

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

**155 N. Taylor St., Fallon, NV 89406
March 13, 2024**

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on March 13, 2024 by Chair Blakey.

Present: Eric Blakey, Chair; Scott Nelson, Vice Chair; Zack Bunyard, Member; Jeff Goings, Member; Mark Hyde, Member; and Paul Picotte, Member.

Absent: Deanna Diehl, Member.

Planning Staff Present:

Chris Spross, Public Works Director
Dean Patterson, Senior Planner
Loreli LeBaron, Code Compliance Official
Diane Moyle, Administrative Assistant

Civil D.A. Staff Present:

Joe Sanford, Deputy District Attorney

2. Pledge of Allegiance:

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

3. Public Comment:

There were none.

4. Verification of the Posting of the Agenda:

It was verified by Diane Moyle, Administrative Assistant, that the agenda for this meeting was posted on March 7, 2024, 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:

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

Member Bunyard moved to approve the agenda as submitted. Member Nelson seconded the motion which carried by unanimous vote (6-0).

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

Chair Blakey 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. February 14, 2024 Public Hearing

Member Bunyard moved to approve the February 14, 2024 minutes as written.

Member Goings seconded the motion and the decision carried by unanimous vote (6-0).

8. Old Business

- A. Consideration and possible action re: Review of a special use permit for a multi-tenant commercial facility that was granted on January 11, 2023 to Paula Gilmore for property located at 4175 Reno Highway, Assessor's Parcel Number 008-411-64. One of the conditions is a review in one year.

Paula Gilmore, 4175 Reno Highway, was available to speak regarding this application.

Director Spross reiterated that this is the one year review of a special use permit, which was a condition of the permit to ensure that the conditions have been met. He pointed out that the applicant submitted a written update, which was provided to the commissioners. He encouraged the commissioners to have Ms. Gilmore share what she has accomplished.

Paula Gilmore stated that she was able to put in the handicapped parking space in front of the long storage building and rearranged things within the warehouse. She said that she is working on getting the drip system for the landscaping fixed. She wasn't able to get the landscaping installed before winter, so she expects to get this done in the spring. Paula Gilmore remarked that she isn't sure how extensive the landscaping needs to be, but she planned to put in a couple of trees and some flowers. Dean Patterson, Senior Planner, went to visit the site with Ms. Gilmore, and he thinks that most of the conditions have been completed with the exception of the landscaping that she mentioned. The site has been landscaped in the past, which seems to be sufficient. The drip system will need to be repaired in order to keep the vegetation watered. Ms. Gilmore had indicated that she was going to have the drip system fixed and replace the plants that died for lack of water, and that should satisfy the landscaping requirement.

Chair Blakey asked if any of the commissioners had any questions or discussion.

Director Spross recommended that, based upon the responses by Ms. Gilmore and Mr. Patterson, the permit is in compliance and no further reviews are needed.

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

Member Picotte moved to conclude that no further reviews of the special use permit for Paula Gilmore at 4175 Reno Highway (APN 008-411-64) are needed. Member Bunyard seconded the motion and the decision carried by unanimous vote (6-0).

- B. Consideration and possible action re: Renewal of a temporary use permit for temporary quarters during home construction granted to Gary Sinclair for property located at 1015 Dean Lane, Assessor's Parcel Number 008-532-40, in the E-1 zoning district. Origination date 3/11/2020. The applicant resides in an RV on the property during construction of the primary residence.

The applicant was not in attendance.

Director Spross stated that this is a renewal for a temporary use permit that was issued in 2020. When this matter was heard last year for the renewal, we had received information from the Building Department that a septic permit was issued in February 2023. At the time of the meeting, we did not show that any inspections had been done. This year we received information from the Building Department that only a septic permit has been issued for this property, which was completed in February 2023. Since then, there has been no activity related to permitting or inspections.

Chair Blakey asked if any of the commissioners had any questions or discussion. There were none, so he asked if they should table this for 30 days and see if the department can contact the applicant to have him attend the next meeting. It was verified with Diane Moyle, Administrative Assistant, that the applicant had been sent a letter instructing him to be at the meeting. Member

Bunyard inquired if anyone had actually spoken to him, and Mrs. Moyle responded that no calls were made. Director Spross remarked that it is obvious that some money has been spent up to date on improvements to the property, and he thinks that it would be prudent to table the item for 30 days. The department will reach out to Mr. Sinclair to reiterate that for the renewal of this permit he needs to be present.

Member Goings, based upon the recommendation of the department, moved to table the decision regarding the temporary use permit for Gary Sinclair at 1015 Dean Lane (APN 008-532-40) for 30 days and request the department contact the applicant to attend the meeting in April 2024. Member Nelson seconded the motion and the decision carried by unanimous vote (6-0).

C. Consideration and possible action re: Review of a special use permit previously granted on August 10, 2022 to Paul & Tiffany Picotte to establish (A) Alcoholic Beverage Processing, (B) Eating/Drinking Establishment with alcohol sales/nighttime house, and (C) Multi-tenant retail facility for property located at 2030 Reno Highway, Assessor's Parcel Number 008-361-56. At the one-year review certain conditions had not been met, and the Planning Commission made recommendations to have these completed within six months.

Paul Picotte, 645 Peaceful Way, was available to speak regarding this application. He was recused from this item.

Director Spross explained that this is part of a one year review that was part of the special use permit that was granted in 2022. There were a few outstanding items. One of them was the approach to the lot, and there are still a couple of other items that need to be addressed. The fence in the rear parking area, some landscaping—this will probably have to wait until the NDOT (Nevada Department of Transportation) approach has been completed, and some trees that need to be placed in the parking lot.

Paul Picotte shared that about thirty days ago they got a report from NDOT that they are going to include the sidewalk and approach for the lot, and he plans to do the landscaping once this has been done. They will probably xeriscape the area there. He indicated that he has contracted for the fence to be completed along the back, and they are waiting for Lambert Enterprise to come to install 120' of fence along the property line to match the other fence that is back there. He commented regarding the parking lot trees that the asphalt has already been put in, and he doesn't really want to have to cut through it to add trees. There are no other places to put trees without losing parking spaces and having to remove the asphalt. There was some discussion related to this code requirement including the existing trees near the southeast and southwest corners of the lot. Dean Patterson, Senior Planner, pointed out an area at the back of the building where they might incorporate a patio area, cutting through the asphalt to add the trees. It was reiterated that Mr. Picotte knew of the tree requirement prior to the installation of the asphalt, and Mr. Picotte noted that there wasn't any area to put trees and have the number of parking spaces they were required. Paul Picotte said that he plans to make it appealing from the road frontage. He can apply for a variance from the parking lot tree requirement; however, a decision cannot be made at this time regarding that. Joseph Sanford, Deputy District Attorney-Civil, stated that would be a separate application to be considered apart from the special use permit. They could continue discussion related to this special use permit, but would have to consider a variance application at another time. It was pointed out that the parking lot trees are not specifically listed as a condition to the special use permit; however, it is covered by compliance with Churchill County Code, which requires a

parking lot tree for every specific number of spaces. Member Hyde stated that he thinks that landscaping and trees is important for keeping the aesthetics for people coming and going along the highways. These are the “windows” for our community, and he would like to see more of this at businesses to make them look more attractive. It would create a beautiful approach into town, and he believes any trees should be toward the front of the property. Paul Picotte reiterated all of the work that he has done to bring the old building up to code and to look better, and he has done all of the other things that have been required. He just doesn’t want to have to remove asphalt to put in trees and a drip system. It was decided to have Mr. Picotte work with the department regarding the landscaping and parking lot trees.

Member Hyde moved to extend the review of the special use permit for Paul & Tiffany Picotte at 2030 Reno Highway (APN 008-361-56) for 6 months to complete the fencing and to figure out the parking lot tree requirement. Member Bunyard seconded the motion and the decision carried by unanimous vote (5-0 with Member Picotte abstaining).

D. Consideration and possible action re: Review of a special use permit previously granted on February 8, 2023 to Out West Buildings LLC for a fabrication facility, a sales & rental facility for sheds & storage containers, and existing buildings as well as a proposed office for property located at 7450 Reno Highway, Assessor's Parcel Number 007-251-52). Conditions for this permit require annual review to confirm compliance with conditions until the Planning Commission determines it is no longer necessary.

Mike Stremmer and Irvin Plank, representing Out West Buildings, 7450 Reno Highway, were available to speak regarding this application.

Director Spross noted that this is a one year review of a special use permit that was granted in 2023. We have seen considerable progress, and he knows that the split rail fence has been put up and the rock around this fence has been installed. There is a little bit of screening and landscaping left to do. He invited the commission to hear from Mr. Stremmer and then decide if any further reviews are necessary for this permit.

Mike Stremmer reported that they had put up the split rail fence, and Dean Patterson, Senior Planner, went to inspect the property. They still have to put some sort of visible barrier for the setback, and he said that they plan to put railroad ties in the ground with some crushed rock. He wasn’t sure where the screening was still needed and asked Mr. Patterson for clarification. Dean Patterson stated that it was a portion next to the Mosquito Abatement District. Mr. Stremmer noted that it isn’t their fence, and Mr. Patterson pointed out that there is a little section on their property that turns and goes over to the Mosquito Abatement District about ten feet (10’) long. Mike Stremmer asked if there was any way to request that the Mosquito Abatement be required to screen their junk pile. He noted that they would complete that portion of the screening.

Chair Blakey asked if any of the commissioners had any questions or discussion.

Member Bunyard stated that he recused himself from this item.

Member Goings said that he remembers going over this and when he drives by now things look great. It has a good look and gives a sense of entry into the business. He thinks that the cooperation between them and the business has made it much better.

Chair Blakey asked the commission if they think that any further reviews would be needed for this permit. Dean Patterson remarked that he met Mr. Stremmer to look at the site, and there were just a few items remaining for this permit. He mentioned the small amount of screening, the border

for the edge of the easement, and then some large boulders in the landscape graveled area—just something to bring a little more interest to the landscaping besides just a sheet of rock. With those last few things this project would be wrapped up. Mike Stremmer requested specific sizes on the boulders or weight requirement. Chair Blakey stated that was something that Mr. Stremmer could work with the Planning Department to determine and wasn't necessary for the commission decision. He didn't think that further review would be needed, and if there were issues that were remaining, they could be addressed by the department through code enforcement. Director Spross confirmed that it could be handled that way. He also noted that there were a couple of applications further along on the agenda related to this property, and they would continue working with Mr. Stremmer over the next year on those anyway.

Member Goings moved to no longer require an annual review of this special use permit for Out West Buildings LLC at 7450 Reno Highway (APN 007-251-52). Member Nelson seconded the motion and the decision carried by unanimous vote (5-0 with Member Bunyard abstaining).

E. Consideration and possible action re: Review of a special use permit previously granted on August 9, 2023 to Castalion for a combustion testing--solid motor ground testing site--for property northeast of Hazen, Assessor's Parcel Number 009-291-09. One of the conditions for approval included a review by the Planning Commission in six months for compliance.

Vincent Sorrento, Castalion Corporation, who is the head of facilities and infrastructure development, was available to speak regarding this application. They are still awaiting an address for the site.

Director Spross remarked that this is a one-year review of the special use permit that was granted in August 2023. We received an extensive update of where the applicant is in meeting the conditions of the permit, and a copy was provided to the commissioners. He invited Mr. Sorrento to go over what has been done and what is still outstanding for the commission to make their decision.

Vincent Sorrento shared a presentation and explained that they have moved through a lot of their engineering. They are in the contracting phase with the grading contractor. They have moved, with help from the Planning Department, through some access issues. Those were the main things that were binding up their project. He pointed out that they have gotten to a reliable cadence of their ground testing and shared photos of what will actually happen at the site in Hazen. They are currently operating at a location in the Mojave Desert (at a Friends of Amateur Rocketry location). This is near China Lake and Edwards Air Force Base. They have a lot of data on horizontal ground testing, and now they have active contracts with the US Air Force and the US Navy. A lot of their engineering on the site is complete.

Mr. Sorrento stated that they have gotten an approved site plan from the Planning Department. They are in the last stages of contracting and agreements with Peek Brothers Construction. They have also worked through site access. The access road went through a couple of different properties and Bureau of Land Management (BLM) land (Bureau of Reclamation—BOR), Southern Pacific Railroad and a private owner. They decided with Dean Patterson over the last few weeks to circumvent certain issues by improving the road. They hope to begin the construction phase of this project in the next few weeks. He showed the final site plan that had been developed with help from the Planning Department and the Fire Marshal. They also have completed their geotechnical design, and there are a few engineering items that need to be done related to the occupancy number and a septic system. As they construct this, they will have an ADA (Americans

with Disabilities Act) compliant bathroom with pump out until they construct the actual bathroom on the site.

Vincent Sorrento noted that one of the conditions for approval of the permit was a rezone for the property, which has been completed, to Industrial zoning. They have coordinated with the Fire Marshal and Sheriff as required in the conditions. There are a few emergency action plans that need to be done, but now that they have the site plan, this will be completed in the next coming weeks. They are prepared for the road improvements—parts of California Road that will be filled in and brought up to good condition for the wet season for the fire department equipment access. Road access easements are in the process, and they hope to work that out with BOR and Southern Pacific Railroad. The plans for the commercial septic system are forthcoming.

Chair Blakey commented that it seems that a lot of logistics have been worked out through the last year. Mr. Sorrento agreed. Chair Blakey asked if any of the commissioners had any questions or discussion.

Director Spross stated that they have had a lot of interaction with Castelion through the planning and engineering phases of this project, and they have been very good to work with. As the members have heard, a lot of these things are still in progress. This was a six-month review, and he thinks that it would benefit the commission to have Castelion come back after another six months, which would be a full one-year review period, to give an update on where some of the unresolved issues are, so that they have some comfort that the conditions are being met.

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

Member Goings moved to extend the review of the special use permit for Castelion for property northeast of Hazen (APN 009-291-09), for another six months, which would give a full one-year review of the permit. Member Hyde seconded the motion and the decision carried by unanimous vote (6-0).

9. New Business

A. Consideration and possible action re: A temporary use permit application for temporary quarters for hardship/caretaker filed by G. Russell Miller for property located at 5200 Hettinger Place, Assessor's Parcel Number 006-251-37, consisting of 60.5 acres in the A-5 zoning district. The applicant resides in an RV on the property and acts as the primary caregiver for his brother.

G. Russell Miller, 5200 Hettinger Place, was available to speak regarding this application.

Director Spross went over the information from the application and staff report for the temporary use permit application. He summarized that the applicant is requesting a permit to place a 1996 travel trailer on the property for the purposes of a temporary quarters for hardship/caretaker. G. Russell Miller is the applicant and Alfred Miller, the applicant's brother, is the person requiring the care. This application was a result of code compliance action; however, the applicant was given written permission from the previous Planning Director, Michael K. Johnson, to occupy the travel trailer one to two days per week to care for his brother without a temporary use permit as that would be less than the 90 days per year that is allowed. Mr. Russell Miller has needed to increase the number of days that he stays in the trailer to care for his brother, which now triggers the need for this permit. Alfred Miller lives in the primary residence on the property full time, and Russell Miller visits several days per week to provide care, but primarily resides in Carson City. The applicant has provided documentation to staff that the person needing care, Alfred Miller, is unable to care for himself without assistance. He noted the detailed site plan (displayed on the overhead screen) that

showed the travel trailer (#12) located in the northeast corner of the property. The application indicates that the trailer is connected to existing power, septic and water (shown as #13 and #19 on the site plan).

The commission has some criteria that they have to find for hardship/caretaker situations: one is a residence for an aged, invalid, or physically or mentally disabled person who requires care or another is a residence used by an attendant caring for an aged, invalid, or physically or mentally disabled person. As mentioned, the applicant provided documentation to staff related to this situation. Director Spross noted that a letter was received from the Building Department outlining requirements related to the connections of the trailer to electricity, water, and septic. A copy was provided to the applicant. Staff does recommend approval with some conditions:

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

Chair Blakey asked if Mr. Miller had anything to add. Mr. Miller remarked that the trailer is there now and has been on the property for many years. It has been hooked up to power, water, and septic during all of these years. He pointed out #8 on the site plan, which is an office trailer storage, but his cousin lived there, had a house there. He was hooked up to septic and power. Everything is already there; it is not like he is just running an extension cord over and plugging in to it. He doesn't see the reason to have to go through all of this other stuff and pay the \$200 fee to get it inspected. It was already approved, and he didn't understand why he has to do it again. Chair Blakey questioned if this was an administrative approval because it was less than 90 days in a year, and Director Spross pointed out that Mr. Johnson had no authority to approve anything related to the Building Department. The travel trailer itself was approved because one or two days per week would not lead to exceeding the 90 days per year that is permitted. As part of the requirement for the temporary use permit to hook up a trailer, it has to go through that process. Whether it has been there for one year, ten years or fifty years, there has been nothing provided that proves to the Building Department that the trailer is hooked up correctly and legally. That is why, as part of the temporary use permit, that has to be inspected to have assurance that it's hooked up properly. Chair Blakey then asked if the Building Department had not been contacted when Mr. Johnson approved the use of the trailer for less than 90 days per year because a temporary use permit was not required. Director Spross could not answer what was or was not done when Mr. Johnson was the Planning Director as he was not there. Dean Patterson, Senior Planner, remarked that the approval Mr. Miller received was prior to his employment with Churchill County. Chair Blakey then stated that when anyone comes to get a temporary use permit the Building Department goes out to make sure that the electrical connection is the correct connection for the trailer, and makes sure that it is correctly connected to the water and septic. That is part of the temporary use permit, so if the commissioners approve it, Mr. Miller may be able to go to the Building Department and work things out with them as to what he needs to do. In order for them to approve the permit he must agree to these conditions. If he doesn't want to agree to them, then they cannot approve it. Russell Miller restated that the house that was there that his cousin lived in was all approved many years ago. Chair Blakey reiterated that they are only

concerned with the request that is before them, and they have nothing to do with the previous condition on the property. Chair Blakey questioned if Mr. Miller agreed to these conditions as stated by Director Spross, and Mr. Miller said that he has to. Chair Blakey restated that he does not have to agree to the conditions, but if he doesn't agree, then he cannot continue with the temporary use permit request. Russell Miller responded that he doesn't want his brother to die because he is not there to take care of him. He will do what they tell him he needs to do. He just wanted to make it clear that all of this was done through Churchill County at some point.

Chair Blakey inquired if any of the commissioners had any questions or discussion.

Member Hyde stated that he understood that Mr. Miller had been approved to occupy that trailer no more than twice a week, but now that has changed to where he needs to be there more than that time. Russell Miller agreed that he has to be there pretty much all of the time. He shared some of the care he must provide to help his brother. Member Hyde expressed sadness about the situation and said that the reason that this is before them is that it needs to be extended beyond what is permitted without this permit. It isn't meant to be onerous, but these are the conditions that need to be met if it is to be used for more than two days per week.

Member Goings said that it may be that all of these conditions are already met, but what they are asking is that the Building Department inspect the hook ups. That is part of any of the temporary use permits that they make decisions on. Mr. Miller pointed out that he owns the property, too. He is the only one in the area that can take care of his brother.

Chair Blakey called for public comment.

Loreli LeBaron, Code Compliance Official, readdressed that the placement permit is for safety purposes—for him and his brother. There have been electrical issues that have happened due to poor connections and amperage differences in which trailers have caught fire here in the county. It is truly for safety reasons. Mr. Miller pointed out that he knows electricity and connections, and his connection is up to code.

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

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved to find that the criteria found in CCC 16.08.070 have been met and therefore approve the Temporary Use Permit application for G. Russell Miller to establish a Temporary Quarters for hardship/caretaker purposes on APN 006-251-37. This approval is subject to conditions, as listed in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote (6-0).

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

- B. Consideration and possible action re: A special use permit for a construction contractor and waste collection and handling business filed by Marshall Septic Care (Boulder Opal LLC). The property is located at 4250 Reno Highway, Assessor's Parcel Number 008-461-07, consisting of 2.5 acres in the C-1 zoning district. The applicant proposes to expand building, outdoor use area, and waste services.

Chad Marshall, 4250 Reno Highway, was available to speak regarding this application.

Director Spross explained that this application is for a special use permit for an expansion of a waste collection service. He shared information about the property, ownership, zoning, and

designation in the Maste Plan. Marshall's Septic Care is requesting to expand its current operation. According to the business license records it has operated from this property since about 2013 after relocating from 2887 Reno Highway. Some aerial photographs show that the large building and extensive business activity did not start until sometime between 2015 and 2017. At the time Churchill County Code did not have a use table listing for waste collection services, so it was authorized as a construction contractor, which was allowed in the C-1 zoning. When the County Code was updated in 2019, waste collection services was added to the use table and prohibited in the C-1 zoning, which is primarily for retail and light commercial uses. Because Marshall's was established lawfully before the code changed it became a nonconforming use and is allowed to continue as it has been, however, under Churchill County Code nonconforming uses cannot be extended or expanded, consequently, the proposed expansion is not allowed under the current C-1 zoning district. If Marshall's is to continue operating on this property, the zoning needs to be corrected, most readily, by rezoning the C-1 property to C-2, where waste collection services are allowed. This must be accomplished before the expansion can take place. With this expansion project the company is requesting a special use permit to expand its businesses with the addition of a 4,500 square foot storage building with 5 bays for the proposed storing of septic trucks, which will be located in front of the existing building. Additional company vehicles are stored onsite, normally, behind the existing building. This application includes the addition of a solid waste collection and disposal service for demolition waste and construction debris, which includes up to 30 roll away dumpsters behind the existing building, and relocation and expansion of the portable toilet storage area from in front of the existing building to the rear of the property.

Director Spross pointed out that the commission has five criteria that must provide evidence to approve this change. He went over these from the staff report and shared how the proposal meets or could meet these criteria. He remarked that staff has reviewed the application and the comments, which are included in the packets for the commissioners. He shared the information received from the Building Department and Nevada Department of Transportation (NDOT), and copies were provided to the applicant. Based upon the information that has been provided and the investigation done by staff, it is the recommendation of the staff to approve this permit. There are several conditions for that approval:

1. The expansion of this non-conforming use may not take place until the business is made conforming by obtaining approval from the BOCC to change the zoning district to one allowing the business.
2. This Special Use Permit is for the current and proposed operations, as modified by conditions of approval. Household and business garbage collection is not authorized and will require a new Special Use Permit.
3. This permit is subject to annual review (on the anniversary of this permit) to check compliance with conditions of approval and code requirements until such time as the Planning Commission determines it is no longer necessary.
4. Waste cannot be stored on-site overnight. All waste handling vehicles, containers, and portable toilets must be emptied at the end of the day, and waste disposed of at a facility authorized to accept it. Exceptions to this requirement are allowed for late-night and emergency calls, in which case, waste must be disposed of the next day.
5. Waste handling vehicles, containers, and portable toilets on-site must be maintained to prevent leaks, kept clean, and odors controlled.
6. ADA accessibility requirements shall be met.
7. The entire business must be in conformance with County Code, including but not limited to:

- a. Business licenses must be maintained.
 - b. All necessary grading permits and building permits must be obtained.
 - c. Any portable sign shall be removed or made permanent. Any permanent sign must be installed in conformance with the sign code and construction code.
 - d. Landscaping in conformance with the landscaping code shall be installed along the Reno Highway frontage, excluding the gated entry.
 - e. All exterior lighting shall conform to the lighting code.
8. Operation shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
9. All state and/or federal permits required for this type of business shall be obtained and maintained including State waste handling requirements.

Chair Blakey inquired if the applicant had anything to add. Chad Marshall thought that if the special use permit was approved it would allow the expansion to start taking place while the paperwork was turned in to change the zoning from C-1 to C-2. He understood that if the permit was approved, he would be able to begin construction as long as they were in the process for the zone change. Joseph Sanford, Deputy District Attorney-Civil, expressed a concern that if money is expended to begin construction and the Board of County Commissioners were to decide against the zone change, Mr. Marshall wouldn't be able to do any expansion and will have spent money and time doing something that wouldn't be allowed. He doesn't see that there would be any code enforcement action in the interim. He also doesn't think that there is an issue with the zone change request; however, if the Board were to decide against it, Mr. Marshall could be put in a bind. It is up to the applicant, and the zone change isn't something that the Planning Commission can make any comment or decision regarding today.

Member Bunyard inquired why the zone change wasn't on this agenda and when it would be coming before them. Dean Patterson, Senior Planner, thinks that Chad Marshall was working to submit the zone change application. The office hasn't received the application yet. Mr. Marshall indicated that the paperwork was at his office, but he wanted to proceed with the construction phase, which will take some time, while he submits the zone change application and goes through that process. If they weren't allowed to construct the building due to other issues, they wouldn't want to continue with the zone change request either. They were waiting to hear what the decision would be before submitting the zone change application.

Director Spross explained that the special use permit is something that the Planning Commission can make a decision on today. The zoning change application will get a recommendation from the Planning Commission that is then forwarded to the Board of County Commissioners, who will make the final decision. He doesn't think that this information precludes Mr. Marshall from doing the work; however, he would be operating at his own risk. If he starts doing the work, should the Planning Commission approve this special use permit, and there is a condition making it contingent on the zone change approval, and should the Board decide to deny the zone change application, even if it is recommended by the Planning Commission, Mr. Marshall will have committed some finances that may not allow him to continue because the zone change wasn't approved. Nothing says that they cannot proceed; however, they will do so at their own risk.

Chair Blakey asked if any of the commissioners had any questions or discussion. He restated that the Planning Commission could approve this permit tonight, but it is contingent on the property being zoned correctly prior to it going into effect. Chad Marshall understood that condition. He also questioned regarding the landscaping requirement due to the ditch at the front of the property that carries water. How would this impact his ability to meet the landscape conditions because there is a

fence behind the ditch? He wouldn't be able to do anything in that area. Chair Blakey pointed out that would be a discussion to have with Dean Patterson in the office.

Member Hyde stated that we should do everything in our power along this gateway corridor to make it look attractive. One of the reasons that they have recommended trees is because of that. It creates a much better gateway corridor.

Chair Blakey called for public comment. There were none. He then called for a motion.

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the criteria found in CCC 16.08.080(H) have been met and therefore approve the Special Use Permit application for Chad and Mary Marshall of Marshall's Septic Care to expand a waste collection service on APN 008-461-07. This approval is subject to conditions, as listed in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote (6-0).

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

C. Consideration and possible action re: A variance application from shipping container regulations filed by Ragtown Real Estate for Out West Buildings. The properties are located at 7300, 7450 and 7490 Reno Highway, Assessor's Parcel Numbers 007-251-71, 007-251-52, and 007-251-53, consisting of a total of 22.90 acres in the C-2 zoning district. The applicant proposes (a) up to 100 shipping containers on the properties and (b) to allow them to be stacked.

Mike Stremmler and Irvin Plank, representing Out West Buildings at 7450 Reno Highway, were available to speak regarding this application.

Director Spross stated that Items C and D work together. He will go over them separately, and they will need separate motions and decisions, but they tie together. The variance application is from the shipping container limits. He went over information about the properties. The variance is associated with the special use permit application, which is the following item on the agenda, for expansion of the business. The applicant is seeking approval to expand their storage area to accommodate up to 100 cargo containers, which they would like to stack two high to save space. Doing this requires variances from two provisions of Churchill County Code, which a) limits the number of allowed containers to one per acre and b) prohibits the stacking of containers. The preferred storage area is on APN 007-251-53, a portion of which is already part of the existing special use permit, and is already leveled, graveled and fenced. Should the variance to waive the stacking requirements not be approved, the applicant has proposed an alternative storage area north of the N Line Canal on APN 007-251-71, where there is enough room to fit the containers without stacking them. This area is further from the highway, but closer to the residences north of the property. The applicant verbally indicated to staff that he has obtained letters of support from these neighbors, but staff has not received any of them. This application is a request to waive the following two code standards:

- 1) One shipping container per acre on a parcel. The current properties total 13.56 acres, which would allow 14 containers. The request for 100 containers on just the two properties in the preferred location would be equivalent to 7.37 containers per acre, or a 637% increase. Adding the third property would bring the total acres to 22.9 acres allowing 23 containers. The request for 100 containers would be equivalent to 4.37 containers per acre or a 337% increase.

- 2) Cargo containers may not be stacked. The applicant is seeking to expand their storage area to the graveled lot west of the fabrication yard. The containers would need to be stacked two in height to allow enough space for 100 containers. This area is highly visible to eastbound traffic on the highway, and it is fenced but not screened.

There are multiple considerations for the Planning Commission to make this decision to approve this variance. Is this business special in some way that it needs to have a large number of containers? If a variance is warranted, how many additional containers are appropriate, is it acceptable to stack the containers, and is visual mitigation required? There are four findings that are necessary to approve this variance. Director Spross went over these from the staff report.

- The application indicates that this business is going into the cargo container rental business, and they will need a larger supply of units on hand. The container standards do not appear to consider the possibility of a business that operates specifically with the incoming and outgoing handling of a large number of containers as a product or service in themselves rather than an accessory facility for the business. This business appears to be an exceptional situation not anticipated by the code.
- The application indicates that they need more than one container per acre to operate the container rental business and would like to stack them to stay on the smaller storage area. Without the variance the container business cannot be operated at a large scale. If the Planning Commission is inclined to approve the request in some form, staff has prepared a sample layout (a part of the staff report) for the oddly shaped preferred location to provide a comparison for the number of containers it can hold: 1) would be 50 containers without stacking that would extend to the fabrication site, 2) would be 75 containers with stacking, 3) would be 100 containers with stacking which would also probably extend to the fabrication site, and 4) would be to allow 100 containers without stacking, which would require extending to that northern property.
- The application indicates that there won't be any adverse effects to the neighbors. Staff agrees that additional containers will not affect health, safety and welfare.
- The application states that they don't believe having extra containers will negatively impact the intent of the title. Staff comments that the intent of limiting the number and height of storage containers use is to protect the visual quality of the community, to neighbors, and to the traveling public. This is further emphasized by the Master Plan, which will be discussed more for the special use permit application, on protecting the visual character of the community's gateway corridors. Staff feels that the writers of the container code did not anticipate that businesses handling large numbers of containers would be proposed. It seems plausible that certain types of businesses should be allowed to exceed the container number limits. Staff would recommend that these container handling uses along our commercial entryways should not be allowed unlimited containers. A ratio of 4 per acre seems to be reasonable. Whether the stacking limit should be waived is a separate question because stacking greatly increases the visibility of the containers, increasing the "port-like" appearance.

Director Spross remarked that the department received a letter from Nevada Department of Transportation (NDOT) that basically stated that the proposal appears to have minimal impact on the NDOT infrastructure. They have no objection. Prior to Director Spross making a recommendation, Joseph Sanford, Deputy District Attorney-Civil, wanted to make a comment, and he invited Mr. Sanford to speak. Joseph Sanford, DDA-Civil, expressed some fairly substantial concerns with the statement or idea that this is suitable for a variance as it is currently presented, which is supposed to be characterized by a land concern more than a way of the business being

operated. As Director Spross indicated throughout his report, the code doesn't appear to contemplate this type of business at all. He recommended to the commission, if they want to consider this issue, it would be to consider it in the form of a code amendment to address the needs of Out West Buildings as well as any other potential business that is going to come up in this situation, or a similar situation such as a railway park, especially in the Industrial zones where this may become more common. He would like to see the Planning Commission take a measured approach to decide what it would like to see in a broader context rather than doing one, individual property at a time. If the commission grants this variance and then the next person who wants a variance in the corridor comes forward, how are they going to make a distinction becomes almost impossible. He recommended that they consider whether they want to have staff draft up an amendment, whether they want to set up a workshop to do this, or they are obviously perfectly capable of issuing this variance today as it is within their power. If they have some level of concern about what they would want to see community wide, then they should make a decision to take a community wide decision instead of one person at a time.

Mike Stremmler commented that he would probably agree with that except that they are out of compliance right now. He doesn't know what the timeframe would be for going through the process for an amendment. He is trying to be in compliance, which is why they submitted the application for a variance. He was more in favor of having the Planning Commission approve some sort of a variance, and then doing their workshop for an amendment. They could make the variance subject to the findings of the workshop, so that they are not out of compliance. If it takes a year or two to complete the amendment, they would be handcuffing their business to keep it from growing. Chair Blakey inquired about the timelines for an amendment and regarding the violation that is affecting this business. Director Spross stated that staff would have to draft a code amendment, which would have to go before the Planning Commission for a recommendation, and then be forwarded to the Board of County Commissioners for a decision. He thinks that would take a minimum of three months, but likely closer to four or five months. In terms of this business being out of compliance, he appreciates Mr. Stremmler coming in and going through the process of coming into compliance. He will share the staff recommendation and the Planning Commission can determine if they concur, and they can decide whether they want to approve the recommendations that the staff is making, or whether they want to table this decision. If they do decide that the code amendment is the route to go, at least there is a mild understanding of what staff would have recommended had this variance gone forward, so that Mr. Stremmler would have an idea of what the outcome could have been to give some idea of what staff thought of in terms of limitations.

Director Spross commented that the staff recommendation is approval of the variance from the container number limits, but they were recommending denial of the variance for the container stacking. This goes back to what Member Hyde has been talking about throughout the evening with this being a gateway into our community, stacking containers is pretty visible. If stacking is not allowed, the alternative site that is going to be talked about in the special use permit would have to be approved just because of the area that would be required for storing more containers. He shared the recommended conditions should the Planning Commission decide to approve the variance application:

1. The maximum number of containers allowed on-site is 92 if both APN 007-251-53 and 007-251-71 are approved in the special use permit, and only 54 if only APN 007-251-53 is approved in the special use permit.
2. Containers may not be stacked.

Director Spross indicated that this kind of frames some limits on the number of containers.

Chair Blakey asked if any of the commissioners had any questions or discussion.

Member Hyde requested clarification on the statement made earlier about possibly allowing four containers per acre instead of one and whether that was part of the recommendation. Director Spross agreed that his comments earlier related the differences between seven and four per acre, and staff believes that four per acre would be acceptable, which is where the 92 limit comes from based upon the full 22 or 23 acres of all three lots combined.

Member Bunyard said that he needed to recuse himself and only wanted to comment that the containers are far enough off of the road and blocked by trees, so when they talk about the beautification of the gateways into Fallon, he understands what the intent is. He stated that he doesn't think that they would be that visible.

Member Picotte shared that he is looking at the C-2 zoning as being suitable for businesses to do what they need to do, and he thinks that they are misconstruing the stacking of the containers with every inch of an acre in the valley. They are supposed to look at this as C-2 zoning, which is commercial, so it is different than the majority of other properties in the valley. The structure where they build these storage units is probably taller than two of these containers stacked on top of each other. He thinks they may be overthinking this a bit. He believes that Mr. Stremmer has a business where he wants to provide storage container rentals, and the trees are probably taller than that. He questioned Director Spross and Joseph Sanford regarding the legality of the code as they relate to the zoning district because this is C-2 and not residential. Mr. Sanford read what the code currently states. These are allowed in larger quantities on commercial and industrial properties, and they are more limited in the residential zones. The Planning Commission is legally allowed to make a decision regarding this variance today if they so choose.

Member Nelson remarked that he agrees with Members Bunyard and Picotte that it isn't a visual problem. There is a sale yard and a building just prior to that on the west side, and there's another commercial building past the sale yard as well as the NDOT storage yard. If we are concerned about things being aesthetically pleasing, there are a lot of other properties along that corridor that would need improvement. He thinks that stacking containers in that back corner area (he went to look at this previously) would be cleaner than spreading single containers over 22 acres. He thinks that in this case stacking would be good. With that being said, he believes that counsel's idea of establishing some kind of a set allowance going forward would be good so that they won't have to redo this every time. In this case, it needs to be a little bit of both, because this property is a little bit different than the others in the corridor.

Member Goings understands that counsel is recommending that they make a code change that would be broad across any property that would want a business like this, or something similar to it. This would take time, which presents a problem for the business owner, because he is ready to move forward and wants to keep expanding his business. Potentially, he thinks they could grant a variance and then in the interim they could be working on a code change. It would not hinder the business owner, and at the same time this variance would be issued so that Mr. Stremmer could keep moving forward, but they don't really set a precedent as far as stacking goes until they address that in a code amendment. Member Nelson said that he thought that they should allow him to stack in that area and keep it consolidated because he doesn't think that spreading them out in single file over the acreage is any better aesthetically. Member Goings stated his agreement, but he wanted to respect the recommendation of counsel and staff regarding stacking of containers to be determined during a code amendment. If they grant the variance for stacking and it doesn't become code compliant, now they've opened the door for anyone along the corridor to be able to request the exact same thing even though the code wasn't changed to allow it. Joseph Sanford suggested that if

they wanted to grant a variance that is more restrictive than what a code change would ultimately allow, then the updated code would prevail. If the variance is granted for more than what would be in a code change, then the variance would prevail and would be the control for whatever was allowed. The variance is property specific.

Mike Stremmler said that he and Mr. Plank would not be stacking these containers unless they had to. He noted that they own all of the properties they see in the aerial photos, and they have done a good job in cleaning those properties, which were very messy before. He stated that they have hauled a lot of trash, steel, and other items out of there, and they want it to look nice. They want to have the corridor look nice. They wouldn't be opposed to planting trees because that was one of the suggestions along that canal that goes north to south there. That would be the only way that anyone in that corridor would be able to see the stacked containers. He pointed out that there's two different kinds of containers—one trips (beige colored ones) and the junky, multi-trip ones. They wouldn't put the bad ones on top, and they would prefer to advertise the nicer units. Some of these are being turned into offices or homeless shelters, and they would like to enter that type of market. Mr. Stremmler believes his history regarding these properties has shown that they do want them to look nice. He would like to stack them.

Member Hyde explained that he was concerned about the stacking because it can be seen from the highway due to there not being any trees on the west side. Visually, he wonders if it would appear to be more like the shipping yards in California. Mr. Stremmler confirmed that they are only asking to stack one on top of another and not several on top of each other like a shipping yard. Member Hyde agreed that if they had a row of trees there that would be tall enough to screen them from view it would mitigate that problem. He reiterated that those saying that these containers wouldn't be seen is not an accurate depiction of what would be able to be seen traveling east on Highway 50 because the west side of the preferred storage area is wide open and very visible. Mike Stremmler pointed out that stacking the containers just makes sense. Member Hyde said that the balance is what we are doing in this corridor to make it look appealing and how this can be screened properly. Mr. Stremmler noted that it would be 16' in height to have one container on top of another. This would be less than the height of most shops. Member Hyde remarked that if they went ahead and granted a variance, which they felt could be less than probably what the code change would be, then Mr. Stremmler could be allowed to do more after the code changed and he would be in compliance with the granting of the variance. Director Spross added that if the code change allowed less than what was granted with a variance, Mr. Stremmler would be allowed to continue to meet what is allowed with the variance regardless of what the amended code states. Chair Blakey remarked that this is something that they need to think about if they are going to make an amendment to the code in the future because what they are willing to grant in a variance could come back against them if the code isn't similar to the same requirements. Situations could arise where someone asks why they wouldn't be allowed to do something that someone else was permitted to do.

Chair Blakey called for public comment, and there were none.

Chair Blakey asked for any further comments; there being none he called for a motion. Dean Patterson inquired of legal counsel whether the decision should be made after hearing the special use permit application information because the decision of one affects the other. He said that the main objective of the special use permit application is which properties are going to be approved for the expansion. Joseph Sanford, DDA-Civil, said that he wouldn't have any objection to the postponement of the decision on the variance until the commissioners have heard the information regarding the special use permit. Based upon the discussion he has heard, it seems to

be assumed that certain things were going to be approved on the next agenda item, so he thinks it is actually for the best if they go through that agenda item. They would still make separate decisions for each application.

The meeting moved to a discussion of Item D prior to making the decision on the variance application. The decision for the variance application is recorded here.

Member Nelson, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings for conformance with the criteria found in CCC 16.08.090(F) have been met and therefore approve the request for a Variance from container number limits on APNs 007-251-53 and 007-251-71 to allow 92 containers, and to approve the request for a variance from the container stacking limits only on APN 007-251-53 with the addition of a condition for screening and/or landscape trees along the west side. This approval is subject to conditions, as listed in the Staff Report. Member Hyde seconded the motion and the decision carried by unanimous vote (5-0 with Member Bunyard abstaining).

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

D. Consideration and possible action re: A special use permit for expansion of the Out West Buildings business filed by Ragtown Real Estate. The properties are located at 7300, 7450 and 7490 Reno Highway, Assessor's Parcel Numbers 007-251-71, 007-251-52, and 007-251-53, consisting of a total of 22.90 acres in the C-2 zoning district. The applicant proposes to expand the business area for shipping container storage.

Mike Stremmer and Irvin Plank, representing Out West Buildings at 7450 Reno Highway, were available to speak regarding this application.

Director Spross gave information about the application and properties from the staff report. This special use permit is for storage area expansion. The applicant proposes to expand the current use, which was authorized by a previous special use permit and multiple variances. The existing facility fabricates a variety of shed and cargo container configurations, which requires a special use permit in the C-2 zoning district. In addition, the site sells and rents sheds and cargo containers. Since the use table does not have a specific use listing for this as a retail business, the previous permit approved them as similar to a large vehicle sales and rental business, which requires a special use permit in this zoning district. The proposed expansion would allow additional area for the business onto adjacent lands in order to expand the cargo container sales and rental activity. Space is needed to store the containers, and the application proposes two expansion areas. The preferred location is to the west of the current fabrication yard on APN 007-251-53 and is already being used for containers. The alternative location is an adjacent parcel to the north and east, which is APN 007-251-71, and is proposed in case the request for stacking is denied and additional space is needed. If the entire variance is denied, this special use permit is still needed because the preferred area is already being used for containers and can continue to be used for the allowed number on the site. The cargo containers are sold and rented for storage purposes; however, the applicant also modifies and fabricates the containers for uses such as offices, bunk houses for farm labor, emergency shelters, and transitional housing. The applicant has previously partnered with projects such as Northern Nevada Hopes in the City of Reno to provide transitional housing

solutions. The applicant has no plans to develop any such housing projects in Churchill County, but rather hopes to fabricate and sell the modified containers in bulk to non-profits and other municipalities.

Director Spross went over the five findings that the evidence must indicate that the proposed use:

1. Is compatible with the existing surrounding land uses and development.
2. Is in substantial conformance with the Master Plan and policies and will be constructed and operated in full compliance of this code that includes issues such as setbacks and easements, friction zones, office and restroom facilities, outside storage requirements, parking and loading requirements, landscaping, lighting, signage requirements, and water rights and impact fees.
3. The project will be constructed and operated in a manner that will not overburden the public services and infrastructure. There are no public services—public water or sewer systems—that exist in this area.
4. This adequately mitigates road and traffic impacts generated by the construction and build out of the project. He reminded the commissioners of the letter received from NDOT that indicated they had no issue.
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.

Staff has reviewed the application and through their investigation has made several comments on those findings, which is included in the packets provided to the commissioners. Staff prepared two recommendations:

1. Approval of the preferred location regardless of the variance decision.
2. Approval of the alternate location depending upon the variance decision.

Director Spross also noted there are some criteria that are associated with the recommended approvals:

1. This permit is subject to annual review to confirm compliance with conditions until such time as the Planning Commission determines it is no longer necessary.
2. The entire business must be in conformance with County Code, including but not limited to:
 - a. Business license must be maintained.
 - b. All necessary building permits and grading permits must be obtained.
 - c. Friction zone landscaping requirements must be met along business area boundaries with the residential lots currently owned by the Out West business owners. However, the business owners may instead count existing landscaping on those lots as adequate to meet friction zone requirements as long as they do not remove said landscaping while they own the residential lots. Any clearing of said vegetation will trigger replacement measures to meet landscaping and buffering requirements.
 - d. Requirements for storage containers shall be met, except as authorized by a variance.
 - e. Lighting code requirements shall be met.
3. The modified cargo containers shall not be marketed to people in Churchill County for living purposes or business buildings. Doing so may be grounds for the review or revocation of the Special Use Permit.
4. Operation of the business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
5. All state and/or federal permits required for this type of business shall be obtained and maintained.

Chair Blakey asked if the applicant had anything to add related to this permit application. Mr. Stremler thinks that a lot of it has already been covered during the discussion. Their position is that they would like to be able to stack the containers in the preferred location and would plant trees for the corridor. They did put a bridge across the canal so that they could get across it, but they couldn't get across it with the forklift because of the fencing. It isn't ideal having to move the containers a long ways since they are 40' long. He would rather take them off of the truck in the preferred location and then it is easier to load them back on a truck from there.

Chair Blakey inquired if any of the commissioners had any questions or discussion.

Member Goings asked if the code amendment that was spoken of was something that required an individual to submit, or is that something that is done by the county. Joseph Sanford, DDA-Civil, explained that if the Planning Commission would like for the department to work on a code change, then they will start working on it. Member Goings stated that he thinks that they could almost kill two birds with one stone by getting Mr. Stremler started and moving forward with a variance and then at the same time start the code change, so that later down the road they are not having to individually address different variances along the way. With that code change, his next question is if something like the trees or blocking or screening could be added to that code during the amendment, or would that be something different. Mr. Sanford thinks that may fall under a separate piece of the code, but they could be done at the same time, they would just be separate pieces. Director Spross thinks that because that particular type of landscaping is going to be very site specific, and it would be very difficult to write a code unless it is very broad. It is certainly something they can look at, not as part of this action, but at any time after this meeting if the commission would like the department to start doing the research to amend the code, they just need to tell them to start.

Member Nelson verified that they are here to decide whether they approve the preferred and/or alternate storage areas regardless of the variance, and Director Spross agreed. Chair Blakey then inquired if they don't approve Item D, then the applicant wouldn't need Item C [variance]. He also stated that if they approve Item C without allowing stacking of the containers that gets them into compliance and gives the county time to recommend a code amendment, and maybe the code will end up allowing the stacking of the containers. Everything will be on the table when they consider changing the code.

Director Spross remarked that they are taking two items and sort of comingling them, but this recommendation is approval of the preferred and the alternate locations. The commissioners could approve both locations at this time, and then the variance decision will be what can be done on one or both of the properties. If they decide that stacking is not allowed and they've approved both of the locations, then he can use both of them without stacking. If they don't approve one of the parcels, that is going to hamper how Mr. Stremler can operate based upon the variance decision. By approving both properties, the variance is the real bottleneck. He pointed out that the way the recommendation has been written, if the commission approves both storage locations and then approves stacking in these areas, Mr. Stremler could stack on both parcels. Member Nelson stated that they could approve stacking only on one of the locations. Chair Blakey then said that if they grant the variance today without stacking and the code changes to allow stacking, then Mr. Stremler could stack after the code is amended. Director Spross confirmed that in that example no further action would need to be taken by this commission because the code would then allow the stacking. Member Nelson thinks that the stacking of containers would be a site specific decision and should not be something that should just be allowed in the code.

Mike Stremler thought that his property abuts Industrial zoned property, and Dean Patterson

seemed to agree that it is very close if not abutting. Mr. Stremler believed that their property was at the edge of where the zoning changes from C-2 to Industrial and thought that stacking of the containers and a greater number of containers would be suitable in that area. He didn't think that this applied to all types of businesses, but he is in the storage business, and this is how it has evolved. If they are not permitted to stack the containers, then they would have to gravel all of the area north of the canal in order to store more containers in that location. That would add a considerable expense for them, and they would rather put all of that money back into the business. He thinks that sometimes people forget the expense portion of things.

Member Goings stated that what he was thinking is to allow them to start using the portion that is ready to go with more containers, and if it takes about four months to get the code amendment approved, at least he could be in compliance and have something started. It may turn out that once the code is changed, Mr. Stremler might not even need to use the other property. He would like to allow the applicant to be able to move forward with starting his expansion and give time for the department to bring a code amendment forward.

Chair Blakey questioned why the applicant wanted to store this many containers. Mike Stremler explained that during Christmas time Quick Space had 28 containers behind Walmart. They would like to be the business that would actually rent to them and other similar businesses, so that the dollars stay in the county instead of having them go to Reno. He mentioned the names of several container rental businesses that are getting the revenue. He then pointed out that Reno allows these businesses to stack their containers. If they were allowed to expand and stack the units, it would put them on more of an equal footing with those companies. Member Hyde asked Mr. Stremler about his suggestion for screening the west side of that area if they decided to allow him to stack the containers right now so that they are not as visible from the highway. Mike Stremler noted that they have already put up the chain link fence, and they could put some screening on the fence. They would also make sure to not stack any of the unsightly containers on top where they would be more visible. They don't want it to look bad. They would also be willing to plant some trees, but those would be more long term and would take a little longer to get big enough to screen the area. They could plant some fast growing, hardy trees, like Elm, which is what is on the property now. Member Hyde admitted that even if they had a 7' screened fence, it would go a long way to provide some relief to the visibility of the containers. He pointed out that there isn't really a lot that the commission has a say in what the people to the west and east of these parcels do; however, they do have an opportunity to work with them to make sure that things are like the example of what they would like to see in these gateway corridors into Fallon. He said that he would be okay with stacking if they could put up some type of screening on the west side.

Dean Patterson commented that the location north of the canal could be used for storing some of the containers that need to be modified or that are just used for storage purposes without graveling it, and Mike Stremler pointed out that they could do that for probably nine months out of the year, but then they would have problems with wet or freezing weather. Director Spross agreed that it would also create dust issues.

Member Hyde then asked regarding the preferred parcel if the applicant thought that he could adequately put 100 containers in that area. Mr. Stremler noted that they could because they wouldn't have to be able to access every unit all of the time.

Member Goings restated that they first need to decide whether to allow the preferred or alternate location or both to expand the storage area, and then they can move to the variance because if the expansion isn't approved or only one of the areas is approved, it will affect the variance. He suggested that they needed to make a decision on the location first, and then if the

discussion continues related to the variance, at least they have decided about the storage areas. There was some discussion among the commissioners. Joseph Sanford, DDA-Civil, recommended that they have an idea of how they want to decide overall, and then they will make the separate motions for each application.

Chair Blakey confirmed with Member Bunyard, who recused himself from Item C, that he also needed to recuse himself from Item D as well.

Member Nelson stated that he would like to approve the preferred location with the variance to allow stacking, but not allow stacking in the alternate location. Chair Blakey verified that both locations would be approved for the expanded storage areas. There was some discussion with Mr. Stremmler about needing both locations if he is permitted to stack in the preferred location, and Mike Stremmler said that since he submitted the application for both and to avoid having to come back should they need more space, he would like to have both locations approved. He would be willing to plant a row of trees along the west side for screening. Member Nelson agreed that would be something he would add to the conditions to require screening and trees along the west side. Director Spross pointed out that if the commissioners approve the variance for the number of containers, it has been recommended to limit them to 92 if both locations are approved, which is four per acre if both storage locations are approved. He doesn't have to use the property to the north unless he wants to, but it is part of the total acres used for the calculation. How Mr. Stremmler decides to place that many containers in the storage areas would be up to him.

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved to find that the criteria found in CCC 16.08.080(H) have been met and therefore approve the special use permit for a storage area expansion for Out West Buildings onto APNs 007-251-53 and 007-251-71. This approval is subject to conditions, as listed in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote (5-0 with Member Bunyard abstaining).

The commission went back to Item C for the decision on the variance application.

10. Master Plan Update

A. Consideration and possible action re: Discussion on the need to rezone lands along the Reno Highway to more closely align with current uses and zoning strategies.

Dean Patterson, Senior Planner, said that we are in the process of updating the Master Plan, which is required to be reviewed every five years. The main area of focus is to implement things that the Master Plan says need to be done. Some of these things include fixing zoning problems around the county. Last month the Planning Commission made a recommendation on the Card zone change application, which was a fix along these same lines, where the area around Leeterville Junction had C-1 zoning even though it was surrounded by industrial and heavy commercial uses. It has been there for decades. Last month the commissioners recommended approval of the zone change, and the Board of County Commissioners approved it. Tonight, the commission heard of a similar situation regarding the location of Marshall's Septic where there is a portion of the county where the predominant uses are not just standard retail, but they are more like heavy commercial and yet there are significant areas of C-1 zoning in those places. In the staff report for the special use permit for Marshall's Septic, staff recommended that his property be rezoned to C-2, and that is why they were supportive of approving the special use permit. At the time that he came in, staff

recommended that he submit the zone change application. After recent developments, it may be better to have the Planning Commission to request the department propose changes to the zoning districts. This might not happen as quickly as Mr. Marshall needs it to, so he would probably need to submit the application for a zone change. There are problems with zoning all along the Reno Highway.

Dean Patterson shared a presentation regarding a proposal to update the zoning districts in the county (see attached). He went through the information, and staff needs direction from the Planning Commission about tackling this type of project. He shared that since he started work in the county there have been a number of zone changes, which are primarily along the Reno Highway, for a variety of reasons. Some people want to remove the commercial zoning on their primarily residential parcel because it causes problems with their financing. There are a few others that have been requested for other reasons. He shared his recommendations, comments, and reasons for different sections along the highway. He pointed out that our current zoning has some properties zoned for heavy commercial near the boundary with the City of Fallon; however, this should primarily be used for retail businesses and not heavy commercial, which should be further from the retail centers. He recommends changing the C-2 zone in this area to C-1 zone. He pointed out that one area off of Auction Road and Regan Place is zoned Industrial because there used to be a concrete plant. That use could be allowed in C-2, so it would be appropriate to change the Industrial zoning to C-2. Some areas south of Walmart are zoned R-2, but they have already been developed as single family residential. We need to think if it is appropriate to change this area to E-1 for single family residential, or is there a real reason to keep it zoned R-2 for multi-family residential (duplex, triplex, quadplex).

Further out along the highway is a large farming area that comes right up to the highway, and yet it has C-1 zoning. This farm is under a conservation easement and will remain a farm. It would be good to look at some of these larger parcels to see if it makes sense to keep the commercial zoning when there has been farming there for a long time and they will probably continue to be farmed in the foreseeable future.

He moved to another segment along the highway around the curve that he thought should be changed to C-2 to match the types of uses that are primarily in this location, and then again have the focus on the retail C-1 zoning near the Soda Lake Road area. He pointed out some areas where there is commercial zoning; however, the uses are primarily residential neighborhoods, especially around Soda Lake Road, Ara Lane, and Marshall Drive. He recommends rezoning these to a residential zoning district to match the uses of the land.

The segment around Leeteville Junction has C-1 zoning on properties, but the uses in this area are primarily heavy commercial or industrial. There may be large properties in this area that are not zoned for commercial uses, and they probably should be. There are areas where there is split-zoning between commercial and industrial, and there's opportunity to correct the split-zoning. There is a very large property that is an NDOT/State Lands that is vacant except in one corner where they have their road maintenance yard. There is no reason that it couldn't match the adjacent zoning for commercial. No one is going to be able to take that property and use it for industrial purposes.

Dean Patterson stated that the last page of the handout lists some differences in the zoning districts for some of the land uses from the land use table and how changing the zoning might affect these types of uses. All of the uses in C-1 zoning are also allowed in C-2, but with C-2 there are other uses that would then be allowed that are not allowed in C-1. In addition, there are some uses that are allowed in both zones, but there may be a higher review required in the C-1 zoning and

might require a special use permit.

Dean Patterson asked for direction from the commissioners whether this is something that they would like to undertake in the near future. If they would like to do this, and let staff know soon, they would begin working on this. Member Bunyard questioned if it would be a “paint brush” rezoning whether people want it or not, or will the landowners need to be contacted. Dean Patterson stated that there is a process that involves contacting landowners and going through the normal process, but this is on a broader scale, so it has some different requirements. Member Bunyard said that he is aware of some people that have Industrial zoning on their residential parcel, but they want to keep it because of the potential future development. Mr. Patterson remarked those are the things that they would look at more closely, and they would let people know and have a chance to give their opinions. They would be able to balance all of the aspects of it in making a decision about particular spots. It may take a workshop to work on this.

Member Hyde inquired, as a follow-up to Member Bunyard’s question, if this would be taken a section at a time instead of the whole area. Then they could invite the public involved in that section to come without overwhelming the facilities by doing this all at once. Dean Patterson verified that there are a variety of ways this could be accomplished. In 2005, they rezoned the entire county at one time. He doesn’t know that he would want to take on a project of that magnitude at once. It seems to make it more manageable to take it in smaller sections rather than as a whole. It is entirely up to the commissioners.

Member Goings noted that there are still some residences east and west of Marshall’s Septic that are probably zoned commercial. Dean Patterson confirmed that to be accurate as well as some apartment type buildings along there. Member Goings thinks that they will almost have to take these in segments because those people will need to have an opportunity to respond as to whether they would want their property to be rezoned. They don’t want to hinder a person’s ability to use their property as they want to. He wonders also if it might be able to move a little quicker by taking it a segment at a time especially since some of the areas might be more difficult to determine.

Director Spross stated that there is an understanding as they go through this, and they certainly don’t want to take someone that is in conformance and by rezoning make them in nonconformance and now tie their hands on any expansion that they may want to do in the future. That would all be part of the study and investigation that gets done and whether that property is subject to rezoning because of that potential. The department staff will work to provide the best information available in conversations with property owners and so forth.

Member Nelson asked if they agree with creating a critical path schedule and focus on a certain mile, or do they want to take on the project as a whole. Dean Patterson remarked that he hasn’t had a lot of time to spend on the details of how this would move forward. He had many other things that had taken his time, and he wasn’t sure if the commissioners would want to move forward with a project of this nature or when. A lot of these details need to be worked out, and it might be better to do smaller segments. Member Bunyard verified that this would also have to be approved by the Board of County Commissioners. This could be a drawn out process just from holding a workshop, bringing it to the Planning Commission for a recommendation, and then taking it to the Board for their decision. Would it be better for Marshall’s Septic to go ahead and apply for a zone change instead of waiting for this process to be completed? Then they get theirs done so they can move forward, and this process can be done in the background. Chair Blakey asked if it was the consensus of the commission to have the department move forward with the first processes of determining a path to start the rezoning process for the properties that they have identified to be incorrectly zoned. Joseph Sanford, Deputy District Attorney-Civil, stated that they do not need a

formal motion and can just direct staff to begin the process. Member Nelson suggested that they choose a section that the department wants to start with and see what can get done rather than tackle a project so large that it seems impossible to ever get finished. Member Goings agreed to start in the areas where we are already running into problems. He doesn't believe this will be able to be "paint brushed" without creating more problems yet.

Member Hyde inquired about giving direction to the department about updating the code for the containers also. Joseph Sanford, DDA-Civil, said that they can start working on it, but if the commission would like to hold a workshop on any of these things, they need to let the department know so that it can be scheduled. If not, staff will bring forward what they come up with for the commissioners' decision on a recommendation, and this may not be what they want. Chair Blakey asked if the commissioners would like to have a workshop to discuss the storage container issue, and they would like to have a discussion on this at a workshop. Dean Patterson remarked that the next workshop in the regular schedule would only be in a couple of weeks, and he doesn't believe it was enough time for him to do the code amendment and the rezone recommendation. It was decided that these would be done separately at different workshops, and the department would set up the workshop as soon as they have information ready for the code amendment and the rezoning effort.

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

- A. Consideration and possible action re: Termination of a special use permit for a subdivision advertising sign that was previously granted on January 13, 1999 to Robert G. Hendrix for property located at 3740 Olive Way, Assessor's Parcel Number 008-081-01. The sign is no longer at this location and the subdivision is built out; therefore, the permit is no longer needed and should be terminated.
- B. Consideration and possible action re: Termination of a special use permit for concrete materials storage for a mobile ready mix business that was previously granted on October 8, 2008 to Ponderosa Ready Mix LLC for property located at 4490 Reno Highway, Assessor's Parcel Number 008-461-15, in the C-1 zoning district. The business license was terminated in 2011 and this business is no longer operating from this location; therefore, the permit should be terminated.
- C. Consideration and possible action re: Termination of a special use permit for an embroidery business with customer traffic that was previously granted on September 8, 2010 to Joyce Paulson for property located at 895 Harrigan Road, Assessor's Parcel Number 007-811-04, in the A-5 zoning district. Our office was notified that as of September 1, 2023 the business closed; therefore, the permit should be terminated.
- D. Consideration and possible action re: Termination of a temporary use permit for temporary quarters for general purposes previously granted to Michael & Amiee Springfield for property located at 623 River Village Drive, Assessor's Parcel Number 008-421-79, in the E-1 zoning district. The applicant responded that the permit is no longer needed; therefore, it should be terminated.

Member Bunyard moved to approve the consent agenda as submitted. Member Nelson seconded the motion and the decision carried unanimously (6-0).

11. Public Comment:

Chris Spross reported that this would be his last Planning Commission meeting as Public Works Director. Another person has been hired to fill this position, and he will still be with the county, but he will be in a new position. He expressed appreciation to the commissioners and stated that it has been a pleasure and an honor to work with them. Chair Blakey and other members thanked Mr. Spross for his hard work. Chris Spross will be the new Assistant County Manager.

12. Adjournment:

There being no further business to come before the Planning Commission, Chair Blakey adjourned the meeting at 9:29 p.m.

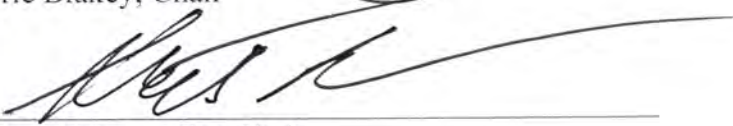
13. Appendix:

Supporting Documentation

Approved: _____


Eric Blakey, Chair

Approved: _____


Scott Nelson, Vice Chair

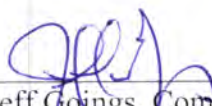
Approved: _____

Not in Attendance
Zack Bunyard, Commissioner

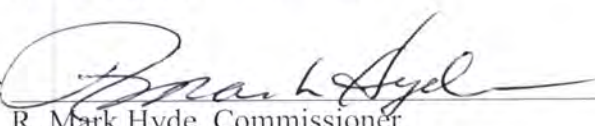
Approved: _____

Not in Attendance
Deanna Diehl, Commissioner

Approved: _____


Jeff Goings, Commissioner

Approved: _____


R. Mark Hyde, Commissioner

Approved: _____

Not in Attendance
Paul Picotte, Commissioner

ATTEST:


Diane Moyle, Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

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

STAFF REPORTS FOR
PLANNING COMMISSION MEETING – MARCH 13, 2024

LIST OF STAFF REPORTS

- | | |
|--|---------|
| • Miller TUP for Temporary Quarters for Hardship/Caretaker | Page 2 |
| • Marshall SUP for Storage Building | Page 4 |
| • Out West SUP for Expansion | Page 10 |
| • Out West Variance from Container Limits | Page 15 |
| • Consent Agenda | Page 19 |

Application:	<u>Temporary Use Permit</u>
Use Listing:	<u>Hardship/Caretaker</u>
Applicant:	<u>G. Russel Miller</u>
Owner:	<u>G. Russel Miller, Alfred T. Miller, Dorothy Blestcher, Kyle Hettinger, John Hettinger, Peggy Hilar, Mark Allen Hettinger, Glen James Hettinger</u>
Site:	<u>5200 Hettinger Place (APN 006-251-37) – 60.57 ac.</u>
Designations:	<u>Master Plan – Agriculture // Zoning – A-5</u>

Summary: The applicant is requesting a Temporary Use Permit to place a 1996 travel trailer on the property for the purpose of a Temporary Quarters for Hardship/ Caretaker. G. Russel Miller is the applicant requesting to place temporary quarters on the property. Russel Miller’s brother, Alfred Miller, is the person requiring care. This application has been filed as a result of code compliance action, however, the applicant was given written permission from the previous Planning Director, Michael Johnson, to occupy the travel trailer 1-2 days per week to care for his brother without a TUP as it would be fewer than 90 days per year. Mr. Russel Miller has since needed to increase the number of days that he stays in the trailer to care for his brother, which now triggers the need for a TUP per CCC 16.08.070(A).

Alfred lives on the property in the primary home full time, and his brother Russel visits several days per week to provide care, but primarily resides in Carson City. Russel is the only family that Alfred has in the area who can provide care. The travel trailer provides a place for Russel to stay for the few days a week when he visits. The applicant has provided documentation to staff that the person needing care, Alfred Miller, is unable to care for himself without assistance.

Access is from Hettinger Place, which is a County-maintained gravel road. The applicant has provided a detailed site plan shows that the travel trailer (#12) will be located northeast of the primary home, near the large storage shed (#8). The application indicates that the travel trailer is connected to existing power, septic and water shown as #13 and #19 on the site plan.

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

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

The applicant has provided documentation to staff that the person needing care, Alfred T. Miller, is unable to care for himself without assistance.

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.”

STAFF RECOMMENDATION:

APPROVAL

MOTION: 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 to find that the criteria found in CCC 16.08.070 **HAVE BEEN** met and therefore **APPROVE** the Temporary Use Permit application for G. Russel Miller to establish a Temporary Quarters for Hardship/ Caretaker purposes on APN 006-251-37. This approval is subject to conditions, as listed in the Staff Report.

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

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

Application:	<u>Special Use Permit</u>
Use Table Listing:	<u>Waste Collection Service - Expansion</u>
Applicant:	<u>Marshall's Septic Care (Chad and Mary Marshall)</u>
Owner:	<u>Boulder Opal, LLC (Chad and Mary Marshall)</u>
Site:	4250 Reno Highway (APN 008-461-07)
Designations:	Master Plan – Urbanizing // Zoning – C-1

Background and Nonconforming Use Problem:

Marshall's Septic Care is requesting to expand its current operation. According to business license records, it has operated from this property since 2013 (relocating from 2887 Reno Hwy. per business license records). However, air photos show that the large building and extensive business activity did not start until sometime between 2015 & 2017.

At the time, Churchill County Code did not have a use table listing for Waste Collection Services, so it was authorized as a Construction Contractor, which was allowed in C-1 zone. When the County Code was updated in 2019, Waste Collection Services was added to the use table and prohibited in the C-1 zone, which is primarily for retail and light commercial uses. Because Marshall's was established lawfully before the code change, it became a non-conforming use and is allowed to continue as it has been. However, under CCC 16.04.060, non-conforming uses cannot be extended or expanded. Consequently, the proposed expansion is not allowed under the current C-1 zoning district. [NOTE THAT in addition to the business, the property has a non-conforming residence which will not be affected by the business expansion and will maintain its legal non-conforming status for as long as it is occupied as a residence.]

This problem is not a result of actions by the current use, or previous uses on this property, or other nearby uses. Rather, it comes about due to the historically inconsistent application of zoning districts along the Reno Highway that has resulted in a mix of C-1 zones and C-2 zones sprinkled along the highway. While highway segments may be predominantly one zone, there is also a sprinkling of the other. For example, there is C-2 zoning applied to an office complex across from Walmart, and there are C-1 zones far from town.

This is a situation the Master Plan goals and policies state needs to be corrected, and this project illustrates the problem, similar to the Card rezone that the Planning Commission reviewed recently. The Master Plan will be updated this year and will focus on making these and other identified changes. As a result of the update, the Card rezone, and this project, staff has undertaken a review of the land uses along the Reno Highway and determined that many areas are inappropriately zoned both for the uses in them, and for the strategy intended for the C-1 and C-2 zones. The C-1 zone is intended for retail activities that are more common to urban areas and are better located near the city. The C-2 allows additional uses and is intended for more heavy commercial activities that are better located further from the city. The review found that this problem begins near the location where Marshall Septic is located. Most uses further west are not focused on standard retail businesses, but rather vehicles, large equipment, and storage. Based on the review, Staff would recommend that the transition between C-1 to the east and C-2 to the west should be near the Marshalls Septic property, and Marshalls Septic property should be zoned C-2.

If Marshall's is to continue operating on this property, the zoning needs to be corrected, most readily by rezoning the C-1 property to C-2, where Waste Collection Services are allowed. This must be accomplished before the expansion can take place.

Summary:

Marshall's Septic Care provides a range of septic services. They design and construct septic systems. They provide septic pumping, maintenance, and repair services. They rent and service portable toilets, including repairing damage ones. With this expansion project, the company is requesting a Special Use Permit (SUP) to expand its business with:

- (a) the addition of a 4,500 sq ft storage building with 5 bays for the purpose of storing septic trucks, which will be located in front of the existing building. Additional company vehicles are stored on-site normally behind the existing building.
- (b) the addition of a solid waste collection and disposal service for demolition waste and construction debris, which includes up to 30 rollaway dumpsters behind the existing building.
- (c) relocating and expanding the portable toilet storage area from in front of the existing building to the rear of the property.

The application describes the new solid waste collection service. Operations include storage of 30 roll-off containers, which are loaded onto a truck, delivered to job sites, picked up at a later date and taken for disposal. It is unclear whether full containers will be stored on-site, but conditions of approval will address this. The empty roll-off containers will be stored at the northwest area of the property. Marshall's has an inventory of approximately 200 portable toilets which are mainly stored where the new building is proposed, but will be moved to the northeast area of the property. Trailers and other trucks will be stored behind the existing shop building.

The business follows standard hours of operation; however, their pumping trucks do occasionally leave earlier. The property takes access from the Reno Highway – a paved state road within its own strip of state-owned land. The property is fully fenced with a gated highway entrance. There are no utility or other easements found in County records.

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.

As noted above, the C-1 district prohibits Waste Handling Services because of compatibility issues. However, the neighborhood should be more appropriately zone C-2, and staff recommends that the property (and even the neighborhood) should be rezoned.

The property is part of the commercial corridor along the Reno Highway and is zoned C-1 Commercial. It is bordered by C-1 to the west, south and east, with a variety of commercial uses. There is E-1 First Estates zoning to the north, being the adjacent 100' railroad right-of-way and a residential neighborhood beyond. The distance from the rear of the nearest dwelling unit in the E-1 zone to the commercial building is approximately 500', and the distance to the proposed portable toilet storage area is approximately 275'.

This property has been used for commercial activity and for Waste Handling Services for many years. This expansion should be compatible with the existing surrounding commercial land uses and development. While the property borders a residential zoning district to the north, the separation provides adequate mitigation to make the uses compatible, so long as waste odors are controlled, as discussed in Criterion 5.

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

The **Master Plan** establishes land use districts that are implemented by the zoning districts. See above regarding the problem of the C-1 zoning v. the C-2 zoning. Either zoning is compatible with the Master Plan Urbanizing land use district. Most Master Plan policies are not applicable to the development of commercial uses or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

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

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

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

Compatibility issues are discussed under criterion 1, above. Regarding visual quality issues, the site plan indicates that roll-off dumpsters and portable toilets will be stored at the rear of the property and septic waste collection trucks will be parked inside of the proposed shop, which mitigates the view of waste handling trucks from the highway. Signage and landscaping are discussed below.

The proposed development must conform to the County Development Code. Note that many of the items below applied when the business relocated to this site. Conditions of approval will address specific issues, including:

- **Setbacks and Easements:** The property has a 60’ front/street setback, being measured from the front property line along the Reno Highway, no side setback, and a 10’ rear setback. Trucks, trailers, and other vehicles may be stored within setbacks. The dumpsters and portable toilets must meet the setback requirements from the rear property line.
- **Office and restroom facilities:** The existing office, restroom, septic system, and water system will be used and appears to be adequate for serving the business. The office and restroom appear to have existing for 30+ years, but have never been updated to meet ADA standards. A recommended condition will require updating them.
- **Friction Zone Requirements:** There are no residential home lots adjacent to the property. They are across the 100’ wide railroad right-of-way.
- **Parking and Loading Requirements:** Business expansions normally require additional parking. The Parking Code has no defined formula for this use, so the Director must determine the required number of spaces. An appropriate parking formula for this use is to provide adequate parking for business vehicles, plus one per employee, plus one space for occasional customers. This implies at least 10 employee and customer spaces, and the 2.5-acre parcel provides more than enough space for parking and loading. The site plan shows that septic truck parking will take place inside the buildings. Other trucks and trailers will be parked behind the existing shop. Employee/ customer parking is available to the north and west of the office. Parking for the residence is located within the attached carport.

Commercial businesses are required to be ADA accessible which includes parking, access to the buildings, and restrooms. The application indicates that ADA accessible parking and a sidewalk will be installed with the construction of the new shop. The applicant will need to work with the building department to ensure compliance.

- **Landscaping:** The site has been leveled and graveled and appears neat and orderly. There are a few mature trees located near the legal non-conforming residence and one of the sheds, but no other landscaping exists. When a business expands, the Code requires a 10' landscape buffer along roads (the highway - excluding gated lengths). Contents of the landscaping are up to the applicant, and may include gravel, bark, boulders, trees, turf, shrubs, and decorative items. The intent is to give a favorable impression of the business and community to the traveling public. Plants will need a source of irrigation.
- **Lighting:** Security lighting is proposed in the application, though lighting is not shown on the site plan. These lights must meet the Dark Skies Ordinance requirements of lights shining down, not flood lights or up-lights.
- **Signage Requirements:** No additional signage is being proposed with this permit. During a site visit, staff noticed that the existing sign appears portable, which is a prohibited sign, and discussed the need for a permanently fixed sign with the applicant. The applicant verbally indicated that a permanent sign would be installed. The existing sign could be converted into a permanent sign, or a new sign installed in conformance with the sign code and Building Department construction standards.
- **Water rights and impact fees:** Existing businesses are not required to dedicate water or pay impact fees.

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

There are no public sewer and water services on or near the site. Private on-site sewer and water service currently exist for the business site. Power exists on-site. Public road infrastructure is discussed below. Police and fire service demand will be minimally increased by the expansion. The application indicated that fire extinguishers will be installed in the new building. Services will not be overburdened.

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

This new storage building is not expected to increase ongoing business activity significantly, as it is intended to store the existing septic trucks indoors to protect them from the elements. The application indicated that the build out of the project will generate no more than two trips per day from the contractor hired to install the building. The addition of the roll-off dumpster business will create an increase in business activity and related traffic – mainly for the trucks that will be delivering and retrieving the roll-offs from job sites. Customers do not normally come to the site, so increased traffic will mainly be new employee and business truck trips as business activity increases. Access for the site is taken from Reno Highway, a NDOT facility. NDOT has been notified of this expansion in use, but staff has not received a response at this time.

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

The expansion increases the business operations from roughly 2/3 of the site to the full site. Waste handling uses can cause smells and pollution, which are the primary potential environmental impacts. NOTE that Nevada NDEP regulates the collection and disposal of waste for this business.

- Liquid waste held in septic trucks can generate extensive smell impacts on neighbors, mainly if leaking or spills occur on the ground or on the truck.
- Human waste in portable toilets can generate extensive smell impacts on neighbors, especially if brought to the site with waste, or stored without cleaning. This will be especially important with the toilet storage location being displaced from the south part of the site to the north edge of the site, closest to nearby residences.
- Solid waste handling can include household garbage, which can generate extensive smell impacts on neighbors, although the application does NOT propose household waste collection.

The application indicates that the solid-waste dumpsters are intended primarily for construction debris. During a site visit, Staff observed that and that portable toilets were clean and odor free, and that septic collection trucks were clean and well maintained.

Conditions are recommended to limit the impacts of the waste collection business. Waste cannot be stored on-site overnight, and all waste handling vehicles, containers, and portable toilets need to be emptied at the end of the day and disposed of at a facility authorized to accept it. Exceptions should be allowed for late-night or emergency callouts. Waste handling vehicles, containers, and portable toilets on-site must be maintained to prevent leakage, kept clean, and odors controlled. Expanding operations to household and business garbage collection must be authorized by a Special Use Permit.

Dust resulting from large truck traffic is also a potential environmental impact, but this is mitigated with the existing graveling.

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

STAFF RECOMMENDATION:

APPROVAL

MOTION: 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 to find that the criteria found in CCC 16.08.080(H) **HAVE BEEN** met and therefore **APPROVE** the Special Use Permit application for Chad and Mary Marshall of Marshall's Septic Care to expand a Waste Collection Service on APN 008-461-07. 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 expansion of this non-conforming use may not take place until the business is made conforming by obtaining approval from the BOCC to change the zoning district to one allowing the business.
2. This Special Use Permit is for the current and proposed operations, as modified by conditions of approval. Household and business garbage collection is not authorized and will require a new Special Use Permit.
3. This permit is subject to annual review (on the anniversary of this permit) to check compliance with conditions of approval and code requirements until such time as the Planning Commission determines it is no longer necessary.

4. Waste cannot be stored on-site overnight. All waste handling vehicles, containers, and portable toilets must be emptied at the end of the day, and waste disposed of at a facility authorized to accept it. Exceptions to this requirement are allowed for late-night and emergency calls, in which case, waste must be disposed of the next day.
5. Waste handling vehicles, containers, and portable toilets on-site must be maintained to prevent leaks, kept clean, and odors controlled.
6. ADA accessibility requirements shall be met.
7. The entire business must be in conformance with County Code, including but not limited to:
 - a. Business licenses must be maintained.
 - b. All necessary grading permits and building permits must be obtained.
 - c. Any portable sign shall be removed or made permanent. Any permanent sign must be installed in conformance with the sign code and construction code.
 - d. Landscaping in conformance with the landscaping code shall be installed along the Reno Highway frontage, excluding the gated entry.
 - e. All exterior lighting shall conform to the lighting code.
8. Operation shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
9. All state and/or federal permits required for this type of business shall be obtained and maintained, including State waste handling requirements.

Application:	Special Use Permit – Storage area expansion
Use Table Listing 1:	Fabrication with outdoor activities
Use Table Listing 2:	Large Vehicle Sales/Rental (sheds and storage containers)
Applicant:	Out West Buildings - represented by Ed Erxleben
Owner:	Ragtown Real Estate LLC – Mike Stremmer and Irvin Plank managing members
Site:	7450, 7490, & 7300 Reno Hwy. (APN 007-251-52, -53, & -71) – 9.85 acres, 3.71 acres & 9.34 acres respectively
Designations:	Master Plan – Urbanizing // Zoning – C-2

Proposal

The application proposes to expand the current use, which was authorized by a previous Special Use Permit and multiple Variances. The facility has a complicated history that is summarized in the previous permits. The existing facility fabricates a variety of shed and cargo container configurations, which requires a Special Use Permit in the C-2 zoning district. In addition, the site sells and rents the sheds and cargo containers. Since the Use Table does not have a specific listing for selling/renting large sheds and cargo containers as a retail business, the previous permit approved them as similar to “Large Vehicle Sales/Rental”, which requires a Special Use Permit in the C-2 zoning district.

The proposed expansion would allow additional area for the business onto adjacent land in order to expand the cargo container sales and rental activity. A variance from the cargo container rules is submitted with the SUP that requests to have more cargo containers than the number allowed by code, and allow them to be stacked. Space is needed to store the containers, and the application proposes two expansion areas. The preferred location is to the west of the current fabrication yard on APN 007-251-53, which is already part of the current SUP, and already being used for containers. The alternative location is an adjacent parcel to the north and east - APN 007-251-71 – which proposed in case the request for stacking is denied and additional space is needed. If the entire variance is denied, this Special Use Permit is still needed because the preferred area is already used for containers; and can continue to be used for the allowed number for the site.

The variance application requests to increase the business cargo container inventory up to 100 containers which they would like to stack 2 high to save space. CCC 16.16.020.3.1 limits the number of allowed shipping containers to 1 per acre, and prohibits the stacking of containers. The preferred area is highly visible from the highway and is fenced but not screened. The alternative area is also highly visible from the highway, but is not developed or prepared. The alternative area is further from the highway, but closer to the residences north of the property. The business owner verbally indicated to staff that he has obtained letters of support from these neighbors, but staff is not in receipt of those letters. This area is not the applicant’s preferred option because it has not yet been graveled or fenced, and it would be a challenge to fit the larger containers through the existing gate to access the area. This would create a significant additional expense for the applicant.

The cargo containers are sold and rented for storage purposes; however, the applicant also modifies/fabricates the containers for uses such as offices, bunkhouses for farm labor, emergency shelters and transitional housing. The applicant has previously partnered with projects such as Northern Nevada Hopes in The City of Reno to provide transitional housing solutions. The applicant has no plans to develop any such housing projects in Churchill County, but rather hopes to fabricate and sell the modified containers in bulk to non-profits and other municipalities.

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.*

All 4 properties owned by the applicant (including the residential lot west of the 3 properties in this application) are zoned C-2 Commercial, as are adjacent lots south of the highway, the 100' railroad right-of-way on the north side, and eastward along the highway. The preferred storage area also abuts industrial land to the west. Zoning further away includes A-10 Agriculture (to the north, south, and east). Nearby uses include the Mosquito Abatement District facility, and the Western States Hemp facility (across the highway). Outside the immediate area are extensive agricultural fields.

There are also residential uses in the area.

- 2 residential lots and homes exist to the north at ~900+ feet from the fabrication facility
- 3 residential lots and homes exist to the SE at ~600+ feet from the fabrication facility,
- 3 residential lots abut the business site that are owned by the business owners: (a) 1 residential lot and home on the east side, (b) 1 residential lot on the business's small lot with 4 dwellings that were converted long ago from the old motel, and (c) 1 residential lot and home further west that has the preferred area abutting the north line.

The container expansion areas will generate truck/equipment truck noise, and occasional banging of metal objects. This would normally be incompatible with the adjacent residential use along the yard's south edge, but the business owners own those. County Code includes development standards that apply between commercial/ industrial uses and adjacent uses, including the residential uses owned by the business. These will be applied in this case, as described in Criterion 2, because they are still used as residences and can be sold at a later date.

However, their ownership by the business complicates the normal determination of compatibility. This issue was discussed in the original SUP. As a general rule, when compatibility issues arise in permitting, an objectionable use might not be allowed to establish next to other uses (especially residences). On the other hand, residences being established next to an existing objectionable use have foreknowledge of it and the compatibility issue may not apply.

In this case, the business owner also owns the residences. This mitigates the normal compatibility issue, and future purchasers of those residences will have foreknowledge of the situation. The proposed use is compatible with surrounding uses.

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

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

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

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

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

Compatibility issues are discussed under criterion 1, above. Regarding Gateway issues, the main concern for the expanded area for container storage is the large number of stacked containers proposed in view of the highway. Master Plan goals and policies protect the image of the community along the “Gateway” highways, and the Variance review discusses the matter further.

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

- **Setbacks and Easements:** The C-2 zone has a 60’ front/street side setback, but neither of the proposed container storage area are directly fronting the highway. The C-2 zone has a zero side setback and a 20’ rear setback, except that sheds and cargo containers have a 5’ setback from side and rear property lines.

The north property lines of all three subject parcels follow the centerline of the major N-Line Canal, which is centered within a 100’ irrigation easement. An existing fence appears to be located at the edge of the easement.

- **Friction Zones:** There are residential lots abutting the proposed container storage areas. These are all owned by the business, and are rented or used by business staff, but could be sold in the future. This issue was discussed in the original SUP, and the same approach is used for the expansion areas. Friction Zone standards require a 200’ separation between buildings, a landscape strip along common lot lines, and may include a sound wall. No new buildings are proposed for the storage areas, so the separation does not apply. The properties with the residences are owned by the business owners, and have substantial landscaping between the homes and business property. The owners may count this as their landscape buffer, but if the landscaping is removed while they own it, the normal friction zone buffer needs to be installed. Since the residences are owned by the business, a sound wall is not required.
- **Office and Restroom Facilities:** The site is served by an on-site septic system. The water service for the business comes from a commercial well on the smaller property. The business has a permanent office and restroom facilities for employees and customers, and ADA accessible improvements are built. The expanded storage areas do not require additional facilities.
- **Outside Storage Requirements:** Outside material storage is part of the business, and the Code requires screening of such areas. Screening was sufficiently installed where required by the current SUP. Ground storage of materials must be screened, but storage containers do not.
- **Parking and Loading Requirements:** The parking space requirement was met with the current SUP and new employees are not anticipated with the storage area expansion.
- **Landscaping:** New and expanding businesses must normally meet the landscaping code requirements. Street landscaping does not apply to the 2 proposed storage areas. Friction zone buffer landscaping is addressed above.
- **Lighting:** The application states that no security lighting is planned for the expanded storage area. If any new lighting is installed, it must meet Dark Skies requirements by only shining downward, not horizontally or upward.
- **Signage Requirements:** Existing signage has been addressed by the current SUP, and no new signage is proposed with the storage area expansion.

- **Water rights and impact fees:** During previous building permits, the water dedication was met, and the road impact fee was paid.

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

No public sewer or water systems exist in the area. The site is served by an on-site septic system. The water service for the business comes from a commercial well on the smaller property. Gas, power and telecommunication services exist for the business. Infrastructure will not be overburdened by the expansion areas. Public road infrastructure is discussed below.

Existing police services are adequate for the increased container storage. The Fire Marshal has worked with the business over the years regarding the potential for a large fire, and has required a water storage tank be located north of the arch-building. The increased number of cargo containers should have a limited impact on the existing fire potential as they are fire resistant. Police and fire services will not be overburdened.

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

County Code requires the site access to meet County or NDOT standards. Access for the site is taken from US 50, a paved state-maintained highway that lies within its own strip of land. The application estimates that an increase of less than 10 daily trips (1 visit = 2 trips) will be generated by the increase in container rentals. The application indicates that most of their container sales originate online rather than in person. The highway has capacity to handle the volume.

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

Any environmental impacts will mostly affect residents of the nearby homes owned by the business owners. The possible impacts are:

- (a) Commercial traffic exiting the highway and using the hairpin driveway will most impact the two residences west of the fabrication yard. However, the business owns those residences and friction zone standards are implemented. If the residences are sold in the future, purchasers would have fore-knowledge of traffic issues. Also see Criterion 4 regarding traffic hazards.
- (b) Dust from a large open storage yard can affect adjacent properties. The preferred yard is already graveled which will mitigate wind driven dust and vehicle generated dust to a minor level. If the alternative yard is authorized, it must also be graveled to control dust.
- (e) A problem since the businesses inception has been that the sheds are marketed as living spaces, even though they do not meet the safety standards of the Building Code or are built by a licensed manufacturer using alternative federal safety standards. This can also apply to the modified cargo containers. While not discussed in the application, the applicant verbally indicated to staff that they intend to market the cargo containers as offices, bunkhouses for farm labor, emergency shelters and transitional housing. The use of a shed or shipping container as a dwelling or business building is illegal in Churchill County but may be allowed in other jurisdictions. People using the sheds locally for dwellings, lodging, or additions has been an ongoing Code Enforcement problem that puts residents at risk. Staff has recommended that the applicant work with the Building Department to see if building the sheds and cargo containers to some acceptable standard is an option, as we are aware of other jurisdictions such as The City of Reno and Las Vegas who have approved residential shed and cargo container communities.

STAFF RECOMMENDATION: **APPROVAL OF PREFERRED LOCATION REGARDLESS OF VARIANCE DECISION**
APPROVAL OF ALTERNATE LOCATION DEPENDING ON VARIANCE DECISION

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 to find that the criteria found in CCC 16.08.080(H) **HAVE** been met and therefore **APPROVE the** special use permit for a storage area expansion for Out West Buildings onto APNs 007-251-53 **[[AND -71]]**. This approval is subject to conditions, as listed in the Staff Report.

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

1. This permit is subject to annual review to confirm compliance with conditions until such time as the Planning Commission determines it is no longer necessary.
2. The entire business must be in conformance with County Code, including but not limited to:
 - a. Business licenses must be maintained.
 - b. All necessary building permits and grading permits must be obtained.
 - c. Friction zone landscaping requirements must be met along business area boundaries with the residential lots currently owned by the Out West business owners. However, the business owners may instead count existing landscaping on those lots as adequate to meet friction zone requirements as long as they do not remove said landscaping while they own the residential lots. Any clearing of said vegetation will trigger replacement measures to meet landscaping and buffering requirements.
 - d. Requirements for storage containers shall be met, except as authorized by a Variance.
 - e. Lighting code requirements shall be met.
3. The modified cargo containers shall not be marketed to people in Churchill County for living purposes or business buildings. Doing so may be grounds for the review or revocation of the Special Use Permit.
4. Operation of the business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
5. All state and/or federal permits required for this type of business shall be obtained and maintained.

Application:	Variance from shipping container limits
Use Table Listing 1:	Fabrication with outdoor activities
Use Table Listing 2:	Large Vehicle Sales/Rental (sheds and storage containers)
Applicant:	Out West Buildings - represented by Ed Erxleben
Owner:	Ragtown Real Estate LLC – Mike Stremmer and Irvin Plank managing members
Site:	7450, 7490, & 7300 Reno Hwy. (APN 007-251-52, -53, & -71) – 9.85 acres, 3.71 acres & 9.34 acres respectively
Designations:	Master Plan – Urbanizing // Zoning – C-2

Application: This Variance request is associated with and accompanies a Special Use Permit for expansion of the business. Refer to that permit for details about the business expansion. The applicant is seeking approval to expand their storage area to accommodate up to 100 cargo containers which they would like to stack 2 high to save space. Doing so requires variances from 2 provisions in CCC 16.16.020.3.1, which (a) limits the number of allowed shipping containers to 1 per acre, and (b) prohibits the stacking of containers.

The preferred storage area is on APN 007-251-53, which is already part of the existing SUP, and which is already leveled, graveled, and fenced. Should the variance to waive the stacking requirement not be approved, the applicant has proposed an alternative storage area north of the N-Line Canal on APN 007-251-71 where there is enough room to fit the containers without stacking them. This area is further from the highway, but closer to the residences north of the property. The applicant verbally indicated to staff that he has obtained letters of support from these neighbors, but staff is not in receipt of those letters. This area is not the applicant's first option because it has not been graveled or fenced, and the existing gate would have to be modified to pass containers. This would create a significant additional expense for the applicant.

This variance application requests to waive the following 2 code standards:

- a) *One shipping container per acre on a parcel.* The Code limits the number of cargo containers allowed to 1 per acre. The current 2 properties total 13.56 acres, allowing 14 containers (rounding up). The request for 100 containers on JUST the existing 2 properties at the preferred location would be the equivalent of 7.37 containers per acre or a 637% increase. Adding the 3rd property would total 22.9 acres, allowing 23 containers. The request for 100 containers would be the equivalent of 4.37 containers per acre or a 337% increase.
- b) *Cargo containers may not be stacked.* The applicant is seeking approval to expand their storage area to incorporate the graveled lot to the west of the fabrication year, their preferred location. However due to acreage constraints, the containers would need to be stacked two high to allow enough space for 100 containers. This area is highly visible to east-bound traffic on the highway, and is fenced but not screened. The alternative location is not so visible, because it would mostly be behind the preferred location from the highway.

There are multiple considerations for the Planning Commission to make this decision:

To approve the Variance in any way

1. Is this business special in some way that it needs to have large numbers of containers?
 - This would also influence a consideration of whether a Code Amendment is needed.

If a Variance is warranted

2. How many additional containers are appropriate?
3. Is it acceptable to stack the containers?
4. Is visual mitigation needed?

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 they are going into the container rental business, which requires a larger supply of units on hand. Staff comment – The container standards do not appear to consider the possibility of a business that specifically operates in the incoming and outgoing handling of large numbers of containers. It is more oriented toward containers that stay on-site. This business appears to be an exceptional situation not anticipated by the code in that large numbers of containers come in and out of the facility as a product or service in themselves rather than as an accessory facility for the business. Examples might be: (a) initial manufacture of containers, (b) sale, rental, and modification of containers (current proposal), (c) container transportation businesses needing short term storage such as a rail yard, (d) inland ports that move and store vast numbers of containers, (e) temporary port container overflow yard, etc. Staff has had inquiries about some of these.

- 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 they need more than 1 container/acre to operate the container rental business and would like to stack them to stay on the smaller storage area. If they can't stack containers, they need to expand the business to the additional property. Staff comment – Without the variance, the container business cannot be operated at a large scale. It would have to be operated within the 14 container limit if just operated on the existing two lots of the current SUP, or 23 containers if the north property is added to the business operations. The general intention of the code limits is to specifically prevent large numbers of containers from being on a property. Whether it is an oversight that the code did not address specific businesses that deal in containers is a question discussed in Criterion 4.

Whether this is "undue hardship" becomes the question. Staff would suggest that NOT allowing these certain businesses that handle containers would be an undue hardship, but NOT allowing stacking is a manageable requirement. Criterion 4 discusses the issue of stacking in more detail.

If the Planning Commission is inclined to approve the request in some form, Staff has prepared a sample layout for the oddly shaped preferred location to provide a comparison for the number of containers it can hold. This layout allows 37 containers using the applicant's description of a forklift lifting and moving the container from the middle of one side. Other layouts are possible. Based on the layout, multiple options can be visualized – with some as follows:

- (1) allow 50 containers without stacking (probably extending to fabrication site);
- (2) allow 75 containers with stacking;
- (3) allow 100 containers with stacking (probably extending to fabrication site);
- (4) allow 100 containers without stacking (extending to north property);



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

The application indicates that they don't believe there will be adverse effects to neighbors.

Staff comment – Staff agrees that additional containers will not affect health, safety, and welfare. Nearby residences might be negatively affected by having extensive numbers and stacks of cargo containers, making the site seem “port-like”. The impact often takes the form of lower property values as the homes become less desirable. However, the business owners also own the nearby residences so they will be the ones affected financially. Renters will choose to move or not rent. Containers would not normally affect other heavy commercial and industrial uses.

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

The application indicates that they don't believe having extra containers will negatively impact the intent of the title. Not obtaining the variance will put them at a disadvantage with storage container competitors in other jurisdictions. Stacking is a better use of land, since it takes less space.

Staff comment – The intent of limiting the number and height of storage container use is to protect the visual quality of the community to neighbors and the traveling public. This is further emphasized by the Master Plan emphasis (discussed in the accompanying SUP) on protecting the visual character of the community's “Gateway” corridors, including this site. The container regulations have straight-forward limits, but don't seem to make allowance for uses/businesses that deal with large numbers of incoming and outgoing containers, as described above.

Based on other parts of the code with similar problems, Staff feels that the writers of the container code did not anticipate that businesses handling large numbers of containers would be proposed. But it is unlikely that the writers planned to prohibit these special types of businesses through container limits. So it seems plausible that certain types of businesses should be allowed to exceed the container number limits. If

exceeding the number limit is acceptable, the question arises of how much more is acceptable. Staff would recommend that these container-handling uses, discussed above, along our commercial entryways should not be allowed unlimited containers. A ratio of 4/acre seems reasonable.

Whether the stacking limit should be waived is a separate question because stacking greatly increases visibility of containers, increasing the “port-like” appearance. Allowing container stacking may be acceptable in Industrial locations where the “port-like” appearance is more acceptable or expected, but stacking would be most contrary to the intent of the code if allowed in the commercial zoning strip extending along the Reno Hwy. and other commercial areas. If stacking were allowed along the community “gateways”, staff would recommend some sort of mitigation to break up the view of the stacked containers, such a landscape trees every 50 feet, or other features to help reduce the visual impact.

Depending on the outcome, the Planning Commission may want to consider a future Code Amendment for these situations.

STAFF RECOMMENDATION: **APPROVAL OF VARIANCE FROM CONTAINER NUMBER LIMITS**
 DENIAL OF VARIANCE FROM CONTAINER STACKING
 >> IF STACKING IS NOT ALLOWED, THE ALTERNATIVE SITE SHOULD BE APPROVED IN THE SUP.

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 for conformance with the criteria found in in CCC 16.08.090(F)

HAVE BEEN met and therefore **APPROVE** the request for a Variance from container number limits, and
 HAVE NOT BEEN met and therefore **DENY** the request for a Variance from container stacking limits
submitted by Out West Buildings on APNs 007-251-53 & -71. 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 maximum number of containers allowed on-site is **92** if both APNs 007-251-53 & -71 are approved in the SUP, and is **54** if only APN 007-251-53 is approved in the SUP.
2. Containers **MAY NOT** be stacked.

<u>Consent Agenda:</u>

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

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

RECOMMENDED MOTION

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



CHURCHILL COUNTY
PLANNING
COMMISSION
HEARING

March 13, 2024



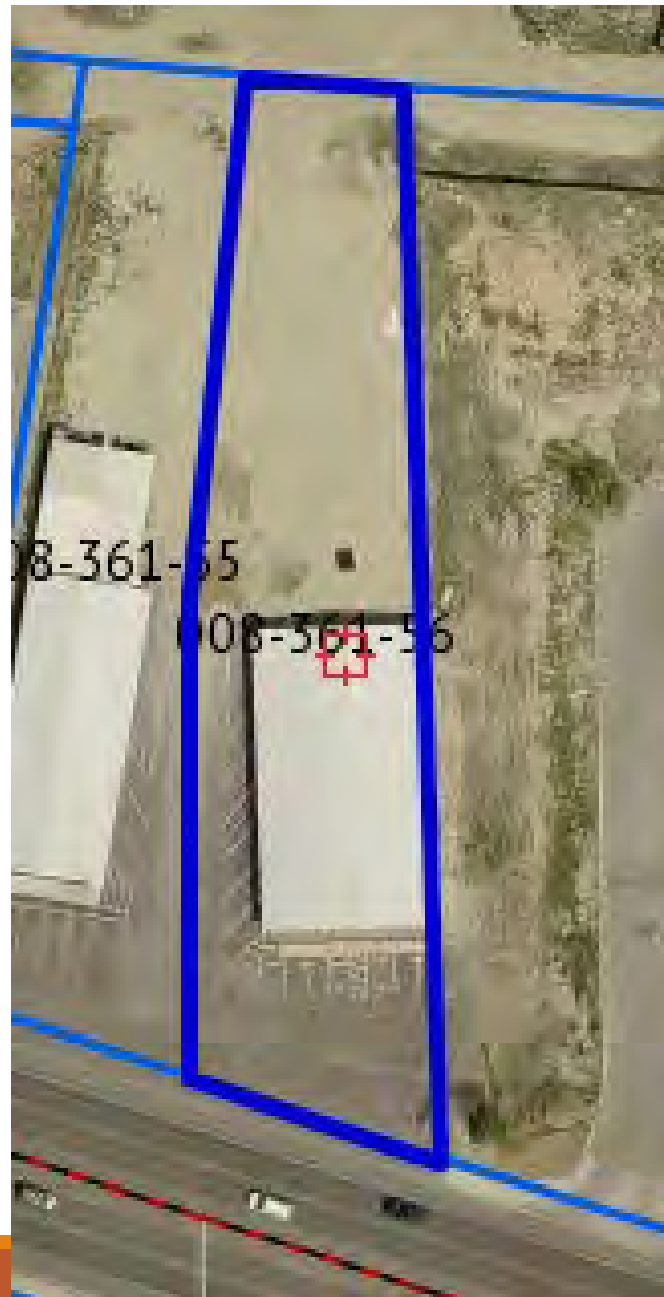
Gary Sinclair, TUP Renewal, 1015 Dean Ln, APN 008-532-40

2021



2023





Out West Buildings, SUP Review, 7450 Reno Hwy, APN 007-251-52



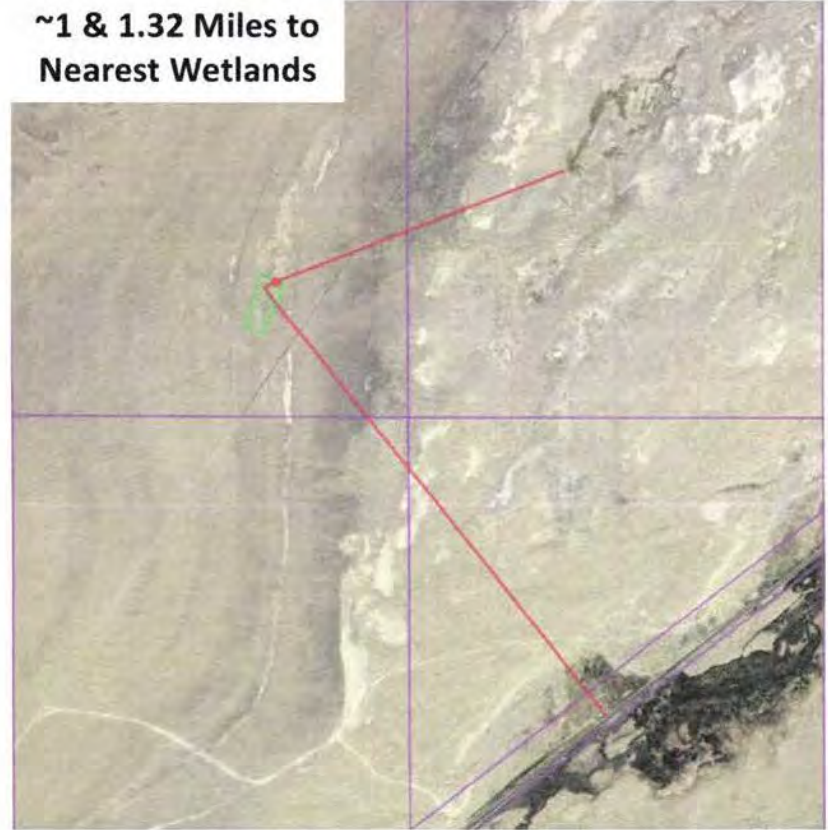


Pallas Solid Motor Development Facility – Distance to Key Points

4.32 Miles to Rail
4.5 Miles to Hazen



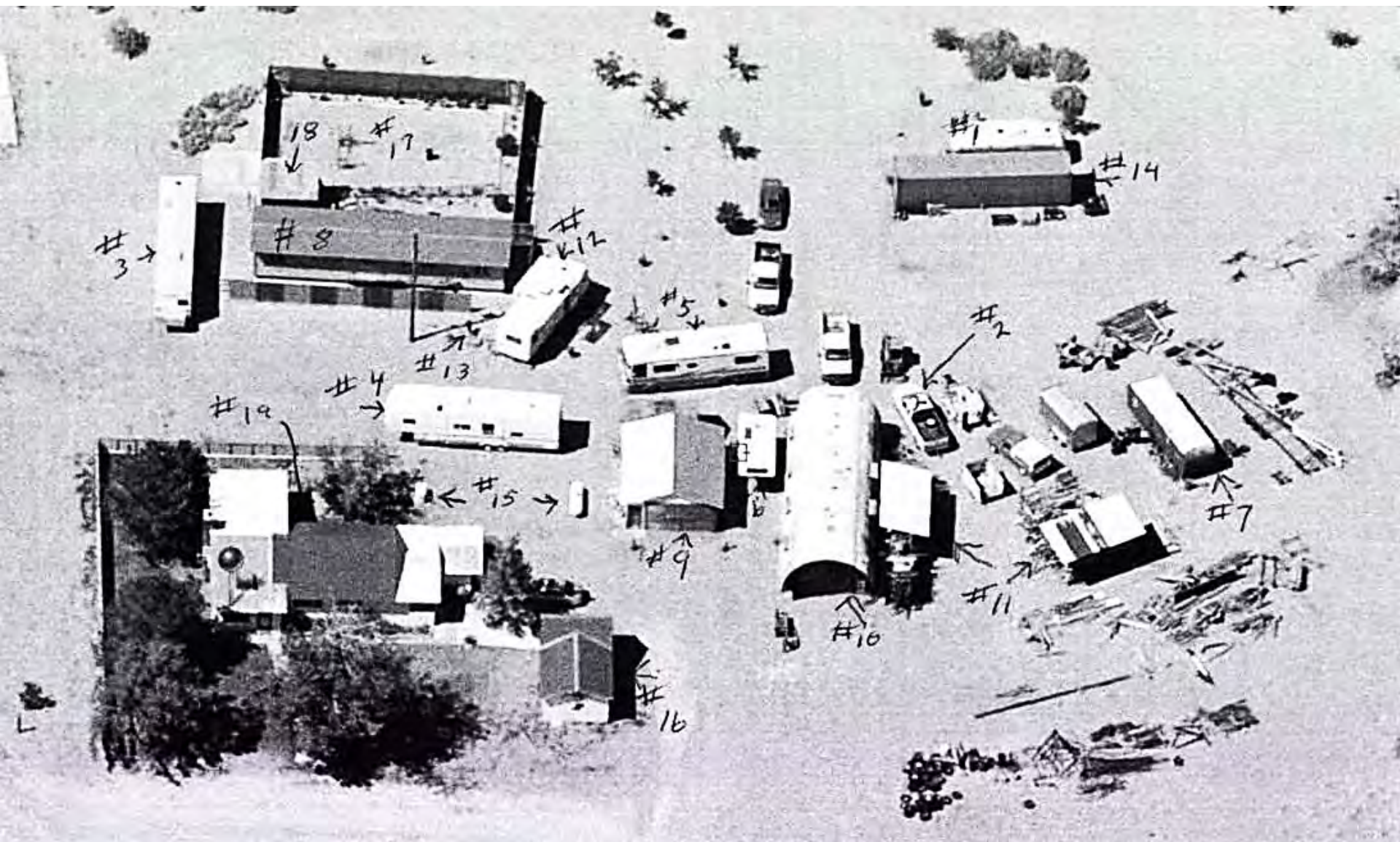
~1 & 1.32 Miles to
Nearest Wetlands



Miller, TUP Application, 5200 Hettinger Pl, APN 006-251-37

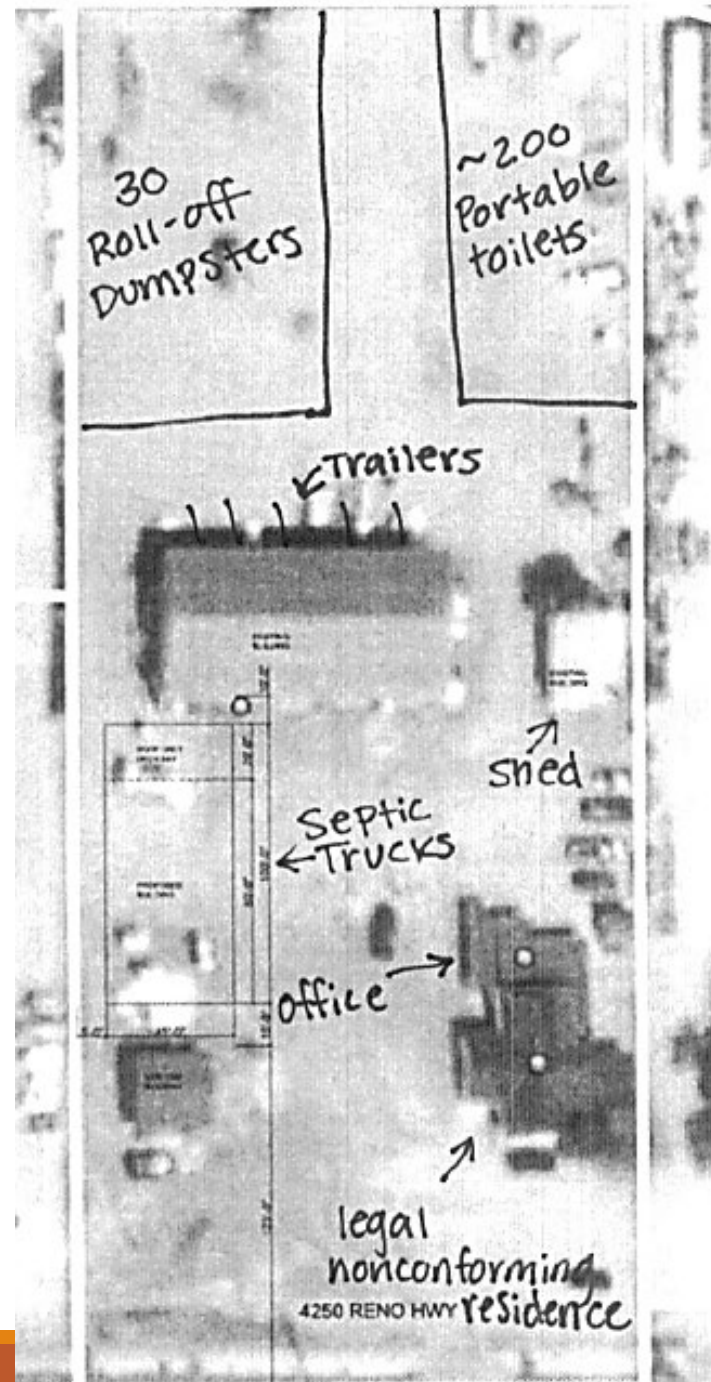








Marshall's
Septic Care,
SUP
Application,
4250 Reno
Hwy, APN
008-461-07



Ragtown Real Estate, Variance & SUP Application,
7300, 7450 & 7490 Reno Hwy, APNs 007-251-71, 007-251-52 & 007-251-53





Proposed area to add to
the SUP stocked 2 high.

Possible area for
containers if we can't
stack them.

2025 MASTER PLAN UPDATE - IMPLEMENTATION OF REZONING POLICIES

SUGGESTIONS FOR RENO HIGHWAY FROM CITY LIMITS TO LEETEVILLE JUNCTION

The current zoning along the Reno Highway often seems as if it was done regardless of the existing uses. In fact, most rezones in the last 7

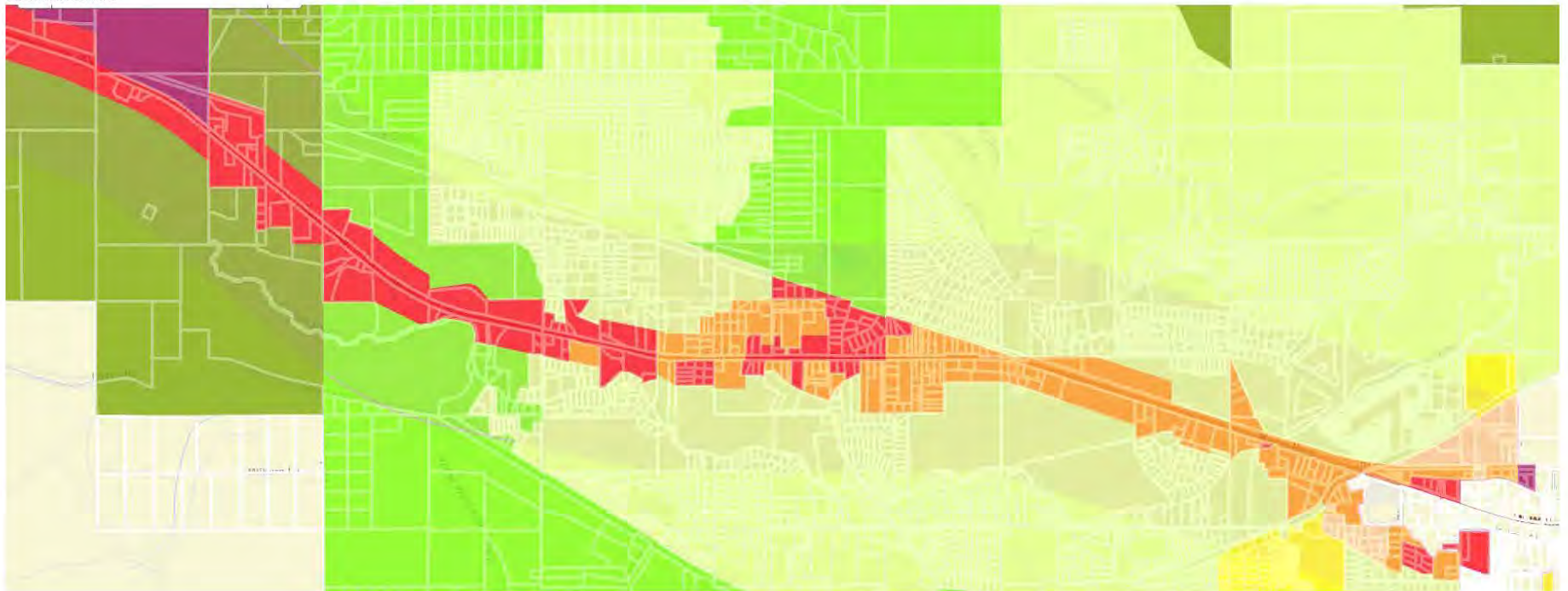
years have been requests to rezone commercial lands along the Reno Highway back to adjacent zoning or more appropriate zoning. Some of

the reasons for this include:

- Using an unbroken strip corridor approach regardless of their current and future use.
- Split zoning large parcels regardless of their current and future use, to implement the unbroken strip corridor approach.
- Zoning broad areas as commercial (when not using the strip corridor approach), including residential neighborhoods.

An OVERVIEW MAP is provided below.

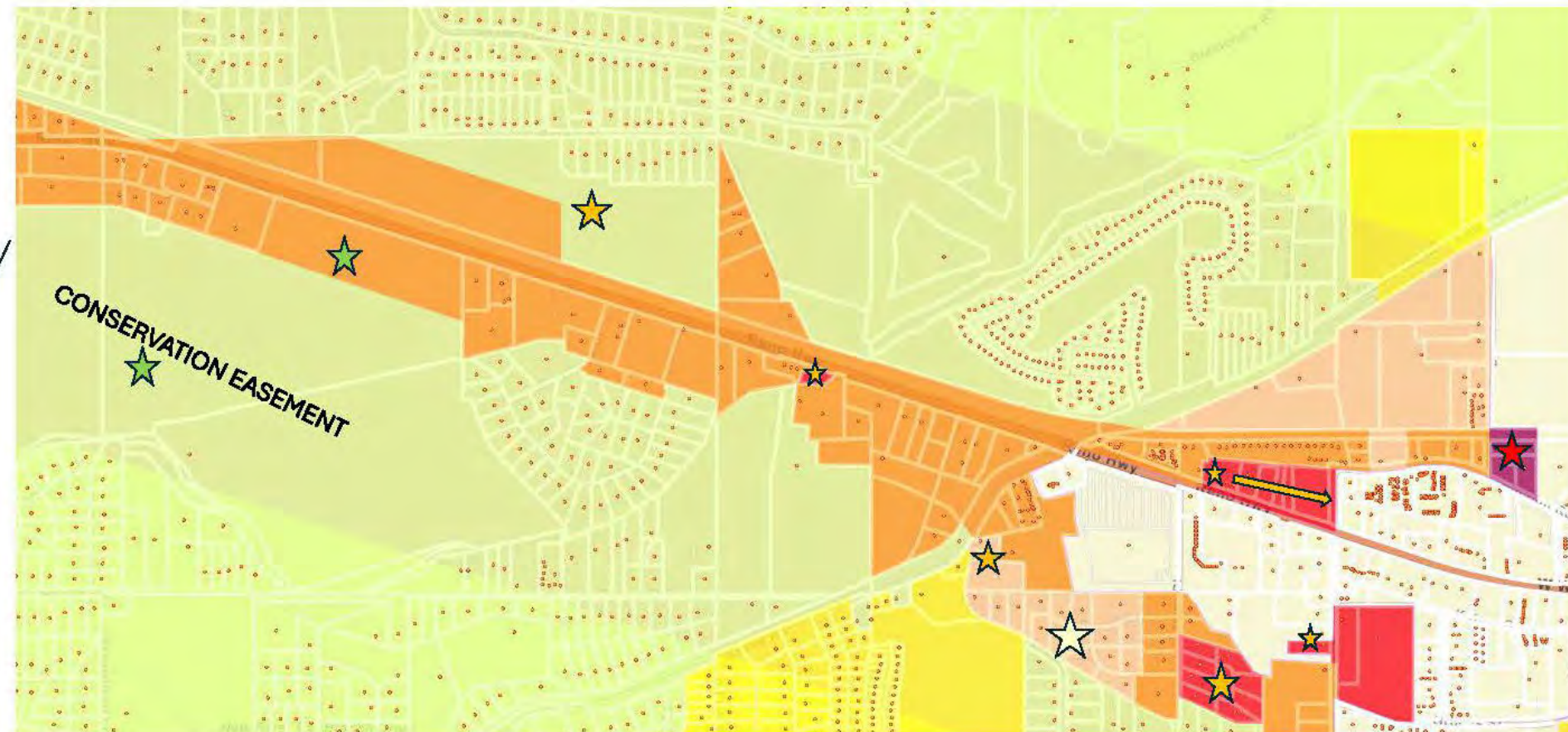
Other maps are found on subsequent pages showing smaller segments, along with the strategy for making changes. ***Symbols*** and notations help display what changes are suggested. ***Colors*** of symbols indicate the corresponding zoning color that is recommended. ***Text*** is included with each map to describe the approach or strategies. Discussion is needed on the strategies, and some specific locations.



MAIN RETAIL CORRIDOR NEAR CITY LIMITS

- FOCUS ON C-1 ZONING
- RESIDENTIAL NEIGHBORHOOD – **OPTION 1:** LEAVE R-2 ALONE FOR 2-4 PLEXES (NORMALLY NEED S & W) & SFR ALLOWED;

OR **OPTION 2:** REZONE BACK TO RESIDENTIAL - E-1
- RETURN LONG TERM FARMING TO AG ZONING – REZONE C-1 TO A-5.



HEAVIER COMMERCIAL CORRIDOR OUTSIDE CITY & AROUND SODA LAKE ROAD

- FOCUSED ON C-2 ZONING IN CORRIDOR
- SODA LAKE RETAIL COMMERCIAL NODE - FOCUSED ON C-1 ZONING
- RESIDENTIAL NEIGHBORHOODS AND FARMING LOTS OFF OF HIGHWAY – REZONE COMMERCIAL BACK TO RESIDENTIAL - E-1



HEAVY COMMERCIAL CORRIDOR AWAY FROM TOWN

- FOCUSED ON C-2 ZONING
- LONG TERM FARMING LOTS – REZONE COMMERCIAL BACK TO ADJACENT AG - A-5 OR A-10
- ISOLATED RESIDENTIAL LOTS – REZONE COMMERCIAL BACK TO ADJACENT AG OR RESID. ZONE - A-5, A-10, OR E-1



HEAVY COMMERCIAL & INDUSTRIAL CORRIDOR DISTANT FROM TOWN

- FOCUSED ON C-2 OR INDUSTRIAL ZONING
- RESIDENTIAL NEIGHBORHOODS – REZONE COMMERCIAL BACK TO RESIDENTIAL - E-1 (NEW PATCH IS OK FOR BROAD AREAS)
- ELIMINATE C-1 ZONING AT LEETEVEILLE JCT. >> **DONE** <<
- LONG TERM FARMING LOTS – REZONE COMMERCIAL BACK TO ADJACENT AG - A-10
- REZONE VACANT STATE LAND BACK TO ADJACENT AG - A-10
- CLEAN UP SPLIT ZONED INDUSTRIAL LANDS



DIFFERENCES BETWEEN C-1 ZONING AND C-2 ZONING

Almost all uses are treated the same in both districts.

- All uses allowed in C-1 are also allowed in C-2.
- Some uses that are allowed in both may need a higher level of review in C-1 – for example a Special Use Permit (SUP) versus a Zoning Review (ZR).
- C-2 zoning allows a handful of additional uses suitable for Heavier Commercial zones, but not Retail Commercial zones.

Below are instances where uses are handled differently between the 2 zones.

<i>Use Listing</i>	<i>C-1</i>	<i>C-2</i>
Aquaculture	No	ZR or SUP
Farm Animal Auction site	No	SUP
Meat Processing and Storage	No	SUP
Crop Processing and Storage	No	SUP
Warehouse Storage and Distribution	No	ZR
Light Manufacturing	SUP	ZR
Industrial / Fabrication - Indoor	SUP	ZR
Industrial / Fabrication - Outdoor	No	SUP
Bulk Fuel Storage	No	SUP
Tire Retreading	No	SUP
Asphalt/Concrete Batch Plant	No	SUP
Outdoor Recreation/Entertainment Facility	No	SUP
Halfway House – Subst. Abuse/Incarceration	No	SUP
Manufactured Home Sales	SUP	ZR
Outside Off Premises Storage	No	SUP
Materials Testing	No	SUP
Kennel / Boarding	No	SUP
Waste Collection Service	No	SUP
Commercial/Constr. Vehicles, Trailer, Equip.	No	SUP
Trucking Business	No	SUP
Hwy./Rd. Maintenance Yard	No	ZR
Rail Based Services / Industrial Park	No	SUP
Recycling Facility	No	ZR or SUP

Consent Agenda



Castelion Corporation

737 Lairport St.
El Segundo, CA 90245

info@castelion.com

February 20, 2024

Churchill County Planning Commission
155 No. Taylor
Suite 194
Fallon, Nevada 89406

To Whom it May Concern:

This letter serves as Castelion Corporation's update to Churchill County on the status of the establishment of a combustion testing – solid motor ground testing site – NE of Hazen (APN 009-291-09). Line items in the SUP have been responded to in the section below. A summary of completed work to date and work in progress is following that.

The line items below indicate our status on each of the conditions for approval, initial prompts may be abridged or summarized (responses in blue):

1. Placement of storage containers and facility operation are prohibited until the property has been rezoned to Industrial.
 - a. The parcel (APN 009-291-09) that the site is projected to be located has been rezoned 'Industrial'.
2. This permit is subject to review by the Planning Commission in 6 months for compliance with conditions of approval and code requirements.
 - a. This progress letter and subsequent attendance at the March 13, 2024 Planning Commission are in accordance with this line item.
3. Within 6 months of permit approval:
 - a. Legal and physical access shall be obtained, and documentation provided to the Director. In-progress: An easement draft submitted to Director for a section of road crossing.
 - b. A permanent restroom and office shall be provided. This bathroom and office are in the site plan and will be appropriately included.
4. Within 3 months, if the transmission road is used for access, places with questionable passage for fire trucks in wet weather shall be improved.
 - a. In-progress: Castelion have made a recent site visit directly following wet weather events with the fire marshal and county planning department to drive the road and have come up with an assessment and plan that construction

contractor will work to improve areas of concern. Note: to-date operations have not commenced.

5. The facility operator is responsible for maintain the road from Hazen to the site in a condition passable for fire trucks as determined by the Fire Department.
 - a. Castelion will comply with this and have established a local contractor to execute maintenance as needed.
6. Creation and testing of rockets are limited to:
 - a. Ground testing only – flight testing is prohibited. Acknowledged
 - b. The amount of 1.3 fuel propellant to 1,000 pounds per motor. Acknowledged
 - c. Rocket motor testing on no more than 8 days per month. Acknowledged
 - d. No rocket motor testing after sunset. Acknowledged
7. The operator shall obtain and maintain an area of control around the facility equal to or greater than 20 acres.
 - a. Castelion and Forty Mile Desert LLC have agreed to this 20-acre area of control in the lease terms and conditions.
8. Before operations may begin:
 - a. Documentation of a lease shall be provided. Lease is nearly complete and will be provided.
 - b. The property owner shall record a road easement along the power transmission line that is acceptable to the County. In-progress and initial easement documentation is under draft.
 - c. The proposed noise mitigation berm shall be installed. The berm shall be at least 6 feet high. This berm is to spec in the site plan and shall be constructed to plan.
 - d. Building Department authorizations shall be completed to the satisfaction of the Building Official. These ADA provisions and others are included in the approved site plan and further questions under review.
9. The Fire Protection Plan shall be updated as determined by the Fire Marshal and implemented on a time schedule determined by the Fire Marshal.
 - a. In-progress: the report and site plan have been informed by consultation with the Fire Marshal in addition to a site visit with the Fire Marshal (pre-groundbreaking). The protection plan and addendum items are being completed as of this update and will be furnished shortly.
10. An Emergency Response Plan (ERP) shall be developed to address issues and implementation schedules deemed necessary by the Sheriff and Fire Department.
 - a. The ERP is in draft and will be completed and submitted for feedback by the March 13, 2024 Planning Commission meeting.
11. The County reserves the right to require modifications to the facility. Acknowledged
12. All federal, state and local permits required for this facility shall be obtained and maintained, including any needed for safe aviation over the site. Acknowledged
13. The facility Shall coordinate with NAS Fallon regarding impacts of testing plumes on Navy operations and shall implement any recommendations. Acknowledged, contact underway.
14. Operations shall be conducted in a manner that does not create a nuisance under Nevada law or Churchill County Code. Acknowledged

Summary of Completed work:

- A full site plan and permit drawing set have been drafted and stamped by consulting engineers at Kimley-Horn & Associates in the local Reno, NV office. Kimley-Horn engineering team is actively involved in the project.
- A grading and construction contractor has been selected and a notice to proceed has been granted.
- Ongoing consultation with Churchill Planning Department including email, in-person, and site visits with staff inline with continued project progress.
- Initial environmental report has been completed by third party.
- The Fire Protection Plan has been completed and updated by a credible third-party consultant. This report will be submitted to the Fire Marshal with addendum and Emergency Action Plan within days of this writing.

Summary of work in-progress:

- A final lease agreement is very close to being completed with Forty Mile Desert LLC. Legal review for both parties is nearly complete and final deliverables are under review.
- Geotechnical engineering final report is due back to Castelion and consulting engineers.
- Remaining building permit questions under review by Churchill building department.
- Emergency Action plans are being drafted for the Fire Marshal and Sheriff following consultations with officials from those emergency response agencies. These will be submitted for review within days of this writing.
- Road access easement record for parcel (APN # 009-251-15) has been sent to county planning department for records and review. Castelion has consulted with the landowner and agrees to establish an easement for road ingress and egress.
- Access easements with Union Pacific Railroad and Southern Pacific Railroad have been initiated.
- Construction works are due to begin in coming weeks from this letter.
- Road improvements to California Rd. (utility line access road) up to Castelion's proposed site are due to begin following construction mobilization in coming weeks.

Not started:

- Castelion has not moved capital equipment or assets as of this writing. This will be planned once construction works are underway.
- Castelion has not begun any operations in the area other than those of a few individuals in pursuit of progressing the site works.

Thank you for support and review of this project in Churchill County, Nevada. Castelion is committed to this project and working in partnership with the county and community.

Best regards,

Vincent Sorrento
Head of Facilities
Castelion Corporation



Modern Defense Production

Castelion | SUP Review | March 2024



Castelion Continues on Successful Trajectory

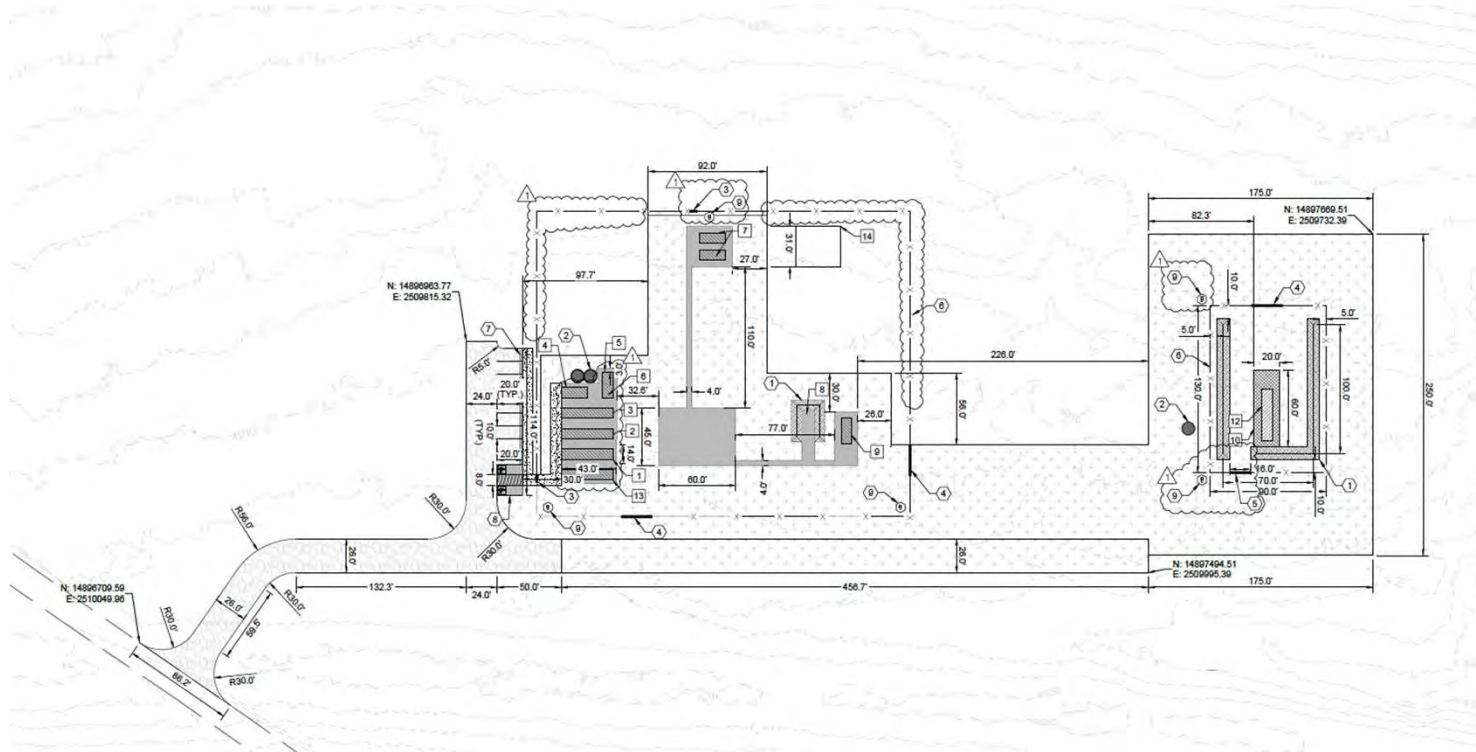


Castelion Update - General

- **Current operations in Mojave desert, CA**
- **Cadence, motor sizes in line with cadence and motor sizes covered in SUP**
- **Active contracts with USAF, USN**
- **Engineering complete, contractor down-selected for site in Churchill County**
- **Site access is progressing forward with assistance from Churchill Co Planning**



Castelion Update – Site Plans



Castelion Update – SUP Compliance

- Zoning updated to Industrial
- Coordination with Fire Marshall and Sheriff
- Prepared for required road improvements, construction
- Road access in progress
- Plan for future commercial septic system is prepared







Churchill County Building Department

February 26, 2024

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

RE: MILLER TEMPORARY USE PERMIT APPLICATION, 5200 HETTINGER PL,
006-251-37

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

Regarding the existing house shown on parcel "A", a search of the records available in the Churchill County Building Department did not produce any permits, or applications for septic system construction. The septic may have been installed prior to current record keeping, or the records misplaced.

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

March 11, 2024

RE: Temporary use permit for Russel Miller at 5200 Hettinger Place.

Dear Commissioners,

My name is Cliff Van Woert and I reside at 5095 Hettinger Place (APN# 006-271-03). Please let the record reflect that I have no objection to the granting of approval for Mr, Millers request for this TUP.

If you require further comments or have questions about this matter, feel free to contact me at (775) 867-3393 or stop by.

Thank you,



Cliff Van Woert



Churchill County Building Department

February 26, 2024

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

RE: COMMENTS PERTAINING TO SPECIAL USE PERMIT APPLICATION FOR BOULDER OPAL LLC, 4250 RENO HWY, 008-461-07

Mr. Spross:

Regarding the Special Use Permit for Boulder Opal LLC the Churchill County Building Department has the following comments:

A commercial business with employees falls under the 2018 International Building Code as follows,

International Building Code Section 1103.2.2 *Employee Work Areas* states:

Spaces and elements within *employee work areas* shall only be required to comply with Sections 907.5.2.3.1, 1009 and 1104.3.1 and shall be designed and constructed so that individuals with disabilities can approach, enter, and exit the work area.

Section 1009.1 Accessible means of egress required states: Accessible means of egress shall comply with this section. Accessible spaces shall be provided with not less than one accessible means of egress.

Section 1104.1 Site arrival points states: At least one *accessible route* within the *site* shall be provided from public transportation stops, *accessible* parking, *accessible* passenger loading zones, and public streets or sidewalks to the *accessible* building entrance served.

Per the above section, an accessible route, and entrance must be installed.

Churchill County Building Department will require the submittal and issuance of a building permit along with in-process inspections at all stages of construction for the metal building.

No building construction may be started prior to an issued building permit by the Churchill County Building Department.

All plans and construction will be required to meet or exceed the 2018 International Building Code, the 2017 International Code Council A117.1 Standard for Accessible and Useable Buildings and Facilities and all Churchill County Municipal Code requirements.

A search of the records available in the Churchill County Building Department showed approved and completed permits for an approved septic system on that site.

155 N Taylor St
Suite 170
Fallon, NV 89406

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

Churchill County, NV is an equal opportunity provider and employer



Churchill County Building Department

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

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JOE LOMBARDO
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
310 Galletti Way
Sparks, Nevada 89431

TRACY LARKIN THOMASON, P.E.
Director

February 29, 2024

Churchill County Planning Division
155 N Taylor St, Suite 194
Fallon, NV 89406
Attention: Diane Moyle

SENT VIA ELECTRONIC MAIL

RE: Boulder Opal LLC (Marshall's Septic Care) Special Use Permit application, 4250 Reno Highway

Dear Ms. Moyle,

Nevada Department of Transportation (NDOT) District II staff has reviewed the application received via e-mail on February 22nd, 2024 and provides comments accordingly.

Boulder Opal LLC SUP – Property is located at 4250 Reno Hwy. Installation of new building to store toilet trucks. New construction will be behind current building, away from road. Project does not mention changing current access of US50.

NDOT Comments:

1. The project is directly adjacent to the Lincoln Highway. The Lincoln Highway is an NDOT maintained road that is officially designated as US50 and functionally classified as an Other Principal Arterial.
2. Since the site is located directly adjacent to US50 and construction on-site has the potential to affect area drainage patterns, the applicant may be required to obtain an occupancy permit from NDOT for a drainage encroachment.
3. This letter does not provide for approval or disapproval of any improvements proposed by the project. NDOT review during the occupancy permit process may result in modification to the proposed improvements or denial.

Thank you for the opportunity to review this application. NDOT reserves the right to incorporate further changes and/or comments as these applications and design reviews progress. Should you have any questions, please contact Jeff Graham at (775) 834-8382.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Jeff Freeman".

EEF9C06ADD034C7
Jeff Freeman, PE

Engineering Services Manager
District II

JF:jg

Cc: Bhupinder Sandhu – Acting DII District Engineer
Jeff Graham – Traffic Engineer
District II Traffic Engineering Distribution List
Churchill County Planning Division

From: [Marie Henson](#)
To: [Chris Spross](#); [Dean Patterson](#); [Savannah Dukes](#); [Diane Moyle](#)
Subject: Ragtown Real Estate (Out West Buildings) Variance and Special Use Permit Applications, 7300, 7450 & 7490
Reno Highway
Date: Monday, February 26, 2024 9:01:42 AM

The Building Department has no comments on either the Variance or Special Use Permit applications.

Regards,
marie.henson@churchillcountynv.gov

Marie Henson
Building Official
Churchill County
Building Department
155 N. Taylor Street, Ste 170
Fallon, NV 89406
O: 775-428-0264
C: 775-427-3115
F: 775-423-8185
marie.henson@churchillcountynv.gov
www.churchillcountynv.gov



JOE LOMBARDO
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
310 Galletti Way
Sparks, Nevada 89431

TRACY LARKIN THOMASON, P.E.
Director

February 29, 2024

Churchill County Planning Division
155 N Taylor St, Suite 194
Fallon, NV 89406
Attention: Diane Moyle

SENT VIA ELECTRONIC MAIL

RE: Ragtown Real Estate (Out West Buildings) Variance and Special Use Permit Applications, 7300, 7450 & 7490 Reno Highway

Dear Ms. Moyle,

Nevada Department of Transportation (NDOT) District II staff has reviewed the application received via e-mail on February 22nd, 2024 and provides comments accordingly.

Ragtown Real Estate Container Storage– Application for a special use and permit as well as a variance permit. Address is 7450 Reno Hwy. Request to store more containers than is currently allowed (1 per acre). No more employees expected to be hired. Anticipates 10 trips/day and will operate during normal business hours. No request for change of already existing access to US50.

This proposal appears to have minimal impact on NDOT infrastructure. Thank you for the opportunity to review these development proposals. NDOT reserves the right to incorporate further changes and/or comments as the design review advances. Please feel free to contact me at (775) 834-8320, if you have any further questions or comments.

Sincerely,

DocuSigned by:

A handwritten signature in blue ink that reads "Jeff Freeman".

EEF9C06ADD034C7...

Jeff Freeman, PE
Engineering Services Manager
District II

JF:ms

Cc: Bhupinder Sandhu – Acting DII District Engineer
Jeff Graham – Traffic Engineer
District II Traffic Engineering Distribution List
Churchill County Planning Division

March 13, 2024 at 7:00 p.m.

EVERYONE PRINT YOUR INFORMATION