

## STAFF REPORT UH-07-05

1. **SUBJECT:**

A Conditional Use Permit application submitted by Jungo Land and Investments, Inc. (subsidiary of Norcal Waste Systems, Inc.) to allow them to develop a long-term solid waste disposal site.

2. **LOCATION:**

The property is located approximately 25 miles west of Winnemucca in the Desert Valley area off Jungo Road, Section 7, T.35N., R.33E , Humboldt County, Nevada. Assessor's Parcel #06-411-07.

3. **BACKGROUND INFORMATION:**

◆ **Parcel Size:** Parcel consists of 593 acres.

◆ **Previous Applications:**

There have been no previous applications filed on this property.

◆ **Zoning:** M-3 (Open Land Use)

◆ **Master Plan:** OSMU (Open Space/Multiple Use)

◆ **Response from Referrals:**

**Teresa Schroeder, County Building Official,** "Building permits are required for temporary or permanent buildings, office trailers, structures, fuel tanks, utilities, etc. How will fire protection be provided?"

**John Russum, County Road Superintendent,** "Should traffic to this site become greater than 50 vehicles per day, and/or the site accepts refuse by truck; the company shall enter into an agreement to maintain the portion of the road used with Humboldt County."

**Craig Plummer, Rangeland Management Specialist, United States Department of Agriculture,** "The proposed site is rated "very limited" for the trench sanitary landfill and not limited to very limited for the area sanitary landfill and daily cover for landfill. The proposed site is rated very limited for local roads and streets and somewhat limited to very limited for small commercial buildings. The clay content (see Physical Soil Properties) of the content causes ponding whether from precipitation falling on the proposed site or as run-in from surrounding landscapes. The duration of ponding is long and the frequency is frequent. Operating heavy equipment on these soils would be difficult during wet periods." (see entire letter attached to report).

No additional comments have been received from referrals as of April 3, 2007.

- ◆ **Access:**  
Via Jungo Road to a new site access road into the project.
- ◆ **Applicable Regulations:**  
Commercial activities (solid waste disposal sites) are allowed in the M-3 zoning district with the approval of a Conditional Use Permit.

#### 4. **ANALYSIS:**

- A. Applicant is proposing to develop a solid waste disposal project located approximately 25 miles west of Winnemucca in the Desert Valley area off Jungo Road. Operation plan is as follows: to receive and dispose of solid waste in appropriately constructed waste disposal cells. Waste is transferred from outside of Humboldt County via Union Pacific railroad to the proposed site. The operation will run 24 hours per day, 7 days per week. Applicant will fence the section with a four-strand barbed wire fence. The site will house a temporary administrative office along with equipment maintenance buildings. The site consists of 593 acres.

Applicant estimates approximately 200 million cubic yards of disposed solid waste will be transferred by rail to the site (one train per day, five days a week). Equipment on site will include earthmoving equipment, i.e. dozers, scrapers, graders and water trucks. Equipment will be stored on site. Applicant indicates 20-25 full-time employees will work at the site. Applicant states there will be no on-site sign.

The disposal site development will utilize lined disposal cells, leachate removal structures, rainwater management facilities and landfill gas collection and flaring equipment to protect natural resources. Applicant states the disposal site will be **prohibited from receiving hazardous waste** and will only dispose of solid wastes from areas outside of Humboldt County. Applicant indicates in the application that if the County would want access, Jungo Land would make the site available for solid waste disposal to Humboldt County.

Applicants expect construction of the project to begin in approximately 3 years, with operations and receipt of trainloads to start one to two years thereafter. Applicant states the schedule takes into account the long lead-time necessary for railroad engineering and construction.

- B. The site for the proposed use is adequate in size and shape to accommodate the proposed use. Subject property is 593 acres in size. Applicants will begin the project using a portion of the 593 acres and expand as use progresses (see attached site plan provided). Applicant states development (lining) of the disposal site will occur incrementally. They expect to construct 15-20 acres of lined disposal cell once every two years over a 40-50 year period until all lining systems are in place. Applicants expect the landfill to be in operation for at least 100 years. The applicants will, over the operation period, set aside funds that will cover the costs of installing environmental controls at closure which includes capping the disposal site, and costs of maintaining the site for 30 years after closure, which is consistent with state requirements for closure and long-term care of solid waste disposal sites.
- C. The adjacent roadways are adequate to accommodate the proposed use. Access to the property is provided via a new private road that will be constructed on railroad land and will run along the south side of the rail line from the Jungo Road crossing to the project.
- D. The proposed use will have no adverse effect on abutting property or permitted uses thereon, if the proposed conditions are met. Water needed for construction and operations will be provided by onsite wells.
- E. Applicant will have to obtain further approvals from other state agencies, such as State of Nevada Disposal Site Permit, a State and Federal Air Permit, A State Stormwater Permit, State Permit to Appropriate Water and Division of Environmental Protection and others, for this operation.

5. **FINDINGS:**

- A. The operation of the proposed activity requires a Conditional Use Permit.
- B. Applicant's property is adequate in size and shape to accommodate the proposed activity.
- C. Streets and highways in the area will not be adversely affected by the proposed activity, if the proposed conditions are adhered to.
- D. The proposed use will have no adverse effect on abutting property or permitted uses thereon, if proposed conditions are adhered to.

6. **STAFF RECOMMENDATION:**

After careful consideration, Staff recommends **approval** of this Conditional Use Permit to construct and operate a long-term solid waste disposal site, based upon the above stated analysis and findings, and, subject to the following conditions:

1. The applicant shall be responsible for obtaining all necessary permits and licenses, and for providing copies of same to the Planning Department within thirty (30) days of their receipt, or a letter from the appropriate state and/or federal agency that no permit is required. Permits shall include, but are not limited to Humboldt County Business License, Nevada Bureau of Air Quality Air Quality Operating Permit and Surface Area Disturbance Permit.
2. Applicant shall not allow fugitive dust to exceed standards as set forth by Nevada Bureau of Air Quality. A Dust Control Plan shall be delivered to the Planning Department. All roads and ways accessing and within the site shall be maintained in as dust-free a condition as possible. Owner/Operator will maintain and minimize dust conditions on any unimproved roads used regularly by the owner/operators. This Plan shall include how the roadways will be maintained, i.e. the regular application of water, dust palliative or other approved material on applicable roads and ways.
3. A thirty (30) foot setback shall be maintained from all property lines and easements.
4. One sign is allowed for this use, as outlined in the Humboldt County Zoning Ordinance.
5. This Conditional Use Permit shall be subject to an annual review.
6. This Conditional Use Permit approval for a long-term solid waste disposal site is based upon the facts as found within the application. If any changes occur, such as property ownership or a deviation of said use, other than limited uses associated with the activity, the Planning Department shall be notified.
7. The activity for which this Conditional Use Permit is issued (long-term solid waste disposal site) shall commence operations within three (3) years of the date of final approval or become null and void, unless an extension request has been approved by the Regional Planning Commission. The Regional Planning Commission, on its own motion at a public hearing,

may revoke a Use Permit for non-compliance with the conditions as set forth in granting the permit. The permittee shall be given written notice at least ten (10) days prior to a public hearing on any proposed revocation.

8. This Conditional Use Permit shall not become effective for any purpose until the applicant has returned to the Humboldt County Planning Department a notarized affidavit stating that the applicant is aware of and accepts all of the conditions approved as a part of this Conditional Use Permit.
9. There shall be no interference with the peace, contentment or general welfare of the area.
10. Applicant shall check with the State of Nevada to determine if they will be required to obtain water rights for the subject operation to insure services will be available for dust control and sanitary structures that will be required in the operation.
11. Applicant will be allowed structures on the property – as stated in the application. Applicant will be required to supply services to those structures – water and sanitary services. Applicant will meet with the Department of Health and the Humboldt County Building Inspector to address those requirements.
12. Any fuel storage on site will be secured by fencing, an eight-foot high sight-obscuring fence. Entire operation shall be fenced to insure security for the applicant and safety for the adjacent property owners.
13. If traffic to the site becomes greater than 50 vehicles per day, and/or the site begins accepting refuse by truck; the company shall enter into an agreement with Humboldt County, to maintain the portion of the road used with Humboldt County.

7. **SUPPORT DOCUMENTS:**

- A. Application
- B. Location Map - Site Plan
- C. Assessor's Map
- D. Letter from Craig Plummer

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