



## STAFF REPORT

**Report To:** Board of Supervisors      **Meeting Date:** February 6, 2020

**Staff Contact:** Hope Sullivan, AICP, Planning Manager

**Agenda Title:** For Possible Action: Discussion and possible action regarding an appeal of the Planning Commission's decision to amend a special use permit for an asphalt plant and aggregate crushing facility known as Tahoe Western Asphalt zoned General Industrial, located at 8013 Highway 50 East, APN 008-611-35. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: In accordance with CCMC 18.02.060 (Appeals), the applicant is appealing the decision of the Planning Commission relative to the amendment of conditions of approval related to an asphalt plant and aggregate crushing facility. CCMC 18.02.060(4)(b) precludes the introduction of issues or evidence that were not addressed at the public hearing stage. Based on new information, the staff is requesting that this matter be referred back to the Planning Commission for further review.

**Agenda Action:** Formal Action / Motion      **Time Requested:** 15 Minutes

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### **Proposed Motion**

I move to refer this matter back to the Planning Commission based on new information that has become available since the Planning Commission's action on November 19, 2019.

### **Board's Strategic Goal**

Quality of Life

### **Previous Action**

At its meeting of November 19, 2019, the Planning Commission conducted a public hearing relative to the one year review of the subject special use permit (SUP-10-115-2), and voted 7 – 0 to modify the conditions of approval relative to hours of operation and methods to suppress odors.

### **Background/Issues & Analysis**

Since the Planning Commission meeting of November 19, 2019, the Planning Manager has toured an asphalt facility in Fernley, NV and discussed odor control with staff at that facility. The Planning Manager has met with staff from the Air Quality Division of the Nevada Department of Environment Protection (NDEP) to review input received in Fernley, and finds that the input is sound. Additionally, the business operator is in discussions with staff from NDEP relative to installing additional equipment to address concerns. These meetings have produced new evidence and information that was not previously available at the initial Planning Commission hearing. Based on this new information, staff is requesting that the Board refer this matter back to the Planning Commission so that it may reevaluate the applicant's compliance with the required findings for a special use permit in the context of this new information.

The November 19, 2019 staff report to the Planning Commission with attachments is attached to this report, as well as an email from the business operator's attorney agreeing the matter should be referred back to the Planning Commission based on new information.

**Applicable Statute, Code, Policy, Rule or Regulation**

CCMC 18.02.050 (Reviews), 18.02.060 (Appeals) and 18.02.080 (Special Use Permits)

**Financial Information**

**Is there a fiscal impact?** No

**If yes, account name/number:**

**Is it currently budgeted?** No

**Explanation of Fiscal Impact:**

**Alternatives**

Do not refer the matter back to the Planning Commission, and, after conducting the public hearing, decide whether to deny the appeal and uphold the decision of the Planning Commission, approve the appeal and deny the modifications to the special use permit or modify the conditions of approval if appropriate.

**Attachments:**

[2010-00000115 December 2, 2019 Letter of Appeal from Simons Hall Johnston.pdf](#)

[2010-00000115 January 23 2020 Email from Jeremy Clark.pdf](#)

[2010-00000115 Minutes of the November 19, 2019 Planning Commission meeting.pdf](#)

[2010-00000115 November 19, 2019 Report to the Planning Commission with Attachments b.pdf](#)

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

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\_\_\_\_\_  
(Vote Recorded By)

# SIMONS ▪ HALL ▪ JOHNSTON

December 2, 2019

**VIA EMAIL:** [Planning@carson.org](mailto:Planning@carson.org)

**Original VIA: HAND-DELIVERY**

Planning Division

108 E. Proctor Street

Carson City, Nevada 89701

**RE: Tahoe Western Asphalt, LLC, APPEAL - Notice of Decision – SUP-10-115-2**

Dear Planning Division:

This law firm has been retained to represent Tahoe Western Asphalt, LLC (“TWA”) with respect to its appeal of the November 20, 2019 Notice of Decision – SUP-10-115-2. Following a review of the issues and the Notice of Decision, the Carson City Planning Division (the “Commission”) has reached an arbitrary, capricious and wholly unreasonable result in light of the facts and circumstances. This letter will set forth the factual and legal bases for TWA’s appeal. Therefore, TWA respectfully requests the Commission carefully considers the points and authorities as outlined herein and reverses its November 20, 2019 Notice of Decision.

As an initial matter, the subject matter and ultimate decision of the November 19, 2019 meeting is the product of a personal vendetta against TWA by a small group of neighboring homeowners.<sup>1</sup> Indeed, Robert Matthews, TWA’s owner, has been informed that approximately 10 activist homeowners are responsible for over 200 complaints against TWA to the Nevada Division of Environmental Protection (“NDEP”) and to the Commission over the past twelve months. Their subjective grievances act as pretext towards creating onerous financial and administrative barriers in order to prevent TWA from lawfully operating its asphalt plant. As will be more fully explained below, the Commission should not bend to the subjective desires of a few homeowners and at the same time deny TWA its constitutional right to engage in lawful commerce.

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<sup>1</sup> Please see the Declaration of Robert Matthews in support of this appeal, attached hereto as **Exhibit 1**.

**SPECIFIC ASPECTS OF THE DECISION BEING APPEALED:**

**1. The Division's finding that Ecosorb is not effective is erroneous.**

TWA understands that the Commission reached a factual finding that Ecosorb is not effective. There is very little information contained in the Notice of Decision detailing how or why the Commission found Ecosorb "not to be effective." However, if based on public comment, the Commission's finding is not based on objective scientific evidence but is rather founded upon the subjective complaints of a few nearby residents. It bears repeating that the Special Use Permit ("SUP") called for Ecosorb to be used as an odor suppressor, not an odor eliminator. Thus, the complaining neighbors are seeking to hold TWA to a standard (odor elimination) that can never be obtained even if a costly regenerative thermal oxidizer is installed.

In addition, Ecosorb has performed as advertised. Not only has TWA fully complied with EPA and NDEP regulations during the entire period of review, but NDEP's multiple odor tests with a nasal ranger indicate that Ecosorb successfully reduced odors by at least 75%.<sup>2</sup> It follows that contrary to the Commission's finding, the evidence conclusively demonstrates Ecosorb has been and continues to be an outstanding and effective odor suppressor. Therefore, because the Commission's findings are based on biased public comment and run contrary to objective scientific evidence, the Commission's finding that Ecosorb is ineffective at suppressing odors is arbitrary and capricious.

**2. The reduction of TWA's operating hours and new light requirements are arbitrary and capricious.**

TWA suspects the same neighbors that have complained of phantom odors are also complaining of noise and/or light pollution. As identified above, these complaints should be viewed with a skeptical eye as these neighbors are finding any and every excuse to lodge complaints against TWA to every administrative agency who will listen. The Commission should therefore pursue objective indications of noise and/or light pollution.

TWA believes that if the Commission disregards the neighbors' exaggerations, the Commission will likely find that light and noise regulations are completely unwarranted. In light of TWA's total compliance with its SUP, there is no basis to

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<sup>2</sup> NDEP has agreed to provide: (1) its odor test results; and (2) an opinion letter regarding TWA's compliance with NDEP's regulations and Nevada's environmental laws to this Commission for consideration. However, due to the short appellate timeframe, NDEP will need additional time to furnish this information. Accordingly, TWA reserves the right to supplement its Appeal.

impose light and/or operating hour reductions on TWA's SUP and the same constitute an arbitrary and capricious exercise of power by this Commission.

**3. SUP Condition No. 17: Regenerative Thermal Oxidizer is unduly burdensome and unwarranted.**

Based upon the neighbors' complaints, this Commission seeks to require TWA to replace one odor suppressant (Ecosorb) with a different, more expensive suppressant (regenerative thermal oxidizer). However, the cost of a regenerative thermal oxidizer renders this condition completely unattainable. With a price tag of approximately \$1,800,000 or more, most Nevada small businesses, including TWA, would be forced to close their doors.

Based on the foregoing discussion regarding the effectiveness of Ecosorb and the baseless neighbor complaints, imposing a \$1.8 million condition on TWA's SUP constitutes clear and unnecessary government overreach. Moreover, TWA has not been presented with any information that a regenerative thermal oxidizer is a superior odor suppressor to Ecosorb, let alone so vastly superior as to justify the exorbitant price tag. Simply put, forcing TWA to purchase and install the regenerative thermal oxidizer is a business destroying condition.

Furthermore, TWA is informed that the \$1.8 million proposed regenerative thermal oxidizer is being used in Fernley at a facility which is completely different from TWA. Indeed, Mr. Matthews was advised that the proposed regenerative thermal oxidizer was not made for, nor is it appropriate for, an asphalt plant. Thus, the regenerative thermal oxidizer condition is misplaced and should be reversed.

**4. The Commission lacks authority under the Bylaws to amend TWA's SUP.**

Following a review of the Commission's Bylaws, it is apparent that the Commission lacks the authority to hear complaints or unilaterally amend TWA's SUP. Similarly, TWA cannot locate any paragraph in the Bylaws which grants the Commission the authority to unilaterally impose more onerous conditions on TWA's SUP. This is particularly true since TWA has fully complied with the SUP. If TWA is mistaken with respect to the Bylaws, please point out the granting authority for TWA's review.

**CONCLUSION**

TWA does not wish to engage in endless quarrels with the Commission or TWA's neighbors. Instead, TWA desires to lawfully operate its asphalt plant, which asphalt is in short supply in Northern Nevada. TWA has demonstrated this desire by fully

complying with the conditions of its SUP and the environmental regulations enforced by NDEP and the EPA. Nonetheless, should the Commission ultimately deny TWA's appeal, TWA will have no choice but to challenge the decision by pursuing judicial remedies. Again, this is not TWA's preferred approach and TWA is open to looking at additional compromises. TWA requests this Commission consider the points and authorities outlined herein as well as the information which is forthcoming from NDEP.

Specifically, TWA respectfully requests the Commission reverse the following issues:

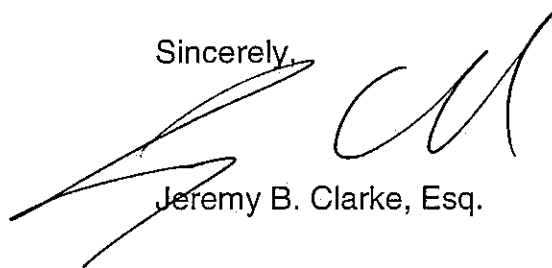
- A. Reverse its finding that Ecosorb is not effective;
- B. Reverse its decision that TWA must propose and install lighting with its building permit;
- C. Reverse its decision that TWA is no longer permitted to work at night or on Sundays up to 30 times per calendar year; and
- D. Reverse its decision that TWA must purchase and install a regenerative thermal oxidizer.

Lastly, TWA would like to thank the Commission for this opportunity to be heard on these critical issues. Pursuant to section 4(a) of the Procedures for filing an appeal, TWA's contact information is as follows:

Tahoe Western Asphalt, LLC, P.O. Box 21645 Carson City, NV 89721.  
Robert Matthews (775) 309-7176, [robert.matthews68@gmail.com](mailto:robert.matthews68@gmail.com).

Should you have any questions, please do not hesitate to contact me directly.

Sincerely,



Jeremy B. Clarke, Esq.

JBC/mn  
cc: Robert Matthews

**EXHIBIT 1**

**EXHIBIT 1**

SIMONS HALL JOHNSTON PC  
6490 S. McCarran Blvd., Ste. F-46  
Reno, NV 89509  
Phone: (775) 785-0088

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**DECLARATION OF ROBERT MATTHEWS**

I, Robert Matthews, hereby declare as follows:

1. I am the owner of Tahoe Western Asphalt, LLC ("TWA"). I am over the age of 18 and I make this declaration under penalty of perjury under the laws of the United States and the State of Nevada. I could and would competently testify to the information this declaration contains.

2. This declaration is being submitted in support of TWA's Appeal of the Carson City Planning Division's November 20, 2019 Notice of Decision

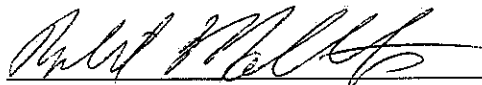
3. TWA is in compliance with and has complied with all Nevada Division of Environmental Protection regulations and directives.

4. TWA is in compliance with and has complied with all Carson City Planning Division regulations and directives.

5. The facts and assertions contained in the Appeal are true and correct to the best of my knowledge.

I, Robert Matthews, do hereby swear under penalty of perjury under the laws of the State of Nevada and the United States of America that the foregoing assertions are true and correct to the best of my knowledge.

DATED this 27 day of November, 2019.

  
\_\_\_\_\_  
Robert Matthews



## Hope Sullivan

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**From:** Jeremy Clarke <JClarke@shjnevada.com>  
**Sent:** Thursday, January 23, 2020 8:00 PM  
**To:** Hope Sullivan  
**Cc:** Mark Simons; Jodi Alhasan  
**Subject:** Re: Carson City Appeal

**This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.**

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Hello Hope,

We agree that the best course of action is to get this back to the planning division where we can iron out solutions. TWA is happy to meet and discuss its plans and new equipment which should resolve any odor complaints.

As I understand your proposal, on February 6, 2020, we will jointly recommend to the Board that this matter be referred back to the Planning Commission pending further investigation of new information. If that's your understanding, we are in agreement. Please confirm.

Thanks Hope, I appreciate your help.

Jeremy

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**From:** Hope Sullivan <HSullivan@carson.org>  
**Date:** Tuesday, January 21, 2020 at 11:38 AM  
**To:** Jeremy Clarke <JClarke@shjnevada.com>  
**Cc:** Mark Simons <msimons@shjnevada.com>, Jodi Alhasan <jalhasan@shjnevada.com>, Monica Nealon <mNealon@shjnevada.com>, Robert Matthews <robert.matthews68@gmail.com>  
**Subject:** RE: Carson City Appeal

All:

Thank you for your responsiveness. Based on my visit to Fernley, and your meeting w/ NDEP, I now think the best answer is to go to the February 6 Board meeting, and tell the Board that there is new information and request that the Board refer the matter back to the Planning Commission. This keeps the appeal alive, but also gets us a bit closer to the finish line.

We can then meet to discuss alternative solutions to bring forward to the Planning Commission for its consideration.

LMK if you are good with this approach.

Thanks!

Hope

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**From:** Hope Sullivan  
**Sent:** Tuesday, January 21, 2020 8:34 AM  
**To:** 'Jeremy Clarke'

**DRAFT MINUTES**  
**Regular Meeting**  
**Carson City Planning Commission**  
**Tuesday November 19, 2019 ● 3:30 PM**  
**Community Center Sierra Room**  
**851 East William Street, Carson City, Nevada**

**Commission Members**

<b>Chair – Mark Sattler</b>	<b>Vice Chair – Charles Borders, Jr.</b>
<b>Commissioner – Alex Dawers</b>	<b>Commissioner – Paul Esswein</b>
<b>Commissioner – Teri Preston</b>	<b>Commissioner – Hope Tingle</b>
<b>Commissioner – Jay Wiggins</b>	

**Staff**

Lee Plemel, Community Development Director  
 Hope Sullivan, Planning Manager  
 Ben Johnson, Deputy District Attorney  
 Steven Pottéy, Engineering Project Manager  
 Heather Ferris, Associate Planner  
 Tamar Warren, Senior Deputy Clerk

**NOTE:** A recording of these proceedings, the board’s agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record. These materials are on file in the Clerk-Recorder’s Office, and are available for review during regular business hours.

An audio recording of this meeting is available on [www.Carson.org/minutes](http://www.Carson.org/minutes).

**A. ROLL CALL, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE**

(3:29:05) – Chairperson Sattler called the meeting to order at 3:29 p.m. Roll was called. A quorum was present. Commissioner Borders led the Pledge of Allegiance.

<b>Attendee Name</b>	<b>Status</b>	<b>Arrived</b>
Chairperson Mark Sattler	Present	
Vice Chair Charles Borders, Jr.	Present	
Commissioner Alex Dawers	Present	
Commissioner Paul Esswein	Present	
Commissioner Teri Preston	Present	
Commissioner Hope Tingle	Present	
Commissioner Jay Wiggins	Present	

**B. PUBLIC COMMENTS**

(3:30:00) – Chairperson Sattler entertained public comments; however, none were forthcoming.

**C. POSSIBLE ACTION ON APPROVAL OF MINUTES – August 22, 2019 and September 26, 2019, workshop minutes, and the September 25, 2019 regular meeting minutes.**

(3:30:20) – Chairperson Sattler entertained comments or motions.

(3:30:42) – **MOTION:** Vice Chair Borders moved to accept the minutes of the September 25, 2019 Planning Commission [regular meeting] minutes. The motion was seconded by Commissioner Esswein. Motion carried 7-0-0.

(3:31:08) – **MOTION:** Vice Chair Borders moved to approve the minutes of the August 22, 2019 Planning Commission Workshop minutes. The motion was seconded by Commissioner Tingle. Motion carried 6-0-1 with Commissioner Esswein abstaining as he was not present at the workshop.

(3:31:36) – Commissioner Dawers noted that he was absent from the September 26, 2019 Planning Commission Workshop and wished to have the correction reflected in the minutes.

(3:31:58) – **MOTION:** Commissioner Tingle moved to approve the minutes of the September 26, 2019 Planning Commission Workshop minutes as corrected. The motion was seconded by Commissioner Esswein. Motion carried 6-0-1 with Commissioner Dawers abstaining as he was not present at the workshop.

#### D. MODIFICATION OF AGENDA

(3:32:22) – Ms. Sullivan indicated that there were no proposed changes to the agenda; however, she noted that an applicant was not yet present which might result in taking an agenda item out of order.

#### E. PUBLIC HEARING MATTERS

**E.1 SUP-19-169 – FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A BEAUTY SHOP ON PROPERTY ZONED GENERAL OFFICE (GO), LOCATED AT 504 EAST MUSSER STREET, APN 004-181-03.**

(3:32:58) – Chairperson Sattler introduced the item. Ms. Ferris presented the agenda materials. There were no questions from the Commissioners.

(3:35:27) – Applicant Caresse Williams noted her agreement with the conditions of approval. There were no questions to the applicant. Chairperson Sattler entertained public comments.

(3:36:30) – Jennifer Hilderbrand introduced herself as the property manager and noted that she was in favor of the Special Use Permit. Ms. Hilderbrand; however, was concerned with the cost of upgrading the ADA ramp due to a high bid she had received, and wished to know if the City could help with the cost.

(3:37:38) – Mr. Pottéy noted that he would defer the item to the City Engineer and responded to clarifying questions. Ms. Ferris believed that Condition #5 could read as follows:

*“Prior to commencing use, the applicant shall upgrade the pedestrian curb ramp at the corner of East Musser Street and North Valley Street to meet current ADA standards to the satisfaction of the City Engineer.”*

(3:38:18) – Discussion ensued regarding the current ADA ramp and whether the City had plans to upgrade it. Ms. Sullivan believed that the revised Condition #5 by Ms. Ferris was “the best flexibility Staff can offer now”. There were no additional comments. Chairperson Sattler entertained a motion.

**(3:44:38) – MOTION: I move to approve Special Use Permit SUP-19-169 based on the findings and subject to the conditions of approval contained in the staff report including the amendment to Condition #5 [per the discussion above].**

<b>RESULT:</b>	<b>APPROVED (7-0-0)</b>
<b>MOVER:</b>	Borders
<b>SECONDER:</b>	Sattler
<b>AYES:</b>	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
<b>NAYS:</b>	None
<b>ABSTENTIONS:</b>	None
<b>ABSENT:</b>	None

**E.2 SUP-19-083-1 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AN AMENDMENT TO A SPECIAL USE PERMIT FOR OUTDOOR STORAGE TO ALLOW FOR PERSONAL STORAGE WITHIN AN ENCLOSED BUILDING ON PROPERTY ZONED GENERAL COMMERCIAL AND PUBLIC REGIONAL, LOCATED ON THE WEST SIDE OF AIRPORT ROAD, SOUTH OF BUTTI WAY, APN 010-041-76.**

(3:45:18) – Chairperson Sattler introduced the item. Ms. Sullivan gave background presented the Staff Report and accompanying documents. She also highlighted the modified conditions of approval. There were no Commissioner or public comments.

(3:48:25) – Applicant representative Mike Vicks of Monte Vista Consulting acknowledged reading and being in agreement with the conditions of approval outlined in the Staff Report. Chairperson Sattler entertained public comments and when none were forthcoming, a motion.

**(3:49:05) – MOTION: I move to approve SUP-19-083-1 to amend SUP-19-083 based on findings and subject to conditions of approval contained in the staff report.**

<b>RESULT:</b>	<b>APPROVED (7-0-0)</b>
<b>MOVER:</b>	Esswein
<b>SECONDER:</b>	Preston
<b>AYES:</b>	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
<b>NAYS:</b>	None
<b>ABSTENTIONS:</b>	None
<b>ABSENT:</b>	None

**E.3 SUP-18-111-1 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AN AMENDMENT TO A SPECIAL USE PERMIT FOR A GAMING (UNLIMITED) USE TO ALLOW AN INCREASED BUILDING SIZE, A MODIFIED FAÇADE,**

**AND A MODIFIED SITE PLAN ON 0.98± ACRES ZONED RETAIL COMMERCIAL, LOCATED AT 2811 S. CARSON STREET, APN # 009-112-25.**

(3:49:43) – Chairperson Sattler introduced the item. Ms. Sullivan gave background and presented the agenda materials which are incorporated into the record and recommended approval, noting that they were made the seven required findings for the modifications. She also clarified for Commissioner Esswein that the footprint would change; however, the site plan would stay the same. She also acknowledged the presence of applicant representative Mike Railey of the Christy Corporation.

(3:52:54) – Mr. Railey introduced himself and noted that both he and the applicant were in agreement with the conditions of approval stated in the Staff Report. There were no Commissioner or public comments; therefore, Chairperson Sattler entertained a motion.

**(3:53:30) – MOTION: I move to approve SUP-18-111-1, a request for an amendment to SUP-18-111, based on the findings and subject to the conditions of approval contained in the staff report.**

<b>RESULT:</b>	<b>APPROVED (7-0-0)</b>
<b>MOVER:</b>	Borders
<b>SECONDER:</b>	Esswein
<b>AYES:</b>	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
<b>NAYS:</b>	None
<b>ABSTENTIONS:</b>	None
<b>ABSENT:</b>	None

**E.4 SUP-19-162 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW FOR A 6-FOOT TALL WALL WITHIN 5 FEET OF THE PROPERTY LINE ON THE STREET SIDE-YARD OF A PROPERTY, ZONED MULTI-FAMILY APARTMENT (MFA), LOCATED AT 150 EAST ROLAND STREET, 009-197-02.**

(3:54:05) – Chairperson Sattler introduced the item. Ms. Sullivan gave background, presented the Staff Report with the accompanying documentation, and responded to clarifying questions. She also referenced the late material presented into the record, noting that the applicant had worked with Development Engineering and had found that the right-of-way on Roland Street was wider than necessary; therefore, a five foot strip of street may be abandoned and landscaping may be a way of softening the six-foot fence. Ms. Sullivan recommended modifications to approval items eight and nine per her memorandum, and suggested landscaping to obscure the fence or wall, in addition to the suggested abandonment. Vic Chair Borders received confirmation that “the landscape almost negates what the fence is made of”.

(4:00:00) – Applicant Representative Rachael Kryder of Resource Concepts, Inc. noted her acceptance of the Conditions of Approval outlined in the Staff Report. Commissioner Wiggins inquired about the transition of the fencing from the existing development to the current development, and Ms. Kryder noted that they had not addressed it yet; however, she believed that “the landscaping should soften [the transition] as well.” Commissioner Dawers was informed that the wall will be the back wall of the yards

for the ten units that back into Roland Street. Chairperson Sattler referenced a letter inquiring about the fence, and incorporated into the record, and entertained public comments; however, none were forthcoming. Ms. Sullivan informed Vice Chair Borders that this Commission would improve the previously-discussed abandonment, should it be considered.

**(4:03:42) – MOTION: I move to approve SUP-19-162 based on the ability to make the required findings and subject to the conditions of approval.**

<b>RESULT:</b>	<b>APPROVED (7-0-0)</b>
<b>MOVER:</b>	Borders
<b>SECONDER:</b>	Tingle
<b>AYES:</b>	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
<b>NAYS:</b>	None
<b>ABSTENTIONS:</b>	None
<b>ABSENT:</b>	None

**E.5 SUP-19-164 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR A RESIDENTIAL USE IN A NON-RESIDENTIAL ZONING DISTRICT TO CONSTRUCT 126 APARTMENT UNITS ON A 6.13-ACRE PARCEL ZONED NEIGHBORHOOD BUSINESS (NB), LOCATED ON THE SOUTH SIDE OF LITTLE LANE, WEST OF JANAS WAY, APN 004-015-06.**

(4:04:14) – Chairperson Sattler introduced the item. Ms. Sullivan entertained disclosures. Commissioner Dawers noted that his company, Superior Door and Window, was a bidder on part of the project for one of the contractors on the item; therefore, he would abstain from voting due to a disqualifying conflict. Commissioner Preston disclosed that as a commercial real estate agent for Coldwell Banker Select, and has occasionally co-listed property with an agent of the applicant; however, she noted that they do not share “offices or staff” and are independent contractors. Commissioner Preston also noted that she did not have a co-listing on the project and would not receive any compensation; however, she was “making this disclosure in the best interest and transparency” and that she would be voting on the item as she did not have a disqualifying conflict.

(4:06:32) – Ms. Sullivan presented the Staff Report and the accompanying documents and recommended approval since Staff was able to make the seven required findings in the affirmative. She also noted that applicant representative and project architect Terry Novak was present and ready to answer questions. In response to a question by Commissioner Tingle, Mr. Pott y explained that the FEMA submission would occur after the City’s Storm Water Engineer reviews the applicant’s flood zone analysis and proposed changes. Commissioner Tingle expressed concern over the traffic on Little Lane and Saliman Road, and Mr. Pott y believed that the impact study will be updated should the levels of service decline. Ms. Sullivan noted that the School District had requested utilizing their previously-submitted comments. Chairperson Sattler invited the applicant to come forward.

(4:13:32) – Architect Terry Novak introduced himself and noted that he was in agreement with the Conditions of Approval Outlined by Staff. Chairperson Sattler entertained public comments and when none were forthcoming, a motion.

(4:14:24) – **MOTION:** I move to recommend approval of SUP-19-164 based on the ability to make the required findings, and subject to the conditions of approval contained in the staff report.

<b>RESULT:</b>	<b>APPROVED (6-0-1)</b>
<b>MOVER:</b>	Borders
<b>SECONDER:</b>	Wiggins
<b>AYES:</b>	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
<b>NAYS:</b>	None
<b>ABSTENTIONS:</b>	Dawers
<b>ABSENT:</b>	None

**E.6 AB-19-168 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR AN ABANDONMENT OF A PUBLIC RIGHT-OF-WAY, SPECIFICALLY A PORTION OF LAMOTTE DRIVE, BEGINNING AT THE REAR PROPERTY LINES OF 3493 ARROWHEAD DRIVE (APN 005-052-03) AND 3505 ARROWHEAD DRIVE (APN 005-053-03), AND EXTENDING TO APPROXIMATELY THE EASTERN PROPERTY LINE OF 3321 LA MOTTE DRIVE (APN 005-053-12).**

(4:15:21) – Chairperson Sattler introduced the item. Ms. Sullivan presented the Staff Report and noted Staff’s support of the abandonment, “but we think we need some street improvements before we can actually abandon the road to accommodate these turnarounds.” She also outlined the abandonment process which would require the Planning Commission’s recommendation to the Board of Supervisors based on the seven required findings. Ms. Sullivan acknowledged the presence of the applicant’s representative, Derek Wilson of the Rubicon Group and explained to vice Chair Borders that the City will most likely rename one of the streets. Ms. Sullivan and Mr. Pott y also responded to clarifying questions from the Commissioners.

(4:14:48) – Mr. Wilson stated that they are in agreement with the conditions of approval. He also clarified for the Commission that “everything proposed for abandonment is unbuilt now” and that items noted in Condition five are also being addressed by the applicant. Chairperson Sattler entertained public comments and when none were forthcoming, a motion.

(4:19:51) – **MOTION:** I move to recommend that the Board of Supervisors approve AB-19-168, based on seven findings and subject to the conditions of approval contained in the staff report.

<b>RESULT:</b>	<b>APPROVED (7-0-0)</b>
<b>MOVER:</b>	Sattler
<b>SECONDER:</b>	Borders
<b>AYES:</b>	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
<b>NAYS:</b>	None
<b>ABSTENTIONS:</b>	None
<b>ABSENT:</b>	None

**E.7 SUP-19-177 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR A RESIDENTIAL USE IN A NON-RESIDENTIAL ZONING DISTRICT TO CONSTRUCT 12 APARTMENT UNITS ON A 0.63-ACRE PARCEL ZONED NEIGHBORHOOD BUSINESS-PLANNED UNIT DEVELOPMENT (NB-P), LOCATED ON THE SOUTHEAST CORNER OF STAFFORD WAY AND SILVER SAGE DRIVE, APN 009-563-07.**

(4:20:32) – Chairperson Sattler introduced the item. Ms. Sullivan presented the Staff Report, incorporated into the record, and responded to clarifying questions. She also recommended approval of the Special Use Permit based on having met the seven required findings. Applicant Jeff Pisciotta, and applicant representatives Christopher Moltz and Mark Johnson of Stanka Consulting LTD introduced themselves and noted their agreement to the conditions of approval by Staff. Vice Chair Borders received clarification that the apartments touching Heaton Way will have private backyards and will have fences of undetermined height. Mr. Pisciotta explained that he had contacted the homeowners association (HOA) of the Heaton Way properties but had not heard back from them regarding maintaining that portion of their property. Commissioner Dawers was informed that the trash will be collected in cans and not in large receptacles. Mr. Moltz stated that there would be private garage parking for each apartment (12 total), 12 assigned uncovered parking spaces, and three unassigned guest parking spaces. Chairperson Sattler entertained public comments.

(4:40:45) – Carl Bolton introduced himself as “the president of the homeowners association that’s adjacent to this development, on the south and the east portion.” Mr. Bolton objected to the two-story units being planned, and believed “there’s never enough parking spaces in an apartment complex”, adding that only six or seven cars may be allowed on Stafford Way.

(4:43:31) – William Reinbolt introduced himself as a Stafford Way resident, and objected to the two-story complex and the anticipated traffic.

(4:45:06) – Kathleen St. Clair introduced herself as a Heaton Way resident and spoke in opposition to the proposed development and believed people will start parking on her street which she noted was a private street.

(4:46:12) – Katherine Borde introduced herself as a Heaton Way resident and noted that she had bought two units “because of the beautiful views” and did not wish to see her views obstructed with the two-story apartments, and she did not want “a high-transient, packed-in group across from where I live.” Ms. Borde also stated that many residents on Heaton Way had not received notices regarding the development

(4:48:57) – Sandra Stephen introduced herself as a 13-year resident living on Heaton Way and expressed opposition to the two-story buildings as well.

(4:50:28) – Don Fox introduced himself as another Heaton Way resident and explained that he was speaking on behalf of his wife, who owned the complex they were living in. Mr. Fox was also concerned about losing their view and the extra cars that would drive through the neighborhood or cause parking problems.



(4:56:06) – Gene Carhart introduced himself and spoke against having apartment Windows looking down on Heaton Way.

(4:56:59) – Chairperson Sattler entertained additional comments; however, none were forthcoming. He also addressed the issue of notifications to the neighbors, stating that “everyone within 100 yards of that property would have been notified,” per City requirements. The Chair expressed concern that only three guest parking spaces would be available. Ms. Sullivan clarified that windows would face Heaton Way. Commissioner Esswein was informed that the maximum building height in a commercial district was 26 feet, the same height proposed by the developer, and offered to explain the allowable uses in a commercial zone. Chairperson Sattler explained that “although views are nice to have, there’s no guarantee on adjacent property that your view is not going to be blocked.” Commissioner Esswein recommended towing “a car that isn’t supposed to be there” adding that he had noticed “any number of duplexes and any number of two-story units in this immediate neighborhood...this is a permitted use with a Special Use Permit”.

(5:03:59) – Commissioner Tingle believed that this development would not address the issue of affordable housing and Chair Sattler noted “that’s really not in our control to tell a developer what he has to put in affordability-wise.” Commissioner Preston called the development an “infield project”, which she believed would be attractive for the neighborhood. Commissioner Dawers believed the open space is minimal; however, after driving in the neighborhood, he called the project, he believed it “meshes perfectly with the surrounding areas” and that it was “a pretty good buffer between single-family homes and light commercial [zoning]”. Chairperson Sattler entertained further discussion, and when none were forthcoming, a motion.

**(5:08:13) – MOTION: I move to recommend approval of SUP-19-177 based on the ability to make the required findings, and subject to the conditions of approval contained in the staff report.**

<b>RESULT:</b>	<b>APPROVED (7-0-0)</b>
<b>MOVER:</b>	Dawers
<b>SECONDER:</b>	Preston
<b>AYES:</b>	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
<b>NAYS:</b>	None
<b>ABSTENTIONS:</b>	None
<b>ABSENT:</b>	None

(5:08:44) – Mr. Plemel noted that this action was the final decision on the Special Use Permit application unless appealed which could be filed within 10 days from this date, by contacting the Planning Division.

(5:09:34) – Chairperson Sattler recessed the meeting.

(5:18:54) – Chairperson Sattler reconvened the meeting and noted that the Commission would address agenda item E-9 prior to item E-8. A quorum was still present.

**-- THE FOLLOWING ITEM WILL BE HEARD NO EARLIER THAN 5:30 PM --****E.8 SUP-10-115-2 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE ONE YEAR REVIEW OF THE APPROVAL OF A MODIFICATION TO A SPECIAL USE PERMIT FOR AN ASPHALT PLANT ON PROPERTY ZONED GENERAL INDUSTRIAL, LOCATED AT 8013 HIGHWAY 50 EAST, APN 005-611-35.**

(5:33:01) – Chairperson Sattler introduced the item and explained the meeting format to the audience, noting that public comment will take place after the Staff and the plant operator presentations; however responses will be reserved until after all the comments have been heard. Ms. Sullivan presented the Staff Report, incorporated into the record, and responded to clarifying questions. She also clarified for Chairperson Sattler that this item was agendized as a one-year review of the approval of the modification of the Special Use Permit, and confirmed that in a one-year period there had been 226 complaints.

(5:42:35) – Business Operator Robert Matthews introduced himself as a South Curry Street resident and explained that many of the calls had been during non-operational hours, and that he had been running the plant for “two nights this year”. He also confirmed for Commissioner Dawers, that he had been using an additive [for odor mitigation] “since the last meeting, non-stop”. Chairperson Sattler reiterated the public comment format and expectations and invited the public to comment.

(5:45:00) – Michele Busk introduced herself as a resident of Traci Lane in Mound House and stated that she “got immediately nauseated; it was so strong” upon walking outside of her house that morning from the odor. She stated that “they were cooking about a week and a half ago at night. They were cooking the night before last. I have woken up several times at 3:00 in the morning, as they start cooking then. It makes a horrible sound. But most of all, I can’t breathe, I can’t go outside, I am in my house, all my windows are closed.” She stated that she is forced to close “everything” because she has woken up at night “coughing, and choking, and not being able to swallow.” She requested to know what the chemicals are that “they are putting in to stop the smell,” as they are not stopping the smell, and she believes they may be “more dangerous than the smell.” Ms. Busk mentioned her concern for the property value of her home and stated that no one had told her about the asphalt plant despite buying the property after Mr. Matthews built it. She also stated that she would invite “anybody” to her house to smell the odor firsthand. She stated that she “called this office so many times. I’ve called NDEP office so many times, so they said ‘start calling every day.’” Ms. Busk commented on how the law that Ms. Sullivan referred to should be changed in her opinion. She also mentioned how she’d get a lawyer if she could afford to do so.

(5:49:19) – Judy Lucas introduced her as a resident of Marianne Way in Mound House and thanked the Commission, NDEP, and Code Enforcement for trying to help the residents involved. Chairperson Sattler reminded Ms. Lucas to remain on topic, and Ms. Lucas stated how there were “a lot of angry people” at the meeting, and she was trying to “stop them from being so angry.” She stated that this was approximately the third or fourth time many of the residents had attended the meeting regarding the asphalt plant, and she did not “know how this man could do what he’s doing” to them and to their children. She commented that she is “so worried about these little children in our neighborhood. Yes, the smell is there, but what about the ashes? Where do these ashes all go? And they’re toxic.” Ms. Lucas referenced a document from OSHA “how bad it is.” She stated that she would not be able to afford

another house and welcomed the Commission members to her house to experience the asphalt plant firsthand. Ms. Lucas called the applicant a “terrible, terrible man” and mentioned how he runs the plant at times he was not directed to. She stated that “he knows how he can do his cooking ... and have it shut down before NDEP gets there ... He just does not care ... The time that he started, we were Carson City, and nobody bothered to look over the hill to see us, and we were there, and I don’t understand how that can happen ... We’re all getting sick ... If I’m getting sick, what’s happening to children?”

(5:53:29) – Chairperson Sattler reminded those commenting to keep comments at about three minutes or less.

(5:53:34) – Melanie Harris introduced herself as a resident of Marianne Way in Mound House and stated that because she works graveyard shifts, she leaves for work late and has smelled the asphalt plant when leaving as well as in the morning when she has come home to indicate that Mr. Matthews is cooking at night. She stated that the residents were never notified about the plant. She mentioned how many residents were forced to “tape up” their swamp coolers, and that she has had to buy a portable one because she has not been able to use her swamp cooler in three years. She stated that they “can’t sell our houses because we would disclose [the effects of the asphalt plant].” She showed pictures of the smoke from the asphalt plant to the Commissioners and indicated how the smoke goes over the hill and into her neighborhood. Ms. Harris stated that “no one is helping” them and had not in the three years the plant has been in operation, and they “should be rezoned or [Mr. Matthews] should be out of there.”

(5:55:19) – Kaila Lopez introduced herself as a resident of Mound House and stated that she has lived in Mound House her entire life, and her kids are “growing up there.” She stated that she was not warned about the asphalt plant, and she has been on short term disability “pretty much this whole year.” She commented on how she could not open her windows, and the kids could not play outside or go to the park nearby because of the plant. She stated that the smell from the plant “is a really strong smell. I don’t think that he realizes it.” She referred to the pictures taken by Ms. Harris and stated that she has “seen it worse where I’m coming from Dayton, and our whole area, even further down, is just smoke. It is unbearable how bad it is.”

(5:57:17) – Cindy Jones introduced herself and stated that she and her husband had retired in the neighborhood recently to be closer to their daughter. She noted that she and her husband were excited about relocating there, and her husband has chronic obstructive pulmonary disease (COPD) and had been “managing it very well.” Ms. Jones stated that her husband had been at Quick Care every month for breathing, since August, and his medications had been changed. She commented that the “fumes are one thing,” but they “didn’t even know what was going on,” and her husband had mentioned to her the sounds from the plant that could be heard “all night long.” She stated that they cannot sell, although she had realized the long-term effects of living near the plant, and they would not want to because they “love it here.” She also pointed out Fernley’s use of the regenerative thermal oxidizer to “depreciate this stuff over many years.” She stated that while she did not want the applicant to leave, she was afraid of losing her husband, who is 71-years-old and in “very good health,” and he had been fatigued from what she believed was the effects of the plant.

(5:59:51) – Lynne Stillman introduced herself as a resident of the Carson Highlands Mobile Home Park in Mound House, and she stated that “the fumes have a tendency to lay in the lower areas,” which she indicated is where she lives. She pointed out that that morning “it was so bad, which it usually is on a

daily basis and in the evenings also that I have a previous lung problem where I had a lung collapse twice ... I know now that with these fumes I can tell as soon as I open a door or a window that I can feel the heaviness in my chest, and I also get migraines from these fumes, and I really think it's time that they do something about it ... I wanted to let you know that it's definitely a problem in my area."

(6:01:00) – Octavio Juarez introduced himself as a resident of Mound House and stated that he is translating for his father. He commented that every time in the morning that he wakes up to go to school, "the pain is really strong" and explained how his eyes burn, and his head hurts "really bad" when he wakes up on the weekends. He also noted that the plant affects his little brother more because he has asthma.

(6:01:54) – Ed Wawrytko introduced himself as the owner of Ed's Custom Sheds in Mound House and stated that he lives in his shop. He believed that Mr. Matthews had been running his product "straight through without using the bag house" and explained that the bag house refers to the filter, and that the bag house is being avoided. He noted that he noticed nothing coming out of the bag house stack while there had been a huge amount of dust and debris coming out where the trucks were being loaded. He stated that Mr. Matthews was getting his product "anyway [he] can" while the residents were the ones "suffering from it." He mentioned having seen "big flumes of dust going over the houses" and a "plume of dust" as he was traveling that day, and that the streak of sunlight showed that the fumes were a "brownish color." He requested a field inspector go to inspect Mr. Matthews's plant "immediately." He also stated that "what [Mr. Matthews] is doing to [the residents] is ungodly."

(6:04:39) – Loyaul Fraker introduced himself as a 30-year resident of Mound House and mentioned that the asphalt plant could not be grandfathered in." He stated that Monday through Friday, sometimes through Saturday, it is "unbelievable how loud" the plant is in the neighborhood, and the smoke comes through the neighborhood to the point that "you can't even see the houses down the street" when the wind is "just right." He called the situation "asinine." He stated that although he and the other residents are in a different county, they are "the ones suffering" and "nobody in Carson City is suffering from this."

(6:06:13) – Dave Lockhart introduced himself as a resident of Mound House and affirmed what the other commenters had stated. He stated that he smells the emissions from the plant "every morning" when he walks out his front door for work at 8:00 a.m. He also commented that he believed that Mr. Matthews is running the plant "outside his parameters at night," as Mr. Lockhart mentioned he works on a lot of hobbies at night in the garage and the backyard, and he can still smell the fumes at approximately 8:00 p.m. – 10:00 p.m. He stated that people that live on Linehan Road that mentioned to Mr. Lockhart having seen plumes from the plant in the air. He requested that the asphalt plant get shut down or "clean the stuff up." He pointed out that his sense of smell is "not that good, so if [he is] smelling it, [he] can't imagine [how] it is for people who have a normal sense of smell. It's going to be a lot worse, and it's not healthy for us."

(6:07:29) – Melissa Fraker introduced herself and stated that she had "been here ever since this has started." She stated that her lungs had been getting "super, super bad." She commented that she had the plant on film running at 3:00 a.m. and at other unpermitted times. She noted herself and others being unable to breathe, and the air quality emissions had been up to 20 percent according to Ms. Fraker. She stated that Mr. Matthews shuts the plant down for fifteen minutes to comply with the guidelines, and he

is “well aware of what he does ... in the operations area.” She requested information on how far an asphalt plant could be from a community, and she noted that she did not know “why we are going on 1975 ratings when now we are in 2019.” The public applauded her statement. She also commented that “it’s over the period of time where we can live comfortably.” Ms. Fraker brought to the Commission’s attention a petition with 75 signatures, and Chairperson Sattler advised Ms. Fraker that the Commission could not take her petition at that time. Ms. Fraker thanked the Commission members for hearing her and requested that they “please help” the residents.

(6:12:00) – Jan Wiley introduced herself as a resident from Traci Lane in Mound House, and she pointed out the Special Use Permit that had been modified for the asphalt plant to modify the hours of operation, and that Mr. Matthews was not abiding by the indicated hours according to those that had commented. She inquired about when Mr. Matthews could run the plant, and Chairperson Sattler stated that the Commission would take input and later respond with answers. Ms. Wiley informed the Commission that Mr. Matthews “does run on Saturdays, and sometimes you want to enjoy your backyard on Saturdays, and you can’t.”

(6:12:58) – Juan Delgado introduced himself as a resident from Chari Drive in Mound House, and stated that back when he and his wife purchased their house in 2003, it was quiet and there were no smells in their neighborhood, but now “we can’t even go outside, it’s so bad.” He commented that one of his children is still living with him, and Mr. Delgado and his wife have thought about selling the property.

(6:13:52) – Rosa Irigoyen introduced herself as a resident from Jenni Lane in Mound House and stated that the fumes “are really so bad” and they had been “bothering” the residents in the area.

(6:14:50) –Matthew Wilkie introduced himself as a “brand new home owner in the community” and stated that he had purchased his house approximately a month ago and had not been informed by his realtor about the asphalt plant. He commented that “it is almost a constant daily struggle and process” and he “almost regret my decision to purchase in this community” despite him “really looking forward to it” and it being “a closer commute” to his work. He mentioned that the animals had also been affected by the plant and noted his dog had been wheezing and coughing more. He stated that the product Mr. Matthews had been running for a year was “clearly not” working, and Mr. Matthews “is profiting while we’re suffering. It should be on his dime to get this fixed.”

(6:17:04) – Lyon County Code Enforcement Officer David Scott introduced himself and noted all the complaints he had received, along with inquiries from several organizations, including the Lyon County Board of Commissioners and the Planning Department. He wished to hear the Commission’s decision to take back to “the people I work for”.

(6:18:12) – Chairperson Sattler relayed his experience of working in an asphalt plan in the past, adding that he had personally experienced the strong odor of Mr. Matthews’ plant and believed “if there’s anything we can do, I think we have to try to make an effort to try and make something of this issue” to be good neighbors. Ms. Sullivan reminded the Commission that in October 2018 they had crated the following condition of approval (#17): *The operator shall utilize Ecosorb in operations to suppress odors.* However, the use of regenerative thermal oxidizer had not been one of the conditions. Commissioner Preston was informed that the following operating hours were approved in 2018 as condition of approval #13: *Operating hours are to be from 6:00 a.m. to 6:00 p.m., Monday through*

Saturday. Operating on Sunday would be on emergency basis only; emergency basis means fire, flood or other major event where the City is in need of material for a crisis. The applicant may work at night or on a Sunday up to 30 times in a calendar year. When work is to occur at night or on a Sunday, the operator shall advise the Community Development Director in writing 72 hours prior. Ms. Sullivan stated that the Nevada Division of Environmental Protection (NDEP) and Carson City Code Enforcement had been to the plant several times to monitor start times and had been unable to find violations. Commissioner Esswein noted that the issue was the plant’s inability to control the odor; therefore, he believed that condition #17 should either change to require the use of the regenerative thermal oxidizer or “move to revoke the permit”. Mr. Johnson clarified that “revocation is not an option tonight...there’s a specific process laid out in Carson City Municipal Code (CCMC) for revocation.” Ms. Sullivan suggested amending condition of approval (#17) to state: *Operator shall utilize a regenerative thermal oxidizer.* Commissioner Esswein recommended not permitting Mr. Matthews to operate until installing the oxidizer. Ms. Sullivan recommended requesting that “the Community Development Director begin an investigation into the Special Use Permit” as the first step towards the revocation process.

(6:26:45) – Commissioner Dawers recommended not having the entire plant operate without the oxidizer, adding that “a year ago we promised these people that we would get the smell taken care of.” Ms. Sullivan suggested inserting finding #2, compatibility with the neighborhood as part of the motion. She also reminded the public that Mr. Matthews can appeal this evening’s decision. Chairperson Sattler entertained a motion. Commissioner Dawers was informed that tonight’s decision will be revisited in a year, as outlined in the conditions of approval. Mr. Plemel explained how the noticing occurs between Carson City and Lyon County.

**(6:29:07) – MOTION: “I’d like to propose that we amend SUP 10-115-2, to amend conditions 13 to eliminate night operations except for emergencies by striking: *The applicant may work at night or on a Sunday up to 30 times in a calendar year. When work is to occur at night or on a Sunday, the operator shall advise the Community Development Director in writing 72 hours prior,* and revising condition 17 to require the installation of the regenerative thermal oxidizer, and prior to any continued use of this facility that equipment will be installed.”**

(6:24:20) – Vice Chair Borders inquired about Mr. Matthews’ business commitments since he would be unable to operate the plant until the new equipment is installed. Mr. Plemel clarified that the conditions of approval will be effective after the appeals period of 10 days; however, should Mr. Matthews decide to appeal, the outcome will be effective after the final decision by the Board of Supervisors. Ms. Sullivan recommended adding a date to condition of approval 18.

**(6:39:04) – Commissioner Esswein amended his motion to include a date of October 2020 for the next review of the Special Use Permit. The seconder accepted the amendment. Chairperson Sattler called for the vote.**

<b>RESULT:</b>	<b>APPROVED (7-0-0)</b>
<b>MOVER:</b>	Esswein
<b>SECONDER:</b>	Sattler
<b>AYES:</b>	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
<b>NAYS:</b>	None
<b>ABSTENTIONS:</b>	None
<b>ABSENT:</b>	None

(6:40:20) – Commissioner Preston recommended reporting any odors in the next 10 days because of inversions at this time of year that exacerbate health conditions. Commissioner Dawers suggested contacting U.S. House and Senate elected officials as well.

(6:41:20) – Mr. Johnson advised that any request for the Community Development Director to investigate into possible revocation must be agendaized for the December 2019 meeting.

**E.9 MPA-19-178 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS REGARDING THE ANNUAL MASTER PLAN REPORT.**

(5:19:22) – Chairperson Sattler introduced the item. Mr. Plemel gave background and reviewed a presentation, incorporated into the record, highlighting the Planning Staff deliverables concerning the Commission’s annual recommendations to the Board of Supervisors regarding the implementation of the Master Plan. Mr. Plemel, along with Mr. Pottéy, also responded to clarifying questions by the Commissioners, especially regarding water resources. Chairperson Sattler entertained public comments and when none were forthcoming, a motion.

**(5:32:40) – MOTION: I move to recommend to the Board of Supervisors acceptance of the Master Plan annual report as presented by Staff.**

<b>RESULT:</b>	<b>APPROVED (7-0-0)</b>
<b>MOVER:</b>	Sattler
<b>SECONDER:</b>	Borders
<b>AYES:</b>	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
<b>NAYS:</b>	None
<b>ABSTENTIONS:</b>	None
<b>ABSENT:</b>	None

**F. STAFF REPORTS (NON-ACTION ITEMS)**

(6:45:10) – Mr. Plemel updated the Commission on the Title 18 updates discussed during the first Board of Supervisors meeting in November. He also noted that the workshops will resume in January of 2020, and reminded the Commission that the next Planning Commission meeting will take place on Tuesday, December 18, at 3:30 p.m. with the Andersen Ranch Subdivision discussion agendaized for a 5:30 p.m. start time.

- F.1 - DIRECTOR'S REPORT TO THE COMMISSION.**
- FUTURE AGENDA ITEMS.**
- COMMISSIONER REPORTS/COMMENTS.**

(6:49:02) – Chairperson Sattler indicated that he would remain on the Commission until the sale of his house. Commissioner Esswein recommended postponing the Andersen Ranch discussion until January 2020 so he can be present.

**G. PUBLIC COMMENT**

There were no public comments.

**H. FOR POSSIBLE ACTION: FOR ADJOURNMENT**

**(6:50:40) – MOTION: Chairperson Sattler adjourned the meeting at 6:50 p.m.**

The Minutes of the, November 11, 2019 Carson City Planning Commission meeting are so approved this 19<sup>th</sup> day of December, 2019.





## Carson City Planning Division

108 E. Proctor Street  
Carson City, Nevada 89701  
(775) 887-2180 – Hearing Impaired: 711  
planning@carson.org  
www.carson.org/planning

### MEMORANDUM

Planning Commission Meeting of November 19, 2019

**TO:** Planning Commission

**Item E-8**

**FROM:** Hope Sullivan, AICP  
Planning Manager

**DATE:** November 6, 2019

**SUBJECT: SUP-10-115-2: For Possible Action: Discussion and possible action regarding the one year review of the approval of a modification to a Special Use Permit for an Asphalt Plant on property zoned General Industrial, located at 8013 Highway 50 East, APN 005-611-35.**

**STAFF SUMMARY:** At its meeting of October 24, 2018, the Planning Commission approved the modification of a Special Use Permit for an Asphalt Plant, specifically modifying the hours of operation. In approving this modification, the Planning Commission included a condition of approval mandating a review in one year. The condition further explains that in conducting the one year review, the Commission shall conduct a public hearing. Based on input received at the public hearing, the Commission may modify conditions of approval, or request staff to schedule additional reviews of the Special Use Permit.

Recommended motion:

No motion is proposed.

Noticing

On October 24, 2019, notice of the public hearing was mailed to 33 property owners within 7500 feet of the subject property. This notice also appeared in the newspaper, on bulletin boards throughout the City, and on the City's and State's websites.

On October 24, 2019, an email was sent to Robert Matthews of Tahoe Western Asphalt advising him of the public hearing.

On October 24, 2019, an email was sent to Lyon County, Nevada Senior Planner Robert Pyzel informing him of the public hearing.

On October 28, 2019, the Planning Manager spoke with Robert Matthews of Tahoe Western Asphalt and advised him of the public hearing.

Comments

Since the meeting of October 24, 2018, the City's Code Enforcement staff has received 99 complaints about the subject use. Ninety eight of the complaints were about odors, and one complaint was in regard to hours of operation.

Based on complaints, Code Enforcement staff has documented visits to Mound House on six occasions. During one visit, there was no odor detected, during four visits there was a faint odor detected, and during one visit there was a strong odor detected. Staff contacted Mr. Matthews, the plant operator, the morning of the strong odor and Mr. Matthews advised the reason for the strong odor was that he was low on propane. This information is documented in a memorandum dated November 6, 2019 from William Kohbarger, Carson City Code Enforcement to the Planning Manager.

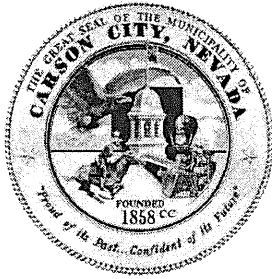
Nathan Rash, Compliance Officer with the Nevada Division of Environmental Protection, has advised that between October 24, 2018 and October 22, 2019, the Bureau of Air Pollution Control (BAPC) has received 127 complaints, all odor complaints. Although strong odors and opacity has been observed, the source has been intermittent and the threshold for a violation has not been met.

In an October 24, 2019 email, Lyon County Senior Planner Rob Pyzel advised that Lyon County has not received any recent complaints from the Mound House community in regard to odors and smoke from Tahoe Wester Asphalt's facility.

Given a lack of substantiated concerns, staff is not recommending any further action.

Attachments:

- November 6, 2019 Memorandum from Code Enforcement to the Planning Manager
- October 22, 2019 email from Nathan Rash, Nevada Department of Environmental Protection.
- October 24, 2019 email from Robert Pyzel, Senior Planner, Lyon County, NV
- Executed Notice of Decision SUP-10-115-2
- Staff Report Dated October 24, 2018



# Carson City Code Enforcement

108 E. Proctor Street  
Carson City, Nevada 89701  
(775) 887-2180 – Hearing Impaired: 711  
codeenforcement@carson.org  
www.carson.org/planning

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## MEMORANDUM

TO: Hope Sullivan, Planning Manager

FROM: William Kohbarger, Code Enforcement

DATE: November 06, 2019

SUBJECT: Tahoe Western Asphalt LLC  
8025 Hwy 50 E

The following is a Code Enforcement summary of all the complaints, investigations and interactions involving Case #101162, Tahoe Western Asphalt LLC.

Pursuant to your request, I am providing information on this case from October 24, 2018 forward.

Number of Complaints: 99  
Odor complaints = 98  
Hours of operation = 1

Notice of Violations:  
None

Visits to Mound House:  
November 05, 2018 – faint odor detected;  
April 26, 2109 – no odor detected;  
August 01, 2019 – strong odor detected;  
September 18, 2109 – faint odor detected;  
September 20, 2019 – faint odor detected;  
October 02, 2019 – faint odor detected.

The following paragraphs are an entry Code Enforcement Johnston placed into SWEEPS:

August 1, 2019 Code Enforcement Officer Johnston arrived to work and received 2 voice mail messages regarding a bad smell being emitted from the asphalt plant. I also received an email from Mr. Lucas with a photo of the plant operating.

At approximately 0930hrs, I performed a site visit to the Mound House Mobile Home Park area where all the complainants live. I arrived within the area and stopped at the intersection of Highlands and Traci streets. I easily identified an odor that is the smell of asphalt within the area. I continued to drive in the neighborhood and I was able to smell the same asphalt odor in

the upper Miriam St. area. I performed another drive through the neighborhood and smelled the same odor again within the same locations at the intersection of Highlands and Traci, Traci and Miriam and the entire Miriam St. After stopping and writing down the locations of the odor I went to observe the asphalt plant. I observed them operating from the water tank and took photos and video of the plant loading an A&K Earthmovers Truck with asphalt. I was sitting at a higher elevation than the plant and did not smell the asphalt odor. I did observe the wind was traveling East in the direction of the mobile home park being effected. I called and notified NDEP Supervisor Travis Osterhout.

I also notified Carson City Planning Manager Hope Sullivan who called Tahoe Western Asphalt Owner Mr. Mathews. Mr. Mathews stated he ran low of propane supply which makes his asphalt plant burn differently than from a normal supply. Mr. Mathews stated that is the reason why his operation has changed today. Ms. Sullivan also asked him if he has made any changes to his operation and he said no and he has been extremely busy with business. Ms. Sullivan asked him if he is still using and supplying the odor eliminating additive and he said yes. Mr. Mathews informed us that he has repaired the propane shortage and is back to normal operating procedures.

I called Mr. Lucas at approximately 0920hrs, and asked if he would be willing to meet at his house in about 25 minutes. Mr. Lucas agreed. As I was driving towards Mound House, I observed that Tahoe Western Asphalt was currently operating and emitting large plumes of white smoke or vapor from the plant. The smoke was coming from both the large tall cylinder tank and the asphalt plant loading tower. There was also quite a bit of dust coming from the N.E. aggregate mine within the property. As I drove East on HWY 50 passing the entrance to the asphalt plant and continued towards Mound House I also smelled what I recognized as burning asphalt. I entered the Lucas's mobile home housing complex and the smell became stronger. I drove through the housing complex to the Lucas's residence and observed the smell at the way to their house. The smell and odor was noxious and unpleasant. I met with Mr. Lucas who stated his concerns and described how he has had to tolerate the unbearable smell for over a year. I engaged in a long conversation with Mr. Lucas and his wife Judy. I explained to the both of them how asphalt is made, transported and how it is used to build roads. I also explained to them that the Carson City Code Enforcement Department has received all their complaints and documented everything regarding Tahoe Western Asphalt and their operations and violations. I told the Lucas's that our Departments have done everything we possibly can to ensure the company is in compliance with the CCMC's and have corrected their violations. I advised them that they do have the right to file a criminal complaint with the Carson City District Attorney's Office and they may do so with the NRS nuisance violation. I explained that I would not know which jurisdiction would be best and they may want to file a criminal complaint with the Lyon County DA's Office as well.

I instructed them that we will continue to take their complaints and document them for City public record and if we are able to take Code Enforcement action we would continue to do so.

## Hope Sullivan

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**From:** Nathan Rash <nrash@ndep.nv.gov>  
**Sent:** Tuesday, October 22, 2019 7:57 AM  
**To:** Hope Sullivan  
**Cc:** Travis Osterhout  
**Subject:** RE: please forward

**This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.**

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Good morning Hope,

Since October 24, 2018 the BAPC has received 127 complaints regarding TWA originating from 17 unique parties (excluding those who wished to remain anonymous). Our official record lists all of these complaints as odor complaints but it is often the case that when I call or speak with the reporting party visible emissions are also a concern (often phrased as "smog", "smoke" or some variant thereof). The BAPC is in consistent contact with the reporting parties by telephone and most of the parties report odor as their primary concern followed closely by the health effects the facilities emissions may have on them.

The BAPC has made an effort to investigate as many of these complaints as possible, both directly responding to complaints as they are called in and by doing random checks of the Moundhouse Highlands neighborhood. During the timeframe in question, no violations were issued. Please note that this is not to say that odors and visible emissions were not observed. There has been several cases where a strong odor or elevated opacity was observed, but since both our odor and opacity regulations involve an averaging period and the nature of the source is intermittent, the threshold for a violation was not met.

I hope this helps. Should you require any further information or if I can be of any assistance please let me know.

Thank you,

## Hope Sullivan

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**From:** Rob Pyzel <rpyzel@lyon-county.org>  
**Sent:** Thursday, October 24, 2019 12:21 PM  
**To:** Hope Sullivan  
**Subject:** Re: Tahoe Western Asphalt

**This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.**

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Hope;  
Thanks for the update. Glad you get a night off!  
I asked the Code Enforcement Officer and County Manager if they had received any recent complaints from the Mound House community in regard to odors and smoke from Tahoe Western Asphalt's facility. They both indicated they had not. I also have not heard any recent complaints in regard to Tahoe Western Asphalt's facility west of Mound House.

Cheers,

Rob Pyzel, Planner  
Lyon County Planning Department  
(775) 246-6135; X-2473  
[rpyzel@lyon-county.org](mailto:rpyzel@lyon-county.org)

Definition of caveat emptor: a principle in commerce: without a warranty the buyer takes the risk.

On Thu, Oct 24, 2019 at 11:48 AM Hope Sullivan <[HSullivan@carson.org](mailto:HSullivan@carson.org)> wrote:

Rob:

Due to a noticing error, the Planning Commission meeting of October 30 is cancelled. The Planning Commission will perform the one year review on Tahoe Western Asphalt at its meeting of November 19, 2019. This item will not be heard before 5:30 PM.

Hope Sullivan, AICP

Planning Manager

Carson City, NV 89701

775-283-7922



## Carson City Planning Division

108 E. Proctor St.

Carson City, Nevada 89701

(775) 887-2180

Planning@carson.org

www.carson.org

★ CLERK ★  
**FILED**

Time 12:46 p.m.

OCT 31, 2018

By K. Barre  
Deputy  
Carson City, Nevada

### PLANNING COMMISSION

October 24, 2018

#### NOTICE OF DECISION – SUP-10-115-2

An application was received to consider a request to modify a Special Use Permit for an Asphalt Plant, specifically modifying the hours to allow startup of equipment from 5:30 AM – 6:00 AM, with gates open to customers from 6:00 AM – 7:00 PM, and with an ability to run nights exclusively for municipal and state work. The subject property is zoned General Industrial, and is located at 8013 Highway 50 East, APN 008-611-35.

The Planning Commission conducted a public hearing on October 24, 2018, in conformance with City and State legal requirements and approved SUP-10-115-2 based on the findings contained in the staff report and subject to the following conditions of approval.

#### CONDITIONS OF APPROVAL:

*Note the base language in these conditions are the conditions of approval approved on January 26, 2011 with SUP-10-115. Language proposed to be added appears in bold with an underline. Language proposed to be deleted appears with a strikethrough.*

#### The following shall be completed prior to commencement of the use:

1. The applicant must sign and return the Notice of Decision / conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, the item will be rescheduled for the next Planning Commission meeting for further consideration.
2. The applicant shall meet all the conditions of approval and commence the use (obtain and maintain a valid building permit) for which this permit is granted within twelve months of the date of final approval. A single, one-year extension of time may be granted if requested in writing to the Planning Division thirty days prior to the one-year expiration date. Should this permit not be initiated within one year and no extension granted, the permit shall become null and void.

#### Conditions required to be incorporated into the proposed development plan.

3. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by the conditions of approval herein.
4. All lighting must be directed downward. The design of the light standards must include cutoffs and shields, if necessary, to prevent any spillover of light or glare on to adjacent properties.
5. All improvements shall conform to City standards and requirements.

**The following shall be submitted or included as part of a building permit application:**


6. The applicant shall obtain a building permit from the Carson City Building and Safety Division for the proposed construction.
7. The applicant shall submit a copy of the Notice of Decision / conditions of approval, signed by the applicant and owner.
8. Details of the proposed light standards must be submitted with the building permit.
9. The applicant shall ensure that water or other appropriate wetting agents are utilized on the stock-piled material.

**The following are associated with the use.**

10. At all times when operations are not ongoing, the site must be secured by protection gate.
11. All federal, state and other local agency approvals shall be secured relative to the operation of this facility.
12. The applicant shall comply with, applicable requirements of NDEP **Bureau of Air Pollution Control Air Quality Operating Permit, including days and hours of operation. The applicant shall also comply with applicable requirements** for noise, odors, erosion, air pollution and dust control.
13. Operating hours are to be from ~~7:00~~ **6:00** a.m. to 6:00 p.m., Monday through Saturday, **with gates open to customers only during these hours. Startup of equipment may occur between 5:30 AM to 6:00 AM.** Operating on Sunday would be on emergency basis only; emergency basis means fire, flood or other major event where the City is in need of material for a crisis. **The applicant may work at night or on a Sunday, other than on an emergency basis, up to 30 times in a calendar year. When work is to occur at night or on a Sunday (other than on the emergency basis), the operator shall advise the Community Development Director in writing at least 72 hours prior. Nothing in this condition shall be construed as superseding any limitation on hours of operation put in place by NDEP.**
14. **A roof shall be installed and maintained over the truck loading chute area.**
15. **Water fogging systems at drop points when material drops to a different part of the equipment and is exposed to air shall be installed and maintained.**
16. **The vent condenser that has been installed must be maintained.**
17. **The operator shall utilize Ecosorb in operations to suppress odors.**
18. **This Special Use Permit is subject to review in one year. In reviewing the Special Use Permit, the Planning Commission shall conduct a public hearing, and the noticing for the public hearing shall be consistent with CCMC 18.02.045.**

This decision was made on a vote of 5 ayes, 1 nays, 1 absent.



  
\_\_\_\_\_  
Hope Sullivan, AICP  
Planning Manager

HS:lr

Emailed on: 10/31/2018

By: lr

**PLEASE SIGN AND RETURN THIS NOTICE OF DECISION WITHIN  
TEN DAYS OF RECEIPT**

This is to acknowledge that I have read and will comply with the Conditions of Approval as approved  
by the Carson City Planning Commission.

  
\_\_\_\_\_  
OWNER/APPLICANT SIGNATURE

DATE 11-2-2018

  
\_\_\_\_\_  
PLEASE PRINT YOUR NAME HERE

**RETURN VIA:**

Email to: [planning@carson.org](mailto:planning@carson.org)  
Fax to: (775) 887-2278  
Mail to: Carson City Planning Division  
108 E. Proctor St.  
Carson City, NV 89701

**STAFF REPORT FOR PLANNING COMMISSION MEETING OCTOBER 24, 2018**

**FILE NO: SUP-10-115-2**

**AGENDA ITEM: E.8**

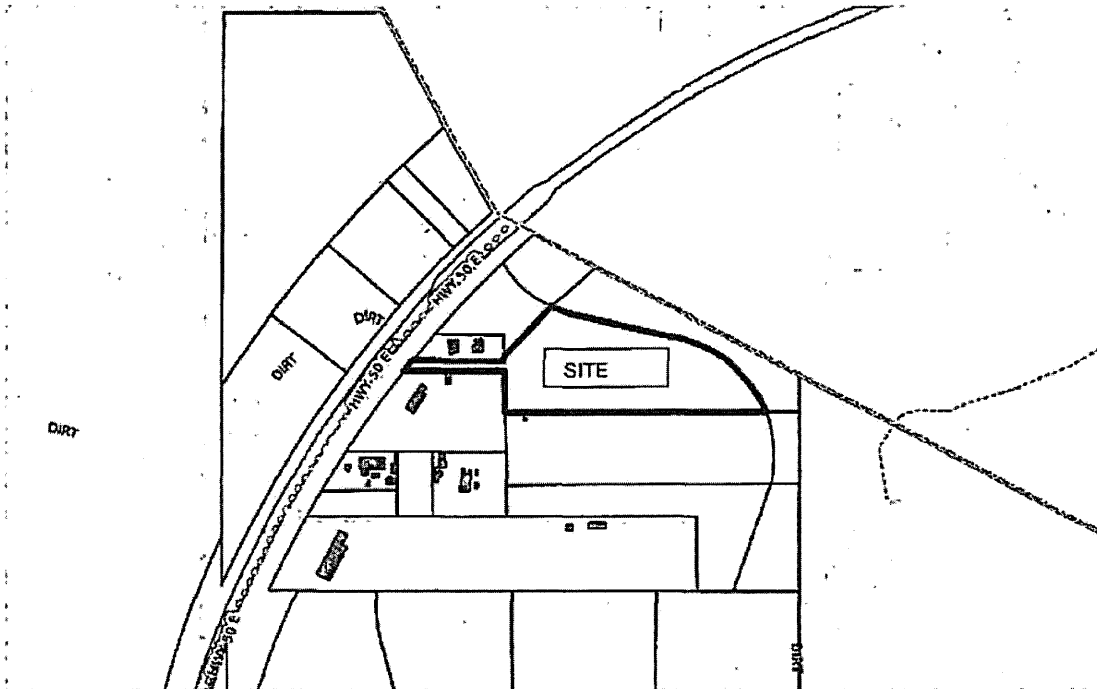
**STAFF CONTACT:** Hope Sullivan, Planning Manager

**AGENDA TITLE:** For Possible Action: To consider a request to modify a Special Use Permit for an Asphalt Plant, specifically modifying the hours to allow startup of equipment from 5:30 AM – 6:00 AM, with gates open to customers from 6:00 AM – 7:00 PM, and with an ability to run nights exclusively for municipal and state work. The subject property is zoned General Industrial, and is located at 8013 Highway 50 East, APN 008-611-35. (Hope Sullivan, [hsullivan@carson.org](mailto:hsullivan@carson.org))

**STAFF SUMMARY:** On January 26, 2011, the Planning Commission approved a Special Use Permit for an asphalt plant and aggregate crushing facility on the subject property. That approval included a condition of approval that limited the hours of operation to Monday through Saturday, 7:00 AM – 6:00 PM. The applicant is now seeking to modify to the Special Use Permit to have expanded hours. The Planning Commission has the authority to modify a Special Use Permit.

**RECOMMENDED MOTION:** "I move to approve a request to modify Special Use Permit SUP-10-115-2, to modify the hours of operation based on the ability to make the seven required findings in the affirmative and subject to the recommended conditions of approval contained in the staff report."

**VICINITY MAP:**



### **RECOMMENDED CONDITIONS OF APPROVAL**

*Note the base language in these conditions are the conditions of approval approved on January 26, 2011 with SUP-10-115. Language proposed to be added appears in bold with an underline. Language proposed to be deleted appears with a strikethrough.*

#### **The following shall be completed prior to commencement of the use:**

1. The applicant must sign and return the Notice of Decision / conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, the item will be rescheduled for the next Planning Commission meeting for further consideration.
2. The applicant shall meet all the conditions of approval and commence the use (obtain and maintain a valid building permit) for which this permit is granted within twelve months of the date of final approval. A single, one-year extension of time may be granted if requested in writing to the Planning Division thirty days prior to the one-year expiration date. Should this permit not be initiated within one year and no extension granted, the permit shall become null and void.

#### **Conditions required to be incorporated into the proposed development plan.**

3. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by the conditions of approval herein.
4. All lighting must be directed downward. The design of the light standards must include cutoffs and shields, if necessary, to prevent any spillover of light or glare on to adjacent properties.
5. All improvements shall conform to City standards and requirements.

#### **The following shall be submitted or included as part of a building permit application:**

6. The applicant shall obtain a building permit from the Carson City Building and Safety Division for the proposed construction.
7. The applicant shall submit a copy of the Notice of Decision / conditions of approval, signed by the applicant and owner.
8. Details of the proposed light standards must be submitted with the building permit.
9. The applicant shall ensure that water or other appropriate wetting agents are utilized on the stock-piled material.

#### **The following are associated with the use.**

10. At all times when operations are not ongoing, the site must be secured by protection gate.

11. All federal, state and other local agency approvals shall be secured relative to the operation of this facility.
12. The applicant shall comply with, applicable requirements of NDEP for noise, odors, erosion, air pollution and dust control.
13. Operating hours are to be from ~~7:00~~ 6:00 a.m. to 6:00 p.m., Monday through Saturday. Operating on Sunday would be on emergency basis only; emergency basis means fire, flood or other major event where the City is in need of material for a crisis. The applicant may work at night or on a Sunday up to 30 times in a calendar year. When work is to occur at night or on a Sunday, the operator shall advise the Community Development Director in writing 72 hours prior.
14. A roof shall be installed and maintained over the truck loading chute area.
15. Water fogging systems at drop points when material drops to a different part of the equipment and is exposed to air shall be installed and maintained.
16. The vent condenser that has been installed must be maintained.
17. The operator shall utilize Ecosorb in operations to suppress odors.
18. This Special Use Permit is subject to review in one year. In reviewing the Special Use Permit, the Planning Commission shall conduct a public hearing, and the noticing for the public hearing shall be consistent with CCMC 18.02.045.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.080 (Special Use Permits)

MASTER PLAN DESIGNATION: Mixed Use Commercial and Public Conservation,  
Virginia & Truckee Railroad Gateway Specific Plan  
Area.

ZONING DISTRICT: General Industrial

KEY ISSUES: Will the proposed hours of operation be compatible with adjacent land uses and properties?

**SURROUNDING ZONING AND LAND USE INFORMATION**

NORTH: General Industrial / Vacant V+T railroad tracks, Lyon County/Carson City boundary  
SOUTH: General Industrial / Industrial Uses  
EAST: General Industrial / Vacant V+T railroad tracks  
WEST: General Industrial / Industrial Uses

## **SITE HISTORY**

January 03, 1984 the Regional Planning Commission approved a Special Use Permit application, U-83-37 form Eagle Valley Construction to allow a portable rock crushing operation on site.

January 04, 1984 the Board of Supervisors reviewed and approved U-83-37.

January 22, 1985 the Regional Planning Commission reviewed the previously approved U-83-37 and indicated that there were no problems with the operation and continued approval.

January 23, 1985 the Board of Supervisors approved a review of the previously approved Special Use Permit U-83-37.

February 07, 1985 the Board of Supervisors approved the review of U-83-37.

August 25, 1994 a Special Use Permit U-94/95-123 was submitted to allow the extraction of materials and the installation and operation of a portable rock crusher for aggregate road base.

September 19, 1994 the Community Development Department determined that a new Special Use Permit was not required as long as the new operator is subject to the conditions of approval of Special Use Permit U-83-37.

September 19, 1994 the applicant of Special Use Permit SUP-94/95-13 submitted a request for a formal withdrawal of the Special Use Permit.

November 02, 2010 City staff conducted a Major Project Review of the proposed Far West Hybrid Asphalt Plant. At that time comments were provided to the applicant related to the proposed project.

November 17, 2010 the proposed project was presented to the Carson City Airport Authority. The Airport Authority voted to send its disapproval of the proposed wind turbine to the Board of Supervisors and the Planning Commission.

January 26, 2011 the Planning Commission approved a Special Use Permit for an Asphalt Plant and Aggregate Crushing Facility.

September 28, 2011 the Planning Commission approved a Special Use Permit to allow four 190 foot tall wind turbines on the property.

February 2, 2016 the Community Development Department found that the Special Use Permit for the aggregate and the batch plant operations was still valid.

March 15, 2016 a Major Project Review (MPR) meeting was conducted relative to the asphalt plan and crushing facility. At the meeting, applicant advised plans were not current, and MPR comments were not prepared.

## **ENVIRONMENTAL INFORMATION**

FLOOD ZONE: Zone X

SLOPE/DRAINAGE: The site is primarily flat  
SEISMIC ZONE: Zone II: Moderate

#### **SITE DEVELOPMENT INFORMATION**

PARCEL AREA: 10 Acres  
EXISTING LAND USE: Asphalt plant

#### **DISCUSSION:**

Per Carson City Municipal Code (CCMC) 18.04.150, Asphalt Manufacturing is a Conditional Use in the General Industrial (GI) Zoning District. At its meeting of January 26, 2011, the Planning Commission approved Special Use Permit SUP-10-115 allowing for an asphalt plant and aggregate crushing facility on the subject property. The Special Use Permit was approved subject to conditions of approval, including:

13. *Operating hours are to be from 7:00 AM to 6:00 PM, Monday through Saturday. Operating on Sunday would be on an emergency basis only; emergency basis means fire, flood or other major event where the City is in need of material for a crisis.*

The applicant is seeking to modify the conditions of approval, specifically modifying the hours to allow startup of equipment from 5:30 AM – 6:00 AM, with gates open to customers from 6:00 AM – 7:00 PM, and with an ability to run nights exclusively for municipal and state work. The applicant has advised staff that the expanded hours are necessary to meet customer demand, including anticipated demand from the South Carson Street project and improvements on Highway 50 from Stage Coach to Silver Springs. Staff cannot regulate who purchases the asphalt and where it is used. Therefore, staff recommends that the conditions of approval remain silent of whether the asphalt is being manufactured for a public project or a private project.

The process to modify the Special Use Permit is the same as obtaining a Special Use Permit. The Planning Commission conducts a public hearing, and is authorized to issue the modification to the Special Use Permit upon making each of the seven required finding of fact in the affirmative. The conditions of approval may change as necessary to make the required findings.

Although the Special Use Permit was approved in 2001, operations of the Asphalt Plant actually commenced on July 9, 2016. The Special Use Permit was still valid in 2016 as the aggregate crushing facility had commenced work within twelve months of approval of the Special Use Permit.

Since operations began in July 2016, there have been three notices of violation issued by the City's Code Enforcement staff for operating outside of approved operating hours. The notices of Violation cited starting work before 7:00 AM and working on Sunday.

The notices of violation were only issued in cases where Code Enforcement staff could validate the violation. Although only three notices were issued, between February 20, 2018 and September 26, 2018, fifty-six complaints were received. These complaints were primarily related to working outside of hours of operation and odors.

In addition to the City, the State's Department of Environment Protection (NDEP), specifically the Bureau of Air Pollution, has enforcement responsibility, specifically with respect to air quality and odors. In January 2017, NDEP cited the business for failing to notify NDEP of initial startup, and assessed fines of \$1,750. Between January 2017 and March of 2018, NDEP cited the business seven times for violations related to air quality, and assessed fines of \$61,055. NDEP only recently acquired equipment to test odors.

The applicant has provided four inspection reports dated June 14, 2018, August 15, 2018, September 18, 2018, and September 28, 2018 demonstrating compliance with NDEP's regulations. The applicant also provided visual inspection reports dated October 5, 2018.

Tahoe Western Asphalt, the business operator, has made modifications to operations since commencement in order to address air quality and odors. These modifications include:

- Adding a steel roof of the truck load chute area.
- Adding a vent condenser to the oil tank.
- Adding an econ burner analyzer for testing.
- Acquired an Ecosorb odor clarifier.
- Adding a complete water system for dust control over all plant systems.

The asphalt plant is located in an area that was previously known as the Tip Top Pit. It is also located in the Eastern Portal-Virginia & Truckee Railroad Gateway Specific Plan Area. The project site is located on a flat portion of the 26.93 acre site. Currently, aggregate is trucked to the site, and the asphalt is manufactured on the site.

When presented in 2011, staff report stated "Once fully functional the burner-less drum will dedicate a set amount of power to dry material, resulting in virtually no emissions. To power both the asphalt production and aggregate crushing operations, the applicant is proposing to produce its own power with the use of a General Electric 2.5 megawatt wind turbine. In addition to the electricity from the turbine, the plant will also utilize all the heat from the turbine's heat exchanger and the generation set to circulate heat through the bins. The machinery proposed for the asphalt production is a CMI SVM2000 Drum Mix Plant. The asphalt production will have two 150 ton silos that are proposed at 75 feet in height each which will also exceed the 45 foot height limit in the GI zoning district. The applicant will also utilize a mobile aggregate crushing system (MACS)." The staff report also noted that the plant would be powered by a Wind Energy Conversion System, with natural gas serving as a backup power source.

The specified equipment is not the equipment that is being utilized, and the plant is powered by propane.

The Planning Commission may approve the modifications to the Special Use Permit upon making each of the seven required findings in the affirmative. The applicant provided the finding utilized in the January 26, 2011 staff report to the Planning

Commission. Therefore, that report is included in its entirety as it was submitted by the applicant as part of his application.

**PUBLIC COMMENTS:** Public notices were mailed on September 28, 2018 to 101 property owners in the area. In Carson City, noticing went to 33 property owners within 7500 feet of the property. In Lyon County, noticing was provided based on input by Lyon County planning staff based on its understanding of property owners who would be potentially impacted. One comment in opposition has been received to date. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

**OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:** The request for expanded hours was routed to various City agencies for comment. No City agencies had comments.

**FINDINGS:** Staff recommends approval of the expanded hours for the asphalt plant based the findings below, pursuant to CCMC 18.02.080 (Special Use Permits), subject to the recommended conditions of approval, and further substantiated by the applicant's written justification.

**1. The use will be consistent with the objectives of the Master Plan elements.**

Staff finds the proposed expanded hours will be consistent with the Master Plan, specifically noting the following.

**Chapter 3: A Balanced Land Use Pattern**

Establishing a balance of land uses within the community promotes vitality and long-term economic stability. A balanced community is able to provide employment opportunities for its residents as well as a diverse choice of housing, recreational opportunities, and retail services. Carson City strives to maintain its strong employment base and extensive network of public lands while increasing housing options and the availability of retail services to serve residents of the City and surrounding growth areas.

**Chapter 5: Economic Vitality**

Carson City derives its overall health and economic success from its ability to maintain a strong and diverse base of jobs, to provide a supply of varied housing choices for its employees, to provide a range of services and recreational opportunities for residents and visitors, and to generate tourism through the promotion of its unique characteristics and historic amenities. Furthermore, the City recognizes the revitalization of the Downtown as an important component of the community's long-term health and vitality. The Master Plan promotes the continued enhancement of the Downtown and surrounding residential neighborhoods as the focus of the community.

**5.1c—Diverse Employment Opportunities**

Promote diverse job options and entrepreneurial opportunities for persons interested in full-time or part-time employment or desiring to own their own business.



#### 5.1d—Industrial Specializations

Identify, develop and enhance multiple industrial specializations. Improve opportunities for productive employment in key sectors, including, without limitation, those already present in Carson City.

#### **(V&T-SPA) Land Use Policies**

##### **V&T SPA—1.1 Development Quality**

Protect the scenic quality of the V&T experience with consideration given for the views from the train route as well as the terminal location by developing and adopting specific design standards for commercial development and public-use development within the V&T-SPA to protect the scenic quality of the V&T route.

*The change in hours will not impact the scenic quality of the V & T experience.*

##### **V&T SPA—1.2 Zoning**

Rezone the private lands in Carson City along Highway 50 East from General Industrial to a commercial designation consistent with the Master Plan Land Use Map.

*The subject site is located in the General Industrial zoning district. The use has lawfully established. The request is to modify the hours of operation.*

##### **V&T SPA—1.3 View Corridors**

Identify critical views of the landfill area from V&T route and adjacent commercial areas and mitigate visual impacts by plantings, screening or other methods around the landfill.

*This goal is not applicable; due to the fact the use is not located in the area of the landfill.*

##### **V&T SPA—1.4 Compatibility with Adjacent Uses**

Prohibit new uses on public lands within the V&T-SPA that would conflict with the V&T and related commercial-tourism in the vicinity, such as uses that generate excessive noise, dust or odors, excluding the continued operation of the landfill; and Consider limiting the use of public lands as part of any proposed disposal of the BLM property into Carson City ownership through a federal lands bill.

*This goal is not applicable; due to the fact the use is not located on public lands.*

##### **V&T SPA—1.5 Drako Way Vicinity Land Use Change**

The land use designation of the property in the vicinity of Drako Way, east of the V&T railroad alignment, shall be changed by Carson City from Industrial to Mixed-Use Commercial and/or Mixed-Use Residential upon removal of the old landfill identified on the site or with approved engineering controls in accordance with NDEP standards upon development of the property.

*This goal is not applicable; due to the fact the use is not located in the immediate vicinity of Drako Way or east of the V & T railway alignment.*

#### **(V&T-SPA) Parks and Open Space Policies**

##### **V&T SPA—2.1 Trail Facilities**

The Parks and Recreation will continue to work with the V&T Commission and V&T consultants in locating appropriate trail facilities along the Carson River corridor consistent with the V&T operation plans and the Unified Pathways Master Plan.

*This goal is not applicable; due to the fact the use is not located along the Carson River corridor.*

#### **(V&T-SPA) Cultural and Environmental Resources Policies**

##### **V&T SPA—3.1 Carson River Corridor**

Encourage continued cleanup and patrol of the Carson River corridor to protect the scenic resource through partnerships with public and private agencies.

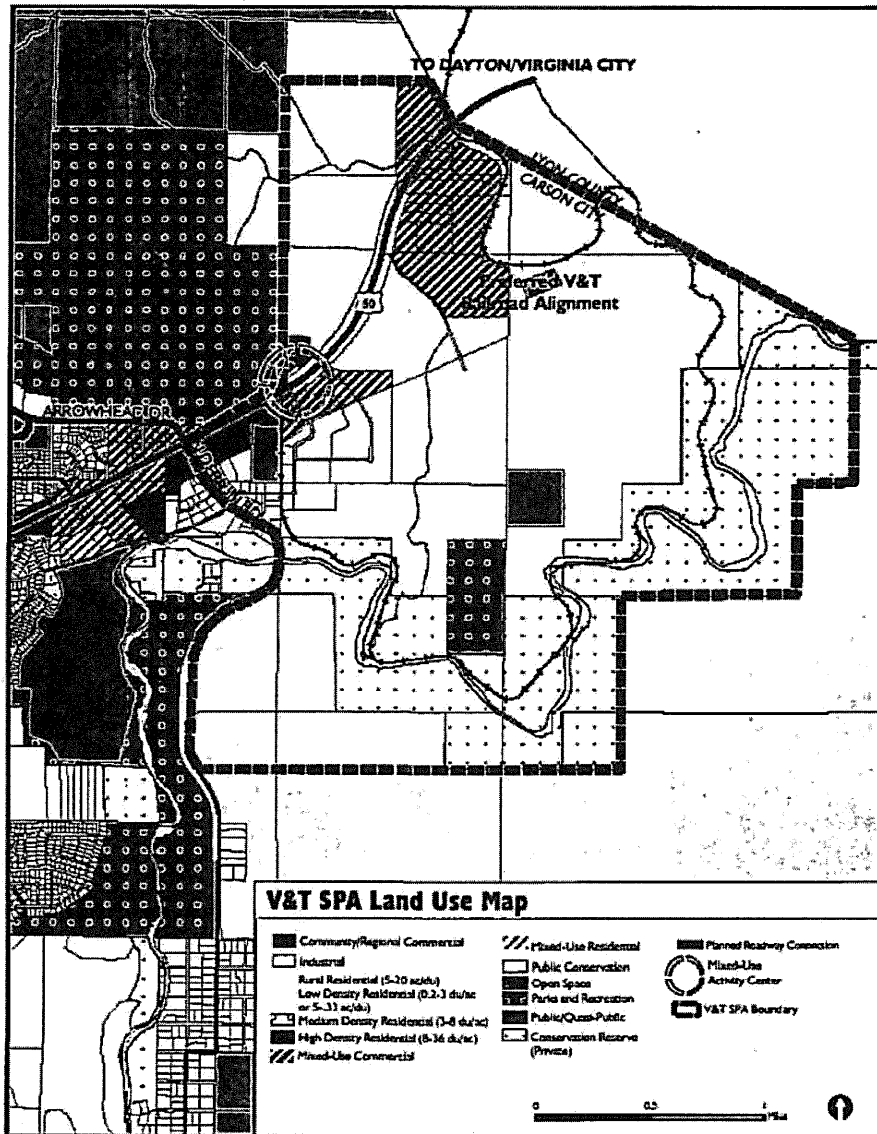
*This goal is not applicable; due to the fact the use is not located along the Carson River corridor.*

#### **(V&T-SPA) Coordination Policies**

##### **V&T SPA—4.1 Coordination**

Encourage continued collaboration with Lyon County and Storey County to minimize land use conflicts along the V&T corridor.

*The staff has notified Lyon County Planner Rob Pyzel of the request to modify the hours of operation as well as obtained a mailing list from Lyon County of property owners who may be potentially impacted by the change in hours of operation. Sixty eight Lyon County property owners were notified.*



2. The proposed use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no noise, vibrations, fumes, odors, dust, glare or physical activity.

The use creates odors. The impact of the odors are primarily on residents to the east of the facility. NDEP staff has explained that the primary source of the odor is Volatile Organic Compounds (VOC's). NDEP staff advised of a similar problem with an asphalt plant in Fernley. In that case, the operator installed a Regenerative Thermal Oxidizer, and there have been no odor complaints in over two years. This equipment is installed after the bag house. Of note, the applicant does not believe a Regenerative Thermal Oxidizer is effective.

Staff also met with Eric Florio, an Air Quality Specialist with the Business Environmental Program at UNR. He conducted independent research, and advised that

there are odor suppressants that are additives to the mix. Based on his research, the two products that are effective suppressants are Ecosorb and Asphalt Solutions. The applicant has acquired Ecosorb, but has not incorporated into his operations.

Other steps that will potentially address the odor, although to what degree of effectiveness is questionable, are:

- Install a roof over the truck loading chute area.
- Install water fogging systems at drop points when material drops to a different part of the equipment and is exposed to air.
- The vent condenser that has been installed must be maintained to address odors.

The staff finds it is necessary to take proactive steps to address odors. As the applicant has acquired the Ecosorb, and the air quality expert that staff consulted with found it to be an effective odor suppressant based on research, staff would recommend a condition of approval that the applicant utilize the Ecosorb that he has acquired, as well as install and maintain the three bulleted items above. Staff further recommends that the Special Use Permit be scheduled for further review in one year so that the effectiveness of the suppressant can be reviewed. The review of the Special Use Permit shall be subject to the noticing requirements identified in CCMC 18.02.045, with the applicant responsible for paying noticing fees.

Furthermore, with respect to hours of operation, staff has consulted with personnel at the Nevada Department of Transportation relative to the road project on Highway 50 from Stage Coach to Silver Springs. It is anticipated that project will be primarily day work as there is a requirement to keep a lane open. Work on South Carson Street will not occur until 2020, and is also anticipated to be primarily day work. Both projects anticipate occasional night work. Therefore, the staff recommends limiting work outside of the approved hours of operation to only 30 times per year. Specifically, staff recommends modification of the hours of operation to:

Monday through Saturday: 6:00 AM – 6:00 PM (startup of equipment 5:30 AM – 6:00 AM, gates open at 6:00 AM); and

Up to 30 evenings or Sundays in a calendar year, with the provision that the applicant must advise the Community Development Director at least seventy two hours in advance of working an evening or a Sunday.

- 3. The project will have little or no detrimental effect on vehicular or pedestrian traffic.**

The modification to the hours of operation will have little effect on vehicular or pedestrian traffic.

- 4. The project will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements.**

The proposed change in hours of operation will not overburden existing public facilities or services.

5. **The project meets the definition and specific standards set forth elsewhere in this Title 18 for such particular use and meets the purpose statement of that district.**

The use has lawfully established. The property is zoned General Industrial, and is consistent with the purpose statement of that district.

**18.04.150 General Industrial (GI).** The GI District is established to preserve an industrial district for uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

6. **The project will not be detrimental to the public health, safety, convenience and welfare.**

With the recommended conditions of approval, particularly the conditions that address odors and the review in one year, staff finds that the modification to the hours of operation as recommended by the staff will not be detrimental to the public health, safety, convenience and welfare.

7. **The project will not result in material damage or prejudice to other property in the vicinity.**

With the recommended conditions of approval, particularly the conditions that address odors and the review in one year, staff finds that the modification to the hours of operation as recommended by the staff will not be detrimental to the public health, safety, convenience and welfare.

**Attachments:**

Correspondence from Bryan Wagner  
Application (SUP-10-115-2)  
Supplemental materials provided by the applicant.

HOPE

887-2278

11/18/19

I HAVE THE ORIGINAL PETITION THAT WAS SIGNED BY THE PEOPLE HERE IN THE CARSON HIGHLANDS AGAINST TWA, THERE IS 7 PAGES INCLUDING THE COVER SHEET,

THANK YOU FOR ALL YOUR HELP!

BOB + JUDY LUCAS

775-246-0351

PG 1 OF 7

LATE MATERIAL

<b>RECEIVED</b>
NOV 18 2019
CARSON CITY PLANNING DIVISION

PG 2 OF 7

# Petition to Return Air Quality and Stop Noxious Fumes

<p>Petition summary and background</p>	<p>Carson Highlands subdivision is petitioning due to noxious fumes infiltrating and settling in the Carson Highlands subdivision area due to asphalt and asphalt product production from Tahoe West Asphalt, Highway 50, Moundhouse, NV 89706.</p> <p>We the residents ask for re-evaluation of EPA regulations and/or the Clean Air Act, in regard to proximity to residents/residences to production of material with potential health issues and offer a solution that returns quality of life/air quality to residents.</p> <p>Petitions will be given to the following for action.</p> <p>Nevada Division of Environmental Protection Carson City Board of Supervisors          901 South Stewart Street, Suite 4001 201 N. Carson Street, Suite 2          Carson City, Nevada 89701 Carson City, NV 89701</p> <p style="text-align: center;">Winner          NV Clean Air- Bob Wehner (775) 687-9349</p>
<p>Action petitioned for</p>	<p>I have been a resident of the Carson Highlands for 20+ years as have many of my neighbors as indicated below.</p> <p>We, the undersigned, are concerned citizens who urge our leaders to act now: We are asking for assistance from our elected and paid officials to work with TWA and the residents of Carson Highlands to resolve this important issue.</p>

Printed Name	Signature	Address	Comment/Years Resident	Date
MELANIE HARRIS	<i>Melanie Harris</i>	221 MILLIAM WAY	7 yrs	10-18-16
Judy Lucas	<i>Judy Lucas</i>	225 MILLIAM WAY	24 yrs	10-18-16
ROBERT LUCAS	<i>Robert Lucas</i>	225 MILLIAM WAY	24 YRS	10-18-16
SANDRA MOAD	<i>Sandra Moad</i>	221 MILLIAM WAY	3 1/2 yrs	10-18-16
CHRISTINA DIXON	<i>Christina Dixon</i>	233 MILLIAM WAY	3 yrs	10-18-16
DAVID WILSON	<i>David Wilson</i>	243 MILLIAM WAY	10 years	10-18-16
LINDA WILSON	<i>Linda Wilson</i>	243 MILLIAM WAY	16 years	10-18-16

PG 30F7

Printed Name	Signature	Address	Comment/Years Resident	Date
MIKE ZACCARO	<i>[Signature]</i>	245 MIRIAM WAY	4	10-18-16
Mitch Muerk	<i>[Signature]</i>	222 Miriam way	15	10-18-16
RICHARD SMITH	<i>[Signature]</i>	219 Miriam Way	8	10/19/16
Eory Dossin	<i>[Signature]</i>	209 miriam way	7	10/20/16
BETTY GREEN	<i>[Signature]</i>	242 M. R. IR. WAY	6	10/20/16
Bonnie Schrod	<i>[Signature]</i>	2494 Miriam Way	18	10/20/16
William Arel	<i>[Signature]</i>	240 Miriam way	17	10/20/16
Harold Cary	<i>[Signature]</i>	230 Miriam way	3	10/20
Kathy Cary	<i>[Signature]</i>	270 Miriam way	3	10/20
VIRGINIA STEWART	<i>[Signature]</i>	223 Ymiriam way	28	10/20
<del>William Arel</del>	<del>[Signature]</del>			
Richard Davis	<i>[Signature]</i>	215 Miriam Way	12	10/25/16
Jonathan Jones	<i>[Signature]</i>	213 Miriam	30	10/25/16
Dan Rubin	<i>[Signature]</i>	200 Samson Ct	16 yrs	10-25-16
Danny White way	<i>[Signature]</i>	238 Miriam way	18 years	25 OCT 16
ERRY WHITE way	<i>[Signature]</i>	238 Ymiriam way	18 yrs	10/25/16



can work. 5:00-6

PG 4 OF 7

# Petition to Return Air Quality and Stop Noxious Fumes

Petition summary and background  
 Carson Highlands subdivision is petitioning due to noxious fumes infiltrating and settling in the Carson Highlands subdivision area due to asphalt and asphalt product production from Tahoe West Asphalt, Highway 50, Moundhouse, NV 89706.  
 We the residents ask for re-evaluation of EPA regulations and/or the Clean Air Act, in regard to proximity to residents/residences to production of material with potential health issues and offer a solution that returns quality of life/air quality to residents.  
 Petitions will be given to the following for action.  
 Nevada Division of Environmental Protection Carson City Board of Supervisors  
 901 South Stewart Street, Suite 4001 201 N. Carson Street, Suite 2  
 Carson City, Nevada 89701 Carson City, NV 89701  
 NV Clean Air- Bob ~~Werner~~ <sup>Wimer</sup> (775) 687-9349

Action petitioned for  
 I have been a resident of the Carson Highlands for 20+ years as have many of my neighbors as indicated below.  
 We, the undersigned, are concerned citizens who urge our leaders to act now: We are asking for assistance from our elected and paid officials to work with TWA and the residents of Carson Highlands to resolve this important issue.

Printed Name	Signature	Address	Comment/Years Resident	Date
Susan Cox	<i>Susan Cox</i>	760 Chast Dr. Moundhouse, NV 89706	14 yrs Susan Cox Tahoe West Asphalt Tahoe West Asphalt	10/21/16
JASON CRAM	<i>Jason Cram</i>	760 CHARLEMAN	4 yrs	10/21/16
Jim Enloe	<i>Jim Enloe</i>	186 James Ct.	This shit stinks 4 yrs	10/21/16
Kody Manns	<i>Kody Manns</i>	146 James Ct	Small, bad	11/22
Brian Hammonds	<i>Brian Hammonds</i>	196 James Ct	Know my kids (top 10)	10/22
David Montes	<i>David Montes</i>	911 Highlands Dr.	14 years	10/22
Brian Doherty	<i>Brian Doherty</i>	411 Highlands Dr.	14 years	10/22

PG 50 F 7

Printed Name	Signature	Address	Comment/Years Resident	Date
ELLY KELLER	<i>Elly Keller</i>	399 Traci Ln.	A	10-22-16
Gerardo Gono	<i>Gerardo Gono</i>	381 Traci Ln	4	10-22-16
FRANCOIS ROYER	<i>Francois Royer</i>	383 Traci Ln	26	10-22-16
CHRISTOPHER GONZALEZ	<i>Christopher Gonzalez</i>	385 TRACI LN	16 YR	10-22-16
JORDI CROWDER	<i>JORDI CROWDER</i>	S.A.M.C	SAME	
Carla Fajardo	<i>Carla Fajardo</i>	388 Traci Ln	1985 (Molded)	10-22-16
SEBASTIAN J. ROYER	<i>Sebastian J. Royer</i>	392 TRACI	22 YRS	10-22-16
MARIA F. RUIZ	<i>Maria F. Ruiz</i>	391 TRACI LN	4 YRS	10-22-16
Octavio Suarez	<i>Octavio Suarez</i>	391 TRACI LN	4 YR	
Arnelo Verdin	<i>Arnelo Verdin</i>	596 JENNIFER	2 YR	10-22-16
CHARLES GUNNING	<i>Charles Gunning</i>	907 Highways Dr.	16 yrs	10-22-16
FRANCOIS ROYER	<i>Francois Royer</i>	904 Highways Dr.	20+ yrs	10-22-16
ERIC RODRIGUEZ	<i>Eric Rodriguez</i>	798 Chari Dr	25	10/22/16
MARIA T. RUIZ	<i>Maria T. Ruiz</i>	798 Chari Dr.	3	10/22/16
GRISelda Sequedra	<i>GRISelda Sequedra</i>	911 Highways Dr	20 yrs	10-22-16
KARLA ANDERSON	<i>KARLA ANDERSON</i>	291 MILBURN WY	5 yrs	10/22/16

PG 6 OF 7

Printed Name	Signature	Address	Comment/Years Resident	Date
Sonya Lee		289 Miriam Way	1 yr Nov 7	10-22-16
Keana Drake Pen-Prude		286 Miriam Way	8 yrs health issues	10-22-16
Dario Perez		288 Miriam way	8 yrs Tim Furious	10/23/16
Melina Burke		772 Chan Dr 87m	7 yrs	10-23-16
Bob Gallia		208 Miriam Way	5 yrs	10-23-16
Pelaura welch		208 miriam way	5 yrs	10-23-16
Jacob martin		801 clardi Ln	2 yrs	10-23-16
Dana Luterick		384 Traci LN	28 yrs	10-23-16
Marisa Sandoz		281 Miriam way	22 yrs	10-25-16
1.094U FARRAR		770 CHARL PR M4.1041	26 years	10-25-16
1.094U FARRAR		405 Traci lane mouse	11 Yrs	10-27-16
1.094U FARRAR		406 Traci lane mouse	9 years	10/28/16
DAVID JANK		407 TRACI LN	> 1 yr	10/28/16
Martin Sizer		259 Miriam way	20 years	10/28/16
P. A. Tucker		620 Jenni LN	28 years	10/28/16
Melinda Priddy		1025 Senni lane	3 years	10/27/16

Printed Name	Signature	Address	Comment/Years Resident	Date
Christina Ramirez	<i>[Signature]</i>	307 Pinhurst Ct Denton	Can't drive with wireless 20 yrs	10/27/16
N Talavera	<i>[Signature]</i>	590 Jennie Ln.	<del>26</del> 26 years	11/28/16
Sandy Cowen	<i>[Signature]</i>	782 Chaki Dr	23 yrs	10/28/16
Melissa [unclear]	<i>[Signature]</i>	1770 Charis Dr	Can't breathe, head banging 26 yrs eyes burn	10/28/16
Roger Dimarzo	<i>[Signature]</i>	393 Traci Ln	15 yrs	10/28/16
ROSE DIMARZO	<i>[Signature]</i>	393 Traci Ln	15 yrs	10/28/16
Mailla Lopez	<i>[Signature]</i>	710 Charis Dr	20 years	10/30/16
SHAWILEY	<i>[Signature]</i>	396 Traci Ln	8 yrs	10/31/10