

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

August 9, 2023

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on August 9, 2023 by Chair Blakey.

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

Absent: Scott Nelson, Vice Chair

Planning Staff Present:

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

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 August 3, 2023 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 Diehl moved to approve the agenda as submitted. Member Hyde seconded the motion which carried by unanimous vote (6-0).

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. July 12, 2023 Hearing

Member Picotte moved to approve the July 12, 2023 minutes as written. Member Diehl seconded the motion and the decision carried by unanimous vote (6-0).

8. Old Business

A. Consideration and possible action re: A temporary use permit granted by the Board of County Commissioners to Ruth Miller for property located at 4810 Schindler Road, Assessor's Parcel

Number 006-292-48, consisting of 5.03 acres in the A-5 zoning district. The Board noted the expiration date for the permit as August 15, 2023, and the applicant provided an update that the elderly people that she has been allowing to live in an RV on the property still have not found a place to live.

Ruth Miller, 4810 Schindler Road, was available to speak regarding this application.

Director Spross stated that the original application for this temporary use permit was heard by this board on January 11, 2023. At that time, the applicant was requesting temporary quarters to allow acquaintances, who had no home to live in, to reside in an RV on the property. Michael Irby and Maryann Tinnemeyer had been renting, but the landlord had sold the property. They had been unable to find another place. They live in the RV and the applicant lives in the permanent home. This board denied the temporary use permit, so the applicant appealed to the Board of County Commissioners. The Board of County Commissioners granted a six-month temporary use permit, which expires on August 15, 2023. This is the application for that renewal. Director Spross said that he received an update from the Code Compliance Official and read it for the commissioners.

“Jackee Stewart with Social Services went out to the property on May 31st, spoke to Annie (RV occupant), provided her [with] an application for assistance, and offered to help Annie fill it out. Annie acted as though she had never been told there are issues with her and her husband living on the RV on the property. Annie told Jackee that Michael hasn’t been staying there and he likes to camp. Jackee has not heard from Annie or Michael since May 31, 2023. Social Services has not received the application for assistance from them to date. Jackee is still willing to help them. They just need to submit the application or make an appointment to get help to fill it out.

“Much progress has been made toward cleaning up the property. There is more progress to be had before the property is entirely cleaned up. [The] number of unlicensed, unregistered, inoperable, or junk motor vehicles has reduced. In April there were a total of four unlicensed, unregistered, unroadworthy vehicles, which is two more than is allowed by law.”

Chair Blakey asked if the applicant had anything to add to what has been said. Ms. Miller apologized and stated that they are not family. There is a point where she can’t do more than ask if things are going well and if there is anything that she can do to help them. She was not aware that they had not filed the application with Social Services. She remarked that they told her about two hours prior to the meeting that they believe they have a place in town; however, the landlord said that there are floors that needed to be refinished. She believes that it will be about two weeks before they are able to move in. She apologizes that they did not get their end of things completed.

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

Member Bunyard commented that he was at the meeting where they denied the application, which was appealed, and the Board of County Commissioners decided to approve the temporary use permit for six months. Ruth Miller concurred. Member Bunyard further inquired that the couple were supposed to be working on this from the time that the application was initiated, and Ms. Miller affirmed that to be accurate. He noted that there hasn’t been any action during the six months, which was part of the reason that he decided to deny the permit at the previous meeting. He believes that this confirms that the commission made the right decision in the beginning. Ruth Miller expressed her understanding and that the information provided by the Code Compliance Official was news to her. The couple had told her that for several of the different apartment complexes around town, that are based upon income, they ran into issues with wait lists. Also, that their income does not meet the three times the rent that is required. They led her to believe that they were working on their share of things.

Joseph Sanford, Deputy District Attorney—Civil, asked for clarification about her statement

that the couple has found a place to live, and that they would be moving out in two weeks. Ruth Miller remarked that she was told, about two hours before, that they have a place on, she believes, Virginia Street in town near Epworth Methodist. Their landlord does need to do some work before they can move in. She did request a specific move in date and, if at all possible, a copy of the signed rental agreement stating that date, so that she could have some proof that there is an end date in sight. They told her they would try to get that by Friday. Joseph Sanford, DDA, then inquired that assuming this is not renewed because this would only go to August 15, 2023, and they were able to move out in two weeks, how long would it take for her to remove the temporary RV from the property. Ruth Miller stated that the RV belongs to them, so if there is a date that it needs to be gone by, she will let them know that she has no choice, and that is the date that they need to find a new place to park it. She further shared that one of the inoperable vehicles on the property is their Jeep. She only has one other that should have been removed by now, and she is trying to find someone else who would haul it away for scrap.

Member Goings said that he is another member of the board that voted not to approve the permit. It appears, given what they have with this permit, that in two weeks these people should be gone as they have found a place to live, or are getting ready to move into this new place. He is almost apprehensive to extend this, even a little bit because they have been kicking the can down the road now for a little over six months, and there seems to be a little movement, but he thinks that it needs to be cleaned up and finished within the next two to three weeks.

Director Spross made a recommendation for the board to consider and clarify for Member Goings that they have not submitted an application with Social Services. Social Services is still prepared to help them, but they haven't received anything yet. In terms of a possible consideration, it could be not to take action on this temporary use permit today, table it to the next meeting—a period of one month, and if at that time this issue is not resolved, then it would be denied. Chair Blakey also noted that if they deny it today, it stops on the 15th of August. He then asked if they are not gone by that time, it would fall under Code Compliance to finish making sure that they are off of the property. Director Spross confirmed that to be true, and he pointed out that a decision made by this board could once again be appealed to the Board of County Commissioners. The applicant would be able to apply to have an appeal or to overturn your decision. Code Enforcement has been working with the applicant on the balance of other things that needed to be done.

Chair Blakey asked if there was any public comment. There were none.

Chair Blakey called for a motion.

Member Bunyard moved to table this item to the September 13, 2023 meeting.

Member Diehl seconded the motion which carried by unanimous vote (6-0).

Chair Blakey told the applicant that this item would be placed on the agenda for the next meeting.

- B. Consideration and possible action re: A temporary use permit renewal application for temporary quarters during home construction filed by Keary Basford for property located at 895 Howard Place, Assessor's Parcel Number 007-851-19, which originated 8/12/2020. Mr. Basford stated that since installing the septic system, he has been working on making the plans to submit a building permit & to pay the impact fees as soon as possible to the Building Department.

The applicant was not in attendance.

Director Spross shared that this application is for a renewal of a temporary use permit during

home construction. The original request for this was in August 2020, and the applicant has been before this board on several occasions. For the renewal, the department received the renewal application with a narrative on the progress, which stated, “After having the septic system put in, I have been working towards making up the house floor plans made to the county codes and have made up a plot plan also. My in-law “Steven” is a contractor and he is helping me by making up the plans to code. I intend to have them finished and all of them submitted and pay for the building permit and impact fees ASAP.” Director Spross further said that the department received a comment from the building department, and they have acknowledged that a building permit application was submitted on August 3, 2023.

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

Member Bunyard verified that it is just the building permit that has been submitted since the last time that they approved a renewal because he believes that the septic was in just before the last renewal. Director Spross confirmed that to be accurate. He further stated for the commissioners’ information that this property is located directly north of the Navy fly zone. The Navy has shown some interest in purchasing this property, and he believes that Robin Schofield is at the meeting. They may wish to speak with her about any contact with Mr. Basford.

Chair Blakey invited Robin Schofield to come forward. Robin Schofield, Naval Air Station (NAS) Fallon Community Planning and Liaison Officer, 340 Winchester, confirmed that the Navy is interested in this property because it is just north of their properties, and the way their runway goes, this is the direction that planes take off. She has not had time to make contact with the owner yet, but they are interested. Chair Blakey questioned if she was aware of a timeline should she have direction to reach out to the property owner. Ms. Schofield replied that she would like to do that within the next two weeks.

Chair Blakey inquired if the property owner is local. It was discussed that he lives in the RV on the property.

Member Goings expressed curiosity about what interest the Navy has in this property—just as a buffer or something else. Robin Schofield wasn’t sure, and that’s where she needs to do a little bit more research on this. Does it have water rights associated with it? Is it agriculture land? If it is, they do have an agricultural program that they could lease it out for someone to cultivate it. If it doesn’t it could just become another property that they own and maintain for dust and noxious weeds. Dean Patterson remarked that during discussions with Mr. Basford he said that he does have water rights. He isn’t sure if he is farming the land currently; however, according to him, he does own water rights and could go into the Navy’s agricultural operations.

Member Hyde was bothered by the applicant not being at the meeting for this renewal. It sounds like this is a can that has been kicked down the road for a long time. He is leaning toward denying the renewal.

Director Spross expressed that the comments shared by Robin Schofield are more for informational purposes than for anything else. He wouldn’t want that to impact the commissioners’ decision one way or the other. It was just to let you know that there may be some future interest in that property.

Member Goings stated that along with Member Hyde’s comment he thinks that this has been since 2020 and in three years he has gotten a septic tank installed. He thinks that if Mr. Basford was really interested in moving forward, he would be doing so.

Member Diehl shared her thoughts that this originated in 2020, and now it is 2023 where they are just now getting their building permit. Director Spross affirmed this as accurate. He said that as part of the building permit there is a requirement to pay the impact fees in order to receive

the permit. Impact fees are considerable, and many times it takes effort to pool all of that together. He thinks that is part of the reason that they have seen some delays. This will be the third request for an extension since the original approval. Member Diehl asked if the impact fees have been paid at this time, and Director Spross answered that Mr. Basford has submitted his plans for review. Those fees would not be due until they came to pick up the building permit after its final review. He thinks that if someone is willing to submit their building permit, they have pooled together the funds to also be able to pick up the permit and pay the impact fees. Dean Patterson pointed out that Mr. Basford has installed septic, power, and a well.

Chair Blakey called for public comment. There were none.

Chair Blakey asked for any further comments; there being none he called for a motion.

Member Goings moved to deny the renewal of the temporary use permit for temporary quarters during home construction at 895 Howard Place, Assessor's Parcel Number 007-851-19. Member Hyde seconded the motion which carried by majority vote (5 in favor of denial and 1 against denial).

- C. Consideration and possible action re: Review of a special use permit that was previously granted to Paul & Tiffany Picotte for property located at 2030 Reno Highway, Assessor's Parcel Number 008-361-56, in the C-2 zoning district. The Planning Commission required a review in one year to show progress on meeting the conditions of approval for the permit.

Paul Picotte, 645 Peaceful Way, was available to speak regarding this application, and he recused himself from this item.

Director Spross explained that this is the one-year review that was required when the special use permit was previously approved in order to ensure compliance with the conditions for approval. He met with Mr. Picotte and everything has been met with the exception of three items. One of those items is a six-foot screened fence, which is required at the rear of the parking lot to prevent people from not only exiting the facility, but also coming onto the property from the mobile home park that is behind this property. Another involves the urban street improvements along Highway 50 needed to be completed or Mr. Picotte needed to put up a financial security in the form of a bond or certificate of deposit, or if he had documentation from the Nevada Department of Transportation (NDOT) that this work was being completed as part of a project that they are doing right now. The final one is a ten-foot street landscaping buffer that needs to be installed along Highway 50.

Paul Picotte explained that the fence in the back hasn't been constructed yet because they are getting the entire back lot paved. If the elevation changes, it would change where the fence goes. He said that they have agreed to put some type of barrier across the back because they have concerns as well as the county does because they have constant traffic going through their lot from the trailer park. He didn't think it would happen, but they do understand the need for at least a barrier. As soon as A & K Earthmovers comes through, which he believes will be within the next month or two, they will do the back parking lot when they do the road improvements at the front of the lot. There are some issues with drainage through this parcel that could change the elevation and affect the back parking area, so they want to do those first before installing the fence. He stated that he spoke with a guy from NDOT, who confirmed that they are planning to complete these road improvements at the front of the lot. NDOT has sent all of the elevation information over to their engineers. He doesn't have a written letter, but he has called them to request something. The representatives that he spoke with didn't have authority to issue anything. He then noted that once the road front improvements and drainage are done, he will be able to put in the landscape strip like

the one at Sonic. It will be some dry landscape in there with some stones and make it look good.

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

Member Hyde inquired about the barriers Mr. Picotte mentioned at the back. He noted that the property west of his is owned by Jesse Segura and questioned if he was doing the same thing. Paul Picotte confirmed that for everything they are doing on the property they are just going to split the costs. The fence will be all one fence going across the entire back of the properties. The front will also be mirrored. They had an engineering drawing done by Lumos & Associates, and they came up with a single driveway that goes through the middle and then splits off to each property. Jesse Segura is going to split the cost of this as well in the worst case scenario that NDOT ever denied the build, then they would complete the road front improvements, which was estimated at \$52,000. They are both hoping that NDOT includes the work with their project scope.

Member Goings verified that the barriers that Mr. Picotte will have A & K Earthmovers put up will extend across the back of both properties, so that the whole back end will be covered. Paul Picotte agreed that it would because it has turned into a highway between the two businesses.

Member Hyde brought up this discussion regarding NDOT and the need to post a bond or having something from NDOT that is imminent. He confirmed that Mr. Picotte has reached out to them, and they haven't responded. He questioned what the next move is related to the road front improvements. Paul Picotte is hoping to get a better contact to get in touch with because the gentleman that was onsite isn't the one that could give any written authorization. He believes that he needs to get with the engineers. He pointed out that the improvements will be like those that were completed on the other side of the road from the corner of Allen Road to the corner of Casey Road.

Director Spross added this is kind of unique in that typically to record a parcel split with the county, you either have to perform the improvements or bond them. For reasons of a financial nature, Mr. Picotte approached the Board of County Commissioners to get some reprieve. The Board approved allowing Mr. Picotte to record the map and then gave four months to provide that bond. The reason that this is important is because the four months is set to expire in the next week or two. This is why he has been trying to encourage either getting something from NDOT, which would alleviate that requirement for the bond, and without that it puts Mr. Picotte in a tough position as the Board had put the four month, or 120 days, deadline on that. Paul Picotte replied that if they cannot get something in writing from NDOT, they will probably put a CD (certificate of deposit) up as financial security. He had gone to do the bond paperwork, and initializing a bond is really difficult, and you end up having to pay \$1,500 just to do the bond, which is not reimbursed. He can make a CD for the whole amount and let it sit with the county. After the road front improvements have been completed by NDOT, then they will get that money back. In the case that NDOT doesn't follow through with the improvements, they will use that money to make the improvements. Chair Blakey clarified that Mr. Picotte is waiting to see if NDOT will include their improvements within the project of Highway 50, and once they give their response, that is when he will fund the project and move forward if it isn't included, and Paul Picotte agreed. Chair Blakey inquired what a realistic timeline to get the answer from NDOT, pave the back parking lot, put the fence up, and so on? What would be doable? Paul Picotte restated that he has to comply with either getting the CD or something in writing from NDOT by the established deadline from the Board. As far as the improvements to the back of the properties, he proposes putting some barriers across there as soon as possible. There was a fence there previously; however, when they hooked up to the water and sewer for the county, they had to remove the fencing, which was falling over and not in any condition to reuse. They are committed to installing a new fence, but they would like to wait until A & K Earthmovers can pave the back parking lot. Chair Blakey asked if within 60 days they would

be able to have an answer from NDOT and would have the barriers in place. Mr. Picotte responded that he will either have something from NDOT or some type of financial guarantee in place by the deadline given by the Board of County Commissioners, and he can have some type of barrier in the back. He has also called and left a message with a fence company. Maybe they could put up some chain link fencing up as a temporary barrier until they can install their permanent fencing. Chair Blakey inquired if he could have all of that accomplished by the 120 day deadline given by the Board, and there was discussion that the deadline is upon us at this time. Member Goings confirmed that the 120 day deadline given by the Board is something that Mr. Picotte must meet for the road front improvements, and he must complete that portion of the requirements as soon as possible. What they are considering is what kind of a timeline could be expected for the improvements in the back of the property. Paul Picotte hopes that NDOT will send him a copy of their proposed improvements related to the current project within days, which would save them over \$20,000 each. Regarding the fence, they are just waiting for A & K Earthmovers to do the paving. In the interim he has no objection to putting barriers up. He just wants to find something decent looking. Member Goings commented that this is really what they are looking to have done rather quickly to stop the flow of traffic until they can get the fencing done. Paul Picotte believes that he can get the barriers in place by the end of the month.

Director Spross suggested that the commission could table this for one month, which would give Mr. Picotte 30 days to take care of putting the barriers in and have some type of written correspondence from NDOT or have the financial security in place, or they could determine a timeframe of 30, 60 or 90 days, or whatever they feel comfortable with, to complete these items. Paul Picotte mentioned that this has been a process of about two years with getting the buildings brought up to code, splitting the property, hooking up to the county water and sewer, etc. They were finally able to open the brewery about two and a half months ago, so they finally got to the point of opening the building up, and it is doing good at sustaining itself. They are continuing the improvements. They want the front of the buildings to look good. They've put a substantial amount of money into that building to make it what it needs to be for being right in the middle of Fallon.

Chair Blakey called for public comment. There were none.

Chair Blakey asked for any further comments; there being none he called for a motion.

Member Bunyard moved to table this item to the meeting on September 13, 2023. Member Goings seconded the motion, which carried by unanimous vote (5-0 with Member Picotte recused).

Dean Patterson confirmed that the bond or CD or letter from NDOT will be resolved pretty quickly, and the barriers will be installed soon. This leaves the fence being installed after the paving, and he asked Mr. Picotte if he knew approximately when that might happen. Paul Picotte said that A & K Earthmovers will pave the back lot when they do the road in front of their building in the next few weeks. Dean Patterson then remarked that it is possible that could be done within the month as well.

9. Public Hearings:

- A. Consideration and possible action re: A temporary use permit for temporary quarters during home construction filed by Shawn & Casey Reich for property located at 4886 Oran Road, Assessor's Parcel Number 006-292-74, consisting of 5.0 acres in the A-5 zoning district. The applicants propose to reside in the RV while they are constructing the primary dwelling on the

property.

Shawn & Casey Reich, 4886 Oran Road, were available to speak regarding this application.

Director Spross summarized the application from the Staff Report. The applicants are requesting a temporary use permit for temporary quarters for home construction to place a recreational vehicle (RV) on the property during the construction of the home. The property has some construction done already, and the RV is already onsite. The application didn't give a year for the RV unit. The application indicates that utility services are present on the property since a foundation had already been installed for a house. The RV will be regularly used and moved for travel at times during the year. The RV will be maintained as a self-sufficient unit. The application proposes less-permanent service connections, more similar to an RV park than other similar TUP proposals. He noted that this may not be acceptable to the Building Department for long term use, and service connection upgrades may be required. He stated that temporary living quarters may be permitted as long as they are parked on the same parcel of land and utilized as a temporary residence during the construction. The temporary use permit shall be subject to yearly renewals and shall terminate upon expiration of the building permit or within thirty (30) days of the issuance of a certificate of occupancy. Each yearly renewal will require evidence of substantial progress toward the construction. The site of the proposed RV is on the same lot as the new home. Any RV, including pop-outs, must meet a 5-foot setback from the property line, which is currently met. The conditions of approval will require obtaining all necessary building permits and RV setup permits. This permit will require annual review if not completed within the first year. If no progress is made before the annual renewal, the Planning Commission might not renew the permit. He read the letter received from the Building Department, which outlined the requirements. He also received information that the septic system was installed, inspected, and approved on August 9, 2022, and this is the only permit application received in the building department.

Director Spross also read into the record a letter that was provided by a neighbor that listed concerns regarding a lack of construction during the time that they have been living on the property for about three years. They indicated they were opposed to approval of this permit unless a building permit and financing were in place and for a period of only one year. They also stated that there has been an accumulation of vehicles that are not operable, and the only fencing has been some fabric. This is an eyesore and brings down the property values of neighboring lands. Mr. Reich inquired about the name of the individual, and Director Spross indicated that he doesn't have an obligation to disclose that information. There was some discussion about this situation, and Shawn Reich said that when he spoke to Mr. Patterson, he was assured that the county is concerned about what happens now and not what has happened in the past. He informed that the foundation that is there was put in before they purchased the property, and it appeared from the date written into the concrete that it was put there in 2006. He continued sharing the history of them obtaining the property and said that they have money to build. They spent a lot of money on engineered plans for the house to go on that foundation; however, with the explosion of costs with building materials, they have had to reconsider the size of home they want to build there. He commented that they had planned to put a manufactured home there, but then they found out that there are certain restrictions in place that require it to be a stick built home and a specific minimum square footage. If that hadn't been in place, they would already have a home there and living in it. He remarked further about the junk cars saying that there are two cars that don't run. He likes to work on old cars and fix them, and then he pointed out the old junk on the neighbor's properties. Mr. Reich was upset by the fact that his neighbors were being critical. Chair Blakey asked Shawn Reich to calm down and explained that he is not being called out. The public has a right to write a letter, and that letter has a

right to be read into the record. Comments made regarding an item are taken into consideration, as well as comments made by the applicant and staff. They listen to the facts that pertain to the application and make their decision based on those things. We do not need to know about your house plans just yet. The commission needs to know about the process you are taking, the speed of things, and how you are going to do things. This is what they are concerned with at this moment. Casey Reich stated that based upon the fact that the foundation was there when they bought the property it is a lot harder in order to get funding to help with the rest of the financial aspect of what they would need to finish the house. Nobody will loan where there is already a foundation. They were told that they could use it if they could get an architect to write it up and approve it. It is a long process. They are redrawing the plans and making it smaller; it is not going to be the 4,200 square foot, two-story monstrosity that Mr. Polk had originally planned. They have already remade the plans once, and are getting them redone again because of the financial aspect of it. Mrs. Reich remarked that they had spoken to some neighbors about buying the property; however, they have not received any offers. As far as the vehicles are concerned, they restore and refurbish classic and antique automobiles. She pointed out on the aerial photograph displayed on the screen that all of them are lined up in a row and everything has all of the parts attached. There are only two of them that are not running or registered. Chair Blakey told them that the commission understands and that the vehicles are not pertinent to the permit application.

Member Goings stated that the applicants are here for a temporary use permit for the motorhome, and that is what they are looking at tonight. Regarding the rest of the stuff, they need to make sure that they are compliant with the codes, but the commissioners are only considering the application tonight. Mrs. Reich commented that when they see several of their neighbors in attendance, they feel like they are being attacked, which makes them feel very uncomfortable. Chair Blakey expressed understanding and informed that everyone has a right to be here. He reiterated that the commission is considering their application to reside in their motorhome while they construct a home.

Dean Patterson questioned how long the Reichs thought that it would take to build the home, and if they could also share the steps they plan to take to reach that goal and timeline for those steps. Shawn Reich responded that the code says to make significant progress and with the way that everything has been going, if they get a start date, he believes that they could have it framed and sealed within a year. Having a certificate of occupancy within a year as an owner-builder would be unrealistic. He can guarantee significant improvement. The pricing sheet is already done. If he has to, he will take all of the money that they have saved to build this house and buy another property. Then that property will go right back into disrepair like it was. It was a junk pile when they bought it. Chair Blakey tried to bring Mr. Reich back to the question that was asked, and he said that Mr. Reich had said that he could have it under a roof within one year. Shawn Reich responded that was correct. Chair Blakey inquired if there was a septic on the property, and Mr. Reich replied that there was a well, a septic system, and power on the property when they bought it.

Director Spross noted that staff is making a recommendation to approve this permit under the following conditions:

1. The temporary quarters must comply with Churchill County Code.
2. All required Building Department approvals and safety certificates must be obtained:
 - a. Water, sewer, and power services that are acceptable to the Building Department shall be provided to the temporary quarters.

- b. Any Setup Permit necessary for the setup of the temporary quarters must be obtained along with any required inspections of water, septic and electrical connections of connecting to a service.
 - c. All necessary permits for home construction must be obtained.
3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation. No manufactured homes may be used as a temporary residence while constructing a home.
 4. This temporary use permit is subject to annual renewal. ***The applicant must show substantial progress of home construction during the annual review hearing.***
 5. Once home construction is complete enough to allow habitation, the RV must be disconnected from sewer/water/electric services and made lawful at its subsequent location.

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

Member Diehl asked if the RV is connected to the electricity, water, and septic system. Shawn Reich answered that they are in and out due to having older parents, and they spend their time between here and Lovelock. They use their RV for this travel. As he understands what was said that once they get this permit, it will have to be hooked up permanently. Member Diehl verified that when they start using this as a residence on the property, it will be hooked up to the utilities, and Mr. Reich agreed. Member Diehl further inquired if they would get the inspections by the building department as required, Mr. Reich agreed. Casey Reich pointed out in the application to the page of photos, they show a list of all of the utilities that are onsite and where everything is located as a reference. Member Diehl questioned if they have gotten any of the building permits yet, and the Reichs said that they are waiting for the plans for the smaller home. Now that the prices for construction materials is coming down, Mr. Reich hopes that they can meet in the middle on the financing for the build. He pointed out that a large portion of the house plans is for a garage. This will help with the situation regarding the vehicles because they will mostly be inside the garages.

Member Goings wanted to make sure that the applicants understood the conditions that Director Spross read and accept these requirements. Shawn Reich answered in the affirmative.

Member Bunyard inquired how long the applicants have been at the property. Mr. Reich responded that they closed escrow in 2021. Member Bunyard asked if they've been living there in the motorhome since then. Shawn Reich replied that they purchased it in the height of COVID, and he couldn't even get anyone on the phone. He had a lot of questions about the existing utilities and such. They have been there a while, off and on, but it hasn't been three years solid like the neighbor said. Member Bunyard then questioned what made them come in to get the temporary use permit now. Shawn Reich remarked that they were accidentally notified because a letter had been sent addressed to Mr. Polk. They got a letter from the Public Works Department saying that they were not in compliance with the county code, and they have been working with Loreli LeBaron, Code Compliance Official, and Dean Patterson regarding the situation. They were informed that they needed to apply for this permit. Loreli LeBaron, who was attending the meeting via Go To Meeting, stated that she was available for any questions.

Chair Blakey called for public comment.

Roxanne Mondhink, 5176 Oran Road, noted that the property was purchased by the applicants as of November 2020, and they have lived in an RV on this parcel since that time. The neighbors were excited to see someone cleaning up the property, and she had hoped that they would have completed construction of a residence prior to this time; however, it has been three years and there has been no indication that the Reichs will be building in the near future. She thinks that if they are allowed to continue to live there as it is, this will be a situation of "kicking the can

down the road.” There are a lot of vehicles, and, regardless of the status of those vehicles, it is an eyesore to this area. This subdivision has beautiful custom homes that are well maintained, and this property is the first one that people see when they enter the area. It is subject to CC&Rs (Covenants, Conditions, and Restrictions), and she understands that the county does not enforce these private agreements. She hopes that the Reichs take these into consideration while they are decreasing the size of the home to ensure that they meet the size requirements. None of the neighbors have sought to enforce the restrictions up to this point, but they do have a right to seek legal action should these not be met. The neighbors would like to see the Reichs proceed with construction of the home, but have lost hope that it will happen. She is afraid that their temporary residence has become permanent. She does not agree that the Reichs have been in and out with the RV because she hasn’t seen it move from the lot. Mrs. Mondhink wishes them luck if they do proceed with construction.

Troy Peek, 4928 Oran Road, stated that he just recently finished building his house right next to this property. He has owned his lot for almost two years, and he agrees with Mrs. Mondhink that during the time that he has owned his property, he has not seen the RV move from the subject property. This property has become an eyesore. He bought in this subdivision because he wanted a nice place to build his home. When he first met the Reichs and listened to the talk of the new house, they approached him about buying the property because they said that they had a set of engineered plans. He wonders whether an engineer has “bought off” on the foundation that exists on the property. The foundation has sat so long, and he deals with construction as it is his line of work. He doesn’t think that the foundation is a good one to build on, and he doesn’t think that an engineer will sign off on it. An architect can come up with a set of plans; however, an engineer must approve them. He thinks that these are some questions that need to be answered in order to determine a realistic timeframe for when the Reichs can actually build. The neighbors hope that they do build the house, but it has been so many years with no progress.

Vicki Jones, 3870 Red Mountain Road, which abuts the back end of the subject property. She remarked that the letter that was read into the record was not from everybody in that neighborhood, and she certainly had no knowledge of it. Her concern is related to the fact that she bought her property in 2017 because it was an upscale neighborhood. She took her time checking things out to ensure that her investment would be upheld by the larger homes in the area. She pointed out that people do this so that the value of their investments would remain in good standing. She has found it disheartening that people have purchased property and show no signs that they will construct a home to improve the value of the lot and maintain the same standards as the homes around them, and the Reichs have been there for about three years that she is aware. She would suggest that if the Reichs have not gotten their building permit within three months, they will not build within a year. It takes a good seven to twelve months to get a house done, and she would think that the Planning Commission could consider tabling this for 90 days to give them time to get their permits to show that there is going to be progress made within a year, or they will just be back here next year having the same conversations.

Chair Blakey asked if the applicants had anything further to add, and said that the comments regarding the structural integrity of the foundation is not an area of the code where the Planning Commission has jurisdiction. The Reichs had nothing further to add regarding the permit application.

Member Goings addressed the public concern by stating that this is the beginning of a timeline. There has been no timeline up to this point. If the Planning Commission grants this permit, it comes with a one year renewal, and it requires them to have all of these things in place

within that period of time. Then it comes back to this commission for review again in a year. This may be the spot where the neighbors want the applicants to be, a starting point to begin construction of a permanent residence. We have to start somewhere, and then there is a timeline. Now they would have some repercussions that could be implemented should the conditions not be met.

Member Bunyard asked for clarification from staff that this was as a result of code enforcement, and Director Spross believes that it was. Loreli LeBaron agreed that this came about as a code compliance enforcement case. From the time they were contacted the Reichs have been very willing to participate in the process to do what is needed to get into compliance. They have expressed the hardships that have occurred along the way. We have drafted a code compliance agreement to deal with the other things that do not pertain to the temporary use permit. She does understand the neighbors' concerns due to the length of time that it is taking for the Reichs to build a home. She thanked the commissioner for bringing up that this is the beginning of a timeline, so she feels that this could be the beginning of that clock to get the Reichs motivated to move in the right direction.

Chair Blakey verified with the applicants that based upon the decision of the Planning Commission there are consequences either way and there are requirements that will need to be met should they approve the application, and Shawn Reich confirmed that they do. Chair Blakey instructed them to continue to work with the planning office to make sure that they totally understand what needs to happen.

Member Hyde questioned, due to the length of time this matter has been going on, would it be wise or permissible for them to put in some timeframes that would be less than one year to accomplish certain things. He explained that he doesn't want another year to go by and possibly no progress be made toward the requirements. Director Spross stated that Joseph Sanford would be the best person to answer the question regarding their authority; however, he has not seen the commission approve a first time permit for a time less than twelve months. On a renewal, the commission has approved less time, based on progress. Joseph Sanford, DDA-Civil, remarked that commissioners can put timelines on conditions related to what you want to see on the permit, but the permit would have to be for a one-year period that is set forth in the code. You could add guidelines or requirements for things to be done in a certain period of time, such as building plans must be submitted to the building department within three months or something along those lines. If it isn't followed, the consequence wouldn't really come up until the yearly renewal period, and that would be considered as evidence when it comes to that hearing to say that maybe things are not being completed in the time period that the commission had asked. The enforcement procedure would not be to revoke the permit; it would just be considered as evidence at the renewal hearing.

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.070(B)4 regarding a Temporary Use Permit for Temporary Quarters for Home Construction, as described in the Staff Report. Member Picotte seconded the motion and the decision carried by unanimous vote (6-0).

Member Picotte, based on the previously adopted findings made for this project, moved to approve the Temporary Use Permit application for Shawn & Casey Reich to establish a Temporary Quarters for Home Construction 4886 Oran

Road (APN 006-292-74). This approval is subject to conditions, as listed in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote (6-0).

Chair Blakey advised that there is a ten-day appeal period and to contact the department for further permitting procedures. The Reichs were provided a copy of the letter from the Building Department and told that the other list of conditions were provided in the staff report, which was mailed to them prior to the meeting.

B. Consideration and possible action re: A special use permit application for an Explosion/Combustion Testing Facility filed by Pallas Industries, Inc., for property located northeast of Hazen, Assessor's Parcel Number 009-291-09, consisting of 640 acres in the RR-20 zoning district. The applicant proposes to develop, build, and test rocket engines using ground testing methods (not flight testing).

Sean Pitt and Jacob Sweers, 737 Lairport Street, El Segundo, CA, were available to speak regarding this application.

Director Spross gave a summary of the application from the staff report. This property is owned by Forty Mile Desert, LLC, and is currently under contract for purchase by Tolas Development Company. Tolas has been working with Pallas Industries to lease the site for rocket testing, but if the sale falls through, a new agreement will be needed. The facility is proposed in a remote location northeast of Hazen, and this creates challenges that less remote sites do not have and requires other tasks to be completed besides this special use permit application. The first would be a property zoning designation change. The proposed use is listed in the land use table as only allowed in the Industrial zoning district; therefore, this site must be rezoned to Industrial before the storage containers are in place and onsite operations begin. The second is a conforming legal address. The property is located along a power transmission line that has a dirt and gravel road in decent shape, but its legal access is unclear and needs to be corrected. The application provides a detailed description of the project, and the applicant proposes this facility for developing new rocket motors and ground testing them on fixed mounting. Flight testing will take place elsewhere. He shared more information about the motors, fuel, site plans and development, and Fire Protection Report for the proposed use as described in the staff report.

Director Spross stated that the operation compounds are located between two roads at the south end of the very large property, which is 640 acres. One road is the powerline road that provides straightforward physical access for the four miles or so to Hazen. The legal access for the facility is unclear. The other road separates from the powerline road near the south property line and follows a curving two and a half mile arc mostly through the Tolas property and rejoins the powerline road on the other end. The proposed sites take access on this road a short distance from the south property line.

Sean Pitt shared a presentation regarding their company and what they do. He explained that due to a trademark issue, they have changed their name to Castelion. This is a startup company founded by three former Space X employees, which is the launch company owned by Elon Musk, to address the need in the country for a low cost defense manufacturing. They see, especially with the rise of authoritarian powers around the world, the critical nature of the US to be able to develop defense hardware more quickly and cost effectively as Space X has been able to do in the commercial space launch market. He included information about their mission and goals, the facility and its location, the sizes of rockets and fuel components, and how their operation would

work. They chose the remote location specifically to mitigate some of the effects that their testing could cause and to ensure that the community is not adversely impacted by their presence. They will not be conducting flight testing at this location, which would only be permitted under a flight waiver through the FAA (Federal Aviation Administration). They have other sites that are more remote in Nevada and California that are approved for that use. They are also considering federal ranges in the future like Vandenburg Space Force Base that they used for launching while employed at Space X. Castelion will use the shipping container type design for manufacturing the product to show that a large investment in developing a manufacturing facility will not be required to produce their defense hardware. They shared information about the type of propellant that they use, what would be onsite at the facility, and informed that they have been in contact with the Fire Marshal and Sheriff regarding the Fire Protection Plan and Emergency Response Plan. Castelion will continue to work with them toward the final plan and will comply with all federal, state, and local permits required for the facility.

Sean Pitt stated that while they were reviewing the staff report and recommended conditions for the special use permit, they agree with the majority of them. They request a change to Condition 6.b. related to the size of the rockets. The physical size of the motor is irrelevant for the purposes of what type of noise or exhaust that is made. The primary concern should be regarding the amount of propellant that exists. If the permit is approved, they request that 6.b. is altered to exclusively address a 1,000 pound limit on the amount of propellant, not the size of the vehicle, which they want to be able to alter to have optimum performance for this type of system.

Director Spross went over the findings required for the permit and explained how they met, exceeded, or could mitigate in order to meet these criteria. This information was from the staff report. Regarding compatibility with the surrounding uses, it was noted that other uses could be placed right next to these compounds, which would be unsafe and incompatible, and would place the burden of separation on the other users. Staff recommends that the applicant be required to hold control of at least 20 acres surrounding the facility through lease or purchase. As stated previously, the proposed use is prohibited in the RR-20 zoning district; however, if the property is rezoned to Industrial, it could be permitted. The applicant has been made aware of that and are proceeding with that depending upon the outcome of this hearing. The department received comments from NV Energy stating that they do not believe there will be any adverse impacts on their existing power line. Legal and physical access was mentioned previously. Physical access must meet at a minimum fire truck accessibility standards and the roads noted generally meet those requirements; however, there are some places that have some water damage or drainage problems that could affect fire truck access, so staff recommends that the applicant work with the road supervisor to inventory these places and determine a solution for correcting them. Legal access means a continuous chain of easements reaching to a publicly maintained road. The lack of legal access is the primary reason that no development takes place in the area north of Hazen, as well as other parts of the county. The best option is to approach other private property owners to add road access adjacent to the transmission line route. Staff recommends that this be accomplished within six months, providing time to do so is acceptable since the site is mainly developed with removable, portable facilities that can easily be removed in a worst case scenario. Director Spross stated that he knows that the current property owner is in contact with two other private property owners to establish some easements to maintain full legal access. There are some concerns and requirements related to the water and restroom facilities for the site. It is recommended that permanent facilities be installed on site within six months during which time temporary facilities can be used during the state permitting delays and construction times. The applicant will also need to meet the ADA

(Americans with Disabilities Act) requirements throughout the facility. Director Spross spoke regarding the Fire and Emergency Protection Plan and stated that staff recommends that the plan be completed to include requirements from the Fire Marshal and Sheriff, and these should also address the access roads as mentioned previously, tanks for onsite water storage for firefighting use, and so forth. This plan should also be updated as deemed necessary by the Fire and Sheriff departments to address all issues now and in the future. Because of the uncertainty of fully understanding the consequences of a facility like this, staff recommends that the county reserve the right to require modifications to the facility for specific issues: improvements to the sound barrier, increasing the area of control of land surrounding the facility, establishing to weather limits on testing, requiring mitigation of exhaust impacts on the transmission lines (such as adding coatings), and requiring alteration to the access road or its closure practices during testing. Another impact to be mitigated is related to the maintenance of the roads used to access the facility. Director Spross noted some potential impact issues from the facility: loud rocket testing noise, rocket exhaust that could affect NAS (Naval Air Station)-Fallon and other FAA flights, light that could emanate from the facility at night, and handling and storage of hazardous and dangerous substances. Most of these may be able to be mitigated by the applicant.

Director Spross remarked that the department received a letter from the Building Department. He didn't read it into the record; however, he provided a copy to the applicant. A copy of the letter is included with the application. After spending extensive time with the applicant and researching various media, staff recommends approval with the following conditions:

1. Placement of storage containers and facility operations are prohibited until the property has been rezoned to Industrial. Grading, ground surfacing, concrete work, and fence building may proceed before approval of the rezone.
2. This permit is subject to review by the Planning Commission in 6 months for compliance with conditions of approval and code requirements. Thereafter, reviews shall be conducted annually from the date of approval until such time as the Planning Commission deems that they are not needed.
3. Within 6 months of permit approval:
 - a. Legal and physical access shall be obtained, and documentation provided to the Director.
 - b. A permanent restroom and office shall be provided at the facility that meets building code and state law requirements. This includes any commercial septic system installation. This does not prevent the Building Official from implementing Certificate of Occupancy requirements.
4. Within 3 months, if the transmission line road is used for access, places with questionable passage for fire trucks in wet weather shall be improved. If improvements are not completed on time, facility operations shall cease until completed. Before improvements are made, the applicant shall consult with the Road Supervisor and Fire Marshal to inventory places needing correction and determine solutions.
5. The facility operator is responsible for maintaining the road from Hazen to the site in a condition passable for fire trucks as determined by the Fire Department.
6. Creation and testing of rockets is limited to:
 - a. Ground testing only – flight testing is prohibited.
 - b. The amount of 1.3 propellant to 1,000 pounds per motor.
 - c. Rocket motor testing on no more than 8 days per month.
 - d. No rocket motor testing after sunset

7. The operator shall obtain and maintain an area of control around the facility (such as by lease or sale) equal to or greater than 20 acres.
8. Before operations may begin,
 - a. Documentation of a lease or authorization with the current property owner that also shows the area of control around the facility shall be provided to the Director.
 - b. The property owner shall record a road easement along the power transmission line that is acceptable to the County.
 - c. The proposed noise mitigation berm shall be installed. The berm shall be at least 6 feet high.
 - d. Building Department authorizations shall be completed to the satisfaction of the Building Official, including but not limited to ADA accessible parking space, ADA accessibility improvements, restroom, and office.
9. The Fire Protection Plan shall be updated as determined by the Fire Marshal and implemented on a time schedule determined by the Fire Marshal. The Fire Marshal may update the plan and its implementation schedule as deemed necessary.
10. An Emergency Response Plan shall be developed to address issues and implementation schedules deemed necessary by the Sheriff and Fire Department. The plan shall be updated as deemed necessary by the Sheriff and Fire Department.
11. The County reserves the right to require modifications to the facility for specific issues: improvements to the sound barrier, increasing the area of control of land surrounding the facility, establishing to weather limits on testing, requiring mitigation of exhaust impacts on the transmission lines (such as adding coatings), and requiring alteration to the access road or its closure practices during testing.
12. All federal, state and local permits required for this facility shall be obtained and maintained, including any needed for safe aviation over the site;
13. The facility shall coordinate with NAS Fallon regarding impacts of testing plumes on Navy operations, and shall implement any recommendations.
14. Operations of shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

Chair Blakey verified that the applicant understands the conditions as outlined for approval of the permit. Sean Pitt shared comparable sounds to the decibel levels mentioned in the staff report. The nearby wetlands about one mile away would be about 70 decibels, and that is on the order of a washing machine in the house. Then for the wetlands location at about four and a half miles, which is 56 decibels, would be like a quiet conversation or quiet neighborhood street. This location was specifically selected to be far enough away from nearby residences, so that there is no impact. The testing noise occurs for about 15 seconds or less. Regarding the overflight, they are more than happy to coordinate with NAS-Fallon. The exhaust plume only goes up about 100-150 feet even with wind. The site they are using now is right in the airpath of Edwards Airforce Base, where they do flight tests all of the time. It isn't an issue; however, they are willing to coordinate with them.

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

Member Picotte said that he has a series of questions and a couple of them have mostly been answered specific to the aviation requirements for NAS Fallon. In taking a look at this application from the community's perspective, he understands that they want to do this out here far away from everything, but what would a worst case scenario in terms of like a blast radius if something were to happen at this facility. What would be the worst type of impact if something were to go catastrophically wrong there? Jacob Sweers responded that the fuel they make is a deflagrant, not an explosive, so it doesn't necessarily detonate. It is more like a 3,000 psi (pounds per square inch) gas

tank, like compressed nitrogen, so were there to be a failure in the motor it would be like venting a propane tank, not like setting off a bomb. They do not use 1.1 or 1.2 explosive material. Sean Pitt also remarked that the total amount of material that they are storing at the site is quite small. They are talking about a low level research and development facility that can be stored in a shipping container. Member Picotte then asked regarding HERO (Hazards of Electromagnetic Radiation to Ordinance) conditions. He wondered about the nearness to the power transmission lines if there is any concern related to a power spike, sparking, arcing, or anything from any of the aviation assets here in Fallon. Mr. Sweers answered that they store everything in metal containers that are shielded to protect from lightning, so they are completely surrounded in a Faraday cage. Member Picotte continued by noting that we have seismic activity in the area and very high temperatures, and he wondered with everything being boxed up if there is a concern with any kind of inadvertent detonation. Jacob Sweers answered that they have to design the motors to be stored on aircraft carriers and carried on planes, and those planes operated from the Arctic to Iraq. The propellant is actually quite stable all of the way up to about 160° Fahrenheit and down to about -30° Fahrenheit. Member Picotte stated that the aviation assets out of Fallon typically reach an altitude that he understands are not going to be an issue; however, he's not sure if they are aware that this area is a direct training area for our small airport in Fallon, so all of the training flights leave the Fallon airport and go directly over this area. In the past and with a facility like this, have they had a need for any kind of TFR (Temporary Flight Restriction) to limit the access for aviation in that area. Sean Pitt explained that as he stated previously the exhaust plume dissipates very quickly and doesn't go high enough to really impact aviation. The only activity that they engage in that requires a TFR is the flight testing, which they are not proposing at this site. Member Picotte asked if they would be willing to contact the FSDO (Flight Standards District Office)—he knows that the Navy is one asset—but the FSDO is going to be a deciding factor for that, and Sean Pitt agreed that they would.

Member Hyde said that a correction or addition to the conditions may need to be made due to the concern related to the size of the rocket and pounds of propellant. He thinks that is something that the commission could revise, but he wanted to clarify that they were satisfied with the limit to 1,000 pounds of propellant. Sean Pitt agreed and shared that he believes that the only thing that should be of concern to the commission is the amount of propellant because that is what makes the sound and noise. Member Hyde noted that under Condition 6.b. it limits the size of the rockets, but as he understands the applicant would like this item to only limit the amount of propellant. Sean Pitt remarked that when they refer to the motors in this presentation, they are talking about propellant the whole time. It may have been miscommunication between them and the Planning Department. Member Hyde commented that he liked how thorough this application is, and they have addressed a lot of these issues. He inquired regarding the Phase I Environmental Study and a Phase II after, and why they don't just do Phase II now. Jacob Sweers thinks that Member Hyde is referring to their plan to do a Phase II to ensure that they haven't contaminated anything when they leave. They could do that before they get there, but that doesn't verify that they haven't necessarily contaminated anything. Member Hyde wondered how thorough we are looking at the environmental study. Sean Pitt answered that the Phase I is to set a baseline for the property owner to show what the conditions are prior to them moving in, and the subsequent is to show that they haven't contaminated the site. They have retained Team UES as an environmental consultant for the group. They are far below the exhaust limits that are required for permitting in the State of Nevada, so due to the incredibly small amount of materials that they are working with, they closely evaluated NDEP (Nevada Division of Environmental Protection) and CAPP (Chemical Accident Prevention Program) requirements for accident prevention and for the amount of materials required for

permitting in the state. Their levels are far less than half of the lowest permitting requirement of materials or exhaust. Member Hyde inquired what the expected duration of the combustion testing is and how frequently it will be conducted. In the report it states how long one test will last. Sean Pitt reiterated that the longest that a single test would last would be 15 seconds. For those motors, the most that they would test would be several per day on testing days. The staff report recommends eight testing days per month, which would be more than sufficient. You would be looking at 30-45 seconds on each of those eight days. Member Hyde then asked how they will communicate and provide updates to the community regarding the progress and schedule of combustion testing activities. Mr. Pitt stated that in their discussions with the Sheriff and the Fire Marshal it was determined that they would notify them ahead of time when these tests are to occur. In particular, they expressed concerns about people calling in smoke or other things in the desert, and they want to make sure that the community's resources are not used unnecessarily to respond to what is not an emergency activity. Their intention is to notify the Sheriff and Fire Marshal prior to testing, so that they are aware of what is going on. Member Hyde questioned what steps would be taken to monitor and measure the air quality and emissions during the combustion testing, and will this data be made available to the public for transparency purposes. Jacob Sweers replied that they can make that data available. They monitor the amount of propellant consumed, and based upon the amount of propellant and the combustion properties, they can calculate very precisely how much was produced. Then they use that data to inform what their emissions actually were. They are already planning on providing the information to the Fire Chief, so that they know what is stored and where. That data can be made available elsewhere, if necessary. Member Hyde inquired how long the berm is, and it was pointed out on the diagram displayed on the screen that the red box near it is a 20' shipping container as a reference because he didn't have the exact length with him. Director Spross noted that it appears to be 100' long on the vertical and 60' long on the horizontal.

Member Goings, going back to Condition 6.b., asked if the applicant needs 1,000 pounds of propellant, and the size of the rocket could vary, how big they would want it to go. He just wants to make sure that if the size of the rocket is something that needs to be addressed, that we do it now. Sean Pitt responded that their perspective on the matter is that the physical size is truly irrelevant for the county's purposes. The largest they might conceivably go is maybe 212 inches in length. Member Goings restated that he is asking about diameter because that is what is being stated in the condition mentioned. He thinks that what the applicant is stating is that the rocket could be longer, larger in diameter, or whatever, but the propellant will not change. Jacob Sweers confirmed that to be accurate. He said that the largest diameter vehicle he suspects that they will ever make in the future is 36" in diameter. He thinks that it would only likely be 24" in diameter in the next year. He also noted that the larger the diameter the shorter the length would need to be. Member Goings remarked that he would like to eliminate the need for the applicant to come back to get another permit if the diameter or length changes by just limiting the amount of propellant. There was discussion regarding what the Planning Commission could change in the conditions and at what point in the decision they would need to note the change. Joseph Sanford, DDA-Civil, inquired if there was any limit set on the type of propellant as well, and there was more discussion related to the type of propellant used for these vehicles. Sean Pitt stated that if they move to a more exotic chemistry for propellant in the future, they will still comply with all of the laws related to that material. It was decided to limit it to 1,000 pounds of a 1.3 propellant, which is a deflagrant and not necessarily an explosive. It is regulated differently than other types, and they would have to obtain approval from the state fire marshal for the types of propellant and include that in the Fire Plan.

Chair Blakey called for public comment.

Nona MacFarlane, 6500 Workman Road, said that she owns some property in this area and appreciated the notice regarding this item. She pointed out that some people go out into those areas and disregard private property because a lot of it isn't fenced. There is a lot of four-wheeling traffic out on those roads, and they treat it like it is all public lands. She also remarked that, especially in the wintertime, those roads are not very accessible. She talked about the soil and water issues that make the road impassable at times, and she believes that it would need improvements made in order to provide a good road for emergency services to be able to get out there. She reiterated that security is a big problem out there because she's had fences cut, gates destroyed, and a lot of trespassing. A lot of people go out there to shoot because they think that it is a wide open area that they can use. She wondered about the security at this site, and whether they were going to have a guard on duty. She believes that they will have problems with people breaking in and by the time the Sheriff gets there, whoever was doing it will be gone. She also mentioned a concern related to the potential for fire and whether the fire department has what it takes to put out a fire based on the stuff they have out there. That area out there is just prime for wildfires, and she wonders about their ability to keep that from happening. She also spoke about the airplanes and helicopters that do fly over that area, and sometimes they are so low that she can read the letters on them.

Matt MacFarlane, 6500 Workman Road, thought that the applicant's presentation was impressive. He asked regarding how they would be getting power out there because those are transmission lines through. He stated that he does wild duck and goose hunting on their property near there, so the noise is of some concern to him. He does allow people to hunt on his property, so he wondered what times of the day they would normally conduct their testing. Normally, the best hunting is the early morning hours and in the evenings. The road is a major concern out there. He drives on it all of the time, and there are a lot of spots where it is reduced to bug dust and when it rains it becomes very deep mud. These create big pockets that fill with water when it rains.

Chair Blakey gave some time to the applicants to answer some of the concerns that were mentioned—security, power, roadway, noise and hours of operation. Sean Pitt explained that they are aware of the security concerns of remote sites. It is something that they already deal with at other locations with 24 hours a day, seven days a week security. They have been working quite closely with the Sheriff, and they've also looked into a 24/7 armed security response from their side. The Sheriff has requested that the county be the only armed response to ensure that there isn't any conflict between them and the other security team. They will take adequate measures to secure the facility. They are familiar with the issues with the roads, and the conditions of this permit will require road upgrades to ensure that emergency vehicles can reach the site. Jacob Sweers stated that there are solar panels on the roof of each solar container except for the ones that store explosives that provides sufficient power for the facility and security system, and they also have a backup generator in case that fails. Member Goings verified that they had suggested having an armed security guard on site, and the Sheriff has requested that they be the armed security to avoid blue on blue conflicts. Mr. Pitt confirmed that to be correct.

Chair Blakey asked for any further comments; there being none he called for a motion.

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.080(H) for a Special Use Permit for a rocket motor testing facility, as described in the Staff Report. Member Hyde seconded the motion and the decision carried by unanimous vote (6-0).

Member Goings, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application for Pallas Industrials LLC [Castelion] to authorize an Explosion/Combustion Testing facility on APN 009-291-09. This approval is subject to conditions, as listed in the Staff Report. One change will be made to item 6.b. to limit the amount of propellant for each motor to 1,000 pounds of 1.3, and there will be no limit on the diameter or length. Member Hyde seconded the motion and the decision carried by unanimous vote (6-0).

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

C. Consideration and possible action re: An application for a zone change filed by Hooper Management Family LLLP and Sharyl Bancroft Trust for property located off Gummow Drive, Assessor Parcel Numbers 008-391-28 & 008-391-29, consisting of 6.11 and 27.97 acres respectively in the E-1 zoning district. The applicant is requesting a zone change for a portion of the parcels, being a 13 acre parcel fronting Gummow Drive resulting from the proposed boundary line adjustment, from E-1 to R-3.

Sharyl Bancroft, 8625 E Sharon Drive, Scottsdale, Arizona, was available to speak regarding this application.

Director Spross stated that this proposed change in zoning is changing 13 acres along Gummow Drive to R-3. Before giving a complete summary, he explained that one of the requirements that staff was proposing for rezoning this property to R-3 is to provide a traffic control plan. Zone R-3 has the ability for someone to place 16 units per acre, and because of the location of this property and its proximity to the intersection of Gummow Drive and US Highway 50 staff deemed it necessary to have a traffic study done. The applicant proposes much less density than what could be allowed, but if this property were to be sold prior to or during the development someone would have the ability to put a lot more units at this location. He remarked that he spent some time today speaking with the applicant and the requirements of the traffic control plan. The staff's initial recommendation was to recommend denial of this because we didn't have a traffic study. There were a couple of options that he discussed with the applicant; one was for the applicant to request a postponement in order to get the traffic study, and second was to completely withdraw the application and resubmit it at the same time as the plans for the development are submitted. Postponement is the option the applicant would like; however, when there is a postponement, it is for a date certain and must have some sort of duration. Typically, postponements are for one month to two months. They had recommended six months, but the applicant would like more than six months. He thought it would be best if the applicant would make their request before going through the application since it would not be necessary for either of the options at this time.

Sharyl Bancroft questioned regarding the statement that someone could request 16 units per acre, whereas she is only requesting about 6 units per acre for her multi-family, so they could still turn that down. Director Spross agreed that they can. The commission has control regarding the number of units per acre whether or not she were to sell it, which she is not planning to do. She is planning to do a phased development, starting with the single family units about 12 for the first year, about 12 for the next year, and 12 the following year for a total of 36. Then in the fourth year when the water system has been readied for another lift station, that is when she could go into the

multi-family. She believes that the commission is in control of how many units can be put on there. She is just asking to start with the single family units and then move to the multi-family units after the sewer treatment facility has been completed. She's already done all of this right now, and she didn't know that she was required to get a traffic study until the past Friday. There was no way that she could have gotten one done that quickly. If she needs to delay it for six months, then she said that she wants to work with everyone. A traffic study is very expensive to just do for 12 houses because it is \$15,000-\$20,000+ to get that done. She would rather wait until she's sold a few lots and had a little money to help pay for it. She's been paying sewer hookup fees, taxes, and everything for years since 2008, and there's nothing she can do until that sewer gets done, and still having to pay the fees every single month. Maybe there could be some type of abatement on the fees or have them halted until she can be provided with the sewer stuff and other things that she needs to go ahead and do a building. Right now, she keeps paying but can't do anything. Chair Blakey expressed understanding and let her know that they are not in a position to tell her what to do with her property. She must make the decision and come to the county to see what works and what doesn't work. That would dictate whether or not a traffic study would be needed. She needs to decide if she wants to postpone or withdraw the application at this point. There was some discussion regarding the application, potential for development with the zone change, and so on. The zone change will change the density that could be allowed on that property. A traffic study completed with the current zoning prior to a zone change would have a different result than one completed based upon the zone change, which would change the potential number of vehicles using this intersection. Joseph Sanford, DDA-Civil, summarized that if Ms. Bancroft wants to do a traffic study to address what her plan is with the total number that have been discussed at this time, it would be less than the total amount of density that would be allowed under R-3 zoning. It was mentioned that R-3 allows 16 units per acre, and she is only requesting 6 units per acre on the R-3 portion. Mr. Sanford continued by stating that the issue in front of the commission is that once this is zoned R-3, it will be zoned R-3, and so if Ms. Bancroft were to choose to sell the property to someone else or change her plan of development to match what R-3 allows, then an approval of the zone change would have already zoned it that way. The commissioners may have a hard time justifying approval of a zone change based upon Ms. Bancroft's plan that she said she wanted to do, and not based off of what the zoning itself would allow. He pointed out that if Ms. Bancroft wants to produce some single family homes first, then she could begin that project where it is already zoned E-1 and wouldn't require a zone change right now. Ms. Bancroft is talking about two different things, and the application that is before the commission is for a zone change to R-3. The reason that they are asking for a traffic study is based off of the maximum density that would be allowed with that change in zoning there could be a significant number of cars coming onto the road, and that might be something that this commission would want to know before they recommend approval or denial. Director Spross also pointed out that this parcel is getting split to have E-1 and R-3 zoning, and based on discussions with the applicant, the department knows what the applicant's plan is overall. That's how they have to look at this project. The phasing of the project will be up to the applicant to decide how much and when to develop. The department believes that when there is a zone change for a portion of the project, they have to consider what the potential could be and not just base it on the applicant's plan at this time. The traffic study is needed in order to see the potential impact from the zone change and not just base a decision on what the applicant plans to do. Plans can change over time, and the change in zoning would affect the potential density that could be allowed in that area. No one can guarantee that it will move forward as Ms. Bancroft intends at this time, and the properties could be sold in the future to someone that

could come up with a different plan that could be allowed due to the zone change. We don't want to make a poor decision with the zone change because we didn't get enough information about the potential for development based upon the new zoning.

Member Hyde wanted to clarify to Ms. Bancroft that if this property were sold at a later time after the zoning was changed, even though she is only proposing to build 6 units per acre on that portion the other person would have the right to ask for up to 16 units per acre. Ms. Bancroft then asked if the commission wouldn't have to approve the increase in units per acre. Member Hyde said that anyone could bring forward a plan to the department for a development that could allow them to use the full potential of the new zoning. This decision has to be made using the scope of the maximum potential that could be developed in R-3.

Sharyl Bancroft requested to have at least a 6 month extension. Member Goings questioned staff if it would be best for them to just postpone this for 6 months, or if it would be better for Ms. Bancroft to withdraw her application. Director Spross explained that Ms. Bancroft is hesitant to withdraw the application because there has been a considerable amount of work done to date to get this to this point. He assured Sharyl Bancroft that all of the work done up to this point will not be lost; the maps are still the maps, and the drawings are still the drawings. The only thing that would happen should she withdraw is that she would have to pay the application fee again, which is \$300 at this time. A postponement is typically reserved for things that are going to happen within the near future, and they are usually much shorter terms. It is up to the Planning Commission to determine what duration they would allow for that, and it must be a date certain; it is being postponed to a certain date. Sharyl Bancroft expressed appreciation for all of the work that these gentlemen have done to help her. She would still like to request an extension, so that she can get this done. If anything happens to her, she would like to leave it in a good place for her son to be able to take over. Chair Blakey asked if Ms. Bancroft believes that a 6 month extension would be enough time to get a traffic study completed, and Sharyl Bancroft stated that she has already met with a company in Reno that performs these types of studies. They indicated that they could get on it right away. She thinks that this might prove that there isn't need for a big change because she doesn't think that there is a huge amount of traffic there, and she is not proposing a large number of cars to add to it. She reiterated that she tried to consider all of these things—water, sewer, traffic, etc.—when she came up with her proposed development there. Member Hyde wanted to make sure that Sharyl Bancroft explained to the traffic engineer the total scope of the potential traffic, and it might be more than Ms. Bancroft is saying there will be. Director Spross shared that the engineer has already called to speak with Dean Patterson, who expressed the parameters of what the R-3 entails and what the intersection looks like.

Member Goings checked with legal counsel that there would be no issues for them to grant the postponement for the length of time requested, and Joseph Sanford, DDA-Civil, stated that it was good.

Chair Blakey asked for public comment. There was none.

Chair Blakey called for a motion.

Member Bunyard moved to grant the request to postpone this application for a period of six (6) months. Member Diehl seconded the motion and the decision carried by unanimous vote (6-0).

D. Consideration and possible action re: A petition filed by Fernley Business Park, LLC, for property located at 11000 Reno Highway, Assessor's Parcel Numbers 009-251-77 and 009-

251-78, to abandon the existing public access easement and replace it with a private access easement in the same location and easement dimension as the existing. The access currently serves only one property owner, and the owner would like to restrict public access for security and safety reasons. Note that this property was recently approved for land division that has not been completed yet.

Rex Massey, Industrial Realty Group, 1190 Selmi Drive, Reno, was available to speak regarding this application.

Director Spross explained that this is an application for an abandonment of a road to convert it to a private road. The Fernley Business Park is served by a public road created during the previous land division actions. This road runs across the county line to intersect US Highway 50A in Fernley. The application proposes to abandon the public interest in the road easement for the portion that is within Churchill County. The easement would be replaced with a private road easement. This road is important because it provides access to new lots in a merger and resubdivision parcel map that was recently approved, but has not yet been recorded. The merger and resubdivision element of the map is important because NRS (Nevada Revised Statutes) allows abandonments to be implemented with them. Ownership of all lands served by the road has always been under one owner over its history, who has always treated the road as a private driveway. In addition, a gate was installed, which is not normally allowed on a public access easement. The matter came up during review of the recent parcel map, and the owner made it clear that they wanted the road to be private and gated. This abandonment request should be incorporated into the final draft of the parcel map to be recorded including changes for appropriate labeling notes and certificates.

The new lots must have:

- (a) Service by a 60' road easement. The private road easement is acceptable for the parcel map, though it raises issues of "who" has ownership and right to use the road. For example, the parcel map includes a lot on the east side of the railroad tracks, and the map should clearly indicate the road access rights for the applicable lots.
- (b) Access to a road constructed to County road standards. As noted in the map approval and recent Special Use Permits, the road is in poor condition, and the County requires that it be improved to County standards. In addition, the County wants road maintenance responsibilities to be clearly determined through an agreement.

Nevada Revised Statutes (NRS) and County Code requires notice for the hearings published in the newspaper, to the landowners abutting the abandoned easement, and to utility and video service providers. Such notice was provided. Notice was also provided to other County departments. The Fire Marshal had no objects, but wanted to ensure that emergency access is provided through the gate, such as using a "knock box" entry system. The Road Supervisor finds the abandonment acceptable and sees no public need for the road. The road has little likelihood of being extended beyond its current location, other than within the current rail park area. The County Surveyor reviewed the proposal and has approved it, provided that the private easement is created to replace the public easement on the parcel map.

Director Spross stated that the department also received comments from NV Energy, who has no issues with the abandonment of the road, and CC Communications, who has no objections to the abandonment of the road. Staff has recommended approval. He pointed out that this is kind of a unique scenario because the top 700' of the road is actually in the City of Fernley, and the last 400', which we are discussing now, is in Churchill County, as demonstrated in the aerial photograph displayed on the screen. The City of Fernley had no appetite to do anything with this road. The

applicant has mentioned to him that within the next two years it is their intention to repave the entire road, so at this point, the portion of the road that is in Churchill County will be improved to County standards. We have received an approved improvement plan and the bond for that today. Once this has been approved and all information is included on the parcel map, the parcel map can be recorded.

Chair Blakey inquired if the applicant had anything to add, and Rex Massey stated that when Fernley Business Park bought these parcels it was purchased as an operating business. He's sure that many have driven by the site. There are trucks moving in and out of the site all of the time, there is heavy equipment used on the site, and it is not a safe place for the public to be. He brought up the fact that this road is primarily used for the benefit of the industrial park and not for public access to any other property. It seemed to be an incompatible grouping of public access to heavy industrial use. The public doesn't even use this road, which is the reason for this request. Their second thought was for the future use of the site. They would like to increase the security of the facility with a fence and even controlled access. This would help with property protection, reduce vandalism, and cut down on the occasional ATV and off-road driver, who drives through the site. They don't believe this place is really for this type of access. They are replacing a public easement with a private easement of like kind, size, dimension, length, etc. There are going to be parcels that Fernley Business Park will own there, and they don't intend to sell them. They already have their business operations spread out across them. He cannot guarantee that they will never be sold. They are going to provide access for each one of those parcels onto the private easement, so that should clear up any problems in the future if the commission is concerned about a future owner having access to that easement.

Chair Blakey asked if any of the commissioners had any questions or discussion. There was none.

Chair Blakey called for public comment. There were none.

Chair Blakey asked for any further comments; there being none he called for a motion.

Member Hyde, based on the information provided in the application, in the staff report, and heard tonight, moved that the public will not be materially injured by the proposed abandonment of a portion of the road easement previously identified as Greenu Parkway serving APNs: 009-251-78 & 009-251-77. Member Diehl seconded the motion and the decision carried by unanimous vote (6-0).

Member Goings inquired if Mr. Massey was aware of all of the conditions that will be required with this abandonment, understands them, and are willing to comply with them. Rex Massey confirmed that they do.

Member Bunyard, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners approve the proposed abandonment of the public portion of the road easement within Churchill County serving Parcels A-2A and A-1A of the Record of Survey of a Boundary Line Adjustment for Western Nevada Rail Park LLC, Doc. # 403544, previously created in Doc. #399749. This approval is subject to the following conditions:

- 1. The order of abandonment shall be incorporated into the previously approved parcel map with appropriate changes to labels, notes, and**

certificates.

2. **The abandoned portion of public road shall be replaced by a private road easement on the parcel map that provides adequate access under County law.**
3. **The properties that have the right to use the private road shall be clearly stated on the parcel map.**
4. **The abandonment shall be executed by the Board Certificate on the parcel map.**

Member Hyde seconded the motion and the decision carried by unanimous vote (6-0).

Diane Moyle stated that the recommendation of the Planning Commission will be forwarded with the application to the Board of County Commissioners September 7, 2023 meeting.

10. Action Item:

None.

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 two special use permits previously granted to Solo Gratia, Inc. for a private Christian school K-12 and for a pre-school/daycare for property located at 665 Sheckler Road, Assessor's Parcel Number 006-191-22, in the A-5 zoning district. The school is moving to a location in the city limits of Fallon and no longer need the permits for this location; therefore, the permits should be terminated.

Member Bunyard moved to approve the consent agenda as submitted. Member Hyde seconded the motion and the decision carried unanimously (6-0).

Chair Blakey inquired when there is a motion for the findings and decisions that have conditions for approval if the applicant has already seen these, and staff agreed that they were sent a copy of them. Chair Blakey said that they have asked this question of the applicant in meetings, but it might not be necessary. Member Goings responded that he likes to get it into the record because if not, they could say that they lost that piece of paper or weren't aware of them. Director Spross stated that this is generally why he goes through these in his summary or recommendations. The conditions in the previous decision [item 9.D] were part of the motion, which is why he didn't read them, because he thought that they had to be read as part of the motion. There was some discussion regarding these.

12. Public Comment:

There were none.

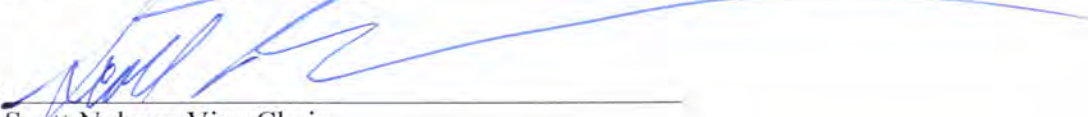
13. Adjournment:

There being no further business to come before the Planning Commission, Chair Blakey adjourned the meeting at 10:03 p.m.

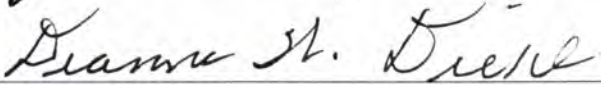
14. Appendix:

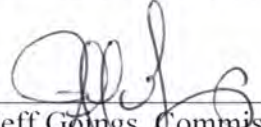
Supporting Documentation

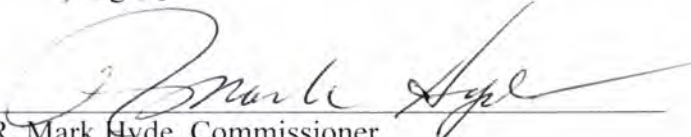
Approved: 
Eric Blakey, Chair

Approved: 
Scott Nelson, Vice Chair

Approved: 
Zack Bunyard, Commissioner

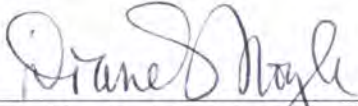
Approved: 
Deanna Diehl, Commissioner

Approved: 
Jeff Gougs, Commissioner

Approved: 
R. Mark Hyde, Commissioner

Approved: 
Paul Picotte, Commissioner

ATTEST:


Diane Moyle, Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

155 N. Taylor, Ste. 194, Fallon, Nevada 89406
Off. (775) 423-7627 Fax (775) 428-0259

STAFF REPORT FOR PLANNING COMMISSION MEETING – August 9, 2023

Prepared August 2, 2023

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on August 2, 2023 to review the project applications listed below that are on the Planning Commission meeting agenda. Site visits were made as noted.

• Reich TUP for Temporary Quarters - Home Construction	Page 2	No Site visit
• Pallas Industries SUP for ground testing of rockets	Page 4	No Site visit
• Bancroft Zoning Map Amendment (E-1 to R-3)	Page 12	No Site visit
• Fernley Business Park Abandonment to convert to private road	Page 16	No site visit
• Consent Agenda	Page 18	No Site Visit

PC Members Present

Paul Picotte
Mark Hyde
Jeff Goings

Staff Members Present

Chris Spross
Dean Patterson
Diane Moyle
Joe Sanford

REVIEW OF PROJECT FILES

The Public Works, Planning, and Zoning Department Staff has reviewed these applications for compliance with Churchill County Code as required by the Development Code. This staff report summarizes our findings and provides recommendations for the Planning Commission to consider while making their decisions on a project or making recommendations to the Board of County Commissioners.

If you have questions concerning details of the project or this staff report, please contact the Public Works, Planning, and Zoning Department staff for assistance.

Application:	Temporary Use Permit	Use Table Listing:	Temporary Quarters for Home Construction
Applicant:	Shawn & Casey Reich	Owner:	Shawn & Casey Reich
Site:	4886 Oran Rd.(At Horseshoe Dr.) APN 006-292-74, 5 acres		
Designations:	Master Plan – Agriculture // Zoning – A-5		

Project Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Home Construction to place a recreational vehicle (RV) on the property during the construction of a home. The property is has some construction already. The RV is already on-site.

The application does not give an age for the RV unit. The application indicates that utility services are present on the property, since a foundation had already been installed for a house. The RV will be regularly used and moved for travel at times during the year. Consequently, the RV will be maintained as a self-sufficient unit. The application proposes less-permanent service connections, more similar to an RV park than other similar TUP proposals – additional information is provided in the application. **NOTE** that this may not be acceptable to the Building Department for long term use, and service connection upgrades may be required.

This long, narrow property has the residence area at the south end near Oran Road, with farmland on the northern ¾ of the property. The residence area has a garage and accessory facilities related to a residence. The existing services were installed in preparation for a home that was not completed past the foundation stage. The applicants propose a new home that uses part of the foundation, but not all, since they want a smaller house. A floor plan of the home is provided in the submittal.

The property is served by Oran Road – a paved, County-maintained road in a 60' road easement centered on the south property line. Oran Rd. ends at the property and turns south as Horseshoe Dr. – also a County-maintained road.

Criteria Review: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for temporary quarters for home construction in CCC 16.08.070(B)4 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria are:

“On a lot or parcel when the temporary living quarters are parked on the same parcel of land and utilized as a temporary residence during the construction or placement, renovation, or remodel of an on-site permanent dwelling. The temporary use permit shall be subject to yearly renewals and shall terminate upon expiration of the building permit or within thirty (30) days of the issuance of a certificate of occupancy or if the Planning Commission denies the renewal. Each yearly renewal will require evidence of substantial progress toward the construction or placement of the permanent residence in order to be granted.”

The site of the proposed RV is on the same lot as the new home site. Any RV, including pop-outs, must meet a 5-foot setback from the property line, which is met. Conditions of approval will require obtaining all necessary building permits and RV setup permits. This permit will require annual review if not completed within the first year. If no progress is made in these items before the annual renewal, the Planning Commission might not renew the permit.

STAFF RECOMMENDATION: APPROVAL

MOTION FOR FINDINGS: The motion should be modified by the Planning Commission as needed.

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.070(B)4 regarding a Temporary Use Permit for Temporary Quarters for Home Construction.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project fails to ...

MOTION FOR DECISION: The motion should be modified by the Planning Commission as needed.

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the Temporary Use Permit application for Shawn & Casey Reich to establish a Temporary Quarters for Home Construction 4886 Oran Rd. (APN 006-292-74).

[For APPROVAL add] This approval is subject to conditions, as listed in the Staff Report.

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions of approval are recommended to be included with any approval:

1. The temporary quarters must comply with Churchill County Code.
2. All required Building Department approvals and safety certificates must be obtained:
 - a. Water, sewer, and power services that are acceptable to the Building Department shall be provided to the temporary quarters.
 - b. Any Setup Permit necessary for the setup of the temporary quarters must be obtained along with any required inspections of water, septic and electrical connections of connecting to a service.
 - c. All necessary permits for home construction must be obtained.
3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation. No manufactured homes may be used as a temporary residence while constructing a home.
4. This temporary use permit is subject to annual renewal. ***The applicant must show substantial progress of home construction during the annual review hearing.***
5. Once home construction is complete enough to allow habitation, the RV must be disconnected from sewer/water/electric services and made lawful at its subsequent location.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Explosion/Combustion Testing</u>
Applicant:	Pallas Industrials LLC (Andrew Kreitz CFO)		
Owner:	Forty Mile Desert, LLC // w/purchase contract by Tolles Development Co. (Cory Hunt)		
Site:	No address on APN 009-291-09 – 640 acres (~3.5 miles north of Hazen)		
Designations:	Master Plan – Industrial // Zoning – RR-20		

Background: This property was owned by Tim Tucker under the Forty Mile Desert LLC, which owned the property at the time of the application. But the property is under contract for purchase by Tolles Development Company, and the purchase may be completed by the hearing date. Tolles has been working with Pallas Industrials to lease the site for rocket testing, but if the sale falls through, a new agreement will be needed.

The facility is located in a remote location NE of Hazen. The remote location creates challenges that less remote sites do not have, and requires other tasks to be completed besides this SUP:

- **Property Rezone.** The proposed use is listed as Explosion/Combustion testing in the Development Code Use Table, being allowed ***only*** in the Industrial zoning district. The site must be rezoned to Industrial before storage containers are placed on-site and operations begin. The applicant wanted to submit the SUP now, before the rezone, because Tolles Development Co. was still in process of purchasing the property. Now that the purchase is complete, Tolles is expected to submit the rezone application prior to this SUP hearing. The applicant intends to begin preparatory work before the rezone is approved, and understands that any improvements they install before approval of the rezone are made at their own risk.
- **Confirming legal access.** The property is located along a power transmission line that has a dirt/gravel road that is in decent shape. But its legal access is unclear and needs to be corrected, as described in this staff report.

These uncertainties make the project more difficult to review than standard applications.

Project Summary:

The application provides a detailed description of the project. A summary is provided here. The applicant proposes this facility for developing new rocket motors and ground-testing them on a fixed mounting - flight testing will take place elsewhere. The rockets are not the size of the large NASA rockets and ICBM missiles, but rather of the size used on jet fighters – the applicant indicates the largest being about 10” diameter, 10’ long, and around 900 pounds or so. Rocket fuel will be fabricated in small amounts to create the motor, which then needs time to cure. Multiple motors will be created, cured, and then tested once or twice a week. A testing will last from a few seconds to 15 seconds for larger missiles. Exhaust from rocket testing and its effects on the transmission line (which lies about 300 feet to the east, at the closest point) are discussed in detail below.

Rocket fuel will be created on-site in small quantities and packed into rocket motor casings – it is primarily the motor unit (housing, nozzle, etc.) that is being tested. Fuel formulations are not the main element being tested. The fuel, motors, some fuel ingredients, and firing mechanisms are dangerous, and are stored in modified storage containers according to federal, state, and local regulations. The small quantities avoid storage facility requirements for storing larger quantities. A Fire Protection Report is provided with the submittal, and is discussed in detail below.

The facility has two compounds that occupy roughly 5 acres. The application indicates this is the lease area that will be controlled, which is an issue discussed below. The main operations compound holds most of the activity. Separated storage units or spaces are provided for safe storage and operations, including: storage of

fuel ingredients, fuel mixing, motor case filling, storage for curing of completed motors, firing mechanisms, etc. Storage units are also used for temporary employee office and washroom, which is discussed in more detail below. The second compound is reserved for test firing the rocket motors. It is some distance away for safety reasons. The testing mount is surrounded on the north, south, and east by a noise mitigation berm, which is discussed in detail below. Horizontal tests will be pointed west, other tests may be pointed up. Each site element is described in the submittal and shown on the site plan.

The operation compounds are located between two roads at the south end of the very large property (640 acres/ 1 sq. mile). One road is the powerline road, which provides straight-forward physical access for the 4 miles or so to Hazen, though road condition issues are discussed below. The legal access for the facility is unclear, and is discussed in detail below. The other road separates from the powerline road near the south property line, follows a curving 2-1/2 mile arc mostly through the Tolles property, and rejoins the power line road. The proposed site takes access on this road, a short distance from the south property line. Other roads on or near the property are discussed below.

Hours of operation are normal weekly hours plus weekends. Operations may sometimes extend to non-standard times, but it is unclear if night operations are proposed. Rocket motor testing is expected to take place about once or twice a week. The application indicates that the number of employees at the site will vary, with some days only having a couple and some days having 10 or 12 employees and visitors. Testing days are likely to have the most people. However, no permanent facilities for employees and visitors are proposed, but rather temporary facilities. This issue is discussed in detail below.

NOTE that this staff report recommends approval of the proposed facility with conditions that limit it to what was generally proposed, but it also provides additional flexibility beyond the exact proposal.

Criteria Review:

CCC 16.08.080(H) Findings: Findings from a preponderance of evidence must indicate that the proposed use:

1. Is compatible with the existing surrounding land uses and development.

The surrounding land uses are predominantly vacant desert land, with wetlands ½ mile or more to the east, and railroad tracks 1 mile to the east. Some desert grazing may take place in the area. The community of Hazen is approximately 4 miles to the SW. The lack of other uses makes the proposal generally compatible with surrounding uses and development. However, the applicant only controls 5 acres, which roughly correspond to the area of the compounds. If this property should develop in the future, other uses could be placed right next to the compounds, which would be unsafe and incompatible, and would place that burden of separation on other users. If this project were proposed in an industrial park of 5 acre lots, the lot would be too small and it would be incompatible with adjacent uses. Staff recommends that the applicant be required to hold control of at least 20 acres surrounding the facility through lease or purchase. Also see environmental impacts in Criterion 5.

2. Is in substantial conformance with the master plan and policies and will be constructed and operated in full compliance of this code.

The **Master Plan** establishes land use districts that are implemented by the zoning districts. The Master Plan designation for the site is Industrial, and the zoning district is RR-20. ***The proposed use is an Explosion/Combustion Testing facility*** as listed in the use table of the development code, but it is only allowed in the Industrial zoning district through a Special Use Permit. ***This use is prohibited in the RR-20 zone, so it cannot operate until the property is rezoned to Industrial.*** Doing so would be consistent with

the Master Plan, making it a proposal that is likely to be approved. A recommended condition is that placement of storage containers and operation of the facility is not allowed until the rezone is approved by the BOCC.

Most Master Plan policies are not applicable to the development of commercial uses, or are neutral in terms of general industrial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

GOAL LU 2 All new development must be comprehensively designed to ensure a sustainable, safe, and healthy environment that integrates into the surrounding neighborhoods.

Policy LU 2.1 In reviewing any development proposal Churchill County shall consider issues of community character, balance, sustainability, environmental impact, safety, aesthetics and efficient service provision.

Compatibility issues of aesthetic, character, and balance are discussed under criterion 1, above.

The proposed development must conform to the **County Development Code**. Conditions of approval will address specific issues, including:

- ***Height, Setbacks, and Easements:*** The proposed structures are storage containers that are specially modified to their purpose. All are short and distant from the exterior property lines. The power transmission line has a 40' easement centered on the power poles, and facilities are 300'+ from it.
- ***Friction Zones:*** Explosion/Combustion Testing is subject to the friction zone standard that establishes a ½ mile setback from the main highways for certain uses. The project exceeds this requirement.
- ***Legal and physical access:*** This issue is a challenge for the project that needs to be overcome. The Code requires that new development must have legal and physical access. Physical access means a road that at minimum meets fire truck accessibility standards – generally being a 20' wide driving surface, that has a gravel or better surface, and is capable of providing all-weather (wet weather) access for heavy fire trucks. Land divisions and some special situations would require a County standard road. The physical access for this site would be the power transmission road, which generally meets all the above requirements, except that there are some places (a dozen or so) that have water damage or drainage problems that may impede fire truck access. Staff recommends that the applicant work with the Road Supervisor to inventory these places and determine solutions for correcting them. If a different route is to provide physical access, an appropriate road would have to be built.

Legal access means a continuous chain of easements reaching to a publicly-maintained road. The lack of legal access is the primary reason no development takes place in the area north of Hazen (and other parts of the County). In addition, the roads that have been built in the area usually don't follow an easement. The powerline easement has existed for 75 years or so. On federal land it is considered an RS 2477 road and provides adequate access easement. But for private land, the road was installed after the land was given to private ownership (the railroad company) in 1895, so those road segments cannot be RS 2477 road easements. (On a side note there is a pre-1890 road to the east in roughly the same corridor as the railroad tracks that is an RS 2477 road on all properties.) In the case of the powerline, the power company obtained easements for transmission line purposes on public and private land. The ability to use the road for the purposes of development is unclear. The best option is to approach other private property owners to add road access adjacent to the transmission line route. Staff recommends this be accomplished within 6 months. Providing time to do it is acceptable, since the site is mainly developed with removable / portable facilities that can be removed in a worst case scenario.

- **Office, Sewer, and water facilities:** The project is proposing to forego a water well and septic system in place of all temporary facilities. These will be in a storage container modified for use. The Building Department has provided detailed comments that make the point that the building code (and state law) requires that sites that have employees and/or visitors present during the workday must have permanent restroom facilities, and they must be ADA accessible (including parking space and ramp to the office). The restrooms will need a commercial septic system that is approved by the State to dispose of waste. A water source must be provided for bathroom operation. A well would be best, though tank options (if freeze-proof) are available. Business license requirements also require an office on-site for posting notices and records, though its size can be small. Since permanent facilities are needed, different options are possible, but Staff recommends that a commercial coach with combined restroom and office be used. A recommended condition is that permanent facilities be installed within 6 months, during which time temporary facilities can be used to during state permitting delays and construction times.
 - **Outside Storage Requirements (CCC 16.16.020.3.1):** Shipping containers have limits on the number that can be placed on a site. RR-20 zoned properties are limited to 1/acre with a maximum of 2. Industrial zone properties are limited to 1/acre. After the property is rezoned, it could have up to 640 storage containers (or equivalent). Staff recommends that no placement of storage container structures, which are also the operations facilities, be allowed until the property is rezoned. Outside material storage has screening requirements, but none is proposed.
 - **Parking and Loading Requirements:** The parking code (including handicapped parking) requires parking for businesses and similar uses, which is determined through the Code with interpretation by the Planning Director. The parking code considers the proposed use to be Manufacturing (the closest comparable use), which requires 1 parking space per employee, and 5 for visitors. The application proposes 9 spaces outside the compound fence, though it also has plenty of space nearby and inside the compound fence. The Director has determined the proposed parking is adequate. However, the parking code also requires a handicapped accessible space. The application indicates that one will be provided but has no details about location. The Building Dept. comments note that an accessible path (hard surfaced) from the ADA parking space to the restroom/office needs to be provided. The ADA parking space can be placed next to the restroom/office if desired.
 - **Landscaping:** The landscaping code requires 1 tree per 15 parking spaces, and a landscaped strip along public roads. However, this site is very remote from people and not on standard roads, making the landscaping requirement pointless. The Planning Director is recommending that the surrounding extensive desert lands are adequate for landscaping purposes.
 - **Signage and Lighting Requirements:** The application indicates no signage and outside lighting. Any lighting installed must be Dark Skies Compatible, with light shining downward rather than horizontally or upward.
- 3. The project will be constructed and operated in a manner that will not overburden public services and infrastructure.**

There are no public sewer and water services available near the site. Nor are on-site water or septic services proposed. Temporary services are proposed, which are not allowed and discussed in detail above. Power service is proposed using generators, and no gas service is proposed. Public road infrastructure is discussed below.

The main concern for a rocket testing facility is the burden placed on fire and police service. The application includes a Fire Protection Plan. Discussions with the Fire Department indicate they are generally satisfied with the plan, though they want it to be supplemented so that the regulations cited are

accompanied by proposed actions to meet the regulation. In addition, they would like to coordinate training related to special situations for the facility, consider the use of “knox box” key access, consider the need for water tanks for fire fighting, etc. Staff recommends the plan be updated and maintained as deemed necessary by the Fire Department now and in the future. Staff recommends that the road access and maintenance issues raised in this Staff Report be included in the Fire Protection Plan.

Security will be provided with locks, cameras, and security monitoring and response. Discussions with the Sheriff raised concerns with the security methods, especially related to armed security response and accidental conflicts with emergency responders. The applicant has been open to input from the Sheriff, including the possibility that the Sheriff will provide the security response. Staff recommends developing and updating an Emergency Response Plan as deemed necessary by the Sheriff and Fire Department to address all issues now and in the future.

Unique industrial uses in the County have a problematic history, such as the Bango Oil Refinery (before Safety Kleen) and the Omaha Track rail tie facility. Because of the uncertainty of fully understanding the consequences of a facility like this, Staff recommends that the County reserve the right to require modifications to the facility for specific issues: improvements to the sound barrier, increasing the area of control of land surrounding the facility, establishing to weather limits on testing, requiring mitigation of exhaust impacts on the transmission lines (such as adding coatings), and requiring alteration to the access road or its closure practices during testing.

4. *Adequately mitigates road and traffic impacts generated by the construction and build out of the project.*

See Criterion 2 regarding legal and physical access, especially regarding the need to make improvements to specific places of the transmission line road to ensure it remains passable for fire trucks in the winter. No publicly-maintained roads exist in the area. Access roads to remote lands in the valley do exist. One of these is a pretty good road that will be used to access the site –the power transmission road. A second road provides access to the testing facility, splitting from the transmission line road at the south property line, and passing through the property along the curving line of a steeper slope. This road does not have any known access easement but can serve development within the property. It may need to be blocked off during rocket testing, since motors will be pointed at it. A third road splits off of the second road south of the project site, and runs west, uphill to a mountain canyon. This is a newer rudimentary dirt road that was installed between 2006 and 2010 (from air photos) and gradually improved since then. It has no known easements and may be trespassing. Two other dirt roads connect to the second road north of the site, one connecting on federal land, and the other connecting on another Tolles property. Both were also created recently and may be trespassing.

The amount of traffic generated by the facility will be small and some car pooling is likely to reduce traffic somewhat (especially on testing days). On some days, total trips (one visit=2 trips) may only be 6 or less, while other days there might be 20 trips or so. There will also be occasional large truck deliveries to bring in supplies, remove waste, and take rockets to flight testing sites, etc. Traffic will mainly arrive on the transmission line road, turn off onto the access road, then turn onto the facility driveway.

A commercial/industrial operation should be responsible for road maintenance of the road it uses. This will mitigate traffic impacts.

5. *Does not create adverse environmental impacts, including, but not limited to, noise, glare, fumes, and odor that may be detrimental either to public health, public safety, or general welfare of the persons or property in the vicinity or the wildlife and/or natural resources.*

The potential environmental impact issues from the rocket testing facility are listed below along with an assessment of the impacts:

- Loud rocket testing noise is a major environmental impact. It can impact residents in the Hazen area and animals in the wetland to the east. The application provides a discussion of noise (Criterion 1 response), including tables of noise generated by rockets compared to noise from other activities. The sound measurements are in decibels; however, it should be understood that each increase of 10 in the decibel number means the noise increases X10. Thus, 70 decibels is X10 louder than 60 decibels, and 80 decibels is X10 louder than 70 decibels.

The noise table in the application is a bit different from the numbers in similar tables found on the internet. These indicate that rockets (probably the larger ones) are about 180 decibels and a shotgun is about 160 decibels. Normal conversation is about 60 decibels, standing next to a lawn mower is about 80-90 decibels, and operating loud power equipment (chain saw, table saw, etc.) is about 110 decibels.

Rocket noise will be very sudden, will last for up to 15 seconds, and happen multiple times on testing days. The application proposes a noise berm to reduce rocket noise to the north, south, and east. Earthen berms are very solid and good at blocking sound. The application's sound table estimates noise both with and without the berm at different distances. At ½ mile, where the nearest wetland is, the noise is reduced from about 100 decibels to about 75 decibels. At 1 mile, where the main wetland is, the noise is reduced from 90 decibels to about 68 decibels. After 2.5 miles, the noise starts to dissipate more slowly. At 4 miles, where the Hazen townsite is, the noise is reduced from about 77 to about 56. The size of the earthen berm is not stated in the application. Staff recommends that it be at least 6' high.

- Rocket exhaust contains chemicals that are listed in the application. One chemical is HCL or Hydrochloric Acid, which is a "strong" acid, comprising 23% of the exhaust. Acids can corrode materials exposed to them. NASA normally has their launch facilities coated to resist such corrosion, though they must also deal with coastal salt in the air and coastal humidity. In addition, rain falling through an exhaust plume will result in acid rain and ponding under the plume.

The rocket motors will mainly be pointed west when firing, placing the initial plume west of the rocket mount. This location lies about 750' from the power transmission line. Churchill County has consistent eastward winds that can blow the plume toward the transmission line. In favorable weather conditions rocket exhaust will dissipate quickly. As long as winds are not strong, the plume should be dispersed or elevate before reaching the power lines. NV Energy has been consulted and does not anticipate problems with the facility. While weather limits on testing are not being recommended, future problems could result in their being needed. Examples might be that rocket testing be limited to winds less than 20 miles per hour, and to avoid times when rain is likely.

Another issue relating to rocket exhaust is that the plume will extend into the air, possibly affecting aviation flights, including NAS Fallon. Activity affecting flights could be subject to FAA requirements, or may need coordination with NAS Fallon. Recommended conditions would require conforming to requirements and communication with NAS Fallon.

- It is not clear if rocket testing at night is planned, but if so, it will be very visible, and can cause confusion for the traveling public or attract sightseers to the facility. This may result in emergency calls to first responders, cause security issues around the site, and bring unnecessary traffic into remote areas. Staff recommends prohibiting testing after sunset.
- Rocket motor building requires the handling of hazardous and dangerous substances. These are described in the application and staff report. The application describes very careful storage and

handling of these substances. The Fire Marshal is satisfied that the applicant can safely manage these substances. No additional mitigation is needed.

STAFF RECOMMENDATION: **APPROVAL - as provided below.**

MOTION FOR FINDINGS: The motion should be modified by the Planning Commission as needed.

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.080(H) for a Special Use Permit for a rocket motor testing facility.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project fails to ...

MOTION FOR DECISION: The motion should be modified by the Planning Commission as needed.

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the Special Use Permit application for Pallas Industrials LLC to authorize an Explosion/Combustion Testing facility on APN 009-291-09.

[For APPROVAL the motion should ADD:]

This approval is subject to conditions, as listed in the Staff Report.

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions of approval are recommended to be included with any approval:

1. Placement of storage containers and facility operations are prohibited until the property has been rezoned to Industrial. Grading, ground surfacing, concrete work, and fence building may proceed before approval of the rezone.
2. This permit is subject to review by the Planning Commission in 6 months for compliance with conditions of approval and code requirements. Thereafter, reviews shall be conducted annually from the date of approval until such time as the Planning Commission deems that they are not needed.
3. Within 6 months of permit approval:
 - a. Legal and physical access shall be obtained, and documentation provided to the Director.
 - b. A permanent restroom and office shall be provided at the facility that meets building code and state law requirements. This includes any commercial septic system installation. This does not prevent the Building Official from implementing Certificate of Occupancy requirements.
4. Within 3 months, if the transmission line road is used for access, places with questionable passage for fire trucks in wet weather shall be improved. If improvements are not completed on time, facility operations shall cease until completed. Before improvements are made, the applicant shall consult with the Road Supervisor and Fire Marshal to inventory places needing correction and determine solutions.
5. The facility operator is responsible for maintaining the road from Hazen to the site in a condition passable for fire trucks as determined by the Fire Department.

6. Creation and testing of rockets is limited to:
 - a. Ground testing only – flight testing is prohibited.
 - b. Size limits of rockets of 12" diameter, or 1000 pounds, or 12' length
 - c. Rocket motor testing on no more than 8 days per month.
 - d. No rocket motor testing after sunset
7. The operator shall obtain and maintain an area of control around the facility (such as by lease or sale) equal to or greater than 20 acres.
8. Before operations may begin,
 - a. Documentation of a lease or authorization with the current property owner that also shows the area of control around the facility shall be provided to the Director.
 - b. The property owner shall record a road easement along the power transmission line that is acceptable to the County.
 - c. The proposed noise mitigation berm shall be installed. The berm shall be at least 6 feet high.
 - d. Building Department authorizations shall be completed to the satisfaction of the Building Official, including but not limited to ADA accessible parking space, ADA accessibility improvements, restroom, and office.
9. The Fire Protection Plan shall be updated as determined by the Fire Marshal and implemented on a time schedule determined by the Fire Marshal. The Fire Marshal may update the plan and its implementation schedule as deemed necessary.
10. An Emergency Response Plan shall be developed to address issues and implementation schedules deemed necessary by the Sheriff and Fire Department. The plan shall be updated as deemed necessary by the Sheriff and Fire Department.
11. The County reserves the right to require modifications to the facility for specific issues: improvements to the sound barrier, increasing the area of control of land surrounding the facility, establishing to weather limits on testing, requiring mitigation of exhaust impacts on the transmission lines (such as adding coatings), and requiring alteration to the access road or its closure practices during testing.
12. All federal, state and local permits required for this facility shall be obtained and maintained, including any needed for safe aviation over the site;
13. The facility shall coordinate with NAS Fallon regarding impacts of testing plumes on Navy operations, and shall implement any recommendations.
14. Operations of shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	<u>Zoning Map Amendment for 2-properties from E-1 to R-3</u>		
Use Listing:	Vacant and Industrial (abandoned)		
Applicant:	Sharyl Bancroft	Owner:	Sharyl Bancroft & Hooper Management
Site:	APN 008-391-28 & -29; No address on Gummow Dr. – west of golf course 6.11 acres & 27.97 acres respectively		
Designations:	Master Plan - Urbanizing // Existing Zoning – E-1 Proposed Change to Zoning –change 13 acres along Gummow Dr. to R-3		

Summary: The applicant is requesting to change the zoning on 2 parcels from the existing E-1 single family zoning district to a mix of E-1 and the R-3 multi-family zoning district. The applicant has submitted a Boundary Line Adjustment (BLA) to change the line between the existing 2 lots, with the intent to change the existing east-west line to a north-south line.

The new line will lie east of an irrigation facility. The resulting lot fronting Gummow Dr. will be 13 acres, and this area is the subject of the requested rezone to R-3. The tentative plan for the apartment complex is to place apartment buildings along each side of the irrigation facility. It is important to point out that any approval should be contingent on completion of the BLA, and the property rezoned is limited to Parcel A of the BLA survey

The proposed R-3 zoning district has an upper density limit of 16 dwelling units per acre. The application indicates plans for far less - about 70 apartment units - resulting in a density on 13 acres of 5-6 units per acre. However, the R-3 zone is required for an apartment complex. In comparison, the E-1 zone allows up to 2 units/acre.

The primary issue for this proposal is the function of the Gummow Dr./US 50 intersection during rush hour. This issue is discussed in detail below.

In reviewing the request, the Planning Commission should refer to findings for a Zoning Map Amendment:

CCC 16.08.060(E) Findings: *The applicant for a zoning map amendment or consolidated development code amendment shall have the burden of proof to provide facts supporting the proposed zoning map amendment or consolidated development code amendment. For purposes of legal clarity, this shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the commission and the board. Additionally, the applicant shall provide adequate information in the application and on the site plan to substantiate the findings required in the subsection. The commission and board shall determine if the information presented is adequate to support their decisions.*

- 1. Before a zoning map amendment may be recommended for approval, the applicant shall 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 (5) year time period, and describe:**

Applicant – See applicant response #1 for a detailed response. Staff summary - The surrounding zoning and land uses of the neighborhood are:

- The south end of the property fronts on the Reno Highway. In this area, land south of the highway is zoned C-1 with commercial uses. In this area, land north of the highway is zoned E-1 (except a strip

along the west side of Gummow Drive and the property). The E-1 lands are generally vacant, except for small bits of the golf course and Onda Verde subdivision that come close to the highway.

- On the west side of the property is Gummow Drive and a narrow strip of C-1 land that is used for mini-storage and an agriculture supply store. Only the store is east of Gummow Dr.
- East of the property is the Fallon Golf Course, then the river, then the Onda Verde subdivision – all E-1.
- North and northwest of the property is residential development with lots ranging from .5 to 1 acre in size. The road serving the golf course is Country Club Drive, with homes that abut the project site.

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

Applicant – See applicant response #2 & #3 for a detailed response. The applicant is planning the R-3 to have approximately 70 units, and up to 36 homes on the remaining land. The applicant discusses the current housing shortage and the expansion of NAS Fallon. The development will beautify the entrance to town. The project supports Master Plan projections.

Staff agrees. Growth, the housing shortage, and other factors identified in the Master Plan support the change.

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

Applicant – See applicant response #4 for a detailed response. The property is near community sewer and water service to the north and east, which can serve the project. Staff agrees that sewer and water services are near the property, though cost and required connections will be determined by actual capacity at particular locations, including the use of the 3-story buildings being planned. This is also limited by the Water Treatment Plant (WTP) capacity at the time of development, as discussed in more detail below. The traffic capacity of Gummow Drive will be a challenge and is discussed in detail below. Fire and police service have adequate capacity to serve the development.

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

Applicant – See applicant response #5 and #8 for a detailed response. There is a large single-family and multi-family housing demand. The project accommodates the Master Plan for growth, and compliments the golf course and adjacent homes. Staff agrees. The proposed site is positioned between commercial and single family areas, which is a common location for multi-family development in other jurisdictions. The difficult point might be at the north end of the proposed R-3 zone, which is adjacent to homes. But mitigation measures such as separation can improve compatibility. The area has a Master Plan designation of Urbanizing, which allows any zoning district. The proposed zoning provides for an appropriate use of land.

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

Applicant – See applicant response #6 for a detailed response. Both the proposed multi-family and single family elements address the housing needs identified in the Master Plan, and match the plan for westward growth in the Master Plan. Staff agrees. Compatibility issues on the north side can be addressed in the project design and permit review stages. The proposal is in compliance with the Master Plan, aside from certain policies regarding traffic capacity, which are discussed below.

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

Applicant – See applicant response #7 and #9 for a detailed response. The project is compatible by having golf course homes along the golf course and multi-family development along Gummow Dr. and

the storage properties. Staff agrees. The proposal is sensitive to and compatible with adjacent properties on the east, west, and south. Compatibility issues on the north side can be addressed in the project design and permit review stages. The County Code includes standards to mitigate between different uses.

2. *The commission, in forwarding a recommendation to the board for approval of a zoning map amendment or consolidated development code amendment shall make the following findings of fact:*

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

Policy LU 2.5 states: “Churchill County shall only approve requests for rezoning, special use permit, land division and other development proposals that are consistent with the land use map, and the policies contained within the Master Plan.” The Master Plan designates the area as Urbanizing, which allows a wide variety of conforming zoning districts, including R-3. The application includes references to issues of concern in the Master Plan goals and policies that the project supports and complies with.

The Master Plan Chapter 8 (Transportation) incorporates the TRACC Plan (Trails Across Churchill County), which includes Gummow Dr. as a designated trail. The County Code has standards that major developments must construct the segments that front the project. It should be understood by the developer that its pedestrian paths and landscaping will likely need to incorporate the Gummow Dr. trail whether or not the rezone is approved. Chapter 8 also discusses the need for development projects to assess their impacts in a traffic study. Traffic issues are discussed in detail 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;*

The nearby properties to the west and south are currently used for commercial purposes. The proposed are of R-3 zoning is compatible with them. On the east, the property will abut single family development within the project, which will be mitigated by the developer. The north end of the proposed R-3 zone abuts single family development, and may present compatibility issues. The property is within the Urbanizing Area and is intended to be developed with urban uses. While multi-family development may have compatibility concerns, the County Code recognizes this and requires buffers and other mitigation to reduce impacts between uses. These will be implemented with development of the apartments.

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.*

The proposal would develop vacant (or nearly vacant) land to have apartment development of up to 16 dwelling units per acre, though the current plans is more like 6 units/acre. This will place a sizable demand on public services and facilities. Public sewer & water – Nearby infrastructure will be extended to this property. The overall system has adequate capacity to serve the property, with the exception that the current limiting factor is the Water Treatment Plant (WTP). When considering current users, obligations, and oncoming projects that are already permitted, the WTP is nearing its capacity. If capacity is available at the time this project is ready for construction, it may be used for the project. Otherwise, alternatives will need to be pursued or development will have to wait for the second WTP that is in the planning stages. The development will also have to install necessary infrastructure to access the services, such as lift stations and off-site service mains. Public Services – emergency and community services (a) are located nearby, (b) currently serve the Gummow Dr. area, and (c) have adequate capacity to serve future development. The change in zoning will not adversely impact these services and facilities. Public health, safety, and welfare – The Building Dept. has provided comments regarding state requirements for mercury hazards in the Carson River basin.

During development, property soils will need to be tested for mercury by NDEP. The applicant should review the Building Dept. letter and follow-up with the State accordingly.

Publicly maintained roads – ***The Gummow Drive is the primary concern for this proposal.*** It is a County maintained road that is in good shape, and of a configuration capable of handling the increased demand. However, its intersection with US 50 is notoriously dangerous, and the railroad crossing near the intersection complicates the intersection's safe operation. A possible additional difficulty is that the main access road for the development appears to be planned adjacent to the agricultural supply store, which may place it within the queuing distance from US 50, and project traffic would likely fill any available queuing out to the access road. Drivers would then be incentivized to make unsafe maneuvers to get onto Gummow Dr. In discussions with Department Heads, this is a substantial concern for this project. ***For this reason Staff recommends that this rezone proposal is pre-mature and a traffic study should be prepared before approving a rezone.*** Options might include: (1) Recommend denial to the BOCC; (2) The applicant requests a postponement to prepare a traffic study, with a deadline of 6 months; (3) The applicant withdraws the rezone application, proceeds with the larger development, incorporates the option of the rezone into that traffic study, and decides whether to proceed with the rezone at a later date.

STAFF RECOMMENDATION: **DENIAL - UNLESS** the applicant intervenes as described above.

MOTION FOR FINDINGS: The motion should be modified by the Planning Commission as needed.

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [***HAVE BEEN // HAVE NOT BEEN***] met for conformance with the Zone Map Amendment criteria found in CCC 16.08.060(E) to rezone portions of the property to R-3.

[For DENIAL - Staff Report provides adequate findings.]

[For APPROVAL – add additional findings:] Specifically, the proposal fails to **[ADD NEEDED REASONING RELATED TO CRITERIA]**

MOTION FOR DECISION: The motion should be modified by the Planning Commission as needed.

- Based on the previously adopted findings made for this project, I move to recommend that the Board of County Commissioners [***APPROVE // DENY***] the request for a Zoning Map Amendment by Sharyl Bancroft to change the zoning on portions of APNs 008-391-28 & -29 to R-3.

[For APPROVAL – add:] However, completion of the zoning change shall not take effect until the boundary line adjustment creating the lot intended to be rezoned has been recorded, and the property rezoned is limited to Parcel A of that survey.

Application:	<u>Abandonment of road to convert it to private road</u>	Use Listing:	<u>Industrial</u>
Applicant:	Fernley Business Park	Owner:	Fernley Business Park
Site:	11000 Reno Highway (2 parcels - APN 009-251-78 & -77) – approx. 163 acres total		
Designations:	Master Plan – Industrial // Zoning – Industrial		

Project Summary: The Fernley Business Park is served by a public road created during previous land division actions. This road runs across the County line to intersect US 50A in Fernley. The road is created similarly for its length through the Fernley side of the County line and the Churchill County side. It was previously known as Greenu Parkway on Fernley land division maps. The application proposes to abandon the public interest in the road easement for the portion within Churchill County for purposes of converting it from a public road to a private road. The easement would be replaced with a private road easement.

This road is important because it provides access to new lots in a Merger and Resubdivision Parcel Map that was recently approved, but not yet recorded, by the BOCC. The “merger and resubdivision” element of the map is important because NRS allows abandonments to be implemented with them. Ownership of all land served by the road has always been under one owner over its history, who have always treated the road as a private driveway. In addition, a gate was installed, though that is not normally allowed on a public access easement. The matter came up during review of the recent parcel map, and the owner made it clear that they wanted the road to be private and gated, so this abandonment application was filed. This abandonment request should be incorporated into the final draft of the parcel map to be recorded, including changes for appropriate labeling, notes, and certificates.

The new lots must have:

(a) Service by a 60’ road easement. The private road easement is acceptable for the parcel map, though it raises issues of “who” has ownership and right to use the road. For example, the parcel map includes a lot on the east side of the railroad tracks, and the map should clearly indicate the road access rights for the applicable lots.

(b) Access to a road constructed to County road standards. As noted in the map approval and recent Special Use Permits, the road is in poor condition, and the County requires that it be improved to County standards. In addition, the County wants road maintenance responsibilities to be clearly determined through an agreement.

Criteria Review:

CCC 16.08.050.4(H)

NRS and County Code requires two public hearings. The first hearing is before the Planning Commission, who makes a recommendation to the Board of County Commissioners. The second hearing is before the Board, who makes the final decision. The Planning Commission may recommend and the Board may approve the abandonment if it determines that the public will not be materially injured.

NRS and County Code requires notice for the hearings in the newspaper, to landowners abutting the abandoned easement, and to utility and video service providers. Such notice was provided. Notice of the proposal was also provided to other County Departments.

- The Fire Marshall had no objections, but wants to ensure that emergency access is provided through the gate, such as using a “knox box” entry system. This was also required in other permits.
- The Road Supervisor finds the abandonment acceptable and sees no public need for the road. The road currently ends in the middle of the rail park being served by the road, including new lots in the recent

parcel map. The road has little likelihood of being extended beyond its current location, other than within the current rail park area.

- The County Surveyor reviewed the proposal and has approved it, provided that the private easement is created to replace the public easement on the parcel map.

NRS and County Code allows utility and video service providers to object to abandoning a street, and/or request that a utility easement be retained when the jurisdiction owns the land being abandoned. NV Energy provided comments that they have no objection to the abandonment. No other comments were provided. When the parcel map is finalized, the service providers will sign the map with their approval, including the abandonment.

No objections were raised, and Staff recommends that it would result in NO material injury to the public. Consequently, Staff recommends approval of the abandonment request.

STAFF RECOMMENDATION: **APPROVAL**

MOTION FOR FINDINGS: The motion should be modified by the Planning Commission as needed.

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the public [**WILL // WILL NOT**] be materially injured by the proposed abandonment of a portion of the road easement previously identified as Greenu Parkway serving APNs: 009-251-78 & -77.

MOTION FOR DECISION: The motion should be modified by the Planning Commission as needed.

- Based on the previously adopted findings made for this project, I move to recommend that the Board of County Commissioners [**APPROVE // DENY**] the proposed abandonment of the public portion of the road easement within Churchill County serving Parcels A-2A and A-1A of the Record of Survey of a Boundary Line Adjustment for Western Nevada Rail Park LLC, Doc. # 403544, previously created in Doc. #399749. This approval is subject to the following conditions:
 1. The order of abandonment shall be incorporated into the previously approved parcel map with appropriate changes to labels, notes, and certificates.
 2. The abandoned portion of public road shall be replaced by a private road easement on the parcel map that provides adequate access under County law.
 3. The properties that have the right to use the private road shall be clearly stated on the parcel map.
 4. The abandonment shall be executed by the Board Certificate on the parcel map.

Consent Agenda:

NOTE: 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 commission or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.

Please review the Consent Agenda to determine if you have any concerns.

RECOMMENDED MOTION

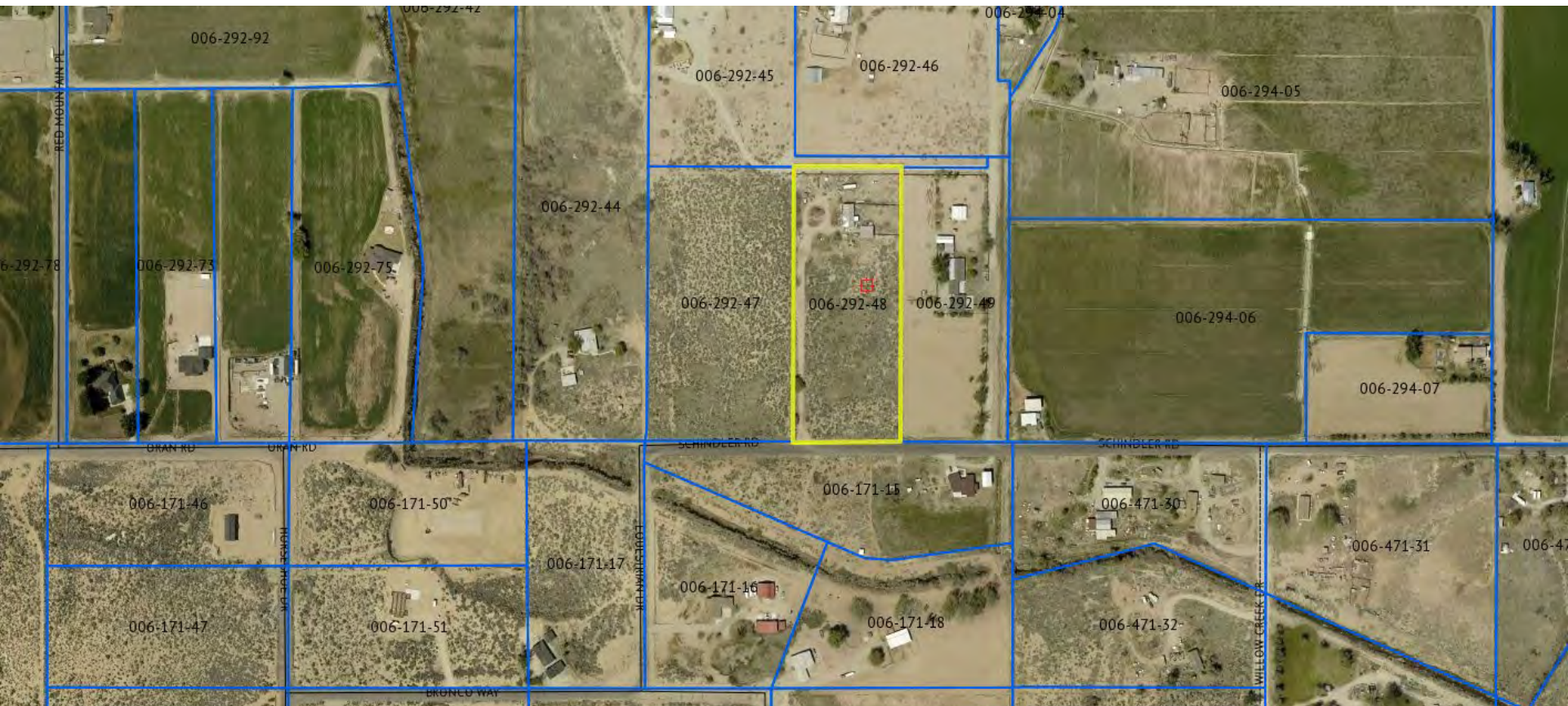
- I move to **Approve** the Consent Agenda as submitted.
- ***[IF YOU WISH TO REMOVE ANY ITEM FOR FURTHER DISCUSSION]***
I move to ***remove Item*** ____ for further discussion, and to approve the remainder of the Consent Agenda as submitted.



CHURCHILL COUNTY PLANNING COMMISSION HEARING

August 9, 2023

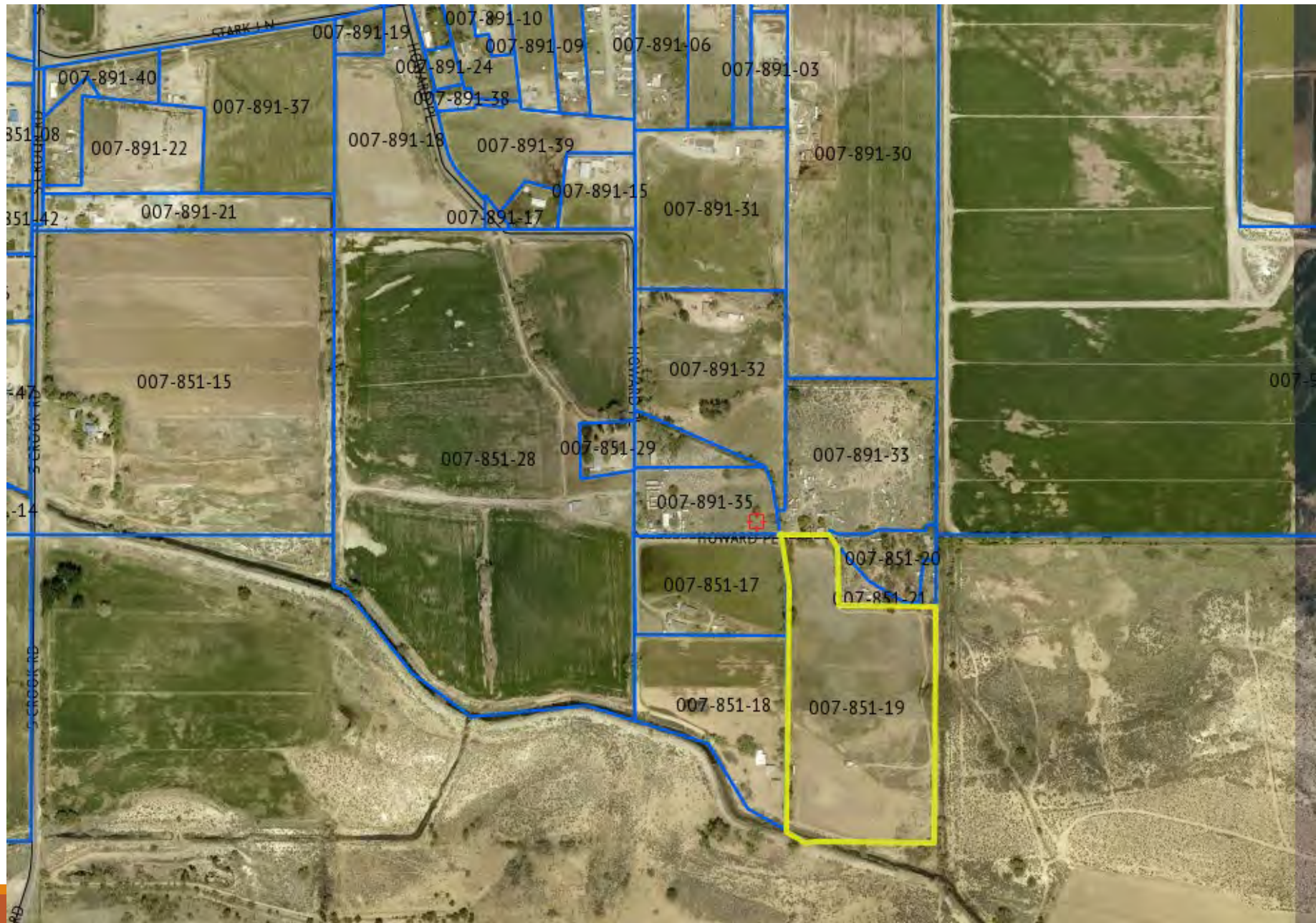
Miller TUP Expiration, 4810 Schindler Rd, APN 006-292-48



5/18/2023 Pictometry Aerial Photo



Basford TUP Renewal, 895 Howard Pl, APN 007-851-19







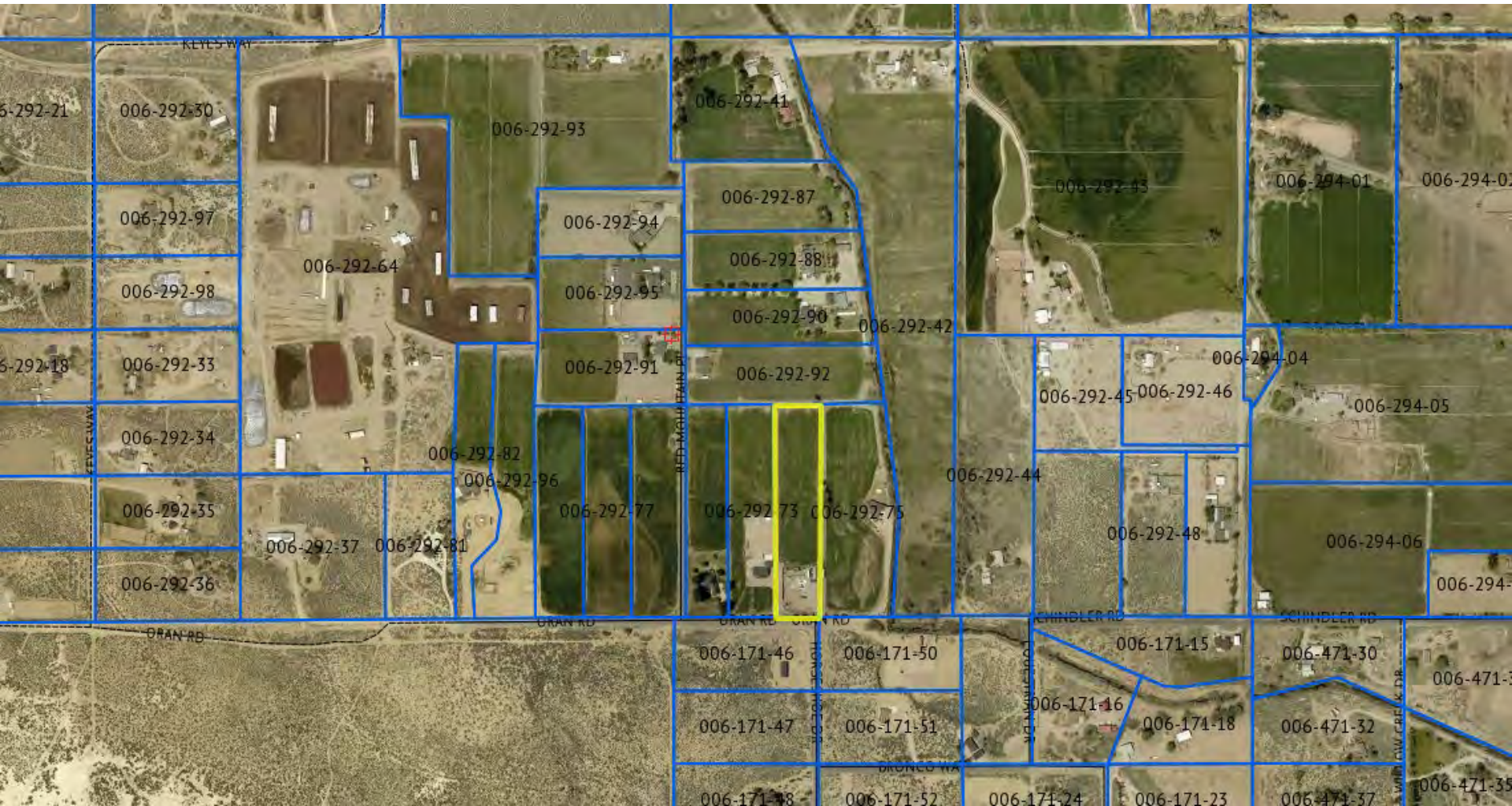
007-851-19

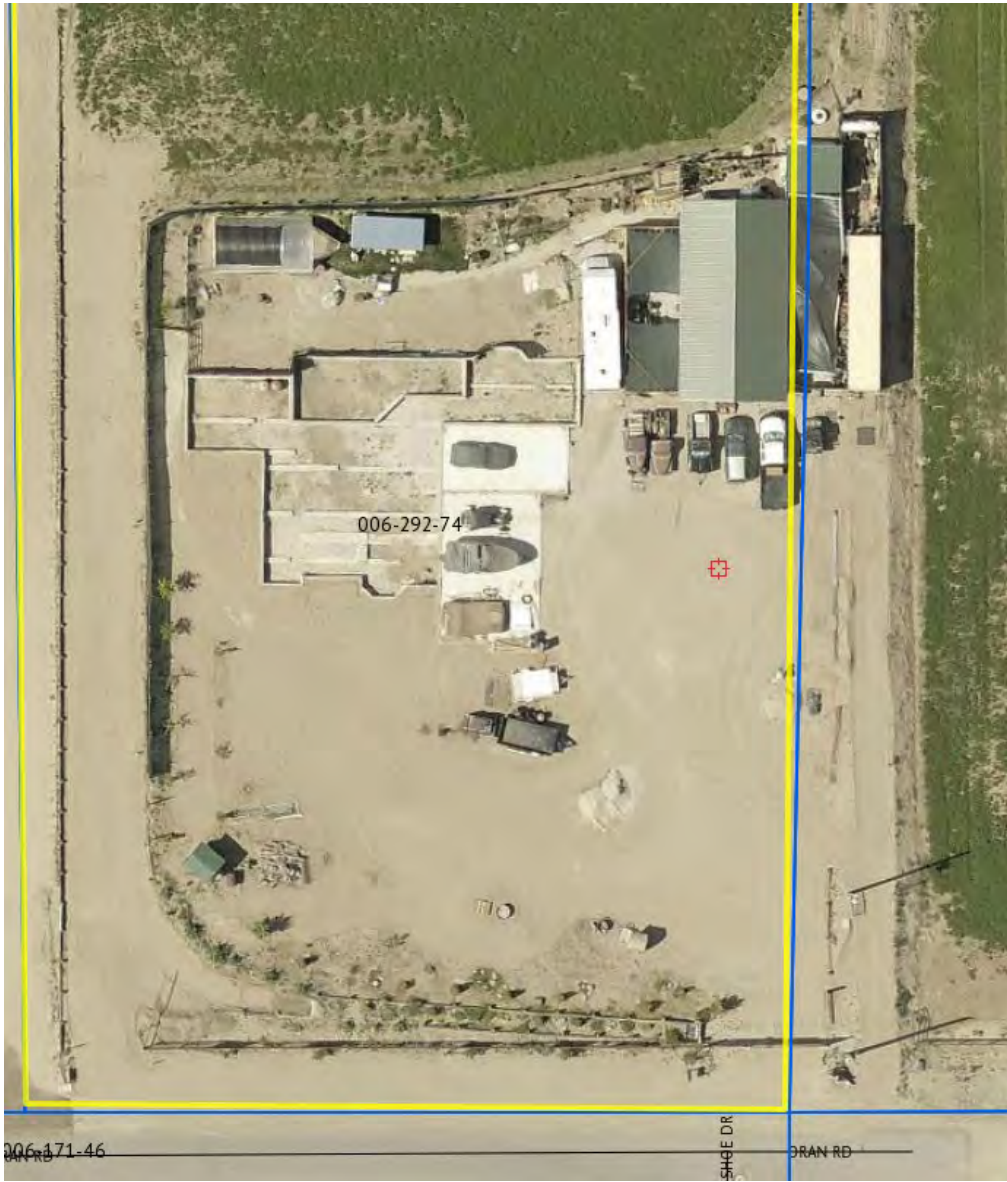
Picotte/The Grid Brewery SUP Review, 2030 Reno Hwy, APN 008-361-56



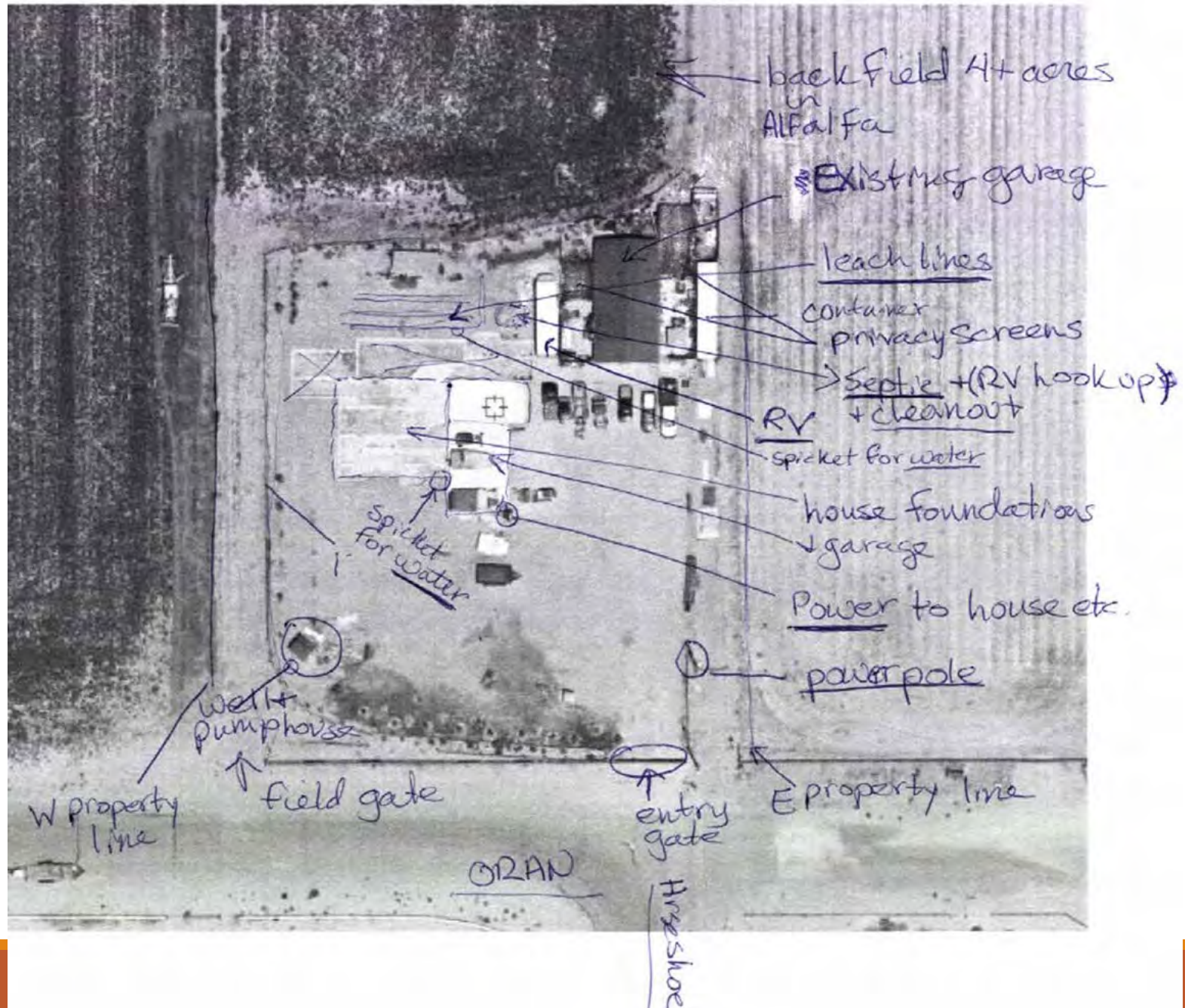


Reich TUP Application, 4886 Oran Rd, APN 006-292-74





N



Reich 4886 Oran Rd Fallon, NV 89406

ALL UTILITIES WHERE ON SITE WHEN THE PROPERTY WAS PURCHASED. ALL UTILITIES HAVE BEEN PREVIOUSLY INSPECTED PRIOR TO PURCHASE

RV is fully self contained. Unit is not a permanent structure. Unit will be driven off the property as needed.

The well and septic were both certified (see attached documentation)

Photo 1 Power Pole (power going to the main power is underground)

Photo 2 Power meter

Photo 3 Well head (see attached)

Photo 4 Pressure tank (see attached)

Photo 5 Waterproof power outlet (standard plug is used, as its only for lights, and to keep battery charged)

Photo 6 GFCI located inside the insulated waterproof outlet

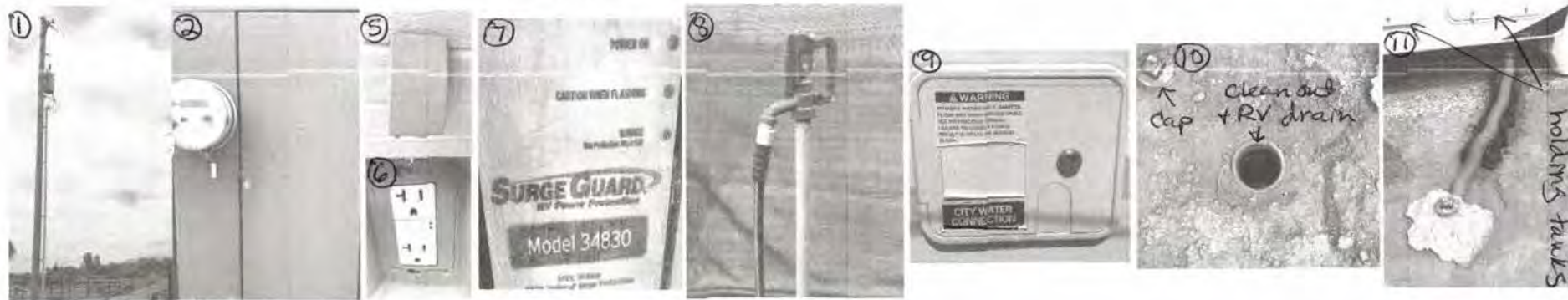
Photo 7 RV Surge Guard with green light to show its functional

Photo 8 Water spicket to fill the RV water storage tank

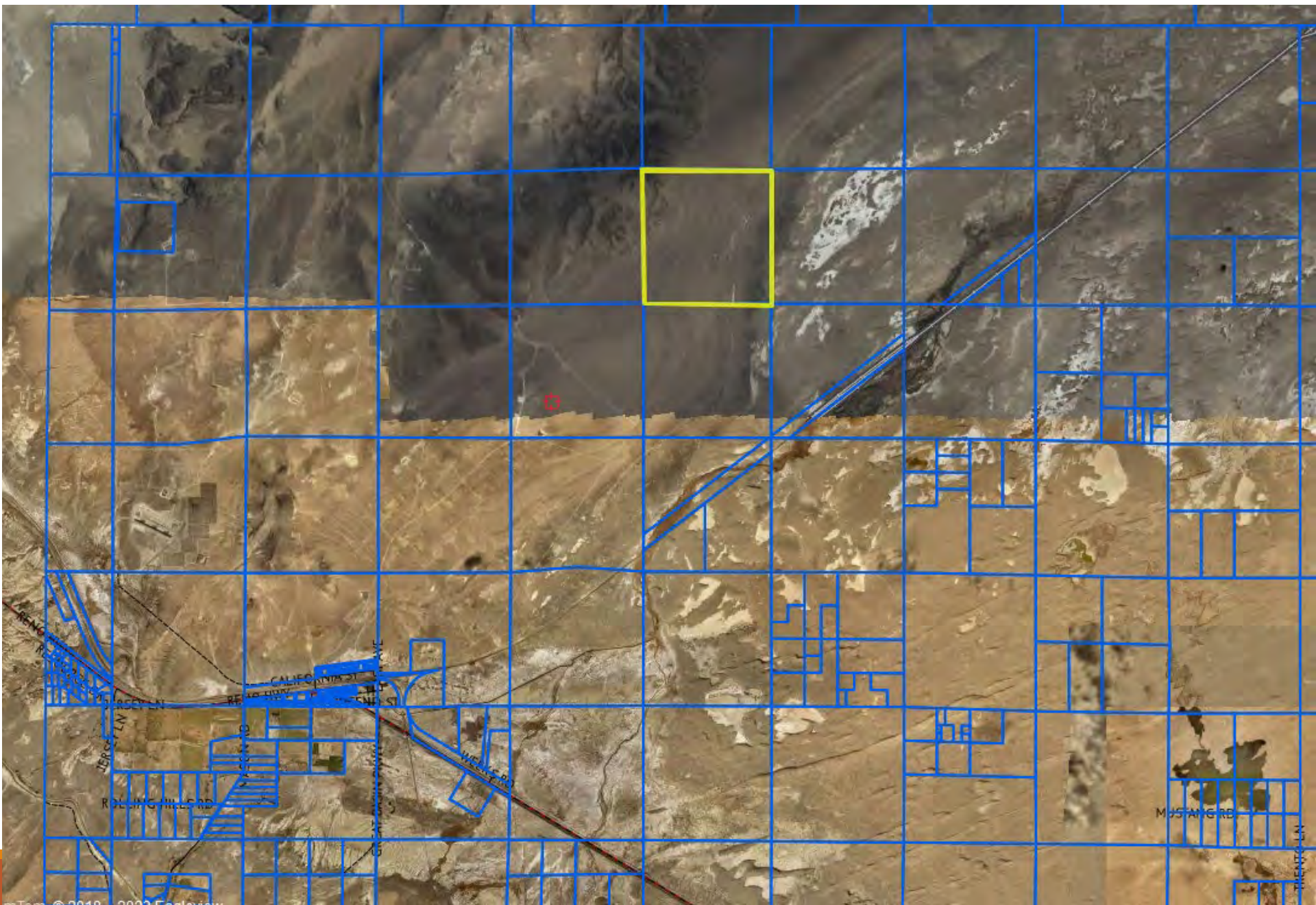
Photo 9 RV hose connection (hooks up to any hose to fill the RV tanks with fresh water)

Photo 10 Septic clean out (using standard rv hook ups, as the unit will be driven on and off of the property as needed) The RV is not a permanent structure

Photo 11 Sewer outlet connection on the RV, (used for dumping grey and black water from the RV)



Pallas Industries SUP Application, NE of Hazen, APN 009-291-09





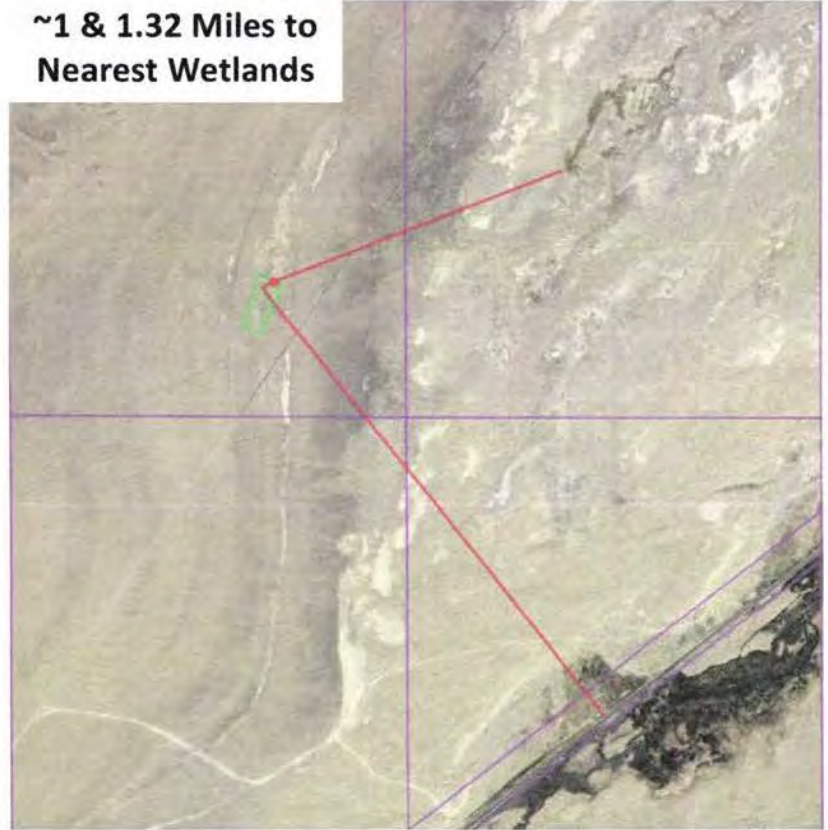


Pallas Solid Motor Development Facility – Distance to Key Points

4.32 Miles to Rail
4.5 Miles to Hazen

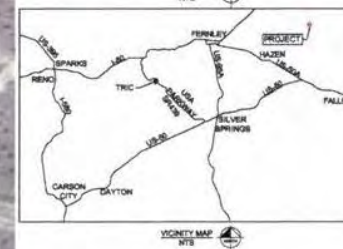
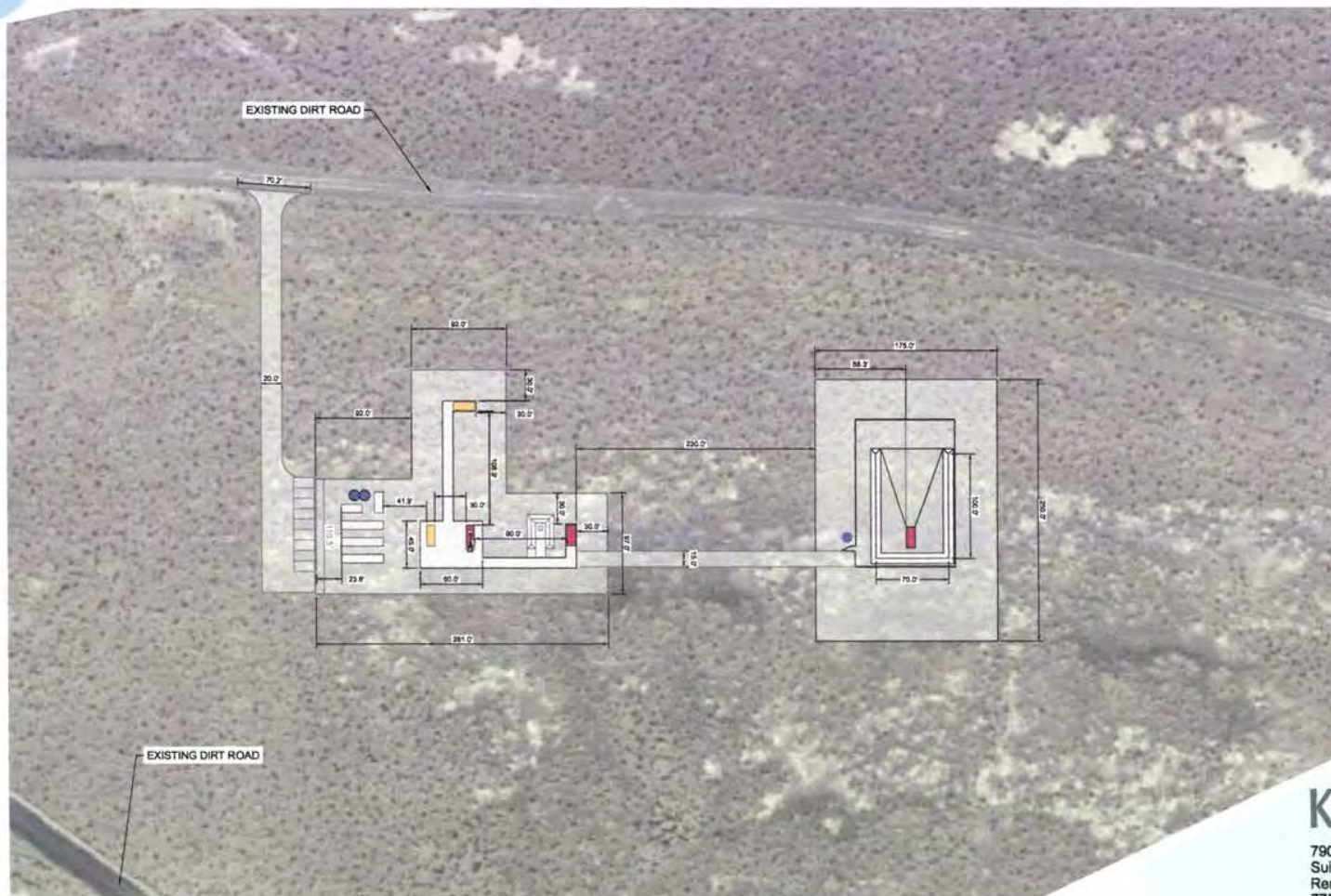


~1 & 1.32 Miles to
Nearest Wetlands



CHURCHILL COUNTY, NV

July 2023

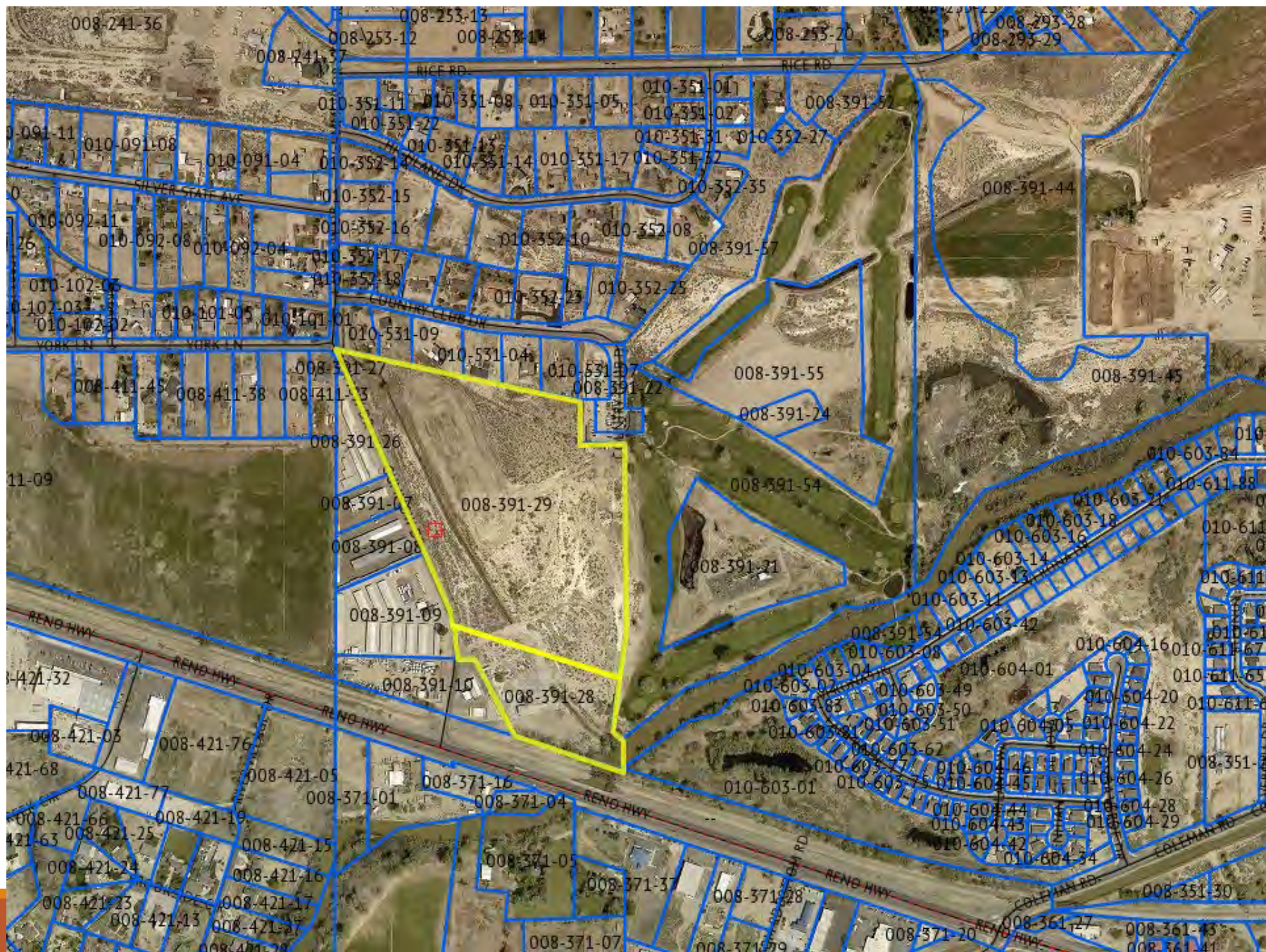


K:\REN_CIVIL\CHURCHILL COUNTY\XXXXXXXXXX - CHURCHILL COUNTY INDUSTRIAL FACILITY\TY07 CAD\EXHIBITS\ZETTA EXHIBIT.DWG
7/5/2023 2:03 PM

Kimley»Horn

7900 Rancharrah Parkway
Suite 100
Reno, Nevada 89511
775-200-1960

Bancroft/Hooper Mgt Zone Change Application, off Gummow Dr, APNs 008-391-28 & -29



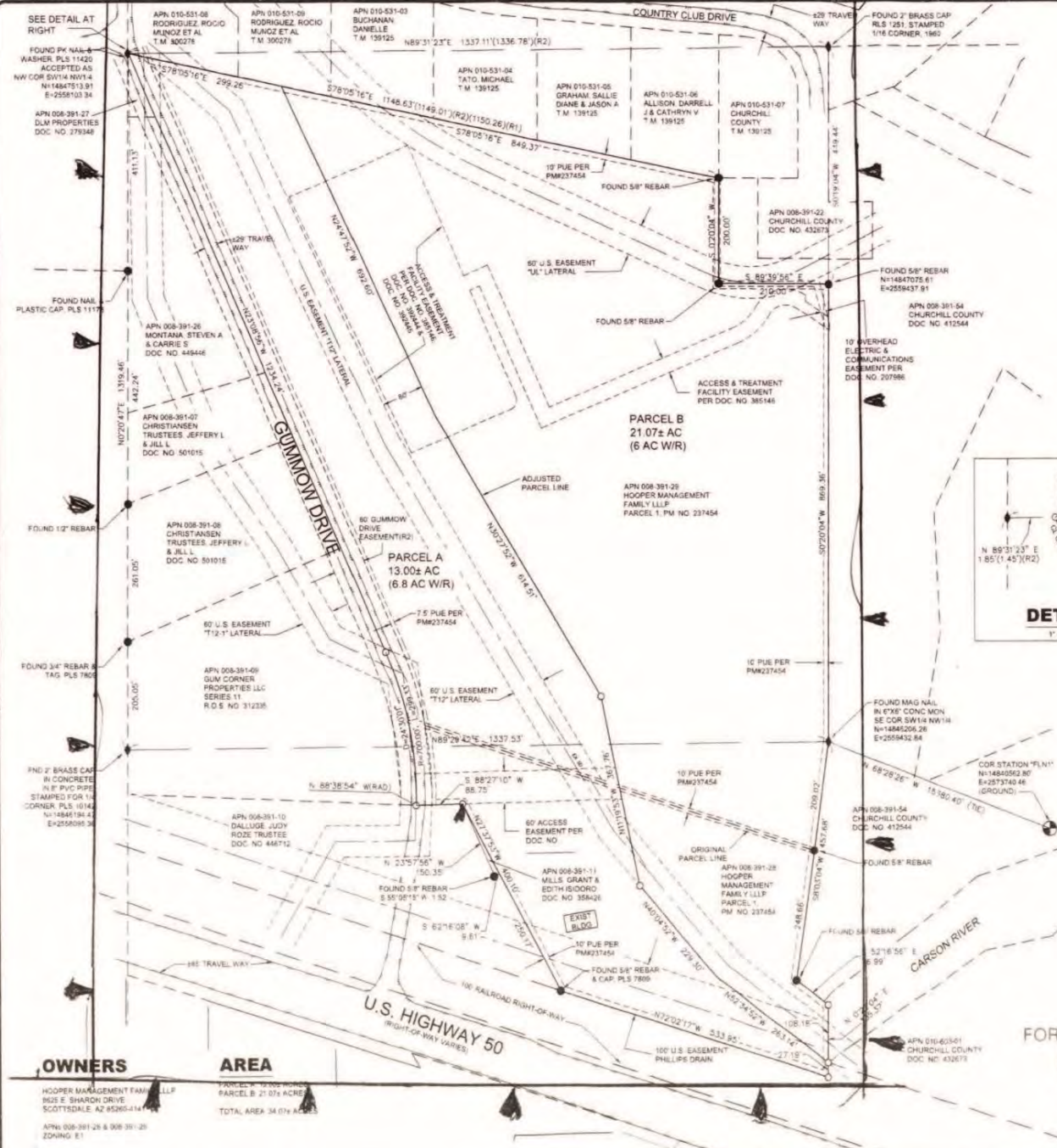


N

yellow requested zone change from E-1 to R-3
pink - already E-1



* NOT TO SCALE

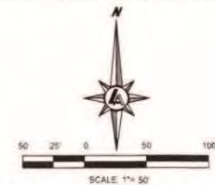
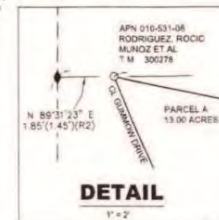


REFERENCE DOCUMENTS

- (R1) TAMARACK ESTATES SUBDIVISION, FILED OCTOBER 2, 1974 AS FILE NO. 13125 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R2) PARCEL MAP, FILED MAY 23, 1988 AS FILE NO. 237454 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R3) AMENDED SUBDIVISION PLAN, FILED SEPTEMBER 6, 1996 AS FILE NO. 300278 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R4) RECORD OF SURVEY MAP, FILED MARCH 24, 1988 AS FILE NO. 312335 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R5) TRUCKEE CARSON IRRIGATION DISTRICT PROPERTY AND STRUCTURE MAP, SECTION 26, DATED SEPTEMBER 1982.
- (R6) GRANT, BARGAIN AND SALE DEED, DOCUMENT NO. 276348 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R7) TRUSTEES DEED, DOCUMENT NO. 358426 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R8) GRANT, BARGAIN AND SALE DEED, DOCUMENT NO. 412544 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R9) GRANT, BARGAIN AND SALE DEED, DOCUMENT NO. 432672 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R10) QUITCLAIM DEED, DOCUMENT NO. 446712 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R11) GRANT, BARGAIN AND SALE DEED, DOCUMENT NO. 448446 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R12) QUITCLAIM DEED, DOCUMENT NO. 480332 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R13) QUITCLAIM DEED FOR NEVADA, DOCUMENT NO. 490368 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R14) GRANT, BARGAIN AND SALE DEED, DOCUMENT NO. 501015 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.

NOTES

1. THIS IS NOT A WATER RIGHT MAP. WATER RIGHTS ARE SUBJECT ARE SUBJECT TO CHANGE UPON REVIEW BY THE STATE ENGINEER'S OFFICE OR A LICENSED WATER RIGHT SURVEYOR.



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS N 20° 27' E, BEING THE BEARING ON THE WEST LINE OF THE SW 1/4 OF THE NW 1/4 OF SECTION 26, T11N, R28E, M20M AS DETERMINED FROM THE NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83, BASED UPON REAL-TIME KINEMATIC GPS OBSERVATIONS, OBSERVED MAY 12, 2023 USING A SURVEY GRADE DUAL FREQUENCY GPS RECEIVER WITH TRIMBLE VRS CORRECTIONS FROM CONTINUOUSLY OPERATING REFERENCE STATION (CORS) 1N1, MODIFIED BY A COMBINED FACTOR OF 1.0001854204, SCALED FROM 0.00N 0.00E AND CONVERTED TO U.S. SURVEY FEET. ALL DIMENSIONS ON THIS MAP ARE GROUND DISTANCES.

LEGEND

- SUBJECT PARCEL LINE
- ADJACENT PARCEL LINE
- - - EASEMENT SIDELINE
- - - EDGE OF PAVED TRAVEL WAY
- - - EXISTING BUILDING LINE
- - - APPROXIMATE SEPTIC AREA
- - - CENTERLINE LATERAL EASEMENTS

- FOUND POINT AS INDICATED
- SET 5/8" REBAR AND CAP, PLS 18396
- FOUND PLS CORNER AS NOTED
- CONTINUOUS OPERATING STATION "PLN1"

100 # 23-008

RECORD OF SURVEY IN SUPPORT OF A BOUNDARY LINE ADJUSTMENT FOR HOOPER MANAGEMENT FAMILY LLP AND SHARYL LIN BANCROFT, TRUSTEE OF THE SHARYL LIN BANCROFT REVOCABLE LIVING TRUST, DATED 2/10/04

BEING AN ADJUSTMENT OF PARCELS 1 AND 2 OF PARCEL MAP, FILE NO. 237454, BEING A PORTION OF THE W 1/2 OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 28 EAST, N.D.M.

FALLON, CHURCHILL COUNTY, STATE OF NEVADA

150 SANDHILL ROAD, SUITE 100, BEND, NEVADA 89501
TEL: (775) 827-4111
LUMOS & ASSOCIATES

Drawn By: DCC
Sheet: 2 of 2
Job No.: 11006.000
Drawing No.: 11006000SURVEY



OWNERS

HOOPER MANAGEMENT FAMILY LLP
8625 E. SHARON DRIVE
SCOTTSDALE, AZ 85260-4147
APN: 008-391-26 & 008-391-27
ZONING: E1

AREA

PARCEL A: 13.00± AC
PARCEL B: 21.07± AC
TOTAL AREA: 34.07± AC

Fernley Business Park Abandonment of Public Access Easement Application
11000 Reno Hwy, APNs 009-251-77 & 009-251-78





009-251-77

009-251-77

009-251-78

009-251-63

009-251-70

009-251-71

009-251-72

009-251-90

009-251-43

009-251-44

009-251-91

009-251-40

009-251-45

009-251-41

009-251-46

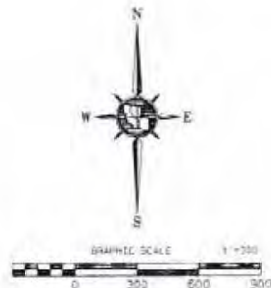
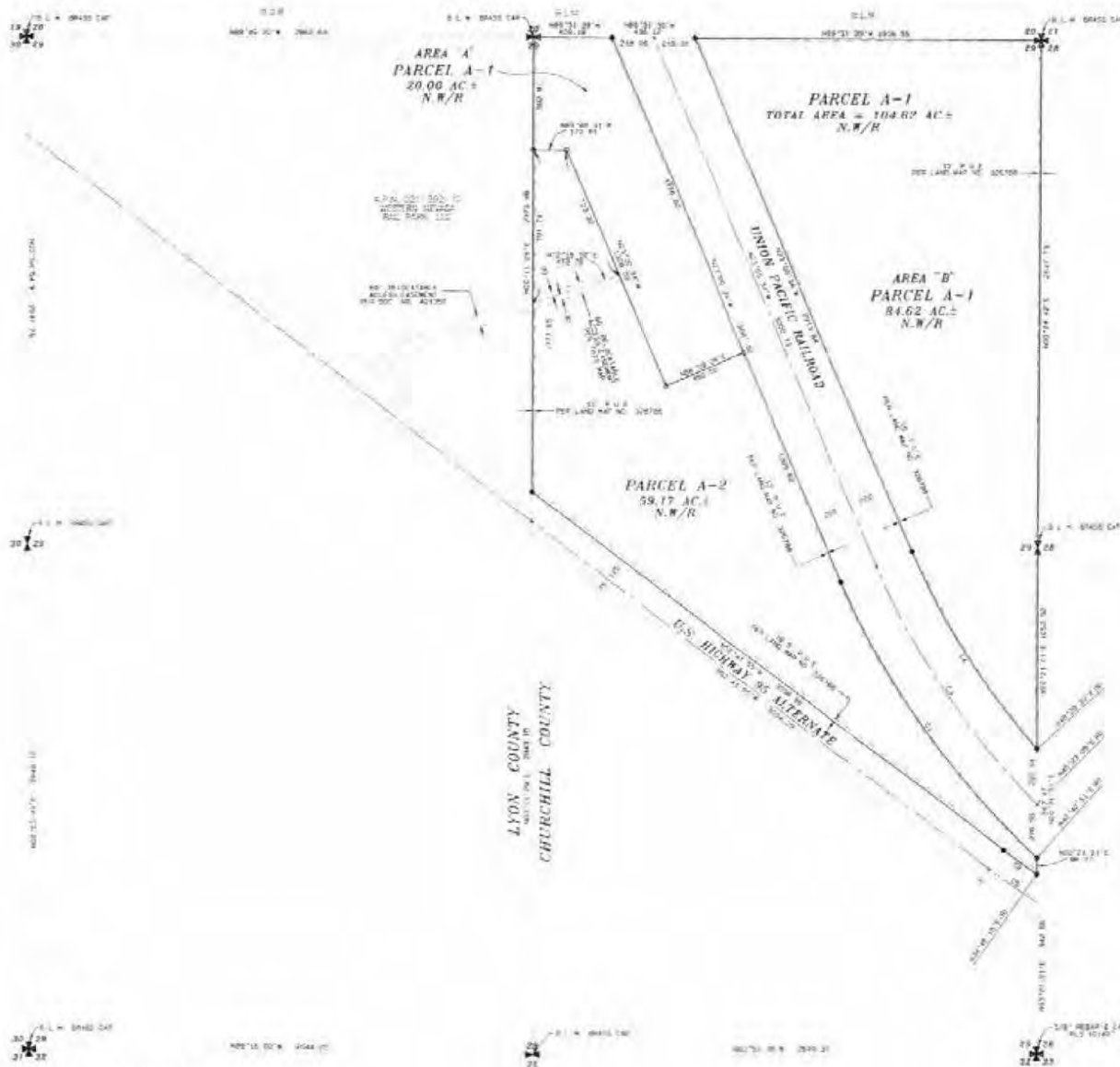
009-251-50

009-251-52

009-251-47

009-251-49





BASIS OF BEARINGS:
THE NORTH LINE OF THE EAST ONE-HALF (1/2) OF SECTION 20 T.20N. R.20E. M.D.R. TAKES AS N. 89°51'32" E. AS SHOWN ON MAP OF DIVISION 1110 LARGE PARCELS NO. 326788, FILED IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA ON JANUARY 4, 2000.

LEGEND:

- 1/8" POWER & CLIP - "PLS 10142" PER LAND MAP 326788
- SET SURV. BEAR & CLIP - "PLS 10030"
- △ DIMENSION POINT - NOTHING FOUND OF SET
- TR RADIAL BEARING
- ✚ PHYSICAL SECTION CORNER
- ADJAC RECORD INFORMATION
- B.L.M. BUREAU OF LAND MANAGEMENT
- B.S.M. BUREAU OF RECLAMATION
- N.W.M. NON WATER ADJACENT

CURVE	DELTA	RADIUS	ARC
C1	24°48'38"	4500.00	1779.50
C2	2°42'30"	6475.00	236.70
C3	2°12'21"	4000.00	1568.36
C4	10°30'04"	3600.00	1227.04
C5	2°31'20"	5800.00	507.80

NOTE: NO BUILDING PERMITS WILL BE ISSUED ON ANY DEVELOPMENT APPROVED ON AREA "B" OF PARCEL A-1 UNTIL PHYSICAL AND LEGAL RECORD IS PROVIDED.

TOTAL AREA = 163.79 AC ±

T.C.L.D. I.D. # 08-002

PUBLIC UTILITY EASEMENTS:

- 10' ON EXTERIOR BOUNDARY (EXCEPT AS NOTED)
- 5' ON EACH SIDE OF EXISTING PARCELS LINES
- 7'5' ALONG ROAD EASEMENTS

ALL EASEMENTS ARE ESTABLISHED AS INDICATED EXCEPT WHERE SUCH EASEMENT OVERLAYS AN EXISTING PUBLICLY MAINTAINED DRAINAGE OR DRAINAGE EASEMENT. IN SUCH CASE, THE APPROPRIATE UTILITY EASEMENT SHALL BE PARALLEL AND CONTIGUOUS TO THE EXISTING EASEMENT.
THAT PORTION OF ROAD EASEMENT, OUTSIDE OF THE EXISTING ROAD IMPROVEMENT, THAT MAY BE GRANTED PER THIS MAP, AND THAT IS AN OVERLAPPING EASEMENT TO AN EXISTING NON-ADJACENT EASEMENT, MAY NOT BE EXERCISED UNTIL SUCH TIME THAT THE UNDERLYING EASEMENT IS RELOCATED OR TERMINATED.

NOTE: IN ACCORDANCE WITH N.E.D. 739.6.247, TO OBTAIN AN OFFICIAL COPY OF THIS MAP, CONTACT THE CHURCHILL COUNTY RECORDER.

**PARCEL MAP
FOR
WESTERN NEVADA RAIL PARK, LLC**

A DIVISION OF PARCEL 1
OF DIVISION OF LAND MAP NO. 326788
BEING A PORTION OF THE E 1/2 OF SEC. 23, T.20N., R.20E., M.D.M.

CHURCHILL COUNTY NEVADA

TRI STATE SURVEYING, LTD.
1525 E. ORATEWAY
SPRINGS, NEVADA 89434
11770799-0001 • FAX: 11770799-0004

JOB NO. 11770799-0004
SHEET **2**
OF **2**

77-0027102 Book 50 Page 8

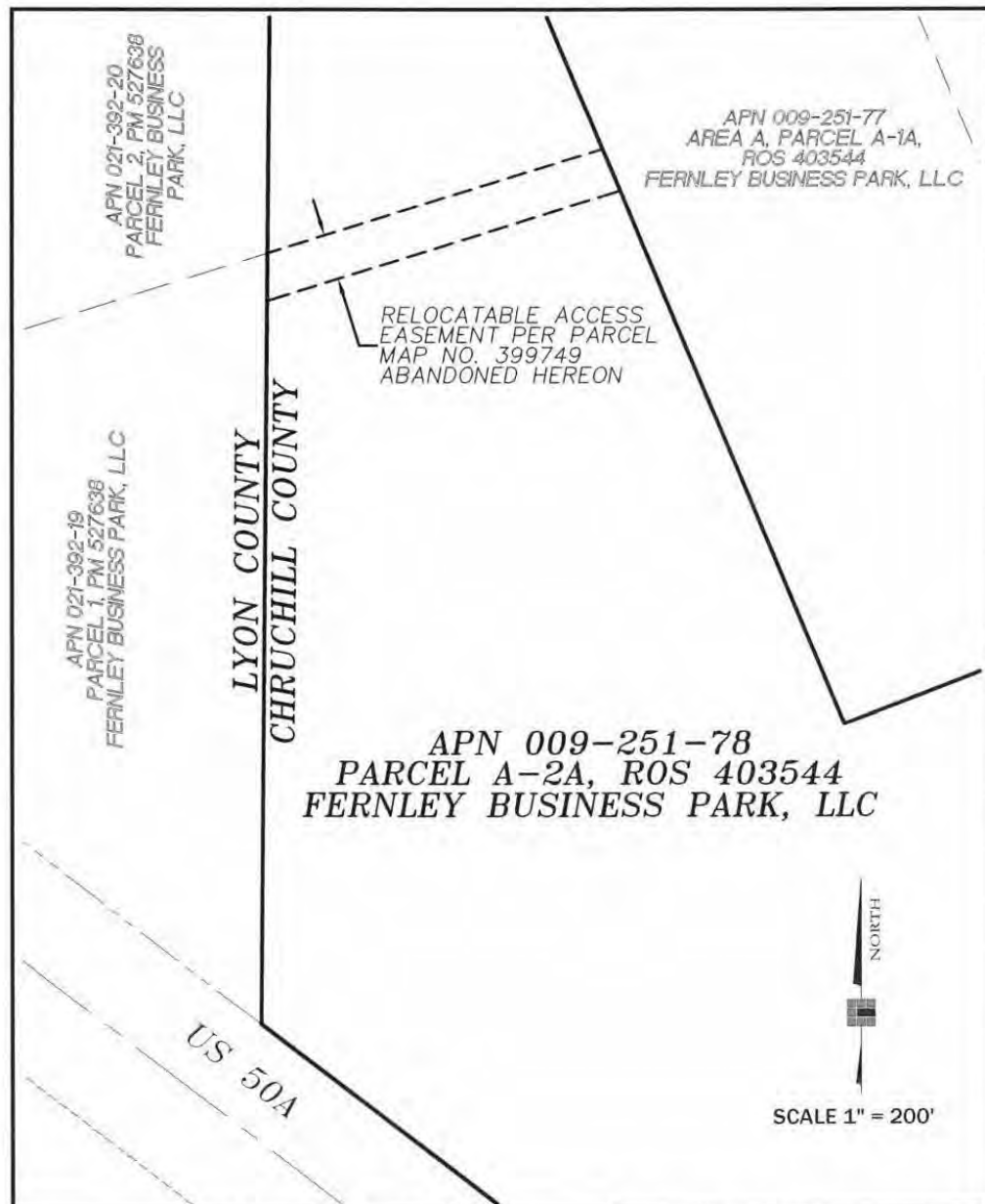


EXHIBIT A-1
ABANDONMENT OF RELOCATABLE
ACCESS EASEMENT

NE 1/4, SECTION 29, T. 20 N., R. 26 E., M.D.M.
COUNTY OF CHURCHILL, STATE OF NEVADA
SHEET 1 OF 1



CHRISTY
CORPORATION

1000 Kiley Pkwy | Sparks Nevada 89436

775.502.8552 christynv.com

Consent Agenda



From: [Marie Henson](#)
To: [Diane Moyle](#); [Jera Reidenbach](#)
Subject: RE: Keary Basford TUP Renewal
Date: Wednesday, August 02, 2023 11:29:37 AM

A septic was installed, inspected, completed and approved on August 9, 2022 under septic permit #1146.

That is the only permit that has been applied for this parcel.

Regards,

NEW EMAIL ADDRESS –
marie.henson@churchillcountynv.gov

Marie Henson

Building Official
Churchill County
Building Department
155 N. Taylor Street, Ste 170
Fallon, NV 89406
O: 775-428-0264
C: 775-427-3115
F: 775-423-8185
marie.henson@churchillcountynv.gov
www.churchillcountynv.gov

From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Wednesday, August 2, 2023 9:35 AM
To: Jera Reidenbach <Jera.Reidenbach@churchillcountynv.gov>; Marie Henson <marie.henson@churchillcountynv.gov>
Subject: Keary Basford TUP Renewal
Importance: High

What permits have been completed and are there any open permits for the construction of the primary dwelling at 895 Howard Pl for Keary Basford? His TUP renewal is to be heard at the August 9, 2023 Planning Commission meeting, and they like to verify what has been completed and what progress has been made within, especially, the past year.

Diane Moyle

Public Works, Planning & Zoning Department
155 N Taylor Street, Suite 194
Fallon, NV 89406
775-423-7627, Extension 3
775-428-0259 Fax
(If not already done, please note the new email address.)

Churchill County is an equal opportunity employer and provider.



Churchill County Building Department

July 20, 2023

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: REICH TEMPORARY USE PERMIT APPLICATION, 4886 ORAN RD

Mr. Spross:

Regarding the Temporary Use Permit (TUP) application for use of a recreational vehicle for temporary quarters during construction of a residence at 4886 Oran RD:

A search of the records available in the Churchill County Building Department produced permits for construction of a detached garage and a septic system on this parcel.

If the Temporary Use Permit is approved, the Churchill County Building Department requires the following prior to occupation of the recreational vehicle.

- A) A placement permit must be applied for and issued for the recreational vehicle, within 30 days of the TUP approval. This is a \$200.00 fee.
- B) The electric connection to the recreational vehicle must be inspected and approved by the Churchill County Building Department.
- C) The septic connection to the recreational vehicle must be inspected and approved by the Churchill County Building Department.

Before construction of any structure commences, the Building Department requires the following:

- A) A building permit must be applied for and issued prior to starting any construction.
- B) Impact fees will be required to be paid at the time of permit issuance for the residence.
- C) Inspections of all phases of construction are required.

If questions arise, or if I may be of further assistance, please contact me.

Sincerely,

Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov



Churchill County Building Department

July 20, 2023

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: COMMENTS PERTAINING TO SPECIAL USE PERMIT APPLICATION FOR PALLAS INDUSTRIES SOLID MOTOR GROUND TESTING SITE

Mr. Spross:

Regarding the Special Use Permit for Pallas Industries, the Churchill County Building Department has the following comments:

A commercial business with employees falls under the 2018 International Building Code as follows,

International Building Code Section 1106.1 *Parking and Passenger Loading Facilities Required* states:

Where parking is provided, accessible parking spaces shall be provided in compliance with Table 1106.1...
Table 1106.1 requires one (1) accessible parking space for one (1) to twenty-five (25) parking spaces.

Per the above section, one fully dimensioned, properly surfaced, and signed parking space must be installed in the business parking area.

International Building Code Section 1103.2.2 *Employee Work Areas* states:

Spaces and elements within *employee work areas* shall only be required to comply with Sections 907.5.2.3.1, 1009 and 1104.3.1 and shall be designed and constructed so that individuals with disabilities can approach, enter and exit the work area.

Section 1009.1 Accessible means of egress required states: Accessible means of egress shall comply with this section. Accessible spaces shall be provided with not less than one accessible means of egress.

Section 1104.1 Site arrival points states: At least one *accessible route* within the *site* shall be provided from public transportation stops, *accessible* parking, *accessible* passenger loading zones, and public streets or sidewalks to the *accessible* building entrance served.

Per the above section, an accessible route, ramp and entrance must be installed.

International Building Code Section 2902.1 *Minimum Number of Fixtures* states:

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov

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Churchill County Building Department

Plumbing fixtures shall be provided in the minimum number as shown in Table 2902.1 based on the actual use of the building or space. Uses not shown in Table 2902.1 shall be considered individually by the code official.
Table 2902.1 requires one toilet facility for the first 25 customers or employees occupying a business location.

Per the above section, one single-user toilet facility must be installed at the business.

As this is a commercial business, Nevada Division of Environmental Protection will be responsible for permitting and approving the sewage disposal system.

International Building Code Section 1103.1 *Scoping Requirements* states:

Sites, buildings, structures, facilities, elements, and spaces, temporary or permanent, shall be accessible to individuals with disabilities.

Per the above section, the single-user toilet facility must be accessible to individuals with disabilities.

Manufactured Homes, Temporary Office Trailers, or any other type of mobile building placement must be reviewed by the Churchill County Building Department and may require issuance of placement permits.

Churchill County Building Department will require the submittal and issuance of a building permit along with in-process inspections at all stages of construction for all structures constructed on this site.

No building construction or placement of any structure may be started prior to an issued building permit by the Churchill County Building Department.

All plans and construction will be required to meet or exceed the 2018 International Building Code, the 2018 Uniform Plumbing Code, the 2017 International Code Council A117.1 Standard for Accessible and Useable Buildings and Facilities and all Churchill County Municipal Code requirements.

If questions arise, or if I may be of further assistance, please contact me.

Sincerely,
Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov

Churchill County, NV is an equal opportunity provider and employer

From: [Dean Patterson](#)
To: [Chris Spross](#); [Diane Moyle](#)
Subject: FW: Representative Motor Firings
Date: Wednesday, July 26, 2023 4:03:40 PM

NV Energy comments for the Pallas rocket testing SUP

Dean Patterson, Senior Planner
Churchill County Public Works, Planning, & Zoning
Off. 775-423-7627 || Dir. 775-428-0256 || dean.patterson@churchillcountynv.gov
155 N. Taylor, Suite 194, Fallon NV 89406

From: Sullivan, Mark (NV Energy) <Mark.Sullivan@nvenergy.com>
Sent: Wednesday, July 26, 2023 8:43 AM
To: Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: FW: Representative Motor Firings

Caution: This email originated from outside of the Churchill County organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department.

Hi Dean,

Thanks for the follow up on this item. Our team has reviewed the possible impacts of the testing facility and don't believe there will be any adverse impacts on our existing powerline.

Again thank you for including NVE in on the review.

Mark Sullivan
Land Use Advisor
NV Energy
(775) 420-7722
mark.sullivan@nvenergy.com

From: Dean Patterson <dean.patterson@churchillcountynv.gov>
Sent: Tuesday, July 25, 2023 10:57 AM
To: Sullivan, Mark (NV Energy) <Mark.Sullivan@nvenergy.com>
Subject: [INTERNET] FW: Representative Motor Firings

You don't often get email from dean.patterson@churchillcountynv.gov. [Learn why this is important](#)

THIS MESSAGE IS FROM AN EXTERNAL SENDER.

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Hi Mark. Here are the rocket videos.

Dean Patterson, Senior Planner
Churchill County Public Works, Planning, & Zoning
Off. 775-423-7627 || Dir. 775-428-0256 || dean.patterson@churchillcountynv.gov
155 N. Taylor, Suite 194, Fallon NV 89406

From: Sean Pitt <sean@pallas.inc>
Sent: Tuesday, July 25, 2023 9:59 AM
To: Dean Patterson <dean.patterson@churchillcountynv.gov>
Cc: Chris Spross <chris.spross@churchillcountynv.gov>; Jacob Sweers <jacob@pallas.inc>; Andrew Kreitz <andrew@pallas.inc>
Subject: Representative Motor Firings

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Hi Dean,

Over the course of the year, we would plan to fire three sizes of motors at various times. I have included the rough number of times as well as a representative exhaust cloud here.

1 Pound Motor

- **Frequency:** ~400 tests per year (grouped on testing days)
- **Representative Video:** <https://www.youtube.com/watch?v=6L1SoS7O8Bo>

~70 Pound Motor

- **Frequency:** ~60 tests per year
- **Representative Video:** <https://www.youtube.com/watch?v=JOwowziBXXM>

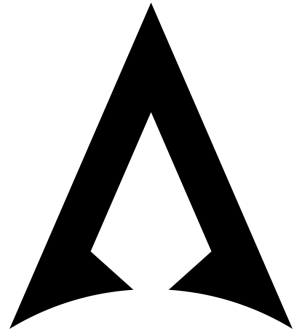
~900 Pound Motor

- **Frequency:** ~20 test per year
- **Representative Video:** <https://www.youtube.com/watch?v=q4wSkEQjwyg>

Thank you and let me know if this gives you the context you need for visuals on the exhaust plumes.

Sean

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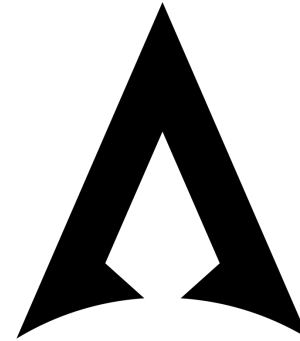
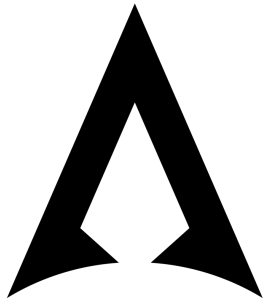
PALLAS

Modern Defense Production

Churchill County SUP Presentation



New Company Name



PALLAS

CASTELION

A New, Agile Defense Prime

Founded by three former SpaceX employees in late 2022

Castelion exists to do defense production better - building defense hardware faster and at a 10x+ reduction in cost

We focus on:

- **Agile Hardware Development**
- **Products Designed for Manufacture at Scale**
- **Vertical Integration to Enable Rapid Progress**



Churchill County + Castelion



Solid Rocket Motor Development Facility

Supporting critical national capability with low-cost hypersonic flight opportunities

Innovative, high-tech jobs – both manufacturing and engineering

Motors designed and built here are used for internal development

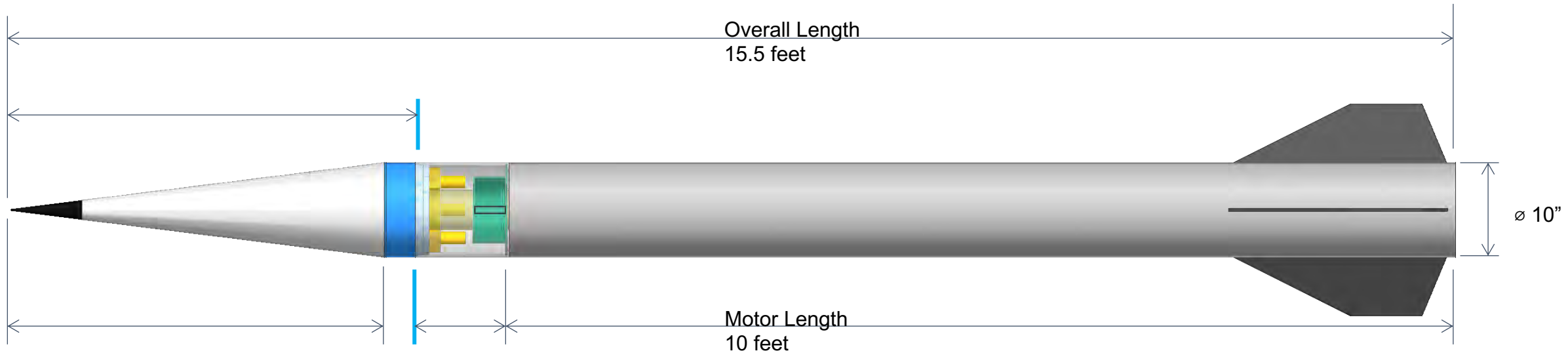
Being a good neighbor is important to us – specific site was selected to ensure no nuisance



Low-Cost Hypersonic Flight Test Capability



- Low-cost motor development and hypersonic test opportunities
- 1 lbs, ~50 lbs, and full Castelion 1.0 motors built and tested in Churchill County
- Standard propellant formulation (APCP), proven for 70 years



Some variations in motor length and diameter will be made to optimize performance

Solid Rocket Motor Comparison

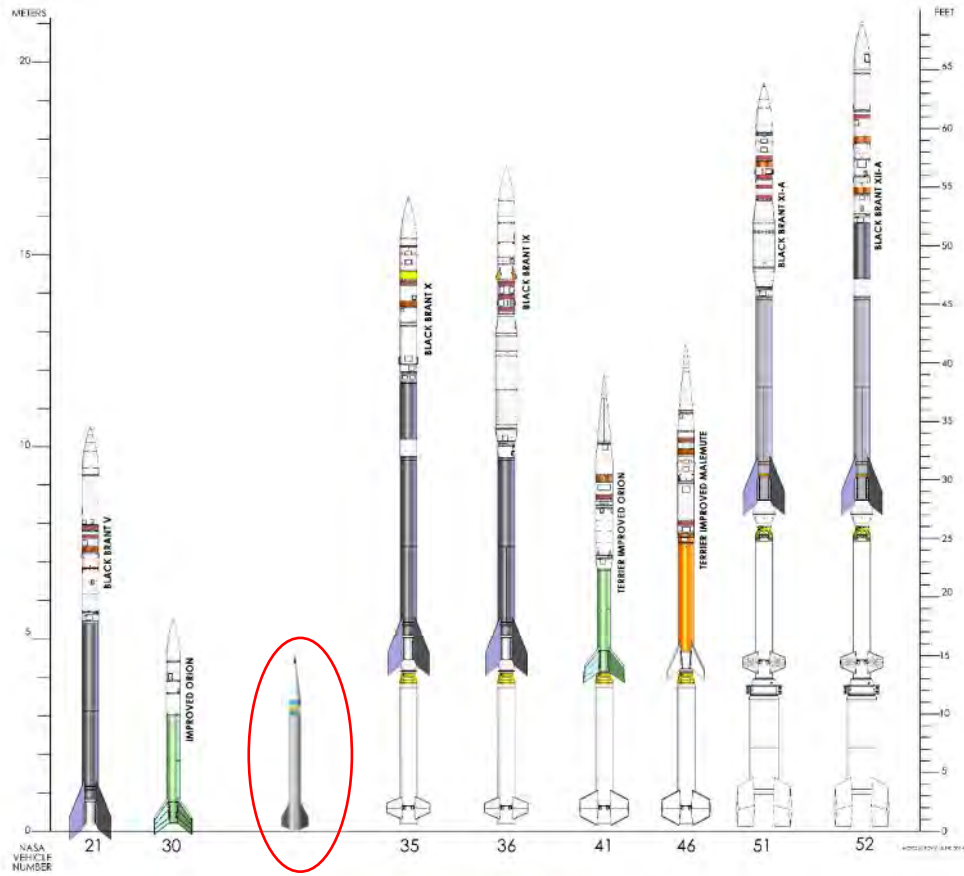


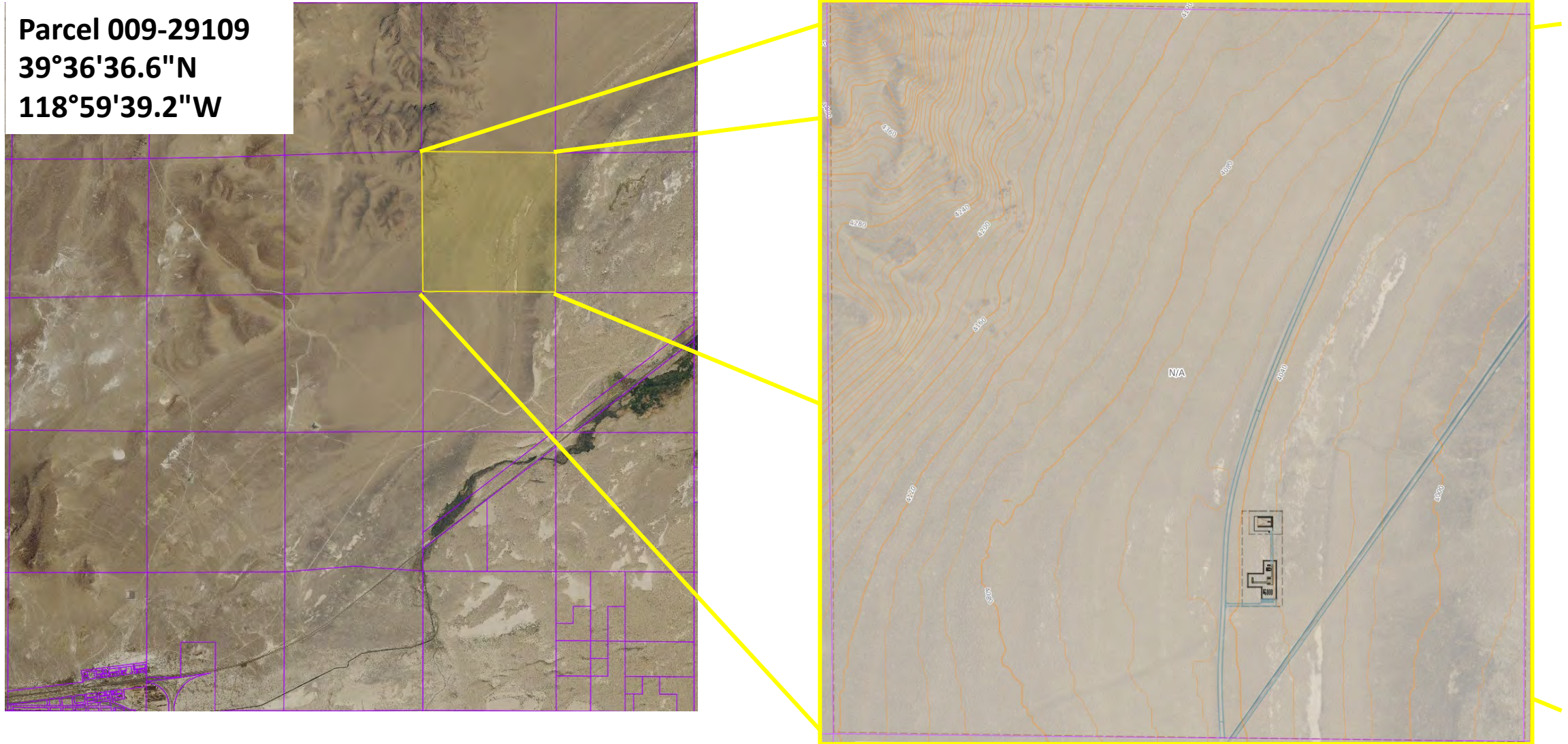
Figure 3.2-1 NASA Sounding Rocket Launch Vehicles



Solid Motor Development Facility – Parcel Map



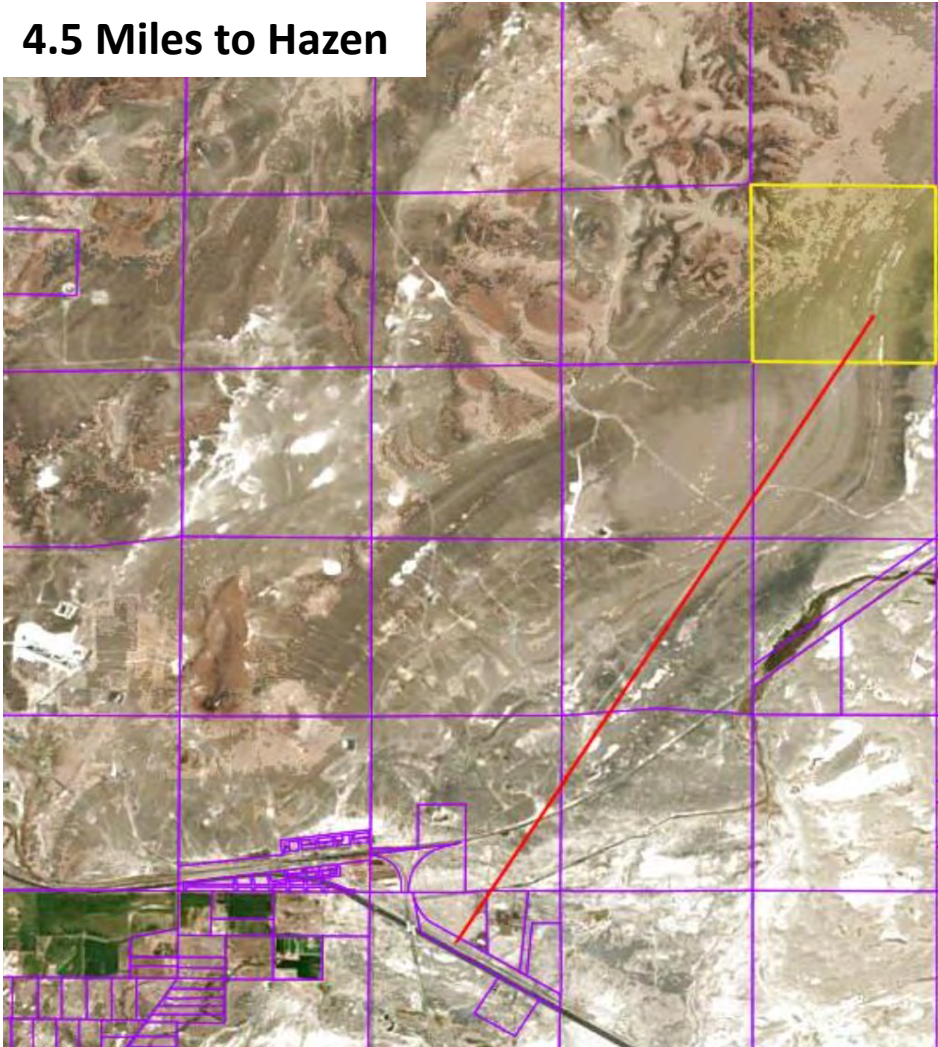
Parcel 009-29109
39°36'36.6"N
118°59'39.2"W



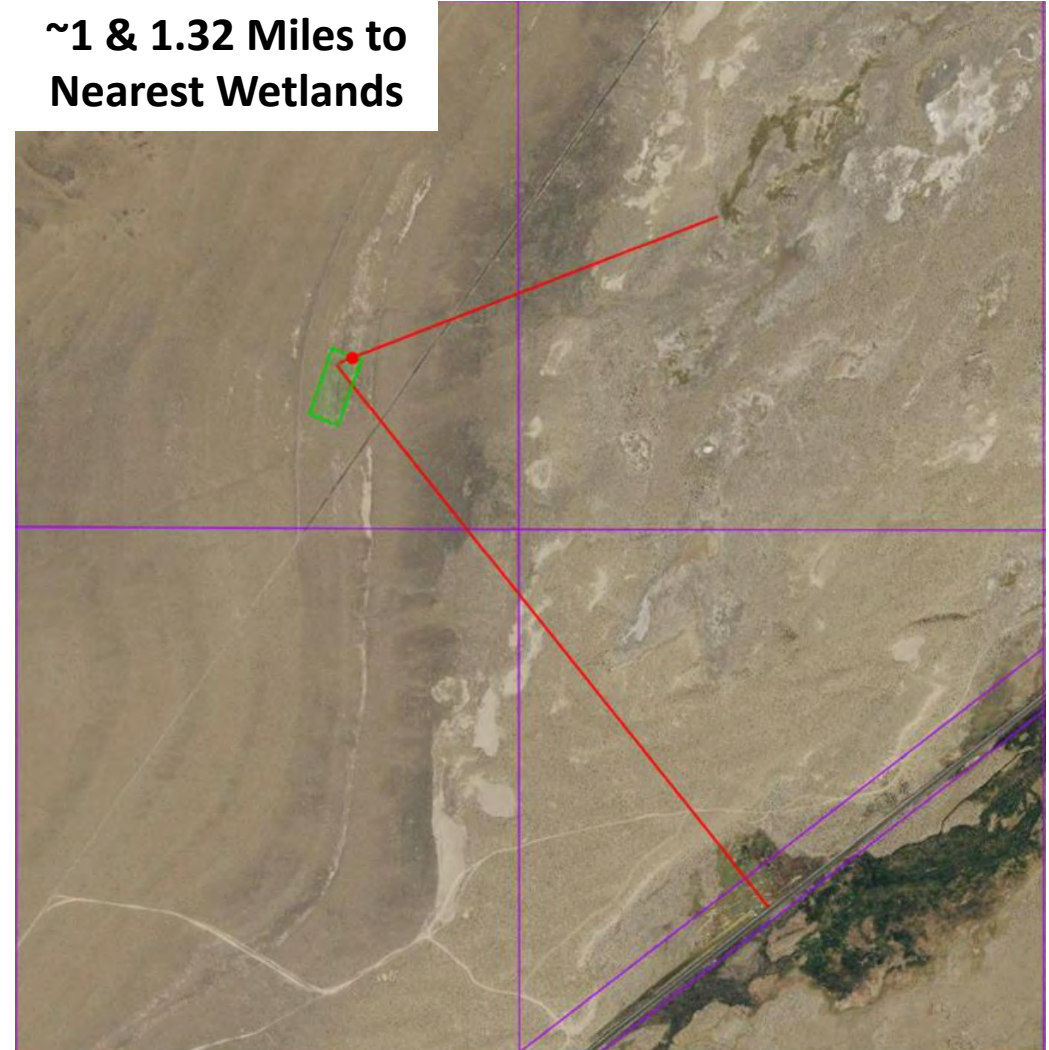
Solid Motor Development Facility – Distance to Key Points



4.5 Miles to Hazen



~1 & 1.32 Miles to
Nearest Wetlands



Solid Motor Development Facility – Full Site Layout



Existing Dirt Road

Separation distances exceed legal requirements

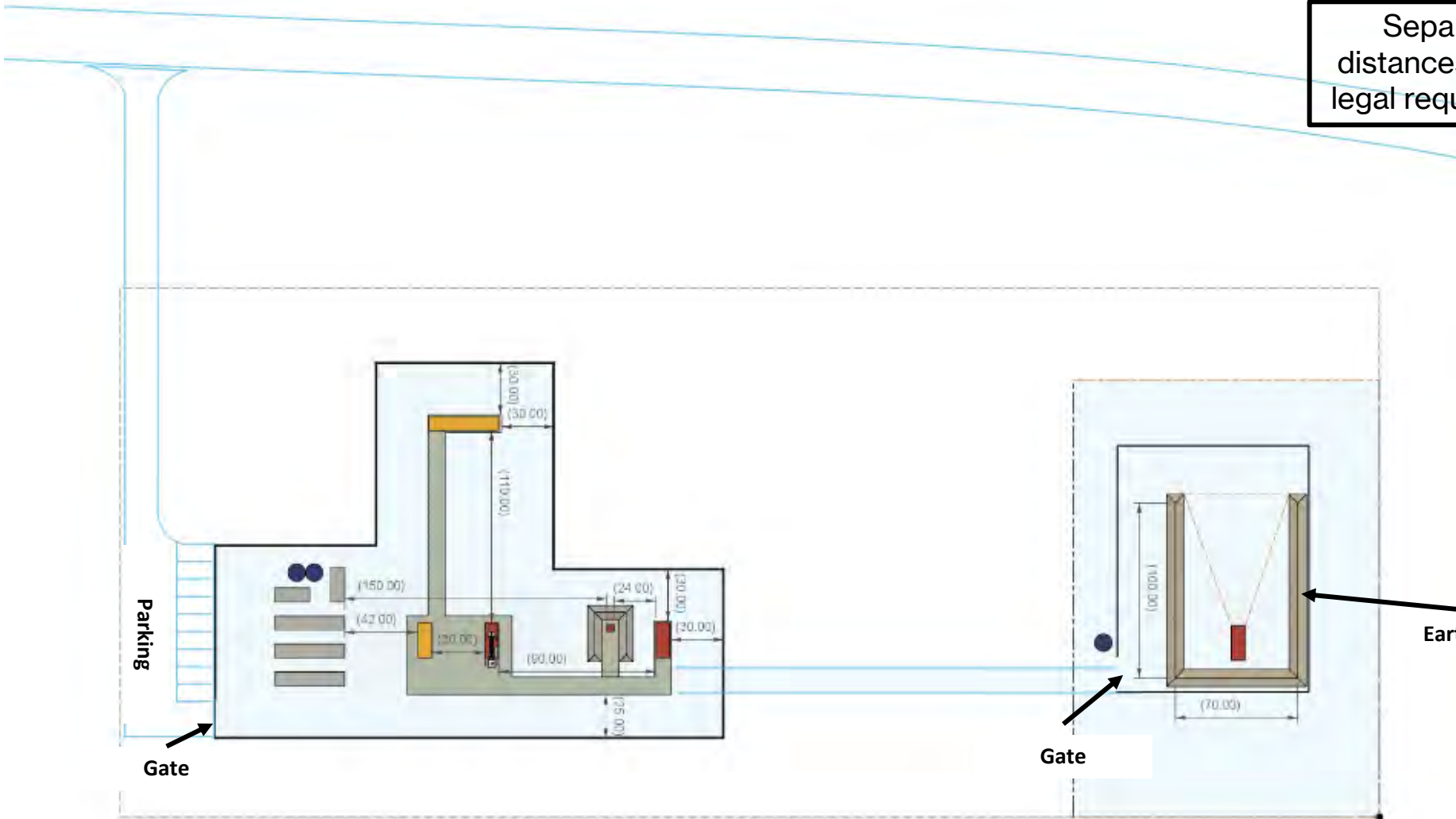


Parking

Gate

Gate

Earthen Berm



Site Infrastructure Examples



Mix/Cast Area

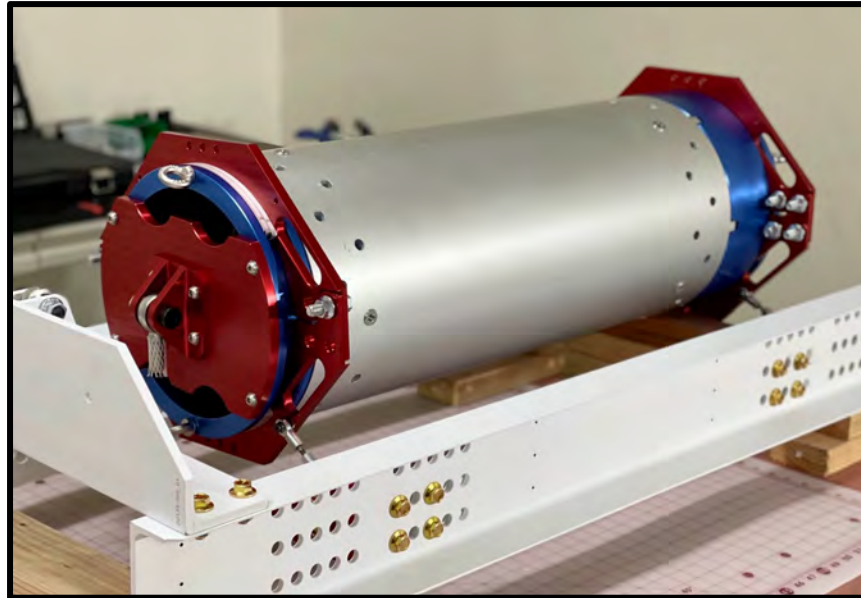


Mix/Cast Container Examples

Site Hardware



Mini Grain Tester



Pallas Propellant Grain Tester Motor



Propellant Grain Tester Stand

Site Infrastructure Examples



Test Pad (Churchill version will include sound berm)



Test Pad (during firing)

Compliance and Coordination with Local Authorities



Castelion has retained Team ACS (Fire), Team UES (Environmental) and Kimley Horn (Engineering) in support of this project

Castelion will coordinate closely with the local Fire Marshal and Sheriff on the Fire Protection Plan and Emergency Response Plan to minimize our impact on local resources and maximize safety

Facility will be surrounded by high security fencing and feature 24/7 security monitoring

Castelion will comply with federal, state, and local permits required for this facility

Staff Report – Requested Deviation



In general, the staff report is reasonable and in line with our expectation of being a good neighbor.

Requested Deviation – Condition 6b (Size limit of rockets)

- Current: Size limits of rockets of 12” diameter, or 1,000 pounds, or 12’ length
- Proposed: Size limit of motors using 1,000 pounds of propellant

Castelion may use varying length and diameters to achieve optimal performance without impacting sound/exhaust. Limiting length or diameter is arbitrary, limiting propellant mass is reasonable



CASTELION



Churchill County Building Department

July 20, 2023

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: HOOPER MANAGEMENT BANCROFT ZONE CHANGE APPLICATION,
008-391-28 & 008-391-29

Mr. Spross:

Regarding the zone change application for 008-391-28 & 008-391-29 the Churchill County Building Department has the following comments:

Nevada Division of Environmental Protection has notified us that there are areas in Churchill County that have been identified as having a slight possibility of mercury contamination. The mercury was deposited at much earlier times when the Carson River ran through areas of the County other than its current riverbed.

Parcel 008-391-28 is within one of those identified areas, and when starting a construction project that disturbs the soil, NDEP needs to test your soil to determine if mercury is present.

NDEP will test the soil and immediately determine if there is any contamination.

If there is no contamination, no further action will be necessary.

If mercury is present, NDEP will arrange for removal of the contaminated soil, and clean topsoil will be brought in for replacement. This will be paid for through the superfund program.

Please contact Dave Friedman at 775-687-9385 or if Dave is unavailable, contact Rebecca Bodnar at 775-687-9545.

They will schedule testing as soon as possible and answer any further questions you may have.

Churchill County Building Department will require the submittal and issuance of a building permit along with in-process inspections at all stages of construction for any structures construction on these parcels.

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov

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Churchill County Building Department

No building construction may be started prior to an issued building permit by the Churchill County Building Department.

All plans and construction will be required to meet or exceed the 2018 International Building Code, the 2018 Uniform Plumbing Code, the 2017 International Code Council A117.1 Standard for Accessible and Useable Buildings and Facilities and all Churchill County Municipal Code requirements.

If questions arise, or if I may be of further assistance, please contact me.

Sincerely,
Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov

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From: [Stewart Nichols](#)
To: [Diane Moyle](#)
Subject: RE: "[EXTERNAL]"August 9, 2023 Churchill County Planning Commission applications
Date: Tuesday, August 01, 2023 11:41:34 AM

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Diane,

CC Communications has no objections to the Gummow Rd zone change application.

The Hazen project, the CC Communications main cable feeding the park is along the access road in question. If the developer would like it moved we would require a new easement somewhere on the and the cable moved 100% at cost to the developer.

Stewart Nichols
Lead Engineer
CC Communications
Office: (775) 423-7171 ext. 1416
Cell: (775) 427-1295
stewart.nichols@cccomm.co

From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Friday, July 14, 2023 2:47 PM
To: NNDEngineering@swgas.com; Paul.Brown@swgas.com; Stewart Nichols <stewart.nichols@cccomm.co>; Mark Feest <mark.feest@cccomm.co>; benjamin.loar@charter.com; Armando.Grajeda@charter.com
Cc: Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: "[EXTERNAL]"August 9, 2023 Churchill County Planning Commission applications

Please review the attached applications and provide your response as soon as possible. Your help is appreciated in processing these applications and providing information to the Planning Commission.

Diane Moyle

(note the new email address)

Public Works, Planning & Zoning Department
155 N Taylor Street, Suite 194
Fallon, NV 89406
775-423-7627, Extension 3
775-428-0259 Fax

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Dean Patterson

From: AOL Mail!  <thesurveyor1951@aol.com>
Sent: Tuesday, August 1, 2023 9:10 AM
To: Dean Patterson
Subject: Re: Fernley Business Park abandonment

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On Tuesday, August 1, 2023 at 08:29:24 AM PDT, AOL Mail!  <thesurveyor1951@aol.com> wrote:

The abandonment will eliminate the access easement. It must be replaced with a private access easement per the new map. It should be a condition of approval. Per these conditions I approve this abandonment.

Jeff Cruess
Churchill County Surveyor

On Monday, July 31, 2023 at 11:38:53 AM PDT, Dean Patterson <dean.patterson@churchillcountynv.gov> wrote:

Hi Jeff – I thought we had sent this abandonment application to you before. I have to have the Staff Report finalized by end of Weds, so hopefully I can work things through with you by then. Our code requires your approval. I can add conditions to the abandonment if you see anything.

- Fernley Business Park has a Merger and Resubdivision Parcel Map that was approved but has not yet been recorded – so you have seen this road. The road comes off the highway in Fernley and crosses the County line to get to the site.
- We realized the road easement is public so they cannot gate it off. But they want to, and they are maintaining the road, so they want to abandon the public road easement and have a private road easement in the same location.
- Since they have not finalized the map, I am thinking this abandonment should be incorporated into the map. They are already abandoning some utility easements. Appropriate notes, labels, and certificate changes would be needed.
- Our code does not specify the easement to be public or private, but making it private complicates things – mainly who is entitled to use the road going into the future.
- The County staff is OK with the abandonment of road since it ends in the middle of the site and can't really go anywhere because of the railroad tracks.
- Specific Question: Will this abandonment totally eliminate the easement? If so, does a specific private road easement need to be created BY THE MAP? I am thinking this would be the case – and would need to be a condition of approval.

Please give me a call ASAP after you review the materials. Let me know if you need more documentation.

Thx

Dean Patterson, **Senior Planner**

From: [Robinson, Chris \(NV Energy\)](#)
To: [Diane Moyle](#)
Cc: [Sullivan, Mark \(NV Energy\)](#)
Subject: RE: [INTERNET] August 9, 2023 Churchill County Planning Commission applications
Date: Monday, July 17, 2023 10:10:48 AM
Attachments: [Pallas Industries SUP Application.pdf](#)
[Hooper Management Bancroft Zone Change application.pdf](#)
[Fernley Business Park Abandon Easement application.pdf](#)

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Fernley Business Park, LLC Merger and Resubdivision Parcel Map: All NV Energy facilities will remain in easement, so no issue.

Comment: Relative to the abandonment on Fernley Business Park, LLC Merger and Resubdivision Parcel Map, how is Parcel 3 accessed if the easement is abandoned? The grant in Note 6 is only for the benefit of parcels 1 & 2.

Comments for the other two elements should come from Mark Sullivan. I have copied him here.

From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Friday, July 14, 2023 2:44 PM
To: infofallon <infofallon@nvenergy.com>; Wagner, Matthew (NV Energy) <matt.wagner@nvenergy.com>; Patino, Edgar (NV Energy) <edgar.patino@nvenergy.com>; Robinson, Chris (NV Energy) <christopher.robinson@nvenergy.com>
Cc: Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: [INTERNET] August 9, 2023 Churchill County Planning Commission applications
Importance: High

Some people who received this message don't often get email from diane.moyle@churchillcountynv.gov. [Learn why this is important](#)

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Diane Moyle

(note the new email address)

Public Works, Planning & Zoning Department
155 N Taylor Street, Suite 194
Fallon, NV 89406
775-423-7627, Extension 3
775-428-0259 Fax

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Stewart Nichols
Lead Engineer
CC Communications
Office: (775) 423-7171 ext. 1416
Cell: (775) 427-1295
stewart.nichols@cccomm.co

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Sent: Friday, July 14, 2023 2:47 PM
To: NNDEngineering@swgas.com; Paul.Brown@swgas.com; Stewart Nichols <stewart.nichols@cccomm.co>; Mark Feest <mark.feest@cccomm.co>; benjamin.loar@charter.com; Armando.Grajeda@charter.com
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(note the new email address)
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