



## 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 October 28, 2020

**TO:** Planning Commission

**Item E-6**

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

**DATE:** October 6, 2019

**SUBJECT: 2010-00000115 (SUP-10-115-2): For Possible Action: Discussion and possible action regarding the one year review of the Special Use Permit for an Asphalt Plant on property zoned General Industrial, located at 8013 Highway 50 East, APNs 008-611-31, -33, -37 and -41.**

At its meeting of November 19, 2019, the Planning Commission approved the modification of a Special Use Permit for an Asphalt Plant. 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:**

"I move to accept the annual report, and to modify Condition 18 of the Special Use Permit to state:

18. This Special Use Permit is subject to review in October ~~2020~~ **2021**. In reviewing the Special Use Permit, the planning Commission shall conduct a public hearing, and the notice for the public hearing shall be consistent with CCMC 18.02.045."

#### **Noticing**

On October 9, 2020, notice of the public hearing was mailed to 34 property owners within 7500 feet of the subject property. Notice was also mailed to residents of Lyon County utilizing a mailing list provide by Lyon County. Notice also appeared in the newspaper, on bulletin boards throughout the City, and on the City's and State's websites.

#### **Background**

The Planning Commission's decision of November 2019 was appealed to the Board of Supervisors.

At its February 6, 2020 meeting, the Board of Supervisors, at the request of staff, referred the matter back to the Planning Commission so that the Planning Commission could consider new information relative to the regenerative thermal oxidizer.

At its meeting of February 26, 2020, the Planning Commission considered the new information, and modified the conditions of approval associated with the Special Use Permit.

The February 26, 2020 decision of the Planning Commission was appealed to the Board of Supervisors.

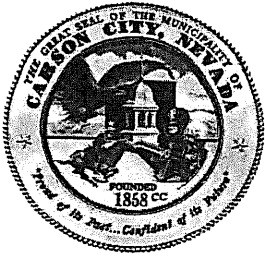
At its meeting of June 4, 2020, the Board of Supervisor's considered the appeal and modified the conditions of approval to reflect the attached Notice of Decision.

At its meeting of December 17, 2019, the Planning Commission requested that the Community Development Director investigate the conduct of Tahoe Western Asphalt, the business owner, relative to Special Use Permit SUP-10-115. The Director will report on that investigation at its meeting of October 28, 2020.

At this point, with respect to the annual report, staff finds that the Conditions of Approval are adequate to meeting the required findings of fact, and recommend no substantive modifications, but does suggest that the Planning Commission conduct an annual review in October 2021.

Attachments:

Notice of Decision by the Board of Supervisors on June 4, 2020



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★ CLERK ★  
**FILED**  
Time 3:29 pm

JUN 09 2020

## BOARD OF SUPERVISORS

June 4, 2020

By Lena E. Reseck  
Deputy  
Carson City, Nevada

## NOTICE OF DECISION – SUP-10-115-2 Tahoe Western Asphalt

Discussion and possible action regarding the 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, located at 8013 Highway 50 East, APN 008-611-35.

The specific items that constituted the appeal were as follows.

1. Remove the November 20, 2019 condition regarding a Regenerative Thermal Oxidizer;
2. Remove the requirement that odors are not detectable beyond the property line;
3. Remove the requirement for code enforcement monitoring;
4. Find that EcoSorb is effective in mitigating odor;
5. Remove the requirement for a lighting specification at the time of building permit application; and
6. Allow the facility to operate at night and on Sundays, up to 30 times per calendar year.

The Board of Supervisors conducted a public hearing on June 4, 2020, in conformance with City and State legal requirements. The Board considered each of the six above items individually, and voted as follows based on the required findings identified in Carson City Municipal Code 18.02.080, and subject to the following modified conditions of approval.

- Item 1: Denied the appeal and upheld the decision of the Planning Commission. (This condition was previously removed by the Planning Commission.)
- Item 2: Denied the appeal and modified the decision of the Planning Commission, with a modification to Condition of Approval 17 as shown below.
- Item 3: Denied the appeal and modified the decision of the Planning Commission, with a modification to Condition of Approval 19 as shown below.
- Item 4: Denied the appeal and upheld the decision of the Planning Commission.
- Item 5: Denied the appeal and upheld the decision of the Planning Commission.
- Item 6: Denied the appeal and upheld the decision of the Planning Commission.

Given the action on Item 6, effective immediately, operations outside the regular permitted days and hours are prohibited.

## CONDITIONS OF APPROVAL:

*Note the base language in these conditions are the conditions reflect the approval of the Planning Commission at its meeting on February 26, 2020. Language proposed by the Board to be added appears in bold with an underline. Language proposed by the Board to be deleted appears bold 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:**

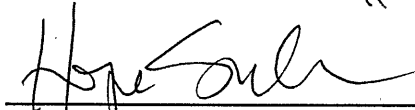
6. The applicant shall obtain a building permit from the Carson City Building and Safety Division for the proposed construction.
7. The applicant shall submit a copy of the Notice of Decision / conditions of approval, signed by the applicant and owner.
8. Details of the proposed light standards must 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 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. 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 operation of the facility shall require that odors are not detectable beyond the property line. **Tahoe Western Asphalt shall report their Nevada Department of Environmental Protection permit information at the August 20, 2020 Board of Supervisors meeting.**
18. This Special Use Permit is subject to review in October 2020. 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.
19. City Code Enforcement staff will monitor off-site odors a minimum of three times a month and maintain a detailed log. The log will be presented to the Planning Commission at its October 2020 meeting. ~~Notwithstanding this, if City Code Enforcement staff observes odors from the plant in the residential areas of Moundhouse three times, the review of the Special Use Permit will be scheduled for the next available Planning Commission meeting for review of the Special Use Permit.~~

This decision on each of the six items was 4 ayes, 0 nays, 1 absent.



Hope Sullivan, AICP  
Planning Manager

Emailed on: 6/9/20

By: CR

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 Board of Supervisors.

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

\_\_\_\_\_  
DATE

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

RETURN VIA:

Email to: [lresek@carson.org](mailto:lresek@carson.org)

Fax to: (775) 887-2278

Mail to: Carson City Planning Division  
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