

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

July 10, 2024

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on July 10, 2024 by Chair Blakey.

Present: Eric Blakey, Chair; Jeff Goings, Member; Mark Hyde, Member; and Paul Picotte, Member.

Absent: Zack Bunyard, Member; Deanna Diehl, Member; and Scott Nelson, Vice Chair.

Planning Staff Present:

Randy Hines, Public Works Director
Dean Patterson, Senior Planner
Loreli LeBaron, Code Compliance Official
Diane Moyle, Administrative Assistant

Civil D.A. Staff Present:

Joe Sanford, Deputy District Attorney

2. Pledge of Allegiance:

The Pledge of Allegiance was recited by the commission and public.

3. Public Comment:

There were none.

4. Verification of the Posting of the Agenda:

It was verified by Diane Moyle, Administrative Assistant, that the agenda for this meeting was posted on July 3, 2024 at all of the locations listed on the agenda, in accordance with NRS 241 and the Churchill County Code.

5. Consideration and possible action re: Approval of Agenda as submitted or revised:

Member Goings moved to approve the agenda as submitted. Member Hyde seconded the motion which carried by unanimous vote (4-0).

6. Verification of notification of all landowners in accordance with NRS and the Churchill County Consolidated Development Code:

Chair Blakey verified with the Administrative Assistant that notification was sent to all landowners in accordance with NRS and the Churchill County Code.

7. Consideration and possible action re: Approval of Minutes of the meeting held on:

A. June 12, 2024 Hearing

Member Picotte moved to approve the June 12, 2024 minutes as written. Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

8. Old Business

- A. Consideration and possible action re: Review of a special use permit previously granted to Card Trucking to authorize an Off-Premises Outdoor Storage Yard. The property is located at 2555 Beasley Drive, Assessor's Parcel Number 007-171-62. One of the conditions for approval was an

annual review to check compliance until the Planning Commission determines it is no longer necessary.

The applicant was not in attendance at the time this agenda item was called.

Director Hines stated that after visiting the site it appears that the screening and the landscaping have not been completed. The remaining items seem to be done. Chair Blakey questioned if they had started the screening. Dean Patterson, Senior Planner, demonstrated on the aerial photograph displayed on the screen where the screening has been done on the east and north sides of the storage yard. It looks pretty good, and they didn't screen the west side. Along the Carson Highway there have been some partial attempts at landscaping. Mr. Patterson pointed out that since Mr. Card isn't at the meeting the commissioners may wish to defer this to the next meeting.

Member Picotte asked if there had been any contact with Jared Card prior to the meeting. Diane Moyle indicated that a letter was sent prior to the meeting stating that he needed to be at the meeting. Chair Blakey responded that since there has been no contact with the applicant, he recommended that they table this item for 30 days and make an attempt to contact him about attending the next meeting.

Member Goings moved to table this item for 30 days to the next meeting since the applicant was not available to discuss this review. Member Picotte seconded the motion and the decision carried by unanimous vote (4-0).

The applicant joined the meeting late and this item was revisited after Agenda Item 9.A.

Chair Blakey invited Jared Card to come forward regarding this item, and the commission reopened this discussion. Jared Card, Card Trucking, 2555 Beasley Drive, was available to speak regarding this review.

Dean Patterson restated that Mr. Card was approved for the storage yard and one of the requirements was for screening. The site has been screened on the east and the north side; however, the west side still needs screening. There are also some landscaping requirements that have not been completed.

Chair Blakey asked Jared Card to speak regarding completion of the conditions that were required as part of the approval of the special use permit. Mr. Card remarked that he has been waiting on his neighbor because they were planning to split the screening between their properties. He wasn't quite ready yet, and Jared Card put up some temporary screening in the meantime. It is kind of working and he can make some modifications to it so that it withstands the wind better. As far as landscaping goes, he has some boulders in place, but he plans to do more. He expressed appreciation to the commission for considering this review again and apologized for being late.

Chair Blakey inquired if Mr. Card had a timeline on completing the landscaping and the communication with the neighbor related to the screening. Jared Card replied that he hasn't had a lot of communication with him lately, so he doesn't have a timeline. He knows that they will get it done, and he is thinking that it will be this year. He isn't sure if he needs to move forward with it on his own.

Chair Blakey asked if the commissioners had any discussion.

Member Picotte questioned what the applicants' expectations are for the landscaping. Jared Card answered that he had planned on doing some additional colored rock with some type of design in it around the boulders. He spoke with Dean Patterson, who indicated that would be acceptable. Between family things and business, he hasn't had time to do it. Member Picotte confirmed that he

has been working with the department and have a way of moving forward to complete this requirement. He asked about a timeline for completing the landscaping, and Mr. Card indicated that he would like to work on it during the fall when it is not so hot out and have it done by the end of the year if that's acceptable.

Member Goings pointed out that this is an annual review of when they approved the permit. At this point, until those items are completed, annually they will be looking at having a review. This means that they will probably set up another review in a year to assure that these stipulations are met. He asked if a year would be long enough for the applicant to get this finished. He hates to see this continue to get moved to some other future time, and that is why they are asking timelines and so forth. Jared Card said that he thinks that a year would be more than enough time for him to get things done. He knows that it is probably irrelevant, but the trusses that were stored on the lot have been removed, and it isn't used for this anymore. He would like to keep the special use permit in place in case the need arises again to be able to have the outside storage.

Chair Blakey called for a motion.

Member Picotte moved to approve the review of the special use permit and to require another review in one year to give the applicant time to complete the landscaping and screening requirements. Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

The meeting resumed with Agenda Item 9.B. after going back to Item 8.A. when the applicant came into the meeting after the Item had been tabled.

B. Consideration and possible action re: Review of a special use permit previously granted to Bench Creek Ranch Co LLC for a Crop Processing Facility. The property is located at 12417 Fitz Lane, Assessor's Parcel Number 009-071-40. One of the conditions for approval requires an annual review to confirm compliance with conditions and code requirements until the Planning Commission determines it is no longer necessary.

Paul Plouviez, manager/owner of Bench Creek Ranch Co LLC, was available to speak regarding this application.

Director Hines stated that during discussions with Nick Hammond everything seems to be complete on this project except for the landscaping. Paul Plouviez responded that they have done everything except the landscaping, and even constructed a handicapped parking space. They cannot plant trees because they need the open space to go around with the trucks. In the middle there are three NV Energy electrical posts, and they need to keep the space open. He also noted that with planning trees, they would have to water them, and the water content that is out there would not be conducive to growing trees. Mr. Plouviez stated that they may put some shrubs at the entrance that might survive.

Member Goings asked for clarification about the reason that trees wouldn't survive, and Mr. Plouviez said that the water table is too high and there is a lot of boron in the water. Member Goings noted on the aerial photograph that there appear to be trees around the canal near there. Paul Plouviez verified that those are cottonwood trees, and they get most of their water from the canal. Member Goings inquired if he wouldn't get water from the canal in that area, and Mr. Plouviez agreed that he wouldn't. Member Goings confirmed that the applicant is thinking about possibly planting some shrubs or xeriscape landscaping. Member Goings reiterated his stance on trees in most of the remote

locations as being unnecessary.

Chair Blakey asked if there were any other comments or questions. He noted that this is for an annual review, and they need to determine if the applicant needs to come back in one year.

Dean Patterson, Senior Planner, added that Mr. Plouviez has been very diligent about getting all of his requirements done. The landscaping has just been the problem. He had thought about submitting a variance application, but he may have decided that he wants to go ahead and do something at the entrance to make it look nice.

Chair Blakey suggested that the commission could approve this for another review on one year in order to give the applicant time to complete the landscaping. He called for a motion.

Member Picotte moved to continue the special use permit and to require another review in one year to give the applicant time to either complete the landscaping requirement or to apply for a variance from this requirement within that timeframe. Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

9. New Business:

- A. Consideration and possible action re: A special use permit application for an explosion combustion testing facility filed by Josh Bush of Northern Nevada Research Company. The property is located at 7162 California Street, Assessor's Parcel Number 009-251-84, consisting of 100.0 acres in the Industrial zoning district. The applicant proposes an expansion of the existing battery testing facility. *This item was postponed from the May 8 and June 12, 2024 meetings.*

Josh Bush, Site Manager for Northern Nevada Research Company, and Rebecca Bernier, Civil Engineer with Westex Consulting, were available to speak regarding this application.

Dean Patterson, Senior Planner, said that Northern Nevada Research Company is a subsidiary of the Tesla company. They do the stress tests on batteries for the parent company to push them to their limits and learn what causes them to fail. When failure happens, it can result in fire or explosion, so the County reviews this as an explosion combustion testing facility. This facility started in 2012, and they have expanded continually since then—either earlier without permits and more recently with the required special use permits. He pointed out that the history is detailed more fully in the staff report. They received a special use permit about two and a half years ago; however, there are requirements for that permit that have still not been completed yet. The applicant has been postponing this current application on the recommendation of some of the commissioners to give them more time to get their previous requirements done. This has been on the agenda and then postponed for the last couple of months. The applicants indicate that much progress has been made, and Mr. Bush will have a chance to talk about this progress. Some of the items have been done, and some are almost done. The primary issue is the well.

The applicant is requesting a special use permit to expand the facility. The site plan was displayed on the screen overhead. He pointed out the two testing areas—the north square and the south square. The expansion area is on the west side. There will be a new concrete area and a new testing building. Right now, they have a berm, which runs along the west side. Right now, it is along the west side of the main square. They will be realigning the berm, doing a lot of excavation to create a flat space and rerouting the drainage around the addition. They will also be realigning the fencing around the addition. On the north side of that testing area is the solar panels. They will be expanding

those as well as the fencing for them. He pointed out where a cell tower is being proposed. It is actually already built. In the main testing area, there are structures being proposed. He is unsure if those are planned to become more permanent structures than what they are now. They are like shade structures that are anchored; however, they are not very permanent. In the north tip of the site is the office, and next to it is a possible building that has no specific, known plan for it, and it may not happen. He demonstrated the location of the stormwater storage pond and informed the commission that was approved with the last special use permit. The earthwork has been done, and the applicant indicates that the liner is on its way and should be installed soon.

Dean Patterson brought up another point is that the facility is located on a very large parcel, and this site is squeezed into the southeast corner. One thing that has happened is that the facility has grown and is pushing up against the edges of the property line, and, currently, there are employees parking and cargo boxes being stored on the adjacent property along the south property line. He noted that this is discussed in the staff report. He stated that in approving this permit, there are five criteria that a special use permit application has to meet, and some of these have items of note that he will touch on.

Criteria 1 has to do with compatibility with surrounding land uses, and the staff report identified no issues. The second criterion is related to conformance with the Master Plan and compliance with the County Code, and the staff report provides many details about code compliance and many requirements of the previously approved special use permit are discussed in this section. Some of the main ones include sewer and water facilities. In the previous permit permanent restroom facilities were required. A septic system has been constructed for the office. A temporary potable water supply is installed north of the office, but the well has been difficult and expensive, and it won't be able to get done for a while. The applicant may be able to provide some additional information about the well. Another item was for permanent business facilities, and with the previous permit a major issue was operating a permanent business with onsite employees without permanent facilities for them and visitors. A manufactured structure for the office has been placed. The exterior is done, and the interior may be done by this time. Regarding parking and landscaping, the expanded facility needs 15 parking spaces, and there are two parking areas—one near the gate and one near the office. Those are completed, including the ADA (Americans with Disabilities Act) space. These are not really being used at this time since the employees are parking on the adjacent property. There is also a landscape tree required for the parking area, and it may be installed now, but he thinks that it is still awaiting delivery. This will be installed soon. Lastly, is the community development fees, and the applicant has indicated that he has paid that.

Criteria 3 involves not overburdening public services. The previous permit required an emergency response plan being developed with the Fire Marshal. The staff report recommends that it be updated for the enlarged facility. In previous conversations, the applicant indicated that the plan is already being updated now, and they can provide some additional information on that. Criteria 4 is about road and traffic impacts. The staff report identified no issues. Criteria 5 is related to environmental impacts. The staff report identified no issues other than ensuring that the stormwater control system adequately controls pollutants. The stormwater pond shown on the site plan is the same one that was approved after the last permit. As he mentioned previously, the earthwork is done and the liner should be installed soon. Staff is recommending approval. There are a number of conditions for approval, but since there is new information about the stormwater pond, Condition 9 should be modified. The staff report suggested removing it; however, it shouldn't be removed altogether, but it should be modified to remove the first sentence and retaining the second sentence,

which is about making sure that it is engineered. In addition, recommended condition 3 would require all of the requirements from the last permit to be completed before the new facilities are constructed. If the Planning Commission wants to allow some construction before completing the previous conditions, condition 3 should also be modified.

Chair Blakey asked if the applicant had anything to add at this time. Josh Bush stated that he thought Mr. Patterson covered everything quite well. The vast majority of the items from the previous permit will be completed within the next 10-14 business days. The pond liner that Dean Patterson mentioned was on site; however, the specification was between 60-80 mil thickness for the liner, and the company brought out a 60 mil liner, and after review, they requested that they replace it with an 80 mil liner, which is due to be delivered in two weeks. Dean Patterson requested that the applicant update about the office. Josh Bush stated that all that is remaining is the flooring and some trim work, and these are slated to be completed next week. Mr. Patterson then inquired about the well. Mr. Bush stated that the well is challenging. Up until quite recently there were no water rights available for purchase by NNRC (Northern Nevada Research Company). They hired a third party consultant to attempt to requisition some water rights for them, and he was unsuccessful. Some did come available about 45 days ago, which they have pursued. Unfortunately, they are quite expensive. The total projected cost is in the vicinity of about \$300,000 for the well and water rights. This exceeds his budgetary constraint, and he has requisitioned for this budget to be allocated to his site. That hasn't come through yet, but he anticipates that it will. They are aware of the urgency of this matter, but those wheels turn a little slowly. He expects to have that requisition some time before September, and then the well will commence immediately. A purchase order is already in line for the vendor.

Chair Blakey asked if any of the commissioners had any questions or discussion.

Member Goings noticed in the application that they have a joint effort between both Lyon and Churchill County on the fire. Was there a tank installed for fire protection as required by the Fire Marshal? Josh Bush responded that there is a 10,000 gallon fire suppression tank onsite with piping to the middle and front of the site per that request. Member Goings inquired if that tank was separate from the potable water, and Mr. Bush agreed. He added that they do fill the fire suppression tank with potable water as well for emergency purposes. There is 15,000 gallons of potable water onsite at all times—10,000 for fire and 5,000 for the facilities and the office structure.

Member Picotte said that there seems to be numerous items that are close to being done, or they have plans for finishing, which is good. He would like to see all of these done before they would actually give the final approval on this permit. He thinks that they should consider a timeline in which the applicant feels that it is feasible to complete all of the conditions of the previous permit. Josh Bush reiterated that aside from the well, everything will be completed within 10-14 business days. They understand that these are not complete at this time, and they also understand if the commissioners wish to postpone until the August 2024 meeting when they are completed. From their perspective, they would like to get started on some of the planning phase and work with the department to get some of those things done ahead of time for the plans and best practices. The well is the most challenging to complete in a timely fashion simply due to the fact that they didn't have access to water up until about 45 days ago. Their initial request was to make that particular section applicable to the second special use permit so that they can do those in tandem with the goal of having that completed sometime in the middle of the fourth quarter.

Member Goings said that the commission likes what they are proposing here, and maybe, instead of having people to come back and forth to other meetings, they require a stipulation that before you can continue on with the building of the new expansions that these requirements be met.

Director Hines and Dean Patterson are well aware of what is required, and they could ensure that those are completed before they start construction. He thinks that would be better than having them come back to the next few meetings to update the commission. Josh Bush thought that would be perfectly acceptable. He expressed appreciation to the commission for their patience.

Chair Blakey agreed that if they made that as a condition, he thinks that would be a way to allow them to move forward and start the planning stage because that can take some time. Dean Patterson inquired if the thought was to approve this now subject to not being able to construct any new facilities until the previous requirements were met, except they can move forward without the well, or not. Member Goings expressed his opinion that all of these need to be completed before any construction takes place. The applicant wanted time to get through the planning stage, and he is expecting September for the well to be started. This should give him time to get things planned and organized, but they shouldn't move forward until the well is in place. Chair Blakey thinks that they could start with the logistics part, but not start any kind of construction until everything has been completed.

Director Hines wanted to make sure that there is no construction until all of the previous conditions have been completed. They are out in the middle of nowhere, and they don't see them on a regular basis. He doesn't want any construction taking place in the meantime. Josh Bush explained that he is aware of some of the sins of the past, and that is the entire, sole purpose of him being brought on board. There will be no construction, they will be permitting things correctly, under his watch.

Member Hyde said that it seems that the listed conditions pave that road already. "If they approve this based upon the recommended conditions, one of these says that no facilities proposed may be permitted or constructed until a, b, c and d are done." He reiterated that based upon these conditions, they are requiring the applicant to complete the previous requirements prior to moving forward with any construction. Joe Sanford, Deputy District Attorney—Civil, agreed that those are the proposed conditions from the Planning Department, and if adopted, it would set forth those requirements. Member Hyde inquired regarding the property line issue that was mentioned earlier where they are encroaching on another property and what they are doing about that. Josh Bush stated that as of tomorrow, the front property line will be clear of all employee vehicles and containers. They will be parking within the confines of the site. For the proposed site plan, they are working on reengineering of that front berm to bring it within their property line, and in lieu of that also pursuing a potential easement. Both of those would be presented to the commission.

Dean Patterson asked the applicant to talk about the three light shade structures and whether those are intended to remain as shade structures, or if they plan for something larger and more permanent. Josh Bush replied that the two shade structures on the northeast and northwest are specifically shade structures. There is no plan to enclose or turn those into proper buildings. The one in the southern middle portion of the site is a potential future expansion that would indeed be a building. That is specifically designed to lessen their use of Conex containers and provide more condition workspace for their work crews.

Member Picotte questioned if they were aware that the location where the employees were parking and the containers were stored was not on their property previous to this meeting. Josh Bush confirmed that they were aware, and they had them pull out there due to the heavy grading equipment that was spreading road base in the site. Now that the project has been completed, they will be moving back onto their property. They were trying to avoid potential damage to vehicles, both customers and visitors as well as their employees, with the graders maneuvering on the site.

Director Hines, following up on the plans that have been mentioned, asked when they plan to submit these for review. Josh Bush said that they just wanted to ensure that they would be granted the permit, and it should be very soon. Director Hines mentioned that they have already been doing some grading off of their property, and he understands that they intend to fix that. There are also a lot of side hill that is coming onto the property that doesn't seem to have anything done for the water coming off of the side of the hill. Rebecca Bernier remarked that there are some modifications to those plans on the north end as well. The water coming off of the hill does not go into that pond. They need to keep the pond solely for the containment area. There are some modifications happening to these plans. Director Hines said that if they plan to have everything completed in September, they need to submit their plans to give the departments time to review these. He hasn't seen any plans yet and wants to make sure that they are submitted in a timely manner for them to be reviewed before they want to start construction.

Member Hyde asked who monitors the material throughput. As this expands, it states that they are exempt from environmental protection agency unless it exceeds a certain throughput. Josh Bush explained that every test that is run on the site is cataloged digitally to be able to "book" a site for a third party to come out there to test something. They have to provide them with fairly stringent data on what they are bringing out there, and that includes weight. Nevada Division of Environmental Protection (NDEP) is primarily concerned with tonnage—how much tonnage is being released into the atmosphere. All of that is monitored quite closely. They have to provide all of that data prior to coming onsite with the test article. They know how much it weighs, its chemical composition, and then post test they know how much it weighs in order to determine how much has come off of it. All of that is correlated and reported to Environmental Health and Safety, both internally as well as NDEP on a monthly basis.

Member Goings asked to have the aerial photos displayed again. He said that he is pretty familiar with this area, and he doesn't think that there will be a tree that would grow in that parking lot. He hates for them to come back here and try to get a waiver on the landscaping. He truly, honestly, is worried that there will be a bunch of sticks around that will never grow. He would rather see a shade structure there than a tree. In his opinion, he thinks that they need to waive condition 3.c. as far as the tree goes. Dean Patterson questioned if he is recommending that the applicant apply for a variance, and Member Goings agreed. He thinks that most of them are open to that. These facilities that are sitting out in the middle of nowhere shouldn't be required to plant a tree. Mr. Bush said that they were going to give it a try. Dean Patterson commented that the ground in this area isn't as bad as Member Goings is thinking. Joe Sanford, DDA-Civil, stated that a variance to remove that condition, which is required by the county code, is not in front of the commission today, so it can be something for the applicant's information, but it can't be waived today.

Chair Blakey called for public comment.

Dean Patterson said that based upon their previous conversation it sounds like the only thing that needs to be changed is the first sentence of condition 9—the commissioners could delete the first sentence. There was some discussion about what to include in the motion.

Chair Blakey called for a motion.

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved that the criteria found in CCC 16.08.080(H) have been met and therefore approve the Special Use Permit for Northern Nevada Research Company to expand an Explosion/Combustion Testing Facility on APN

009-251-84. This approval is subject to conditions, as listed in the Staff Report and removing the first sentence of condition 9, with the understanding that no physical construction may be done until the conditions from the previous special use permit have been completed. Member Hyde seconded the motion and the decision carried by unanimous vote (4-0).

Recommended Conditions:

1. This permit is subject to review in one (1) year to show progress on meeting conditions of approval and code requirements.
2. This permit provides extended implementation time beyond the normal provisions. Facilities proposed in this application shall be completed within 3 years. After that date a new application will be needed.
3. No facilities proposed in this SUP may be permitted or constructed until previous conditions of approval for the last SUP are implemented, including but not limited to:
 - a. The permanent office with restrooms shall be completed. This shall include septic system and well.
 - b. The ADA accessible parking shall be located at the office.
 - c. The parking lot tree shall be located at the office.
 - d. The County's Road Impact Fee and the Water Fee (payment-in-lieu of water dedication) must be paid for the business.
4. Movable shade structures used as protection from sun and weather, as deemed applicable by the Director, may be installed and moved on the site without a new SUP application. Such structures shall be reviewed under a Zoning Review and Building Permits. This shall not include shade structures built in a more permanent fashion, such as attaching them to other structures, etc.
5. The project must be constructed and remain in compliance with Churchill County Code, including but not limited to:
 - a. Any necessary building permits must be obtained for alterations.
 - b. A business license must be obtained or updated.
 - c. Outdoor lighting shall meet the County Code Dark Skies Standards.
6. The repositioned berm layout shall be altered to remain entirely on the company property, or official permission for the encroachment (easement, etc.) shall be obtained from the adjacent landowner.
7. Official permission (easement, etc.) shall be obtained from the adjacent property owner for parking and container storage, or the items moved to the company property.
8. The applicant shall update the emergency response plan for approval by the Churchill County Fire Marshal.
9. ~~The lined pond may not be completed until a grading permit with engineering has been submitted and approved by the County.~~ The expansion to the runoff and pollution control facilities shall be engineered, and shall include lined routing facilities and lined holding pond.
10. Before constructing or permitting new facilities, the applicant shall provide new or updated documentation of meeting state and federal agency permits and requirements, including but not limited to:
 - a. Nevada Division of Environmental Protection, Bureau of Air Pollution, permits or exemption letters for dust control and air/chemical emissions, etc.

- b. Nevada Division of Environmental Protection, Bureau of Water, permits or exemption letters for stormwater control, industrial pollution prevention, etc.

Chair Blakey advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

B. Consideration and possible action re: A major special use permit application for Phase I of the Sierra Solar renewable energy facility, accompanied by requests for multiple communication towers, filed by Kristine Apikian of NV Energy. The properties are located on Sagehen Creek Road, north of the Interstate 80 Nightingale Exit, Assessor's Parcel Numbers 004-331-01, 004-331-11, 004-351-02, 004-351-03, 004-351-04, 004-351-05, 004-351-07, 004-351-08, 004-351-09, 004-351-10, 004-351-11, 004-351-14, 004-351-15, 004-351-16, 004-351-21, 004-351-22, and 004-351-36, in the RR-20 zoning district. The applicant proposes to construct and operate a major renewable power generation facility that includes communication towers dedicated to facility use. *This item was carried over from the June 12, 2024 meeting due to an error in the posted agenda.*

Kristine Apikian, Senior Project Manager with NV Energy, 7155 S Lindell Road, Las Vegas, Nevada, and Mark Warden were available to speak regarding this application.

Chair Blakey inquired if staff had anything to add regarding this application since the previous meeting where it was presented. Dean Patterson, Senior Planner, stated that at the last meeting they were very thorough in their discussions; however, some of the Planning Commissioners may not have been at that meeting. He reminded them that he had a lengthy presentation, and the application also had a presentation that they shared. He wasn't planning to go through this information again, but he has it available should anyone wish to hear it.

Dean Patterson said that in the interim between meetings staff has spoken with the applicant more and gone over the recommended conditions for approval, and they do have a couple of clarifications that they would like in those conditions. On Condition 3.e. regarding the closure decommissioning plan and bond, it was determined that since they are a public utility, the second sentence of this condition requiring a bond could be removed. In Condition 9, there is some recommended alternative language, although this was made by staff, so there may be discussion to modify it more, and he pointed out that it is shaded area before the list of conditions in the staff report provided to the commissioners. This replaces the requirement about not doing construction on a property until the replacement roads have been completed. Chair Blakey questioned that when they make the motion, should they decide to approve the application, if the person making the motion to read the shaded note from the staff report as well as the normal wording regarding being subject to the conditions as listed in the staff report. Dean Patterson thought that would be sufficient, and if different wording is decided for Condition 9, that would need to be stated in the motion.

Chair Blakey inquired if the applicant had anything they wished to add. Kristine Apikian remarked that the only additional item that they wished to add at this meeting is regarding the signage. They propose signage as displayed on the overhead screens, which is approximately 35 square feet in surface area—about 9 feet in height, that would be at the entrance for the operations and maintenance (O & M) building proposed in the current plans. This is the primary item that was not discussed in the previous meeting. Dean Patterson stated that they had proposed having a sign; they hadn't provided any specifics about the sign. He reminded them that because this is a remote zoning district any signage of substance needs to be approved by the Planning Commission. There was clarification

that the sign proposed is 10 feet by 3 ½ feet, which totals 35 square feet, and falls within the commissioners' parameters.

Chair Blakey asked if any of the commissioners had any questions or discussion.

Member Picotte said that there was some discussion regarding the stream protection requirements and inquired if all of those items have been met and in compliance with NDEP (Nevada Division of Environmental Protection) or Churchill County. Dean Patterson noted that the stream protection requirements actually relates to one of the variance requests in the next item. There are some recommended protections for adjacent properties, so that alterations don't result in flooding or sedimentation on adjacent properties. There is also some attention paid to dealing with fencing through these flash flood pathways because they would be destroyed in most cases. Other than that, he thought that the Planning Commission was inclined to approve that variance based upon the discussion at the last meeting.

Member Goings knows that they touched on this before, and asked for clarification regarding the variances and that they need their own separate motions. Joe Sanford, Deputy District Attorney—Civil, confirmed that to be the case. Member Goings reiterated that they would start with the decision regarding the special use permit, and then move on to each of the variance applications. Mr. Sanford pointed out that these are Items B and C on the agenda, and his recommendation since they are being discussed together, that when public comment is sought these should be related to either B or C, and then they would make the motions simultaneously.

Chair Blakey called for public comment, and there were none.

Member Hyde brought up correspondence received and provided to the commissioners from Lisa Callender, and he wanted to ask some of these questions. He respects this citizen for making an effort to come forward to ask these questions and thinks that they are appropriate to pose to the applicants for a response. One of these had to do with revenue, and the others have to do with the environment. The first question is how the \$72 million in revenues will actually be recognized—is it income, guaranteed minimum jobs, an accounting offset, or any combination. Member Hyde thinks that they answered this question at the last meeting, but he would like to have them provide clarification. Mark Warden wondered if they were referring to the tax revenue, and he stated that would be revenue that is received by the county to their general fund. He further remarked that there would be two types of taxes that would be realized. One is the sales and use tax, which would be paid at the completion of the project on equipment installed. The other would be property taxes that would be realized over the life of the project.

Member Hyde brought up one of the other questions that was mentioned in the correspondence received was the potential for the batteries to explode. What has been their professional experience in terms of potential risk of fire? Mark Warden was not familiar with any batteries ever exploding; however, the citizen is correct in that there have been lithium ion battery fires. The batteries that they are using, Tesla Megapacks, as most tier 1 battery suppliers are doing, are designed to burn within their specific cell. He asked them to think of these as a shipping container, and each container is divided into 30 cells—15 on each side—and they have doors on the outside where you can access the panel of batteries and do maintenance and other things there. Each one of those 30 cells is designed to contain the fire, if one were to occur, within that cell. There is venting on the top of the container, so that if there were an explosion it would vent upwards, and it is a chemical reaction and fire, which cannot be extinguished and would just burn itself out. It is designed so that just one cell burns. He mentioned that he believes that Tesla tests these batteries at a facility in Churchill County. These are relatively new technologies, so he can't guarantee that there won't be

any fire or explosion. Based on their due diligence they feel confident that the product that they are purchasing for this project is the top of the line product from Tesla and they have done everything that they can do to assure that if there were to be an event, that it wouldn't be a runaway event. It wouldn't propagate to other cells, and it certainly wouldn't propagate outside of the containers. There will be 456 containers, and they feel confident that it wouldn't propagate beyond a single container if a fire were to occur. Based upon everything that he has observed and seen, it would probably just stay within the one cell in that container and not propagate to any other cell within that container. Member Hyde inquired if it were a cell on the perimeter, what the potential would be that it could create a fire along the perimeter. He was thinking about a redundant kind of a practice would be to create a fire break around these, but he thinks that they are up at the property line. Mark Warden responded that there won't be any vegetation in and around the batteries. The containers are offset from the property line, so he thinks that it is unlikely that there will be an issue. First, they would have to have a fire, second, the fire suppression system would have had to fail, third, the fire would have had to expand beyond the cell, and then it would have to ignite some combustible material that would be outside of the fence line. Within the fence there won't be anything except gravel around these. Member Hyde inquired what the fire suppression system is comprised of. Mr. Warden said that there is no fire suppression system in the historical sense, like sprinklers or such. This is a passive suppression system designed for the fire to not occur in the first place. He couldn't explain it any more detailed since he isn't trained in these. Member Hyde clarified that there is no outside fire suppression system, and Mr. Warden agreed that there won't be a system, such as a Halon System, but they are designed so that if there were a fire, that it would be contained within each cell before it would actually propagate. It would be more prevention than suppression. Dean Patterson remarked that he was talking with the Tesla people about this, and suppression isn't really the right word. The components are designed to avoid the spread. There is separation between the cells within a block. There is the venting. There is the heavy metal components to resist melting and heat transfer, and so forth. The construction avoids or reduces the chance of spread to the adjacent cell or to another block of batteries.

Member Goings continued with another item from the correspondence they received. He is assuming that both Churchill County Fire Department and Bureau of Land Management Fire have seen this proposal. He hasn't seen any remarks in the staff report regarding any concerns raised by either of these agencies. Dean Patterson confirmed that the fire department didn't really have a concern. It sounded like they had been in communication with NV Energy, so they are aware and are satisfied with the emergency management plan for fire safety that NV Energy is developing, which is a requirement for these big projects.

Member Hyde said that we talked about this last time, but he wanted to know what happens at the end of the project in terms of putting everything back the way that it was. He noted that Mr. Warden had commented that this is kind of untested and they don't know how long it will last. In his mind, he thinks that there should be some kind of plan in place of decommissioning this project. That ought to be something that they understand, as the county, that NV Energy proposes. What is the decommissioning plan? Has this been addressed since the last meeting? Mark Warden said that they are using First Solar panels for this project, and this company is a US based company out of Ohio. They use a different technology than most panels that are manufactured in the world. There is thin film, which is what First Solar does, and then there is polysilicon panels, which the rest of the world manufactures. First Solar, as far as he knows, is the only major manufacturer that has its own in house recycling program. Their intention, when the panels reach the end of their useful life, would

be to have these recycled. The useful life is difficult to state right now because the technology is continually evolving, and they are installing Series 7 panels, which is their latest and best technology. Those have never been deployed in the field for any period of time, so it is difficult to know. In the beginning they thought that these might have a life of 25 years, then they thought it might be 30 years, and now they are considering that they might have a life of 45 years. Once they are done, the intention is to recycle them. He doesn't know what would be done at the site at that point because it is so far in the future and there is no telling what the technology will be then. Maybe solar will still be a great technology and they will want to install new panels, or maybe there will be some alternative technology that would be better, such as small nuclear reactors, or horizontally opposed green hydrogen ponds. The intention would be to recycle the materials that can be and responsibly dispose of the rest of the equipment. Member Hyde stated that the intent here is to have some type of plan so that they don't have scarification—something that is left there that they regret not having some type of plan to decommission this. Whatever language or verbiage is necessary in order to come up with this, so that everyone can agree that although we don't know exactly what the future is going to look like, they can have a plan that NV Energy has full intention of making sure that when this is not useful that they would restore it back to the way it was before. Joseph Sanford, DDA-Civil, noted that one of the recommended conditions is that they will have a decommissioning plan submitted to the Director and approved by the Director as part of this agreement. The decommissioning plan could include something like, "at termination that all use of the property would be returned to natural vegetation or converted to some other beneficial use" similar to any other property owner. Mark Warden agreed that they want to be responsible; it is just difficult to know at this stage what would be the best solution. The best solution is to just tell them what their best guess of what they can do as of this time, and then it may need to be modified in the future. Part of the project that he was involved in southern Nevada, called the Reed Gardner Coal Plant, which was decommissioned, was a four unit coal plant and when you go out there now, you can't even tell that there was a coal plant out there. It is now a stand-alone battery facility. They have a history of repurposing the land that they own. They foresee a continual need as Nevada grows for energy in capacity, so he is sure that this will have some sort of beneficial use in the future. They are happy to do this plan as part of the conditions of approval. Member Hyde expressed appreciation for this.

Member Goings confirmed their process regarding making decisions. Joseph Sanford, DDA-Civil, outlined what should be included in the motions based upon the desire and decision of the commission. He stated for everyone's knowledge that the reason for the change to Condition 3 regarding the bond is because the county's code exempts public utility companies from the bond requirement. The bond is not necessary to know that they are going to exist at that time. The constrictor for construction under Condition 9 would not allow any construction on the facilities begin until all of the roads on that parcel are complete, and the recommended note is to clarify that no construction will be done within 60 feet of the center line of the proposed roads so that those public areas are not going to be impacted, but if they want to build facilities that are not near any of these proposed roads, they could start that process.

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved that the criteria in CCC 16.08.080(H) have been met and therefore approve the Special Use Permit application for the Sierra Solar
- Major Power Generation Facility,
- with associated Power Transmission Line – Level 2

- and with 2 associated Communication Towers.

This approval is subject to conditions, as listed in the Staff Report, removing the last sentence under Condition 3.e. regarding a bond and modifying the wording of Condition 9 to allow construction in areas that are not within 60' of centerline of any roads to be abandoned until the abandonment replacement roads have been completed and the abandonment is recorded. Member Picotte seconded the motion and the decision carried by unanimous vote (4-0).

Recommended Conditions:

1. This approval is for Phase 1 of the project only. Phase 2 will require additional permit approvals. Construction of project facilities is expected to take multiple years, but all facilities must be constructed within 5 years. Facilities not completed will require a new SUP for construction.
2. This permit is subject to annual review until the Planning Commission determines that annual review is no longer necessary.
3. The project must be constructed and remain in compliance with Churchill County Code, including but not limited to:
 - a. Building permits must be obtained for all structures, and all pertinent impact fees must be paid.
 - b. A business license must be obtained and maintained.
 - c. Proof of liability insurance covering all aspects of the operation in the amount of \$1,000,000 shall be provided to Churchill County before the power operations begin.
 - d. All permanently installed lights will comply with the Dark Skies requirements. Floodlighting used during nighttime repairs and maintenance shall be directed toward the center of the facility.
 - e. A closure/decommissioning plan shall be prepared and approved by the Director, before the power operations begin. ~~A bond in conformance with County Code shall be provided for the plan.~~
 - f. Minor site changes may be made and authorized by the Public Works Director per CCC 16.16.030(E)(13).
 - g. A Road Maintenance Agreement shall be entered into with the Road Department before project grading or construction begins, to provide for the repair of roads used in project construction.
 - h. The project shall meet required setbacks, except as approved in the Variance application and limited within these conditions of approval.
 - i. The project shall provide required landscaping, except as approved in the Variance application and limited within these conditions of approval.
 - j. The project shall meet required REF coloration standards, except as approved in the Variance application and limited within these conditions of approval.
 - k. The project shall provide easements and protection measures, except as approved in the Variance application and limited within these conditions of approval.
4. The applicant shall comply with state and federal agencies permits and requirements, including but not limited to:
 - a. Nevada Division of Environmental Protection Bureau of Air Pollution Control Surface Area Disturbance permit

- b. Nevada Division of Environmental Protection Bureau of Water Pollution Control Storm Water Pollution Prevention Plan
 - c. All requirements and changes required by the Bureau of Land Management.
 - d. NV Dept. of Wildlife consultation and mitigation requirements.
 - e. All required permits and reviews from NV Dept. of Transportation.
5. The draft Fire and Emergency Plan shall be modified as deemed necessary by the Fire Marshal, and it shall be updated in the future as deemed necessary by the Fire Marshal.
 6. A containment and contamination cleanup plan shall be developed to the satisfaction of the Director to deal with events of a battery failure in the BESS, which can be incorporated into other facility documentation.
 7. Water for construction of the project and facility operations shall be obtained in compliance with State water laws. Documentation shall be provided to the Director.
 8. Water supply and sewage disposal for the facility office and employees shall be provided before operations begin.
 9. ~~Construction of the facility may not begin on a particular parcel until the abandonment replacement roads have been completed and are operable to the satisfaction of the Road Supervisor.~~ *Proposed facilities shall not be constructed within 60' of centerline of roads to be abandoned until the abandonment replacement roads have been completed and the abandonment is recorded.*
 10. A 60' public road and utility easement shall be established on the existing segments of Sagehen Creek Road and other roads not being abandoned that pass through the applicant property before construction begins.
 11. All roads, whether existing or abandonment replacement roads, that are within the project properties shall be maintained by the project for the life of the project. The road to North Valley from Sagehen Creek Road to the Valmy transmission lines in North Valley shall be maintained by the project for the life of the project.
 12. An annual monitoring report shall be provided to the Director that identifies locations of glare observed by project staff. If glare is found to affect public roads, measures shall be taken to mitigate the impact, and documented in the monitoring report. Prompt attention shall be given to observed or reported glare to avoid it being determined to be a nuisance.
 13. Development of the solar array areas shall use the proposed Minimum Disturbance Strategy to minimize impacts of the project.
 14. A Weed Monitoring and Management Plan that is acceptable to the Director shall be developed and implemented, which includes identifying a reporting interval.
 15. Construction of transmission line roads and spurs shall use strategies to minimize capture of hillslope stormwater, and minimize excavation and grading. Weed control practices shall be included in the Weed Monitoring and Management Plan.
 16. All changes to the solar facility recommended by NAS Fallon shall be made before power operations begin.
 17. All changes to the communication towers recommended by NAS Fallon and NV Dept. of Transportation Aviation office shall be made before power operations begin.
 18. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to

contact the department for further permitting procedures.

C. Consideration and possible action re: Variance applications filed by Kristine Apikian of NV Energy related to the Sierra Solar renewable energy facility - phase 1. The properties are located on Sagehen Creek Road, north of the Interstate 80 Nightingale Exit, Assessor's Parcel Numbers 004- 331-01, 004-331-11, 004-351-02, 004-351-03, 004-351-04, 004-351-05, 004-351-07, 004-351-08, 004-351-09, 004-351-10, 004-51-11, 004-351-14, 004-351-15, 004-351-16, 004-351-21, 004-351-22, and 004-351-36, in the RR-20 zoning district. The applications request to reduce County Code requirements as follows:

- 1) Reduce front setbacks from public roads from 60 feet to 30 feet.
- 2) Waive the landscaping requirements.
- 3) Waive the stream protection requirements.
- 4) Waive the Renewable Energy Facility color requirements.

This item was carried over from the June 12, 2024 meeting due to an error in the posted agenda.

Discussion for this item was included as part of Agenda Item 9.B, above, and at the previous meeting.

MOTION FOR SETBACKS VARIANCE:

Member Picotte, based on the information provided in the application, in the staff report, and heard tonight, moved to find that the criteria found in CCC 16.08.090(F) have been met and therefore approve the Variance from the front and rear setback requirements for the Sierra Solar Renewable Energy Facility located on several properties north of the I-80 Nightingale Interchange. This approval is subject to conditions, as listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

Recommended Setback Variance Condition:

1. All setbacks for the project shall be set at 30', except that the Sagehen Creek Road front setback is not reduced.

MOTION FOR LANDSCAPING VARIANCE:

Member Picotte, based on the information provided in the application, in the staff report, and heard tonight, moved to find that the criteria found in CCC 16.08.090(F) have been met and therefore approve the Variance from the landscaping requirements for the Sierra Solar Renewable Energy Facility located on several properties north of the I-80 Nightingale Interchange. This approval is subject to conditions, as listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

Recommended Landscaping Variance Condition:

1. No landscaping is required for the project.

MOTION FOR REF COLORATION VARIANCE:

Member Hyde, based on the information provided in the application, in the staff report, and heard tonight, moved to find that the criteria found in CCC 16.08.090(F) have been met and therefore approve the Variance from the REF Coloration requirements for the Sierra Solar Renewable Energy Facility located on several properties north of the I-80 Nightingale Interchange. This approval is subject to conditions, as listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

Recommended REF Coloration Variance Condition:

1. The pre-fabricated BESS and Inverter units are not subject to the REF coloration requirements. All buildings are subject to the requirements.

MOTION FOR STREAM PROTECTION VARIANCE:

Member Picotte, based on the information provided in the application, in the staff report, and heard tonight, moved to find that the criteria found in CCC 16.08.090(F) have been met and therefore approve the Variance from the stream protection requirements for the Sierra Solar Renewable Energy Facility located on several properties north of the I-80 Nightingale Interchange. This approval is subject to conditions, as listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

Recommended Stream Protection Variance Conditions:

1. Alterations to stream routing shall not be allowed within 300' of a property perimeter.
2. Alternative perimeter fencing shall be used where streams cross into the property. Fencing in these locations must minimize the capture of flood debris and sediment, and minimize the effect of floodwater backing up and subsequent sedimentation on upstream properties.

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

10. Master Plan Update:

Dean Patterson, Senior Planner, explained that there have a lot of things been going on including development of the departments' digital online platform, CitizenServe, up and running. There is also a move planned for our department over to the new office building. There is a lot of interest in code amendments of various sorts. Due to these things, he doesn't know that we will be undertaking a Master Plan update this year. If things change maybe in the fall, then we might start talking about it again. There just isn't enough time to put toward the Master Plan with everything else that is happening right now. Member Picotte inquired if there was a timeline that they are supposed to meet for updating the Master Plan. Dean Patterson confirmed that there is no state requirement to do a Master Plan update. The common practice is every five years, and that is what we have been doing. It has been our own standard that we have been meeting. There are some jurisdictions that have never done a Master Plan update on their original plan. While we would like to do this every

five years, if it pushes off for one year, it would probably be okay. Director Hines said that we will work on a schedule to present something back to the commission at the next meeting. We want to continue to work on the Master Plan and will come up with a schedule for doing this. Chair Blakey thinks that it is important, and this would be a good way to solve that problem.

11. Consent Agenda: All matters listed under the Consent Agenda are considered routine and may be acted upon by the Planning Commission with one action and without an extensive hearing. Any member of the board or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.

A. Consideration and possible action re: Termination of a special use permit previously granted to Industrial Minerals & Technology LLC for a mineral exploration, development and construction of a mining facility located approximately 15 north of Fernley, Assessor's Parcel Numbers 003-671-04, 003-671-09, 004-051-29, and 004-051-33, in the RR20 land use district. The mine has been closed and reclaimed, and they have requested to terminate their business license account. This permit should be terminated.

Member Picotte moved to approve the consent agenda as submitted. Member Goings seconded the motion and the decision carried unanimously (4-0).

12. Public Comment:

Joseph Sanford, DDA-Civil, remarked that since there wasn't a specific agenda item for him to speak regarding code changes, he would use this as an opportunity to inform the commissioners of the code amendments that he plans to have ready for them to review at their next meeting. These will include the proposed language on temporary use permit updates and Planning Commission By Law changes. Specifically, this would be related to dates and times associated with meetings that would remove the required certain dates and times for meetings and leave it up to the commission as they may have different needs over the coming years. He asked the members to consider over the next month what time and date works best for them if they want to make any changes.

13. Adjournment:

There being no further business to come before the Planning Commission, Chair Blakey adjourned the meeting at 8:21 p.m.

14. Appendix:

Supporting Documentation

Approved: _____

Eric Blakey, Chair

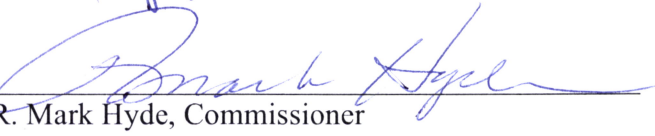
Approved: _____

Scott Nelson, Vice Chair

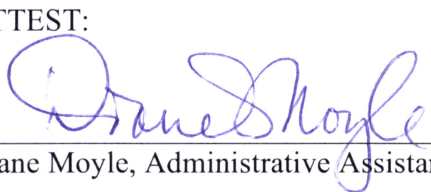
Approved: 
Zack Bunyard, Commissioner

Approved: Not Available
Deanna Diehl, Commissioner

Approved: 
Jeff Goings, Commissioner

Approved: 
R. Mark Hyde, Commissioner

Approved: 
Paul Picotte, Commissioner

ATTEST:

Diane Moyle, Administrative Assistant