

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

November 9, 2022

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on November 9, 2022 by Vice Chair Yates.

Present: Shane Yates, Vice Chair; Deanna Diehl, Member; Myles Getto, Member; Scott Nelson, Member.

Absent: Zack Bunyard and Paul Picotte.

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:

Davy Stix, lives on Farm District Road just over the Churchill County line in Lyon County. They have a cattle feeding operation and he inquired if he would be able to comment on Item 10 for the monitoring report, and he was told that would be permitted. He then questioned about something going on around the hills north of Hazen, where there are out buildings, and someone seems to be burning something that could be highly toxic due to the dark black smoke at least once per week. He would like to know more information about this. Director Spross stated that the code compliance official will look into this matter, and he is unaware of what this could be. Diane Moyle asked if it might be related to NNRC (Northern Nevada Research Co), and Director Spross didn't think it was.

4. Verification of the Posting of the Agenda:

It was verified by Diane Moyle, Administrative Assistant, that the agenda for this meeting was posted on November 3, 2022, between 8:30 a.m. and 5:00 p.m., at all of the locations listed on the agenda, in accordance with NRS 241 and the Churchill County Code.

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

Vice Chair Yates called for a motion.

Member Getto moved to approve the agenda as submitted. Member Diehl 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:

Vice Chair Yates 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. September 14, 2022 Public Hearing

Member Getto moved to approve the September 14, 2022 minutes as written.

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

B. October 12, 2022 Public Hearing – request to table item to next meeting

Vice Chair Yates informed that this item was tabled until the next meeting for good cause.

8. Old Business

- A. 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. *This item was tabled at the October 12, 2022 meeting since the applicant was not in attendance.*

Director Spross shared information about the application including the fact that this is a result of an enforcement action since the RV is already set up on the site. He noted that since the last meeting, there were some minor changes made to the staff report outlining some changes in the conditions. The request is to care for elderly parents. He noted that the site plan shows the RV to be set up in the back yard of the parents' property. He outlined the findings that need to be made in order to grant the temporary use permit. One of the conditions is to provide proof of the age requirement since the application states that they are over 70 years old. Director Spross mentioned that there were two letters received that were opposed to the approval of this permit. The Building Department also sent correspondence listing the requirements that would need to be met should the permit be granted. The staff is recommending approval with the recommended conditions found in the staff report.

Vice Chair Yates asked for any comments.

Member Diehl asked about Mr. Wagar's relationship to the people living in the home, the type of RV, and if it was already connected and inspected.

Lancer Wagar, 2944 Nicole Circle, shared that his parents live in the home, remarked that it is a 1996 Fifth-wheel RV, and stated that he hooked everything up on his own since he has been involved in construction all over the county for a number of years. He didn't realize that there were any permits required for what he was doing.

Member Diehl inquired if he would get it inspected, and Mr. Wagar confirmed that he would.

Vice Chair Yates asked for any further comments. Dean Patterson questioned Mr. Wagar about how old his parents are to confirm that they are over 70 years old. Lancer Wagar replied that his mother is 76 and his father is 78. Dean Patterson asked if there would be a way to get with Loreli LeBaron so that she could verify their age on an ID. Mr. Wagar said that his mother was at this meeting. There being no further comments, Vice Chair Yates 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 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, as described in the staff report. Member Getto seconded the motion and the decision carried by unanimous vote.

Member Getto, based on the previously adopted findings made for this project, moved to approve the Temporary Use Permit application for Lancer Wagar to establish a Temporary Quarters for Hardship/Caretaker at 2944 Nicole Circle (APN 006-691-35). This approval is subject to the conditions, as listed in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The temporary quarters must comply with Churchill County Code.*
- 2. The applicant shall provide documentation within 30 days that the person needing care qualifies for the use either for age or physical/mental disability.*
- 3. All Building Department permitting must be completed within 30 days, including inspections of water, septic and electrical connections.*
- 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.*

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

- B. Consideration and possible action re: A review of a special use permit granted to Excel Equipment Co. for an off premise outside storage yard at 9900 Carson Highway, Assessor's Parcel Number 007-171-05, in the Industrial zoning district. The company has been working to sell the equipment and supplies on the lot, and the permit is subject to annual review. At the last review, the Planning Commissioners renewed the permit for 18 months in order to give them more time to sell the items. They have found a buyer for the items and plan to have the equipment removed from the property over the next 4 months. They request an extension to give them time to complete the removal.

Director Spross explained that this special use permit was granted for an offsite outside storage site while the company sought to sell the equipment and supplies that were no longer needed for geothermal drilling. They would have been required to screen the property; however, they requested to not have to screen since they were trying to sell everything that was on the property. That permit was granted, and they were required to have annual reviews, which were extended over the years to less frequency in order to give the company time to sell the items. Director Spross has been to the site and noted a lot of things have been removed from the parcel. Now Excel Equipment has stated that they have sold the equipment and materials and just need a little longer to get the rest removed.

Dean Patterson noted that he spoke with Mr. Cunningham, who wasn't able to attend, and they are asking for a four month extension. Everything that remains at that time will be put up for auction and removed.

Member Diehl verified that the applicant only needs about four months to complete the removal of everything, and Director Spross confirmed this to be accurate. She then asked if the Code Compliance Official was aware of this. Director Spross confirmed that she is and again expressed that he and Dean Patterson have been to the site to verify things have been removed.

Vice Chair Yates asked for any public comment; there were none. There were no questions from the Planning Commission members. He then called for a motion.

Member Nelson moved to extend the special use permit for a period of four months to allow Excel Equipment Company to remove the remaining equipment. Member Getto seconded the motion and the decision carried by unanimous vote.

9. Public Hearings:

A. Consideration and possible action re: A temporary use permit application for temporary quarters for hardship/caretaker filed by Marilyn McVey for property located at 2491 Roberson Lane, Assessor's Parcel Number 008-113-17, consisting of 5.01 acres in the A-5 zoning district. The applicant proposes to reside in an RV on the property to provide care for the property owners.

Director Spross went over the application and items from the staff report. The 2014 RV is already on site and set up for use. This request is to help care for the elderly homeowners. The owners live in the permanent home, and the applicant will be in the temporary quarters, which is located behind the home. It is unknown at this time if the RV will connect to the existing power, water and septic services. He noted that the Planning Commission will need to decide if the criteria for the temporary use permit findings have been met in order to approve the permit. He shared that correspondence from the Building Department was received with the usual permitting requirements that will need to be met. Staff is recommending approval with the recommended conditions from the staff report.

Marilyn McVey, 2491 Roberson Lane, was in attendance to answer any questions.

Member Diehl pointed out that she has about 30 days to provide documentation that supports the need for the temporary quarters to provide care. Mrs. McVey asked if that would be just something from their doctor, and Member Diehl confirmed that it just needs to be something general stating the need to care and not anything private.

Member Getto asked if Mrs. McVey has read all the conditions in the staff report and agree to all of those. Marilyn McVey replied that she does.

Vice Chair Yates asked for any public comment; there were none. He then called for a motion.

Member Getto, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.070 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 008-113-17, as described in the Staff Report. Member Diehl 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 Temporary Use Permit application for Marilyn McVey to establish a Temporary Quarters for Hardship/Caretaker at 2491 Roberson Lane

(APN 008-113-17). This approval is subject to conditions, as listed in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The temporary quarters must comply with Churchill County Code.*
- 2. The applicant shall provide documentation within 30 days that the person needing care qualifies for the use either for age or physical/mental disability.*
- 3. All Building Department permitting must be completed within 30 days, including inspections of water, septic and electrical connections.*
- 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.*

Marilyn McVey questioned who would need to come out and inspect the connections. Director Spross noted that she needs to get with the Building Department. Vice Chair Yates thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures. There was discussion regarding providing proof of age or a letter from a physician through Loreli LeBaron, Code Compliance Official.

- B. Consideration and possible action re: A special use permit for a home-based business filed by Chad Goings for property located at 1155 Dodgion Lane, Assessor's Parcel Number 010-171-10, consisting of 1.0 acres in the A-5 zoning district. The applicant proposes to operate a home-based gunsmithing and custom rifle building business.

Director Spross shared information from the application and staff report and stated how this fits within the findings that must be made to approve the home based business. There will be some additional vehicle traffic on the road; however, there will be no impact to the well and septic services. Mr. Goings will not have any other employees and there will be no sale or storage of ammunition related to the business. There will be minor alterations made to customize weapons, no fabrication of parts for sale, and no test firing onsite. The shed is not ADA (Americans with Disabilities Act) accessible, and the applicant indicates that customers only stay a few minutes, and he will go to them, or their car as needed. Visits will be by appointment only. Additional lighting is planned for the shed. Dodgion Lane is a paved county-maintained road located within a 60' wide road easement. The applicant is in the process of applying for the Federal Firearms License (FFL) that is required for this type of business operation. Director Spross said the staff is recommending approval and listed the recommended conditions should the application be approved.

Chad Goings, 1155 Dodgion Lane, was available for questions.

Vice Chair Yates asked for any public comments; there were none. He then called for a motion.

Member Getto, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.080(H) on APN 010-171-10, as

described in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote.

Member Nelson, based on the previously adopted findings made for this project, moved to approve the special use permit application to establish a Home-Based Business for gunsmithing and sales at 1155 Dodgion Lane (APN 010-171-10). 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. *Approval of the Home-Based Business is limited to:*
 - a. *Operation only by Chad Goings. Approval is not transferrable to another location or operator.*
 - b. *This approval is for the proposed gunsmithing and sales business. Adding other activities, such as firearms classes, large scale fabrication of parts, etc. is prohibited.*
 - c. *Business hours and customer visits are limited to “appointment only” and one at a time. Appointments shall be spaced to avoid customer overlap.*
2. *Firearms and ammunition shall be stored in a secure non-movable environment, such as a gun safe secured to the building.*
3. *The applicant shall coordinate with the Sheriff and Fire Marshall annually to ensure their knowledge of the business in the neighborhood, and implement any recommendations they have.*
4. *The project must be in conformance with County Code, including but not limited to:*
 - a. *No outside storage, signage, or outside modifications have been approved.*
 - b. *All outdoor light on the property (including for security) shall comply with the Dark Skies requirements.*
 - c. *A business license must be obtained and maintained.*
5. *Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.*

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

- C. Consideration and possible action re: An application for a variance from the setbacks for the location of an office building filed by Stanislaus Farm Supply for property located at 500 Gummow Drive, Assessor's Parcel Number 008-391-10, consisting of 3.54 acres in the C-1 zoning district. The applicant proposes to have an office building within the front 90' setback at 67'.

Director Spross shared information about the application and items from the staff report. This application is for a variance from the street setback. Stanislaus Farm Supply provides products to support agriculture. He also went over previous variances granted by the Planning Commission for this location, including, and not limited to, 16 storage containers in excess of the amount of containers permitted on the lot and the ability to keep two storage containers in front of the warehouse that were in the street setback. This application is in response to a container-style temporary office building being found during a visit to the property while inspecting for the previous variance granted. The building was placed within the street setback on the opposite side of the street from the warehouse. Stanislaus Farm Supply is filing another variance application to

reduce the street setback in order to allow this temporary office to remain within the setback area. Director Spross noted that they are requesting the setback to be at 67', which would have met the previous setback, which was changed a few years ago to 90'. He went over the criteria all of which would be required to be met in order to grant the variance and how their application met, or did not meet, these criteria, as stated in the staff report. Director Spross noted, for the record, that there was correspondence received from a nearby property owner opposed to approval of this variance. Staff is recommending denial of this application noting that it is the second variance request for reducing the street setback requirement. During inspection for the previous variance from the street setback requirement is when this building was noted in this location. Throughout this process of setbacks and variances it is the staff's opinion that the business owner or contractor should have been aware of the street setback requirement. If the Planning Commission determines that they are able to approve the variance, Director Spross shared the recommended conditions for the variance.

Aaron Johnston, Vice President of Stanislaus Farm Supply, and Don Chesney, both from Modesto, California, were available for questions.

Member Getto inquired what was wrong with the current office. Mr. Chesney explained that the original office building is three-quarters full of warehouse items. The north end of the warehouse building is for personnel. About two years ago when COVID started, they had to spread their employees out. When an employee contracted the virus, they had to shut the whole place down. That is what caused the need for another office space. There isn't really any other place to move it other than to the southwest. Some photographs were displayed on the screen, and he described where it is located and why. Member Getto then asked since COVID regulations have let up what is the need for the new office now. Mr. Johnston said that he doesn't know that COVID is gone and the spacing would still be needed to avoid the whole operation being shut down.

Member Nelson inquired when they placed this office on the lot. Did he understand that they are stating it was placed two or two and a half years ago? They weren't sure exactly when it was placed on the property. Member Nelson asked staff if they were aware of when the building was placed on the property. Dean Patterson, Senior Planner, responded that during the inspection for the first variance application he didn't notice it there, but during the onsite visit for the second variance application he and Director Spross saw it there and noted that it was within the street easement. There is no exact date because there are no building permits for the electrical connection or placement of the building done for it, which were required. Member Nelson asked the representatives of Stanislaus Farm Supply why they or their contractor did not obtain the permits needed for this addition. It seems to him that they are putting all of the blame on their contractor, but they are creating their own hardships here. When you hire a contractor, you both are aware that permits are required. Now they are coming to the commission again saying you have an undue hardship, which you created, and ask to be allowed to leave it in an area that you were aware was in the easement. Don Chesney stated that he wasn't involved when the office building was placed. He handles environmental issues for the company, so he can't really speak to those things. He confirms that what Member Nelson is saying is valid. Mr. Chesney believes the thought was to put it behind the green slatted chain link fence where there was electric service available. It doesn't have any septic system, but there is electrical run to the building. This was the most optimal place for it to be put. This is his opinion about what probably happened. He agrees that it is between the owner and the contractor to make sure things are done properly. He also understands that the owner probably depended more upon the contractor because they know what they need to do and the owner doesn't. It is only 23' out of compliance, and as Mr. Spross said, it is in compliance with the previous setback standard. Mr. Chesney remarked that planning is indicating that this is degrading the

streetscape. He pointed out the building and what it looks like from the roadway. It is mostly hidden by the fencing and the electrical connection in that location is the primary reason for its placement. He said that they spoke with an electrical contractor locally and were told that it couldn't be trenched in the winter to move it to the west. It would be spring before they could get the power moved and it would incur a great cost. Also, the people that have to cross the road to get to the restroom facilities and warehouse area would be further away if the office is moved further west. He's not sure about laws in Nevada, but in California there are regulations about the distance an employee has to walk to the restroom facilities. Member Nelson remarked regarding trenching in the winter in Fallon, what he was told is not accurate due to his experience as an engineering contractor. He expressed his opinion that it comes down to a blatant disregard of the building permit and setback requirements, which they were already aware of from the first variance application that they submitted. Mr. Chesney then spoke about them expecting the contractor to take care of everything.

Vice Chair Yates asked for any public comment; there were 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 not been met for conformance with the criteria found in CCC 16.08.090(F) regarding a Variance from the street setback on APN 008-391-10, as described in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Member Getto, based on the previously adopted findings made for this project, moved to deny the request for Variance to reduce the street setback distance found in CCC 16.16.020.1 at 500 Gummow Drive (APN 008-391-10). Member Diehl seconded the motion and the decision carried by unanimous vote.

Don Chesney asked if they would reconsider and allow the building to remain and revisit it in three years just as they did with the number of containers and the containers by the warehouse. They don't know about their supply chain issues and about how inflation is going to affect them in the next two years. They are just asking for a little more time as the commission granted previously for the containers. If they could just have three years and revisit this along with the containers, they will comply with whatever this commission asks at that time. He doesn't understand why there is a difference between this building and the containers. Vice Chair Yates stated that they have already made their decision regarding this application. If he would like to revise and ask for the three year provision, he would be able to reapply. Joe Sanford, Deputy District Attorney-Civil, advised that there is a ten-day appeal period, and they would be able to appeal to the Board of County Commissioners, which is the governing board for the county.

10. Action Item:

- A. Consideration and possible action re: Geothermal Monitoring Report Reviews of the Patua geothermal facility by Chris Mahannah, Mahannah & Associates, LLC, for 2018 through 2021. A copy of the comments and recommendations is provided for the Planning Commission's review and adoption.

Director Spross stated that Chris Mahannah is going to present his review on the monitoring data provided by Patua/Cyrq Energy that was collected between 2018 and 2021. These reviews are

generally provided annually; however, due to COVID and the inability to access the records at the corporate headquarters the review encompasses the last four years of monitoring. Mr. Mahannah will share his recommendations for the future monitoring plan and ask the commissioners to approve these.

Chris Mahannah, of Mahannah & Associates, shared that he assists Churchill County in water matters and with analysis of data related to geothermal well monitoring for special use permits. He shared information that was in the report that was provided to the commissioners prior to the meeting. He explained the background of the special use permit granted to Patua in 2012, the differences between the well sites, and the monitoring that is done. He stated some observations that he noted by inspecting the monitoring data provided by the geothermal operation. He said that a lot of the information he reviews is proprietary, and he had to sign a confidentiality agreement with the geothermal company. He further remarked on the processes that he goes through and things he looks at in order to determine potential issues and possible interference with private wells in the area. He demonstrated the different types of wells on a map displayed on the screen and spoke about their uses and depths. All of the information was provided in the report and recommendations (see attached). He also shared some public information that he gathered from other sources that was not available through the monitoring data. Separately from the monitoring plan Churchill County through funding from Carson Water Subconservancy District and county funds maintains a low level monitoring program of about 30 wells throughout the county. He goes out on a monthly basis to measure wells, which include some of the same wells that are involved in Patua's monitoring plan. He's observed in his monitoring data, since hybrid cooling started in July of 2019, for the BLT well monthly water level measuring for a period of 10 years where he noticed in 2019 the well ceased to have an artesian flow as it was previously. He went through some of the other neighboring wells where there is a downward trend in, especially, the summer months. There has been effects on surrounding wells, and Patua has acknowledged this. His concern with this is the question of whether they are mining groundwater. Is more water being taken out than is naturally recharging? Are we capturing everything that might be coming in that the United States Geological Service (USGS) has estimated from the Fernley basin? The thrust of all of Mr. Mahannah's recommendations for additional data collection, and a deeper dive and more robust analysis of this issue is because their report hasn't really addressed that in an adequate way. He summarized his recommendations from the document provided.

Director Spross explained regarding these recommendations there is additional manpower that is required on behalf of Mr. Mahannah and his firm to collect and analyze data. He wanted to make the Planning Commission aware that upon approval of the special use permit for Patua and similar geothermal facilities they are required to give a deposit to the county in the amount of up to \$50,000 for situations just like this. If the commission determines that additional information collection is required as recommended by Mr. Mahannah, it is not a cost burden on the county. That will be deducted from the deposit account that exists, and as those funds are depleted Patua will be contacted to deposit more money into this account. There is no burden to the taxpayer on these costs. Chris Mahannah confirmed that all of his expenses are paid by the county, and the county invoices Patua for these and submits payment back into the deposit account.

Dean Patterson asked about the report and recommendations and whether they were provided to the company and if they had any concerns about them. Chris Mahannah sent the report and recommendations to Patua at same time as he provided them to the county, and he hasn't heard from them. He noted that in previous years Patua had representation at these meetings to address these things. He is surprised that they are not in attendance.

Vice Chair Yates asked if there were any questions from the commission.

Member Nelson remarked that what he understands is that the geothermal fluid isn't affecting anything and asked Mr. Mahannah if that is correct, to which Chris agreed. Member Nelson inquired if it was the make up water from the cooling tower that is causing all of the effects as far as he can see. Chris Mahannah confirmed this to be accurate. Member Nelson questioned if they are running an air cooling tower and a water cooling tower, and this was confirmed. Member Nelson then asked if it was the water cooling tower that is primarily used during the hot summer months that causes the drop in levels, and Chris Mahannah answered that they mainly use this for efficiency in running the plant between May and September. There was some discussion about this practice in geothermal facilities.

Member Getto asked about information on page 3 regarding the cooling tower well and a reduction of about 235 feet that was accounted as errors. What did the actual number turn out to be? Chris Mahannah responded that this is part of his recommendation because the data they have provided is very sparse on that well. Basically, the short answer is that they haven't provided data about the drawdowns at their actual well, so he is basing a lot on what he is seeing on impacts from observation wells that are many hundreds of feet away from the cooling tower well.

Member Nelson inquired if he is basing his stuff on monitoring wells that are a couple of hundred feet away, what could the cone of depression be to that well itself. Chris Mahannah isn't sure if this was in the report or not, but if we are seeing 27' declines at BLT well that is half a mile away, he believes their pumping water level would be 500-600' below ground level. So he believes they are seeing significant draw down when they are pumping.

Vice Chair Yates asked for any public comment.

Davy Stix, 4840 Farm District Road, said that they feel pretty lucky to be part of this program. He wondered if he was eating out of the Churchill County trough when they are Lyon County residents, and it is good to hear that the county doesn't bear the brunt of the costs for this. He stated that their well is on the eastern boundary of the Fernley groundwater basin, so they consider themselves lucky and an important part of the monitoring plan. It is important to keep doing this. He stated that when this all started as he's sure the commissioners are aware it is the unknown that really scares people. Our well is our livelihood and are important because of their feedlot operations. When he sees everything that is going on in other places, communities are clashing. You can see that right here with Lyon County and Churchill County regarding the Truckee Canal. He hopes that they continue this monitoring so they can see what is going on. The mitigation scares them too because some of the State Engineer's decisions of mitigating the losses of the ground water because when a company has a problem they are supposed to mitigate for the loss, but that doesn't help on a Sunday afternoon when you don't know if the water trucks will make it to feed the herd. He wants to see the monitoring continue and are glad to be a part of it.

Dean Patterson asked Chris Mahannah regarding the State Engineer's approval of this water right transfer and if it was an interbasin transfer. Mr. Mahannah said that you can't transfer water from one basin to another, and Patua transferred these water rights from the Soda Lake plant to the Patua plant. Mr. Patterson then inquired if the Soda Lake Basin is in the same aquifer as the recharge. All of these water rights are coming from Basin 101, and what Chris Mahannah was discussing is about the natural recharge that the GS is estimating to the entire Basin 101 is about 1,200 acre feet per year, and then another 1,300 acre feet per year they've estimated as interbasin flow, 800 of which comes from Fernley into Basin 101. If you look at the State Engineer's perennial yield for Basin 101, they show it at 2,500 acre feet. Patua has 900 acre feet and are pumping close to 800 acre feet so far, and that could potentially capture everything that is estimated to be coming

in from Fernley. Dean Patterson then questioned when the water rights were at Soda Lake was it doing the same thing. Chris Mahannah responded that in Soda Lake there is the benefit of more of the secondary recharge associated with the Newlands Project. It is somewhat of a different situation there because the wells weren't adjacent to a basin divide where there was groundwater flowing from one basin into another.

Vice Chair Yates called for a motion.

Member Nelson moved to adopt the recommendations as presented. Member Getto seconded the motion and the decision carried by unanimous vote.

B. Consideration and possible action re: Election of Chair and Vice Chair

Due to Shane Yates not seeking reappointment to the Planning Commission in December 2022, Charlie Arciniega's expired appointment to the commission and not seeking reappointment, Myles Getto leaving the commission after being elected to the Board of County Commissioners, and the absence of two other Planning Commission members, it was recommended to table this item to the December meeting.

12. Public Comment:

There were none.

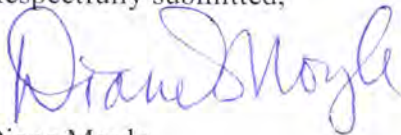
13. Adjournment:

There being no further business to come before the Planning Commission, Vice Chair Yates adjourned the meeting at 8:26 p.m.

14. Appendix:

Supporting Documentation

Respectfully submitted,



Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

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STAFF REPORT FOR PLANNING COMMISSION MEETING – November 9, 2022

Prepared November 2, 2022

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on November 2, 2022 to review the project applications listed below that are on the agenda for the November 9, 2022 Planning Commission Meeting. Site visits were made as noted.

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| • Wagar TUP for Temporary Quarters for Hardship/Caretaker | Page 2 | No Site Visit |
| • McVey TUP for Temporary Quarters for Hardship/Caretaker | Page 4 | No Site Visit |
| • Goings SUP for Home Based Firearms Business | Page 6 | No Site visit |
| • Stanislaus Farm Supply Variance from street setback | Page 9 | No Site visit |
| • Consent Agenda | Page 12 | No Site Visit |

PC Members Present

Paul Picotte
Scott Nelson
Deanna Diehl

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>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		
NOTE: This application was tabled from last meeting because the applicant did not attend.			
NOTE: Minor changes have been made since the previous meeting’s Staff Report.			

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"

CCC 16.08.070(H) allows conditions of approval to be applied if "the use will otherwise be incompatible with other existing uses within the same general area or will constitute a nuisance or will overburden improvements or facilities."

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 within 30 days that the person needing care qualifies for the use either for age or physical/mental disability.
3. All Building Department permitting must be completed within 30 days, including inspections of water, septic and electrical connections.
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:	Temporary Use Permit	Use Table Listing:	Temporary Quarters for Hardship/Caretaker
Applicant:	Marilyn McVey	Owner:	Carolyn & Charles Mann
Site:	2491 Roberson Lane (APN 008-113-17) – 5.01 acres north of Dillon Road		
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 2014 recreational vehicle (RV) on the property. The unit is already on-site, and is set up for use.

Marilyn McVey is requesting to place a temporary quarters on the property to care for the elderly homeowners (Carolyn and Charles Mann). The owners 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, close to the building. It is unknown if the RV will connect to the existing power, septic, and water services.

The property is one of many similar roughly 5-acre residential lots in the neighborhood west of Roberson Lane. East of Roberson Lane are 30-40 acre parcels and one home, with some of these lots (north side of Dillon Road) planned for development of 5 acre lots. Access is from both Roberson Lane and Lakeview Drive, both of which are privately maintained (not really maintained) dirt roads with minimal gravel and plenty of potholes or washboarding. Both are located within a 60' road easement centered on the property lines. 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"

CCC 16.08.070(H) allows conditions of approval to be applied if "the use will otherwise be incompatible with other existing uses within the same general area or will constitute a nuisance or will overburden improvements or facilities."

The application indicates that those needing care are over 70 years old with medical conditions, though documentation has not been provided for either. Their ability to care for themselves and their property has declined and the applicant will assist them. No obvious problems exist regarding compatibility, nuisance, or improvements/facilities.

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 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 008-113-17.

[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 Marilyn McVey to establish a Temporary Quarters for Hardship/Caretaker at 2491 Roberson Lane (APN 008-113-17).

For APPROVAL the motion should ADD:

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

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

1. The temporary quarters must comply with Churchill County Code.
2. The applicant shall provide documentation within 30 days that the person needing care qualifies for the use either for age or physical/mental disability.
3. All Building Department permitting must be completed within 30 days, including inspections of water, septic and electrical connections.
4. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.
5. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
6. This temporary use permit is subject to annual renewal providing proof that the need still exists.

Application:	<u>Special Use Permit</u>		
Use Listing:	<u>Home Based Business for Gunsmith, Gun Sales, & Custom Gun Building</u>		
Applicant:	<u>Chad Goings for Battle Born Precision</u>	Owner:	<u>Chad & Brenna Goings</u>
Site:	1155 Dodgion Lane (APN 010-171-10) - 1 acre		
Designations:	Master Plan – Transition between Agriculture & NASF Agriculture // Zoning – A-5		

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

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

Thus, a Home-Based Business is accessory to, and subordinate to the primary residential use. Normally a Home-Based Business is reviewed through an over-the-counter permit. They must meet EIGHT (8) criteria of CCC 16.16.020.8.1(a-h), which would help them to be nearly un-noticeable to neighbors. Those that cannot meet the criteria might have impacts on neighboring residences but might be approved through an SUP if they can meet the criteria of CCC 16.16.020.8.2(a-h). The proposed business is requesting the SUP due to customers coming to the property.

The business will be run out of a small existing shop on the property. The applicant primarily proposes to build custom weapons to sell/transfer to customers. There will be no employees besides the applicant. Hours of operation are not described. Parts delivery visits are expected to increase trip counts. No alterations that impact the well and septic are proposed.

While not stated on the application, the applicant has verbally provided additional information. There will be no ammunition storage for sale, only personal use. Minor alterations of parts on a lathe is done to make them fit together. No parts fabrication for sale is involved. No test firing on-site is proposed. The shed is not ADA accessible, but the applicant indicates that customers only stay for a few minutes, and he will come to them or their car as needed. Anticipated customers will visit by appointment only, and the applicant is agreeable to that being a requirement. Additional outdoor lighting is planned for the shed.

The property is served by Dodgion Lane, which is a paved County-maintained road located in a 60' road easement centered on the south property line. Utility easements run along the road easement and property lines, except the west property line.

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

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

The neighborhood is mainly residential lots ranging from 1-5 acres, with the larger lots having small farmed areas. Nearby there are large farmed parcels. A full-blown firearms business would not normally be allowed in a residential neighborhood. But running the firearms business as a home business with only the owner as an employee could be compatible with surrounding residential and commercial uses, and the Planning Commission has approved such requests before. Staff recommends that customers be limited to appointment only, and that machining parts for sale should not be authorized.

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

The **Master Plan** establishes land use districts that are implemented by the zoning districts. The area around the proposed home business has a Master Plan designation of Agriculture/NASF Agriculture. The property is zoned A-5 Agriculture. **Home Based Businesses are a listed use** in the zoning district or use table for the zone, needing an SUP for those proposals that do not meet certain criteria. Most Master Plan policies are not applicable to the development of commercial uses; or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

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

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

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

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

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

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

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

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

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

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

Businesses with customer and employee traffic often have traffic impacts on neighboring uses, but in this case impacts will be minimal. A Federal Firearm License is required for the business and the applicant is in the process of applying for it. Secure storage of firearms and ammunition should be required to address issues of increased security for firearm businesses.

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 010-171-10.

[For APPROVAL - Staff Report provides adequate findings.]

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

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

- Based on the previously adopted findings made for this project, I move to [***APPROVE // DENY***] the special use permit application to establish a Home-Based Business for gunsmithing and sales at 1155 Dodgion Lane (APN 010-171-10).

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

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

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

Application:	<u>Variance from street setback</u>	Use Listing:	<u>Retail and Services</u>
Applicant:	Nick Biscay for Stanislaus Farm Supply	Owner:	Roze Family Trust
Site:	500 Gummow (APN 008-391-10) - 3.54 acres		
Designations:	Master Plan – Urbanizing // Zoning – C-1		

Background: Stanislaus Farm Supply is a co-op that supplies local farmers with products and provides services such as application of products, and renting equipment to apply products, etc. They recently closed the Yerington store, and now the Fallon store needs to hold enough product to serve both valleys. Due to the limited space in the existing store and storage buildings, they added far more cargo containers than is normally allowed to store the products. On seeing the added containers, staff informed the company of the container limit.

- The applicant submitted a Variance application to allow 16 containers on the property, which was approved by the Planning Commission subject to meeting the street setback requirements.
- The applicant wanted to keep two containers in front of the store, even though they are inside the street setback. A Variance application was submitted, which was approved by the Planning Commission.
- Current Variance Request During review of the first street setback variance, staff learned that a container-style portable office had recently been placed within the street setback (across the street from the store). The applicant is now submitting a second street setback variance for the office.

The 3.5 acre parcel is split by Gummow Road with 1.3 acres east of the road and the remainder west of the road. The containers have been adjusted to be located on both the east and west sides. Those on the west side are behind a screened fence at the SE corner of the storage yard. The proposed portable office is located on the west side of Gummow, behind the screen fence, in the middle of the road frontage.

Application: The applicant requests to allow a recently placed portable office to remain within the street setback. The indicated distance from the centerline of Gummow Drive is 67'. The current setback is normally 90' from the centerline. 3-4 years ago, the setback was increased for roads with speed limits over 25 mph. The old setback was 60'. Thus the applicant requests a 23' (26%) reduction of the setback. The proposed setback would meet the old setback distance.

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 there are staffing needs, access needs to electricity and high speed internet, and reduced parcel usability from Gummow Drive splitting it in two.

Staff comment – The existing store has had an office for many years. The application does not say why it can no longer be used. On initial contact, the applicant indicated that the County approved the location. But it was learned that the contractor did not contact the County about setbacks and installed the unit without permits from the Building Department. This should be a civil matter between the contractor and the applicant rather than the basis of a Variance request for the County to fix the problem.

The property does have a peculiar condition because of an odd shape and the road cutting through the middle. While the road consumes double the normal amount of road, easement, and setbacks as a normal

lot, there is about 3 acres for the storage yard west of the road, which is plenty of space for meeting the setback.

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 moving the building would require it to be 165' further, and would prevent line-of-sight internet service, would require trenching which can't be done in the winter, and would cost more than \$5000. Staff comments – Any special difficulty or hardship is caused by the applicant or their contractor. The unit would only need to be moved 23' further though it might create inconvenience in the yard layout, or inconvenience due to moving other items. A 23' shift should not affect internet service, and would not need trenching. The cost should be a civil matter between the contractor and the applicant rather than the basis of a Variance request for the County to fix the problem.

Retaining the office in its location would be convenient for the business. But convenience is not a reason for not meeting street setbacks. The office is mobile and can be moved anywhere, but choices need to be made for how to use the available space while meeting the laws.

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 neighbors should not be affected other than seeing part of the office above the screened fence. Staff comments – Property and improvements in the vicinity should not be affected. See Criterion 4 regarding application comments on public safety.

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

Setbacks are established to provide a **safe separation from traffic**, to provide a visually **appealing streetscape**, and to **reduce sound** impacts from the road. The application only addresses public safety as a purpose of the standard. Safety will not be affected because the office is behind a protective fence. In addition, the curve in the road results in slow moving traffic traveling around 25 mph. Staff comment. **Sound** is not an issue for the business. Placing cargo container style offices close to the street degrades the visual **streetscape**. **Safety** is unlikely it be a problem in this location due to slow speeds of this curving road section near the highway intersection. A 60' setback would be the standard for a normal slow speed road.

STAFF RECOMMENDATION: DENIAL

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

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

[For **DENIAL** - Staff Report provides adequate findings.]

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

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

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

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

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

1. This variance is only for Stanislaus Farm Supply, and only for the proposed portable office. It is not transferable to another location or another operator.
2. The variance will be reviewed in three years at the same time as the previous street setback variance and the variance for the total number of storage containers on the parcel.
3. Churchill County reserves the right to apply for a review of the permit to modify conditions or terminate the permit for road modification or safety concerns.
4. The approved street setback for the office shall be 67' measured from the centerline of Gummow Road.



CHURCHILL COUNTY PLANNING COMMISSION HEARING

November 9, 2022

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
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714025

Pierced
Net
accident

Power Cable Underground
→ pull-panel connection

well

007-171-67

007-171-52

007-171-53

007-171-54

007-171-56

007-171-57

Seasley Dr

Carson Hwy

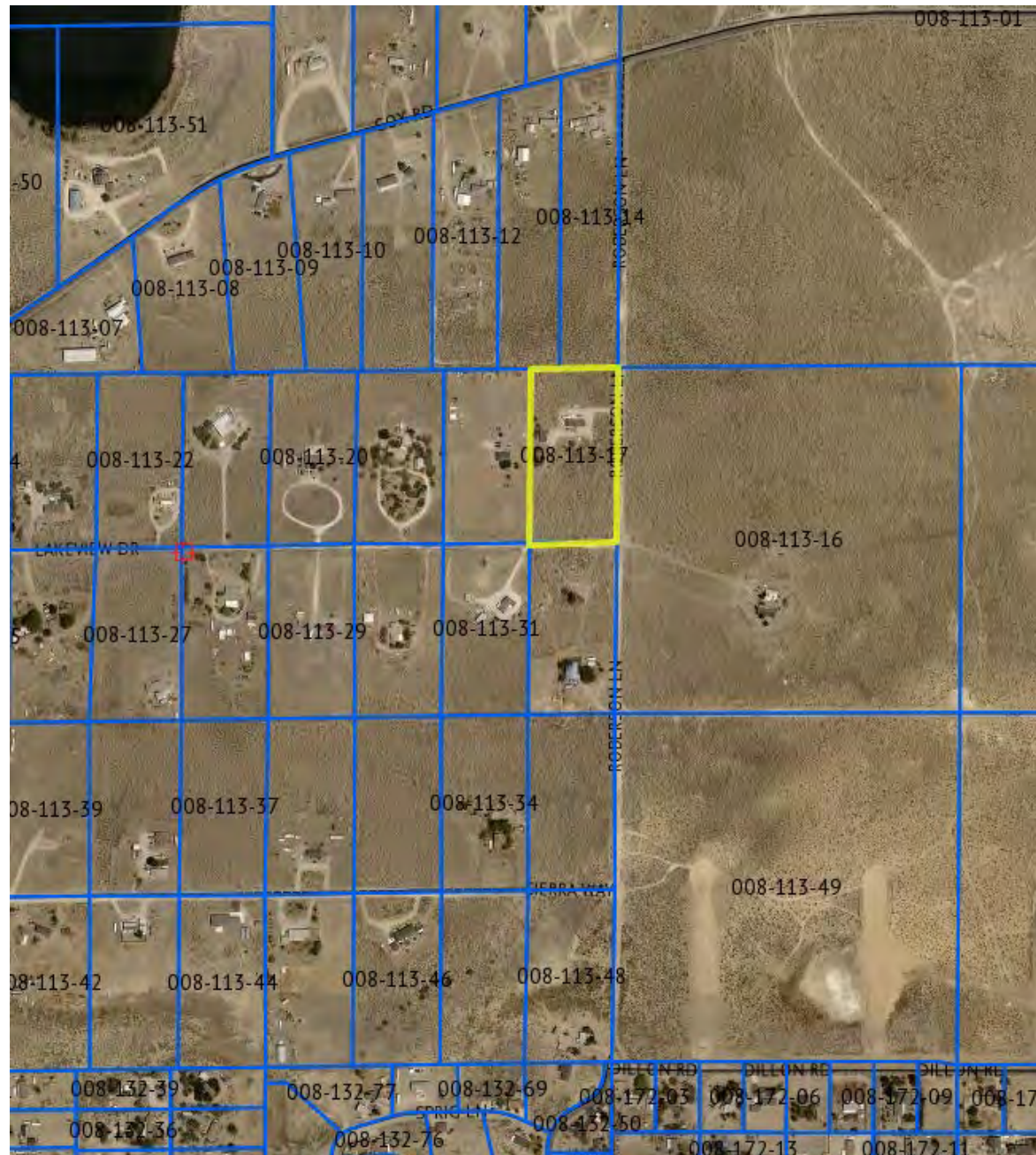
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0 to 100 Feet

to (Aerial) ▾ Oct 2018 - Nov 2018 ▾



McVey, TUP Application, 2491 Roberson Ln, APN 008-113-17



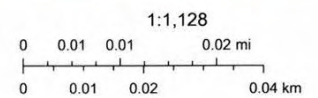


ArcGIS Web Map



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Churchill_Property_Lines



Maxar, Microsoft

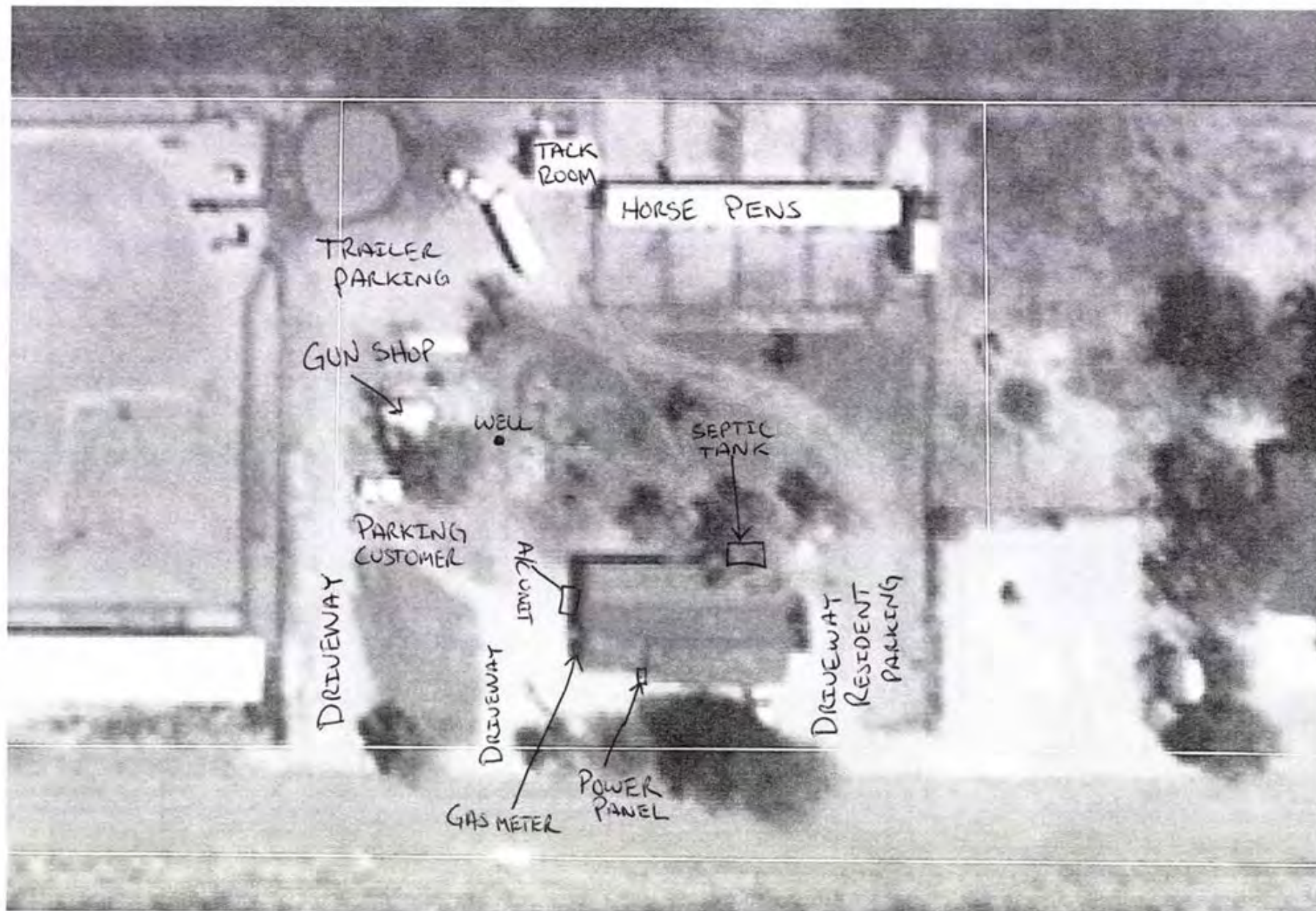
Goings, SUP Application, 1155 Dodgion Ln, APN 010-171-10





010-171-10

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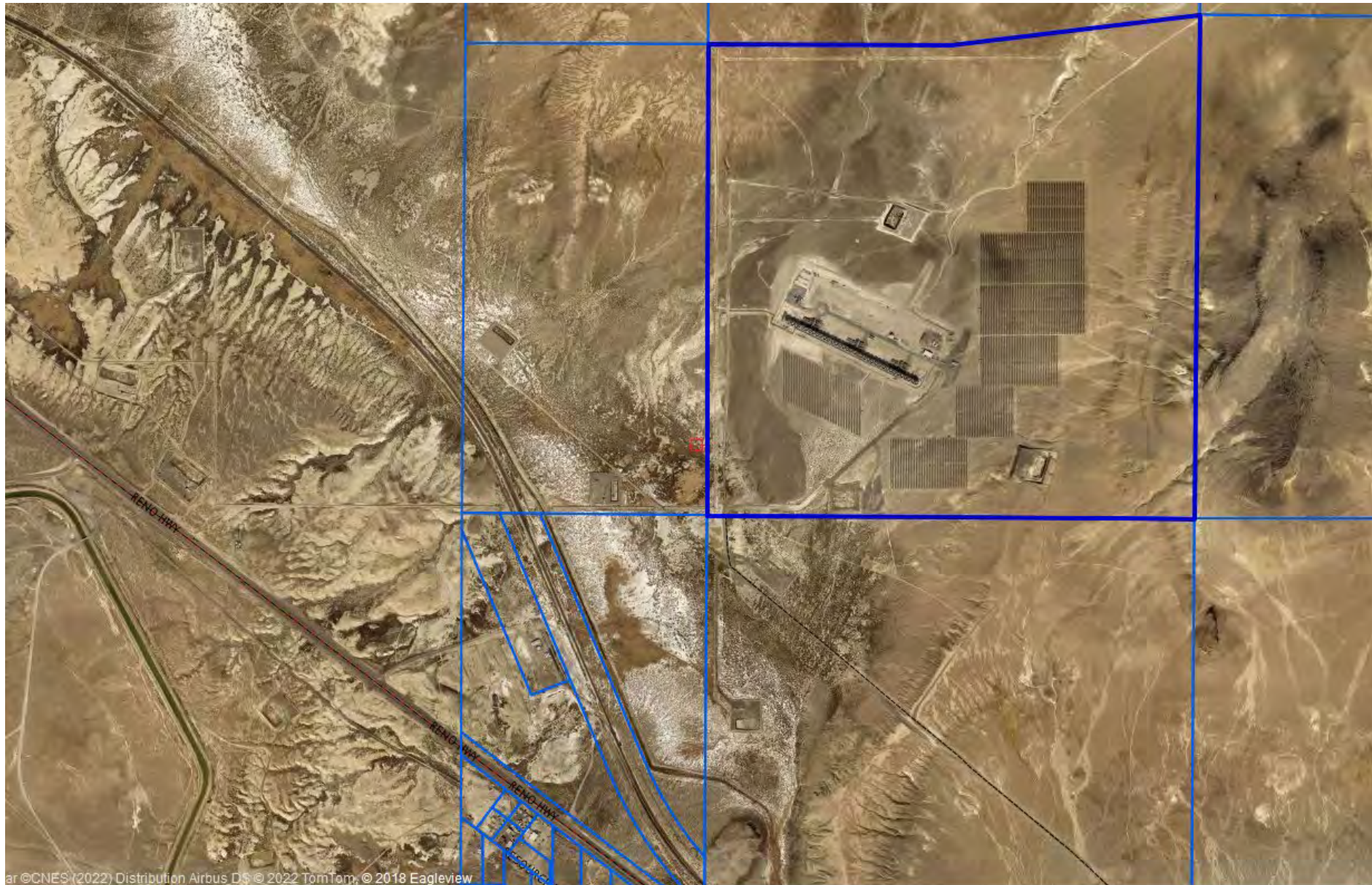






Patua Geothermal Monitoring Report & Recommendations

17388 Patua Rd, APN 009-251-83



MAHANNAH & ASSOCIATES, LLC

MEMORANDUM

Date: 30 June 2022
7 October 2022 - **Updated**

To: Chris Spross, Churchill County Public Works Director

From: Chris C. Mahannah, P.E., SWRS

Copy: Monte Morrison, Cyrq Energy
Sheldon Byde, Cyrq Energy
Dale Smith, Cyrq Energy
Kevin Hoover, Cyrq Energy
Jim Barbee, Churchill County Manager
Joseph Sanford, Churchill County Deputy DA

Re: Patua Acquisition Company, LLC (PAC) Geothermal Monitoring Report Reviews

Introduction: Pursuant to the Special Use Permit granted to Patua (PAC), a hydrologic monitoring plan (MP) was required which was finalized in December 2012. Patua achieved commercial operations of the 30 MW net geothermal power plant (Phase 1A) on December 28, 2013 and a baseline and conceptual model report was provided in June, 2014 which summarized hydrologic conditions before and during startup of the plant. Subsequently, MP reports have been submitted for 2014 – 2021 with the 2021 report containing summaries of previous data collected. This updated memorandum provides a review update and recommendations on the 2018 – 2021 monitoring plan reports with the primary focus on the 2020 and 2021 reports. The 2021 monitoring plan report submittal was delayed until June 2022 and we were not aware of its submittal to the County during the initial review memo dated 30 June 2022. Much of the data contained in the reports is confidential and protected under a Non-Disclosure Agreement (NDA) between Mahannah and PAC, therefore much of this report will be very generalized. Unlike other geothermal companies in Churchill County, PAC has provided their reports to Mahannah which promotes efficiency to reduce review costs which is greatly appreciated.

The intent of the MP is to facilitate an understanding of the hydrology near the project including project related impacts (if any) to the non-thermal aquifers in the project area and identify existing or future impacts to water quality or quantity. The overall geologic setting and deep (~8000+ foot depth) hydrothermal reservoir are largely well understood and characterized by the results of the numerous wells in the area including deep geothermal wells, moderate depth exploration and hydrothermal reservoir monitoring wells, and shallow domestic water wells. The shallow to moderate depth hydrogeologic setting is less well understood, but the wealth of data from the drilling programs, nearby shallow water wells and surface springs provide valuable insight and some constraints on the depths, thicknesses, quality and temperature of the groundwater aquifer.

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Unlike other geothermal projects in the Lahontan Valley, Patua production and injection wells are deep, ranging from 7,000 – 11,000 feet below ground surface completed in intrusive granitic rocks that are highly fractured along relatively discrete fault zones at depths between ~5000-10,000 feet. These fractures constitute the geothermal reservoir and all the geothermal fluid produced is reinjected. The upper sections of these granitic rock units and the contact zone with over lying units are pervasively altered to clay and provide an impermeable cap to most of the underlying reservoir and acts to contain the geothermal reservoir. Most of the private wells in the area are completed to depths less than 400 feet except for one previously intermittently flowing artesian well (BLT Storage) completed to a depth of 840 feet which serves a commercial property. All the private wells are completed in non-thermal (less than 120° F) aquifers. Six dedicated intermediate depth monitoring wells were drilled in the non-thermal aquifers at depths ranging from 100-920 feet to act as an early warning system for any potential impacts to the shallower domestic wells.

Specific monitoring data includes: temperature, numerous water quality parameters, water levels, production and injection volumes/water levels, and thermal and non-thermal spring observations at the Patua hot spring complex. This data is collected for the production and injection wells, dedicated monitoring wells, private wells and the Patua hot spring complex shown on Figure 1.

General Observations: In 2021 the average production rate was 8,637 gpm from all production wells resulting in 16,776 AF of geothermal fluid produced, 100% of which was re-injected on a mass basis which is about 3,162 AF more than 2020. Brine temperatures varied by production well but ranged from 282 – 310°F with a modest a temperature decline of 1-2°F/year have been observed in a few production wells. Geothermal power production had varied significantly due to air cooling which is directly related to ambient air temperatures with higher production levels in the winter and lower production in hot summer months. For this reason PAC has pursued switching from air to water cooling through the hotter summer months, known as hybrid cooling which will significantly increase net power generation during the summer. This will be discussed in detail in a following section.

There have been little to no measured changes to water levels, water quality or temperature in the six private wells or the Patua spring complex monitored in the MP associated with the operation of either the geothermal production or injection wells thus far at Patua. This is not unexpected due to the relatively shallow completions of less than 400 feet compared to the geothermal production and injection wells producing from 5000 – 10,000 feet below ground surface.

At least two of the dedicated monitoring wells completed in the intermediate depth aquifers appear to be hydrologically connected with the deeper geothermal system based on water level fluctuations and elevated temperature. Both are in relative proximity to producing geothermal wells and evaluation of production well water levels suggest there is a correlation. There have been notable water level declines in three of the private wells and three of the intermediate depth dedicated monitoring wells associated with the hybrid

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cooling tower water supply well (CTW) 78A-20 which will be discussed in the following section.

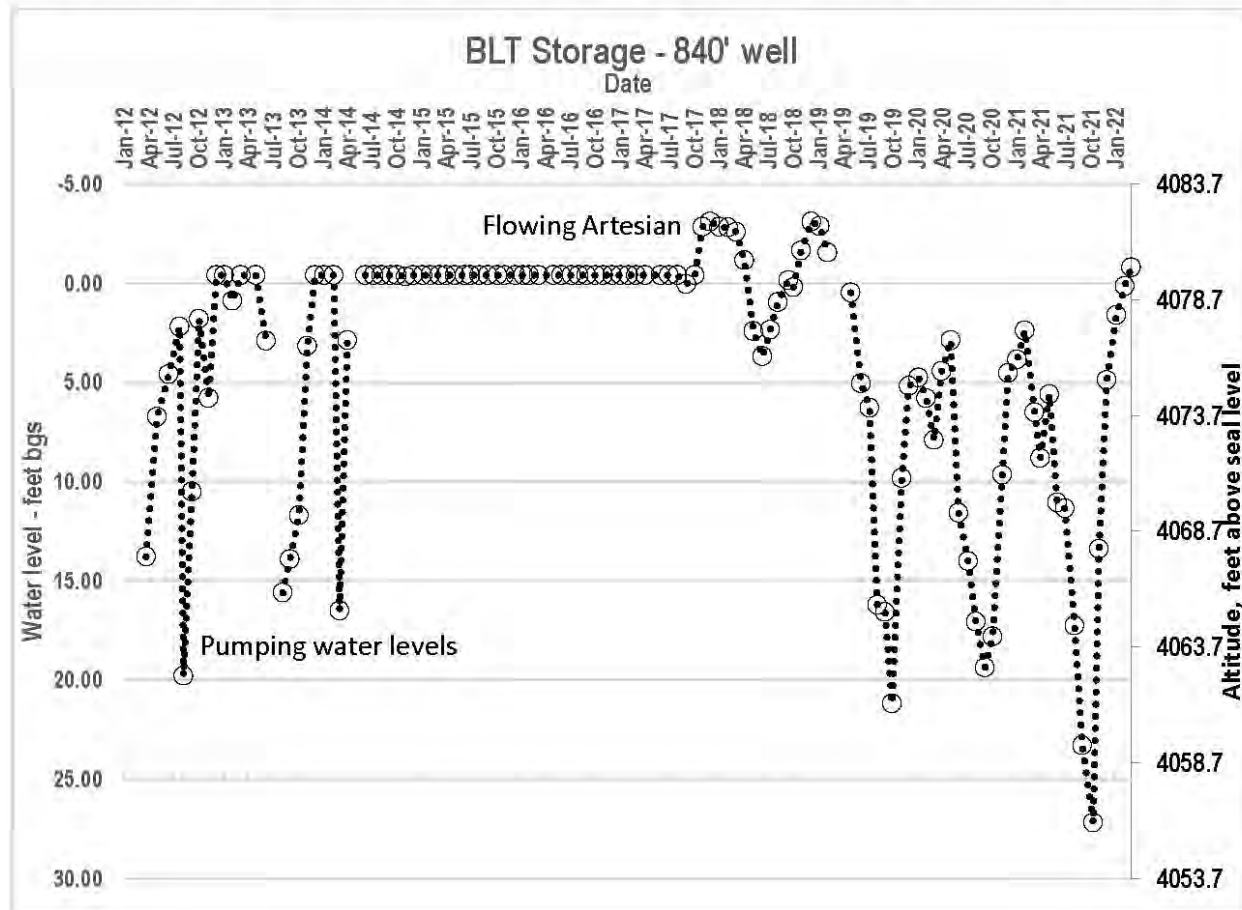
There have been no measured changes to temperature, water quality or flow from the Patua hot spring complex related to the geothermal operations. This is a difficult complex to monitor due to anthropogenic activities and relatively active spring complex with spring orifices which open and close. Subjective but periodic photographic documentation of the spring complex is also used to document any visible changes.

Hybrid Cooling: Starting in 2017, Patua filed water right change applications under permits 87546 – 87548 and 89816 transferring a total combined duty of 914.93 AFA and a total diversion rate of 2,250 GPM to their Cooling Tower Well (CTW) 78A-20 for hybrid cooling purposes. This well appears to only be used during the warmer summer months from May - September to improve power production efficiencies. CTW 78A-20 is completed in the intermediate aquifer to a depth of 958 feet. The 2021 MP report concludes: *‘water level declines in the BLT, Rail Park, Vista private wells and MW-1, 3 & 5 are likely influenced by pumping the CTW 78A-20’* the report is incomplete in this analysis. Section 3.1.7 of the 2020 report meant to address the impacts of the CTW only contains the text: *‘shouldn’t there be some text here?’*. In several sections of the 2021 MP report including the results and conclusion sections, the report incorrectly stated: *‘the water level elevation in CTW 78A-20 has declined 235.5 feet since 2018, prior to pumping in 2019.’* Had this significant water level decline been correct, it would have been very concerning, however inquiry with PAC staff after receiving the 2021 report, it appears there was an error in the units or calculations reported for the bubbler tube that collects water level data from CTW 78A-20. Additional review of the corrected water level data provided after the 2021 MP report submittal is needed and this data should be included in the 2022 MP report for further analysis.

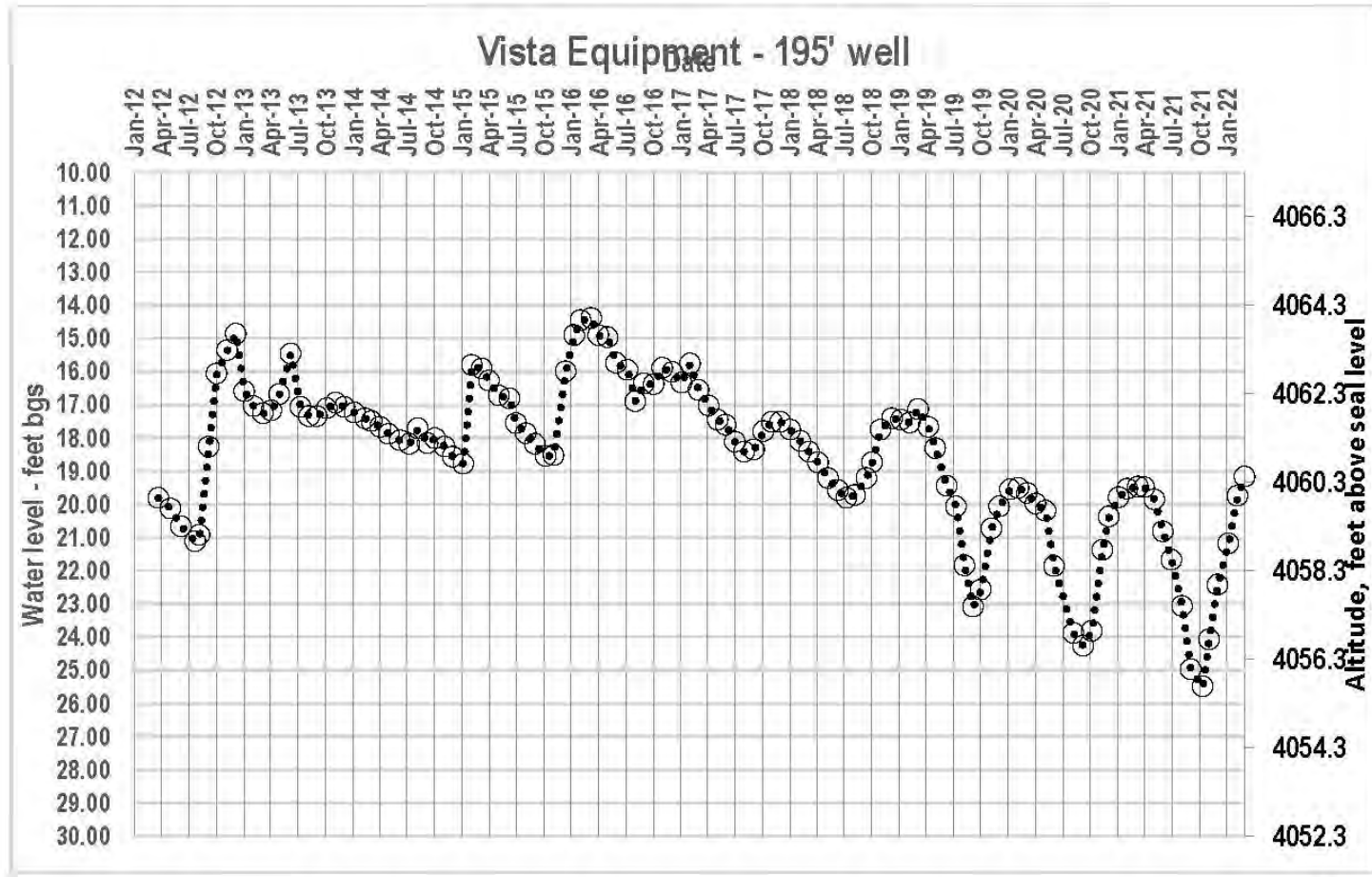
The following data, analysis and observations related to the impacts associated with hybrid cooling pumping of CTW 78A-20 were obtained from publicly available sources not contained in the Patua MP reports. Van Denburgh and others (1973) as reported in Table 30 of the USGS Reconnaissance Report 59, indicates the inter-basin groundwater flow from the Fernley to the Carson Desert groundwater basin is estimated to be 800 AFA. Patua’s water rights associated with the CTW exceeds this amount at 914.93 AFA and has the potential to capture this source of groundwater inflow to the Carson Desert groundwater basin. The permit terms associated with the CWT water rights require monthly water use data to be submitted to the Nevada Division of Water Resources (NDWR) on a quarterly basis which has not been done to date nor is this data contained in the MP reports. The Proof of Beneficial Use (PBU) submitted for the water rights in 2021 did report a total use from the CTW in 2020 at 783 AF for the pumping period May – September. An aquifer test was performed on the CTW in early 2019 where the well was planned to be pumped at 2200 GPM for 72 hours. Several of the dedicated monitoring wells, and private wells BLT, Vista and Rail Park were equipped with transducers to monitor water levels, however the data, results and conclusions have not been shared to date or included in any of the MP reports.

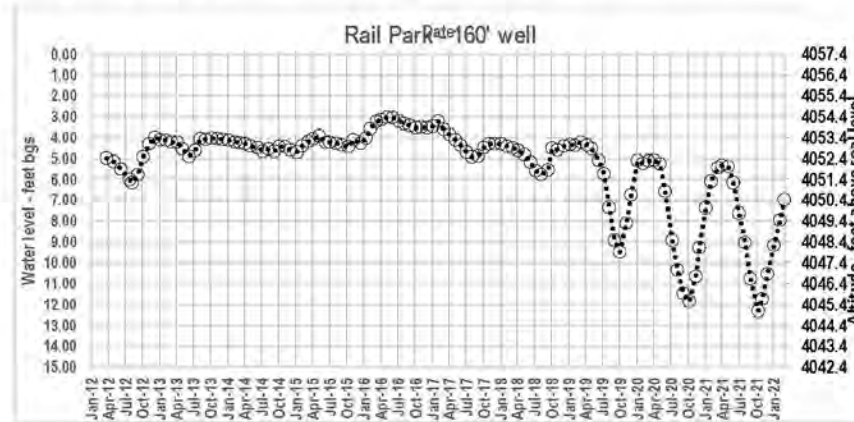
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Churchill County maintains a monthly water level monitoring program which includes the impacted private BLT, Vista and Rail Park wells. Patua's CTW 78A-20 became operational for hybrid cooling purposes in July, 2019 however detailed water use, flow rates and pumping water levels for the CTW have not been presented in the MP reports. The following water levels plots for BLT, Vista and Rail Park private wells are presented:



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As observed with each of these private well water level plots, each show notable declines in static water levels coincident with startup of the CTW 78A-20 in July, 2019 during the summer months when the CTW was pumping. This is particularly evident in the BLT well which is completed to 840 feet in the intermediate aquifer from which the CTW is also pumping from. Prior to the CTW pumping, the BLT well would flow artesian at heads exceeding 3 feet above ground level unless actively being pumped or recovering from a recent pump cycle. Static water level measurements to date on the BLT well have now exceeded 27 feet below ground surface during CTW pumping periods. Questions have been raised about water use at BLT affecting water levels, however this facility was converted from a concrete mix plant facility to a storage facility prior to CTW pumping so water use is negligible for the storage use with an intermittent caretaker residing in an RV. The much shallower Vista and Rail Park wells have also showed an additional ~6 feet of static water level declines during periods of CTW pumping. PAC has also acknowledged a 31-foot decline in static water levels at CTW 78A-20 in their 2020 MP report.

Additional data and robust analysis are needed in future MP reports to address existing observed impacts of CTW pumping on the private wells and any future ongoing impacts. This includes the potential for groundwater mining, long term water level declines and potential interception of inter-basin groundwater flow from the Fernley basin to the Carson Desert groundwater basin. To date, the conversion to hybrid cooling has had the only notable impacts on adjacent private wells. As such, most of the recommendations below relate to suggested data and analysis needed to assess impacts associated with the CTW hybrid cooling pumping.

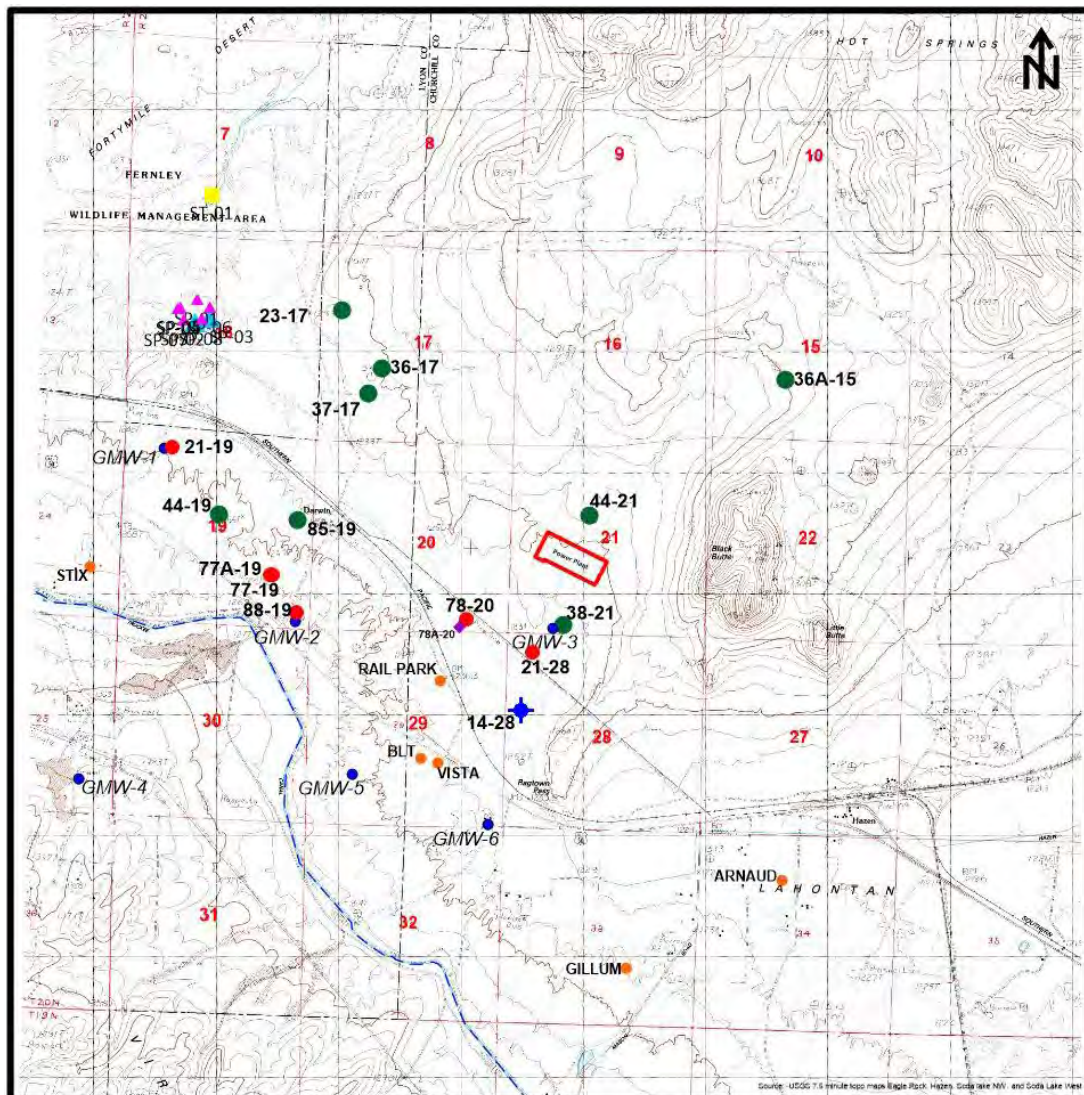
Specific Comments & Recommendations:

1. Provide all past and present monthly water usage data from the CTW well to NDWR pursuant to their water right permit terms and include this data in future MP reports.

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2. Increase water level measurement frequency in the private wells from quarterly to monthly to reflect impacts more accurately from monthly changes in volumes of water pumped from the CTW well. Churchill County is willing to and has previously shared their monthly private well water level data with Patua so this request should not involve any extra field efforts or expense.
3. Provide a double Y-axis chart showing continuous water level data on one axis and flow rates on the other axis from 2018 – present for the CTW well. Figures 16 and 27 of the 2021 MP report shows what appears to be quarterly water levels for 78A-20 with wide swings between pumping and non-pumping water levels. PAC has this well equipped with a bubbler tube with daily readings. It would be helpful to show continuous water level plot of the CTW.
4. In addition to Figures 16 and 27 which shows combined water level plots for the private and the dedicated monitoring wells, it would be useful to also show a double Y-axis plot of depth to water & water level elevations for each well separately so trends can be identified more easily. Due to the large scale of the Y-axis water level elevations of all wells plotted together on these figures, it tends to mask the variability or trends in water levels, particularly the declines in water levels at BLT, Vista & Rail Park after 78A-20 came online for hybrid cooling in July, 2019.
5. Provide the data, water levels, flows, and analysis of the aquifer testing that was done in 2019 on CTW 78A-20 when the Vista, BLT & Rail Park observation wells were equipped with transducers. Provide the aquifer test report where transmissivity and storage coefficients would have been estimated from that data and estimates of predicted long term water level declines at each of the private wells based on anticipated operation and pumping rates from the CTW for commercial operations.
6. Utilizing the data requested in 1 – 4 above, along with the other data collected, provide a complete analysis of the impacts of the past and future CTW pumping predicted impacts on the private wells. This should include and address the potential for groundwater mining from a large, concentrated withdrawal of 915 AFA in an area of the Carson Desert groundwater basin that has negligible natural recharge in this area and the potential to intercept the estimated 800 AFA inter-basin flow from the Fernley basin.
7. Private Well Owner Reporting: It is unclear at this time when and if the required private well monitoring data was provided to private well owners for 2018 - 2021. Pursuant to Section 4.3 of the MP, these well owner reports summarizing all data collected from their wells should be provided to them annually. Please provide this data concurrently with the provision of the annual monitoring report to the County so that it can be passed onto the private well owners.

Items 3 - 6 have been requested previously via an email to David Janney on March 31, 2021.



EXPLANATION

- Patua injection well
- Patua production well
- Patua groundwater monitoring well (GMW)
- Private wells in Patua groundwater monitoring program
- ★ Patua observation well
- ◆ Patua fresh water well 78A-20
- ▲ Thermal Spring
- ▲ Non-thermal Spring
- Stream gauging station
- Canal or Ditch
- Stream

Figure 1

SITE PLAN



Cyrq
Patua

Patua Acquisition Company, LLC
Patua Geothermal & Solar Power Plant
Churchill and Lyon Counties, Nevada

SCALE



Top map contour interval = 10 feet



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

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RECEIVED

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.



Churchill County Building Department

October 20, 2022

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

RE: MCVEY TEMPORARY USE PERMIT APPLICATION, 2491 ROBERSON LN

Mr. Spross:

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

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

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

From: [Dean Patterson](#)
To: [Diane Moyle](#); [Christian Spross](#)
Subject: FW: The public hearing on the variance requested for parcel #008-391-10
Date: Wednesday, November 09, 2022 11:50:43 AM

A letter of objection on the Stanislaus Variance for the portable office

[Dean Patterson, Churchill County Public Works, Planning, & Zoning](#)
Off. 775-423-7627 || Dir. 775-428-0256 || planning-ap@churchillcounty.org
155 N. Taylor, Suite 194, Fallon NV 89406

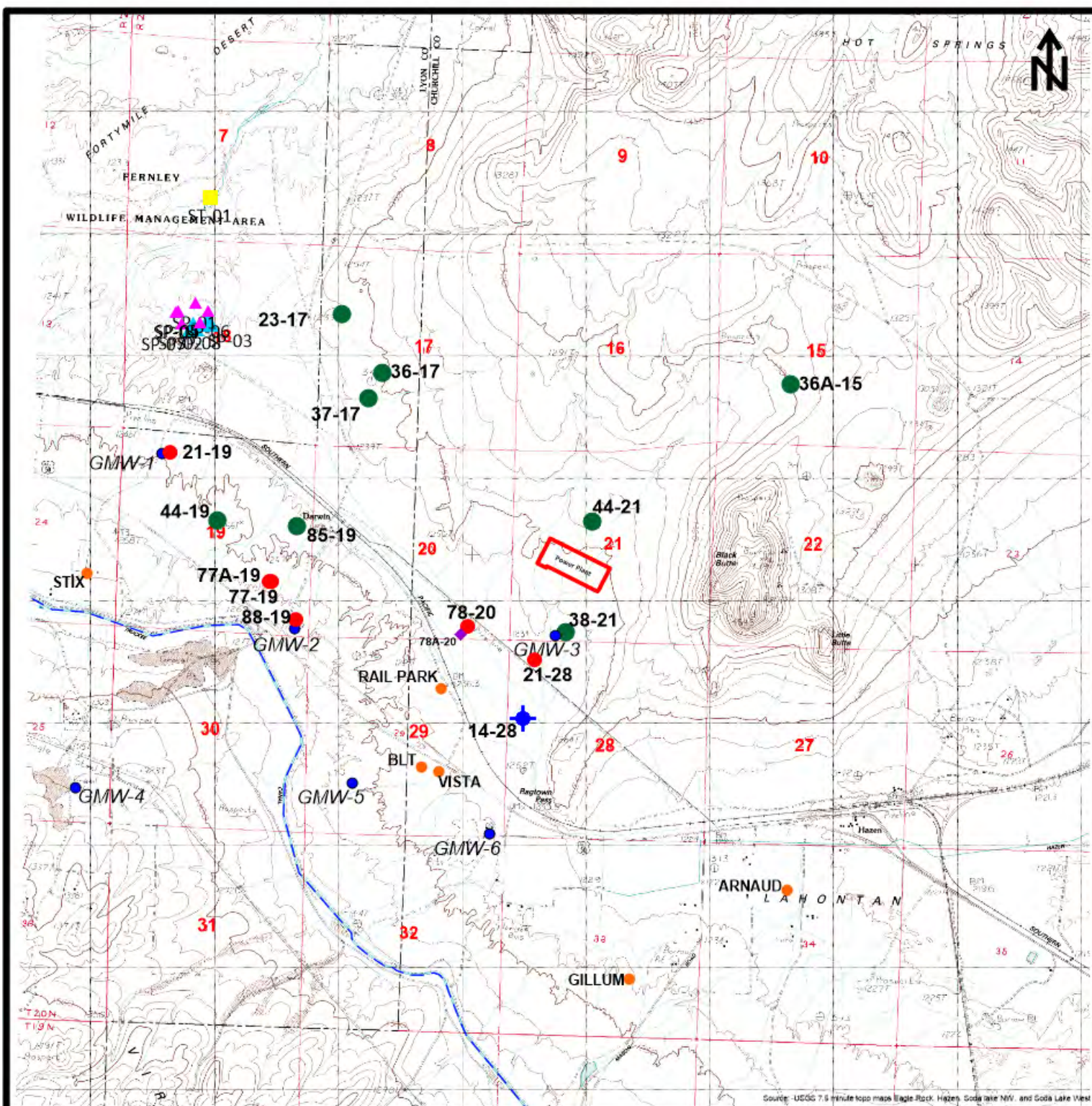
From: Sharyl Bancroft <sharyl96@gmail.com>
Sent: Wednesday, November 9, 2022 11:35 AM
To: Dean Patterson <DPatterson@churchillcountynv.gov>
Subject: The public hearing on the variance requested for parcel #008-391-10

To Whom it may concern on the planning committee:

As a managing member of Hooper Management Family LLLp and as the Trustee of the Sharyl Lin Bancroft Trust, I respectfully request that you turn down the variance to the front setback for a tempotu office building. The same company has already applied for a setback for some containers on the other side of the road. The setbacks were established for legitimate reasons, safety being just one of them. As I told the planning committee at the meeting last month, I have several developers that were ready to develop my adjacent 34 acres pieces into a 300 multifamily unit and 175 townhome development but I was told that I had to wait until the county put in another water treatment plant. It is plausible that Gumow road will need to be widened at that time. Thankfully, you only granted a temporary variance across the road but now to want to also get a setback variance on the other side too seems very dangerous to me even if we don't need to widen the road. It seems it would make sense to move the temporary office instead. They obviously knew when they set the temporary office building there, it was in violation. Everyone else has to comply with the setbacks, therefore, I request this request for a variance to the front setback requirement be denied. This is a busy street and we feel that it would set a dangerous precedent, in more ways than one.

Respectfully,

Hooper Management Family LLLP, managing partner, Sharyl Lin Bancroft
Sharyl Lin Bancroft Trust, Sharyl Lin Bancroft joint owners of 008-391- 28 +008-391-29



EXPLANATION

- Patua injection well
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- Patua groundwater monitoring well (GMW)
- Private wells in Patua groundwater monitoring program
- ★ Patua observation well
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- ▲ Thermal Spring
- ▲ Non-thermal Spring
- Stream gauging station
- Canal or Ditch
- Stream

Figure 1

SITE PLAN



Cyrq
Patua

Patua Acquisition Company, LLC
Patua Geothermal & Solar Power Plant
Churchill and Lyon Counties, Nevada

SCALE

0 2500 5000
Feet

Top map contour interval = 10 feet

Date: 1/8/2019 - DWJ

