



CHURCHILL COUNTY PUBLIC WORKS, PLANNING & BUILDING

Application:	Zone Change	Application #:	ZC26-2
Request:	To change the zoning of a 218.57-acre parcel from RR-20 to I-3		
Applicant:	Rivian, Arcadis Inc., Mary Heapy & Matthew Usbeck		
Owner:	New Nevada Lands LLC, Health A Rushing		
Site:	Assessor's Parcel Number 004-431-44		
Master Plan//Zone:	Agriculture // A-10		

Executive Summary

Staff Recommendation: Approve

Motion for Findings

Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC **16.08.060(E)** have **BEEN** met for **Zone Change**, ZC26-2, to change the zoning of a 218.57-acre parcel from RR-20 to I-3 at Assessor's Parcel Number 004-431-44 and therefore recommend that the Board of County Commissioners **APPROVE** the zone change application.

Request

The applicant is requesting to change a 218.57-acre parcel from Rural Resource (RR-20) to Heavy Industrial (I-3). The site is approximately 7-miles south of the Trinity Junction interchange. The applicant intends to establish a destructive battery testing use. RR-20 zoning districts does not permit an Explosive or Combustible Materials testing facility. I-3 zoning districts permits an Explosive or Combustible Materials Testing use with an approved Special Use Permit.

Findings

CCC 16.08.060(E) requires that the Planning Commission make the following findings prior to forwarding the Board of County Commissions a recommendation of approval:

- a) **That the proposed amendment is in substantial compliance with and supports the goals and policies of the master plan;**

Staff Comment: The proposed zone change substantially complies with the Master Plan. It supports 4 goals and 5 polices as outlined in the detailed analysis below.

- b) **That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity;**

Staff Comment: The proposed zone change is in an undeveloped area within the Industrial Master Plan designation. The closest uses are mineral extraction and processing and the US Naval bombing range, which are both industrial in nature. The proposed zoning is compatible with the adjacent land uses and properties.

- c) **That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.**

Staff Comment: Churchill County has no planned public services and facilities in the area. The subject parcel has legal and physical access via US 95 Lovelock Highway and/or Pole Line Road. Police and fire service will be provided via these roads. The proposed zone change will not adversely impact public health, safety, and welfare or negatively impact existing public services or facilities.

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Detailed Analysis

Vicinity and Zone Change Map



-  SES Special Exclusion Setback
-  Churchill County Tax Parcel Boundaries
-  Project Parcel

Note: Project Parcel and surrounding parcels are zoned Rural Resource District (RR-20)



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Earthstar Geographics

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Applicant Evidence

The applicant is required to provide evidence to the commission and board concerning the physical use of land and zoning currently existing in the general vicinity, and which have occurred in the previous five years per CCC 16.08.060(E)1 on the following topics:

1) *How growth and/or other development factors in the community support a change in the land use.*

The Applicant – The current zoning does not allow for destructive battery testing, and the parcel is in a remote area. It falls within the industrial planning area on the Master Land Use Plan.

2) *The change in land use represents orderly development and that adequate services and infrastructure to support the proposed land use area available in the area.*

The Applicant – The remote nature of the site will require minimal, isolated utility demands. Initial utilities for the site will be temporary to start with permanent power, water, and septic to come later.

3) *The change in zoning provides for an appropriate use of the land.*

The Applicant – Destructive battery testing is best served in remote and rural areas. The proposed change is in keeping with the isolated nature of the area. The surrounding lots are vacant. The proposed zone change is over 200 acres and is in conformance with the intended master plan land use of Industrial.

4) *The proposed zoning is in substantial conformance with the master plan and other adopted plans and policies.*

The Applicant – The proposed zone change aligns with the county's land use goals and policies. It establishes industrial uses within the Industrial designation on the Master Plan (LU 2.5). It is along a major highway (LU 2.7). It will provide industrial employment to the area (LU 5). And it infills federal "checkerboarding" with industrial uses (LU5.2).

5) *The proposed zoning and project is sensitive to and compatible with the use and development of the adjacent properties.*

The Applicant – The proposed parcel is in a remote area with no nearby commercial or residential uses. Surrounding lands are vacant and undeveloped. The proposed I-3 zoning is consistent with this land use pattern.

Analysis

The Planning Commission is required to make the following three findings in compliance with CCC 16.08.060(E):

1) *The proposed amendment is in substantial compliance with and supports the goals and policies of the master plan:*

The following nine (9) goals and policies are most relevant to the proposed zone change to Heavy Industrial (I-3) zoning:



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Goal/ Policy	Text	Staff Comment
ED9	Establish industrial uses as a fourth pillar of the economy	The proposed zone change encourages industrial development where the county's Master Plan intends.
ED9.1	The County will continue to coordinate with landowners, developers, and industrial businesses to identify suitable industrial areas along major highways and railways.	The proposed zone change is in an industrial designated area alongside US 95 Lovelock Highway
ED 9.2	The County will continue to work toward providing additional industrial and manufacturing employment opportunities, and attracting a greater variety of industries into the area.	Industrial zoning in this area will help attract industries such as electric battery testing to the area.
T13.2	Legal and physical access shall be established prior to approval of development plans. Easements shall be provided as outlined in Churchill County Code and Uniform Fire Code.	The site has legal and physical access via US 95 Lovelock Highway.
LU1	Retain the rural character of the County outside of the Urbanizing and Industrial land use designations, while providing opportunities for managed growth and development within Urbanizing and Industrial designations.	The proposed zone change is within the Industrial Master Plan designation area.
LU 3	Development shall be beneficial to the County and shall promote sustainability.	The proposed zone change will create an industrial cluster near the Trinity Junction interchange. This will result in an expanded tax base with minimal disruption to existing agricultural and residential uses.
LU5	Encourage industrial expansion that is supportive of economic development and jobs creation.	The proposed zone change will create new industrial uses such as battery testing and solar power generation.
LU5.1	Undertake projects to reduce obstacles to broad development of industrial lands, especially in the Hazen-Swingle Bench Special Planning Area.	The proposed zone change will enable industrial uses to be established where the county's Master Plan intends.
LU6.2	Locate commercial and industrial zones to better separate commercial uses from industrial activity	The proposed zone is located approximately 24 miles from the closest Commercial District (C-1).

2) That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity;

The applicant is proposing to change 218.57 acres of Rural Resource District (RR-20) to Heavy Industrial District (I-3). Churchill County Code 16.08.220 defines Heavy Industrial District (I-3) as:

16.08.214 Heavy Industrial District (I-3) -The purpose of this district is to provide for heavy industrial activities and land uses that have the great potential for impacting adjacent land uses and infrastructure. This type of

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zoning should be located away from people and other non-industrial uses, and uses within it may have to develop their own access to roadway and/or railway transportation systems. Refer to section 14.04.030 of this Code and section 16.16.020 of this title for additional regulations that might affect uses in this district. Specific land uses are listed in the land use table under section 16.08.250 of this Title.

The neighboring parcels are vacant. The closest uses to the proposed zone change include the railroad (~500ft), a mineral extraction and processing facility operated by Barium Inc (~2 miles), Trinity Junction (~7 miles), the US Navy bombing range (~11 miles), and Kennametal (~13 miles). Churchill County has also approved explosive storage, and geothermal exploration special use permits approximately 7 miles away. These uses are either industrial or transportation uses. The proposed I-3 district will have minor impacts on the adjacent uses.

The Heavy Industrial District's (I-3) purpose states that the district should be located away from people and other non-industrial uses. The proposed zone change is approximately 17 miles from the closest residentially zoned (A-10) parcel. There may be some residential properties located closer. However, staff did not see any residential uses within several miles of the site along US 95 and Pole Line Road. Therefore, the proposed zone change is compatible with the neighboring vacant, primarily Federal, lands.

Further, the proposed zone change will not have detrimental impacts on other properties in the or constitute spot zoning. The proposed amendment is changing a large area (218.57 acres) to a use that is similar to nearby industrial uses. The proposed zone is within the intended industrial area outlined in the Master Plan, as shown below (Exhibit 1).

3) *That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.*

Churchill County does not have any existing or planned public services or facilities in this area. Public services, such as police and fire, will be provided via US 95 Lovelock Highway.

The applicant plans to use the existing physical and legal access off US 95 Lovelock Highway and/or Pole Line Road. However, Pole Line Road is not currently maintained by Churchill County. This satisfies the requirements under Master Plan policy T13.2:

Legal and physical access shall be established prior to approval of development plans. Easements shall be provided as outlined in Churchill County Code and Uniform Fire Code.

The proposed zone change will not negatively impact existing or planned public services. It will also not adversely impact public health, safety, and welfare.



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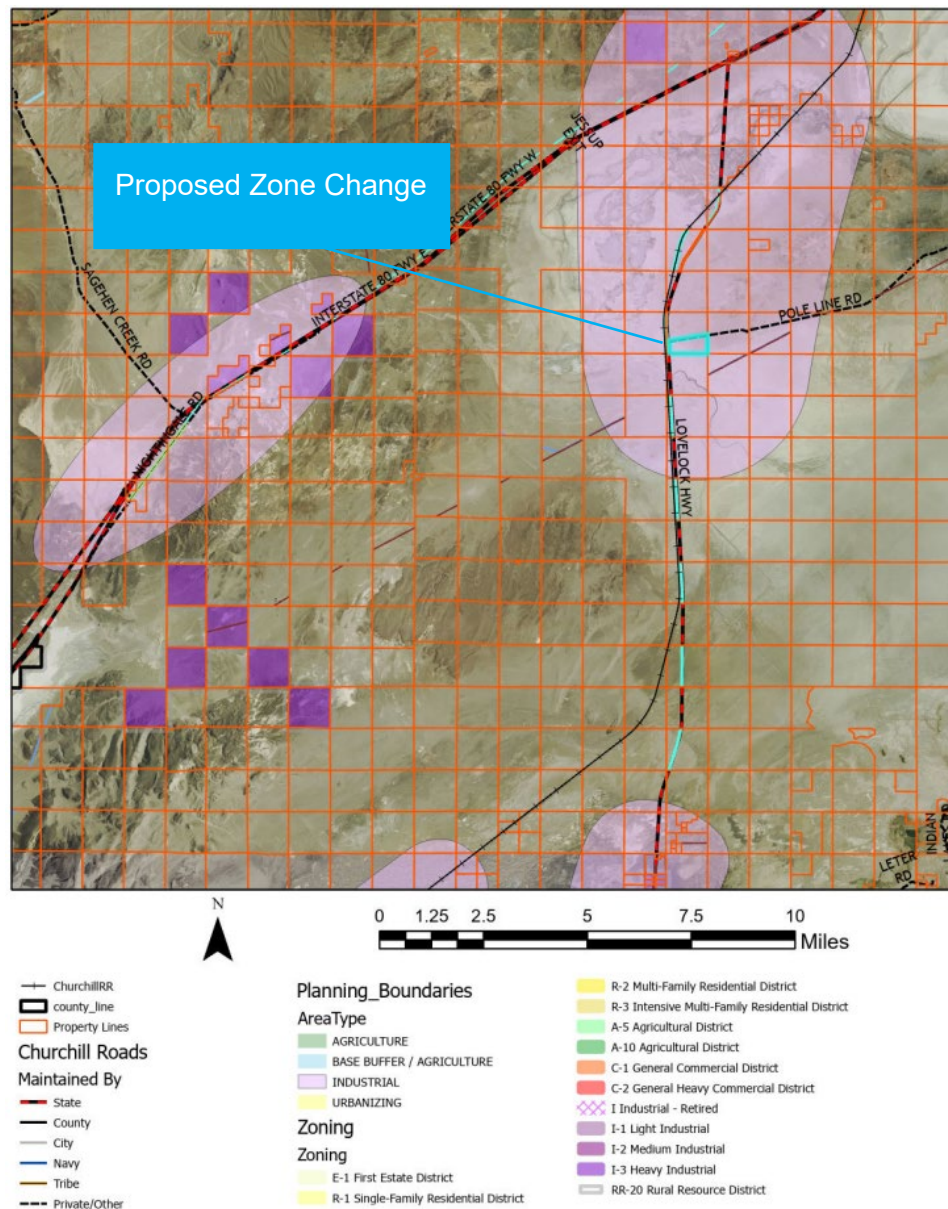


Exhibit 1

Agency Comments

Agency	Reviewer	Comment
NDOW	Cheyenne Trueblood	After review, the Nevada Department of Wildlife has no additional comments or concerns regarding the proposed Zone Change for this project.

Public Comment

Staff received no public comments on this application.

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