

PUBLIC COMMENT

Request for Continuance and Additional Findings

Proposed Zoning Amendment - APN 004-431-44 (RR-20 to I-3)

Dear Churchill County Planning Department and Members of the Planning Commission:

I respectfully submit this public comment regarding the proposed rezoning of APN 004-431-44 from RR-20 (Rural Resource) to I-3 (Heavy Industrial). According to the application, the requested zoning amendment is intended to allow destructive battery testing, a use not permitted under the current zoning.

I support responsible economic development and recognize the importance of private property rights. However, those rights must be balanced with the County's responsibility to protect the health, safety, welfare, and quality of life of Churchill County residents.

My concern is not with responsible industrial development. My concern is whether sufficient information has been presented to allow the Planning Commission to make the findings required under Churchill County Code before recommending approval.

The application discusses why the property is suitable for industrial zoning but provides little information regarding the environmental, public health, emergency response, or operational impacts associated with destructive battery testing.

Churchill County Code § 16.08.060(E) places the burden of proof on the applicant to provide facts supporting the proposed amendment and adequate information to substantiate the required findings. Based on the information currently provided in the application, I am concerned that the applicant has not yet met that burden with respect to the environmental, public safety, emergency response, and operational impacts associated with the proposed destructive battery testing facility. I respectfully request that the Planning Commission ensure the applicant has satisfied its burden of proof before making a recommendation to the Board of County Commissioners.

Approving the zoning amendment before these issues have been adequately evaluated effectively determines that this land use is appropriate for this location before the Commission and the public have had the opportunity to fully understand its potential impacts. Once zoning has been changed, later permitting processes may focus on how a project complies with applicable requirements rather than whether the zoning change itself should have been granted.

If the applicant has not yet provided sufficient evidence to support the required findings under Churchill County Code § 16.08.060(E), I respectfully request that the Planning Commission continue the application until the necessary information has been submitted and made available for meaningful public review. If the required burden of proof cannot be met, I respectfully request that the Commission recommend denial of the application.

I further request that the Commission identify in the public record the evidence supporting each required finding under Churchill County Code, including consistency with the Master Plan, adequacy of public services and infrastructure, protection of public health and safety, environmental stewardship, and the appropriateness of the proposed land use.

Attached are Exhibit A - Requested Findings and Questions, Exhibit B - Requested Supporting Documents, and Exhibit C - Procedural Requests.

Please ensure this decision is based on complete information, substantial evidence, and the thoughtful planning our community deserves.

Thank you for your time, your service, and your careful consideration.

Respectfully,

Michelle Anderson
Churchill County Resident

Exhibit A - Requested Findings and Questions

I respectfully request that the Planning Commission identify the evidence supporting each required finding before recommending approval.

Master Plan

- How does destructive battery testing further the goals of the Churchill County Master Plan regarding public health, public safety, environmental stewardship, and orderly development?
- What evidence supports consistency with the Master Plan beyond the property's industrial planning designation?

Nature of the Proposed Use

- What battery chemistries will be tested?
- What activities are included in "destructive testing"?
- Will testing include thermal runaway, fire, explosion, crush, puncture, or overcharge testing?
- What is the maximum battery or battery pack size proposed?

Air Quality

- What emissions are expected during normal operations and destructive testing?
- Will an air quality permit be required?
- Has an air dispersion analysis been completed?

Fire Protection and Emergency Response

- What is the maximum credible fire scenario?
- Has Churchill County Fire Department reviewed the proposal?
- Does the County possess the staffing, equipment, and training necessary to respond?
- Has Churchill County Emergency Management reviewed the proposal?
- Will additional public resources or mutual aid be required?

Environmental Protection

- How will hazardous materials and damaged batteries be stored and managed?
- How will contaminated fire suppression water be contained?
- What measures will protect groundwater?

Infrastructure and Future Uses

- What public infrastructure improvements or additional public costs will be required?
- What additional uses become allowable if the parcel is rezoned to I-3?
- Which of those uses require future public hearings, and which may proceed through administrative review?

Exhibit B - Requested Supporting Documents

If available, I respectfully request that the following documents be included in the public record before the Commission makes a recommendation:

Planning Documents

- Planning Staff Report
- Staff analysis of each required approval finding
- Draft conditions of approval
- Agency review comments

Environmental Documents

- Air quality analysis
- Air dispersion modeling
- Environmental impact analysis or assessment
- Groundwater protection analysis
- Stormwater management plan

Fire and Emergency Response

- Fire hazard analysis
- Thermal runaway hazard analysis
- Fire suppression plan
- Firewater containment plan
- Emergency Response Plan
- Churchill County Fire Department review
- Churchill County Emergency Management review

Hazardous Materials and Regulatory Review

- Hazardous Materials Management Plan
- Hazardous Waste Management Plan
- Spill prevention plan, if applicable
- Nevada Division of Environmental Protection correspondence
- Air permit determinations or applications
- Any required state or federal environmental permits

Infrastructure

- Traffic study, if required
- Noise study, if completed
- Utility demand analysis
- Water demand analysis
- Fiscal impact analysis, including projected costs to County emergency services

Exhibit C - Procedural Requests

I respectfully request that the Planning Commission:

1. Continue the public hearing if the information necessary to evaluate the proposal is not yet available.
2. Ensure the applicant has met its burden of proof under Churchill County Code § 16.08.060(E) before making a recommendation.
3. Identify in the public record the evidence supporting each required approval finding.
4. Make supporting reports and technical documents available to the public with sufficient time for meaningful review before the hearing.
5. Allow sufficient time for public review and comment if material new information is submitted before or during the hearing process.
6. Include this letter and its exhibits in the official record for this application.
7. Forward this submission as part of the record to the Board of County Commissioners if the application proceeds.

Final Request

Before recommending approval, I respectfully request that the Planning Commission ensure the applicant has met the burden of proof established by Churchill County Code § 16.08.060(E) and that the record contains sufficient evidence to support the required findings. If that evidence is not yet available, I respectfully request a continuance so the Commission and the public can meaningfully evaluate it before a permanent zoning change is recommended.