



# WASHOE COUNTY

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## STAFF REPORT

**BOARD MEETING DATE:** January 13, 2026

**DATE:** December 16, 2025

**TO:** Board of County Commissioners

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**THROUGH:** Kelly Mullin, AICP, Division Director, Planning & Building Division,  
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**SUBJECT:** Public Hearing: Appeal of the Washoe County Planning Commission's approval of Special Use Permit Case Number WSUP25-0018 (Iveson Ranch) for a high technology industrial use type for drone research and testing and for a private air strip use type; and appeal of the Washoe County Planning Commission's recommendation to the Board of County Commissioners to approve a hazardous materials special use permit for a general industrial – heavy use type to include explosives testing and use and storage of certain hazardous materials in the High Desert planning area, as required by NRS 278.147 and Washoe County Code section 110.810.42. The project site is located at 2001 State Route 34, Gerlach, Nevada 89412 (APN 066-030-05), is 320 acres and is surrounded by public land. The hazardous materials that are proposed to be on site have the following CAS numbers: 121-82-4 (RDX), 118-96-7 (TNT), 78-11-5 (PETN), 2691-41-0 (HMX), and 7790-98-9 (AP). The proposed special use permit includes outdoor storage, and also includes modifications to standards relating to landscaping, parking, noise, and paving.

The appellant is the Burning Man Project and the applicant for the special use permit is BRDR Properties, LLC. The proposed project is in the High Desert Area Plan and has a master plan designation of Rural and is within the General Rural regulatory zone.

The Board of County Commissioners (Board) shall consider the appeal based on the record on appeal and testimony and materials submitted at the Board's public hearing. The Board may affirm, modify or reverse the Planning Commission's decision. (Commission District 5.)

FOR POSSIBLE ACTION

**AGENDA ITEM #** \_\_\_\_\_

## **SUMMARY**

The applicant BRDR Properties LLC, applied for approval of a special use permit for a high technology industrial use type for drone research and testing and for a private air strip use type; and a hazardous materials special use permit for a general industrial – heavy use type to include explosives testing and use and storage of certain hazardous materials in the High Desert planning area, as required by NRS 278.147 and Washoe County Code section 110.810.42. The project site is located at 2001 State Route 34, Gerlach, Nevada 89412 (APN 066-030-05), is 320 acres and is surrounded by public land. The hazardous materials that are proposed to be on site have the following CAS numbers: 121-82-4 (RDX), 118-96-7 (TNT), 78-11-5 (PETN), 2691-41-0 (HMX), and 7790-98-9 (AP). The proposed special use permit includes outdoor storage, and also includes modifications to standards relating to landscaping, parking, noise, and paving.

The special use permit for the high technology industrial use type and private air strip use type was approved on November 20, 2025, by the Washoe County Planning Commission. Further, the Washoe County Planning Commission recommended approval of the hazardous materials special use permit for general industrial-heavy use type. The appellant, Burning Man Project, has appealed the Planning Commission’s action in its entirety based on concerns primarily related to the frequency of explosive testing and the weight of explosive material used.

**Washoe County Strategic Objective supported by this item:** Economic Impacts: Meet the needs of our growing community.

## **PREVIOUS ACTION**

December 1, 2025: Appellant, Burning Man Project, submitted an appeal of the Planning Commission’s decision approving WSUP25-0018 (Iveson Ranch) and recommending approval of the hazardous materials SUP to the Board of County Commissioners.

November 20, 2025: The Washoe County Planning Commission reviewed WSUP25-0018 (Iveson Ranch) and approved a special use permit for a high technology industrial use type for drone research and testing and for a private air strip use type. Additionally, the Planning Commission recommended that the Board of County Commissioners approve a hazardous materials special use permit for a general industrial – heavy use type, to include explosives testing and use and storage of certain hazardous materials, as required by NRS 278.147 and Washoe County Code (“WCC”) section 110.810.42, in the High Desert planning area. The special use permit approved by the Planning Commission also includes outdoor storage, and modifications to standards relating to landscaping, parking, noise, and paving.

August 6, 2025. A supplemental neighborhood meeting was conducted with one resident attending. The resident who attended the meeting had concerns related to hazardous materials but had no opposition to the proposed project.

July 28, 2025. A neighborhood meeting was conducted via Zoom. There were 4 residents/business owners from the notified area that attended the meeting.

## **NEIGHBORHOOD MEETING**

A neighborhood meeting was required for the subject SUP. A summary of that meeting was provided to the Planning Commission and is available in Attachment C, Planning Commission Staff Report.

## **BACKGROUND**

The Washoe County Planning Commission approved the applicant's request for the special use permit for a high technology industrial use type for drone research and testing and for a private air strip use type, and recommended approval to the BCC of a special use permit for hazardous materials special use permit for a general industrial – heavy use type, after determining that the following findings required by WCC 110.810.30 and WCC 110.810.42(d) were met:

- 1) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the High Desert Planning Area;
- 2) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- 3) Site Suitability. That the site is physically suitable for major grading, and for the intensity of such a development;
- 4) Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
- 5) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Please see the Planning Commission Signed Action Order (Attachment A), and a full staff analysis of the project and required findings can be found within the Planning Commission Staff Report (Attachment C). The Planning Commission staff report provides more details concerning the proposed use types. This Board is charged with considering the same findings required by WCC 110.810.30 and WCC 110.810.42(d). If this Board can make all five required findings, the decision of the PC should be affirmed and the SUP is approved. If this Board cannot make all five findings required by WCC 110.810.30 and WCC 110.810.42(d), the Board may reverse the Planning Commission's decision and deny WSUP25-0018.

Appellant Burning Man Project, a nonprofit organization appeals the entirety of the Planning Commission decision. The Burning Man Project states that good faith discussions occurred between the applicant (BRDR Properties, LLC) and Burning Man, and that the applicant agreed to mitigation measures, including two (2) key conditions meant to limit the frequency and intensity of energetics testing. The appellant contends that the issuance not detrimental finding can not be made without the inclusion of these conditions.

The appellant included these agreed upon conditions in the appeal application (Attachment B), but a follow up meeting occurred with the applicant, appellant, and County staff to address concerns with the County's ability to enforce the conditions the parties agreed to. As a result of the follow up meeting, a condition drafted by County staff was provided to the applicant and the appellant and minor edits occurred, but both the appellant and applicant have agreed on the proposed language, which planning staff believes is appropriate and enforceable. That jointly agreed upon condition of approval is as follows:

### **Proposed Condition**

*The applicant has proposed and consents to conditioning the hazardous material SUP on the following limitations which shall also be reflected on the operational plan submitted to the fire district for any explosive permits:*

- *Energetics testing of no more than 12 pounds of explosive and/or detonative material per test;*
- *Energetics test frequency is limited to 5 tests per day, and no more than 375 tests within a 12-month period, including:*
  - *Up to 260 detonators*
  - *Up to 40 one (1) gram to five (5)-pound charges*
  - *Up to an additional 40 one (1) gram to twelve (12)-pound charges*
  - *Up to 40 solid rocket motors*
  - *Total tests not to exceed 375 tests within a 12-month period*

*The applicant is solely responsible for maintaining an accurate accounting of all blasting activity on site and shall provide the records of energetics activity to Washoe County upon request. The records must indicate the weight, date and time of each energetic tested and must track testing of solid rocket motors and detonators. The applicant must maintain all records for a minimum of 36 months. The applicant will be required to submit an amendment of conditions request to increase any of these limits.*

*Enforcement of this condition shall be through the review of such records provided by the applicant.*

Through these combined talks between the appellant, applicant and County staff, an additional amended condition was proposed and supported by all parties.

***Original Condition:*** v. (Applicable to Private Air Strip) – Airplane and drone flights on Sundays shall not exceed five times per year, at the applicants discretion.

***Modified Condition:*** v. (Applicable to Private Air Strip) – Airplane and drone flights on Sundays shall not exceed five **Sundays** per year, at the applicant's discretion, **with the exception of medical evacuation flights, which shall not be included in this limitation.**

The appellant contends that by placing these additional conditions on the proposed application, all the required findings including the issuance not detrimental finding can be made. They further contend that these conditions would not impede the applicant's planned business, operations, or use of the land, and that the applicants own willingness

to collaborate with the appellant in drafting these conditions indicates a shared purpose and understanding to the matter.

### **RECOMMENDATION REGARDING MODIFICATION OF CONDITIONS OF APPROVAL**

The BCC has the ability to affirm, reverse, or modify the Planning Commission's action. Although the evidence presented to the Planning Commission supported their approval even without the additional conditions set forth above, in light of the applicant's agreement to limit the frequency and size of explosive testing, and the County's ability to enforce the condition as now written, the parties request that the BCC affirm the Planning Commission's approval of WSUP25-0018 (Iveson Ranch) and recommendation for approval of the hazardous materials special use permit, with the modified conditions of approval to include the above quoted limitation to testing frequency and explosive size and clarification regarding Sunday flights.

### **PUBLIC HEARING NOTICE**

Notice for special use permits must be given in accordance with WCC 110.810.25, as amended. Owners of all real property to be noticed are owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records.

As part of the hazardous materials special use permit, longer noticing periods, additional noticing and additional consultation was required, to include:

- Noticing by mail at least thirty (30) days before the public hearing in accordance with WCC 110.810.42(c)(1).
- Noticing in a newspaper of general circulation published at least thirty (30) days before the Board's scheduled public hearing on the hazardous materials special use permit.

The following agencies were also noticed as is required by WCC 110.810.42(c) and NRS 278.147(4)(a)(1-6).

- Kelly Thomas, The Nevada Division of Environmental Protection of the Nevada State Department of Conservation and Natural Resources.
- Albert Ruiz and Nicole Hoekstra of the Nevada State Fire Marshal Division.
- Marc Stewart, Industrial Hygiene Supervisor with the Division of Industrial Relations of the Nevada State Department of Business and Industry.
- Nicholas Lafronz, Safety Manager with the Division of Industrial Relations of the Nevada State Department of Business and Industry.
- And the governing body of any city or county that may be affected by the issuance of the special use permit. In this instance, notice was sent through Jan Galassini – the County Clerk.

### **FISCAL IMPACT**

No fiscal impact.

## **RECOMMENDATIONS**

The Board of County Commissioners should review the whole of the record and consider the record, and any testimony, materials and evidence submitted at the Board's public hearing. The Board may take one of the following actions:

1. Affirm the Planning Commission's decision and approve WSUP25-0018 (Iveson Ranch); or
2. Reverse the Planning Commission's decision and deny WSUP25-0018 (Iveson Ranch);  
  
or, as requested by both the applicant and appellant, and recommended by planning staff;
3. Affirm the Planning Commission's decision to approve WSUP25-0018 (Iveson Ranch) with two modifications to the conditions of approval, specifically the inclusion of condition 1y and the modification of condition 1v as set forth in Attachment H, Staff Recommended Modified Conditions of Approval.

## **POSSIBLE MOTIONS**

The Board of County Commissioners should review the record and consider the record and any testimony and materials submitted at the public hearing. The Board may take one of the following actions:

1. "Move to affirm the decision of the Planning Commission approving WSUP25-0018 (Iveson Ranch) and recommending approval to this board of the hazardous material SUP."
2. "Move to reverse the decision of the Planning Commission and deny WSUP25-0018 (Iveson Ranch)."
3. "Move to affirm the decision of the Planning Commission approving WSUP25-0018 (Iveson Ranch) with the modifications set forth in the Conditions of Approval, adding a new condition 1y, and amending the language of condition 1v, based upon the ability to make all five of the special use permit findings required by WCC Section 110.810.30 and 110.810.42(d) based on the record and evidence presented today."

Whether approving, denying, or modifying, the Board must articulate the factual evidence that enables or prevents it from making the findings required by WCC Section 110.810.30 and WCC 110.810.42(d).

**ATTACHMENTS**

**Attachments A through G and I Constitutes the Record on Appeal:**

- A. Planning Commission signed Action Order dated 11/21/25
- B. Appeal Application received 12/01/25
- C. Planning Commission Staff Report with Attachments
- D. Staff Presentation to the Planning Commission
- E. Applicant Presentation to the Planning Commission
- F. Planning Commission Meeting Minutes.
- G. Video Recording of Board of Adjustment Hearing
- H. Staff Recommended Modified Conditions of Approval.
- I. Public Comment before Planning Commission
- J. Public Comment after Planning Commission

cc:     Appellant:                     Burning Man Project  
         Owner:                         BRDR Properties LLC  
         Applicant Representative:     Catherine Reichenberg, Esq