July 13, 2022 when this permit was issued that it was already not in compliance. Lina Tanner stated that isn't what the staff report said. The staff report for the meeting said that they were in compliance with the 150,000 tie limit. Joe Sanford then remarked that he was referring to the slash pile height limit, which was over the recommended height of ten feet (10'). Lina Tanner replied that he is correct; it was over the height. They acknowledge that, which is the whole point. You can't expect them to remove that volume of material in a day and come here to say that they would then be in violation of a special use permit the day before because there was a fire—when it is conditional to be completed within a year. If it said that they should have had that pile down to ten feet (10') by three months and they didn't, that would be a problem. That isn't what it says, it says that they will do it within the year. They will show substantial compliance within the year. She understands that everyone is upset that there was a fire. She understands that there is a desire to point the finger at somebody, but that isn't what happened here. We are here not to get in a fight with you. We are here to comply. We have executed a fire plan as the letter from Mr. Sanford directed, and we are prepared to go forward with that. This proceeding isn't helpful in that regard. There is no violation when you are given a year to comply because something bad happened and you are only a month and a half into it. It is arbitrary to come back and say the next day that they are in violation of the special use permit because you didn't get a train out there and haul off thousands of pounds of material when the county knew it was there when they issued it.

She thinks it would be arbitrary to say that is a violation within two weeks or a month and a half, when Omaha Track is trying to show compliance of moving inventory off of that site. Joe Sanford said that he understands what she is saying and that he was just asking questions to establish the record. Lina Tanner interrupted to state that the record for this hearing has nothing to do with previous violations and only to address the violations stated in the letter and investigation report. Joe Sanford restated that he was establishing the nature and basis for why a special use permit was granted that may not have been in conformance at the time it existed because it is a new special use permit and operations were already ongoing. He then asked Mr. Spross as it relates to the 150,000 railroad ties when the staff stated there was less than 150,000 railroad ties onsite, where did this information come from. Mr. Spross answered that he believes that it was based upon the inventory reports that were submitted by Omaha Track regarding what was coming in and going out. Mr. Sanford inquired if he or his staff ever go out and count all of the railroad ties, and Mr. Spross responded in the negative. Mr. Sanford then asked if Mr. Spross's belief as to the number of railroad ties comes from the report of Omaha Track. Director Spross said that is correct. Joe Sanford questioned if his review of the aerial photograph that he did later that determined that there were more than 150,000 was after the time of the staff report, and Mr. Spross confirmed this to be true. The aerial photograph was displayed on the screens and Joe Sanford asked if this is an image of what the railroad ties appeared like at the Omaha Track facility. Director Spross agreed and said that the date the photo was taken is November 15, 2021. Mr. Sanford questioned if his determination that there appeared to be more than 150,000 ties based on the aerial photograph was based off of the November 2021 image, and Mr. Spross concurred. Lina Tanner inquired if she could ask one more question. She said that Mr. Spross can't sit here today and say that on September 7, 2022 there were that many ties. Director Spross replied, "No." Ms. Tanner stated that she just wanted Mr. Spross to explain to the commission the activities in relation to the scrap pile and the ties between the time of the hearing in July and when the fire occurred.

James Soulia said that for the last year they have been continually reducing the materials, working with Loreli LeBaron, and working with the staff in the department, and ensuring that they could get the tie count down to 150,000. The reason that he assumed they were doing another special use permit is because the first one was expiring, and they needed a second permit. The agreement was that the permit would be for one year and give them the time to get the rest of that into compliance, which was the ten foot (10') height requirement for the tie piles. He said that no tie piles that they made over the year were over ten feet (10'). There were some on the back side that were, but Meg and her staff were reducing them every day. He informed that the fire department and everybody was welcome there at any time, and the fire department did come out there quite a bit. They would go over things each time to work on, and Omaha Track followed them the best that they could. He admitted that they wanted the tie piles to be further away from each other so that if one fell over, they wouldn't touch the other piles. They had explained that they were removing those that were legacy tied, which is what they call something that has been there over a couple of years, on rail cars. The picture that was shown was of the yard that was completely out of compliance as far as the tie counts were. At the time of the fire, they had ties below the 150,000 mark because the inventory coming in and going out was low and they were able to get rid of a lot of ties. They worked hard for the six months leading up to the new special use permit. Mr. Soulia also understood that the ten foot (10') height requirement didn't have to be done that day. He noted that they were working on that the day that the fire occurred because they were removing from those tall piles due to the low inventory to process. He assured everyone that they were working on this every day, six days per week. He pointed out that people could see the improvement of the

facility over the nine month timeframe that they were concentrating on cleaning up and removing the old ties. The fire didn't start in the pile; it was just an accident, and they learned a lot of things from it. He admitted that there are some things that they need to get better at. He didn't see any violation that they purposefully caused, or that they weren't working on to resolve at that point. He was clear about this when he met with the department staff well after the fire when they requested that he come in to discuss where we were and what they would like to do. They stopped operations just as they were asked, they have cleaned off of the site, and there is nothing left. He said that they are working with Nevada Division of Environmental Protection (NDEP), who is there every day. Everyone is doing whatever they need to do, and they are open to whatever it has to be. Mr. Soulia stated that he has an accurate picture of the yard the day that the fire happened. They flew drones over the site when it was cool enough to be able to film what it looked like, and the tie piles were not even close to what was shown on the aerial photo that was displayed. Ties are hard to judge, and it looks like there are so many, but that is not really the case of how that was. Joe Sanford inquired if Mr. Soulia had a count of the number of ties that were there on the day of the fire. James Soulia responded that they believe that it was under 150,000 ties. They had trains coming in and out. One thing that they discovered with the county is the difference in definition of a tie. When a tie is banded and is ready to go to sale or ready to be put back to use on the railroad track it is not considered a scrap tie. A scrap tie as Omaha Track uses it is that it is only able to be chipped and dispose of correctly. When talking about scrap ties, they were under 100,000 ties. He also said that the day of the meeting he thinks that they were well below the 150,000 mark, and the inventory did not grow from there. They have a process now where stuff comes in and then goes out as fast as possible. Most of the piles that burned besides the stuff over by the wall were all brand new piles of less than six months. Joe Sanford inquired about his statement that they had less than 100,000 scrap ties how many ties created the slash pile. Mr. Soulia replied that they didn't have ties in the slash pile. There are two different things, and they don't create slash, so when a railroad car comes in, the ties get unloaded. Underneath the ties is the dirt, ballast, particles from the ties, and they take that out of the cars because the railroad company would like the cars cleaned, so they put that on the ground. It is a mixture of shards, dirt, wood, etc. Those piles were just being pushed up into a place, so it is hard to say what is in the pile due to the assortment of smaller pieces of wood. Joe Sanford then asked how many non-scrap but banded ties were present. Mr. Soulia would need to get that from Meg, who is the yard manager. He noted that they do have an inventory, so they can prove this to him what was there that day, but he would say that it was under 10,000. Meg didn't have the number with her. Lina Tanner inquired if part of their reporting would include this number, and Mr. Soulia thinks that the department wanted to know what the yard had, so they worked with Loreli LeBaron regarding the number of ties and the height of the piles. The numbers they were providing were based upon the entire yard. They did have to account for the numbers coming in and going out every day, and these were about the same because they were trying to make a positive on the back side. Joe Sanford questioned how tall Mr. Soulia believes the piles were when they burned. James Soulia asked for clarification whether he was talking about the slash pile or the tie piles, and Mr. Sanford indicated the slash pile. James Soulia answered that he thinks they were 15' tall because he was there fighting the fire. There wasn't just one; there were several. Joe Sanford asked if he could estimate the volume of these piles, and Mr. Soulia replied that he doesn't know that. Joe Sanford verified that he had met with the Fire Marshal prior to the fire, and Mr. Soulia said they had met with Mitch Young and even had met with North Lyon County Fire Department. Omaha Track asked a lot of questions to find ways that they could do better. The fire department personnel gave many suggestions, which they worked on implementing. There was never mention of having water

on site, but it is something that they learned with this fire. He felt that they had a good relationship with Churchill County Fire. Joe Sanford expressed that they had no intention of tarnishing that relationship. Did the Fire Marshal give any requirements regarding the stack height? James Soulia confirmed that they were requested to have the stacks spaced far enough apart from each other in order to get a fire truck to get through, and they did that with the stacks that had been placed since he took over management of this yard. They couldn't do that with the older stacks, so they just worked on reducing those by shipping them out. He reiterated these were just recommendations and not something that they had to do. Joe Sanford restated that there were tie stacks that needed to be moved, and they were not able to move them due to a lack of space. Everyone knew these piles were too high, and they were working to remove them before the fire occurred. If they had another two or three months, they would have had those removed. It was very fortunate that what they get done helped the fire not to cause any injuries or damage any properties around their facility. Lina Tanner encouraged everyone to review the staff report for the July meeting for the height and numbers of ties. There was a statement included that there were positives and negatives to the tie piles since they also served as a barrier. Joe Sanford then asked if Omaha Track continued to accept ties after the date of the special use permit, between July 13th and September 7th, 2022, and Mr. Soulia confirmed that they did. Joe Sanford asked what spacing was recommended by the Fire Marshall for distance between the tie stacks, James Soulia stated that he recommended that whatever the height of the stack the spacing must be at least that distance to avoid a pile falling over into another stack. Joe Sanford inquired if he was working on this spacing; however, he hadn't completed it by the time of the fire. Mr. Soulia replied that as far as the stuff that has come on to the property since he has been there, they meet this spacing recommendation. However, the stuff that had been on the property prior to when he and Meg started working there, those were not. The Fire Marshal knew this.

Chair Arciniega asked if the commissioners had any questions.

Member Bunyard restated that they were working toward getting into compliance on the scrap pile to which Mr. Soulia agreed. He pointed out the fire plan outlines fire prevention and suppression measures that should be taken at the facility. How soon would Omaha Track be able to be in compliance with the recommendations by the Fire Marshal in the Fire Plan? Lina Tanner expressed her appreciation for this question that really gets to the heart of the issue. She noted that the Fire Plan was created in response to the District Attorney's office directed. It has been signed off by the Fire Marshall. The problem for them today is that after that meeting there was a schedule set forth as Mr. Spross referred to regarding the ongoing negotiation. She believes that there were some modifications as recently as Monday or today. There is essentially three phases that need to be looked at and the first two they don't really have an issue with, but it is the third one that requires the fire detection system site wide, and seeking to have that implemented relatively soon is problematic. She understands from the meeting that it is unclear what is involved and how much it will cost and if it is even going to be effective because the site is so big. They are concerned about flexibility in that third stage. James Soulia stated that the initial fire plan they designed and submitted to the fire department and the public works department. Mr. Spross sent back his recommendations on it, which were very good, and they were trying to work on getting to a point of safety for the yard and the public around it. They have had difficulty with getting equipment to use at the site. He further shared the difficulties they have come upon regarding a fire detection system that could alert them of a fire on the site at off hours. He pointed out that the fire department has looked into this as well and don't have any real suggestion for equipment that could be used. The parameters that are required in this stage in order to get to the level of operation he needs to be.

The fire plan is a safety driven plan and he agrees that it is necessary, but he thought that he would have one year until he would have to implement all of the stages. Member Bunyard asked if they would be able to get the fire truck and have the water tanks. Mr. Soulia replied that this is what they have been working on and already have two water trucks on site, and they are requesting a couple of more. The insulated building is going to take some time, and he understands the need to have something to keep it from freezing in the winter. The pumps are not an issue. The frac tanks were their idea because what they discovered is that there is no water and had to go down to another facility to borrow their water or the railroad had to bring in water to fight the fire. He wants to make sure that they have it if needed and should anyone else need it. They have already attended the classes, worked with fire extinguishers, created the maps, so most of the basic stuff they have asked for has been in the works even before this list came out.

Member Picotte asked how many ties were onsite the day of the fire, and Mr. Soulia responded that it was less than 150,000 altogether. Member Picotte wondered if the total number shouldn't be less than this number due to the size of the fire. James Soulia brought up that a bridge of 100 ties catching fire will also produce a lot of smoke and flame that would seem massive. If there were 400,000 or more ties there, this would have been a very different kind of fire with more losses. The fact that the tie count had been reduced is the reason that the fire didn't cause more damage than it did. Member Picotte said that they should be able to check their records to find out how many were onsite that day. He pointed out that if it was 75,000 ties, and the fire was that big. If it had been 150,000, it would have been even more massive. Lina Tanner stated that it is not just the number of ties, and she thinks that there were other issues at play in that, as she understands, working with the Fire Marshal, it was requested that they call Churchill Fire first, and that didn't happen since it went to North Lyon Fire. That caused some delay, and she doesn't know that it would have changed the strategy to let the piles burn out. Since there were other things involved, the exact number of ties may not have been the most important thing. Member Picotte responded that he believes that it is very pertinent to assess where to go from here. James Soulia stated that the ties were below 150,000, and a lot of the fire that everyone saw was from the slash piles, which will never be again because they have already agreed that this should not be on the ground, but into metal boxes. Those piles were just like burning slash out in a field and where a majority of the flame and smoke was coming from.

Director Sposs asked if he could address the new sheet that he handed out prior to the meeting. In the original packet, the commissioners received a copy of a sliding scale of permissible rail quantities. He sent that to Mr. Soulia and responded that the 0-15,000 is just one rail car. He worked with the Fire Marshal and Dean Patterson with this as well as additional suggestions from Mr. Soulia requesting to go to 50,000. They all agreed that they could probably go up to 50,000; however, they wanted to have some fire measures in place prior to bringing the first railcar. It sounded like Mr. Soulia was in agreement with that. The reason for phase 3, having the fire detection system and the building in place at a marker of 50,001 is based upon discussions with Mr. Soulia where he stated that he would be most efficient at around 50,000 ties. Subsequent conversations indicated that it would be about 60,000 ties, and then at one point it was 75,000. What the county did not want to happen is allow 75,000 ties before that triggered the requirement of a fire detection system because if that really is the most effective and efficient operating quantity, then a person could hover at that quantity without ever having to fulfill the obligation for the building and fire detection system. That is the reason that they used the numbers that they did. We wanted to make sure that Mr. Soulia could commence operations, so they were willing to have that discussion to see where it could go. We wanted to be sure that this fire detection system would

be in place at some point in time that the applicant didn't have the opportunity to hover just below where the threshold is and never have to install that. The trigger number needed to be somewhere below where his efficiency was going to be, so that there is some assurance that it would be implemented.

Chair Arciniega noted that there have been some people here patiently waiting to get a chance to share their concerns, and he called for public comment.

Julie Scott said that she has lived in her home for 33 years, and no you slice the violations or clear them up. She was kicked out of her house, has a handicapped son, and had to lose a day of work. If there is another fire, that is deadly smoke. She also expressed her displeasure that the county would allow this operation this close to residences. She pointed out that they were lied to about this in the first place about not running their trucks down that road. Finally, about six months ago, they started to fix the road because it had so many holes it was ridiculous. They kept telling the county that their trucks don't use that road. At every turn it seems that they are being told different things. She shared her frustration with the whole thing.

Sharilyn Hart, 536 California Road, directly across the road from this horrible fire that they had to go through. She read her comments starting when Omaha Track began operating in Hazen, Nevada. Not only is the operation noisy at all times of the day, but the awful smell from the creosote in the ties is terrible. She shared comments by those visiting her made about the terrible smell. She noted that even going out her back door the creosote would burn her face. The final straw came on September 7, 2022, which is the day the ties caught on fire. The fire started at approximately 3:45 p.m. She was in her backyard when she saw it start. She called 911 to report the fire. The different fire agencies arrived and tried to contain the fire, but they had a hard time. At approximately 8:00 p.m. the Churchill County Sheriff's Office notified them that they would have to voluntarily evacuate. This was hard for her to do since it was her home, and she didn't want to leave it. When the Sheriff Officer came back by, she asked if it was mandatory, and he stated that it was. She went back inside to get a few things, not nearly what they had put into that house, and they evacuated. They went two miles down the road to wait. They were closer than their friends were to the lines of the fire, and they were told after about two hours that they couldn't return to their home that night. They and their friends were in a dilemma because they had nowhere else to go and there were no evacuation shelters or anything for them to go to in Fernley. They asked the Sheriff what they should do. She went back to speak with the man at Omaha Track and he took them to the Best Western in Fernley for the evening. The next morning, they were told that they couldn't go back. They weren't sure what they were going to do, but they got a notification around 11:00 a.m. that the road was open. They went back to see if their homes were still there. This was a terrible fire, it affected everyone in Churchill County because it wasn't just them that had the smoke and smell, but the people in town had it too. She does not think that Omaha Track should have anything more to do around the residents of Hazen.

Mitch Young, Fire Marshal, said that they have had conversations many times with the Omaha Track people about the spacing of the tie stacks, which was one and one-half times the height of the piles. He cannot fathom going out and counting 100,000 to 150,000, so they are recommending that where these will be stacked in a pre-established and marked area so that it can better be determined when these are out of compliance. They want to have posts in the ground marking the height and length of a stack, so that at a glance people can see if they are out of place, over height or length. They also want water to be available on the site. One of the questions asked at the meeting is regarding the number of ties on the ground. He asked if that included the legacy ties. Mr. Soulia responded that it did at that time. He stated that one of the main issues when they

anticipate a fire starting in a stack of railroad ties. What happened the night of the fire was that it started in the slash pile, which is a total change of what they anticipated having to fight. He thinks that separating the piles out substantially now, and they are going to work with the fire department and an engineer that can determine where all of the railroad ties will be placed in the storage areas. As far as the fire detection system, it is a bit of a bite out of a budget, which is why this was put toward the end because not only does the county want them to have time to get work going and doing the business that is at hand, but there will come a time to have more money to do these other projects. The fire detection system is up to Omaha Track and their fire engineering people to come up with the best type of fire detection system that works for what they anticipate doing. The plan that they come up with may be out of this world great, or it may be something that provides better protection than we would have had tonight. If they only get half or three-quarters of it, they will still be better off than where they were the day of the fire. Their goal is to work toward that fire detection system.

Chair Arciniega asked how the fire started in the slash pile. It is still under investigation and is inconclusive at this time; however, it is possible that it is due to spontaneous combustion from the decomposition. Chair Arciniega then asked for Mr. Soulia's opinion, and he stated that Union Pacific and Omaha Track have investigated it and agree that it is the amount of water that was received, then the excessive heat that week, and the wind that started coming in that day. You can see that the fire started at the bottom of the pile and worked its way up. Chair Arciniega questioned if that had been laid out in scenarios previously, and Mr. Soulia remarked that it has never happened to them; they have not had a fire of this magnitude. In the 28 years he has been in this business, he has never had a fire of that magnitude. Chair Arciniega inquired if that was just with Omaha Track or with other companies too, and James Soulia said this applied all of the way around. Usually, it is some type of hot work that will start the fire, but this was a mixture of the dirt, rock and chips that composted down. He further pointed out that the Churchill County fire department didn't have the opportunity to fight the fire because North Lyon County fire department arrived on scene first, and he believes they created more problems than there needed to be, and at the point that Churchill County Fire arrived it was more important to protect the people that were surrounding them.

Cheryl Doty, 1001 California Road, shared photos, map depictions, and her experience with this company in this location and especially close to the residences in Hazen. She did a lot of research and now after hearing the discussions taking place, she is a bit intimidated with their representation. She went through some pictures that she provided copies for the commissioners. She narrated through the photographs her proximity to the fire at the site, and the progression of the fire that afternoon and evening. She explained that she was scrambling to try to gather up her animals, including an old dog that got extremely stressed out, and her possessions together in the event they had to evacuate. What do you consider your most valuable items or most cherished possessions at a time like this? At around 8:00 p.m. they were asked to evacuate, and they sat at the designated spot for about two hours. She and her neighbors were very confused about what to do next or what the plan was. Nobody was telling them what was going on or what the plan was for that evening. All she could do was to worry about whether her home would survive this fire because if the wind had shifted toward her home, it would not be there right now. She shared that she has been there since 2009 and before Omaha Track started their operation at this location. She didn't protest this in the beginning when they first came up with this plan to put their track in. In the beginning Omaha Track was planning to be on the other side of the tracks and not where they are currently located. In the remarks from the prior special use permit it states that Omaha Track

was willing to move to the new location, which has never happened. Every time there is a meeting it seems that everyone is okay with this. She doesn't remember the original was to be on the other side. Why are they allowed to continue growth in an area that it was never supposed to be there. This yard was supposed to be temporary. It is in your planning minute. She asked them to explain this to her. You are allowing a growth of a fire that is potential to everybody that lives in Hazen. She pointed out that Creosote is a carcinogen. It causes cancer, and she lives by it. She lives right across the street from this business. This whole thing is not fair to the people who live in Hazen. She noted that there is a petroleum pipeline that runs directly through their yard. That picture is of a melted marker that sit in their yard. She works at NAS Fallon, and this was vented out at NAS Fallon. This pipe goes from Sparks to NAS Fallon. That is a potential hazard for all of Fallon, the navy base, all of Hazen. This is jet fuel, and she's aware that people say that jet fuel doesn't explode like gasoline. She asked if anyone wants to live in this area to test this theory, they are welcomed to it, but she isn't. She brought up that everyone here is concerned over the number of ties that should be allowed here, and she believes that none should be there since the yard was supposed to relocate to the east. There should be no ties permitted in this yard, especially since there is a gas line that runs right through the yard. Does anyone know the depth at which that line is? They are scraping the dirt there, and she's concerned they may hit that pipeline. She has copies of the EPA reports and noted that the EPA was inside her home measuring the carcinogen particles in her residence. They were high levels. She was evacuated twice; no one else was. The second time was because the CO₂, Carbon Monoxide, poisoning that could have killed everyone in her house. She wasn't told to evacuate; they wanted to leave the decision up to her, but informed her about the high levels in her home. That's because of the fire. It is crazy to risk people's lives to let this company continue in the same location. She isn't against this company or anyone making money, but the original plan was for the other side of the tracks to the east. They say that Union Pacific won't work with them. They've been saying that for three years now. Don't you think that by now they could have formed some kind of relationship with Union Pacific to work with them. If the problem is that the ground is too soft, that's not her problem. She wants to stay alive and doesn't want her house to burn. She lived there before they came in and liked where she lived. Now she wakes up at night in fear, and every time she sees a flash, she jumps up to look out the window to see if there is another fire happening. She doesn't want to live with that kind of fear. They are good people, but the business location is wrong. It needs to be out in the middle of nowhere, so that if something happens, they just let it burn, which is what happened this time. She is 100% opposed to this remaining in this location. Chair Arciniega thanked her for her comments and understands her concerns.

Chair Arciniega asked for any further comments; there were none. Joe Sanford outlined for the commission regarding their deliberation, findings that need to be made, and so forth. They would need to determine if there were violations at the time to permit either revocation or re-examination, and if they do find that any of the violations was present, you may make adjustments to the permit based upon the violation that they find.

Member Diehl asked Loreli LeBaron, Code Compliance Official, if she had any additional comments that haven't been covered. Ms. LeBaron offered to answer questions from the Planning Commission. Member Diehl noted that she understands that she and Mitch Young have been to this site, and she wondered how often she has been out at this location. Loreli LeBaron responded that she had been out there every three months at a minimum. Member Diehl inquired if they were in compliance with the special use permit they were granted. Loreli LeBaron explained that she and Director Spross came into this after the first special use permit was granted. At that point she

received a complaint in 2021 of the number of ties exceeding. Lina Tanner objected to this because it is outside of the scope of what this hearing is regarding. Joe Sanford believes that she could respond with how things have been going since the issuance of the special use permit is well within scope, but if she wants to go back to 2021...Loreli LeBaron then stated that the intent of going back to 2021 was that there were 200,000+ ties at that point, which they were in the process of reducing the number of ties. Meg has been sending reports to Ms. LeBaron for about the last three months. She sees that there has been progress, and at the date of the fire they were probably under 150,000 tie limit, but before that she believes that it exceeded. Member Diehl wanted to know because every time that she drives by there it seems to be increasing. Member Diehl remarked that she knows that the height of the piles were only supposed to be ten feet (10'). Loreli LeBaron believes they were allowing between 10 and 12 feet. Member Diehl questioned if they have exceeded that, and Ms. LeBaron responded in the affirmative and noted also the spacing of the stacks was not in compliance. Joe Sanford asked if Omaha Track exceeded the height since the permit was issued in July 2022. Ms. LeBaron said that she couldn't give an exact answer regarding this as of July 2022, but she can say that it has fluctuated in height. In her opinion, it easily could have. Joe Sanford verified that the number of ties on the property as of the approval of the special use permit was below 150,000. Ms. LeBaron stated that she couldn't give a definitive answer about the number, but she could say that the number fluctuated. Around the time of the permit, she believes it could have been fewer than 150,000 ties, but it also could have exceeded that on the day of the permit being granted because of the fluctuations. She mentioned, as did Mitch Young, that there is no one to count each one. Member Diehl questioned if they were in compliance with the Fire Marshals' recommendation for the distance between stacks. Ms. LeBaron replied that they were not.

Member Picotte asked regarding the comment about moving the operation to the other side of the tracks going north and south and the timeline on that. Joe Sanford explained it is beyond the scope of this meeting, and Member Picotte indicated this could be a decision factor for him. Joe Sanford pointed out that this doesn't relate to the fire or any condition of the new special use permit. There was some discussion of it during the July meeting regarding the previous permit that is not in the new special use permit; however, it was not part of this agenda item that may be discussed or acted upon.

Member Picotte then asked Mitch Young if the feasibility of the new Fire Plan is the safest for the community. Mr. Young would like to think that the plan they have in place is the safest possible. They are asking for greater spacing between the stacks, better structure of the stacks, more water on site, and so forth. They are working to ensure that should a fire start in the yard they will be able to address it more quickly. The county fire department does the best it can since they are 20 minutes out. The wind was a factor in the fire, and you can't plan for everything. There are no guarantees with any plan.

Joe Sanford restated what the purpose of today's hearing is for and what the commissions' abilities are. Specifically, they are to determine if a violation occurred, and if there is a violation, they have the authority to reexamine the special use permit and make changes based upon what violations you believe occurred. If you don't believe there were any violations of the special use permit, the permit will continue. He wanted to note for everyone's benefit that the original permit required that Omaha Track follow the recommendations of the Fire Marshal. There are a number of changes that staff has recommended to the current permit, and they also have the authority to revoke the permit, both of these options would require that the commissioners find that there was a violation of the current permit. Without a finding of a violation, the current permit will stay as it

stands and you will not have the authority to make changes to the permit or conditions of the permit. The recommendations of the Fire Marshal were in the previous permit and also part of Condition 10, so that would still remain in place. If no violation is found, they would not have the option to revoke the permit or reexamine any of the provisions of the current permit.

Member Nelson addressed counsel because there seems to be some discrepancy as to whether the original special use permit and the new special use permit were in place, what Omaha Track's argument and the stance that the county's counsel has taken, and asked for some clarification on the issues. Joe Sanford shared that Omaha Track's counsel has expressed her opinion that this commission made a decision on July 13, 2022, that decision was outlined in a Notice of Final Action that was mailed to the applicant, it was signed by Mr. Soulia on August 14, 2022, and then it was returned to the Planning department to be recorded the day of the fire. You can see that Mr. Spross signed the document on the day after the fire and it was recorded that same day. Joe Sanford remarked that Mr. Spross's signature is just a piece of the notice, and the commission's decision was valid at the time they made it. The notice that was provided was for the applicant to be aware of the conditions they are required to meet for the permit. The applicant and anyone that believes the decision was not correctly made had 10 days to appeal the decision made by the Planning Commission. Ms. Tanner's position is that since it was not signed and recorded by the Planning Department until the day of the fire that the permit did not come into effect until the day it was recorded. If the commissioners would like for him to do some more legal research. There was some discussion about the effective date of decisions by the commission and notices of final action in general. There is another option available to the Planning Commission, and that is to request more investigation and additional evidence presented in order to make a decision related to a violation. They could request that additional investigation be done. Member Nelson wanted to also know whether they had 12 months to enact the permit, or meet the conditions, as well as when the permit was active. If he is going to be able to make a decision on this, he needs to know the answers to these questions and more investigation done to provide the evidence whether there was or was not a violation. Joe Sanford remarked that as far as how long Omaha Track had to meet the conditions, he believes that is based upon what the Planning Commission expected when they granted the permit. There was more discussion about when it is reasonable to expect conditions to be met and how long Omaha Track should have been given to start working on meeting them. He said that he can give his opinion, but that would be substituting his judgement for theirs, but this is the factual issue that they are being asked to determine. Whether or not the permit that was granted was already noncompliant, and if it was already noncompliant, what was the intention on how long it was expected to gain compliance is the question. When Mr. Sanford read the documentation, he thought that it was to come into compliance over a period of time. It was his understanding that Omaha Track was supposed to meet with the county in August to discuss this exact issue. There was some element of time that was intended that these things were going to be done. The requirement for the permit was intended to create a good faith effort to comply with that provision in the interim. There was more discussion about the items for determination of a violation.

Chair Arciniega expressed his opinion that at the time of granting the permit there were a lot of conditions placed. He believes that they were given time to work on these conditions; however, he couldn't say for sure what type of effort was made from the time of granting the permit until the fire to gain compliance. He does think that Omaha Track had time to work toward compliance. We should be able to get an accurate number since Omaha Track says they had those. He thinks that would be something that could be provided to the commission. He figures that it would be in the best interest of Omaha Track to work toward compliance, and by the comments of others in that

area it doesn't sound like that may be the case. Chair Arciniega then remarked that he believes that Omaha Track had time to work on those items that they were most concerned about to gain compliance.

Member Getto agreed with Chair Arciniega and shared that Omaha Track had plenty of time to gain compliance between July and September. He keeps hearing from Omaha Track that they want to be a good neighbor, yet they don't do these things, and he knows that things don't happen overnight. We knew it was an issue for quite a while referring to the scrap pile stack height. The pile just kept growing bigger and bigger. In his opinion when driving by it all of the time, he saw very little effort to remove the pile or reduce its size. He does believe that more ties were being brought to the yard, they may not have exceeded the 150,000 amount, but more were being delivered. That could explain why the scrap pile kept growing in size. The other issue was to work with the Fire Marshal, and he thinks that was done; however, you didn't heed his warnings enough. While listening to comments made Mr. Young spoke with you multiple times about increasing the spacing between the stacks and the stack height needed to be reduced, and when you want to be a good neighbor and good business in the county, you would have made it the utmost importance to get that done. Yes, the commissioners knew that it was out of compliance, but that's not an excuse to just keep pushing off things to bring it into compliance. He couldn't make a determination on Item 2 about the 150,000 and wouldn't have a clue how you would go about counting those. He wonders if you combine the shredded ties in the scrap pile and the good ties in the stacks it would be over 150,000.

Member Nelson stated that even though it is a little bit muddy, he believes that there are enough requirements on here, even as a public nuisance, that this should be revisited because there are a couple of other things that could have been in violation as well, and they could sit here and argue about it all night. Joe Sanford restated the scope of this hearing. Member Picotte agrees with Member Nelson and believes that there could be a violation of the number of ties on the site at the day of the fire and would like more investigation regarding that item. Chair Arciniega requested clarification on whether they could table this to another agenda and ask for additional investigation on other areas of the special use permit where they are uncertain. Joe Sanford stated that if they wanted to relook at the whole permit because of something that wasn't in the investigative report then they would need to request additional investigation. If you want to revisit it based on what has been provided, it would only be able to be reexamined or revoked based upon a finding that a violation of the conditions noted existed. It would need to be a finding of clear and convincing evidence that you believe a violation of the conditions of the special use permit existed. If you were to request additional investigation it would be a lot easier to give more details on the particular elements than is currently presented. If you are uncertain, it is better to ask for more investigation than it is to take action when you are not sure. Member Picotte said that the problem with this is that they don't know if there was a violation because they don't know how many ties were there. He would like more investigation on that specific issue to determine the number that were on the yard the day of the fire. That may help them determine what to do.

Member Bunyard said that as they are looking at this as presented today there are three things they are looking at as possible violations: (1) the number of ties on the property the day of the fire, (2) the Fire Marshal regulations, which is a little gray area of when that could be expected to be in compliance, and (3) Item 11, which they know that Omaha Track was not in compliance with. There is also a question on what time would have been required to expect compliance in these areas. Omaha Track was still working with the Fire Marshal on Item 10, but did they have time to comply with the scrap piles. As far as he is concerned on the further investigation, they may be able

to dig a little deeper into that, but they did give them time to comply, and he's not sure what more they can really get from more investigation.

Member Diehl expressed her opinion based upon information provided by staff, the Code Compliance Officer, and the Fire Marshal there was a point in time that they were over the limit on the ties that they were supposed to have, the space between the ties did not meet the recommendation of the Fire Marshal, so she feels they were no in compliance with code. She believes it needs to be readjusted, they need to look more into the safety of the Hazen community and our community, and she thinks that the Fire Marshal has come up with a good plan, and if we can implement it that would be good. She would like to have a little more investigation.

Member Getto questioned if Omaha Track is in opposition to complying with the recommended alterations to the conditions as recommended by staff, Fire Marshal, etc. Lina Tanner asked if she could take that question, and Member Getto said that it was directed more to James Soulia since he would be the one to carry those out. Ms. Tanner expressed her understanding of that position, and she continued by saying that from the beginning they had no objections to the fire plan except for the timeline for implementation of the fire detection system. She continued outlining the timeline, cost factors, and effectiveness that make this problematic. Member Getto pointed out that there are fire detection systems used in farming operations back east and in the mid-west that detect thermal variations.

Joe Sanford gathers that most of the members would like to have more investigation completed and presented at a future meeting. Member Picotte would like to know how fast Omaha Track could have feasibly removed the excess ties to be in compliance between July and September. They don't know the answer to this, so it makes it difficult to make a decision. How fast Omaha Track could have removed them and could that timeline have been met.

Chair Arciniega asked if these are some things that could be determined with more investigation. Member Picotte would hope that Omaha Track could provide an answer because they know how many ties they can move in a day. Chair Arciniega said that they could have a proposed motion to investigate further, delay a decision tonight, and put a timeline on it for when the investigation would be completed; they could have a motion that there was a violation of the granted special use permit; or they could say that Omaha Track would have had time to come into compliance over a period of time, like one year, in which case the company would have had to come into compliance with all 13 conditions over the year. Joe Sanford added that this would be based on there being no violation.

Dean Patterson stated that he believes the applicant wanted to get an answer tonight because they want to get back to work again. He said to those wanting more investigation that if none of the items are determinable now, it's probably a good thing to ask for more information, but this will take extra time and will impede Omaha Track getting back to work. They seem to be okay with the conditions of approval and the fire plan.

Lina Tanner said that obviously getting back to work is important, and so is the decision that the commission has to make. The requirement about getting back to work came through Joe Sanford from the District Attorney's office. The condition for them to get back to work was for them to have a fire safety plan that was approved by the Fire Marshal, and this has been done. She doesn't see why regardless of a vote to request more investigation, that Omaha Track couldn't go back to work under the conditions of the fire safety plan that has been signed by both parties. Joe Sanford agreed and said that the stoppage of work is based off of the perceived violation of the existing fire safety plan, and one of the conditions is regarding the implementation of fire safety plan. The risk to the applicant should they proceed and then a violation is determined that results in

reexamination, they could be at risk of being noncompliance. It sounds like there is still some dissent on the fire detection plan. There was more shared about Omaha Track taking a risk going back to work and being found in violation.

Chair Arciniega expressed continued confusion regarding the fire safety plan, a fire suppression plan, and an agreement on this. He asked Mitch Young to comment and was told that there is a plan. Director Spross reported that the agreement they received was not provided in the beginning. In meetings that they had with Mr. Soulia they talked about putting something in play but hadn't talked about any specific numbers. He said that he started putting numbers out there, and Mr. Soulia did not approve of those numbers, so they had a conversation and started talking about other numbers that were more representative of the numbers that Mr. Soulia wanted in terms of quantity. He sent the new proposal for what should be implemented based upon the number of ties to be on location to Mr. Soulia earlier that day, and he thought Omaha Track agreed. He said that he is quite frankly taken by surprise by the things that have taken place at this meeting. The subject had been discussed regarding implementation, but the numbers were never discussed with the Fire Protection Plan. Chair Arciniega then verified that there was a Fire Plan that has been agreed upon between Omaha Track and the Fire Marshal, and Director Spross confirmed that to be accurate. He said that we have a letter signed by Mr. Soulia agreeing to the Fire Protection Plan. The process to get back to work for Omaha Track was not included in the original Fire Plan. He believes this is what they are here discussing this at this meeting.

Member Nelson inquired where are we related to the Fire Marshal's recommendation to be included in the Fire Safety Plan. Lina Tanner said they have no problem with the Fire Safety Plan, but they do have a problem with the page outlining the quantities related to Omaha Track getting back to work and implementation of the third recommendation about the fire detection system. She believes that one needs some flexibility. She doesn't believe that one would pose an issue in the short term because there are basically no ties on site right now. James Soulia stated that he believes he received the three phase implementation of the Fire Plan on Wednesday. It came out with the other documents that were presented at this meeting. When he saw it, he immediately reached out to Mr. Spross and stated that the quantities will not work with what they are trying to do in the yard. He understood Mr. Spross saying that he would discuss it with staff and get back with him on Monday. When his response came in, Mr. Soulia said that he was off for two days. Then he looked it over this morning. What he sees being an issue is that they are being put out on a one year permit and asked to put in a fire suppression system that will cost half a million dollars. Then they could be told that it isn't going to work, or they will pull the permit. This is where the fire detection system is not feasible within a year. He conceded that there are some fire detection systems developed for smaller areas than they have to cover. If he follows the plan that the Fire Marshal gave them, the piles will be so far away from each other it would require a fire detection system for each stack. Not only was there a Fire Plan, but there was a yard plan as well. He doesn't think that he can get a fire detection system in place within a year. Chair Arciniega said that they could even start by having someone drive around looking for issues while they are trying to get something more sophisticated. There were other discussions, and Joe Sanford stated that the Fire Safety Plan is a living document that can change based upon practices and what works or doesn't work. He didn't think they needed to get bogged down with the commission deciding what the plan should be because it will be whatever the Fire Marshal decides. Mitch Young explained that fire detection is for those times when there are no personnel on site, and he is willing to be flexible for fire safety. Director Spross expressed his opinion that he thought they were working toward this end with their discussions and revisions. This meeting is the first time that the staff has heard anything about an

issue with the fire detection system. Mr. Soulia agreed that they have already started implementing some of the other recommendations of the Fire Marshal. The problem came when they spoke to their safety manager and thought the fire detection system was going to be so much more than they were prepared to do at this time. However, the suggestions mentioned during this meeting have helped him to see they may have other avenues to look at to meet the recommendation for the fire detection system while they still consider other more automated ones. Director Spross thought this was the direction they were moving, like when they spoke about the water trucks being inside of a building and Mr. Soulia asked if they could be rigged with a heating system, which they agreed to.

Joe Sanford suggested that they either ask for more investigation or to allow for the parties to discuss this further to come up with a resolution together. They could then ask for a report back to the commission on what they concluded. Since there doesn't appear to be anyone ready to decide whether or not a violation exists, he would recommend that the parties work together to come to some resolution. Director Spross believes that they are 99% where they want to be, and there seems to be one sticking point. He believes that Omaha Track is willing to meet the recommendations of the Fire Plan and they could work together to come up with a solution. It was agreed that the Fire Marshal was willing to have some flexibility with the plan and that it was a living document that could be adjusted as needed. There was some discussion on how to make the motion. There was a suggestion from Lina Tanner to table the matter to allow Omaha Track and the planning department to come to a resolution that may or may not include revisions to the special use permit to avoid having to determine a violation. She also believes that Omaha Track should be allowed to go back to work as long as they are working within the Fire Plan, which doesn't include the three phases suggested by the planning department at this time. The schedule could be worked out separately from the Fire Plan.

Member Nelson moved to table this matter for further investigation and potentially to revise the requirements for the special use permit and give Omaha Track the ability to temporarily go back to work. Member Bunyard seconded the motion and the decision carried by unanimous vote.

***** Chair Arciniega then moved to the Consent Agenda item on the Agenda.

B. Consideration and possible action re: A temporary use permit application for temporary quarters for hardship/caretaker filed by Lancer Wagar for property located at 2944 Nicole Circle, Assessor's Parcel Number 006-691-35, consisting of 1.1 acres in the A-5 zoning district. The applicant proposes to reside in an RV on the property to care for his parents and their property.

Joe Sanford, Deputy District Attorney—Civil, outlined this item for the commission, including the recommendation from department staff for approval along with the recommended conditions for approval.

Lancer Wager was not in attendance at the meeting, and no one was there to represent the application.

Director Spross stated that there are two letters in opposition for approval of this application.

Chair Arciniega asked for any public comments.

Loreli LeBaron, Code Compliance Official, explained that this initiated as a code compliance violation through a citizen complaint. This specific individual has lived at this location in an RV for at least one year or more without a permit. In bringing this application forth it would

remedy a code compliance violation and bring a section of it into compliance. There were some photos displayed on the screens showing the RV setup. There are some issues related to how the septic is connected to the septic system that could cause back-up of the system. She also noted that there is a concern regarding the electrical connection to the RV as well. She believes that a requirement for inspections of the connections is needed as soon as possible if this application is approved.

There being no other public comment, Chair Arciniega turned the discussion over to the commissioners.

Member Nelson requested if the applicant provided any documentation that his parents meet the age requirement or have health issues. Dean Patterson answered that Loreli LeBaron has indicated that the parents are elderly, but he didn't see any documentation submitted with the application to verify. Loreli LeBaron verified the identification that the mother does meet the age requirement.

Member Diehl questioned if the black tube was the connection to the septic system. She doesn't believe that would meet the code requirement for that type of connection.

Member Picotte asked if they could table this item until they get the building permits met, or deny it until that has been met. Then they could come back after they meet those requirements. Chair Arciniega pointed out that if they deny the application, they will have to submit a new application and start over. Discussion continued regarding the fact that meeting those approvals would be part of the requirements if they approve the application. Member Picotte mentioned that it is hard to make a decision since they are not here to speak for themselves regarding these issues. Joe Sanford, Civil DA, noted that if they deny the application, they will have to reapply; however, if they were to approve it upon condition, then it wouldn't be really approved until those conditions are met. If they aren't met, then the permit is not valid. Member Picotte questioned if they could to a 60-day approval, and Joe Sanford confirmed this to be accurate.

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

Member Getto, seeing that Mr. Wagar is not present to address this item, moved to table this agenda item to the next meeting. Member Bunyard seconded the motion and the decision carried by unanimous vote.

C. Consideration and possible action re: A temporary use permit application for temporary quarters for hardship/caretaker filed by Ernie Martinez for property located at 6335 Reno Highway, Assessor's Parcel Number 008-573-20, consisting of 2.2 acres in the A-5 zoning district. The applicant proposes to reside in an RV on the property so that his family can provide help and care for him.

Joe Sanford, Deputy District Attorney—Civil, outlined the application and stated the recommendation of the staff. He noted that this application is complicated because there is an additional dwelling unit on the property that is currently being rented out. That unit would be capable of housing the elderly person or caretaker.

Ernie Martinez, 6335 Reno Highway, shared that he will be 70 years old on December 16th. He is under a doctor's care for diabetes and high blood pressure. He moved here from New Mexico after his wife passed. He had no more reason to be away from his family, so he is trying to reestablish here in Fallon, Nevada. Due to his medical conditions his brother has offered to assist him until he can stabilize and get on his feet a little bit.

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

discussion over to the commissioners.

Chair Arciniega clarified from the application that Mr. Martinez is requesting to reside in an RV on this property. He further noted that there is an additional residence on the property. He asked Mr. Martinez if he would be able to live in the other residence there. Ernie Martinez responded that there is no other residence on the property that he could live in because whatever is there is already being occupied or was converted to storage areas in compliance with other codes that were laid out previously. He can't answer for his brother's actions or any previous violations. That has nothing to do with him and his situation, and he stated that he would not need a lot of time there before he can regroup. Right now, he is on disability, and he plans to get on his feet and relocate as soon as possible. This is a temporary helping hand from his brother.

Member Arciniega asked if Mr. Martinez currently lives on the property, and Ernie Martinez confirmed that he lives in the RV now that is set and professionally connected to the septic system, electrical system, and water.

Dean Patterson questioned who is living in the accessory dwelling unit. Ernie Martinez said that it is a friend of his brothers who stays in there. He doesn't know what the circumstances are in regard to that. He explained that there is no other place for him to stay on the property except the RV. Mr. Patterson noted that in the staff report he pointed out there is the main home and the accessory dwelling unit on the parcel. It just raises a weird situation where people are asking for a temporary residence when there are already multiple residences on the site. Dean Patterson shared that if Mr. Martinez only needs this for a short time period, it could be mitigating conditions for the Planning Commission if they would like to allow it for a few months.

Member Nelson inquired how long this temporary residence would be needed, maybe six (6) months or so, and Mr. Martinez stated that six (6) months would be very adequate.

Director Spross explained that if this permit is approved there are some conditions from the Building Department with a placement permit being one of these, and this would require inspections of the connections. He wanted to make sure that the applicant is aware of this requirement should this permit be approved.

Member Diehl inquired if any of these systems have been approved by the county at this time. Mr. Martinez shared that the septic system and water well were already in existence on the parcel for a "cottage", which has been abandoned for any residential and is primarily used for storage, and he believes they were approved previously when they were established.

Director Spross clarified that the inspection that the Building Department is requiring is for the connections between the RV and these utilities. This will need to be inspected by a Building Inspector to be sure that it is in compliance with codes and there are no spills, power issues, or other hazardous conditions. Ernie Martinez stated that he understands this requirement.

Member Getto asked if Mr. Martinez has read the conditions from the staff report that would be part of the permit should it be approved and if he is in agreement with those. Is he willing to pay the fees for these inspections and having people go out to complete the inspections as part of the conditions for approval should the commission approve the application? Ernie Martinez agreed that he will do this.

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)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN

008-573-20, as described in the Staff Report. Member Diehl 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 Temporary Use Permit application for Ernie Martinez to establish a Temporary Quarters for Hardship/Caretaker at 6335 Reno Hwy (APN 008-573-20). This approval is subject to conditions, as listed in the Staff Report, and is for a period of 6 months. Member Getto seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The temporary quarters must comply with Churchill County Code.*
- 2. The temporary use permit is approved for a period of six (6) months.*
- 3. 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 renewals providing proof that the need still exists.*

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

D. Consideration and possible action re: A special use permit application for a propane storage facility with no onsite office building filed by Granite Propane, Inc., for property located at 2880 Enterprise Way, Assessor's Parcel Number 007-311-42, consisting of 21.7 acres in the Industrial zoning district. This operation is only on a portion of the property that will be divided in the future. The applicant previously set up a 60,000 gallon storage facility on the property to serve the trucks providing propane to Churchill County.

Joe Sanford, Deputy District Attorney—Civil, informed that Granite Propane has been operating this business at the location for a number of years without the permit as required by County Code. When they were contacted, they submitted this application. He went through the recommended conditions that are part of the staff report noting that there is no office building on this site. He also noted that there is a parcel map in process to divide this lot from the larger one.

John Forster, Granite Propane, stated that they do not use the site very much during the summer months; however, there will be more use during the winter months. He doesn't anticipate much use beyond what they have been doing so far. Once the subdivision is completed, they will put up fencing around the lot and meeting the other things as required. He apologized for not following through with the special use permit application submittal prior to establishing the business on site. He wants to make things right and will do whatever is needed to have a good relationship with the county. There will be no office or public traffic. It is strictly used for the delivery drivers to load the delivery trucks and service propane customers in Churchill County. There will also be a large semi-truck delivering propane to fill the tanks onsite.

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

discussion over to staff and the commissioners.

Dean Patterson, Senior Planner, shared on the screen the proposed land division that was previously recommended for approval by the commissioners earlier this year. Bart Hiatt plans to create a road from Enterprise Way going south in front of this parcel to be created by the approved map. He noted some other items on the map, including the position for Mr. Hiatt's well. Mr. Patterson isn't sure if Granite Propane would have access to that well. He further noted that the landscaping requirements for site development as stated in the recommended conditions should be placed along the portion of the parcel facing the future road to be developed by Mr. Hiatt. Another issue brought up was the very large decal sign on the tank, which exceeds the size allowed for advertising signs. Mr. Forster agreed that the sign could be removed as an advertising sign at this site isn't really needed. Dean Patterson also mentioned that there are impact fees with new development, which have not been paid, and he confirmed with Mr. Forster that those would be made. John Forster concurred. Chair Arciniega inquired if Mr. Forster has read and agrees with the recommended conditions as stated in the staff report, and he replied in the affirmative.

Member Diehl asked about the fire safety codes, and Mr. Forster responded that they work with the Nevada LP Gas Board regarding fire safety, and they are inspected regularly. He informed that they are permitted through the state agency and that agency works with the local Fire Marshal.

Dean Patterson remembered to question about the fencing that will be around the site and would screen the outside storage and if they have a method to work with the Fire Department regarding access to the site in the event there is an issue that they could get inside the fencing. Mr. Forster shared the standard procedures that are followed by a majority of Fire Departments. One of the primary actions is to evacuate inside a three-mile radius of the site before attempting to fight any fires. His company also requires the site be free from flammable material to avoid these situations.

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 16.08.080(H) on APN 007-311-42, as described in the Staff Report. Member Bunyard seconded the motion and the decision carried by unanimous vote.

Member Bunyard, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application for Granite Propane to authorize a Bulk Fuel Storage and Distribution - Small at 2880 Enterprise Way (APN 007-311-42). This approval is subject to conditions, as listed in the Staff Report. Member Nelson 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 resolution of any current violations.*
- 2. They shall coordinate with emergency responders to ensure they are informed of operations and have emergency access through the fence for firefighting purposes.*
- 3. The project must be in conformance with County Code, including but not limited to changes needed regarding signage, site screening, lighting, payment of impact fees, etc., as noted in the staff report.*

4. *A landscaping strip shall be provided along the future road frontage of the applicant's future lot. The landscape strip shall be equivalent to the 5' street front strip required in the landscaping code. The landscape strip shall be placed inside the future property line, and the screen fence location shall be adjusted to place the landscape strip outside the fence.*
5. *All necessary building permits shall be obtained for installation of all proposed facilities*
6. *The project must remain in compliance with all state and federal requirements.*
7. *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.

E. Consideration and possible action re: A special use permit application for a casino, bar, and 24-hour operations filed by Todd Nigro of Fallon 50 LLC for property located at 2254 & 2180 Reno Highway, Assessor's Parcel Numbers 008-361-50 & 008-361-51, consisting of 1.63 & 0.17 acres respectively in the C-1 zoning district. The applicant proposes to construct New Bourbon Street Casino & Sports Bar on the property. The project will require a boundary line adjustment between the properties and intersection improvements.

Joe Sanford, Deputy District Attorney—Civil, gave an overview of the application stating that the alcohol establishment and 24-hour operations require a special use permit. He went over the findings that should be met for consideration of this permit application. He noted that the staff report recommends some conditions for mitigating potential issues, and he stated that there are some utilities that will need to be moved and some traffic mitigation that will need to be met with Nevada Department of Transportation (NDOT).

Nitin Bhakta, Summit Engineering Corporation from Reno, Nevada, stated that he didn't have anything to add to the application. He noted that the applicants, owners and developers, have reviewed the staff report and have no issues. He was there to answer any questions that the commission may have.

Director Chris Spross remarked that a traffic study was prepared for this project, and it has been forwarded to NDOT, as they are the municipality that will be impacted. There has been no response as of this time. A response is anticipated, and their comments will be forwarded to the applicants. He further stated that county water and sewer are available for connection to this property, which will be required as they move forward. There are various easements crossing the property that they will need to work with the various utility providers to get relocated or re-routed. There are several recommended conditions regarding this application, and it sounds like the applicants and owners are okay with these.

Dean Patterson reiterated that the traffic study was sent to NDOT. He stated that the department has been in contact with NDOT regarding this property a few times over the last several years with various enquiries. Most of those decided not to move forward at that location due to the requirements that NDOT wants for ingress and egress; however, this developer doesn't seem to have any issues with what NDOT is requesting regarding entrance to the lot being from the east with a deceleration lane and exit from the lot being to the west only. A drawing was displayed on the screen where Mr. Patterson demonstrated these things. He also showed the various easements that would need to be relocated, probably to the north. Since this site also borders a residential use, staff is recommending a screened wall barrier to provide a light and sound barrier. He verified that the applicant has seen the sound wall requirement and was okay with it.

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

Chair Arciniega said that he saw that this was a group of three different buildings and asked if that was correct. Mr. Bhakta responded that it was one building with three different venues that are internally connected.

Member Bunyard asked if the applicant has already developed a couple of these—one in Elko and one in Hawthorne, and Mr. Bhakta confirmed that he has designed several of these in several towns, including Jackpot, Winnemucca, Elko, Hawthorne, and Sparks. Member Bunyard questioned how long it generally takes to build out the finished project. Nitin Bhakta replied that a few of these that he was really involved in took anywhere from eight months to one year. The ones like in Elko took a little longer because of the weather.

Chair Arciniega inquired if they have been in contact with NDOT regarding this project, and Mr. Bhakta informed that they have already met with NDOT and one of their traffic engineers regarding the traffic study. They didn't have any objections to the plans they came up with and their recommendations are the ones that are shown in the application. They will need to take the finished project back to NDOT for a final approval.

Member Diehl asked if the clients would get all of the permits and licenses that are needed for the project. Nitin Bhakta assured that they are working on these and will get the others as the project moves forward. Member Diehl noted that it appears they will have plenty of parking with handicapped spaces, and Mr. Bhakta responded that they will have sufficient parking spaces and will have the required ADA compliance.

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 APN 008-361-50, 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 for the Bourbon Street Casino Sports Bar and related casinos to:

(a) establish a casino business under multiple casino names

(b) authorize alcohol sales

(c) authorize 24-hour operations

(d) authorize an associated eating and drinking establishment

at 2254 Reno Hwy (APN 008-361-50), including any property gained through a boundary line adjustment. 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.*
2. *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. Necessary modifications shall be made to meet lighting, signage, loading space, and other code requirements discussed in the staff report. This includes the 6' masonry sound wall discussed in the staff report.*
- 3. All easements for utilities that are moved to new locations shall be provided with new easements. The easements for the previous locations shall be abandoned using the appropriate methods, including the County abandonment process for public easements.*
- 4. All frontage improvements for US 50 shown on the application package plans shall be installed and shall include any changes or additional improvements required by NDOT. All necessary permits for improvements shall be obtained from NDOT.*
- 5. Operation of the business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*
- 6. All state and/or federal permits required for this type of business shall be obtained and maintained, including those for casino operation and serving alcohol.*

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

- F. Consideration and possible action re: An application for a variance from the side setback requirement for an accessory structure filed by Trevor & Amanda Hammond for property located at 1704 S Allen Road, Assessor's Parcel Number 008-831-80, consisting of 1.46 acres in the E-1 zoning district. The applicant proposes to construct a shop and requests that the setback be reduced from five feet (5') to one foot (1') from the property line that is shared with farmland that is under the same ownership.*

Joe Sanford, Deputy District Attorney—Civil, shared that this is an application for a variance from the code requirement and he went over the findings that must be met in order to grant approval. He stated that the department staff is recommending approval. There were no concerns raised with emergency services being able to serve the property should the variance be approved.

Trevor Hammond, 1704 S Allen Road, explained the issues for placement of the shop in other locations on the lot that cause other issues and problems with the best use of the parcel. He demonstrated on the aerial photo displayed on the screen where the requested placement of the shop is, the circular driveway that is convenient for hauling trailers behind trucks, and location of the current septic and an alternative location should another septic system need to be installed.

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

Chair Arciniega inquired about the common ownership of this parcel and the adjoining parcel. Mr. Hammond stated that the parcel to the south is also owned by him, and it wraps around to the west of this lot. He also noted that he has no interest in selling that parcel or doing anything else with it.

Member Diehl asked if this shop was for his construction equipment, and Trevor Hammond responded that it wouldn't be used for any business purpose, and that it was strictly for his personal use. He shared that his construction company has a lot in town where they keep their equipment and supplies.

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 in CCC 16.08.090(F) regarding a Variance from the side setback on APN 008-831-80, as described in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote.

Member Getto, based on the previously adopted findings made for this project, moved to approve the request for Variance to reduce the side setback distance found in CCC 16.16.020.1 on property at 1704 S. Allen Road (APN 008-831-80). This approval is subject to conditions, as listed in the Staff Report. Member Bunyard seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The approved side setback for the proposed shop building shall be 1' measured from the property line. It is recommended that the property line be determined with a high degree of certainty by a professional with such skills.*
- 2. This variance expires 1 year from the date of approval. A building permit shall be submitted and obtained before expiration.*
- 3. The property shall be in compliance with Churchill County Code, including building department permits.*

Trevor Hammond asked regarding Condition 1 whether he would have to hire a surveyor, or he would be able to do this for himself. Dean Patterson stated that it is a recommendation and not a requirement; however, the Building Department would probably require this high level of accuracy with the location of the property line, especially since this building will be placed so close to that line. He said that if they know where the property markers are located and can mark the line using those, it would probably be sufficient. 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 minimum lot width and average lot width requirements filed by Paul Picotte of Picotte Segura Holdings LLC for property located at 2030 and 2040 Reno Highway, Assessor's Parcel Number 008-361-54, consisting of 1.34 acres in the C-2 zoning district. The applicant proposes to divide the property into two narrow lots for the two existing buildings housing 3D Shipping and The Grid Brewery.

Paul Picotte recused himself since he is a part of this application.

Joe Sanford, Deputy District Attorney—Civil, explained that the existing lot is an odd shape and will not meet the minimum lot width on the subsequent parcels with a division. He listed the criteria that should be considered in granting this variance. He stated that staff has reviewed these findings and recommended approval of this application.

Paul Picotte said that they have been provided with a list of recommended conditions, and they have no issues with complying with those in order to move forward with the project.

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

Dean Patterson remarked that this variance application meets all of the conditions outlined for variances.

Member Bunyard verified that they are connected to the county water and septic. Mr. Picotte affirmed that they are hooked up to the county water and septic for each of the buildings. Director

Spross clarified that it is the county water and sewer. They are not using septic systems on the property.

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 been met for conformance with the criteria found in CCC 16.08.090(F) regarding a Variance from the minimum lot width and minimum average lot width requirements on APN 008-361-54, as described in the Staff Report. Member Bunyard seconded the motion and the decision carried by unanimous vote.

Member Bunyard, based on the previously adopted findings made for this project, moved to approve the request for Variance to reduce the minimum lot width and minimum average lot width found in CCC 16.16.020.1 on property at 2030 & 2040 Reno Highway (APN 008-361-54). This approval is subject to conditions, as listed in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The approved minimum lot width and minimum average lot width shall be as shown on the proposed parcel map survey.*
- 2. This variance expires 1 year from the date of approval. A parcel map must be approved by the BOCC before expiration.*
- 3. The property shall be in compliance with 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.

10. Action Item:

- A. Consideration and possible action re: A parcel map application filed by Paul Picotte of Picotte Segura Holdings LLC for property located at 2030 and 2040 Reno Highway, Assessor's Parcel Number 008-361-54, consisting of 1.34 acres in the C-2 zoning district. The applicant proposes to divide the property into two narrow lots for the two existing buildings housing 3D Shipping and The Grid Brewery.

Joe Sanford, Deputy District Attorney—Civil, stated that this item is a coexisting application with the previously approved variance to divide the property into two narrow lots—one for each existing building. The east building was recently approved for a brewery, restaurant, and retail facility, and the west building currently has a retail business. There are a number of development standards that must be met for this, which staff has reviewed and recommended approval. He went over the recommended conditions for any recommendation for approval.

Chair Arciniega asked for any public comment; there were none. Paul Picotte then remarked that they are willing to comply with all of the requirements as stated and are looking forward to completing the project.

Since the commission has discussed this project and the necessary steps that needed to be taken over the last few meetings regarding the special use permit, variance, and the parcel map,

there were no other comments or discussions. Chair Arciniega 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 16.04.040(C) and CCC 16.04.050(A) regarding an application for a Parcel Map to split the lot into two parcels on APN: 008-361-54, as described in the Staff Report. Member Bunyard seconded the motion and the decision carried by unanimous vote.

Member Bunyard, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners:

(A) Approve the Parcel Map permit application for Picotte Segura Holdings to divide APN: 008-361-54 into two 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 Nelson seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *Changes shall be made for compliance with Churchill County Code, including but not limited to:*
 - a. *Typographic errors and missing language in certificates shall be corrected.*
2. *Any final changes required by the County Surveyor shall be made prior to recording.*
3. *A label shall be placed along the US 50 frontage stating: "Proposed access, curb, gutter, and sidewalk improvements constructed to NDOT standards."*
4. *Urban street frontage improvements shall be installed along US 50 to the NDOT standards, and all required permits and authorizations from NDOT must be obtained.*

Chair Arciniega stated that their recommendation will be forwarded with their application to the Board of County Commissioner's meeting on November 3, 2022.

- B. Consideration and possible action re: An application for a Tentative Parceling Plan for a Cluster Development filed by Travis Peek of P4 Properties that is concurrent with a boundary line adjustment (BLA). The property is located at 3435 Lima Lane, Assessor's Parcel Number 006-331-74 (006-331-79 after BLA), consisting of 78.38 acres (after BLA) with 31.8 acres of water rights in the A-5 zoning district. The applicant is planning to divide the property into 15 homesites of 1.0 to 2.0 acres, leaving a large farm property with water rights and a conservation easement.

Joe Sanford, Deputy District Attorney—Civil, explained that the boundary line adjustment map is being processed and nearly complete. The plan shows the parcels after the boundary line adjustment has been completed. This application is to create a cluster development with 15 one to two-acre lots, leaving the remaining farming acreage (approximately 60 acres) with 31.8 acres of water rights. The number of lots is based off of our cluster development regulations under the five-acre zoning. The staff has reviewed this application and found that it meets the requirements of the Churchill County Development Code. He went over some of the conditions that are recommended if approved, including the conservation easement being completed using the cluster development

template instead of the transfer of development rights template.

Travis Peek, P4 Properties, 5499 Casey Road, and David Cook, Lumos & Associates, were available for any questions.

Dean Patterson, Senior Planner, explained the boundary line adjustment and stated that the acreages and parcel numbers will change once the map has been completed. He went over the cluster development regulations that permit the divisional potential being developed in smaller lots leaving the larger farmland undisturbed with a conservation easement on it that keeps the larger lot in agriculture and the water rights in place for irrigation. This map lays out the parceling plan for the overall project. This will be followed by a series of parcel maps that have no more than three smaller lots and a remainder until it is completed. The series of parcel maps will come before the commission in the next few months. Dean Patterson went through some of the agriculture facility issues that this project has been working on in order to create this development, including moving some ditches and drains and creating new easements for these outside of the development. He demonstrated these changes on the map displayed on the screen. He brought up information regarding the placement of wells and septic systems in the development and mentioned there could be additional requirements related to the septic systems due to the high water table and soils in this area.

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

Member Bunyard asked regarding the water right dedication and if this would be waived for the parcel maps. Travis Peek said that he wouldn't be required to make the water right dedication for the parcel maps. Dean Patterson remarked that since this is a cluster development the code allows the applicant to request a waiver of the water right dedication on the maps as long as the conservation easement is in perpetuity and ties the water rights to the farmland to be preserved. He noted that some of the older cluster developments were only for a period of thirty years, which creates a problem because they would then be able to develop the property that was under the conservation easement after that period of time, so staff wouldn't recommend waiving the water right dedications. If the easement is in perpetuity, staff could recommend waiving the water right dedication requirement for the parcel maps because the water rights on the farmland would be tied to the larger parcel forever. Chair Arciniega verified with Mr. Peek that he would be in agreement to have the conservation easement in perpetuity, and Travis Peek replied that he would.

Member Diehl inquired if Mr. Peek farmed the land, and Mr. Peek said that he does farm about 32 acres of the property because there are some areas are not good for farming. Member Diehl expressed concern about the septic systems and wells on these properties and the high water table. There was some discussion about this water table issue in the geotechnical report prepared by Lumos & Associates. She is glad to see him want to maintain the larger part in agriculture because that is a very nice area.

Member Nelson questioned what Mr. Peek's end goal is with this development. Are you going to develop it from beginning to end, or is he going to sell off different lots to different builders? Travis Peek replied that if it was to a custom home building, they might sell, but they own the rest of the properties, and they don't want just anyone else coming in there. Right now, they will develop and build them on their own. These will be more like custom built homes. Member Nelson asked if he is planning on stick built homes, and Mr. Peek responded that they will be.

Chair Arciniega pointed out regarding Member Diehl's concern about the septic systems came from the report that was received with the application from Lumos & Associates. He also noted that this is reflected in the recommended conditions should they approve the application.

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 16.04.040(C) and CCC 16.04.050(A) regarding an application for a Cluster Development Parceling Plan to split the lot into 16 parcels on APN 006-331-74, as described in the Staff Report. Member Getto seconded the motion and the decision carried by a majority vote—5 in favor (Members Arciniega, Bunyard, Getto, Nelson and Picotte) and 1 opposed (Member Diehl).

Member Bunyard, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners:

(A) Approve the Tentative Parceling Plan application for P4 Properties to divide APN: 006-331-74 into 16 parcels with a conservation easement on the remaining farmland.

(B) Approve the request to waive the water dedication requirement.

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

Member Getto seconded the motion and the decision carried by a majority vote—5 in favor (Members Arciniega, Bunyard, Getto, Nelson and Picotte) and 1 opposed (Member Diehl).

Recommended Conditions:

1. *Changes shall be made for compliance with Churchill County Code, including but not limited to:*
 - a. *Typographic errors and missing language in certificates shall be corrected.*
 - b. *Adequate street setbacks for the home sites shall be planned from Lima Lane.*
 - c. *Changes to notes consistent with the County's plans to accept or reject the offers to dedicate roads.*
2. *Any final changes required by the County Surveyor shall be made , including but not limited to:*
 - a. *Agricultural easements being abandoned or established shall be clearly identified.*
3. *Notes shall be placed on the parceling plan and implementing parcel maps indicating:*
 - a. *For the home site lots fronting Lima Lane, access to Lima Lane is prohibited.*
 - b. *Soil conditions identified in the geotechnical report show high percolation rates and high groundwater levels. Individual parcels will require a parcel-specific percolation test, and may require that septic systems use alternative designs to prevent groundwater contamination.*
 - c. *Soil conditions identified in the geotechnical report may require special construction methods.*
 - d. *All parcels are subject to a road maintenance agreement recorded concurrently with parcel maps.*
4. *Before recording the first parcel map implementing the project:*
 - a. *A conservation easement shall be recorded on Parcel A.*
 - b. *The interior road shall be constructed or bonded.*
 - c. *The interior road shall be signed to indicate that it is privately maintained.*
 - d. *A road maintenance agreement shall be prepared for recordation with the parcel maps.*

Chair Arciniega stated that their recommendation will be forwarded with their application to the Board of County Commissioner's meeting on November 3, 2022.

Chair Arciniega went back to Public Hearing Item A for Omaha Track, Inc. that was tabled earlier in the meeting.

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 special use permit for outside display of secondhand merchandise and to hold occasional small flea markets onsite previously granted to Ray White for property located at 4640 Reno Highway, Assessor's Parcel Number 008-472-56, in the C-2 zoning district. The business has moved to a location in the City of Fallon; therefore, the permit is no longer needed.
- B. Consideration and possible action re: Termination of a temporary use permit for temporary quarters for hardship/caretaker previously granted to Clyde Folz for property located at 2160 Drumm Lane, Assessor's Parcel Number 006-771-54, in the A-10 zoning district. The renewal response indicated that the permit is no longer needed since his mother-in-law resides inside of their home full time.

Member Diehl moved to approve the Consent Agenda as submitted. Member Nelson seconded the motion and the decision carried unanimously.

12. Public Comment:

There were none.

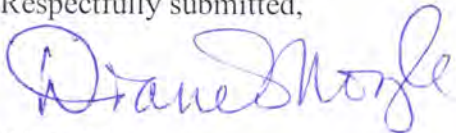
13. Adjournment:

There being no further business to come before the Planning Commission, Chair Arciniega adjourned the meeting at 11:25 p.m.

14. Appendix:

Supporting Documentation

Respectfully submitted,



Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

155 N. Taylor, Ste. 194, Fallon, Nevada 89406
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STAFF REPORT FOR PLANNING COMMISSION MEETING – October 12, 2022

Prepared October 5, 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.

• Omaha Track Re-Examination or Revocation of a Special Use Permit	Page 2	No Site Visit
• Wagar TUP for Temporary Quarters for Hardship/Caretaker	Page 5	No Site Visit
• Martinez TUP for Temporary Quarters for Hardship/Caretaker	Page 7	No Site Visit
• Granite Propane SUP for Bulk Fuel Storage & Distribution - Small	Page 9	No Site visit
• Bourbon Street Casino/Sport Bar SUP for Casino (+ alcohol, + 24 hr.)	Page 14	No Site visit
• Hammond Variance from side setback	Page 19	No Site visit
• Picotte Segura Holdings Variance for average and minimum lot width	Page 21	No Site visit
• Picotte Segura Holdings Parcel Map (2 lots)	Page 23	No Site visit
• P4 Holdings Tentative Parceling Plan Cluster Development (16 lots)	Page 26	No Site visit
• Consent Agenda	Page 31	No Site Visit

PC Members Present

Zack Bunyard
Myles Getto
Paul Picotte

Staff Members Present

Dean Patterson
Chris Spross
Diane Moyle

REVIEW OF PROJECT FILES

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

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

Application:	<u>Re-examination or Revocation of a Special Use Permit</u>		
Use Listing:	<u>Rail Based Services Facility</u>		
Applicant:	<u>Omaha Track</u>	Owner:	<u>TRP Properties</u>
Site:	1006 Nevada St. (3 parcels: APN 009-251-74, -86, & -88) – 121.23 acres (total)		
Designations:	Master Plan - Industrial & Hazen Planning Area // Zoning – Industrial & A-10		

Background: The subject property is currently being operated by Omaha Track for its railroad tie sorting facility. In early September, a fire destroyed the large inventory of rail ties. There was no other substantial damage. As a result, the County's Deputy DA Joe Sanford initiated the County Code process for Re-examination or Revocation of a Special Use Permit (CCC 16.08.100 through -110).

The applicant received a notice of initiation, and an investigation was begun. The Director determined that a hearing should be brought before the Planning Commission. The Director's Investigation Report and supporting documents are provided with the Planning Commission packet, and it has been provided to the applicant. Notice of the hearing has been sent to Omaha Track and neighboring properties, similar to the notice provided for the Special Use Permit.

The most important consequence of the investigation is that the Fire Marshal determined that an official Fire Protection Plan must be developed and implemented. Two important elements are (1) that the railroad tie stacks must be separated and oriented specifically for fire protection purposes, and (2) that facilities be installed to assist with easy visual confirmation that the stacks remain within limits.

The Director recommends that the conditions imposed on the project by the Planning Commission in their July 13, 2022 decision be revised. Those conditions are provided below, and conditions that are recommended to be changed are struckout and replaced new text. **NOTES** are included where explanation is needed.

1. This permit is subject to review/renewal in 1-year, to confirm progress toward conformance with County Code and conditions of approval.
NOTE: The original date of approval of July 14 remains in effect.
2. ~~The facility shall operate within a limit of 150,000 railroad ties stored on-site at one time. Short term exceedance of this limit is allowed after consultation with the Planning Director, who may schedule a hearing with the Planning Commission if deemed necessary.~~
The facility shall operate within a limit of 150,000 railroad ties stored on-site at one time.
3. ~~Due to the need for numerous changes to the site layout, a new site plan shall be provided for approval by the Director within 3 months.~~
Due to the need for numerous changes to the site layout, a new site plan shall be provided for approval by the Director by December 1, 2022.
4. Material storage north of the railroad mainline is NOT approved in this application. A new SUP will be required when development details are determined.
5. Rail spur expansion on Lot 3 is NOT approved in this application. A new SUP will be required when development details are determined.
6. Material handling and storage on the portion of Lot 1 west of the site road (adjacent to Hazen) is prohibited.
7. Ownership and parcel lines. This permit allows operation of the rail yard across parcel lines. Building construction is not allowed across property lines. If parcels are sold so they are under

separate ownership, this permit will be void and a new permit must be established to address the new ownership and operation changes.

8. Dust and mud track out onto roads shall be controlled by providing an all-weather driving surface (gravel, paving, etc.) for all driving paths used in the operation, including roads, driveways, parking lots, and loading areas. General dust abatement on-site shall be provided by wood chips/shards, water, and dust palliatives.
9. The applicant (a) shall abide by the road agreement with the County Road Department regarding the use and maintenance of Nevada Street, (b) shall enter into a new agreement for Hazen Ave. and (c) shall provide any additional direction signage as determined by the Road Supervisor.
10. ~~The applicant shall provide all layout and improvement needs identified by the Fire Marshal, including but not limited to appropriate height limits for railroad tie stacking, appropriate spacing between stacking rows, configuration of the scrap piles, water facilities for fire suppression, and improvements to ensure all weather access within the site for emergency equipment.~~
The applicant shall prepare a Fire Protection Plan to the satisfaction of the Fire Marshal, and shall implement the plan in accordance with the schedule provided in the Director's Investigation Report. All items must be completed before the 1-year review. The Fire Marshal may require updates to the plan, and subsequent implementation is required.
11. ~~The scrap piles shall not exceed 10 feet high.~~
Scrap materials shall be handled as stipulated in the Fire Protection Plan, and shall not be allowed to accumulate on the site in substantial quantities.
12. The site must be constructed and operated in conformance with County Code and building permit requirements, and any state and federal permits and requirements; including but not limited to:
 - a. ~~The storage of railroad ties must meet Fire Marshal requirements, setbacks, and other code limitations.~~
The new site plan developed for the operation must incorporate railroad tie storage rows consistent with (but not exactly the same as) the layout example provided in the Directors Investigation Report.
 - b. All "non-tie" outdoor storage must be screened. It is recommended that such storage be consolidated in a single area and provided with a screened fence.
 - c. Signage shall not be installed unless approved by the Planning Commission.
 - d. ~~Landscaping. Two parking lot trees shall be provided near the office and irrigated. Street landscaping shall be provided (a) at the entrance, and (b) along the Reno Highway frontage. Friction Zone landscaping shall be provided along the west property line (Hazen frontage). A landscaping plan shall be provided for approval by the Director within 3 months. Landscaping may include signage, plants with irrigation, decorative rocks, boulders, equipment of interest, etc.~~
Landscaping. Two parking lot trees shall be provided near the office and irrigated. Street landscaping shall be provided (a) at the entrance, and (b) along the Reno Highway frontage. Friction Zone landscaping shall be provided along the west property line (Hazen frontage). A landscaping plan shall be developed for approval by the Director and submitted with the new site plan required in this decision. Landscaping may include signage, plants with irrigation, decorative rocks, boulders, equipment of interest, etc.
 - e. A 7-foot sound barrier berm or wall shall be provided along the west property line (Hazen frontage). It shall be incorporated into the landscaping requirements. A grading permit is required.
 - f. A parking area shall be provided for employees and visitors. There must be provided 25 parking spaces, and one must be ADA accessible (asphalt or concrete). If staffing increases

in the future, parking shall be increased to provide one space per employee, and one of them must be additional ADA space.

- g. Lighting placed within the site shall meet the Churchill County Code dark skies standards to direct lighting down, and screen it from upward or horizontal projection.
 - h. Impact fees and water dedication requirements must be met.
13. 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>Temporary Use Permit</u>	Use Table Listing:	<u>Temporary Quarters for Hardship/Caretaker</u>
Applicant:	<u>Lancer Wagar</u>	Owner:	<u>Frank and Delores Wagar</u>
Site:	2944 Nicole Cr. (APN 006-691-35) – 1.1 acres		
Designations:	Master Plan – Agriculture // Zoning – A-5		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/ Caretaker purposes to place 1996 recreational vehicle (RV) on the property. The unit is already on-site, and is set up for use. This application results from enforcement action.

Lancer Wagar is requesting to place a temporary quarters on the property to care for elderly parents (Frank and Delores Wagar). The parents will live in the permanent home. The applicant will live in the temporary quarters. The site plan shows that the RV will be located behind the home and light metal carport; and it will connect to its power, septic, and water services.

The property is one of many similar roughly 1-acre residential lots in the neighborhood around Thornbird Dr. and the TCID yard. There is a large vacant parcel planned for similar lots bordering the west edge of the property. Farmland surrounds the neighborhood on all sides. Access is from Nicole Circle, which is a County-maintained paved road located within a 60' road easement centered on the road centerline. Utility easements run along the property lines and road.

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

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

The application indicates that the parents are over 70 years old, though documentation has not been provided for who they are or their age. Their ability to care for themselves and their property has declined and the son will assist them.

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 16.08.070(B)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 006-691-35.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project fails to ...

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 Lancer Wagar to establish a Temporary Quarters for Hardship/Caretaker at 2944 Nicole Cr. (APN 006-691-35).

For APPROVAL the motion should ADD:

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

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

1. The temporary quarters must comply with Churchill County Code.
2. The applicant shall provide documentation that the person needing care qualifies for the use either for age or physical/mental disability.
3. 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>Temporary Use Permit</u>	Use Table Listing:	<u>Temporary Quarters for Hardship/Caretaker</u>
Applicant:	<u>Ernie Martinez</u>	Owner:	<u>Bejona Enterprises</u>
Site:	6335 Reno Hwy. (APN 008-573-20) – 2.2 acres		
Designations:	Master Plan – Urbanizing // Zoning – A-5		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/Caretaker purposes to place 2006 recreational vehicle (RV) on the property. The unit is already on-site, and is set up for use.

The applicant is requesting a temporary quarters to live on relative's property. Rick and Jerame Martinez (Bejona Enterprises) will live in the permanent home and will be the caretakers. Ernie Martinez will live in the temporary quarters and is the person needing care. The site plan shows that the RV will be located next to an existing accessory dwelling unit that is used as a rental. The RV will connect to the nearby power, well, and septic system, though the Building Dept. indicates the acceptability of the septic capacity must be confirmed.

The property is one of similarly sized commercial lots (along highway) and residential lots (south of them) in this neighborhood. Surrounding lands beyond these lots are mostly agricultural land. Access is from the Reno Highway via a "flag-pole" of the lot holding the driveway. The driveway lies adjacent to another "flag-pole" driveway serving the adjacent lot south of the property. Utility easements run along the property lines.

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 69 years old, turning 70 in December, and documentation has been provided. The application also indicates that he has illnesses, though documentation is not provided. Whether or not the applicant meets the need for care standard, this application is complicated by the fact that multiple residences exist on-site that the person needing care can live in – either with paying rent or not. Examples are:

- The 2100 sf primary home is large and the owner/caretaker/family member could make space for his brother to live in the house.
- The owner/caretaker/family member could make the accessory dwelling available for his brother to live in. The existing renter would move out.
- While an unlikely option, the applicant could share rent with the accessory dwelling tenant.

Another complication is that the property has a history of non-compliant construction:

- The Old Bait Shop is uninhabitable for people because the recent improvements were done without building permits.
- The "garage" next to the accessory dwelling unit (also on the Old Bait Shop property, has been repeatedly under suspicion of use as a dwelling (not allowed because its in a commercial zone).
- The accessory dwelling unit was approved when the new large home was placed (next to the river). But it was then expanded to exceed the Accessory Dwelling limits, even though the applicant knew the rules.

STAFF RECOMMENDATION: **DENIAL** - Staff recommends denial (a) due to the existence of multiple residences that provide options that don't require adding more residential units to the property; and (b) due to the historic attempts to add or alter residences contrary to the code.

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 008-573-20.

[For DENIAL - Staff Report provides adequate findings.]

[For APPROVAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project meets the criteria by ...

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 Ernie Martinez to establish a Temporary Quarters for Hardship/Caretaker at 6335 Reno Hwy. (APN 008-573-20).

For APPROVAL the motion should ADD:

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

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

1. The temporary quarters must comply with Churchill County Code.
2. All required Building Department approvals and safety certificates must be obtained, including any required set-up permits, and any inspections of water, septic and electrical connection.
3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.
4. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
5. This temporary use permit is subject to annual renewal providing proof that the need still exists.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Bulk Fuel Storage and Distribution - Small</u>
Applicant:	<u>Granite Propane (John Forster)</u>	Owner:	<u>Hiatt Land and Development.</u>
Site:	2880 Enterprise Way (APN 007-311-42) – 21.7 acres		
Designations:	Master Plan – Agriculture // Zoning – Industrial		

Background: Granite Propane has been serving the community from their Lyon County site for many years. Around 5 years ago the company applied for a Special Use Permit (SUP) to establish a storage and distribution site at the Harmon Junction triangle – all facilities with hazardous or explosive materials require a SUP. But that site had ownership problems and fell through. After that, the company established the current storage and distribution site at the Enterprise Way site, but it did not get the required SUP. They have been operating for some years. Recently it was learned that they had not obtained the Special Use Permit. When contacted regarding the matter, the Company submitted this application to resolve it.

The site is on the Hiatt property that recently was approved for a 4-lot land division, though it has not been completed yet. Granite Propane has an agreement to purchase the lot encompassing their operations. They have been operating with the existing gravel road, which is acceptable. But when the land division is finalized, the road will be paved by the developer.

Project Summary: The application requests to authorize the existing 60,000 gallons of propane storage, using two 30,000 gallon cylindrical tanks. This is considered Bulk Fuel Storage and Distribution – Small, which allows storage under 100,000 gallons of fuel storage. Larger facilities are review as chemical manufacturing and storage.

Proposed days and hours of operation are slightly expanded from a normal work week. The site is to be accessible to employees only. There are a small number of employees, mainly delivery truck drivers who refill the truck tanks at the site for subsequent customer delivery. The delivery trucks may be stored at the site after hours, with employees dropping off their personal vehicle and exchanging it for their truck during the day. Some back-up company vehicles will be stored at the site. The site has not been fenced in the past but will be soon. The perimeter fence will include screening so the entire site can also serve as outside storage. Some storage of available customer tanks (large and small) will take place. A small building is on-site for storage of more valuable items, and to post required notices.

There is no power, sewer, or water services on-site. There is a well nearby, but it belongs to the landowner (Hiatt), and will not be on the new Granite Propane lot when created. There are no office or restrooms proposed, but employees do not stay at the site longer than it takes to refill their delivery trucks, or to deliver bulk fuel for storage in the on-site tanks. They would use restrooms at convenience stores during the day.

The proposed business presents a dilemma similar to the NNRC battery testing facility, but with a different outcome. Normal businesses are required to have facilities (offices and restrooms) for visiting customers and employees working on-site. But staff often gets inquiries from people wanting to establish businesses without building anything or very little. Aside from the lack of facilities for people, it creates problems because they also do not want to install the improvements required for normal business. In these instances, staff would elevate the project to a Special Use Permit to ensure careful consideration and ensure compliance with code requirements; however, this project already requires an SUP. There may be instances where it is acceptable to allow a business without facilities for people. Staff believes that this is such a case, because of the exclusion of customers from the site, the short duration of employee visits, and alternatives provided: A small building is

provided to house required notices, and employees are provided with vehicles and are constantly on the road where they can readily access public restrooms. In the NNRC example, employees worked all day at the site, so office and restrooms were required.

The propane storage tanks are large - being 60 feet long. The site has been approved by the State propane safety board, and includes vehicle crash protection around the storage tanks, valving protection, and other safety factors. The volume of propane stored and delivered varies seasonally, with peak demand in the winter. There is signage on the sides of the tanks (see photos) that is very large – it is discussed in detail under the signage section.

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 the former paving/road building site that the propane business also occupies, another propane business (Amerigas) that has been there for decades, the Fallon Transfer Station, a wrecking yard, and open desert. The proposed propane business is similar to the adjacent business, and otherwise compatible with the surrounding land uses and developments.

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. The facility is an industrial use in an industrial zoning district, so it conforms with the current zoning district. Strangely, the Industrial zoning district does not conform with the current 2020 Master Plan designation of Agricultural. However, the 1990 Master Plan included a strip of Industrial designation for the Enterprise Way industrial area, so they were in conformance at that time. The proposed new facilities will not change the existing conditions.

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.

- **Setbacks and Easements:** The Industrial zone has setbacks measured from property lines, but all property lines are distant from storage tanks. The storage shed meets the 5' setback for accessory structures from the rear and side lot lines. The existing driveway will have an official road when the land division is finalized. It will have a 40' front setback from edge of right-of-way (future property line), which will be met. All existing structures conform to the standards. The height limit is 35', which is met. Other easements, both existing and in the future land division, will not be impaired.

- **Friction Zones:** Normally a friction zone buffer is required between industrial uses and other uses, but non-industrial uses do not exist nearby, except for vacant land. Nor are there nearby agricultural uses, which would require a protection plan. No friction zone buffers are needed.
- **Office, sewer, and water facilities:** The issue of a business with no office, restrooms, or sewer/water facilities is discussed above. Not providing these facilities is acceptable for the proposed business.
- **Outside Storage Requirements:** Outside storage is proposed, and the entire property will be enclosed in a screened fence as required by code. See the landscaping requirements regarding adjustments.
- **Parking and Loading Requirements:** The parking code provides calculations for determining required parking. Where parking space requirements are not defined, the Director determines the required parking. This is a largely unmanned facility, though company vehicles will park there, and employees will park personal vehicles when they pick up a company truck. The Director determines that there is no parking lot required in a formal sense. There is a large amount of space for whatever parking takes place, and the entire site is suitably graveled for parking needs. This determination does not apply to further development of the property.
- **Landscaping:** Businesses with parking lots require parking lot trees at 1 tree/15 parking spaces. The Director had determined that no official parking lot is required, so no parking lot trees are required.

At the time the business started on the site, the landscaping code required a percentage of the site to be landscaped, though that requirement has changed since then. In addition (and still the case now), businesses normally must provide a 10' landscaping strip along a public street frontage and 5' along other streets, which should have been a portion of the Enterprise Way frontage. Instead, Staff recommends that the driveway frontage of the applicant's future lot be landscaped with a 5' landscape strip since it will become an official road. Landscaping does not have to be plants, but can be a mix of decorative rock, boulders, and decorative items – but it can't be just dirt. To accommodate the strip, the screened fence should be set at least 5' inside the future lot line.

- **Lighting:** The application says that there is no power to the site, and no lighting is planned. Existing and future lights must meet the Dark Skies Ordinance requirements for lights shining down.
- **Signage Requirements:** The propane storage tanks have very large signs on them, that are decal style signs that are applied to the surface of the tank. They are approximately 247 square feet on the west side, being a large percentage of the tank surface; and an unknown size and percentage on the east side. The sign code limits wall signs to 10% of the wall. The existing decal signs must be removed and can be replaced with ones meeting the sign code.
- **Water rights and impact fees:** Road impact fees were not paid by the business when established and must be paid now. Water impact fees are not required at this time, but when a well is drilled, they must be paid.

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

There is no public sewer or water service on the site. There is no power on-site, though it is nearby. Public infrastructure will not be impacted, though public road infrastructure is discussed below. Police service demand should not increase.

Burdens on fire service is a special consideration due to the large tanks of explosive fuel. Construction of the two 30,000 gallon propane tanks is subject to safety review by the State LP Gas Board, and the

applicant has obtained approval for current configuration. A common concern by the public is the explosion hazard of fuel tanks of this size, as can be seen in internet videos showing dramatic footage of propane tank explosions. But talks with the Fire Marshal and applicant indicate that those are typically uncontrolled fires where the firefighters cannot access the site for some reason, and the long exposure to the fire results in a BLEVE (Boiling Liquid Expanding Vapor Explosion). BLEVEs are prevented by requiring safety permits, special tank safety designs, and site layout standards to ensure that fires can be fought. Tank and facility design standards are required to deal with many types of accidents, including vehicle collisions or even bullets. Siting of the tanks includes setbacks required by the LP Gas Board from the property lines and other features. The area around the tank is a durable gravel driving surface and makes extensive use of concrete barriers to protect the tank and equipment from vehicles.

Fire and police service will not be impacted, except in the extremely rare case of a fire at the tanks that requires an intense and coordinated response. The Fire Marshal is aware of the proposed facility and is capable of providing necessary inspections. The community police and fire services are capable of providing service. Coordination with emergency responders is recommended in the conditions.

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

The business takes access from Enterprise Way via a driveway adjacent to the Amerigas site. Enterprise Way is a County-maintained paved road with some gravel segments. The driveway will be improved to a County-standard paved road within a 60' easement when the land division is completed; and in this location, the edge of the road easement will also be the property line for the new lot that Granite Propane will buy. The small amount of traffic generated by the business will not overburden either road. No impacts are expected.

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

The potential environmental impact issues to adjacent properties are:

- (1) Potential odors released from the tank during operation. Odorizing agents are added to propane to warn of a hazard. Such odors should not be normal and would indicate the need for repairs.
- (2) Safety impacts from fuel fires or explosions are negligible as long as safety measures are constructed and maintained.

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 007-311-42.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the proposal fails to
... ..

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 Granite Propane to authorize a Bulk Fuel Storage and Distribution - Small at 2880 Enterprise Way (APN 007-311-42).

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 resolution of any current violations.
2. The shall coordinate with emergency responders to ensure they are informed of operations and have emergency access through the fence for firefighting purposes.
3. The project must be in conformance with County Code, including but not limited to changes needed regarding signage, site screening, lighting, payment of impact fees, etc., as noted in the staff report.
4. A landscaping strip shall be provided along the future road frontage of the applicant's future lot. The landscape strip shall be equivalent to the 5' street front strip required in the landscaping code. The landscape strip shall be placed inside the future property line, and the screen fence location shall be adjusted to place the landscape strip outside the fence.
5. All necessary building permits shall be obtained for installation of all proposed facilities
6. The project must remain in compliance with all state and federal requirements.
7. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	Special Use Permit
Use Table Listing:	Casino with 24-hour operations and eating-drinking establishment (alcohol)
Applicant:	Bourbon Street Casino & Sports Bar (Todd Nigro of Fallon 50)
Owner:	Courtyard and Arapahoe Inn Fallon
Site:	2254 Reno Hwy. (APN 008-361-50) – 1.63 acres ALSO PART OF 2180 Reno Hwy. (APN 008-361-51) – 1.76 acres <i>NOTE: A boundary line adjustment is planned between the properties which will change the APNs in the near future.</i>
Designations:	Master Plan – Urbanizing // Zoning – C-1

Site History:

For a very long time this site held apartments that were served by water well and septic system. They became rundown and were eventually removed.

In the last 15 years, the County sewer and water systems were extended down the “alley” then running around the north edge of the project site. This not a real alley, since it has no road easement. It is the former location of the old US 50 highway, which was abandoned, and the land attached to adjacent lots.

There have been many inquiries for the site, but none have been pursued because of the difficult access situation on Williams Ave. The driveway is opposite Taylor Place, which serves a very large proportion of the Walmart traffic. NDOT has consistently required that exiting the site must be “right only” – meaning cars cannot cross traffic turning into Walmart or the traffic coming into Fallon. Exiting vehicles MUST travel west and turn around at the Coleman-Casey light.

Another limitation has been that the site is heavily encumbered by utilities crossing the property.

- County sewer and water lines follow the alley to the site and then turn to follow the north boundary of the site. These are minor encumbrances.
- A SW Gas line follows the alley to the site and passes through the proposed building site.
- An NV Energy transmission line follows the alley to the site and passes over the proposed building site. On the adjacent lot to the west, you can see that the transmission line has been re-routed around the north side of that development, and the applicant plans similar re-routing.
- An NV Energy distribution line extends through the property along the driveway to US 50, then turns east to serve the neighboring lots.

Proposal

The application proposes to build a new casino from the Dotties family of casinos. It also includes a drinking establishment (for alcohol), eating establishment (similar to a snack bar), and 24-hour operations, which also require special use permits themselves. The casino interior and exterior are actually divided into 3 spaces so they seem like separate casinos.

- (1) Bourbon Street Sports Bar is the more prominent space, being a Mardi Gras themed sports bar.
- (2) La Villita has a festive Mexican atmosphere.
- (3) U1 has a less defined atmosphere but has specialty gaming machines.

The application proposes 135 gaming positions, and most are slots or similar machines, rather than table games. Aside from the building, landscaping, and other required features, the rest of the site is devoted to 102 parking spaces – far more than required.

As noted above, the site has extensive utility lines and easements that must be altered to develop the site. The applicant plans on moving the utilities around the building site. As noted above, the site has highway access difficulties. The applicant plans on installing turning improvements that will need to be acceptable to NDOT. These issues are 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 C-1 Commercial, as are the lots to the west, all of which are used for commercial purposes, mainly retail. To the south of the site is the Reno Highway and the Fallon City Limits with commercial uses. To the north is the railroad, with R-2 zoning beyond the tracks. The property to the east is zoned C-2, with commercial retail and service uses. The property to the north east is zoned C-1, and is used for a mobile home park – being a residential use. The proposed casino will have much more traffic than the current vacant lot and the previous apartments. Landscape buffers for the residential use is required by Code, and a screen fence is recommended and discussed in multiple locations below to also address other issues.

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 uses are listed uses*** in the use table for the zoning district, needing a SUP to be approved. Most Master Plan policies are not applicable to the development of commercial uses or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

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

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

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

Compatibility issues are discussed under criterion 1, above. Regarding visual quality issues, the application proposes extensive landscaping and urban street improvements, and signage will meet code requirements.

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

- **Setbacks and Easements:** The C-1 zone has a 60’ front/street setback, being measured from the Hwy 50 property line. The zone has no side setback requirement, and has a 20’ rear setback (where abutting residential zones or uses). Setbacks are met.

There are extensive utility easement across and around the property. The applicant proposes to move

some of these service lines (mainly to the rear of the site), so the easements will need to be abandoned and re-established elsewhere.

- **Friction Zones:** Not applicable.
- **Office, sewer, and water facilities:** The site will be connected to the County's water and sewer systems at the rear of the property. Permanent facilities for employees and customers are proposed, and ADA accessible improvements are planned.
- **Outside Storage Requirements:** Outside storage is not proposed, though a screened trash enclosure is proposed for the NW corner of the site.
- **Parking and Loading Requirements:** The parking code provides calculations for determining required parking for casinos at 1 space per 500 square feet. The proposed 12,000 square feet of building would require 24 parking spaces, including 1 ADA accessible space. The application proposes 102 spaces and 4 ADA accessible space. The parking spaces requirement is met. All parking will be paved with border curbing. The site's stormwater control is provided in the middle of the parking lot. The Parking Code also requires parking lots adjacent to residential uses (the mobile home park) to be screened to the Directors approval. In addition to the proposed perimeter landscaping proposed in the application, the Director requires a 6' masonry sound wall along the NE property line and the north half of the east property line to mitigate noise impacts of loud vehicles and inebriated customers at a 24-hour casino.

The Parking Code requires that the 12,000 sf building have **two loading space** that don't obstruct driveways or occupy parking spaces. The application proposes that 2 parking spaces will be used for 1 loading space, which does not meet code requirements. The extensive amount of parking spaces will need to be reduced to provide the loading spaces. These should not be located in the northeast area of the site adjacent to the residential uses.

- **Landscaping:** New and expanding businesses normally require a 10' landscaping strip along the street frontage. In addition, the parking lot facing residential properties requires a landscape buffer. Also parking lot trees are required at 1 tree/15 parking spaces. The proposed landscaping plan meets these requirements. As noted above a 6' masonry sound wall will need to be included in the landscaping plan.
- **Lighting:** The application mentions that parking lot and building lighting will be oriented away from adjacent residences. These lights and any future lights must meet the Dark Skies Ordinance requirements for lights to shine down, and be screened to not shine horizontally or upward.
- **Signage Requirements:** No freestanding signs are proposed for the business. The casino will have multiple wall signs, as shown on the building elevations; though the exact dimensions proposed are not stated. The sign code limits wall signs to 10% of the wall face, and the sign illustrations appear to meet the requirement, or be able to meet it with minor adjustments.
- **Water rights and impact fees:** The Road fee will be required with building permits. The water fee and water dedication requirement will also be handled with the building permits.

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

There is a utility easement along the rear of the property for the County sewer and water system mains. The application proposes to connect to County sewer and water systems. The County systems have adequate capacity to serve the business. Gas, power and telecommunication services exist on-site.

Infrastructure will not be overburdened, though easements will have to be moved. Public road infrastructure is discussed below.

Police and fire service demand will be increased somewhat for a casino compared to retail businesses, but existing services are adequate. Services will not be overburdened.

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

County Code requires the site access to meet County or NDOT standards. Access for the site is taken from US 50, a paved NDOT facility, forming the 4th leg of the intersection of Taylor Place and US 50/Williams Ave. The highway lies within its own strip of land. NDOT and County Code require that projects of this scale prepare a traffic study, which is included in the application. The traffic study estimates over 1000 daily trips (1 visit = 2 trips), with approximately 60 rush hour trips in the AM & PM.

NDOT has three common issues they look for: (1) paved access aprons, (2) limited points of access on a frontage, and (3) in urban areas they want urban improvements (curb/gutter/sidewalk). The application proposes all of these. It also proposes building a west-bound deceleration lane for customers entering the site. NDOT requires that improvements be added to prevent exiting customers from crossing the intersection or turning east. The application proposes a right-turn-only barrier so all exiting traffic must turn west. These improvements appear to lie within the NDOT right of way.

The County has discussed the access and improvement situation with NDOT, and it has received the traffic study for review; but it has not submitted written comments at this time

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 nearby residents at the mobile home park. The possible impacts are:

- (b) Night time vehicle traffic that shines headlights at the mobile home park would be a problem without mitigation. Staff recommends a view obscuring wall around the rear parking lot to block light.
- (c) Night time noise from loud cars and inebriated people in the parking lot would affect mobile home residents without mitigation. A masonry sound wall is needed around the site facing the residences, which can help to reduce that impact to minimal levels.
- (d) Excessive use of the “alley” between the business and the mobile home park, would result in traffic that most affects the mobile home park residents. The proposed landscaping and required sound wall would prevent use of the “alley.”
- (e) Dust from a large gravel parking lot and driving in the “alley” would be a problem for nearby properties and residents. The proposed paving of the parking lot and a barrier to use of the alley will reduce impacts to a minimal level.

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 008-361-50.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project fails to ...

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 the Bourbon Street Casino Sports Bar and related casinos to:

- (a) establish a casino business under multiple casino names
- (b) authorize alcohol sales
- (c) authorize 24-hour operations
- (d) authorize an associated eating and drinking establishment

at 2254 Reno Hwy. (APN 008-361-50), including any property gained through a boundary line adjustment.

[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.
2. 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. Necessary modifications shall be made to meet lighting, signage, loading space, and other code requirements discussed in the staff report. This includes the 6' masonry sound wall discussed in the staff report.
3. All easements for utilities that are moved to new locations shall be provided with new easements. The easements for the previous locations shall be abandoned using the appropriate methods, including the County abandonment process for public easements.
4. All frontage improvements for US 50 shown on the application package plans shall be installed and shall include any changes or additional improvements required by NDOT. All necessary permits for improvements shall be obtained from NDOT.
5. Operation of the business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
6. All state and/or federal permits required for this type of business shall be obtained and maintained, including those for casino operation and serving alcohol.

Application:	<u>Variance from side setback</u>	Use Listing:	<u>Residential</u>
Applicant:	Trevor & Amanda Hammond	Owner:	Trevor & Amanda Hammond
Site:	1704 S. Allen Road (APN 008-831-80) - 1.46 acres		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Application: The applicant requests to reduce the side setback from the south property line for an accessory building. The setback for accessory buildings is 5' (the application lists the setback as 10'). The applicant requests to reduce the width to 1', an 80% reduction. The shop is proposed at this location to avoid other site facilities, including the septic system area and existing driveways. It will be approximately 150' from the centerline of Allen Road, which meets the front setback requirement (90' from centerline). The applicant wants the shop location as close as possible to the property line to reduce how much it interferes with site features and obstructs the view of the house from the street. The applicant owns the property on the other side of the applicable property line.

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 other site features leave few options to the proposed location.

Staff comment – Staff agrees. Other alternatives would require a shop to be placed in front of the house and reconfiguring the driveway layout and existing landscaping. A smaller reduction of the setback would result in the shop beginning to obstruct the view of the home from the street.

- 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 meeting the setback would require reconfiguring the front of the property, including making the driveway a single driving lane. Staff comments – Staff agrees, though the hardship might be small for increasing the building from 1' to 5'.

- 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 reducing the setback would allow emergency vehicle better access than meeting the setback. Staff comments – Staff agrees that granting the reduction will avoid reducing the width of the existing driveway and allow better emergency vehicle access.

However, there is an effect on providing fire service. One purpose of a minimum distance between property lines and structures is to allow firefighting access around the building, which is most important where there is a fence along the property line. Where a fence exists, a 1-foot separation would be inadequate for firefighting without destroying the fence and going onto the adjacent property. In this case, a fence is located on the property line, but the applicant also owns the farm field. The Fire Marshal was consulted and has determined that the proposed building configuration will be acceptable, as long as fire-related building standards are followed (no openings along the property line wall, etc.).

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

Side setbacks are established to provide a separation from the property line for firefighting, to provide a reasonable separation between adjacent buildings to promote privacy consistent with a neighborhood, and to reduce the likelihood of buildings being accidentally built across property lines. The application indicates

there will be no detriment to public health or safety, nor affect public services, nor affect adjacent farmland. Staff comment. The variance should not affect fire services to the property, as discussed above. Adjacent buildings will not be affected because there are none on the adjacent property, and the farm lot is large enough to ensure future separation for a building on it. The applicant is providing 1' of separation from the property line, which is usually enough to accommodate small errors in judging the property line location.

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 16.08.090(F) regarding a Variance from the street setback on APN 008-831-80.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project fails to ...

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 side setback distance found in CCC 16.16.020.1 on property at 1704 S. Allen Road (APN 008-831-80).

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 site setback for the proposed shop building shall be 1' measured from the property line. It is recommended that the property line be determined with a high degree of certainty by a professional with such skills.
2. This variance expires 1 year from the date of approval. A building permit shall be submitted and obtained before expiration.
3. The property shall be in compliance with Churchill County Code, including building department permits.

Application:	<u>Variance from Minimum Lot Width and Minimum Average Lot Width</u>		
Use Listing:	<u>Commercial (retail and eating & drinking establishment)</u>		
Applicant:	Paul Picotte (David Crook representative)	Owner:	Picotte Segura Holdings
Site:	2030 & 2040 Reno Highway (APN 008-361-54) - 1.3 acres		
	Note that both addresses are on the same property in different buildings.		
Designations:	Master Plan – Urbanizing // Zoning – C-2		

Application: The applicant requests to reduce both minimum lot width requirements to allow a parcel map that will separate the two buildings on the property. Dividing the lot between the two buildings will result in narrow lots. The existing lot is not rectangular, so the new lots will also be irregular shaped, further increasing the difficulty in meeting the standards. The minimum lot width for the C-2 zone is 80 feet, while the proposed minimum lot width at the north end is 59.5 feet for both lots. The minimum average lot width for the C-2 zone is 100 feet. The proposed average widths are difficult to determine due to the irregular lot shapes, but it appears Parcel 1 will average about 80 feet, and Parcel 2 will average about 90 feet.

The C-2 zone has no side setback requirement, so the narrow lot will not create setback difficulties from the new line. Easements are provided (a) to ensure both buildings have access to utility services in the future, (b) to provide a shared access easement on the future driveway at the common property line (required by NDOT), and (c) to provide a shared access and parking easement that allows both new lots to access their rear area and also provide adequate parking for customers of both businesses.

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 shared well and septic prevented the lot split before now, but the buildings have recently been hooked up to Co. water and sewer.

Staff comment – Staff agrees. In addition, the odd configuration and 2-building construction history create an exceptional situation.

- 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 it is the rear of the lot that has insufficient width to meet the standards.

Staff comments – Staff agrees. It is not possible to split the lots without the variance request, which creates difficulties that standard shaped lots and normally developed lots do not have.

- 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 a brewery is planned (for the east building) which will use additional water.

Staff comments – Development already exists on both proposed lots. While the brewery may use a bit more water than usual, there will be little change in the demand on services and impacts to neighboring properties.

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

Minimum lot width requirements are established to reduce the creation of oddly shaped lots, avoid excessively narrow buildings caused by narrow lots, and to avoid a cramped appearance to the streetscape.

The application indicates the variance will allow separate ownership of the buildings, which is more enticing for the future. Staff comment. Staff agrees. In addition, the variance will not change the existing development situation of the site, since they are already developed.

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 in CCC 16.08.090(F) regarding a Variance from the minimum lot width and minimum average lot width requirements on APN 008-361-54.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD FINDINGS RELATED TO CRITERIA:] Specifically, the proposal fails to

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 minimum lot width and minimum average lot width found in CCC 16.16.020.1 on property at 2030 & 2040 Reno Highway (APN 008-361-54).

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 minimum lot width and minimum average lot width shall be as shown on the proposed parcel map survey.
2. This variance expires 1 year from the date of approval. A parcel map must be approved by the BOCC before expiration.
3. The property shall be in compliance with Churchill County Code.

Application:	Parcel Map for 2 lots	Use Listing:	Commercial (retail and bar-restaurant)
Applicant:	Paul Picotte (David Crook representative)	Owner:	Picotte Segura Holdings
Site:	2030 & 2040 Reno Highway (APN 008-361-54) - 1.3 acres		
	Note that both addresses are on the same property in different buildings.		
Designations:	Master Plan – Urbanizing // Zoning – C-2		

Proposal: The applicant is requesting a Parcel Map to split the property into two narrow lots – one for each existing building. The new parcels will be approximately 0.6 and 0.7 acres. The east building was recently approved for a brewery, restaurant, and retail facility; and the west building currently has a retail business. The buildings were recently connected to the County water and sewer system. Without these service, lots must be at least 1 acre and this parcel map would not be possible. With these service, lots are allowed to be less than 1 acre in area, down to 5000 square feet.

This parcel map application is accompanied by a variance application requesting to allow the narrow lots to be less than the minimum lot size and minimum average lot size. If that variance is denied, this parcel map cannot be approved in the proposed configuration, and it is unlikely an alternative configuration can be found to meet the code requirements.

The existing lot has an irregular shape, and the new lots will also be irregular. The north (rear) line and south (street) line will be split evenly, being approximately 60' wide and 100' wide respectively. But the common line must jog to pass equally between the buildings, which makes the lots of unequal size and shape. Similarly, there will be a shared access easement for the driveway onto US 50; and a shared access and parking easement across both lots to allow equal use of the driveway and the parking lots in front and rear.

Traffic and access are important issues for this application, as they were for the Special Use Permit for the brewery. The existing parcel has frontage on US 50 / Williams Avenue, a state-maintained paved highway located within its own strip of state-owned land. NDOT controls access onto the highway and will normally require access permits and improvements when a property is divided. These are the same issues as came up in the brewery. Access and improvements 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 run between the existing buildings, but the C-2 zone has no side setbacks so there are no problems. A shared access easement and utility easements are provided, but they are not typical to land divisions of undeveloped land. The existing buildings limit the typical use of easements, but those that are provided are suitable for the site conditions.
- **Lot size and width:** The proposed lots are over a half-acre in area, meeting the minimum lot area standard because the site has been connected to community water and sewer services. A variance has been requested from the minimum lot width and minimum average lot width. If the variance is not approved, this parcel map is not be approvable.

- **Access, sewer, and water facilities:** The site has been connected to the County's sewer and water systems, and the buildings provide adequate water and sewer service for customers and employees. The site has access to a public road. Access improvements were discussed in detail during the brewery Special Use Permit, and are also discussed in the public facilities section below.
- **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. Developments connecting to a community water system are exempt from the water right dedication, and the existing buildings are exempt from the Road impact fee.

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 C-2 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, and this property is connected to these services.

2. Compatibility with existing adjacent properties and uses.

Dividing this already developed property will not change the existing situation regarding compatibility with existing adjacent uses.

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

Dividing this already developed property will not change the existing situation regarding public health, safety, and general welfare.

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

There is a utility easement along the rear of the property for the County sewer and water system mains. The property has recently connected to County sewer and water systems, with each building being independently served from the rear of the property. There is adequate capacity in both systems for the development. Power and telecommunication service (a) exists on-site and is used by the existing development, (b) additional utility easements are provided to ensure future utility changes, and (c) there is adequate capacity. The demand for police and fire service demand will not be changed by the parcel map, since the both new lots are already developed.

Road facilities are an important issue for this land division, as they were for the brewery Special Use Permit. County Code requires the site access to meet County or NDOT standards. It also requires that road improvements be installed or bonded before recording the map and creating the lots.

Access for the site is taken from US 50, a paved NDOT facility, lying within its own strip of land. When land is divided, NDOT normally requires problems to be fixed. NDOT has three common issues they look for: (1) paved access aprons, (2) limited points of access on a frontage, and (3) in urban areas they want urban improvements (curb/gutter/sidewalk). While the property's site access is paved, the entire 200' frontage is open to the highway, and does not have curb/gutter/sidewalk like most other nearby properties. A wide-open frontage is less safe because it allows turning directly into parking spaces, and possibly backing maneuvers into the highway.

When a land division is proposed, NDOT usually requires a new permit, and may require changes to the frontage to handle the new traffic patterns and correct existing problems. NDOT indicates that the wide-open access across a frontage needs to be limited to one location, specifically between the buildings. This

means obstructions of some sort need to be installed along the rest of the frontage. They also indicate that street improvements common for the setting need to be installed, in this case curb/gutter/sidewalk.

In the brewery SUP, the applicant was given a year to determine if NDOT will be installing these improvements with a future road project, or if he will install them himself. This corresponds with the parcel map process where a parcel map must be completed within 1-year, with a 1-year extension. If the applicant wishes to record the map before installing the street improvements, County Code allows him to financially guarantee the cost of the improvements and install them later.

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 two parcels on APN: 008-361-54.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project fails to ...

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 Picotte Segura Holdings to divide APN: 008-361-54 into two 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 and missing language in certificates shall be corrected.
- 2) Any final changes required by the County Surveyor shall be made prior to recording.
- 3) A label shall be placed along the US 50 frontage stating: "Proposed access, curb, gutter, and sidewalk improvements constructed to NDOT standards."
- 4) Urban street frontage improvements shall be installed along US 50 to the NDOT standards, and all required permits and authorizations from NDOT must be obtained.

Application:	<u>Tentative Parceling Plan for a 16 lot Cluster Development</u>		
Use Listing:	<u>Agriculture and Residential</u>		
Applicant:	Travis Peek of P4 Properties	Owner:	P4 Properties
Representative:	David Crook – Lumos and Associates		
Current Site:	<i>NOTE: A boundary line adjustment with an adjacent property is nearly complete.</i> 3435 Lima Lane (APN 006-331-74 // 006-331-79 after BLA) – 78.38 acres (after BLA)		
Designations:	Master Plan – Agriculture // Zoning – A-5		

A Boundary Line Adjustment (BLA) is in the works and nearly complete. It will separate the tip of the existing property and transfer it to the adjacent owner (Jensen). The resulting lot will receive a new pre-assigned Assessors Parcel Number – both parcel numbers are noted above. The plan shows the parcel after the BLA.

Proposal: The applicant is requesting approval of a Parceling Plan for a Cluster Development to lay out a future development of 15 1-2 acre lots, leaving a remainder farm parcel of 59.99 acres with 31.8 acres of water rights. If approved, the farm parcel will have a conservation easement placed on it to ensure continued farming in the future. A draft conservation easement was included with the application; however, it was learned that the template for the NAS Fallon development right purchases was inadvertently used. The project information will need to be transferred to the template for cluster developments. The easement must be recorded before recording the first parcel map.

The number of lots is derived from the cluster development code and the 5-acre zoning. The 78-acre lot (after the BLA) can normally have 15 5-acre lots. The cluster development code allows these to be condensed to a small area of 1-2 acre lots. The remaining farm parcel is also entitled to a home site (assuming a home site does not already exist).

TCID/BOR facilities complicate the layout of the home site area, which will be nearly surrounded by canal and drain facilities.

- The home site area will be in the southern end of the property, on the south side of the drain running east-west. The home sites are laid out so that the drain and its easement will be on the farm lot and NOT be in people's back yard. This way the farmer and TCID can easily maintain it.
- The SW property line borders a major delivery canal, with Lima Lane running along the canal. Half of the canal and all of the road lie within the property.
- An existing TCID lateral canal currently runs north-south through the home site area. The project proposes to move the canal to the east edge of the property. A "flag-pole" of land that is connected to the farm lot will contain the new canal location so the farmer and TCID can easily maintain it, rather than having it in people's back yard.

Lima Lane and its easement run within or next to the large canal easement. This is further complicated by the the interior road, and the setbacks from all roads. These are discussed in detail throughout this report.

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 include road and utility easements that are typical of land division, and will establish setbacks for future development. As noted above, some lots will have 2 front yards, but the lots are of adequate size to provide them without hardship. The existing lateral canal that runs through the home site area will be abandoned, and a replacement easement established. This new agricultural easement and the easement for the drain will lie outside the new home site lots to avoid complications in their maintenance. There are private ditches on the property in the homesite area, but these do not include easements. The ditches will be eliminated.

A road to serve the new home sites is proposed that will have a curved configuration, which will place some lots with roads on the front and back edges. For small urban lots, this is a bad configuration because it places two front yard setbacks (the largest) on the lot, and places vehicle traffic near the house. However, 1-2 acre lots are better able to accommodate such setback burdens with an adequate amount of separation from traffic. The setback from the interior road will be 30' from easement. The setback from the Lima Lane right-of-way will be 60' from that property line. The plan considers the double setback issue, though the setback widths need to be corrected.

- **Friction Zones:** The proposed development will established 15 smaller lots within the A-5 zoning district in a location surrounded by agricultural lands. The Friction Zone code requires the preparation of an "agriculture protection plan." While not explicitly provided, the development is surrounded by "buffers" of separation provided by agriculture canals, drains, and their easements. (a) West side – separation by Lima Lane and major canal easement. (b) North side – separation by drain and easement. (c) East side – separation by new canal and easement. (d) South side – separation from home by vacant land transferred to that landowner in the previous BLA. In addition to the strict widths of features, the homes will not be set at the nearest point on the lot; but rather will have additional lot width that will increase the separation from the house to the farmed area. These separations acceptably serve as an agriculture protection plan.
- **Lot size and width:** The proposed lots are 1-2 acres in area, meeting the minimum lot area standard for cluster developments. They are closer to 1 acre, and this is preferable in order to reduce the area of farmland lost to homesite development. The lot width requirements are met, though there are a few that are close to the limits. Note that cul-de-sacs have a smaller minimum width standard than regular lots.
- **Access, sewer, and water facilities:** The proposed plan provides residential street access for all lots. The lots with 2 street frontages will not be allowed to take access from Lima Lane. Normally the Master Plan does not allow lots less than 5-acres without a community water or sewer system, but it provides an exception for cluster developments. The proposed homesite lots will be served with on-site wells and septic systems.
- **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. These will be paid at the time of building permits, except that the water dedication requirement must be met before recording the maps creating the lots.

Water Dedication Waiver The application includes a request to waive the water dedication requirement, as allowed under CCC 16.12.030.5(B)(2). In the past, this has typically been allowed for cluster developments. The water dedication requirements normally provide 2 acre feet per lot, which the County ensures is put to use in irrigated farmland to help recharge the aquifer. The conservation easement will do the same by "locking" the water to the farmland. If the conservation easement is in perpetuity, Staff would recommend approval of the waiver request. But if the conservation easement was of limited duration, Staff would recommend denial because the property could be

developed later. The proposed 16 lots would need to dedicate 32 acre feet of water. At a duty of 3.5 feet per acre, this would equate to 9.14 acres of water righted land. The submitted conservation easement proposes a perpetual easement, so staff recommends approval. The County Commissioners must make the final decision.

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 Agriculture 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 provides an exception for cluster developments such as this one.

2. Compatibility with existing adjacent properties and uses.

The population of the development will be approximately 60 people, increasing the overall level of human activity and traffic in the area. The proposed land division could have compatibility problems with adjacent agricultural lands, but the Friction Zone code requires separation from such lands, which is provided as described above. There are nearby residences on Shindler Road to the south. The closest is the owner that participated in the previous BLA who is within a couple hundred feet of the home site area. There are a number of other homes to the SW that range between 600 to 1000 feet away. The friction zone separations around the perimeter will also help with any compatibility issues relating to nearby residences. Conditions of approval can reduce compatibility issues to a minimum.

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

The population of the development will be approximately 60 people, increasing the overall level of human activity and traffic in the area. This will increase demand on public services and infrastructure, as described below. The development is designed to be very self-contained, which works to increase the protection of the public health, safety, and general welfare relating to some issues compared to spread out development.

But the self-contained characteristic works to opposite effect on other issues. The application included a Geotechnical Report and a Drainage Plan. These documents included important findings needing consideration. The first has to do with wells and septic systems. The percolation rate in the reports is very fast, with all sites being less than 1 minute per inch of water drainage, and some sites being less than 15 seconds per inch. The reports also found high groundwater, as little as 6' deep. This presents a potential that all the septic systems will be draining directly to groundwater, which is then the source of drinking water for a high concentration of wells in the development. The result is that specialized septic systems may be required to prevent well water contamination by the septic systems. This will be determined by the Building Department, who indicates that a lot-by-lot percolation assessment will be needed. A note to this effect should be placed on the parceling plan and parcel maps.

The second issue is that the Geotech report found a very high concentration of fine sediments in the soil, including clay. These are subject to expansion, shifting, and earthquake liquefaction. These characteristics may require the use of special construction methods that are described in the report, possibly including over-excavation and replacement of soils for foundations. This will be monitored by the Building Department, and a note to this effect should be placed on the parceling plan and parcel maps.

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

The population of the development will be approximately 60 people. There are no public water or sewer facilities in the area. The development will use private on-site well and septic systems. Power and telecommunication services are available in the area and are adequate to serve the development. The increased population will increase the demand on fire, police, legal, library, museum, senior and similar services, but services are adequate to handle the demand.

Road facilities are an important issue for this parceling plan. The north-south segment of Lima Lane is centered on the property line until it reaches the curved segment following the the canal. The road and its easement will need to be offered for dedication to the County, and the County will accept the offer. This will work as it normally does for the north-south segment.

But the road segment following the canal bank along the SW property line is more complicated. The road easement (following the bank) does not directly abut the property line (center of canal). So additional easement width reaching from the road to the property line will need to be established and offered for dedication. The County will accept the offer of dedication for this section of Lima Lane too. When the parcel maps are prepared, the Lima Lane right of way needs to be drawn as its own parcel.

The interior road and its 60' easement will be centered on the home site parcel lines so that 30' falls on one side and 30' on the other side. The easement will be offered for dedication, but the County will NOT accept it. It should continue to be drawn as an easement.

The interior road must be constructed to a paved county standard, including the access point onto Lima Lane. The road will NOT be accepted by the County for maintenance, so the development will need a Road Maintenance Agreement with all home site lots participating in it, including the stormwater control facilities. In addition, the road must be clearly signed that it is a privately maintained road. To prevent access from the rear of the lots facing Lima Lane, a note should be placed on the map stating that accessing Lima Lane is prohibited.

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 Cluster Development Parceling Plan to split the lot into 16 parcels on APN: APN 006-331-74.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project fails to ...

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 Tentative Parceling Plan application for P4 Properties to divide APN: 006-331-74 into 16 parcels with a conservation easement on the remaining farmland.
 - (B) [**APPROVE // DENY**] the request to waive the water dedication requirement.
- [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) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Typographic errors and missing language in certificates shall be corrected.
 - b) Adequate street setbacks for the home sites shall be planned from Lima Lane.
 - c) Changes to notes consistent with the County's plans to accept or reject the offers to dedicate roads.
- 2) Any final changes required by the County Surveyor shall be made , including but not limited to:
 - a) Agricultural easements being abandoned or established shall be clearly identified.
- 3) Notes shall be placed on the parceling plan and implementing parcel maps indicating:
 - a) For the home site lots fronting Lima Lane, access to Lima Lane is prohibited.
 - b) Soil conditions identified in the geotechnical report show high percolation rates and high groundwater levels. Individual parcels will require a parcel-specific percolation test, and may require that septic systems use alternative designs to prevent groundwater contamination.
 - c) Soil conditions identified in the geotechnical report may require special construction methods.
 - d) All parcels are subject to a road maintenance agreement recorded concurrently with parcel maps.
- 4) Before recording the first parcel map implementing the project:
 - a) A conservation easement shall be recorded on Parcel A.
 - b) The interior road shall be constructed or bonded.
 - c) The interior road shall be signed to indicate that it is privately maintained.
 - d) A road maintenance agreement shall be prepared for recordation with the parcel maps.

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

October 12, 2022

Murray TUP Renewal, 2400 Lucas Rd, APN 008-112-15





2022



2018

Easter TUP Renewal, 4143 Solias Rd, APN 006-472-37





Omaha Track Reexamination/Revocation, 1006 Nevada St, APN 009-251-74, -86, -88



Wagar, TUP Application, 2944 Nicole Circle, APN 006-691-35





006-691-35

006-691-36

006-691-35
2944
NICOLE CIR

006-69
2931
NICOLE

006-691-36
2960
NICOLE CIR

714025

Paved
lot
006-691-36

Boxed Cable Underground
→ pull-pull connection

well

Martinez, TUP Application, 6335 Reno Hwy, APN 008-573-20



008-573-21

008-573-20



APN 8-671-36

B

PARCEL

"C2" ZONING
"A5" ZONING

CARSON

RIVER

RESIDENCE
(W) B

PARCEL 2
2.19 AC +/-
N W/R

A
B
C
D

PUMP HOUSE
GARAGE

HOST HOUSE

1000 GALLONS

BOTHMAN

APN 8-573-12

APN

AUTONC

F

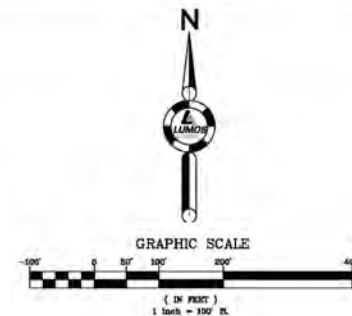
APN 8-573-10 OWENS

FALLON NDOT VRS STATION
NEVADA WEST ZONE (2703)
STATE PLANE GRID COORDS
N 14840563.40
E 2573739.66
THIS SURVEY
N 14840943.47
E 2573846.18

A. SEPTIC 1000 GALLONS SHARED WITH HOST HOUSE
B. WATER PROVIDED BY WELL FROM (W)
C. ELECTRICAL 30 AMP CONNECTION.
D. TRAILER 10' FEET FROM PROPERTY LINE.

Granite Propane Inc, SUP Application, 2880 Enterprise Way, APN 007-311-42





PARCEL MAP
FOR
HIATT LAND & DEVELOPMENT COMPANY

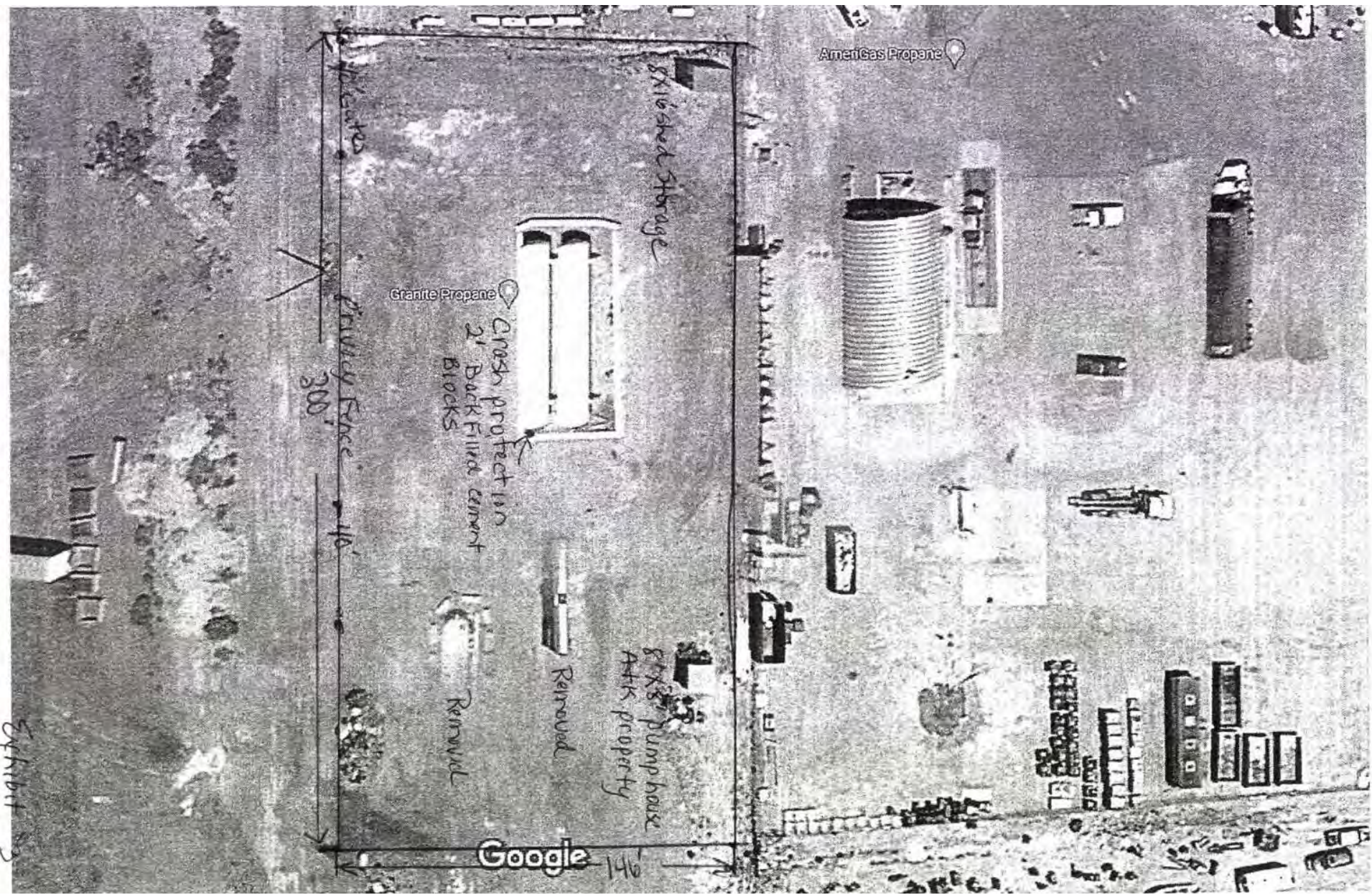
RELOC. PARCEL 1 OF PARCEL MAP NO. 727079
 SITUATE WITHIN A PORTION OF THE NE 1/4 OF SECTION 21
 TOWNSHIP 19 NORTH, RANGE 29 EAST, M.D.M.

CHURCHILL COUNTY, STATE OF NEVADA

LUMOS
 REGISTERED

178 SOUTH MAIN STREET
 FALLON NEVADA 89400
 TEL. (775) 421-7740
 FAX (775) 421-5687

Drawn By: DDC
 Sheet: 2 of 2
 File No.: 9418.000
 Drawing No.: 9412SURVEX-2



Finished Storage

Granite Propane

Crash protect in
2' Back Fill w/ cement
blocks

Removed

6'X8' pump house
Attk property

Removed

300

140

Google

Americas Propane

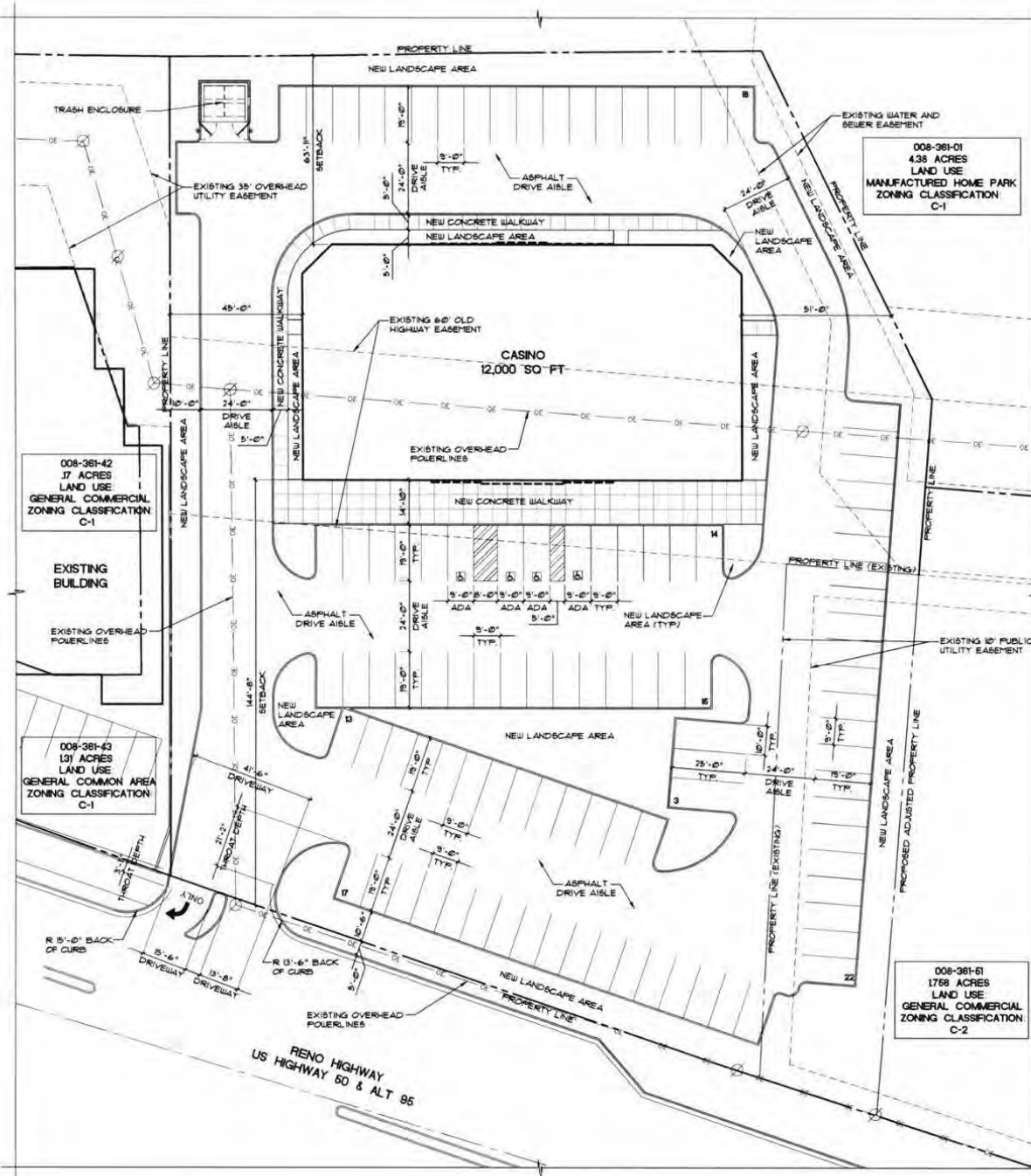
Exhibit 3



Fallon 50 LLC, SUP Application, 2254 & 2180 Reno Hwy, APN 008-361-50 & -51





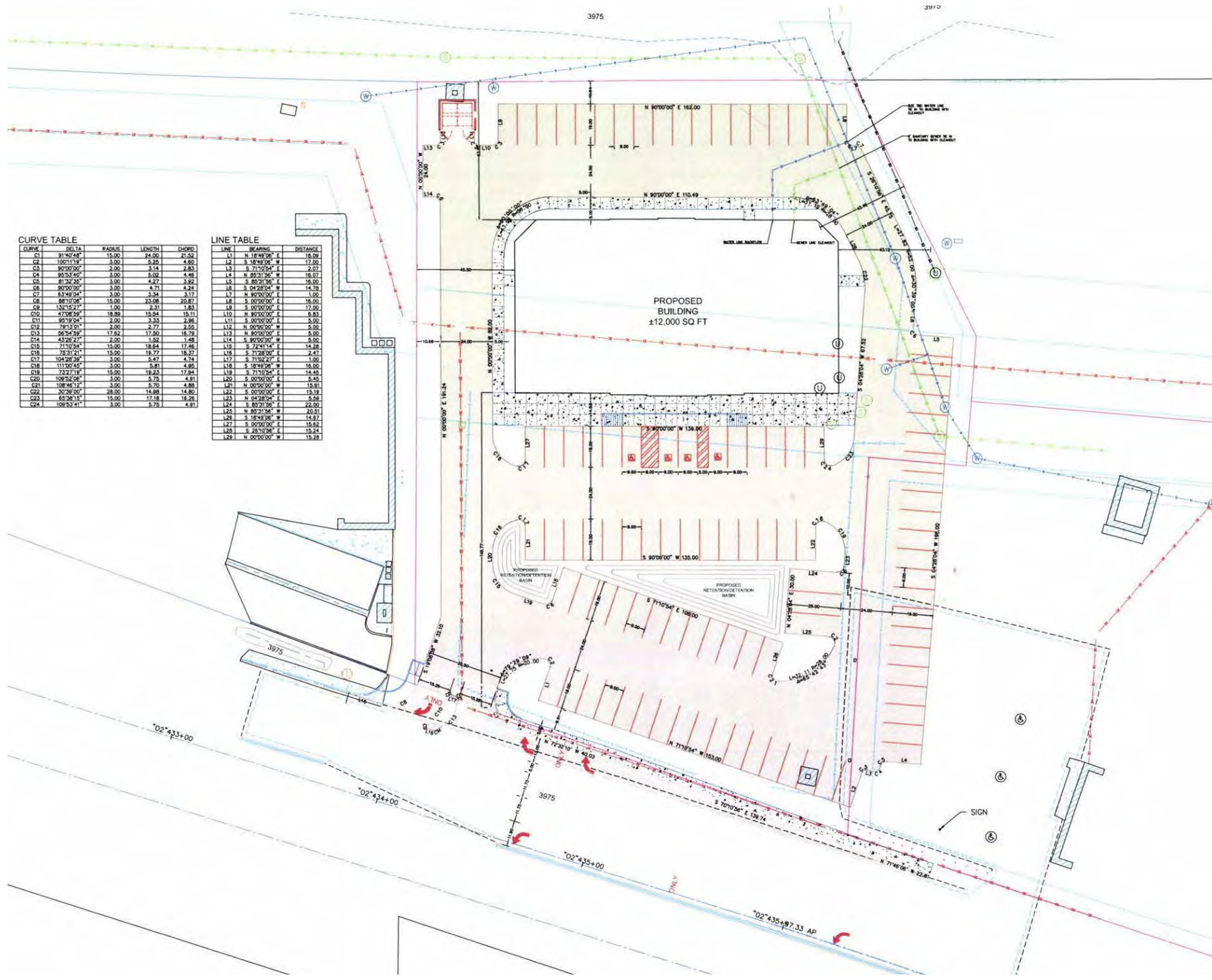


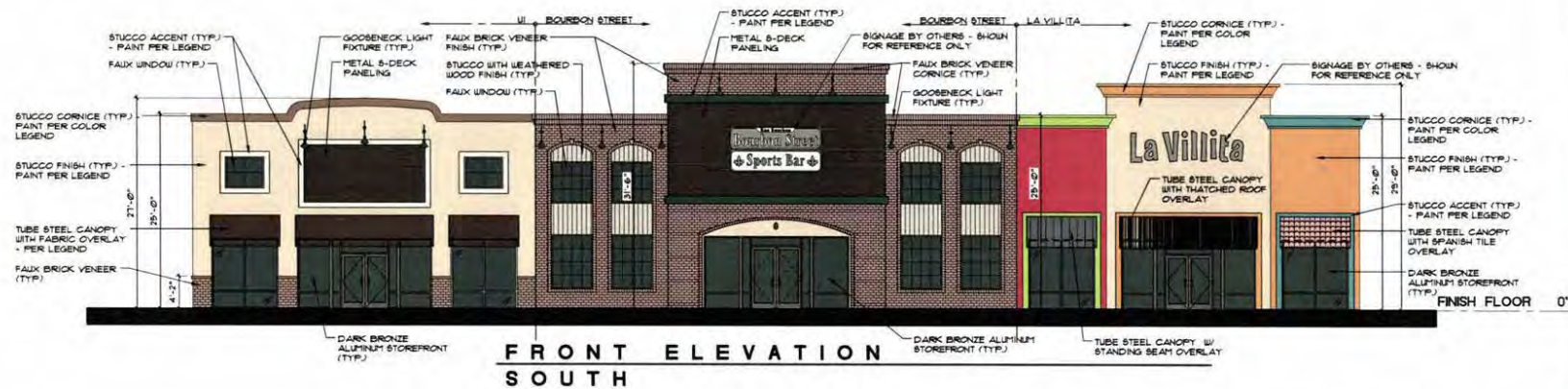
CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	81°40'48"	15.00	24.00	21.52
C2	100°11'18"	3.00	5.85	5.85
C3	80°50'00"	3.00	5.14	5.83
C4	95°52'40"	3.00	5.02	4.48
C5	81°52'30"	3.00	4.77	3.92
C6	80°50'00"	3.00	4.71	4.24
C7	53°38'04"	3.00	3.34	3.17
C8	88°10'08"	15.00	23.08	20.87
C9	132°15'27"	1.00	2.31	1.83
C10	47°50'50"	18.88	15.94	15.11
C11	95°19'04"	2.00	3.53	2.96
C12	79°33'51"	2.00	3.77	2.92
C13	56°54'59"	17.62	17.50	16.79
C14	43°26'27"	2.00	1.82	1.48
C15	71°10'54"	15.00	18.64	17.46
C16	75°31'21"	15.00	18.77	18.37
C17	104°28'38"	3.00	5.87	6.74
C18	111°50'45"	3.00	5.81	4.95
C19	73°27'18"	15.00	18.83	17.84
C20	108°52'06"	3.00	5.79	4.81
C21	108°48'12"	3.00	5.70	4.88
C22	30°28'00"	28.50	16.88	14.80
C23	85°38'15"	15.00	17.18	16.28
C24	109°53'41"	3.00	5.75	4.91

LINE TABLE

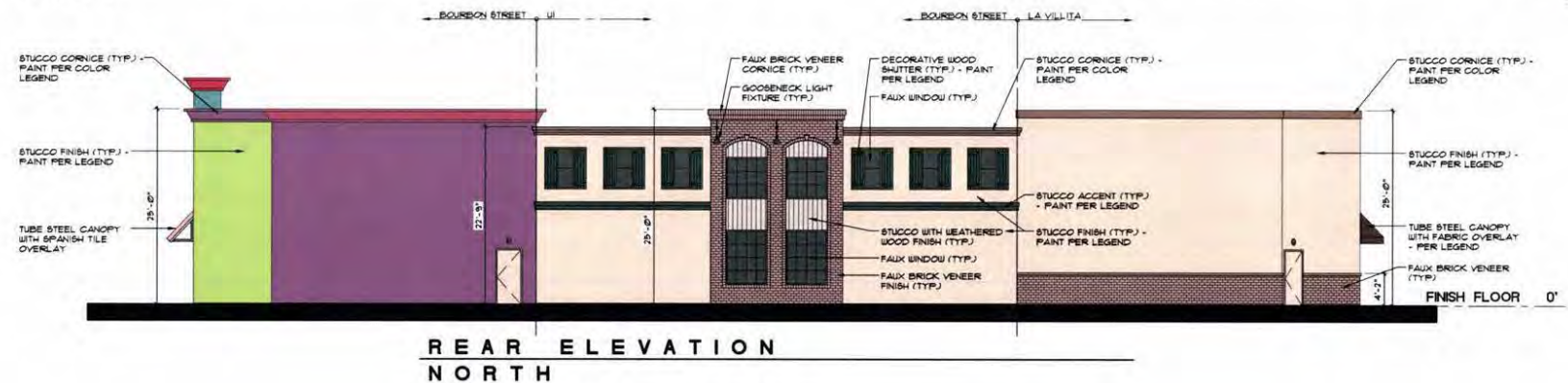
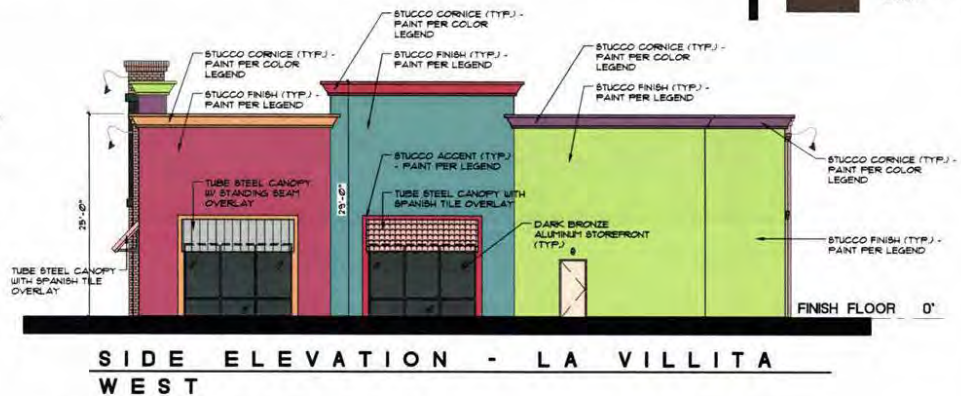
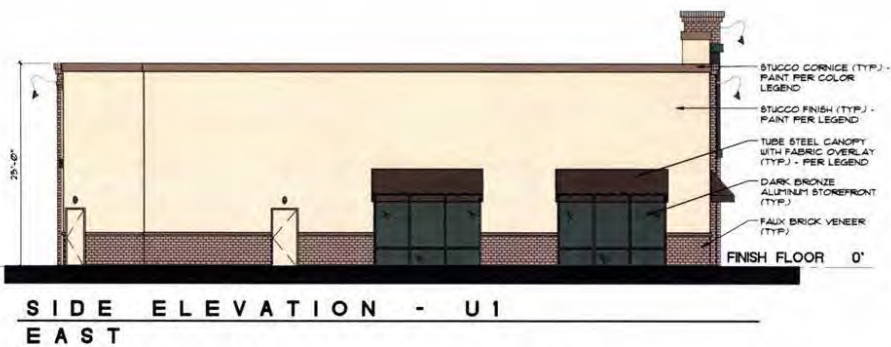
LINE	BEARING	DISTANCE
L1	N 18°49'06" E	18.08
L2	S 18°48'06" W	17.89
L3	S 71°10'54" E	2.57
L4	N 80°31'56" W	18.07
L5	S 80°29'56" E	18.05
L6	S 04°28'04" W	14.78
L7	N 80°50'00" E	1.92
L8	S 80°50'00" E	16.00
L9	S 90°00'00" E	17.00
L10	N 80°10'00" E	8.83
L11	S 90°00'00" E	5.50
L12	N 80°00'00" W	8.92
L13	N 80°00'00" E	5.00
L14	S 80°00'00" W	5.50
L15	S 72°41'14" E	14.28
L16	S 71°28'00" E	2.47
L17	S 71°28'27" E	1.92
L18	S 18°48'06" W	16.00
L19	S 71°10'54" E	14.45
L20	S 90°00'00" E	5.45
L21	N 80°00'00" W	15.81
L22	S 90°00'00" E	15.39
L23	N 04°28'04" E	5.58
L24	S 85°21'36" E	22.00
L25	N 85°21'36" W	20.51
L26	S 18°48'06" W	14.87
L27	S 90°00'00" E	15.82
L28	S 28°10'56" E	15.24
L29	N 00°10'00" W	15.28





LEGEND

UI		COLOR: BU-6298 "BAND DOLLAR"
		COLOR: BU-8251 "SHELL WHITE"
		COLOR: BU-7806 "ROCKWOOD BRICK"
		METAL PANEL: BERRIDGE 8-DECI PANELING "AGED BRONZE"
		FAUX / VENEER ST CORDONADO STONE RUSTIC BLEND
		CANOPY OVERLA: BUNDRELLA TRUE BROWN

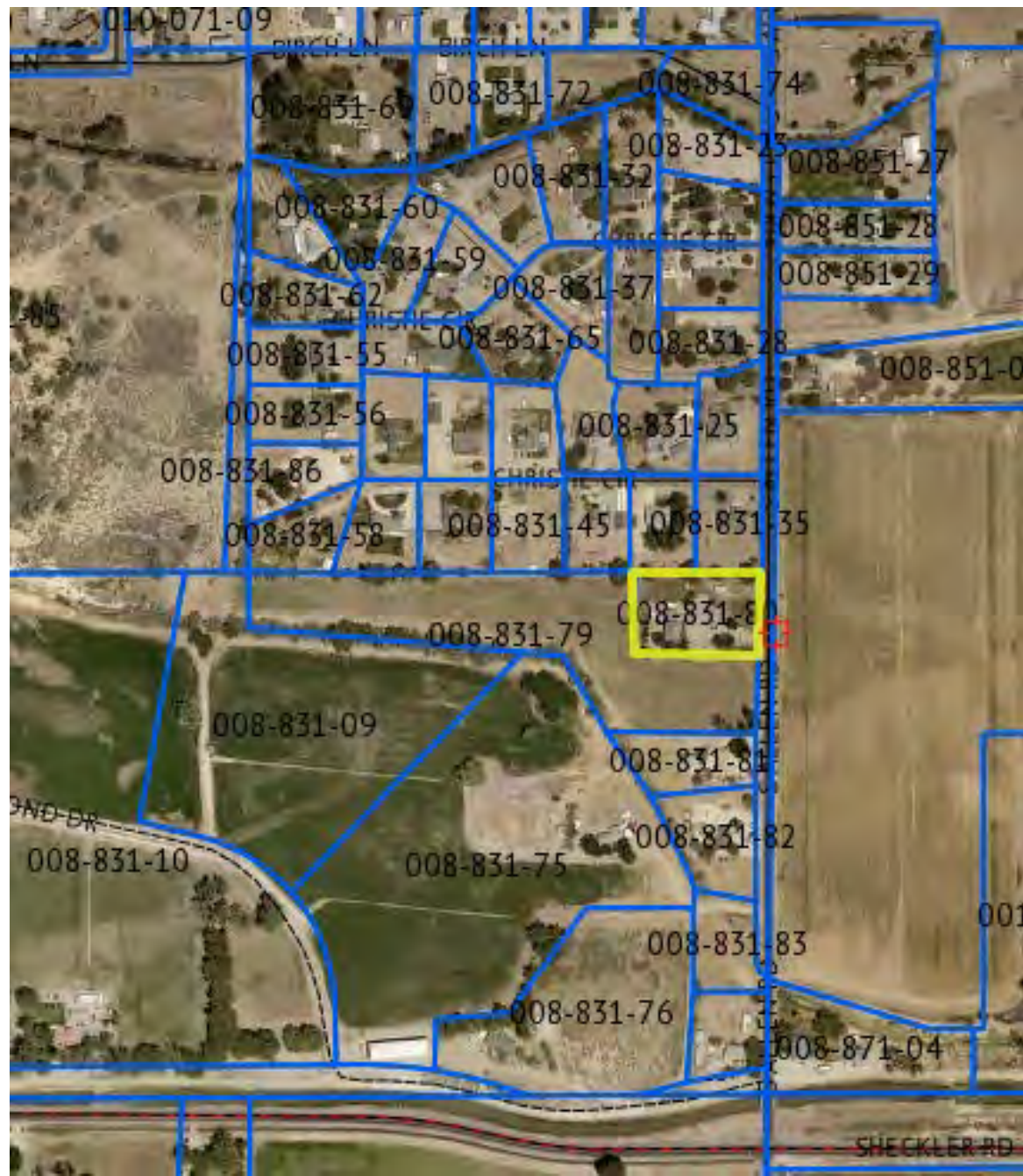








Hammond, Variance Application, 1704 S Allen Rd, APN 008-831-80

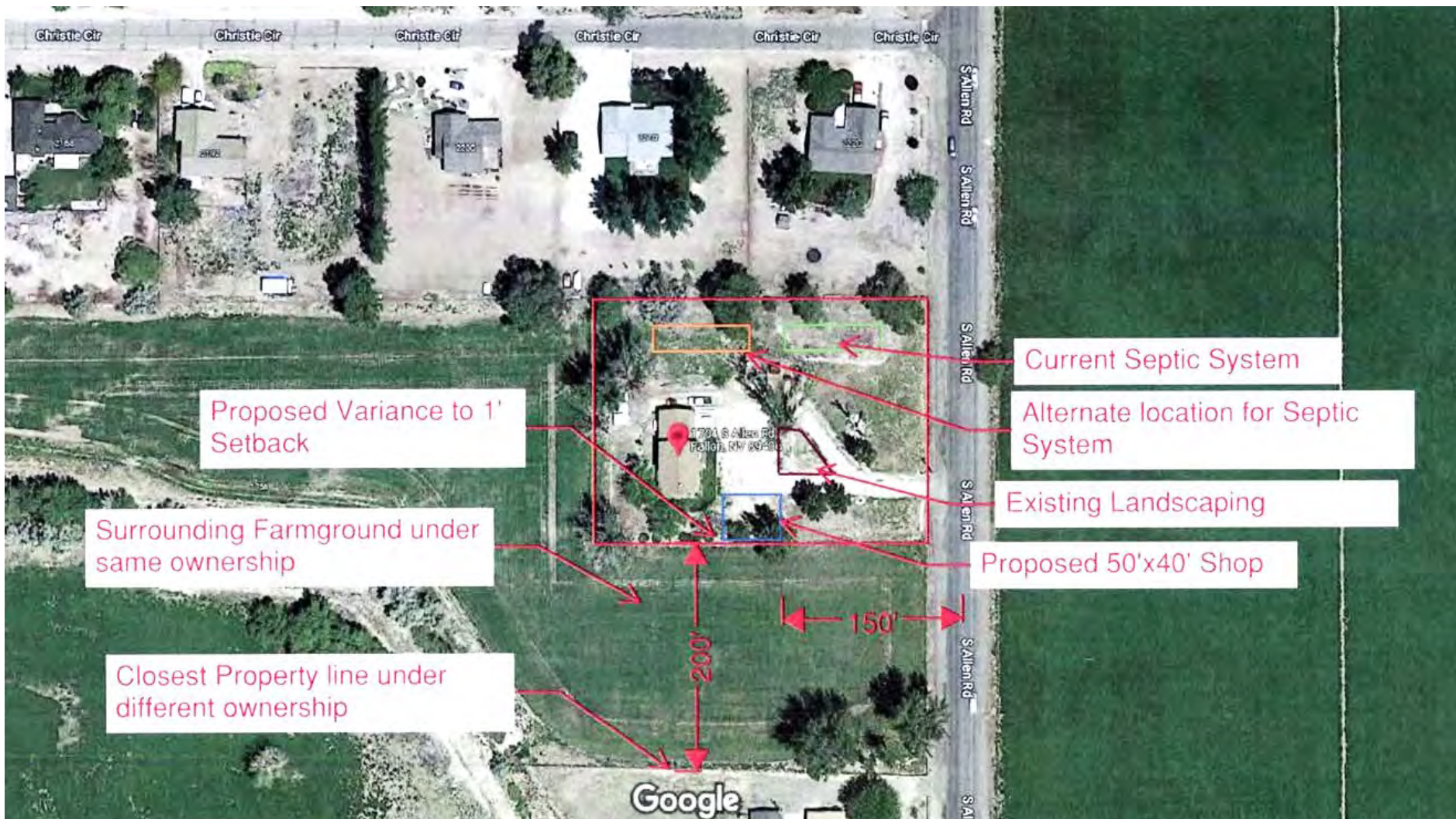




008-831-80

9

LENN RD

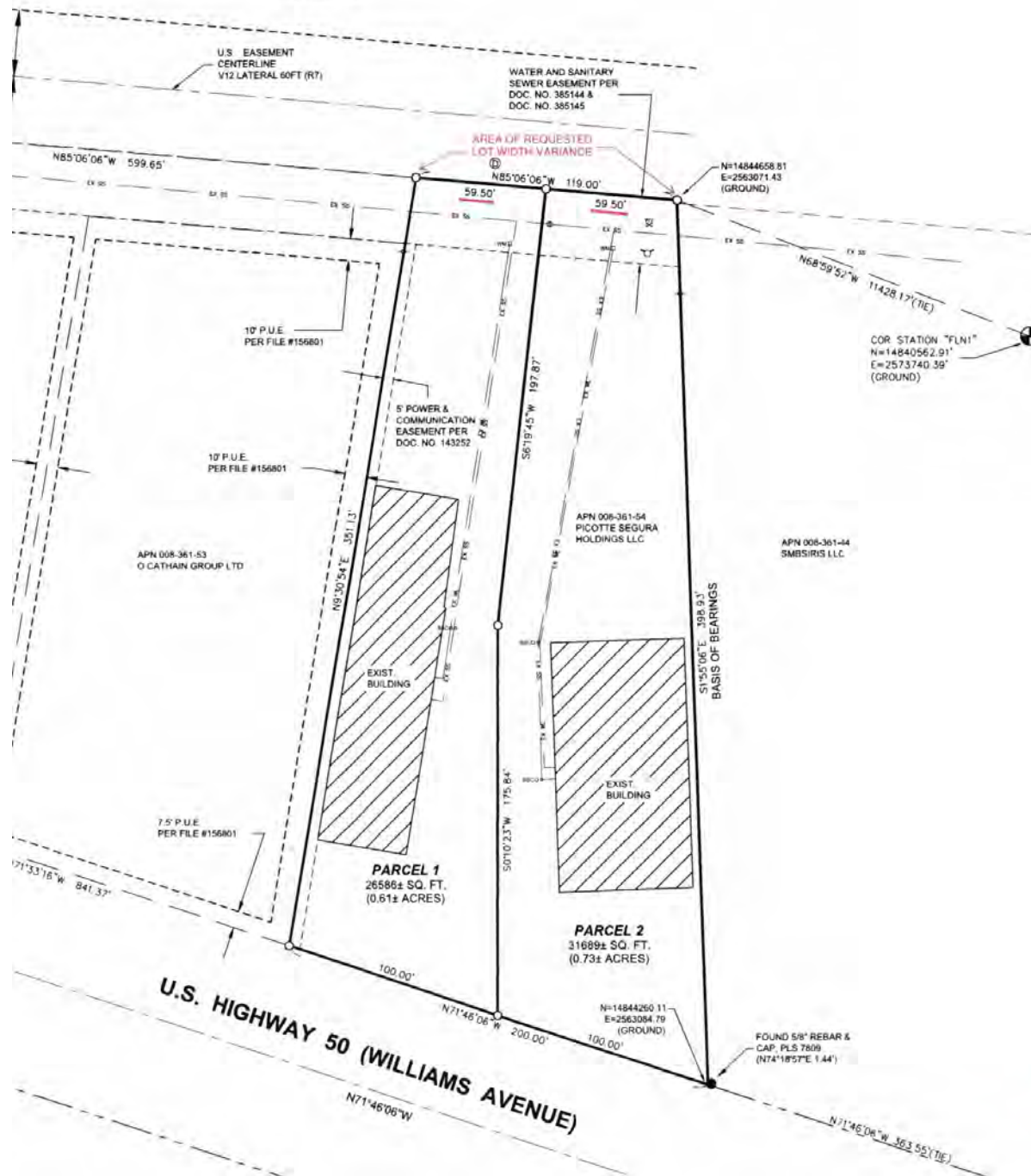


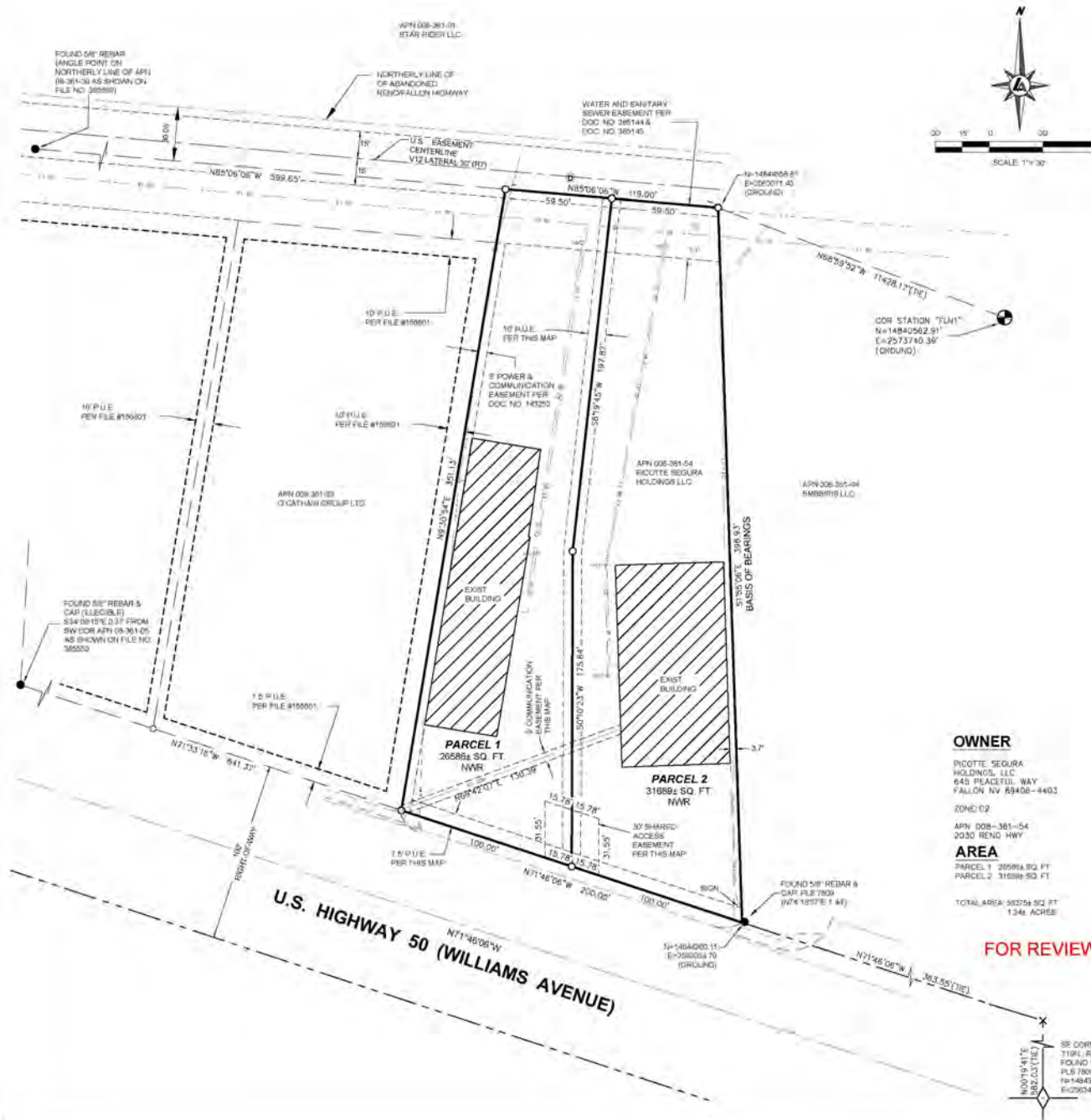
Picotte Segura Holdings, Variance Application, 2030 & 2040 Reno Hwy, APN 008-361-54



Picotte Segura Holdings, Parcel Map Application, 2030 & 2040 Reno Hwy, APN 008-361-54







BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83, MEASURED AS SOUTH 01°55'00" EAST ALONG THE EASTERLY LINE OF APN 08-361-03 AS SHOWN ON RECORD OF SURVEY MAP, FILE NO. 385559, DETERMINED BY REAL TIME KINEMATIC GPS OBSERVATIONS, OBSERVED MARCH 15, 2022 USING A SURVEY GRADE DUAL FREQUENCY GPS RECEIVER WITH TRIMBLE VINE CONNECTION FROM CONTINUOUSLY OPERATING REFERENCE STATION (CORS) FN1, MODIFIED BY A COMBINED FACTOR OF 1.00016424, SCALED FROM 0.000 000 AND CONVERTED TO U.S. SURVEY FEET. ALL DIMENSIONS ON THIS MAP ARE GROUND DISTANCES.

REFERENCE DOCUMENTS

- (P1) PARCEL MAP, FILED MAY 4, 1978 AS FILE NO. 198991 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (P2) RECORD OF SURVEY, FILED JULY 17, 1986 AS FILE NO. 352281 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (P3) RECORD OF SURVEY, FILED JANUARY 19, 1986 AS FILE NO. 352281 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (P4) RECORD OF SURVEY, FILED APRIL 21, 1996 AS FILE NO. 313073 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (P5) REVERSION TO ACCEDE, FILED MARCH 3, 2005 AS FILE NO. 368725 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (P6) RECORD OF SURVEY, FILED SEPTEMBER 19, 2000 AS FILE NO. 388666 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (P7) U.S.R.S. PROPERTY STRUCTURE MAP, SECTION 20, TOWNSHIP 19 NORTH, RANGE 28 EAST, DATED OCT. 1915.

NOTES

1. A BLANKET EASEMENT IS HEREBY GRANTED FOR ACCESS AND PARKING OVER AND ACROSS THE PARCELS SHOWN HEREON EXCEPTING THOSE AREAS UNDER EXISTING AND FUTURE BUILDINGS.
2. 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 SERVICING OTHER PARCELS. AT LOCATIONS MUTUALLY AGREED UPON BY OWNER OF RECORD AT THAT TIME OF INSTALLATION AND THE UTILITY COMPANY.
3. A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED TO SOUTHWEST GAS CORPORATION WITHIN EACH PARCEL AS SHOWN ON 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 SERVICING ADJACENT PARCELS.
4. PUBLIC UTILITY EASEMENTS ARE HEREBY GRANTED AS DEPICTED HEREON.
5. ALL PUBLIC UTILITY EASEMENTS SHALL INCLUDE CABLE TELEVISION.

LEGEND

- SUBJECT PARCEL LINE
- ADJACENT PARCEL LINE
- EASEMENT SIDE LINE
- EXISTING SANITARY SEWER LINE
- EXISTING WATERLINE
- EXISTING GAS LINE
- EXISTING ELECTRIC LINE
- EXISTING CURB LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING COMMUNICATION LINE
- FOUND 5/8" REBAR AND CAP AS INDICATED
- FOUND 5/8" REBAR AND CAP, PLUS 10000
- FOUND SECTION CORNER AS NOTED
- CONTINUOUS OPERATING STATION (CORS) FN1

OWNER

PICOTTE SEGURA HOLDINGS, LLC
645 PEACHTILL WAY
FALLON NV 89408-4403

ZONE: 02

APN 008-361-54
2030 REND HWY

AREA

PARCEL 1 26586± SQ. FT.
PARCEL 2 31688± SQ. FT.

TOTAL AREA: 58275± SQ. FT.
134± ACRES

FOR REVIEW ONLY

PARCEL MAP FOR PICOTTE SEGURA HOLDINGS, LLC

A DIVISION OF APN 08-361-03 AS SHOWN ON RECORD OF SURVEY MAP, FILE NO. 385559, BEING A PORTION OF THE SE 1/4 OF SECTION 28, TOWNSHIP 19 NORTH, RANGE 28 EAST, M.D.M.

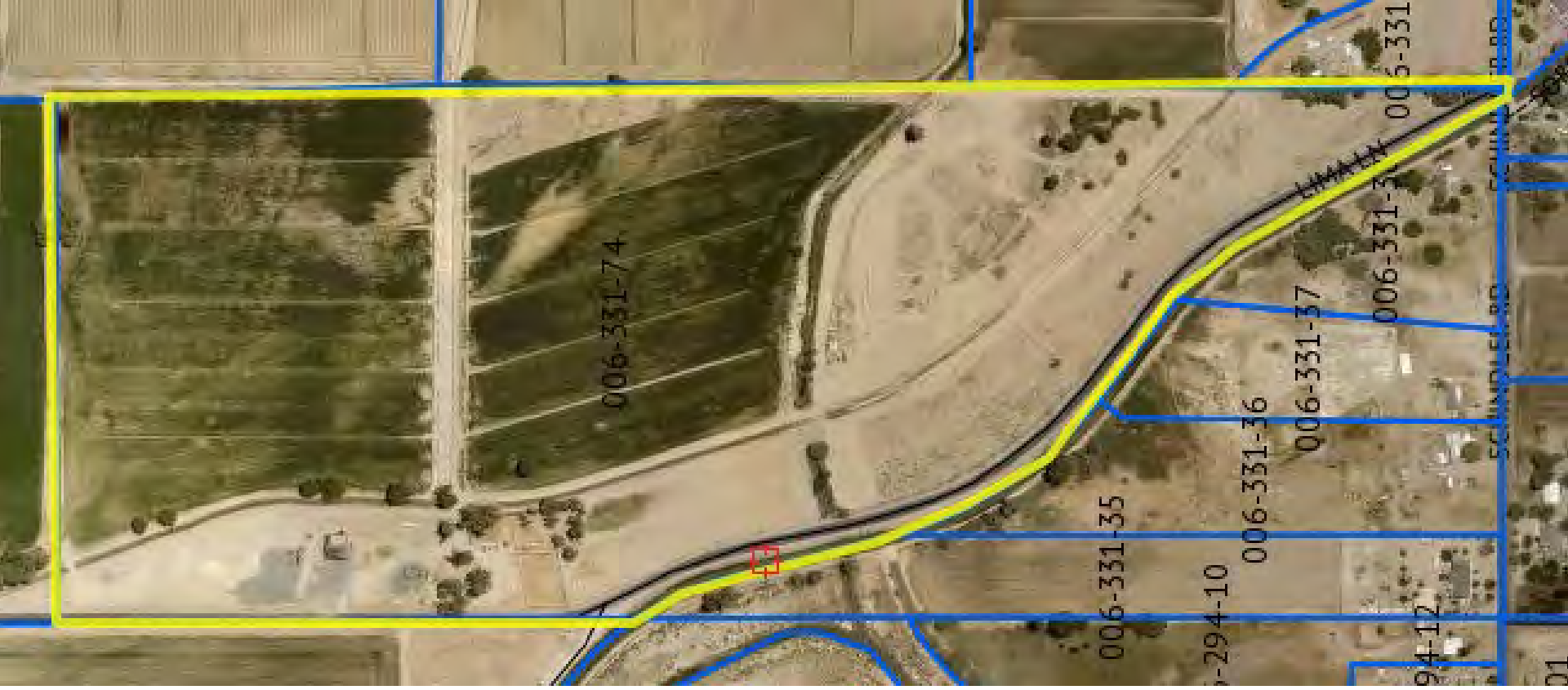
CHURCHILL COUNTY STATE OF NEVADA

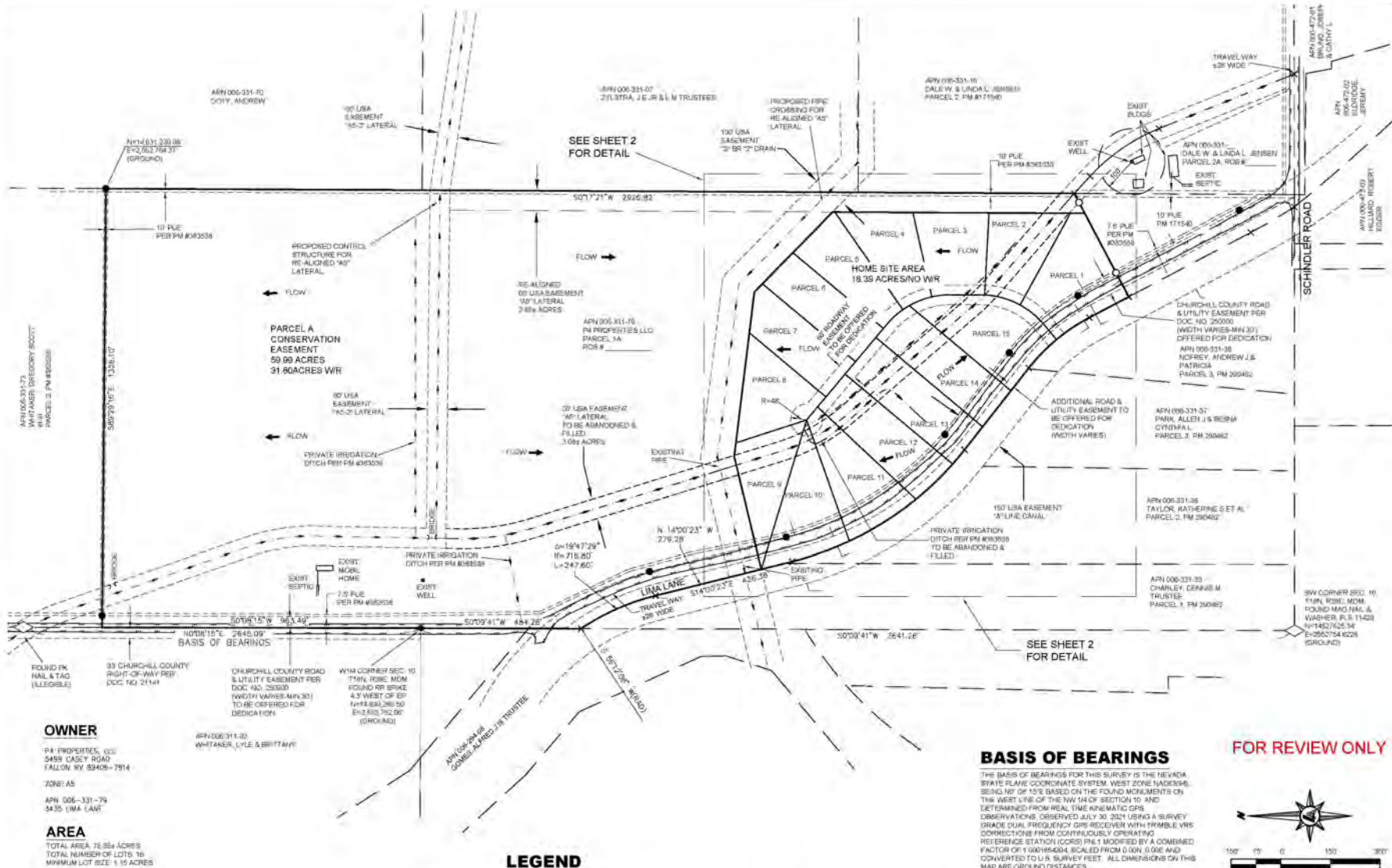
LUMOS & ASSOCIATES

178 SOUTHWEST STREET
FALLON, NV 89405
TEL: (775) 423-2788
JESSIE M. LUMOS
Drawing No. 10057-000
Drawing Date: 10/05/2022 SURVEY DWG

P4 Properties, Tentative Parceling Plan Application, 3435 Lima Ln, APN 006-331-74







OWNER

P4 PROPERTIES, LLC
5455 CASCY ROAD
FALLON, NV 89406-7914

ZONE: A5

APN: 006-331-79
3435 LIMA LANE

AREA

TOTAL AREA: 78.884 ACRES
TOTAL NUMBER OF LOTS: 16
MINIMUM LOT SIZE: 1.15 ACRES

LEGEND

- PUBLIC/STATE PARCEL LINE
- ADJACENT PARCEL LINE
- EASEMENT SIDE LINE
- EASEMENT RIGHT-OF-WAY CENTERLINE
- EDGE OF TRAVEL WAY
- DITCH FLOWLINE
- FOUND SURVEY REBAR OR CP (PLS 911) (UNLESS OTHERWISE NOTED)
- SET SURVEY REBAR AND CAP (PLS 11000)
- DIMENSION POINT - NOTHING FOUND OR SET
- FOUND PLSS 1/4 CORNER AS NOTED
- FOUND PLSS SECTION CORNER AS NOTED

RIGHT TO FARM

PRIOR TO THE CONSUMMATION OF ANY SALE OF SAID PROPERTY, THE PURCHASERS HAVE BEEN INFORMED THE PURSUANT TO N.R.S. 561.460 AND 561.461, NEVADA IS AN OPEN RANGE STATE, AND ALL PURCHASERS SHALL BE INFORMED OF THE PROVISIONS OF N.R.S. 40.140 AND CHAPTER 11.09 OF THE CHURCHILL COUNTY CODE, REGARDING THE RIGHT TO FARM.

COPIES NOTE

IN ACCORDANCE WITH NEVADA REVISED STATUTES 247 AND 230, TO OBTAIN AN OFFICIAL COPY OF THIS MAP, CONTACT THE CHURCHILL COUNTY RECORDER.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE NAD83, BEING NOT OF 15°E BASED ON THE FOUND MONUMENTS ON THIS WEST LINE OF THE 1/4 SECTION 10, AND DETERMINED FROM REAL TIME KINEMATIC GPS OBSERVATIONS, OBSERVED JULY 30, 2021 USING A SURVEY GRADE DUAL FREQUENCY GPS RECEIVER WITH TRIMBLE VRS CORRECTIONS FROM CONTINUOUSLY OPERATING REFERENCE STATION (CORS) PL1 MODIFIED BY A COMBINED FACTOR OF 1.0000000, SCALED FROM 0.001, 0.002 AND CONVERTED TO U.S. SURVEY FEET. ALL DIMENSIONS ON THIS MAP ARE GROUND DISTANCES.

FOR REVIEW ONLY



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 LOT 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 OVERLAPS 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 TO SOUTHWEST GAS CORPORATION WITHIN EACH PARCEL FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING UTILITY SERVICE FACILITIES TO THAT PARCEL, WITH THE RIGHT TO ENTER THAT PARCEL WITH SAID UTILITY FACILITIES FOR THE PURPOSE OF SERVICING ADJACENT PARCELS.

TENTATIVE PARCELING MAP

FOR:

P4 PROPERTIES, LLC

BEING PARCEL 1A OF RECORD OF SURVEY MAP, FILE NO. 2021-001, SITUATE WITHIN A PORTION OF THE 1/4 SECTION 10, TOWNSHIP 18 NORTH, RANGE 33 EAST, M.D.M.

CHURCHILL COUNTY	STATE OF NEVADA
	178 SOUTH MAIN STREET FALLON, NV 89405 TEL: (775) 428-2100 WWW.LUMOS.COM
DRAWN BY: DOC SHEET: 2 OF 3 JOB NO.: 10324 (001) DRAWING NO.: 1032401SURVEY.DWG	

Consent Agenda

Photos for Wagar TUP Application





Churchill County Building Department

October 4, 2022

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

RE: WAGAR TUP APPLICATION, 2944 NICOLE CIRCLE

Mr. Spross:

Regarding the placement of a Recreational Vehicle for a temporary use, the Building Department will require the following:

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

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, NV is an equal opportunity provider and employer

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OCT 04 2022

Churchill County Public Works,
Planning & Zoning

To Whom It May Concern:

I am writing in regard to the 2944 Nicole Circle case that will be discussed on October 12th. In an effort to maintain anonymity, I will keep this brief.

There is concern for safety and home value as the mentioned camper trailer is facing a home and is close to the property line. This has caused rubbish to pile up against the fence line and is disturbing neighbors.

Please take into consideration the effect the placement of the camper has on neighbors and consider enforcing that it be relocated to the back behind the primary home on the property.

Thank you for your time,
Concerned Citizen

October 12, 2022

Churchill County Planning Commission
Public Works, Planning & Zoning Department
155 N. Taylor, Suite 194
Fallon, NV 89406

Dear Churchill County Planning Commission,

I would like to submit my response to Lancer Wagar's request for a temporary use permit for the property located at 2944 Nicole Circle, Fallon, NV. I oppose this permit and respectfully request my response be submitted anonymously and without any information that could identify me, my household or my residence. The threat of retaliation from Lance or his mother is my reality.

I see both the owners working on their property and have witnessed them both drive and carry things into the residence. It is Lance I never see, doing anything. In the last 6 months the only thing I have witnessed Lance doing outside is sitting on a lawn mower to grate the driveway. He is normally inside of his RV or the little garage and the owners are often outside doing things. Lance has a girlfriend/wife/partner living with him in the RV, she has helped to clean up the property on two different occasions since Lance yet again moved back in. I have never once seen Lance doing property maintenance. He recently supervised others painting the house, but he did not participate in the actual work.

I have witnessed Lance illegally living in the residence at 2960 while it was being renovated. Lance figured since it was not occupied, he would occupy it. Lance would exit that residence right before the construction workers would show up. After that was sold, Lance started living in the little trailer that is currently not occupied. (The property owner still hooks the trailer up to his truck and takes it out with him occasionally). Lance lived in the little trailer for at least a year, then he moved into the little garage for several years. Recently Lance was gone for a few months, when he came back to this property, he brought the big RV that he is currently living in.

To be quite honest with the Commission, simply knowing that Lance is even on that property is concerning. Lance use to go around this circle, looking to be hired to do house/property work. He was hired by a resident several years ago, which resulted in Lance threatening to kill her and do harm to their home for reporting stolen tools. Lance use to do work for a widowed woman at 2930 years ago. She would pay Lance only for him to not show up and not complete the work. The same thing can be said when the next couple lived there. Lance was hired and paid to do maintenance, which he never completed. Just having the repeated nuisance of Lance's habit of being a squatter, is sure to affect our property values.

Before approving this temporary permit, I urge the Commission to review Churchill County's Sheriff reports to the address in question. Many times, over the years, the sheriff was called out to that property in regards to Lancer's behavior. His yelling and screaming were definitely

something we, as neighbors, could not avoid. I have damage done to my property by Lance attempting to back up his truck and work trailer. I did not report this to the sheriff, not wanting trouble from Lance or his mother. When Lance was previously living and working out of this property, he would pull out of the drive, literally like a bat out of hell and speed out to the stop sign, leaving marks on the road. His driving was horrible, us neighbors would call him the Speed Demon. The residents of the circle could not allow their young children to play in the street because of the fear of Lance and his speeding. I always hoped the sheriff would catch him, but to my knowledge, they never did.

I have a great love and fondness for the needs of the elderly and their plight. There are many organizations, groups and companies that will come to the elderly's assistance. I hope the Commission would assure the presence of these organizations before allowing this temporary permit.

If this permit is approved, I would suspect other residents of Nicole Circle would want to be permitted the same leniencies.

Sincerely,

Name withheld due to the threat of retaliation.

Photos for Martinez TUP Application







Churchill County Building Department

October 4, 2022

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

RE: MARTINEZ TUP APPLICATION, 6335 RENO HWY

Mr. Spross:

Regarding the placement of a Recreational Vehicle for a temporary use, the Building Department will require the following:

- A. Placement Permit for the recreational vehicle (\$200.00 fee)
- B. Electric connection inspection
- C. Sewer connection inspection
- D. Inspection of the septic system by a qualified inspection service

A search of the records available in the Churchill County Building Department did not produce any permits, or applications for septic system construction at this address.

Viability of the septic system must be proven prior to connection.

If the system is inspected and proven workable, 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 pass inspection, or once in-service, 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,

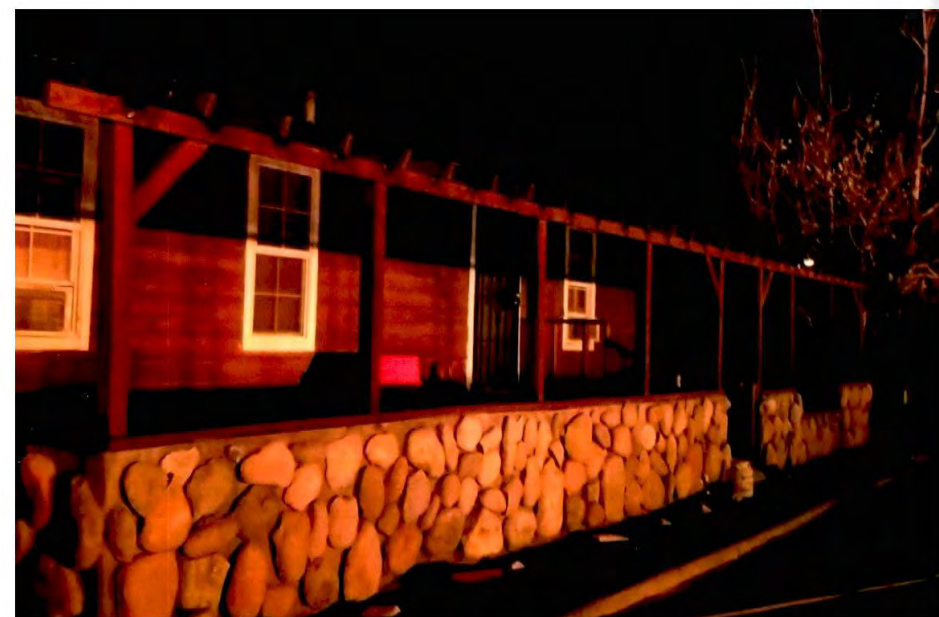
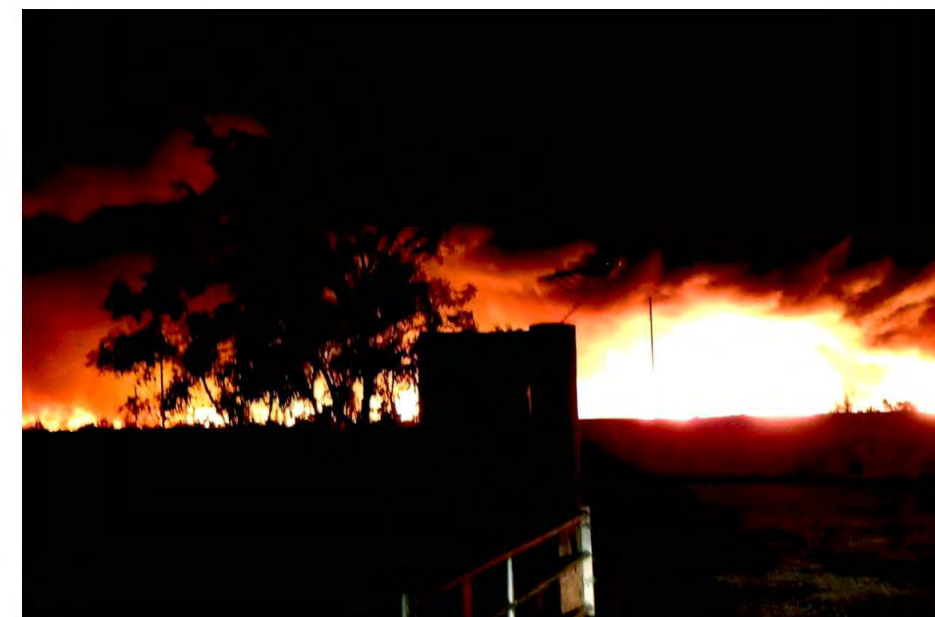
Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

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

Photos for Omaha Track Review provided by Cheryl Doty







NATIONAL PIPELINE MAPPING SYSTEM



Legend

- Accidents (Liquid)
- Incidents (Gas)
- Gas Transmission Pipelines
- Hazardous Liquid Pipelines



Pipelines depicted on this map represent gas transmission and hazardous liquid lines only. Gas gathering and gas distribution systems are not represented.

This map should never be used as a substitute for contacting a one-call center prior to excavation activities. Please call 811 before any digging occurs.

Questions regarding this map or its contents can be directed to npmsa@dot.gov.

Projection: Geographic

Datum: NAD83

Map produced by the Public Viewer application at www.npms.phmsa.dot.gov

Date Printed: Oct 09, 2022





United States Department of the Interior

BUREAU OF RECLAMATION
Lahontan Basin Area Office
705 North Plaza Street, Room 320
Carson City, NV 89701-4015



IN REPLY REFER TO:

LO-640
2.2.3.19

VIA ELECTRONIC MAIL ONLY

Mr. Dean Patterson
Churchill County Public Works, Planning, and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406
DPatterson@churchillcountynv.gov

Subject: P4 Properties, LLC Lima Lane Development – Development Review Meeting, Section 10, Township 18 North, Range 28 East, A5 and BR2, Newlands Project, Fallon, Nevada

Dear Mr. Patterson:

The Bureau of Reclamation (Reclamation) has received an electronic mail notice regarding a Development Review Meeting for P4 Properties, LLC Lima Lane Development in Fallon, Nevada.

Reclamation offers the following comments and requests for conditions of approval:

- The United States has two irrigation facilities on the subject property- the Upper West Side 2 BR2 Drain (BR2) and the A5 Lateral (A5). The BR2 is located on a 100-foot easement on the north side of the project area and the A5 is currently located on a 60-foot easement on the west side of the project area. The developer, P4 Properties, has submitted the required application to exchange easements with Reclamation to relocate the A5 to the east side of the project area as depicted in project drawings. Until the application is processed and approved by Reclamation in writing, no part of the development may disturb the easements for the two federal facilities.
- Reclamation is concerned that due to septic systems and required setbacks, home sites will be limited in some lots and may impede the United States' easements.
- Project drawings of the septic systems show an overlap of the relocated A5 easement in Parcel 3. No permanent structures, landscaping, wells, or septic systems will be permitted within the easements of the BR2 and the relocated A5. Additionally, Reclamation and the Truckee-Carson Irrigation District will not be held responsible for damages to or replacement of any landscaping, temporary structures, or other personal property placed within the easements if access is required or maintenance is performed on either the BR2 or A5.

- Reclamation did not see a drainage report or calculations for a proposed stormwater system. It should be noted that Reclamation Directives and Standards do not allow stormwater discharge into Federal canals, ditches, or laterals without complying with the Clean Water Act National Pollutant Discharge Elimination System permit requirements. Therefore, stormwater runoff will not be allowed in Reclamation's Laterals or Drains and any proposed stormwater system should be capable of containing a 100-year storm surface runoff event using detention basins or similar system outside of Reclamation's right-of-way. Lined drainage channels should be designed to transfer flow from the detention basins to the existing cross drainage facilities that drained the original area.
- Please add to the plans any proposed utility crossings to allow Reclamation the opportunity to determine any impacts or make additional recommendations.
- Although no crossings of the BR2 or relocated A5 are proposed in the provided plans, Reclamation would like the developer to be aware that when designing crossings, the Reclamation Engineering and O&M Guidelines for Crossings can be found here: <https://www.usbr.gov/pn/snakeriver/landuse/authorized/crossings.pdf>.
- The final map shall be transmitted to Reclamation.

Reclamation will continue processing the developer's application to relocate the A5 Lateral and we appreciate the opportunity to comment. Should you have any questions regarding this matter, please contact Mr. Ken Vicencio at (775) 884-5520, by email at kvicencio@usbr.gov, or TTY Federal Relay System (800) 877-8339.

Sincerely,

Rena Ballew
Resource Division Manager

cc (via email):

Ms. Ida Adams
Truckee-Carson Irrigation District
P.O. Box 1356
Fallon, Nevada 89407-1356
ida@tcid.org

CHURCHILL COUNTY PLANNING COMMISSION MEETING
155 North Taylor Street, Commission Chambers
October 12, 2022 at 7:00 p.m.

Name	For Which Agenda Item	Contact Info
Dunray Aki	S A	775-410-9240
Cheryl Doty	Omaha Track	775-229-0275
JeanharP	Omaha Track	775-428-5817
Sharon Serkail	Omaha Track	775-222-0620
Ernie Martinez	Item C	505-315-8314
John Forster	Item D	775-221-4055
Steven Easter	Temp use permit	775-276-4617
Chad Spencer	CT	509-342-9986
Meeg Ridge	Omaha Track	775-217-2124
CARRIE L. WATTS	OMAHA TRACK	775 491 4105
Jesse Sgr-		775 551 816 3266
Travis Peck		(775) 302-6196
Julia Scott	Omaha Track	775 867-3592
Jo Gettemer	all	The Tallon Post
Lina Tannura	Omaha Track	LINA C TANNER INC. com
TREVOR HAMMOND	HAMMOND VARIANCE	775-771-0653

PLEASE PRINT YOUR INFORMATION