

1 Pursuant to NRS 239B.030, the undersigned
2 affirms that the following document does not
3 contain the social security number of any person.

4 JOHN L. MARSHALL
5 SBN 6733
6 570 Marsh Avenue
7 Reno, Nevada 89509
8 Telephone: (775) 303-4882
9 Attorney for Petitioners Comstock
10 Residents Association & Joe McCarthy

11
12 IN THE SUPREME COURT OF THE STATE OF NEVADA

13 COMSTOCK RESIDENTS ASSOCIATION,
14 JOE McCARTHY

15 Appellants,
16 00128

No. 68433
District Court Case No. 14-CV-

17 v.

18 LYON COUNTY BOARD OF
19 COMMISSIONERS; COMSTOCK
20 MINING INCORPORATED

21 Respondents,
22 _____/

23 **JOINT APPENDIX**

24 **VOLUME 18**

25 **PAGES 2895-2919**
26
27
28

ALPHABETICAL INDEX TO JOINT APPENDIX

<u>Document (date filed)</u>	<u>Volume:Page</u>
Complaint for Declaratory and Injunctive Relief/Petition for Writ of Mandate or Judicial Review (1/31/2014)	1:0001
Comstock Mining Incorporated's Answer to Complaint (3/28/2014)	1:0053
Comstock Residents Association's Opening Brief on Petition for Judicial Review (12/16/2014)	28:3837
Comstock Residents Association's Opposition Brief in Support of Petition for Judicial Review (1/9/2015)	28:3894
Comstock Residents Association's Reply Brief in Support of Motion to Augment Record (1/9/2015)	28:3888
Comstock Residents Association's Reply Brief in Support of Petition for Judicial Review (1/20/2015)	28:3926
CRA's Notice of Supplemental Authority re Motion to Amend (10/14/2014)	28:3754
CRA's Reply to Lyon County and CMI's Oppositions to Motion to Amend Complaint/Petition (8/5/2014)	27:3746
Joinder to Defendant Lyon County Board of Commissioners' Motion to Dismiss (6/13/2014)	27:3648
Joint Opposition of Respondents Lyon County Board of Commissioners and Comstock Mining Incorporated to Motion to Augment Record (1/2/2015)	28:3881
Lyon County Board of Commissioners' Answer to Complaint (3/27/2014)	1:0038
Lyon County Board of Commissioners' Motion to Dismiss or, in the Alternative, Motion for Partial Summary Judgment (6/10/2014) ...	1:0082

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Document (date filed)</u>	<u>Volume:Page</u>
Lyon County Board of Commissioners’ Opposition to Motion to Amend Complaint/Petition (7/29/2014)	27:3721
Lyon County Board of Commissioners’ Reply to Opposition to Motion to Dismiss (7/29/2014).....	27:3730
Lyon County’s Objection to Court’s Consideration of CRA’s Supplemental Authority (10/16/2014)	28:3757
Memorandum of Points and Authorities in Opposition to Comstock Residents Association’s Opening Brief in Support of Petition for Judicial Review (1/12/2015).....	28:3905
Memorandum of Points and Authorities in Opposition to Petition for Judicial Review (12/15/2014).....	28:3785
Memorandum of Points and Authorities in Reply to Comstock Residents Association’s Opposition Brief in Support of Petition for Judicial Review (1/16/2015).....	28:3917
Motion to Amend Complaint/Petition (7/3/2014)	27:3651
Motion to Augment Record and/or Request for Judicial Notice (12/16/2014)	28:3812
Notice of Assignment by Clerk [Senior Judge Estes] (6/10/2014).....	1:0079
Notice of Entry of Order [Denying Motion to Amend Complaint/Petition] (12/8/2014).....	28:3772
Notice of Entry of Order [Granting in Part and Denying in Part Motion to Dismiss] (12/8/2014)	28:3777
Notice of Entry of Order [Granting in Part and Denying in Part Plaintiffs’ Motion to Augment Record] (6/10/2015)	28:3944
Notice of Entry of Order [Denying Petition for	

1	Judicial Review] (6/15/2015).....	28:3949
2	<u>Document (date filed)</u>	<u>Volume:Page</u>
3		
4	Objection to Court’s Consideration of CRA’s Supplemental	
5	Authority (10/21/2014)	28:3760
6	Opposition to Motion to Dismiss (7/3/2014)	27:3695
7	Opposition to Plaintiffs/Petitioners’ Motion to Amend	
8	Complaint/Petition (7/25/2014)	27:3712
9	Order Denying Petition for Judicial Review (6/5/2015).....	28:3937
10	Order Denying Plaintiffs [sic] Motion to Amend (12/3/2014)	28:3793
11		
12	Order Granting in Part and Denying in Part Motion to	
13	Augment Record (6/5/2015)	28:3941
14	Order Granting in Part and Denying in Part Motion to Dismiss (12/3/2014)	28:3766
15	Order of Recusal [Judge Rogers] (4/1/2014)	1:0071
16	Order of Recusal [Judge Aberasturi] (5/2/2014)	1:0076
17		
18	Petitioners Comstock Residents Association and Joe McCarthy’s	
19	Notice of Appeal (7/14/2015)	28:3955
20	Record on Appeal (6/10/2014)	1:0102
21	Supplement to Record on Appeal (1/2/2015)	28:3877

Date: Tuesday, November 19, 2013 9:45 AM

To: Corrado DeGasperi <DeGasperi@comstockmining.com>

Subject: Fwd: Comstock Mining, Inc. & Silver City

----- Forwarded message -----

From: Rob Loveberg <rloveberg@lyon-county.org>

Date: Mon, Nov 18, 2013 at 4:48 PM

Subject: Comstock Mining, Inc. & Silver City

To: Jeff Page <jpage@lyon-county.org>

Jeff,

As we discussed, Chuck Davies called me this afternoon with a suggestion regarding the CMI master plan amendment and zone change matter. Chuck suggested that a potential win/win option to the current CMI master plan amendment and zone change may be the preparation of the Silver City community plan, or at least a portion of the plan. This would permit both CMI and the community to work together on the mining issue in a facilitated setting. A compromise, mitigation, or other solutions might be found.

To accomplish this in a timely (quicker) fashion, funds and outside resources would be necessary. CMI could expedite such an effort by providing funds to the County for the community plan effort. The outside consultant(s) would work for the County, not CMI. The citizens of Silver City and CMI could work together to try to come to an agreeable solution in a structured process.

Chuck feels that this would be better than one side or the other loosing from the current application process.

Please let me know if you have any questions.

--

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
[775.463.6592](tel:775.463.6592) office
[775.302.6051](tel:775.302.6051) cell
[775.463.5305](tel:775.463.5305) fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

--

Jeffery A. Page

Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531/(775) 577-5037
(775) 302-7088 (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

Corrado DeGasperis <DeGasperis@comstockmining.com>
To: Jeff Page <jpage@lyon-county.org>

Mon, Nov 25, 2013 at 9:36 AM

Jeff, apologies for not connecting Saturday. My day got away from me. Is there a convenient time that I can call you today? Please let me know. Kind thanks

On Nov 19, 2013, at 9:45 AM, "Jeff Page" <jpage@lyon-county.org> wrote:

----- Forwarded message -----

From: **Rob Loveberg** <rloveberg@lyon-county.org>
Date: Mon, Nov 18, 2013 at 4:48 PM
Subject: Comstock Mining, Inc. & Silver City
To: Jeff Page <jpage@lyon-county.org>

Jeff,

As we discussed, Chuck Davies called me this afternoon with a suggestion regarding the CMI master plan amendment and zone change matter. Chuck suggested that a potential win/win option to the current CMI master plan amendment and zone change may be the preparation of the Silver City community plan, or at least a portion of the plan. This would permit both CMI and the community to work together on the mining issue in a facilitated setting. A compromise, mitigation, or other solutions might be found.

To accomplish this in a timely (quicker) fashion, funds and outside resources would be necessary. CMI could expedite such an effort by providing funds to the County for the community plan effort. The outside consultant(s) would work for the County, not CMI. The citizens of Silver City and CMI could work together to try to come to an agreeable solution in a structured process.

Chuck feels that this would be better than one side or the other loosing from the current application process.

Please let me know if you have any questions.

--

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street

JA2896

14 CV 00128 - 002791
LYON COUNTY

Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

--

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531/(775) 577-5037
(775) 302-7088 (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

Jeff Page <jpage@lyon-county.org>
To: Corrado DeGasperi <DeGasperi@comstockmining.com>

Mon, Nov 25, 2013 at 9:45 AM

I am available after 1:30 this afternoon

On Mon, Nov 25, 2013 at 9:36 AM, Corrado DeGasperi <DeGasperi@comstockmining.com> wrote:
Jeff, apologies for not connecting Saturday. My day got away from me. Is there a convenient time that I can call you today? Please let me know. Kind thanks

On Nov 19, 2013, at 9:45 AM, "Jeff Page" <jpage@lyon-county.org> wrote:

----- Forwarded message -----

From: **Rob Loveberg** <rloveberg@lyon-county.org>
Date: Mon, Nov 18, 2013 at 4:48 PM
Subject: Comstock Mining, Inc. & Silver City
To: Jeff Page <jpage@lyon-county.org>

Jeff,

As we discussed, Chuck Davies called me this afternoon with a suggestion regarding the CMI master plan amendment and zone change matter. Chuck suggested that a potential win/win option to the current CMI master plan amendment and zone change may be the preparation of the Silver City community plan, or at least a portion of the plan. This would permit both CMI and the community to work together on the mining issue in a facilitated setting. A compromise, mitigation, or other solutions might be found.

To accomplish this in a timely (quicker) fashion, funds and outside resources would be necessary. CMI could expedite such an effort by providing funds to the County for the community plan effort. The outside consultant(s) would work for the County, not CMI. The citizens of Silver City and CMI could work together to try to come to an agreeable solution in a structured process.

Chuck feels that this would be better than one side or the other losing from the current application process.

Please let me know if you have any questions.

—

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
[775.463.6592](tel:775.463.6592) office
[775.302.6051](tel:775.302.6051) cell
[775.463.5305](tel:775.463.5305) fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

—

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
[775\) 463-6531](tel:775.463.6531)/[775\) 577-5037](tel:775.577.5037)
[775\) 302-7088](tel:775.302.7088) (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

JA2898

14 CV 00128 - 002793
LYON COUNTY

—
Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531/(775) 577-5037
(775) 302-7088 (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

Corrado DeGasperis <DeGasperis@comstockmining.com>
To: Jeff Page <jpage@lyon-county.org>

Mon, Nov 25, 2013 at 9:46 AM

Great, thank you. I will call just after 1:30pm. Kind regards,

On Nov 25, 2013, at 9:45 AM, "Jeff Page" <jpage@lyon-county.org> wrote:

I am available after 1:30 this afternoon

On Mon, Nov 25, 2013 at 9:36 AM, Corrado DeGasperis <DeGasperis@comstockmining.com> wrote:

Jeff, apologies for not connecting Saturday. My day got away from me. Is there a convenient time that I can call you today? Please let me know. Kind thanks

On Nov 19, 2013, at 9:45 AM, "Jeff Page" <jpage@lyon-county.org> wrote:

----- Forwarded message -----

From: **Rob Loveberg** <rloveberg@lyon-county.org>
Date: Mon, Nov 18, 2013 at 4:48 PM
Subject: Comstock Mining, Inc. & Silver City
To: Jeff Page <jpage@lyon-county.org>

Jeff,

As we discussed, Chuck Davies called me this afternoon with a suggestion regarding the CMI master plan amendment and zone change matter. Chuck suggested that a potential win/win option to the current CMI master plan amendment and zone change may be the preparation of the Silver City community plan, or at least a portion of the plan. This would permit both CMI and the community to work together on the mining issue in a facilitated setting. A compromise, mitigation, or other solutions might be found.

To accomplish this in a timely (quicker) fashion, funds and outside resources would be necessary. CMI could expedite such an effort by providing funds to the County for the community plan effort. The outside consultant(s) would work for the County, not CMI. The citizens of Silver City and CMI could work together to try to come to an agreeable solution in a structured process.

Chuck feels that this would be better than one side or the other loosing from the current application process.

Please let me know if you have any questions.

--

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
[775.463.6592](tel:775.463.6592) office
[775.302.6051](tel:775.302.6051) cell
[775.463.5305](tel:775.463.5305) fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

--

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
[\(775\) 463-6531](tel:(775)463-6531)/[\(775\) 577-5037](tel:(775)577-5037)
[\(775\) 302-7088](tel:(775)302-7088) (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

--

Jeffery A. Page

JA2900

14 CV 00128 - 002795
LYON COUNTY

Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531/(775) 577-5037
(775) 302-7088 (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

Corrado DeGasperis <DeGasperis@comstockmining.com>
To: Jeff Page <jpage@lyon-county.org>

Mon, Nov 25, 2013 at 1:33 PM

Jeff, I can call at 1:45pm

On Nov 25, 2013, at 9:45 AM, "Jeff Page" <jpage@lyon-county.org> wrote:

I am available after 1:30 this afternoon

On Mon, Nov 25, 2013 at 9:36 AM, Corrado DeGasperis <DeGasperis@comstockmining.com> wrote:

Jeff, apologies for not connecting Saturday. My day got away from me. Is there a convenient time that I can call you today? Please let me know. Kind thanks

On Nov 19, 2013, at 9:45 AM, "Jeff Page" <jpage@lyon-county.org> wrote:

----- Forwarded message -----

From: **Rob Loveberg** <rloveberg@lyon-county.org>
Date: Mon, Nov 18, 2013 at 4:48 PM
Subject: Comstock Mining, Inc. & Silver City
To: Jeff Page <jpage@lyon-county.org>

Jeff,

As we discussed, Chuck Davies called me this afternoon with a suggestion regarding the CMI master plan amendment and zone change matter. Chuck suggested that a potential win/win option to the current CMI master plan amendment and zone change may be the preparation of the Silver City community plan, or at least a portion of the plan. This would permit both CMI and the community to work together on the mining issue in a facilitated setting. A compromise, mitigation, or other solutions might be found.

To accomplish this in a timely (quicker) fashion, funds and outside resources would be necessary. CMI could expedite such an effort by providing funds to the County for the community plan effort. The outside consultant(s) would work for the County, not CMI. The citizens of Silver City and CMI could work together to try to

come to an agreeable solution in a structured process.

Chuck feels that this would be better than one side or the other loosing from the current application process.

Please let me know if you have any questions.

--

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
[775.463.6592](tel:775.463.6592) office
[775.302.6051](tel:775.302.6051) cell
[775.463.5305](tel:775.463.5305) fax
rlloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

--

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
 [\(775\) 463-6531](tel:(775)463-6531) / [\(775\) 577-5037](tel:(775)577-5037)
 [\(775\) 302-7088](tel:(775)302-7088) (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

--

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
 [\(775\) 463-6531](tel:(775)463-6531) / [\(775\) 577-5037](tel:(775)577-5037)

(775) 302-7088 (Cell)

"It is amazing what you can accomplish if you do not care who gets the credit" Harry S. Truman

Jeff Page <jpage@lyon-county.org>

Mon, Nov 25, 2013 at 1:57 PM

To: Rob Loveberg <rloveberg@lyon-county.org>, Kerry Page <kpage@lyon-county.org>, Chuck Davies <ced302@att.net>

Rob and Kerry,

I just got off the phone with Corrado DeGasperis and he would like to have a face to face meeting with Chuck Davies, Rob and me December 3 or 4, 2013 in regards to Chucks thoughts about the Community Component of the Master Plan. Will you please see if we can make this happen? Thanks

On Mon, Nov 18, 2013 at 4:48 PM, Rob Loveberg <rloveberg@lyon-county.org> wrote:

Jeff,

As we discussed, Chuck Davies called me this afternoon with a suggestion regarding the CMI master plan amendment and zone change matter. Chuck suggested that a potential win/win option to the current CMI master plan amendment and zone change may be the preparation of the Silver City community plan, or at least a portion of the plan. This would permit both CMI and the community to work together on the mining issue in a facilitated setting. A compromise, mitigation, or other solutions might be found.

To accomplish this in a timely (quicker) fashion, funds and outside resources would be necessary. CMI could expedite such an effort by providing funds to the County for the community plan effort. The outside consultant(s) would work for the County, not CMI. The citizens of Silver City and CMI could work together to try to come to an agreeable solution in a structured process.

Chuck feels that this would be better than one side or the other loosing from the current application process.

Please let me know if you have any questions.

—

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently

delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

—
Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531/(775) 577-5037
(775) 302-7088 (Cell)

"It is amazing what you can accomplish if you do not care who gets the credit" Harry S. Truman

Chuck Davies <ced302@att.net>

Mon, Nov 25, 2013 at 2:26 PM

Reply-To: Chuck Davies <ced302@att.net>

To: Jeff Page <jpage@lyon-county.org>, Rob Loveberg <rloveberg@lyon-county.org>, Kerry Page <kpage@lyon-county.org>

All:

I am available on the 4th of December, but not on the 3rd.. Should a representative of Silver City be invited to this meeting?.

Chuck

From: Jeff Page <jpage@lyon-county.org>

To: Rob Loveberg <rloveberg@lyon-county.org>; Kerry Page <kpage@lyon-county.org>; Chuck Davies <ced302@att.net>

Sent: Monday, November 25, 2013 1:57 PM

Subject: Re: Comstock Mining, Inc. & Silver City

Rob and Kerry,

I just got off the phone with Corrado DeGasperis and he would like to have a face to face meeting with Chuck Davies, Rob and me December 3 or 4, 2013 in regards to Chucks thoughts about the Community Component of the Master Plan. Will you please see if we can make this happen? Thanks

On Mon, Nov 18, 2013 at 4:48 PM, Rob Loveberg <rloveberg@lyon-county.org> wrote:

Jeff,

As we discussed, Chuck Davies called me this afternoon with a suggestion regarding the CMI master plan

amendment and zone change matter. Chuck suggested that a potential win/win option to the current CMI master plan amendment and zone change may be the preparation of the Silver City community plan, or at least a portion of the plan. This would permit both CMI and the community to work together on the mining issue in a facilitated setting. A compromise, mitigation, or other solutions might be found.

To accomplish this in a timely (quicker) fashion, funds and outside resources would be necessary. CMI could expedite such an effort by providing funds to the County for the community plan effort. The outside consultant(s) would work for the County, not CMI. The citizens of Silver City and CMI could work together to try to come to an agreeable solution in a structured process.

Chuck feels that this would be better than one side or the other losing from the current application process.

Please let me know if you have any questions.

--

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

--

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531/(775) 577-5037
(775) 302-7088 (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***



Jeff Page <jpage@lyon-county.org>

Planning Meeting

5 messages

Jeff Page <jpage@lyon-county.org>

Mon, Nov 25, 2013 at 3:44 PM

To: Corrado DeGasperi <DeGasperi@comstockmining.com>

Corrado,

It appears the best time and location will be December 4, 2013 @ 9:00 AM at the Lyon County Public Works Office in Dayton. 34 Lakes Blvd

—

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531/(775) 577-5037
(775) 302-7088 (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

Corrado DeGasperi <DeGasperi@comstockmining.com>

Mon, Nov 25, 2013 at 4:16 PM

To: Jeff Page <jpage@lyon-county.org>

Confirmed. Thank you very much and I look forward to seeing you then?

On Nov 25, 2013, at 3:44 PM, "Jeff Page" <jpage@lyon-county.org> wrote:

Corrado,

It appears the best time and location will be December 4, 2013 @ 9:00 AM at the Lyon County Public Works Office in Dayton. 34 Lakes Blvd

--

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531/(775) 577-5037
(775) 302-7088 (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

Jeff Page <jpage@lyon-county.org>

Mon, Nov 25, 2013 at 4:18 PM

To: Rob Loveberg <rloveberg@lyon-county.org>, Chuck Davies <ced302@att.net>

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531 Office
(775) 302-7088 Cell

----- Forwarded message -----

From: "Corrado DeGasperis" <DeGasperis@comstockmining.com>

Date: Nov 25, 2013 4:17 PM

Subject: Re: Planning Meeting

To: "Jeff Page" <jpage@lyon-county.org>

Cc:

Confirmed. Thank you very much and I look forward to seeing you then?

On Nov 25, 2013, at 3:44 PM, "Jeff Page" <jpage@lyon-county.org> wrote:

Corrado,

It appears the best time and location will be December 4, 2013 @ 9:00 AM at the Lyon County Public Works Office in Dayton. 34 Lakes Blvd

--

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531/(775) 577-5037
(775) 302-7088 (Cell)

"It is amazing what you can accomplish if you do not care who gets the credit" Harry S. Truman

Corrado DeGasperis <DeGasperis@comstockmining.com>

Mon, Dec 2, 2013 at 7:40 AM

To: Jeff Page <jpage@lyon-county.org>

Jeff, just re-confirming Wednesday AM, as indicated below. I look forward to seeing you then. Best regards.

Corrado De Gasperis
President & CEO
Comstock Mining Inc.



NYSE MKT: LODE

[775-847-4755](tel:775-847-4755) (o)

[775-848-5310](tel:775-848-5310) (c)

1200 American Flat Road

PO Box 1118

Virginia City, NV 89440



From: Jeff Page <jpage@lyon-county.org>
Date: Monday, November 25, 2013 3:44 PM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>
Subject: Planning Meeting

Corrado,

It appears the best time and location will be December 4, 2013 @ 9:00 AM at the Lyon County Public Works Office in Dayton. 34 Lakes Blvd

--

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
[775-463-6531](tel:775-463-6531)/[775-577-5037](tel:775-577-5037)
[775-302-7088](tel:775-302-7088) (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

Jeff Page <jpage@lyon-county.org>
To: Corrado DeGasperis <DeGasperis@comstockmining.com>

Mon, Dec 2, 2013 at 7:50 AM

Yes we will be there. Thanks

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531 Office
(775) 302-7088 Cell

On Dec 2, 2013 7:40 AM, "Corrado DeGasperis" <DeGasperis@comstockmining.com> wrote:
Jeff, just re-confirming Wednesday AM, as indicated below. I look forward to seeing you then. Best regards.

Corrado De Gasperis
President & CEO
Comstock Mining Inc.



NYSE MKT: LODE

[775-847-4755](tel:775-847-4755) (o)
[775-848-5310](tel:775-848-5310) (c)
1200 American Flat Road
PO Box 1118
Virginia City, NV 89440



From: Jeff Page <jpage@lyon-county.org>
Date: Monday, November 25, 2013 3:44 PM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>
Subject: Planning Meeting

Corrado,

It appears the best time and location will be December 4, 2013 @ 9:00 AM at the Lyon County Public Works Office in Dayton. 34 Lakes Blvd

--

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447

(775) 463-6531/(775) 577-5037
(775) 302-7088 (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***



Jeff Page <jpage@lyon-county.org>

FW: BOC 12/05/2013 Agenda & Backup

7 messages

Corrado DeGasperis <DeGasperis@comstockmining.com>

Tue, Nov 26, 2013 at 8:12 PM

To: Jeff Page <jpage@lyon-county.org>

Cc: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Jeff, can Elaine and I also get on the mailing/distribution lists for these? I just noticed item #28? I recall that you had indicated that you were not interested in relocating these meetings to SC? Did something change? Please advise.

We can also discuss live tomorrow, if you are available. Please let me know.

Kindest regards and happy thanksgiving, Corrado

Subject: BOC 12/05/2013 Agenda & Backup



BOC 120513 Agenda and Backup.pdf

7102K

Jeff Page <jpage@lyon-county.org>

Tue, Nov 26, 2013 at 8:22 PM

To: Corrado DeGasperis <DeGasperis@comstockmining.com>

No, my recommendation is not to move. We have a request for the board to make that decision.

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531 Office
(775) 302-7088 Cell

[Quoted text hidden]

Corrado DeGasperis <DeGasperis@comstockmining.com>

Tue, Nov 26, 2013 at 8:25 PM

To: Jeff Page <jpage@lyon-county.org>

Kind thanks

[Quoted text hidden]

Corrado DeGasperis <DeGasperis@comstockmining.com>

Tue, Dec 3, 2013 at 11:19 AM

To: Jeff Page <jpage@lyon-county.org>

Jeff, can you advise if Rob is planning on attending tomorrow AM, just want to confirm.

Kind thanks.

Corrado De Gasperis

President & CEO

Comstock Mining Inc.



NYSE MKT: LODE

[775-847-4755](tel:775-847-4755) (o)

[775-848-5310](tel:775-848-5310) (c)

1200 American Flat Road

PO Box 1118

Virginia City, NV 89440



From: Jeff Page <jpage@lyon-county.org>

Date: Tuesday, November 26, 2013 8:22 PM

To: Corrado DeGasperis <DeGasperis@comstockmining.com>

Subject: Re: FW: BOC 12/05/2013 Agenda & Backup

[Quoted text hidden]

Jeff Page <jpage@lyon-county.org>

Tue, Dec 3, 2013 at 11:42 AM

To: Corrado DeGasperis <DeGasperis@comstockmining.com>

Cc: Rob Loveberg <rloveberg@lyon-county.org>

Yes he will be there

Jeffery A. Page

Lyon County Manager

27 South Main Street

Yerington, NV 89447

(775) 463-6531 Office

(775) 302-7088 Cell

[Quoted text hidden]

Corrado DeGasperis <DeGasperis@comstockmining.com>

Tue, Dec 3, 2013 at 1:13 PM

To: Jeff Page <jpage@lyon-county.org>

Jeff, thank you. Are you available for a brief discussion at some point today? Please let me know.

Corrado De Gasperis

President & CEO

Comstock Mining Inc.



NYSE MKT: LODE

775-847-4755 (o)

775-848-5310 (c)

1200 American Flat Road

PO Box 1118

Virginia City, NV 89440



From: Jeff Page <jpage@lyon-county.org>

Date: Tuesday, December 3, 2013 11:42 AM

To: Corrado DeGasperis <DeGasperis@comstockmining.com>

Cc: Rob Loveberg <rloveberg@lyon-county.org>

Subject: Re: BOC 12/05/2013 Agenda & Backup

[Quoted text hidden]

Jeff Page <jpage@lyon-county.org>

Tue, Dec 3, 2013 at 1:55 PM

To: Corrado DeGasperis <DeGasperis@comstockmining.com>

Yes any time after 2:30

Jeffery A. Page

Lyon County Manager

27 South Main Street

Yerington, NV 89447

(775) 463-6531 Office

(775) 302-7088 Cell

[Quoted text hidden]



Steve Rye <srye@lyon-county.org>

Fwd: Re: Could Barbara and I meet with You?

1 message

Joe Mortensen <joe@mo.com>

Fri, Feb 21, 2014 at 10:47 AM

To: srye@lyon-county.org

----- Original Message -----

Subject:Re: Could Barbara and I meet with You?**Date:**Tue, 21 Jan 2014 08:50:27 -0800**From:**Gayle Sherman <gales@gbis.com>**To:**Joe Mortensen <joe@mo.com>**CC:**Barbara Peck <bpecknv@yahoo.com>

Thanks so much Joe. How about 10AM at Starbucks in Dayton.on Monday, January 27th.

See you there.

Gayle

----- Original Message -----

From: Joe Mortensen**To:** Gayle Sherman**Sent:** Tuesday, January 21, 2014 8:25 AM**Subject:** Re: Could Barbara and I meet with You?

Hello Gayle, Monday will be fine. 10:30 or 10:00 at Starbucks or where ever you would like to meet.

Thanks, Joe Mortensen

On 1/20/2014 11:51 AM, Gayle Sherman wrote:

Hello Joe,

I was wondering if Barbara Peck and I could meet with you? We are still struggling with the results of the County Commissioners hearing re: CMI's application and wondered if you could give us any insight into the decision.

Do you have anytime available on Monday, January 27th early morning or late afternoon?

Thanks

Gayle Sherman



Steve Rye <srye@lyon-county.org>

Fwd: Last minute letter

1 message

Joe Mortensen <joe@mo.com>
To: srye@lyon-county.org

Fri, Feb 21, 2014 at 10:41 AM

----- Original Message -----

Subject:Last minute letter**Date:**Thu, 2 Jan 2014 13:21:42 +0000**From:**Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>**Reply-To:**Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>**To:**ninergold3@gmail.com <ninergold3@gmail.com>, pricelessrealtyinc@yahoo.com
<pricelessrealtyinc@yahoo.com>, joe@mo.com <joe@mo.com>, rferronv@gmail.com
<rferronv@gmail.com>

The attached letter came to me last night and I was asked to pass it on to all of you. I sent it it to Jeff Page to be put into the record as well.

Warm Regards, Elaine

Sent from my Verizon Wireless 4G LTE Smartphone

**Letter to Lyon County3.docx**

1139K



Steve Rye <srye@lyon-county.org>

Fwd: Possible meeting

1 message

Joe Mortensen <joe@mo.com>
To: srye@lyon-county.org

Fri, Feb 21, 2014 at 10:44 AM

----- Original Message -----

Subject:Possible meeting**Date:**Wed, 18 Dec 2013 15:30:55 -0800**From:**Erich Obermayr <historicinsight@gbis.com>**To:**Joe Mortensen <joe@mo.com>, Joe Mortensen <jmortensen@lyon-county.org>**CC:**<Gales@gbis.com>, "Barbara Peck" <bpecknv@yahoo.com>

Hello Joe,

Would you have time to meet with the three of us (Gayle Sherman, Barbara Peck, and myself) sometime Thurs afternoon or Friday or Saturday? Any time or place works for us. Even next week is okay--we can work around the holidays, although Gayle will be out of town.

My office phone is 847-0344; home 847-7563 or cell phone is 297-5307.

Thanks,
Erich

Erich Obermayr
Historic Insight
Box 249
Silver City, NV 89428
[775-847-0344](tel:775-847-0344)



Steve Rye <srye@lyon-county.org>

Fwd: Meeting tomorrow

1 message

Joe Mortensen <joe@mo.com>

Fri, Feb 21, 2014 at 10:43 AM

To: srye@lyon-county.org

----- Original Message -----

Subject:Meeting tomorrow**Date:**Sun, 29 Dec 2013 19:29:10 -0800**From:**Erich Obermayr <historicsinsight@gbis.com>**To:**Barbara Peck <bpecknv@yahoo.com>**CC:**Gayle Sherman <gales@gbis.com>, Joe Mortensen <joe@mo.com>

Just a reminder, Joe Mortensen tomorrow at 11:00 at the community center, then to my house for coffee and a chat.

Erich

Erich Obermayr
Historic Insight
Box 249
Silver City, NV 89428
[775-847-0344](tel:775-847-0344)



Steve Rye <srye@lyon-county.org>

Fwd: Dayton Mining History

1 message

Joe Mortensen <joe@mno.com>

Fri, Feb 21, 2014 at 10:42 AM

To: srye@lyon-county.org

----- Original Message -----

Subject:Dayton Mining History**Date:**Mon, 30 Dec 2013 22:17:22 -0800**From:**Erich Obermayr <historicinsight@gbis.com>**To:**Commissioner Ray Fierro <rferro@v@gmail.com>, Virgil Arellano <varellano@lyon-county.org>, Joe Mortensen <joe@mno.com>, Vida Keller <Keller@HSNe50.com>, Bob Hastings <ninergold3@gmail.com>**CC:**Maureen Williss <mwilliss@lyon-county.org>

Good evening everyone,

The attached represent a summary and revision of the information on the Dayton Mine I submitted to the Planning Commission. My apologies for taking so long to put this together, but there was a fair amount of work involved.

Thanks again for your consideration.

Erich

Erich Obermayr
Historic Insight
Box 249
Silver City, NV 89428
[775-847-0344](tel:775-847-0344)

**Dayton Mining History Final.doc**

39K

1 Pursuant to NRS 239B.030, the undersigned
2 affirms that the following document does not
3 contain the social security number of any person.

3 JOHN L. MARSHALL
4 SBN 6733
5 570 Marsh Avenue
6 Reno, Nevada 89509
7 Telephone: (775) 303-4882
8 Attorney for Petitioners Comstock
9 Residents Association & Joe McCarthy

10 IN THE SUPREME COURT OF THE STATE OF NEVADA

11
12 COMSTOCK RESIDENTS ASSOCIATION,
13 JOE McCARTHY

14 Appellants,
15 00128

No. 68433
District Court Case No. 14-CV-

16 v.

17 LYON COUNTY BOARD OF
18 COMMISSIONERS; COMSTOCK
19 MINING INCORPORATED

20 Respondents,
21 _____/

22
23 **JOINT APPENDIX**

24 **VOLUME 17**

25 **PAGES 2875-2894**
26
27
28

ALPHABETICAL INDEX TO JOINT APPENDIX

<u>Document (date filed)</u>	<u>Volume:Page</u>
Complaint for Declaratory and Injunctive Relief/Petition for Writ of Mandate or Judicial Review (1/31/2014)	1:0001
Comstock Mining Incorporated's Answer to Complaint (3/28/2014)	1:0053
Comstock Residents Association's Opening Brief on Petition for Judicial Review (12/16/2014)	28:3837
Comstock Residents Association's Opposition Brief in Support of Petition for Judicial Review (1/9/2015)	28:3894
Comstock Residents Association's Reply Brief in Support of Motion to Augment Record (1/9/2015)	28:3888
Comstock Residents Association's Reply Brief in Support of Petition for Judicial Review (1/20/2015)	28:3926
CRA's Notice of Supplemental Authority re Motion to Amend (10/14/2014)	28:3754
CRA's Reply to Lyon County and CMI's Oppositions to Motion to Amend Complaint/Petition (8/5/2014)	27:3746
Joinder to Defendant Lyon County Board of Commissioners' Motion to Dismiss (6/13/2014)	27:3648
Joint Opposition of Respondents Lyon County Board of Commissioners and Comstock Mining Incorporated to Motion to Augment Record (1/2/2015)	28:3881
Lyon County Board of Commissioners' Answer to Complaint (3/27/2014)	1:0038
Lyon County Board of Commissioners' Motion to Dismiss or, in the Alternative, Motion for Partial Summary Judgment (6/10/2014) ...	1:0082

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Document (date filed)</u>	<u>Volume:Page</u>
Lyon County Board of Commissioners’ Opposition to Motion to Amend Complaint/Petition (7/29/2014)	27:3721
Lyon County Board of Commissioners’ Reply to Opposition to Motion to Dismiss (7/29/2014)	27:3730
Lyon County’s Objection to Court’s Consideration of CRA’s Supplemental Authority (10/16/2014)	28:3757
Memorandum of Points and Authorities in Opposition to Comstock Residents Association’s Opening Brief in Support of Petition for Judicial Review (1/12/2015)	28:3905
Memorandum of Points and Authorities in Opposition to Petition for Judicial Review (12/15/2014)	28:3785
Memorandum of Points and Authorities in Reply to Comstock Residents Association’s Opposition Brief in Support of Petition for Judicial Review (1/16/2015)	28:3917
Motion to Amend Complaint/Petition (7/3/2014)	27:3651
Motion to Augment Record and/or Request for Judicial Notice (12/16/2014)	28:3812
Notice of Assignment by Clerk [Senior Judge Estes] (6/10/2014)	1:0079
Notice of Entry of Order [Denying Motion to Amend Complaint/Petition] (12/8/2014)	28:3772
Notice of Entry of Order [Granting in Part and Denying in Part Motion to Dismiss] (12/8/2014)	28:3777
Notice of Entry of Order [Granting in Part and Denying in Part Plaintiffs’ Motion to Augment Record] (6/10/2015)	28:3944
Notice of Entry of Order [Denying Petition for	

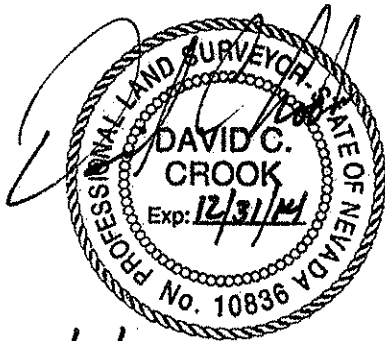
1	Judicial Review] (6/15/2015).....	28:3949
2	<u>Document (date filed)</u>	<u>Volume:Page</u>
3		
4	Objection to Court’s Consideration of CRA’s Supplemental	
5	Authority (10/21/2014)	28:3760
6	Opposition to Motion to Dismiss (7/3/2014)	27:3695
7	Opposition to Plaintiffs/Petitioners’ Motion to Amend	
8	Complaint/Petition (7/25/2014)	27:3712
9	Order Denying Petition for Judicial Review (6/5/2015).....	28:3937
10	Order Denying Plaintiffs [sic] Motion to Amend (12/3/2014)	28:3793
11		
12	Order Granting in Part and Denying in Part Motion to	
13	Augment Record (6/5/2015)	28:3941
14	Order Granting in Part and Denying in Part Motion to Dismiss (12/3/2014)	28:3766
15	Order of Recusal [Judge Rogers] (4/1/2014)	1:0071
16	Order of Recusal [Judge Aberasturi] (5/2/2014)	1:0076
17		
18	Petitioners Comstock Residents Association and Joe McCarthy’s	
19	Notice of Appeal (7/14/2015)	28:3955
20	Record on Appeal (6/10/2014)	1:0102
21	Supplement to Record on Appeal (1/2/2015)	28:3877

Parcel 5:

All of Mineral Survey 66, Marble Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 66 (Office No. 189), Marble Lode (Dayton Silver Mining Co's). Devils Gate Mining District, by J. H. Eaton, March 1873, together with that portion of Lot 129 of the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, lying inside of said Marble Lode.

Parcel 6:

All of Lots 101, 102, 103, 133, 134, 135, 136, 180, 276, 277, 278, 279, 280 and 289, said Lots being as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876 and a portion of Lot 104 of said Official Map of the TOWNSITE of SILVER CITY, being shown on Record of Survey Map No. 291213, recorded in the office of the County Recorder of Lyon County on February 21, 2003.



Date 08/16/2013

David C. Crook, P.L.S.

Nevada Certificate No. 10836



Manhard
CONSULTING LLC

20000 Nevada Street, Suite 100, Reno, NV 89502-1100 Tel: (775) 784-1100 Fax: (775) 784-1101
Civil Engineers • Surveyors • Water Resources Engineers • Professional Geologists • Environmental Engineers
Construction Management • Environmental Scientists • Landscape Architects • Planners

CORSTOCK MINING INC.
PHOTO LOCATIONS

PROJECT: ASM
DRAWN BY: ASM
DATE: 8/13/2013
SCALE: 1"=500'

SHEET
1 OF 1
CMILCN

JA2876

14 CV 00128 - 002771
LYON COUNTY

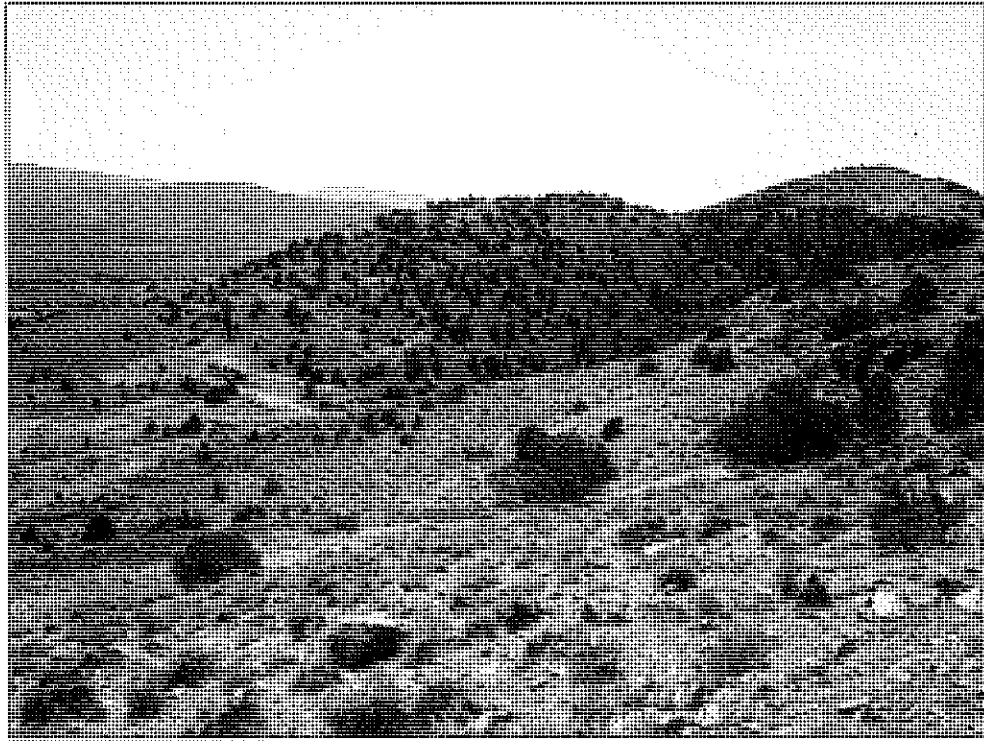


PHOTO P1

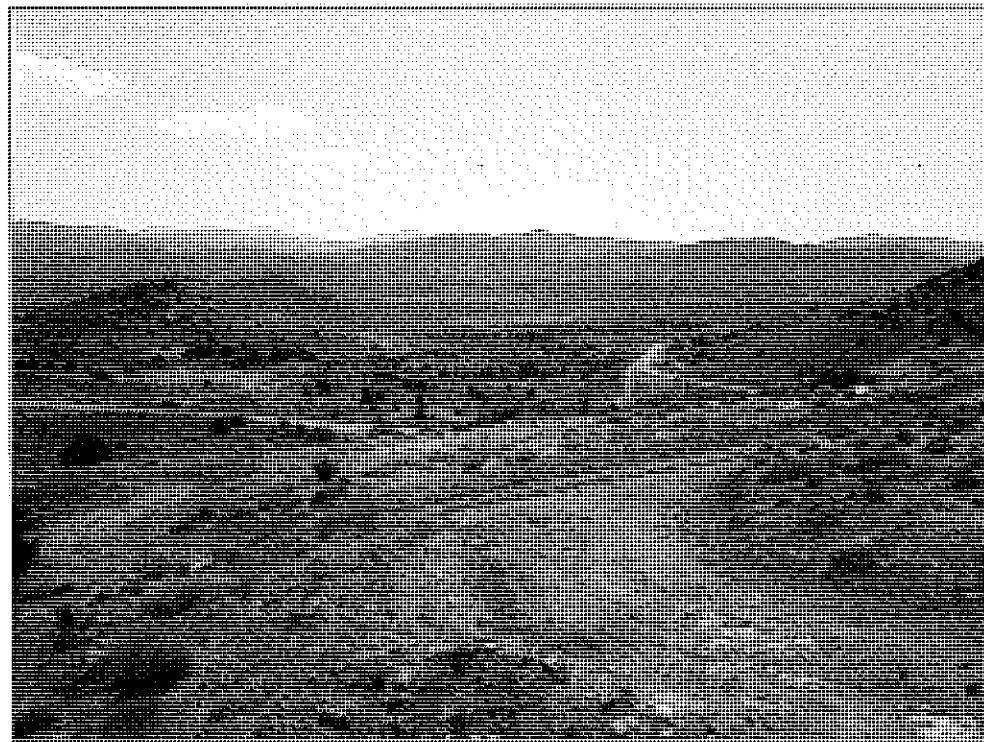


PHOTO P2

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING LTD.

9850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 746-3500 fax: (775) 746-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.

SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET
1 OF **1**
CMILCN

Dwg Name: \\ymd_carsoncity\CC_Projects\CMilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter 17:30

JA2877

14 CV 00128 - 002772
LYON COUNTY

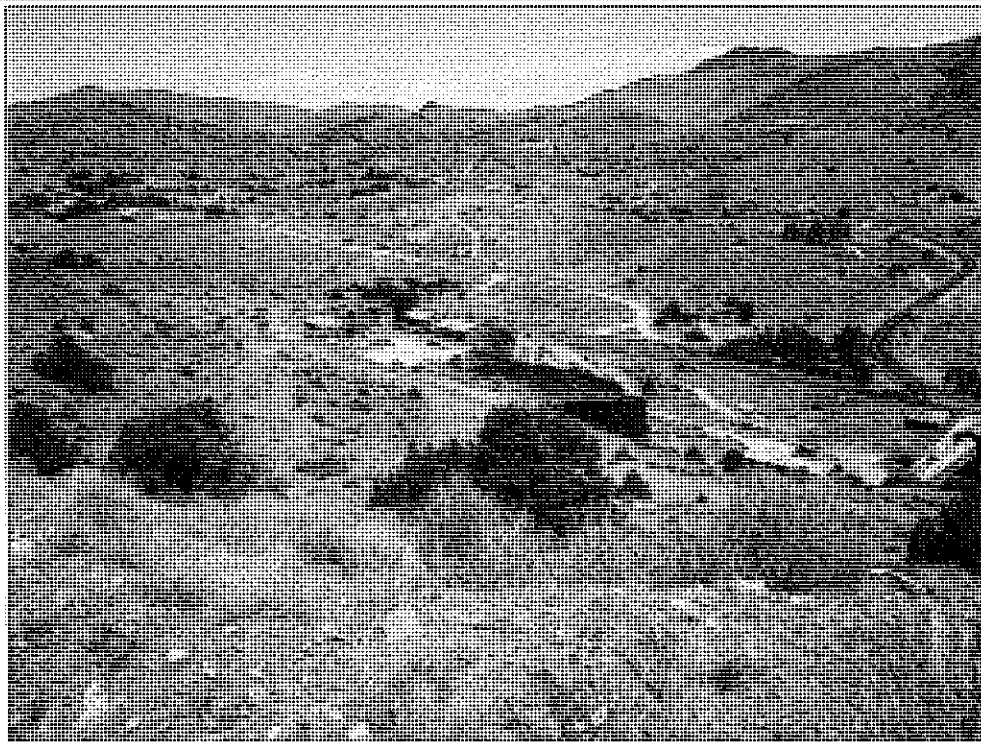


PHOTO P3

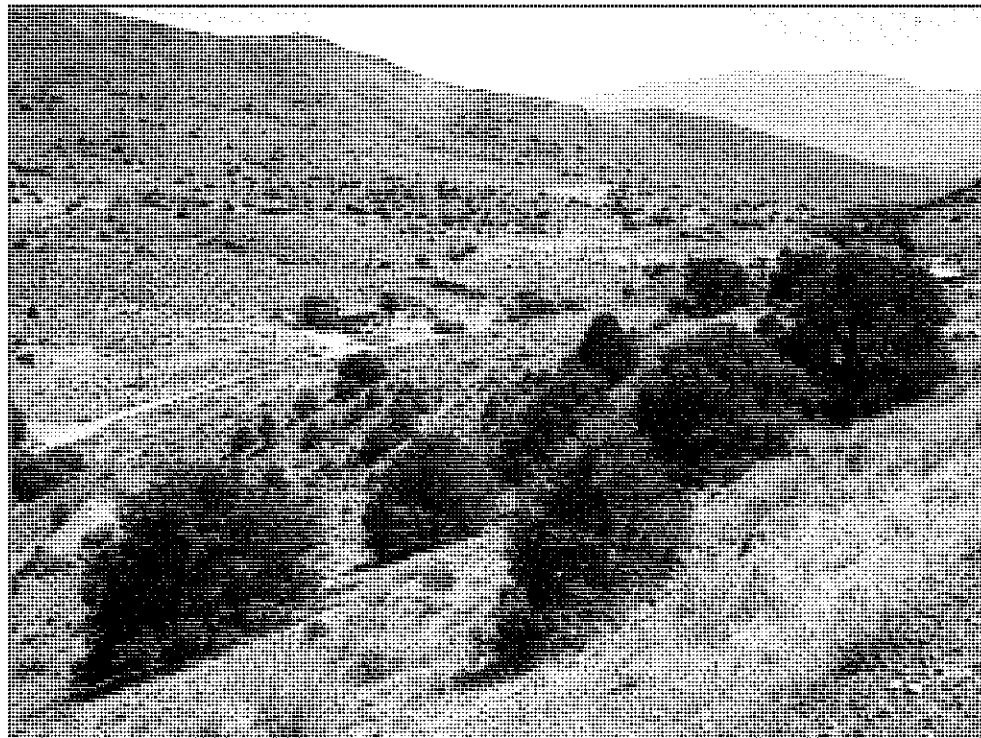


PHOTO P4

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING LTD.

9890 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 746-3500 fax: (775) 746-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET
1 OF **1**
CMILCN

Dwg Name: \\mcl_carsoncity\CC_Projects\Cmilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter 17:30

JA2878

14 CV 00128 - 002773
LYON COUNTY

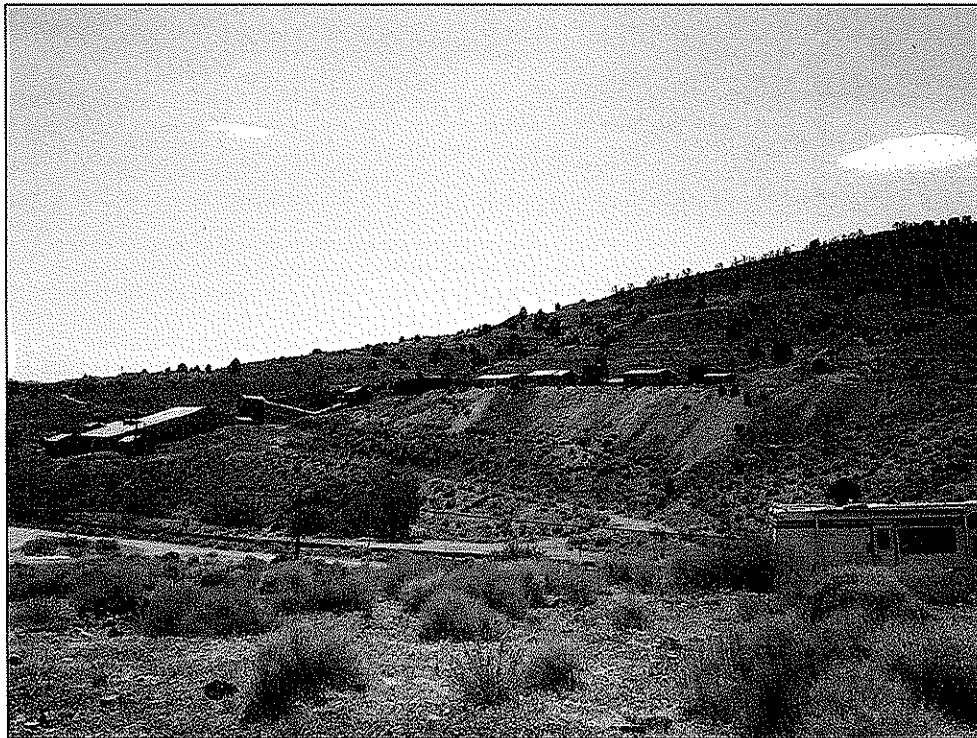


PHOTO P5



PHOTO P6

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING LTD.

9850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 746-3500 fax: (775) 746-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.

SITE PHOTOS

PROJ. MOR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET
1 OF **1**
CMILCN

17:30 Dwg Name: \\mcl_carsoncity\CC_Projects\Cmilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter

JA2879

14 CV 00128 - 002774
LYON COUNTY



Kerry Page <kpage@lyon-county.org>

Comstock Mining Master Plan Amendment & Zone Change Applications

1 message

Rob Loveberg <rloveberg@lyon-county.org>

Wed, Aug 14, 2013 at 5:31 PM

To: Andrew Motter <amotter@manhard.com>, Corrado De Gasperis <degasperis@comstockmining.com>

Cc: Kerry Page <kpage@lyon-county.org>

Andrew,

Per our telephone conversation today, attached is the letter regarding the review of the above referenced applications.

Please contact me if you have any questions.

--

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

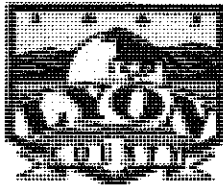


AppReviewLtr-ComstockMiningMPA-ZC 8-14-2013 signed.pdf

390K

JA2880

14 CV 00128 - 002775



LYON COUNTY
PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
(775) 463-6592 (775) 463-5305 FAX

ROBERT G. LOVEBERG
PLANNING DIRECTOR

August 14, 2013

Mr. Andrew Motter, P.E.
Manhard Consulting, Ltd.
9850 Double R Boulevard, Suite 101
Reno, Nevada 89521

RE: Comstock Mining Master Plan Amendment and Zone Change Applications

Dear Andrew:

This is to confirm receipt of the applications referenced above. The applications have been reviewed for completeness with the following findings:

- The check for the zone change application fee is made out for the amount of \$3,375 which is substantially greater than the required fee of \$1,000. Please remit a new check in the amount of \$1,000 to replace the original check. We will return the original check after receiving the new check.
- Full size maps were not required pursuant to our discussion prior to the application submittal. If there is a need for any full sized maps due to other agency, official or public requests, we will request that full size copies be made available.
- Reduced maps (11" x 17") were not submitted. Please provide two 11" x 17" copies of each map. An electronic file version of each map that can be printed in 11" x 17" format would be greatly appreciated.
- The vicinity map is not suitable for use in a public notice printed in black and white. An additional vicinity map more suited for public notice use would be appreciated.

Upon receipt of the corrected application fee and 11" x 17" maps, the application will be considered to be complete for processing. Please submit the required items by Monday August 19, 2013.

A determination of completeness is a determination that all required components of the application have been submitted and that the application may proceed through the review process. Additional information and/or clarification may be requested as staff completes its review of the application.

After the applications are deemed complete, a public hearing by the Planning Commission will be scheduled for November 12, 2013 (per Chapter 10.12.09 of the Lyon County Code). Once the agenda has been set you will receive official notice of the public hearing. Please contact the Silver City and Mound House Advisory Boards to determine the specific date and time of their review of these requests.

Please contact me at 775-463-6592 or rloveberg@lyon-county.org if you have any questions.

Sincerely,


Robert G. Loveberg
Planning Director

cc: Corrado DeGasperis
file



Jeff Page <jpage@lyon-county.org>

Comstock Foundation for History and Culture Established

2 messages

Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com> Tue, Jul 30, 2013 at 4:21 PM
 To: "County Commission (ninergold3@gmail.com)" <ninergold3@gmail.com>, "ken.gray@mail.house.gov" <ken.gray@mail.house.gov>, "dhaymore@storeycounty.org" <dhaymore@storeycounty.org>, "bkkrolicki@ltgov.nv.gov" <bkkrolicki@ltgov.nv.gov>, "jseddon@storeycounty.org" <jseddon@storeycounty.org>, "170thoma@blm.gov" <170thoma@blm.gov>, "ddotson@storeycounty.org" <ddotson@storeycounty.org>, "pgilmore@storeycounty.org" <pgilmore@storeycounty.org>, "mary_skau@reid.senate.gov" <mary_skau@reid.senate.gov>, "mary_conelly@reid.senate.gov" <mary_conelly@reid.senate.gov>, "aosborne@storeycounty.org" <aosborne@storeycounty.org>, "mbedeau@shpo.nv.gov" <mbedeau@shpo.nv.gov>, "pwhitten@storeycounty.org" <pwhitten@storeycounty.org>, "rferro@lyon-county.org" <rferro@lyon-county.org>, "bsjovangen@storeycounty.org" <bsjovangen@storeycounty.org>, "acoynier@govmail.state.nv.us" <acoynier@govmail.state.nv.us>, "Virgil Arellano (varellano@lyon-county.org)" <varellano@lyon-county.org>, "vidakeller@gmail.com" <vidakeller@gmail.com>, "mworkman@lyon-county.org" <mworkman@lyon-county.org>, "Jim.Wheeler@asm.state.nv.us" <Jim.Wheeler@asm.state.nv.us>, "ihansen@asm.state.nv.us" <ihansen@asm.state.nv.us>, "jpage@lyon-county.org" <jpage@lyon-county.org>, "ejolly@shpo.nv.gov" <ejolly@shpo.nv.gov>, "Ingvaldstad, Lucas (Reid) (Lucas_Ingvaldstad@reid.senate.gov)" <Lucas_Ingvaldstad@reid.senate.gov>, "james.settelmeyer@sen.state.nv.us" <james.settelmeyer@sen.state.nv.us>, "lance@lancegilman.com" <lance@lancegilman.com>, "mmcbride@storeycounty.org" <mmcbride@storeycounty.org>, "rloveberg@lyon-county.org" <rloveberg@lyon-county.org>, "hk3m@aol.com" <hk3m@aol.com>, "jcash8888@aol.com" <jcash8888@aol.com>, "jmortensen@lyon-county.org" <jmortensen@lyon-county.org>, "RBell4570@aol.com" <RBell4570@aol.com>, "info@daytonnvchamber.org" <info@daytonnvchamber.org>

Comstock Foundation for History and Culture Established

Virginia City, NV (July 30, 2013) -- The newly organized Comstock Foundation for History and Culture announced today that the Nevada Secretary of State's office has accepted the Foundation's Articles of Incorporation. The Comstock Foundation was established as a non-profit corporation to encourage the preservation and promotion of historic and cultural resources within the Comstock Historic District. The District was granted National Historic Landmark Status in 1961 and is one of the largest, most significant historical landmarks in the country.

The Comstock played a critical role in the history of mining, industrial, financial and technical innovation represented by engineering, logistics, legal and cultural advancements. The Comstock was the birthplace of cutting edge mining technology during the nineteenth and early twentieth centuries. All this happened while Comstock miners developed one of the greatest gold and silver deposits ever discovered.

Corrado De Gasperis, elected as the Chair of the Board for the Foundation during its first meeting, stated, "I am certain that the Comstock Foundation will represent a positive force for the whole community." Mr. De Gasperis continued, "I am honored to head a board of proven, positive, professionals, and an organization led by the exceptional expertise of Ron James, who all deeply care about the preservation of history and enhancement of this special community and culture."

JA2882

14 CV 00128 - 002777

LYON COUNTY

The five-member board includes independent, local representation as well as others who also share an interest in preserving and enhancing the landmark District. Besides Mr. De Gasperis, who is also president and CEO of Comstock Mining Inc., based in Gold Hill, Nevada, members include Paul Yandre of Virginia City, Pam Abercrombe of Silver City, Lee Halavais of Reno, Nevada and John Winfield, the Chairman of the Board for Comstock Mining Inc. and a resident of Southern California.

Ron James, recently retired as Nevada's state historic preservation officer, serves as the executive director of the non-profit organization. "I believe the formation of the Comstock Foundation represents an important step forward for the preservation and promotion of one of Nevada's greatest cultural treasures and attractions," said James. "Much needs to be done to preserve the buildings and to address the archaeology within the historic district. The Foundation offers an opportunity for all Nevadans to help preserve, promote, enhance and continue celebrating this national treasure."

During its meeting, the Board established short-term priorities, adopted by-laws, and discussed various ways to enhance funding of restoration projects. Comstock Mining Inc. has committed

the equivalent of one percent of its proceeds from the Lucerne Mine to support the Foundation's mission, promoting preservation and restoration of the District. "Comstock Mining is providing resources that we consider an essential, foundational commitment but we see many, many other constituents interested in supporting this regionally and culturally important treasure," said Mr. De Gasperis.

The Foundation is in the process of filing with the Internal Revenue Service for tax-exempt status.

For additional information about the Comstock Foundation for History and Culture please contact Ron James at [775-443-7803](tel:775-443-7803).

Elaine Barkdull-Spencer

Director of External Relations

Comstock Mining Inc.



[775-847-7376](tel:775-847-7376) (o)

[775-340-2045](tel:775-340-2045) (c)

[775-847-7128](tel:775-847-7128) (f)

1200 American Flat Road

P.O. Box 1118

Virginia City, NV 89440

NYSE MKT: LODE



Comstock Foundation for History and Culture Established .pdf

188K

Jeff Page <jpage@lyon-county.org>

Tue, Jul 30, 2013 at 4:44 PM

To: "bocc@lyon-county.org" <bocc@lyon-county.org>, Departmentheads <departmentheads@lyon-county.org>

[Quoted text hidden]

—

Jeffery A. Page

Lyon County Manager

27 South Main Street

Yerington, NV 89447

[\(775\) 463-6531/\(775\) 577-5037](tel:775-463-6531)

[\(775\) 302-7088](tel:775-302-7088) (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***



Comstock Foundation for History and Culture Established .pdf

188K

JA2885

14 CV 00128 - 002780
LYON COUNTY



Jeff Page <jpage@lyon-county.org>

FW: a few more important thoughts

1 message

Corrado DeGasperis <DeGasperis@comstockmining.com>

Fri, Nov 1, 2013 at 6:46 AM

To: "jpage@lyon-county.org" <jpage@lyon-county.org>

Jeff, I enjoyed the visit yesterday. I really appreciate the time you invested, I know everyone is busy, and I truly believe we can establish a special collaboration with Lyon County based on a very pragmatic, transparent and methodical approach. I feel the progression of the County government, with highly capable, engaged interested professionals like you and highly competent staff like Rob L. and Mike Workman, can truly turn the County around, and its already obvious to me that that is happening. We need to get more economic development so the County can have more resources to do it job. We can have a highly economical, socially responsive and significantly important contribution in that regard. I'd hope you feel the same and I appreciate all the diligence in understanding our various, potential projects, and the sincere intent to be thorough in assessing all of that. We feel it is an unusual but historic opportunity that you and your staff can help enable in working collaboratively with our Company. Again, thank you for the time and attention yesterday.

I am speaking with Rob this AM and forwarded him some thoughts in advance of the update. They are below and attached, just FYI for you.

Kindest regards, Corrado

From: Corrado DeGasperis <DeGasperis@comstockmining.com>**Date:** Friday, November 1, 2013 6:07 AM**To:** "rloveberg@lyon-county.org" <rloveberg@lyon-county.org>**Subject:** a few more important thoughts

Rob, I was just reflecting on all the dialogue that has gone on since the application was filed and wanted to follow up with a brief discussion, thank you for scheduling the time and I look forward to discussing it today at 8:30 am PST. I appreciate all of the County and staffs support and I wanted to highlight some of the more salient points that would support staff recommending the accepting the changes proposed in our application.

1. Property currently conforms with zoning and MCP changes applied for and reflects an appropriate, zone and MPC consistent with historic mineral and rural residential character currently in place. Critical, is that this MP designation and zoning change would be the right zoning even if no minerals were ever approved for extraction. The topography and current SC character are rural and rural is most protective of any slow growth, sustaining rural community profile.
2. Proposed changes are consistent with historic land use and character. Cultural studies have recently been completed by Kaux, on our properties on the Comstock, for the BLM, confirming mineral uses are consistent with the Historic District uses, both in type and scale. This is key.
3. Enables immediate investments without any disturbances, hugely benefiting the County. These investments include exploration, engineering and development studies for all practical and possible land uses and post uses. No impact on land or community would occur until these assessments were completed.

4. Provides County with deep intelligence regarding all possible uses of our land and the economic benefits.
5. Enables studies that the SC community has long been demanding. This could provide that intelligence and the opportunity for unprecedented, practical and positive opportunity, in collaboration with the community, which the SUP process fully provides for, so real progress, regardless of the conclusion, can occur.
5. Avoids possible denser residential developments, by down zoning, that would most certainly burden the County and seems inconsistent with the COmmunities desired pace of residential development. Without it, the community will likely stagnate and deteriorate, like much of the historic district rather than sustain, with positive rural development.

I have attached some additional thoughts, consistent with our application but extracted and summarized. I look forward to speaking with you this morning.

Kind regards, Corrado



SupportingThoughts.docx

23K



Jeff Page <jpage@lyon-county.org>

Affected Property Owner

3 messages

SJolcover@aol.com <SJolcover@aol.com>

Mon, Nov 11, 2013 at 3:23 PM

To: planning@lyon-county.org

Cc: jpage@lyon-county.org

Our Property, Donovan Mill, LLC APN's 08-091-05 and 08-091-02, is **directly** across SR 342 from the North End of the applicants property. This area has been stagnant of business or resource development for over 30 years that I know of. As land and building owners directly affected by this application I can not emphasize enough our support of the applicants legal right to be heard on this application, and our support of the Lyon County Planning Commissioners voting in favor of both the Master Plan Amendment and the Zone Change so the applicant may attempt to determine the highest and best use of their land within their legal property rights. There is nothing in the approval of the applicants wishes that creates a condition of negatively impacting health, safety and welfare of the land owners in the area.

kind regards,

Scott Jolcover and Paul Thompson,
Managing Members,
Donovan Mill LLC

Jeff Page <jpage@lyon-county.org>

Mon, Nov 11, 2013 at 3:24 PM

To: Rob Loveberg <rloveberg@lyon-county.org>

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531 Office
(775) 302-7088 Cell

[Quoted text hidden]

Rob Loveberg <rloveberg@lyon-county.org>

Mon, Nov 11, 2013 at 5:38 PM

To: Jeff Page <jpage@lyon-county.org>

Just for your information, last time I spoke with Mr. Jolcover he was employed by Comstock Mining, Inc. However, his employment does not in any way diminish his right to express his opinion or support for CMI's applications.

[Quoted text hidden]

—

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax

JA2888

14 CV 00128 - 002783
LYON COUNTY

rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.



Jeff Page <jpage@lyon-county.org>

Comstock Mining, Inc. & Silver City10 messages

Rob Loveberg <rloveberg@lyon-county.org>

Mon, Nov 18, 2013 at 4:48 PM

To: Jeff Page <jpage@lyon-county.org>

Jeff,

As we discussed, Chuck Davies called me this afternoon with a suggestion regarding the CMI master plan amendment and zone change matter. Chuck suggested that a potential win/win option to the current CMI master plan amendment and zone change may be the preparation of the Silver City community plan, or at least a portion of the plan. This would permit both CMI and the community to work together on the mining issue in a facilitated setting. A compromise, mitigation, or other solutions might be found.

To accomplish this in a timely (quicker) fashion, funds and outside resources would be necessary. CMI could expedite such an effort by providing funds to the County for the community plan effort. The outside consultant(s) would work for the County, not CMI. The citizens of Silver City and CMI could work together to try to come to an agreeable solution in a structured process.

Chuck feels that this would be better than one side or the other loosing from the current application process.

Please let me know if you have any questions.

—

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
[775.463.6592](tel:775.463.6592) office
[775.302.6051](tel:775.302.6051) cell
[775.463.5305](tel:775.463.5305) fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

Jeff Page <jpage@lyon-county.org>

Tue, Nov 19, 2013 at 9:45 AM

To: Corrado DeGasperi <DeGasperi@comstockmining.com>

----- Forwarded message -----

From: **Rob Loveberg** <rloveberg@lyon-county.org>
Date: Mon, Nov 18, 2013 at 4:48 PM
Subject: Comstock Mining, Inc. & Silver City

JA2890

14 CV 00128 - 002785
LYON COUNTY

To: Jeff Page <jpage@lyon-county.org>

Jeff,

As we discussed, Chuck Davies called me this afternoon with a suggestion regarding the CMI master plan amendment and zone change matter. Chuck suggested that a potential win/win option to the current CMI master plan amendment and zone change may be the preparation of the Silver City community plan, or at least a portion of the plan. This would permit both CMI and the community to work together on the mining issue in a facilitated setting. A compromise, mitigation, or other solutions might be found.

To accomplish this in a timely (quicker) fashion, funds and outside resources would be necessary. CMI could expedite such an effort by providing funds to the County for the community plan effort. The outside consultant(s) would work for the County, not CMI. The citizens of Silver City and CMI could work together to try to come to an agreeable solution in a structured process.

Chuck feels that this would be better than one side or the other losing from the current application process.

Please let me know if you have any questions.

—
Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
[775.463.6592](tel:775.463.6592) office
[775.302.6051](tel:775.302.6051) cell
[775.463.5305](tel:775.463.5305) fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

—
Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
[775\) 463-6531](tel:775.463.6531)/[775\) 577-5037](tel:775.577.5037)
[775\) 302-7088](tel:775.302.7088) (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

Corrado DeGasperis <DeGasperis@comstockmining.com>

Sat, Nov 23, 2013 at 7:04 AM

To: Jeff Page <jpage@lyon-county.org>

Jeff, I apologize for not replying earlier this week. My daughter had a nasty accident doing gymnastics and badly broke her arm. 30 hours in the emergency room :(but her surgery was successful so all will be well.

Regardless, I would like to follow up and have a discussion with you and Chuck regarding the thoughts below. It would be great if you and I could speak briefly today. If not convenient, we could speak briefly on Monday.

Ultimately, I would be most comfortable meeting in person with you and Chuck (and Rob, as appropriate).

I am on Gold Hill today but leave for San Francisco for a mining conference tonight through Tuesday. Perhaps, with the holiday, December 3 or 4th would be an ideal day to meet with you and Chuck in Yerington. Please let me know your thoughts.

Corrado De Gasperis

President & CEO

Comstock Mining Inc.



NYSE MKT: LODE

775-847-4755 (o)

775-848-5310 (c)

1200 American Flat Road

PO Box 1118

Virginia City, NV 89440



From: Jeff Page <jpage@lyon-county.org>

Date: Tuesday, November 19, 2013 9:45 AM

To: Corrado DeGasperis <DeGasperis@comstockmining.com>

Subject: Fwd: Comstock Mining, Inc. & Silver City

----- Forwarded message -----

From: **Rob Loveberg** <rloveberg@lyon-county.org>

Date: Mon, Nov 18, 2013 at 4:48 PM

Subject: Comstock Mining, Inc. & Silver City

To: Jeff Page <jpage@lyon-county.org>

Jeff,

As we discussed, Chuck Davies called me this afternoon with a suggestion regarding the CMI master plan amendment and zone change matter. Chuck suggested that a potential win/win option to the current CMI master plan amendment and zone change may be the preparation of the Silver City community plan, or at least a portion of the plan. This would permit both CMI and the community to work together on the mining issue in a facilitated setting. A compromise, mitigation, or other solutions might be found.

To accomplish this in a timely (quicker) fashion, funds and outside resources would be necessary. CMI could expedite such an effort by providing funds to the County for the community plan effort. The outside consultant(s) would work for the County, not CMI. The citizens of Silver City and CMI could work together to try to come to an agreeable solution in a structured process.

Chuck feels that this would be better than one side or the other losing from the current application process.

Please let me know if you have any questions.

--

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
[775.463.6592](tel:775.463.6592) office
[775.302.6051](tel:775.302.6051) cell
[775.463.5305](tel:775.463.5305) fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

--

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
[775.463-6531](tel:775.463.6531)/[775.577-5037](tel:775.577.5037)
[775.302-7088](tel:775.302.7088) (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

Jeff Page <jpage@lyon-county.org>
To: Corrado DeGasperis <DeGasperis@comstockmining.com>

Sat, Nov 23, 2013 at 11:00 AM

Corrado,

I am sorry to hear about your daughter. Please give me a call on my cell when you have time.

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531 Office
(775) 302-7088 Cell

On Nov 23, 2013 7:05 AM, "Corrado DeGasperis" <DeGasperis@comstockmining.com> wrote:

Jeff, I apologize for not replying earlier this week. My daughter had a nasty accident doing gymnastics and badly broke her arm. 30 hours in the emergency room :(but her surgery was successful so all will be well.

Regardless, I would like to follow up and have a discussion with you and Chuck regarding the thoughts below. It would be great if you and I could speak briefly today. If not convenient, we could speak briefly on Monday. Ultimately, I would be most comfortable meeting in person with you and Chuck (and Rob, as appropriate).

I am on Gold Hill today but leave for San Francisco for a mining conference tonight through Tuesday. Perhaps, with the holiday, December 3 or 4th would be an ideal day to meet with you and Chuck in Yerington. Please let me know your thoughts.

Corrado De Gasperis
President & CEO
Comstock Mining Inc.



NYSE MKT: LODE

775-847-4755 (o)
775-848-5310 (c)
1200 American Flat Road
PO Box 1118
Virginia City, NV 89440



From: Jeff Page <jpage@lyon-county.org>

JA2894

14 CV 00128 - 002789
LYON COUNTY

1 Pursuant to NRS 239B.030, the undersigned
2 affirms that the following document does not
3 contain the social security number of any person.

3 JOHN L. MARSHALL
4 SBN 6733
5 570 Marsh Avenue
6 Reno, Nevada 89509
7 Telephone: (775) 303-4882
8 Attorney for Petitioners Comstock
9 Residents Association & Joe McCarthy

10 IN THE SUPREME COURT OF THE STATE OF NEVADA

11
12 COMSTOCK RESIDENTS ASSOCIATION,
13 JOE McCARTHY

14 Appellants,
15 00128

No. 68433
District Court Case No. 14-CV-

16 v.

17 LYON COUNTY BOARD OF
18 COMMISSIONERS; COMSTOCK
19 MINING INCORPORATED

20 Respondents,
21 _____/

22
23 **JOINT APPENDIX**

24 **VOLUME 16**

25 **PAGES 2751-2874**
26
27
28

ALPHABETICAL INDEX TO JOINT APPENDIX

<u>Document (date filed)</u>	<u>Volume:Page</u>
Complaint for Declaratory and Injunctive Relief/Petition for Writ of Mandate or Judicial Review (1/31/2014)	1:0001
Comstock Mining Incorporated's Answer to Complaint (3/28/2014)	1:0053
Comstock Residents Association's Opening Brief on Petition for Judicial Review (12/16/2014)	28:3837
Comstock Residents Association's Opposition Brief in Support of Petition for Judicial Review (1/9/2015)	28:3894
Comstock Residents Association's Reply Brief in Support of Motion to Augment Record (1/9/2015)	28:3888
Comstock Residents Association's Reply Brief in Support of Petition for Judicial Review (1/20/2015)	28:3926
CRA's Notice of Supplemental Authority re Motion to Amend (10/14/2014)	28:3754
CRA's Reply to Lyon County and CMI's Oppositions to Motion to Amend Complaint/Petition (8/5/2014)	27:3746
Joinder to Defendant Lyon County Board of Commissioners' Motion to Dismiss (6/13/2014)	27:3648
Joint Opposition of Respondents Lyon County Board of Commissioners and Comstock Mining Incorporated to Motion to Augment Record (1/2/2015)	28:3881
Lyon County Board of Commissioners' Answer to Complaint (3/27/2014)	1:0038
Lyon County Board of Commissioners' Motion to Dismiss or, in the Alternative, Motion for Partial Summary Judgment (6/10/2014) ...	1:0082

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Document (date filed)</u>	<u>Volume:Page</u>
Lyon County Board of Commissioners’ Opposition to Motion to Amend Complaint/Petition (7/29/2014)	27:3721
Lyon County Board of Commissioners’ Reply to Opposition to Motion to Dismiss (7/29/2014)	27:3730
Lyon County’s Objection to Court’s Consideration of CRA’s Supplemental Authority (10/16/2014)	28:3757
Memorandum of Points and Authorities in Opposition to Comstock Residents Association’s Opening Brief in Support of Petition for Judicial Review (1/12/2015)	28:3905
Memorandum of Points and Authorities in Opposition to Petition for Judicial Review (12/15/2014)	28:3785
Memorandum of Points and Authorities in Reply to Comstock Residents Association’s Opposition Brief in Support of Petition for Judicial Review (1/16/2015)	28:3917
Motion to Amend Complaint/Petition (7/3/2014)	27:3651
Motion to Augment Record and/or Request for Judicial Notice (12/16/2014)	28:3812
Notice of Assignment by Clerk [Senior Judge Estes] (6/10/2014)	1:0079
Notice of Entry of Order [Denying Motion to Amend Complaint/Petition] (12/8/2014)	28:3772
Notice of Entry of Order [Granting in Part and Denying in Part Motion to Dismiss] (12/8/2014)	28:3777
Notice of Entry of Order [Granting in Part and Denying in Part Plaintiffs’ Motion to Augment Record] (6/10/2015)	28:3944
Notice of Entry of Order [Denying Petition for	

1	Judicial Review] (6/15/2015).....	28:3949
2	<u>Document (date filed)</u>	<u>Volume:Page</u>
3		
4	Objection to Court’s Consideration of CRA’s Supplemental	
5	Authority (10/21/2014)	28:3760
6	Opposition to Motion to Dismiss (7/3/2014)	27:3695
7	Opposition to Plaintiffs/Petitioners’ Motion to Amend	
8	Complaint/Petition (7/25/2014)	27:3712
9	Order Denying Petition for Judicial Review (6/5/2015).....	28:3937
10	Order Denying Plaintiffs [sic] Motion to Amend (12/3/2014)	28:3793
11		
12	Order Granting in Part and Denying in Part Motion to	
13	Augment Record (6/5/2015)	28:3941
14	Order Granting in Part and Denying in Part Motion to Dismiss (12/3/2014)	28:3766
15	Order of Recusal [Judge Rogers] (4/1/2014)	1:0071
16	Order of Recusal [Judge Aberasturi] (5/2/2014)	1:0076
17		
18	Petitioners Comstock Residents Association and Joe McCarthy’s	
19	Notice of Appeal (7/14/2015)	28:3955
20	Record on Appeal (6/10/2014)	1:0102
21	Supplement to Record on Appeal (1/2/2015)	28:3877

elevated levels of toxic metals. Acid mine drainage occurs most frequently in association with metals mines [such as gold and silver mines] and can affect water quality. Pit lakes, another water quality concern during and after mine closure, are created when mining is completed in a pit and dewatering pumps are turned off, allowing groundwater to flow back into the pit. Similar concerns about the acidity and concentration of heavy metals in these water bodies arise in association with metals mines. Changes in water quality and quantity can affect not only human health but also wildlife habitat and ecosystem health. Environmental impact assessment processes often intensively focus on bio-diversity issues in Nevada, and as a consequence, operating plans require significant dedication to design of mitigation and management efforts.²⁹

Lyon County has adopted a policy for Water Supply and Quality in the 2010 Comprehensive Master Plan: "Recognizing that clean water is a precious resource necessary to maintain our health, economy, and quality of life, Lyon County will protect the water supply and encourage efficient use of water resources."³²

Site-specific analysis of surface waters and sub-surface waters in relation to any proposed mining activity would need to be undertaken to determine the extent of potential impacts to surface and groundwater quality and the appropriate mitigation measures that would be required.

RECLAMATION

Before any ground is disturbed, mining companies must ensure that adequate funds are available to complete reclamation and remediation of exploration and mining sites. In the subject area, this process takes the form of bonds and sureties held by the Nevada Division of Environmental Protection. This is intended to protect the public, should a company be unable to fulfill the activities required for reclamation and the safe closure of a mine, by having funds available to complete these tasks. Bond amounts are determined through development of comprehensive reclamation plans that detail the engineering, construction and environmental costs required to physically and chemically stabilize, reclaim and restore areas disturbed by mining.²⁹

Lyon County also has imposed separate reclamation requirements for lands that are mined within the Comstock Historic District (see Title 10, Chapter 10, Lyon County Code). Reclamation plans for the site would need to address soil erosion and slope stability, invasive species control, chemical alteration of the soils and revegetation concerns, surface runoff, groundwater contamination, surface drainage of Gold Creek and its tributaries, the disposition of the existing mine and historic mill sites on the property, and the close proximity to scenic vistas from SR 341 and 342, the gateway tourist entrance to Virginia City and the Comstock Historic District.

Conclusion

Lyon County has consistently acted through its land use planning and policies, as well as its zoning decisions, to designate lands within the Silver City Town Site for medium density residential uses surrounding a commercial core area. The County has also consistently planned for rural uses and open space outside the Town Site boundary. These designations have used different language and different terminology, but all arrive at the same result: residential uses surrounding a commercial core within the Silver City Town Site, and open space outside the Town Site. Extending the RR-5 zoning (or creating new RR-3 zoning) within the Town Site would be out of keeping with the vision and values expressed by Lyon County over decades of planning.

The importance and special meaning of the Comstock Historic District and the Virginia City National Historic Landmark cannot be overstated. In its 2010 Comprehensive Master Plan, Lyon County created a Historic Character District so as to retain the cultural heritage of Silver City and parts of Dayton. Lyon County's ordinances also reflect the special consideration given this area by creating

separate rules for any proposed mining of these lands, and for their protection and reclamation. Retaining the current land use designations, zoning, and restrictions of this area is essential to retaining the historic values and cultural heritage of Silver City.

Finally, in 1986, the Lyon County Board of Commissioners already rejected a similar proposal on the same lands with the following findings: the rezoning request does not comply with the Lyon County Master Plan; does not promote the conservation of open space or protect the natural and scenic resources from unreasonable impairment; would have both a long-term adverse financial impact to Silver City and the Comstock National Historic Landmark; does not promote the health and general welfare of the Silver City area; is not compatible with the Silver City area and does not encourage the most appropriate use of land in the Silver City Town Site.⁶

Endnotes

- ¹ Comstock Mining, Inc. revised Master Plan Amendment and Zone Change Request, prepared by Manhard Consulting, Ltd., October 11, 2013.
- ² Quotes from the Lyon County General Plan, 1971, were included in Milton Sharp, Sharp & Associates, Land-Use Planning and Zoning Analysis, Nevex Gold Company Applications for Master Plan Amendment and Special Use Permit, June 12, 1986.
- ³ Map provided by the Lyon County Planning Department.
- ⁴ Portions of these summaries were taken from Milton Sharp, Sharp & Associates, Land-Use Planning and Zoning Analysis, Nevex Gold Company Applications for Master Plan Amendment and Special Use Permit, June 12, 1986.
- ⁵ Page 2, Comstock Mining, Inc. revised Master Plan Amendment and Zone Change Request, prepared by Manhard Consulting, Ltd., October 11, 2013.
- ⁶ Transcript of Lyon County Board of Commissioners hearing on Nevex Gold Company's appeal of a Lyon County Planning Commission hearing, 1986.
- ⁷ Page 9, Lyon County Master Plan, July 1990.
- ⁸ *ibid*, page 25.
- ⁹ *ibid*, page 54.
- ¹⁰ *ibid*, page 251.
- ¹¹ *ibid*, page 251.
- ¹² West Central Lyon County Final Land Use Plan, prepared by FPE Engineering and Planning, approved by the Lyon County Board of Commissioners, November 2002.
- ¹³ Pages 13 – 15, West Central Lyon County Final Land Use Plan, 2002.
- ¹⁴ Pages 16 – 17, West Central Lyon County Final Land Use Plan, 2002.
- ¹⁵ Lyon County Comprehensive Master Plan, December 23, 2010.

- 16 Page 3, Comstock Mining, Inc. revised Master Plan Amendment and Zone Change Request, prepared by Manhard Consulting, Ltd., October 11, 2013.
- 17 Resource Concepts, Inc, Nevex Gold Company Master Plan Amendment and Special Use Application – Reclamation, Noise, Air Quality and Water Quality Analysis, June 11, 1986.
- 18 Chapter 10, Communities and Planning and Chapter 11, Implementation, of the Lyon County Comprehensive Master Plan identify the development of Community Plans as a high priority for Lyon County.
- 19 A portion of land that comprises that part of the Alhambra Lode parcel that is in the E½ of the NE¼ of Section 17, T21E, R16N is included within the Community Plan boundary, though it is outside the Silver City Town Site. Most, but not all, of this land is shown as public land managed by the Bureau of Land Management, according to LR2000, the BLM data base, last published February 14, 2011. Efforts to confirm this land ownership with BLM are pending. It is presumed that Comstock Mining owns the mineral estate underlying this parcel since they show it as their property in the application.
- 20 Pages 3.30-3.31, Lyon County Comprehensive Master Plan, December 23, 2010.
- 21 Letter from Corrado De Gasperis, President and CEO of Comstock Mining, Inc., to Chairman Joe Mortensen, Lyon County Board of Commissioners, Subject: "Final draft – County Wide Component of the Comprehensive Master Plan, Request for Resource Land Designation for Specific Mining Properties", December 13, 2010.
- 22 Clustering is described on page 3.41 of the Lyon County Comprehensive Master Plan, 2010.
- 23 Page 18, Comstock Mining, Inc. revised Master Plan Amendment and Zone Change Request, prepared by Manhard Consulting, Ltd., October 11, 2013.
- 24 Lyon County Code, Title 10, Chapter 3, Residential Districts and Chapter 4, Nonresidential Districts.
- 25 Page 11.6, Lyon County Comprehensive Master Plan, December 23, 2010.
- 26 Lyon County Code, Title 15 (Working Draft), Part III, Zoning regulations, October 9, 2013.
- 27 Lyon County Code Title 10, Chapter 10, Mining in Comstock Historical District.
- 28 Carson River Mercury Superfund Site, U.S. Environmental Protection Agency, Region 9, Summary of Five-Year Review of OU-1 in Nevada, February 2013.
- 29 Nevada Mining Association web site (www.nevadamining.org), "Issues and Policy", October 31, 2013.
- 30 Pages 6.4-6.5, Lyon County Comprehensive Master Plan, December 23, 2010.
- 31 Wind Rose Plot, Station #23185 – Reno/Cannon Airport, Nevada, 1/1/1990 – 12/31/1990, source: Lake Environmental.
- 32 Page 6.4, Lyon County Comprehensive Master Plan, December 23, 2010.

Exhibits

- Exhibit 1 Silver City Zoning Map, 1971.
- Exhibit 2 Portion of Carson Plains, Book II map, from 1990 Master Plan.
- Exhibit 3 Land Use Map, 2002 West Central Lyon County Land Use Plan
- Exhibit 4 County-wide Land Use Map - Silver City, 2010 Comprehensive Master Plan
- Exhibit 5 Wind Rose Plot, Station #23185 – Reno/Cannon Airport, Nevada,
1/1/1990 – 12/31/1990, source: Lake Environmental.

JA2756

14 CV 00128 - 002651
LYON COUNTY

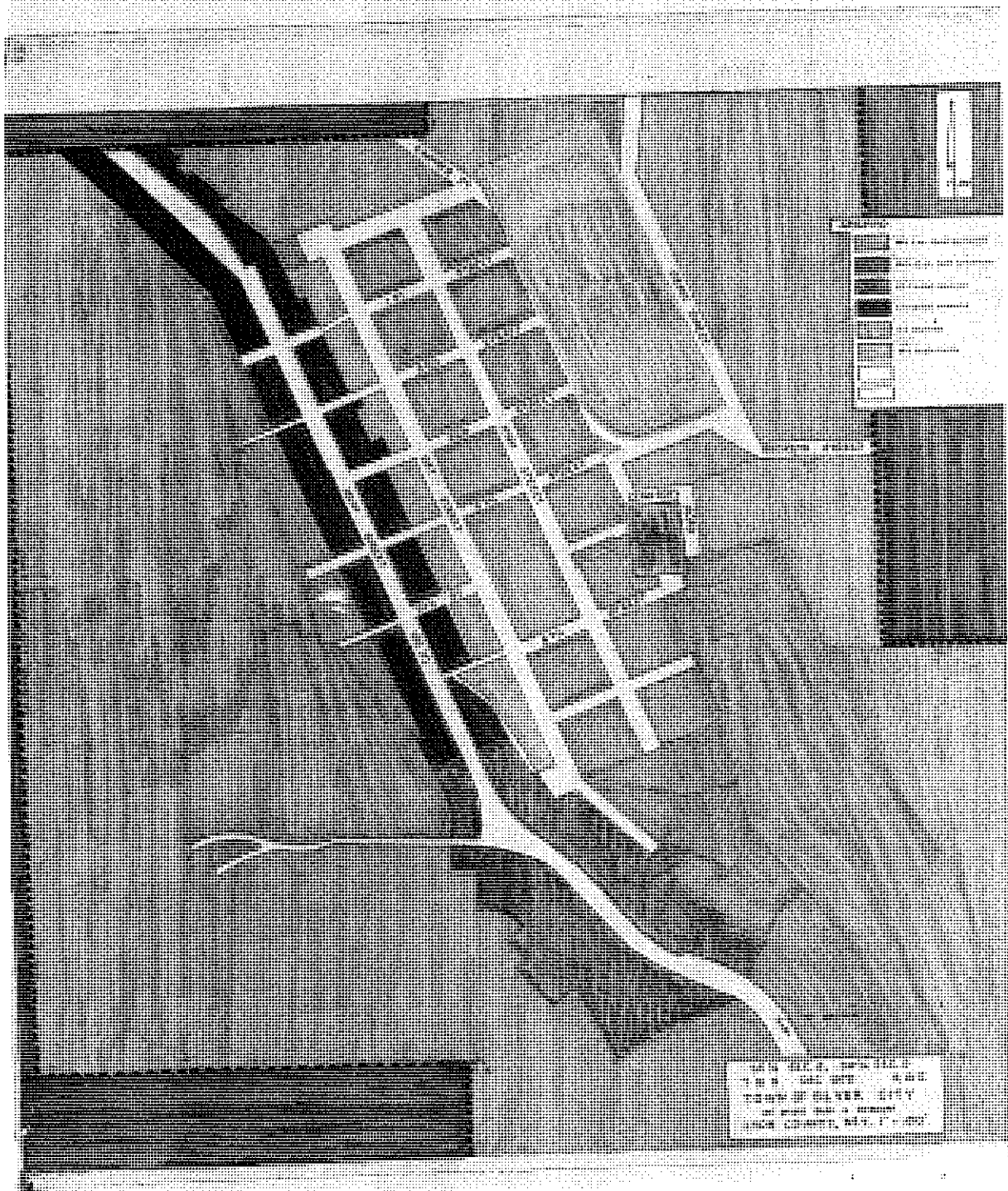


Exhibit 1

Silver City Zoning Map, 1971

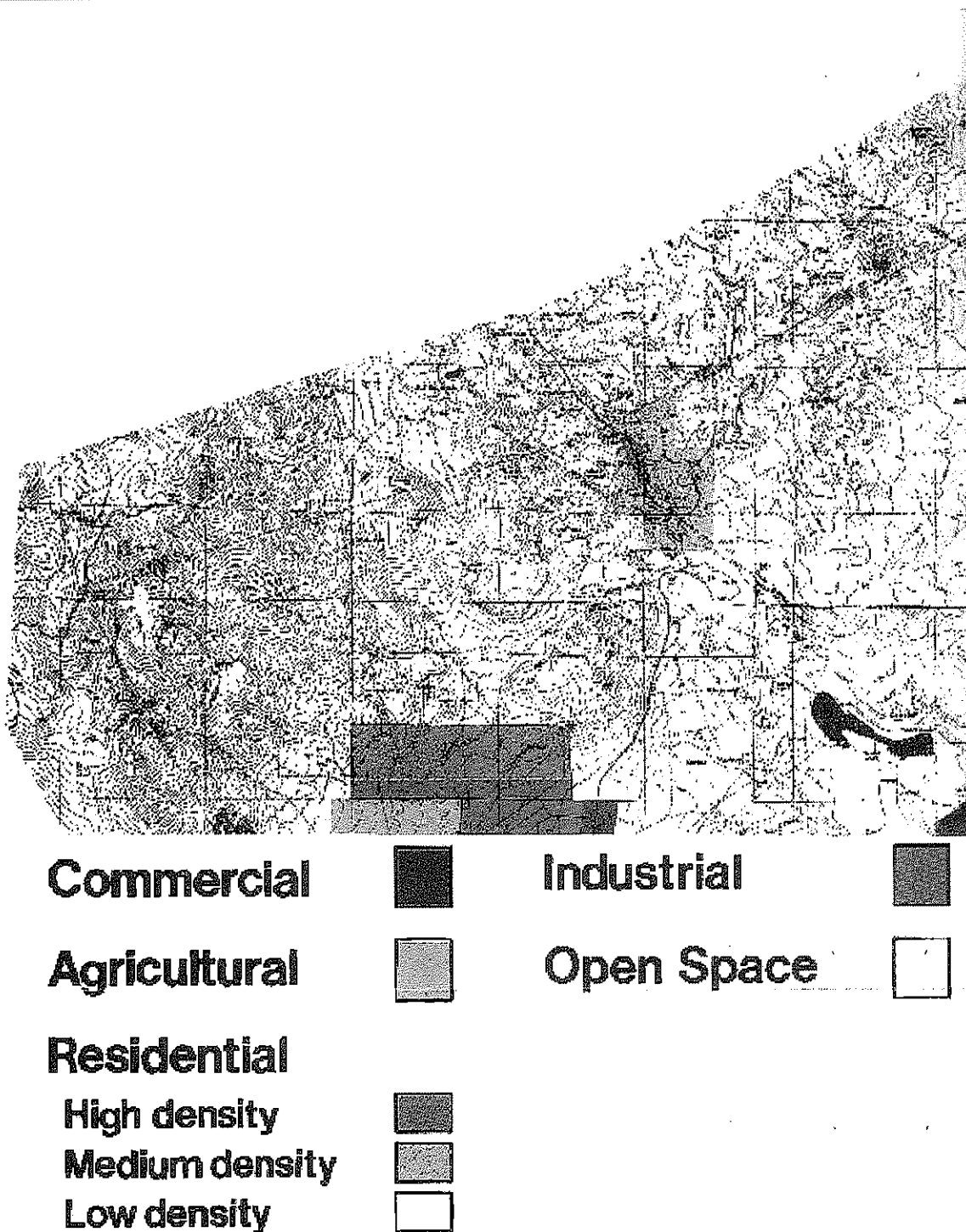


Exhibit 2

Portion of Carson Plains, Book II map, from 1990 Master Plan.

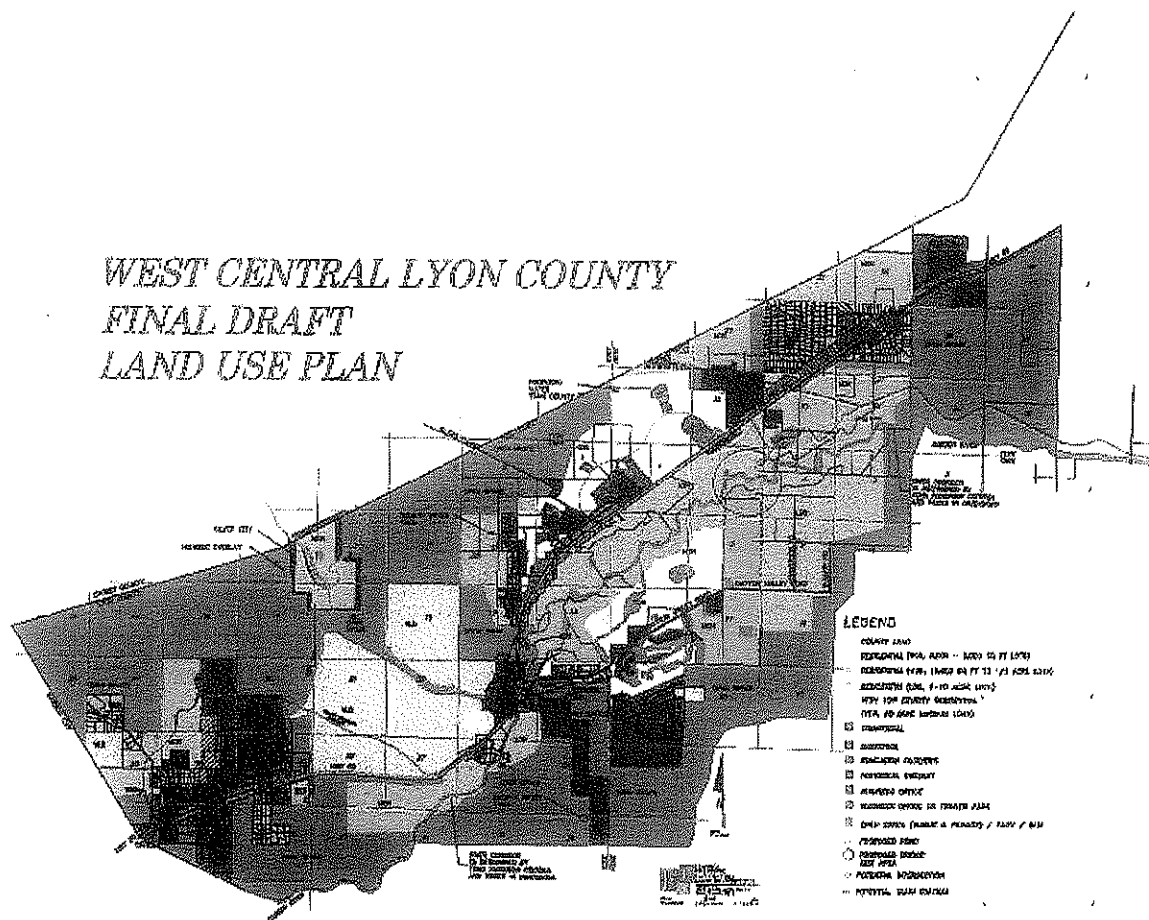
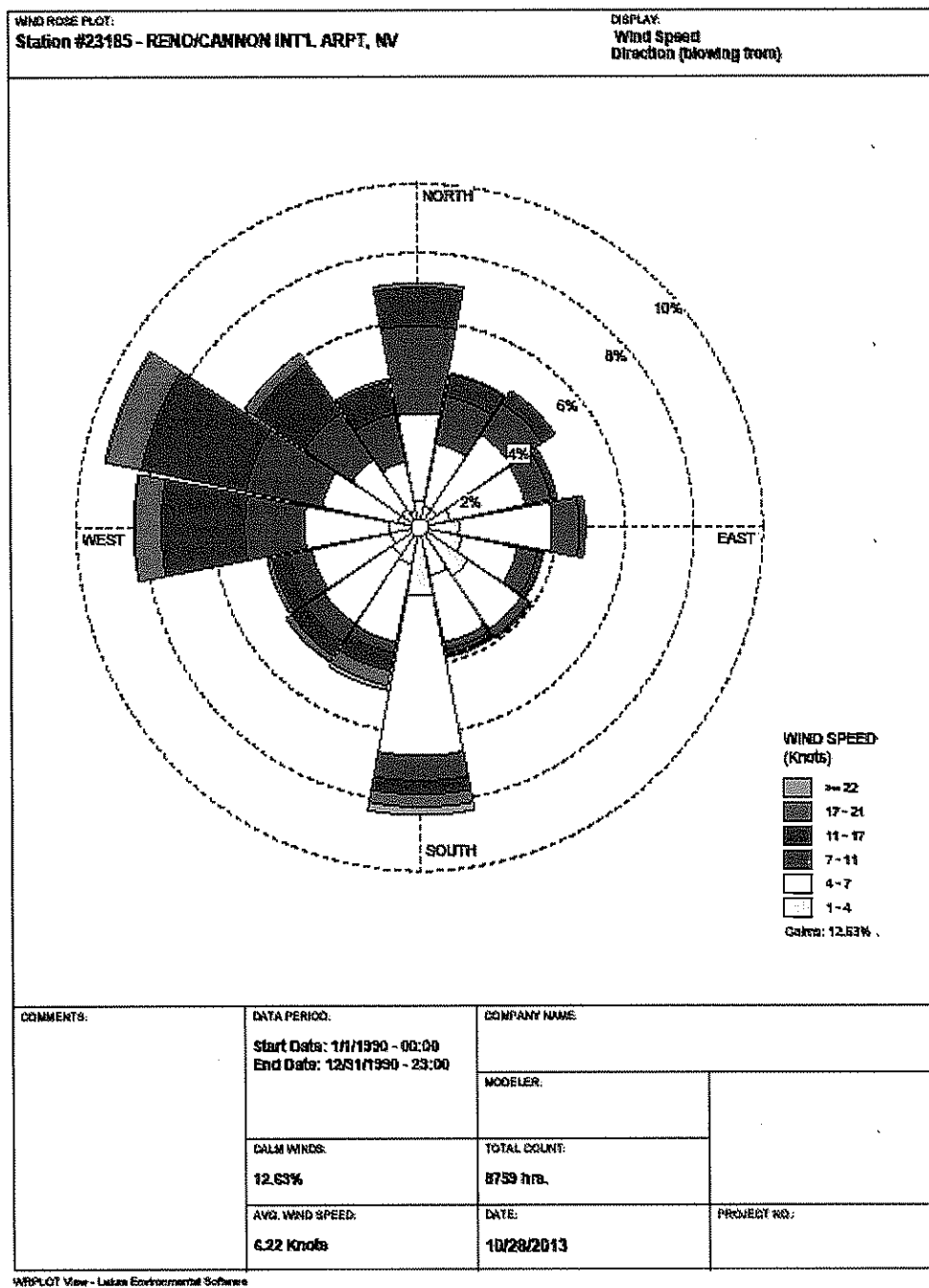


Exhibit 3

Land Use Map, 2002 West Central Lyon County Land Use Plan



**Exhibit 5**

**Wind Rose Plot, Station #23185 – Reno/Cannon Airport, Nevada,
1/1/1990 – 12/31/1990, source: Lake Environmental.**

JA2762

14 CV 00128 - 002657
LYON COUNTY

Qualifications of Preparers

Qualifications of Preparers

Ascent Environmental, Inc. is an environmental planning and natural resources consultancy with offices in Stateline, Nevada and Sacramento, California. Ascent provides clients with personally engaged professionals dedicated to meeting higher standards by applying leading-edge thinking to resolve their important environmental issues. Over 35 Ascent professionals provide environmental planning and analysis services, National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) compliance, natural resources management, strategic regulatory guidance, climate change/greenhouse gas (GHG) analyses, sustainability planning, outdoor recreation planning, air quality and noise analyses, and GIS services to projects and clients in the Western U.S. We have a long and successful history of working on environmental and natural resources projects that are controversial and complex. We do not avoid projects that may face public scrutiny, opposition, polarized stakeholders, complicated regulatory challenges, or potential litigation. We apply our skills in coordination with our clients to develop strategic approaches, weigh advantages and disadvantages, and provide recommendations that achieve the requirements of applicable laws and regulations and meet the needs of our clients.

JOHN SINGLAUB

Project Manager and Senior Analyst

John Singlaub is a senior environmental planner with extensive experience in natural resources management topics affecting the U. S. West. With over 30 years of experience, he is an expert in land management policy development and implementation, natural resources management planning, National Environmental Policy Act compliance, and federal land management planning and permitting. His experience includes a wide range of environmental topics such as endangered and threatened species, scenic resources, land use plans and policies, outdoor recreation, water quality, impacts of mining, fire management, and public outreach. John left the Tahoe Regional Planning Agency (TRPA) in 2009, after serving five years as the Executive Director. TRPA is the bi-state planning and regulatory agency responsible for the protection and restoration of Lake Tahoe. Prior to that, John served for 25 years as a planner and manager for the Bureau of Land Management (BLM), most recently as the District Manager for BLM in Carson City, Nevada. John holds a Bachelor of Arts in Geography from the University of California, Los Angeles and a Master of Planning from the University of Virginia.

SYDNEY B. COATSWORTH, AICP

Principal in Charge

Ms. Coatsworth is an environmental planner with over 25 years of experience in environmental compliance, planning, technical analysis, and public outreach programs for a wide variety of projects. Her practice includes projects pertaining to surface and groundwater resources and supply, wastewater treatment facilities, floodplain management, renewable energy facilities, pipelines and other linear facilities, urban development, affordable housing, natural resources management, and environmental policy and regulation. She is an expert and educator in environmental compliance pursuant to NEPA, CEQA, and TRPA laws and regulations for professional associations and client agencies. Sydney specializes in managing large-scale and complex environmental compliance projects and has overseen the preparation of hundreds of environmental documents and technical analyses. She holds a Bachelor of Arts in Earth Science from California State University, Northridge and a Master of Arts in Geography, with emphasis in Geomorphology, from the University of California, Los Angeles.

JA2766

14 CV 00128 - 002661
LYON COUNTY

John L. Marshall

ATTORNEY AT LAW

570 Marsh Avenue
RENO, NV 89509

Telephone:
(775) 303-4882
Facsimile:
(775) 201-0193

johnmarshall@charter.net

November 6, 2013

Lyon County Planning Commissioners
27 South Main Street
Yerington, Nevada 89447

Re: Comstock Mining Inc. Application for Master Plan Amendment and Zoning
Change (PLZ-13-0050, 0051)

Dear Commissioners:

Citizens of Silver City respectfully request that you deny Comstock Mining Incorporated's ("CMI") application for a Master Plan Amendment and Zone Change, filed by CMI for "the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property" (Application at p. 3), which lies principally within the Silver City town site. Over the last 40 years, Lyon County has addressed the exact same planning issue before you today: whether the land should remain suburban residentially zoned, or whether master plan and zoning amendments should be allowed to permit mining within the town site. Each time, the County and its staff have weighed the considerations and found that the master plan and zoning designation should maintain the town of Silver City as an important Lyon County suburban town. The Town Board and over 75% of Silver City citizens simply ask that you make the same determination today as past Planning Commissioners and County Commissioners have uniformly done.

Although nothing has changed, other than a new landowner, Comstock Mining Inc. requests that Lyon County again consider whether mining should occur within the Silver City town site. Make no mistake, this application is about mining. CMI is refreshingly candid about its purposes here, as no actual land developer would seek such a down-zone that limits the property's residential development potential.

CMI's candor, however, does not replace sensible planning. As described below, CMI's application fails to carry the applicant's burden to demonstrate why the recently adopted Master Plan should be so radically altered, particularly given the repeated affirmation of the current designations and the utter lack of changed circumstances.

To aid Planning Commissioners in their review of the CMI application, citizens of Silver City engaged a number of highly qualified experts to review and comment on the proposal. Their reports, appended hereto as Attachments A, B, and C, are briefly reviewed here and referenced below during discussion of the failure of CMI to carry its burden to justify its application.

Ascent Environmental, Inc. is one of the premier companies practicing land use consulting in Nevada and California. As indicated in their statement of qualifications, Ascent has prepared many analyses of land use plans and projects on behalf of local governments and private companies.

Johnson-Perkins and Associates' report examines the impact CMI's mining proposals have had on Silver City. Johnson-Perkins is the leading real estate appraisal firm in Northern Nevada, and the credentials of the report's author, Stephen Johnson, speak for themselves.

Dr. Pat Barker, a leading Nevada archeologist, has considerable experience with the Comstock Historic District and the Virginia City National Historic Landmark. His report examines the impacts that mining on CMI's property would have on the Landmark.

We have also provided each Commissioner the transcripts of the 1986 Lyon County Planning Commission and County Commission hearings on Nevex Gold Company's applications to seek the same changes that CMI seeks today.

Lastly, we submit for the Planning Commission's consideration information provided to Lyon County in opposition to the Nevex Gold application. These legal, planning, historical, environmental, and economic analyses are just as valid today as they were in 1986.

A. The History of Consistent Master Planning and Zoning for Silver City and CMI Property

As carefully described in Ascent's report, Lyon County has been making Master Plan and Zoning decisions regarding Silver City and Grizzly Hill since the early 1970's as urban residential. (See Ascent Report (Attachment A) at 2-3.) Since that time, Lyon County has repeatedly reaffirmed the appropriateness of that basic designation. In 1986, Lyon County denied Nevex Gold's application to rezone the same property to allow for mining. (Ascent Report at 3-4.) In 1990, Lyon County adopted a new Master Plan that again reaffirmed the prior designations. (Ascent Report at 4-5.) In 2002, Lyon County adopted the West Central Lyon County Land Use Plan that continued earlier policies and made specific direction to recognize, enhance, and protect the unique character of Silver City. (Ascent Report at 6-7.) In 2010, over CMI's opposition, Lyon County again affirmed the

designations in its new Master Plan for Silver City and the subject property. (Ascent Report at 7-10.) Time after time, Lyon County, including this Planning Commission, has considered the appropriate Master Plan and Zoning designation for the Silver City town site, including CMI's property, and has consistently and uniformly determined to maximize the residential flexibility of the area and preclude industrial uses such as mining.

We urge the Commissioners to review the Ascent Report (Attachment A hereto) before continuing with this letter, as the report presents a comprehensive review of the history and currently applicable Master Plan and Zoning issues raised by CMI's application.

B. CMI Bears a High Burden of Proof

Lyon County's repeated and consistently articulated position on the appropriate designations for the CMI property increases the already heavy burden placed on CMI. Under standard zoning law, CMI bears the burden of proof to demonstrate that a change to a Master Plan and Zoning should occur. (*Coronet Homes, Inc. v. McKenzie*, 84 Nev. 250 (1968).) However, in addition to this standard burden, where an agency has consistently applied its discretion in a particular way, it cannot reverse course without the applicant demonstrating what has changed in order to justify such a policy reversal. (See e.g., *Northwest Environmental Defense Center v. Bonneville Power Administration*, 477 F.3d 668, 690 (9th Cir. 2007); *Ramasrakash v. Federal Aviation Authority*, 346 F.3d 1121, 1130 (D.C. Cir., 2003).) Thus, CMI must not only demonstrate how it meets each and every requirement but also must justify how changed circumstances should cause Lyon County to reverse its longstanding position. As demonstrated below, CMI's bare-bones application meets neither standard.

C. CMI's Thin Application Fails to Demonstrate Changed Circumstances

Comstock Mining Inc.'s October 11, 2013, application package contains a single report from Manhard Consulting. The Manhard Report itself contains scant analysis of the planning issues and instead repeats stock conclusory and self-serving phrases denigrating the past efforts of Lyon County to plan for and protect its citizens.

1. Silver City is a residential community of mixed uses and densities

Contrary to what the Manhard Report suggests, Silver City is a residential community. It is no longer a mining community and has not been a mining town for more than 60 years. This fact was officially recognized as early as 1971 when the Lyon County Board of Commissioners, in its general plan, identified Silver City and the areas immediately surrounding it as "suburbanizing." This valid description of the town of Silver City was reaffirmed in 1986 in the Nevex Gold Company's Master Plan amendment

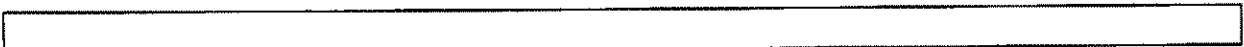
and Zoning change denial; in 2002 in the West Central Lyon County Land Use Plan; and in the 2010 Comprehensive Master Plan. Based on these affirmative decisions, it is easy to see that the current application misrepresents the goals and strategies of more than 40 years of Lyon County master planning. And in doing so, the CMI application mischaracterizes both the town of Silver City and the subject property that sits within its boundaries.

Today, Silver City is made up of a growing residential base that includes professional and technical employers and employees, working artists, home-offices, and retirees. Silver City is principally a suburban residential town where many residents commute for work or shopping to the nearby population centers of the Dayton Valley, Carson City, and Reno/Sparks. The town could be described a viable mixed-use economy that lends itself to an excellent quality of life for its current residents. By unfortunately adding potential industrial uses within the town borders, Lyon County risks losing that burgeoning mixed-use economy, long-term residents, new business, and tourists. Eighty percent (80%) of Silver City's zoning is suburban, all within the Silver City town limits. The town limits, by definition, are the boundary between residential or commercial areas and undeveloped or sparsely occupied land outside of town. That distinction was made in the first Lyon County General Plan, developed in 1971, which designated the area within the Silver City town limits as residential, with the exception of a commercial area along Main Street and a small light-industrial area at the south end of Main Street. The current 2010 Comprehensive Master Plan continues this designation. Both master plans were developed in consultation with current residents, business owners, and the communities of Lyon County. Both master plans concluded that the Silver City town limits and residential land use were congruent.

2. Current Master Plan and Zoning provides maximum flexibility to landowners to promote and protect town

The current zoning permits homes, community centers, gathering centers and parks, and mixed use. The maximum density under NR-1 is high density, which has aided in the residential development of Silver City since it began its transformation from a ghost town in the 1950's to the residential community it is today. The NR-1 zoning greatly helped to protect the town's integrity, and helped it grow and prosper into a safe, quiet community to live in, raise a family, and build a business.

Since 1971, more than 35 homes have been built in and around Silver City. In addition, numerous older, historic buildings have been restored for residential use. There was a wave of impressive new home construction in the 2000's until the recession slowed investment. The 2011 exploratory drilling program on Grizzly Hill by CMI, which hinted at future mining, has stopped all residential real estate development cold.



D. CMI's Gamble On Its Property Need Not Be Rewarded

Comstock Mining Inc. has long been aware of the zoning and land use decisions on these lands. Before purchasing the property in 2012, they were leasing the property, and in 2010 they proposed changes to the Comprehensive Master Plan before it was approved. Comstock Mining did their due diligence, and knowing what the restrictions against mining were, purchased the lands, assuming Lyon County would change the rules on their behalf. To reward CMI's speculation to the detriment of Lyon County citizens would be an unfortunate precedent for planning, and zoning, for Silver City and Lyon County. As described in detail in the 1986 materials, CMI has no reasonable investment-backed expectations to a change in Master Plan designation and zoning, as it acquired the property with full or constructive knowledge of Lyon County's past actions regarding the site and thereby purchased it at price presumably reflective of its current zoning. (See Gary Owen Legal Analysis at 19-24.)

E. CMI's Application Results in Illegal Spot Zoning

In 1986, both the Lyon County Planning Commission and the County Commission found that the Nevex Gold application, indistinguishable from CMI's present one, resulted in illegal spot zone by treating one property differently than similarly situated property. (See Planning Commission 1986 Transcript; County Commission 1986 Transcript. As described to Lyon County back then:

Spot zoning is "zoning with disregard for the welfare of the whole community, for the benefit of a few or in violation of a comprehensive plan." *Save a Valuable Environment v. City of Bothel*, 576 P.2d 401, 405 (Wash. 1978). Such zoning is arbitrary and capricious, as it disregards the emphasis upon consistency of rezoning with existing land uses. *Id.* Moreover, spot zoning aside, granting of Nevex' application for a master-plan amendment would be per se arbitrary and capricious in that, under the circumstances of this case, it would fail "to serve the welfare of the community as a whole." *Id.* It would represent, instead, a blatant disregard of adverse environmental [and other] effects and potentially severe financial burdens on the Silver City community. (1986 Legal Analysis by Gary A. Owen at 7.)

We respectfully submit that CMI's application presents exactly the same legal infirmity today as it did in 1986 and should be similarly rejected.

G. CMI's Application Should Be Denied Because Lyon County Could Not Issue a Special Use Permit Consistent With Its Sunergy World Decision

Just a few months ago, in March and April of 2013, the Lyon County Planning Commission and then the County Commission voted unanimously to deny Sunergy World LLC a special use permit ("SUP") to construct a passive solar array east of MacKenzie Lane in southeast Mason Valley. A group of local citizens opposed Sunergy World's application and filed a petition with 79 signatures in opposition. The citizens contended that the solar array would adversely affect neighboring property values, viewsheds, wildlife, and other issues, and the Commissioners so found. (See Lyon County Planning Commission Minutes from March 12, 2013, at 5-10; County Commission Minutes from April 4, 2013, at 176-177.)

An SUP for mining by CMI would have substantially greater impacts on the local citizens of Silver City than the solar array on the residents of southeast Mason Valley. As detailed above, a mine directly across from Silver City and adjacent to residential property will crush home values, destroy the peace and quiet, eviscerate the viewshed, and destroy the close-knit spirit of a unique community. (See also Kona Gold SUP Application Staff Report (PLZ-13-0013) (November 12, 2013) at 12 (Recommending denial of SUP near Highway 341 because "[t]he impacts of the Mill Site on surrounding properties, and the potential negative impacts to public health, safety, welfare and the neighborhood are of particular concern."). Since Lyon County denied a harmful but more benign SUP, it could not consistently approve a more devastating one. Since an SUP for mining is highly unlikely, a Master Plan amendment and Zone change application facilitating that SUP should be denied as simply futile.

Put another way, approval of the Master Plan amendment, Zone change, and/or an SUP for a mine in Silver City would wholly undercut Lyon County's defense in the pending litigation over its denial of the Sunergy World SUP.

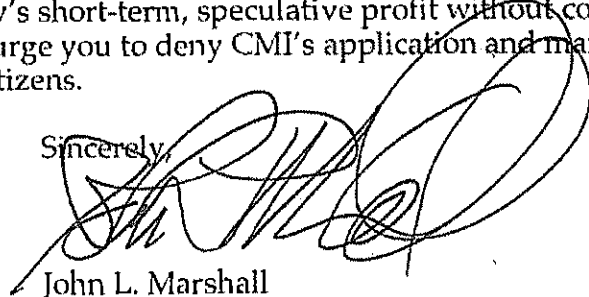
H. CMI's October 11, 2013, Application Must Be Heard in March 2014

Comstock Mining Inc. submitted a new application for a Master Plan Amendment and Zone Change on October 11, 2013, replacing its August 2013 application. Under Lyon County Code § 10.12.09(C)(4)(b)(4), that application can only be heard at the March 2014 Planning Commission meeting.

Conclusion

Silver City represents a unique and vibrant part of Lyon County. For more than 40 years, Lyon County has sought to enhance and protect the Silver City community from incompatible uses in order to foster its growth. CMI's application threatens to undermine Silver City's progress for the company's short-term, speculative profit without concern for the larger community. We therefore urge you to deny CMI's application and maintain Lyon County and Silver City for its citizens.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'JL Marshall', is written over the word 'Sincerely'.

John L. Marshall
Attorney for Comstock Residents Association

JOHNSON~PERKINS & ASSOCIATES, INC.

REAL ESTATE APPRAISERS & CONSULTANTS

Main Office: 295 Holcomb Avenue, Suite 1 ■ Reno, Nevada 89502 ■ Telephone (775) 322-1155
Lake Tahoe Office: P.O. Box 11430 ■ Zephyr Cove, Nevada 89448 ■ Telephone (775) 588-4787
FAX: Main Office (775) 322-1156 ■ Lake Tahoe Office (775) 588-8295
E-mail: jpareno@johnsonperkins.com ■ jpatahoe@johnsonperkins.com

Stephen R. Johnson, MAI, SREA
Reese Perkins, MAI, SRA
Cynthia Johnson, SRA
Cindy Lund Fogel, MAI
Scott Q. Griffin, MAI
Daniel B. Oaks, MAI
Benjamin Q. Johnson, MAI

Karen K. Sanders
Gregory D. Ruzzine
Chad Gerken

November 1, 2013

Gayle Sherman
P.O. Box 425
Silver City, Nevada 88428

RE: Comstock Mining, Inc.'s Zoning Change Request

Dear Mr. McCarthy,

This letter is in response to your request that we address the likely impact on the local real estate market as a result of Comstock Mining, Inc.'s request to rezone 89± acres in Silver City, Nevada to zoning classifications which will allow mining activities, including Open Pit Mines. This letter will set forth some preliminary research conducted to assist me in determining if there could be an adverse impact to the local real estate market as a result of the proposed zoning change.

The clients for this consulting assignment are Gayle Sherman and Joe McCarthy on the behalf of the citizens of Silver City, Nevada. The intended users of this consulting report include the clients, their representatives, the Lyon County Planning Commission and the Lyon County Board of Commissioners. The intended use of this consultation report is to assist the Lyon County Planning Commission and the Lyon County Board of Commissioners in determining that the proposed zoning change request will have an impact on the adjacent

Reno ■ Lake Tahoe

property owners in Silver City. This consultation report involves an effective date of October 18, 2013, which is the date that this consultant conducted a physical inspection of Silver City and the surrounding areas.

The scope of work completed for this preliminary consultation report involved the inspection described above of the Silver City area, meetings and interviews with Silver City residents and property owners, interviews with brokers familiar with the local real estate market and interviews with other knowledgeable parties. Based upon these investigations and further being based upon my experience, I have concluded that the proposed mining zone change request could have a material impact on the Silver City property values. As this initial scope of work was limited to the investigation set forth above, I have not completed an in-depth data investigation and analysis which would allow me to form a more precise estimate of the potential percentage impact on property values as a result of the zoning change and possibility of an Open Pit Mine on the property across the highway.

Silver City is located north of Moundhouse and south of Virginia City and Gold Hill. Silver City is generally located north of the intersections of State Routes 342 and 341 and south and east of Devil's Gate. Based upon the best information available to these consultants, Silver City had an estimated population of 180 people in 2011. In 2000, the population was reported to be 170 and in 2010 the population was reported to be 179 people. Silver City is essentially a historic mining town which has evolved into a permanent residential community. Many of the homes are older which have been renovated, while there are a number of newer homes which have been constructed over the past decade. Residents consist of retirees, professionals and others who typically work in the Carson City or Reno areas and commute to their residence. The residents are drawn to this area due to its rural, peaceful location which is within reasonable commuting distance of major metropolitan areas.

Silver City has a Community Hall, a Community Park and a very active Citizen's Group. The citizens have monthly dinners in which all citizens are invited to attend. In

addition, they have a number of special events. As a result, Silver City is a tight knit community in which everyone seems to know everyone else.

Comstock Mining, Incorporated is currently petitioning Lyon County to change the zoning on 89± acres from NR-1 to RR-3 and RR-5. It is our understanding that under the new zoning classifications, the property owner would be allowed to conduct mining operations on the property. It is further our understanding that the allowed mining operations would include Open-Pit Mining. The property in question is located on the west side of State Route 342 (Main Street) across from the junction with State Route 341 (Truck Route), north to Peddler Road.

As Silver City and the requested zone change property are on facing walls of a canyon area, a mine on the requested property would be highly visible from Silver City. Furthermore, Silver City could experience considerable noise and disruption from truck traffic, drilling, mining, dust and night lighting. In order to determine how the market would perceive a mining operation in this real estate market, this consultant has conducted interviews with a number of property owners, knowledgeable parties in the area, and local Realtors. Set out following are summary discussions of the interviews with each of the parties interviewed.

Chris and Bonnie Brown have lived on their property in Silver City since 1975. It was originally the French Mill. They indicated that they have experienced very intense noise from the drilling rigs which reportedly operate from 6 a.m. to 6 p.m. They pointed out that the canyon reflects the noise in their direction. They also had experienced truck traffic noise including the Jake Breaks, back-up horns on heavy equipment, and the trucks moving equipment 24 hours a day. They also reported that they can hear the steel tracks on the heavy tractors. These homeowners also reported that they had heard that Comstock Mining had found good minerals at a depth of 800 feet. They felt that this would result in a fairly large pit being developed across the street from their property. They were also concerned that the mining activity upstream could result in contamination of the stream which passes through

their property. These property owners stated that they were very uncertain about the future because of the proposed mine. They felt that it would result in a loss in value to their property and would reduce the overall quality of life in Silver City. They stated that, at this point in time, they are reluctant to make additional investments in their property due to the uncertainty of the zoning request.

Darlene Cobbey has owned her 6 acre property in Silver City since 1981. She stated that she has experienced dust from the mining operations, and heavy truck traffic noise. At one point, Ms. Cobbey stated that trucks from Coons Construction Company, Cruz Construction Company and Cinderlite in Carson City were hauling material for the mine with trucks passing her property every 20 seconds. Darlene was also concerned that Comstock Mining may be utilizing water from Marlette Lake. She felt that due to the conditions which she has experienced and the pending zoning change request, that it would be very difficult to sell her property.

I next spoke with Robin Cobbey of Gold Hill. She indicated that she had lived in Gold Hill for over 30 years and that David Toll had lived on the property for in excess of 50 years. They are located across the street from Comstock Mining's existing operation. Robin indicated that they do experience truck noise, dust, and have also been kept awake at night due to the flashing lights on equipment. Robin indicated that they own a pink house across from the turnoff to the mine and that she has had a hard time renting it due to the adjacency to the mine. She had at one time rented the house for \$800 per month and has now had to reduce the rent to \$700 per month (a 12.50% reduction), which she attributes to the mining activity. She also stated that they had another residence which they rented for \$600 per month and have now had to reduce the rent to \$500 per month (a 16.67% reduction). Robin indicated that they were planning to install solar panels on their home and to rebuild their kitchen. Due to the uncertainty of the mining activity, they have put their plans on hold. In closing, Robin stated that due to the uncertainties involved, they could not sell their home at the present time

and that if a mining operation were expanded that they would no longer desire to live in the area.

I next interviewed Judy Olson. Judy indicated that she and her husband Chad had purchased their lot in 2007 and subsequently spent over \$500,000 building an excellent quality single family residence. The residence was designed in a manner to maximize the views to the south and west. They were attracted to the area as it is close to their business in Carson City, yet it provides a rural, quiet and peaceful location. She indicated that they felt that the fact that Silver City was in a historic mining district, would protect them from future mining activities. Judy reported that when drilling activities are occurring on the 89± acres, they typically cannot go outside because the noise is so loud. She also reported that they experience noise from the backup horns on heavy equipment, and are concerned about water quality and quantity. She pointed out that they enjoy the night skies and are afraid that lighting from Comstock Mining will impact the quality of the night skies. Finally, Judy indicated that they were considering the purchase of an adjacent property to protect their privacy. They have recently told the sellers that they are not interested. She also stated that she and her husband will not spend another dime on the property until the mining issue is resolved.

Bob Elston and Cashion Calloway have owned their property in Silver City since 1971. They indicated that when drilling was occurring on the 89± acres, they could not go outside. They have felt the blasting from the Lucerne Pit and experienced lights at night. They also stated that the highway can be closed in Silver City for up to 30 minutes when the mining company is blasting. They have experienced noise from the backup beepers, the heavy equipment and have also experienced dust from the blasting. They stated that Silver City is a very quiet town with typically the loudest sound being the crickets at night. They felt that the Community Center, the monthly town meetings and the activities result in a very close-knit community. They stated that crime has never been a problem in their community and that many people do not lock their doors. They also stated that as they have no air

conditioning, they leave their windows open at night which results in the noise being a greater disturbance. They also pointed out that in the past some of the heavy trucks were speeding through town. However, apparently the mining company has spoken to the drivers and it has not been much of a problem lately. They were concerned about mercury contamination and noted that the area is identified as a Superfund Site. They stated that they would not spend another dime on their property due to these mining issues and that mining on the 89± acres would significantly impact the value of their property.

Gerald Antinoro owns a house on Keystone Circle across from the Lucerne Pit in the Gold Hill area. Gerald is the current sheriff of Storey County. He stated that the existing mining does not impact his day to day life. He also stated that several seismic tests conducted near his residence showed no disturbance. Jerry indicated that he does not particularly like the mining, but understands their operations. He indicated that they could hear some of the drilling from a rig across the highway from their property. He also pointed out that two smaller drilling rigs, which operated on adjacent lots to his, were no problem at all. He does have some concerns relative to heavy metals and the release of toxic materials. He would prefer underground mining to open pit mining. He also expressed concerns as to the certainty of the mines being properly restored and reclaimed at the end of their mining operations. He finally stated that it would be difficult to sell his house due to the ongoing mining issues.

Next, I interviewed Marcey Newell, formerly of Lakeside Properties. Marcey stated that she had sold Lot 6 on Keystone Circle to Comstock Mining on February 7, 2012 for \$25,000. This property had previously sold on January 21, 2005 for \$57,000. She stated that she was not aware of the current issues as she has moved to California and is no longer selling real estate.

I next spoke with Bob Fredlund of Coldwell Banker Select Real Estate. Bob has been a Realtor in the area for a number of years and is very knowledgeable in the local market. He felt that it would be unlikely that non-mining related people would move to Silver City

because of the pending mine. He further felt that it would be very hard to sell existing homes and that it would definitely impact values.

I next spoke with Karen Woodmansee. Karen has been a Realtor in the area for a long period of time and is a journalist. It was her opinion that the proposed mining projects would diminish the desirability and values of properties in the Silver City area. She expressed concern about the heavy truck noise, dust, view impacts, and noise from blasting. She further stated that the only people who would buy in Silver City would be miners. She stated that she had a house listed on Main Street in Silver City for an estate and could not sell it. She also stated that, for the years 2010, 2011 and 2012, she could not sell a single family residence in Gold Hill or Silver City. Karen stated that she typically acted as the buyer's agent. She said typically the only active buyer in the area is Comstock Mining. Finally, she closed by stating that she definitely felt that the proposed mining activity would have a negative impact on property values in the area.

I next spoke with Steve Lincoln of RE/Max Realty. Steve has been a Realtor active in the area for many years. It was his opinion that the increased jobs created by the mine could boost the demand for housing in the area. On the other hand, he felt that the other factors associated with the mines would result in a reduction in values.

I next spoke with Mr. Mike Enright of Valley Realty. Mike has been a Realtor in the area for over 17 years. Mike explained that he does not have a bias against mining, however, he does feel that the proposed mine will negatively impact the property values in Silver City. Mr. Enright reported that he had two people call on a listing he had advertised in the Homes and Lands Magazine. He said that when both parties discovered that the properties were located in Silver City, they lost interest due to their concerns relative to mining. Mike stated that he had handled two sales in Silver City in 2012. One of the buyers bought a home which was separated from the mine by a small ridge and was therefore removed from the mining. This home was purchased by a retired couple. The second residence was purchased by a

tattoo artist who wanted to be near Virginia City, but not in Virginia City. Mr. Enright felt that the mining activity would be unsightly and would create noise and dust for Silver City. It was his opinion that the mining activity would reduce property values in Silver City between 10% and 20%.

I also spoke with Mr. Mike Ramos of Coldwell Banker Select Real Estate. Mike has been an active Realtor in the area for a number of years. He stated that he handled the sale of the Cabin in the Sky Property to Comstock Mining. He also stays in touch with Comstock Mining making sure that they are aware of any listings he has in the Silver City and Gold Hill areas. He felt that the mining will generate jobs which could result in increased demand for housing. He did feel that the mining activity could affect the visual appeal of the area and could impact the desirability of Silver City.

I finally spoke with Jim Allander. He has owned a house adjacent to the Comstock Mining Company's Mill Site in American Flat for over 12 years. Their house is immediately above and adjacent to the Mill Site. He stated that they have gotten used to the noise and other inconveniences of the milling operation. He did state that there is constant noise with work typically beginning at 5:15 a.m. During our telephone conversation, I could hear the backup horns from heavy equipment in the background. Jim confirmed that it was from heavy equipment operating on the adjacent mill site. Jim stated that he felt it would be very difficult on the people of Silver City, should a mining operation occur on the 89± acres.

In summary, I have interviewed in excess of 15 individuals who either own property in Silver City or are real estate professionals who are knowledgeable about real estate values and trends in the local market. Many of the people interviewed expressed concerns regarding the impacts from mining on the adjacent property. Their concerns focused around noise associated with the mining operation, noise and traffic from trucking, noise from blasting, dust from the mining operations, and the visual impact on the aesthetic beauty of the area resulting from open pit mining. Many of the property owners expressed the opinion that they

were not willing to spend an additional dime on their property until such time as it was determined that a mining operation would not occur on the adjacent property. Almost all of the individuals interviewed indicated that, in all likelihood, it would be very difficult for them to sell their homes due to the concerns of future mining. There were several instances where buyers had elected not to consider Silver City or Gold Hill due to these concerns.

Several of the parties interviewed indicated that the increased mining activity could result in additional job opportunities for the area which would then drive demand for residential housing. In the end, even these parties expressed concerns that it would be difficult to sell a house due to the uncertainty of the mining activity. In several instances, the neutral parties indicated that they did have business dealings with Comstock Mining. Several additional parties requested that I not include them in the survey as they had business dealings with Comstock Mining.

Several of the Realtors interviewed indicated that, in their opinion, the mining activity would have a definite negative impact on property values in the Silver City area. In one instance, the Realtor stated that he felt the diminution in value would be between 10% and 20%.

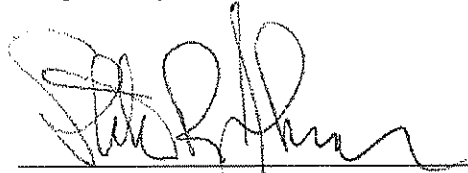
Finally, I have relied upon my forty years of experience in real estate appraising in Northern Nevada, as well as my educational background and experience. It is my observation that the proposed zone change property is located on the west face of the canyon area, while Silver City is located on the east face. As a result, noise will easily be transmitted from the mine site to Silver City which will reduce the peace and quiet of the residential neighborhood. The sources of the noise will include increased trucking, drilling, the operation of heavy equipment, the backup horns for the heavy equipment, and numerous other sources. In addition, the night lighting on the site could result in inconveniences to the residents in Silver City. Dust from the mining operation could also impact the residential properties. Finally, it

is felt that the scarring from an Open Pit Mining operation would impact the aesthetic beauty of the area.

In conclusion, based upon the numerous interviews conducted by this consultant, and relying upon my 40+ years of experience and professional training in real estate, it is this consultant's opinion that proposed Open Pit Mining on the 89± acres across from Silver City would have a material negative impact on residential property values.

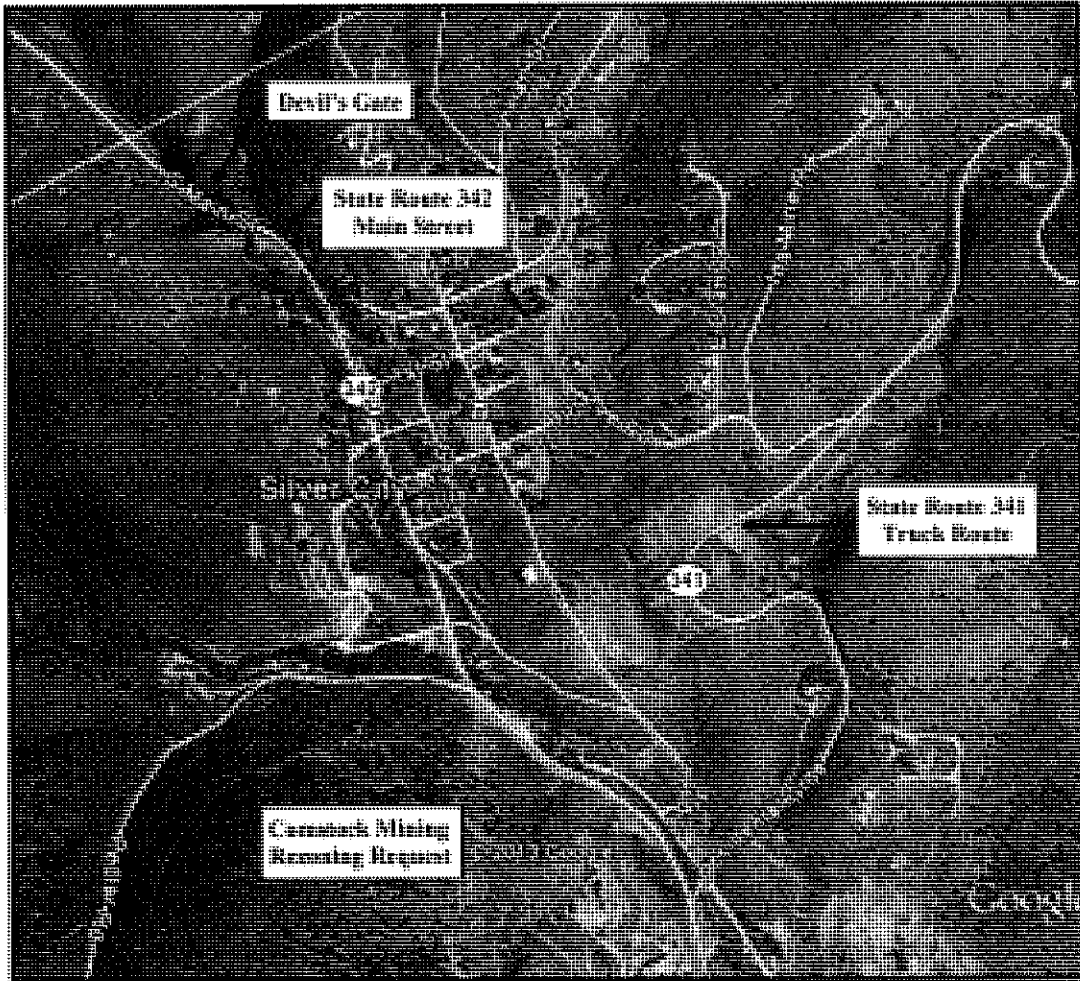
I hope this letter is of assistance and should you have any questions, please do not hesitate to contact me.

Respectfully submitted,



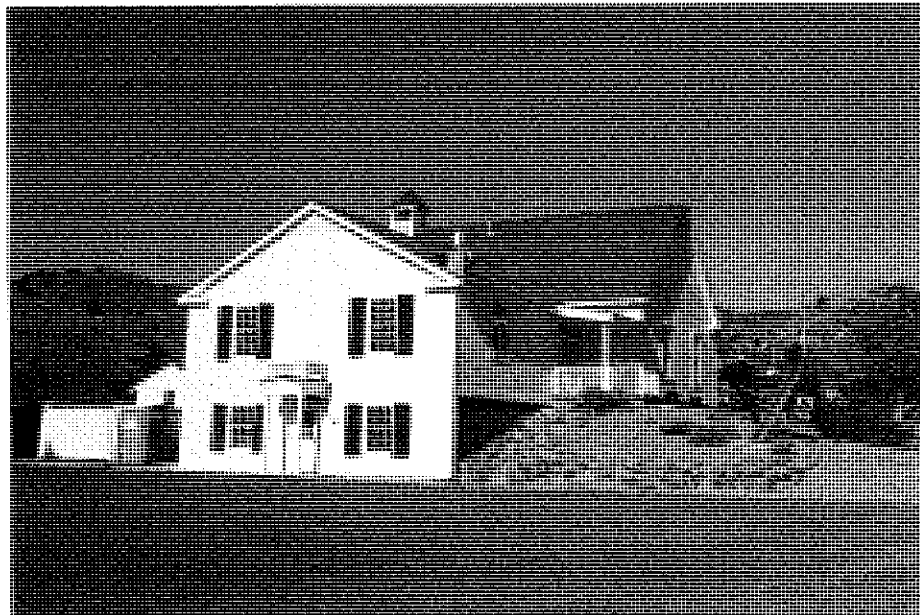
Stephen R. Johnson, MAI, SREA
Nevada Certified General Appraiser
License Number A.0000003-CG

SILVER CITY, NEVADA MAP

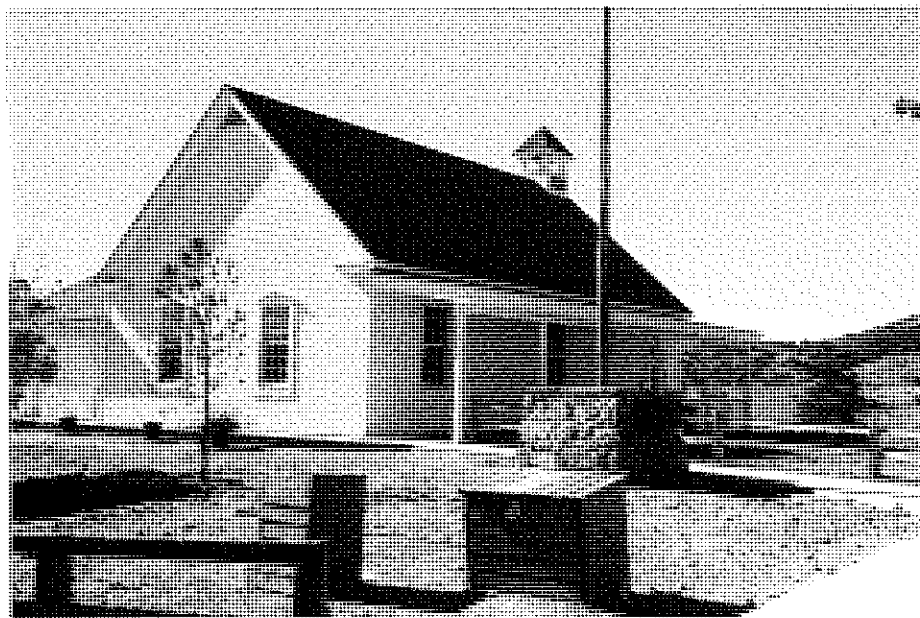


Reno ■ Lake Tahoe

PHOTOGRAPHS



VIEW OF SILVER CITY COMMUNITY CENTER

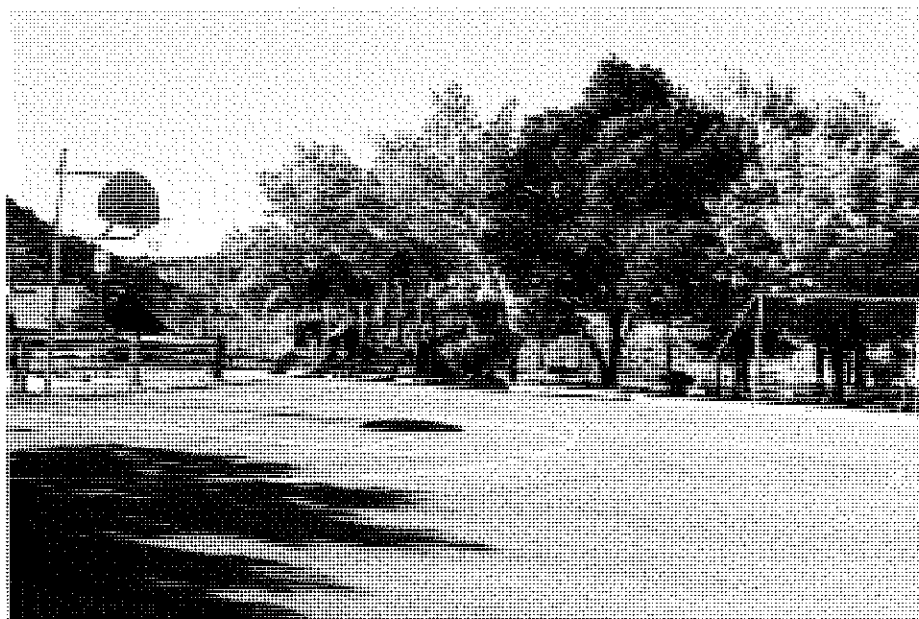


VIEW OF THE SILVER COMMUNITY CENTER

PHOTOGRAPHS



VIEW OF THE COMMUNITY PARK



VIEW OF THE PLAYGROUND AT THE SILVER CITY COMMUNITY PARK

PHOTOGRAPHS



VIEW OF COMSTOCK MINING'S LUCERNE PIT

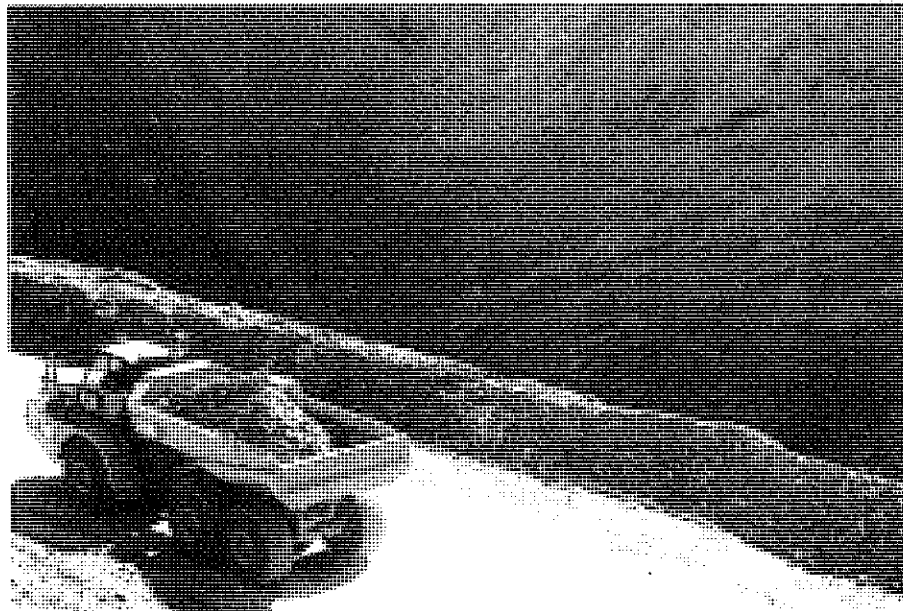


**VIEW OF THE LUCERNE PIT MINING OPERATION SITUATED ON THE WEST SIDE OF
STATE ROUTE 342**

PHOTOGRAPHS



VIEW OF A DUMP TRUCK USED IN THE MINING OPERATION

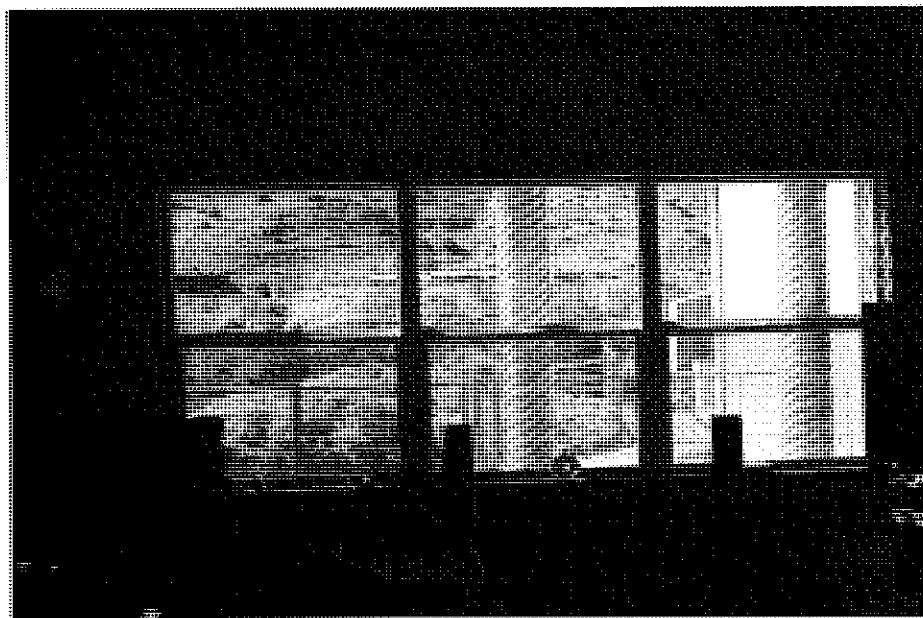


ANOTHER VIEW OF A DUMP TRUCK HAULING MATERIAL

PHOTOGRAPHS

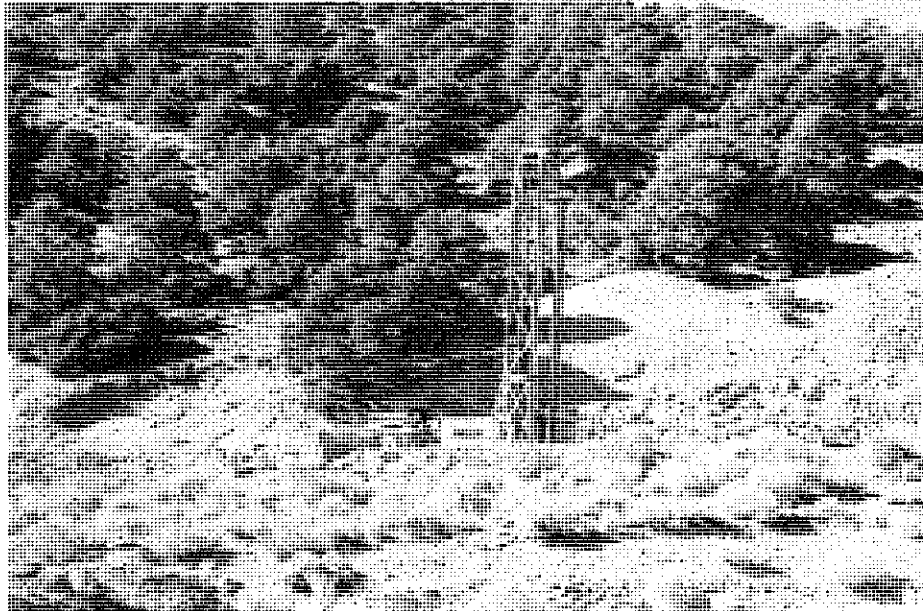


**VIEW OF THE 89± ACRE PROPERTY FROM THE OUTDOOR DECK OF THE ,
McCARTHY RESIDENCE**



A VIEW OF THE 89± ACRE PROPERTY FROM INSIDE THE McCARTHY RESIDENCE

PHOTOGRAPHS

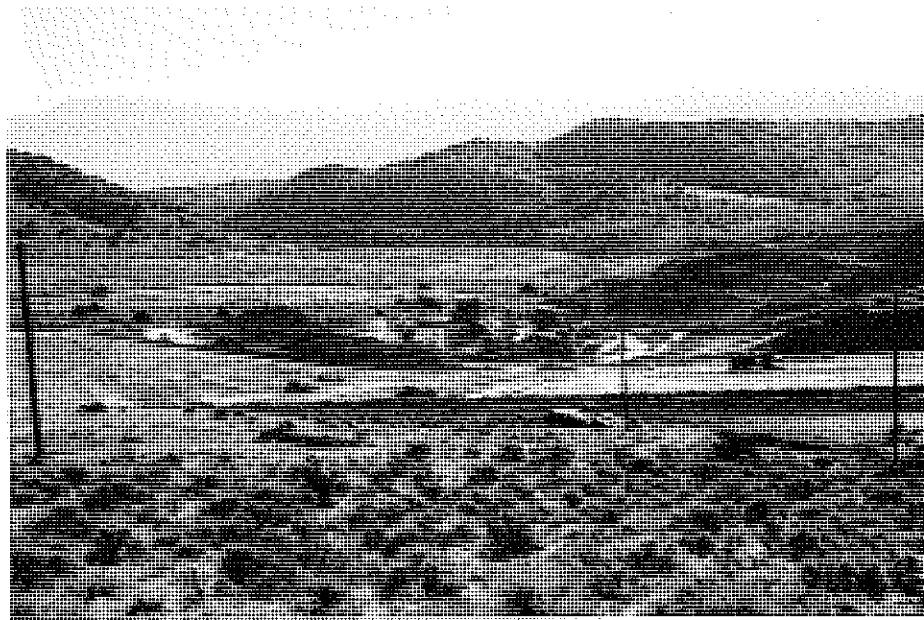


**VIEW OF A DRILLING RIG LOCATED ON THE EAST SIDE OF
STATE ROUTE 342**



VIEW OF AN OPERATING DRILLING RIG

PHOTOGRAPHS

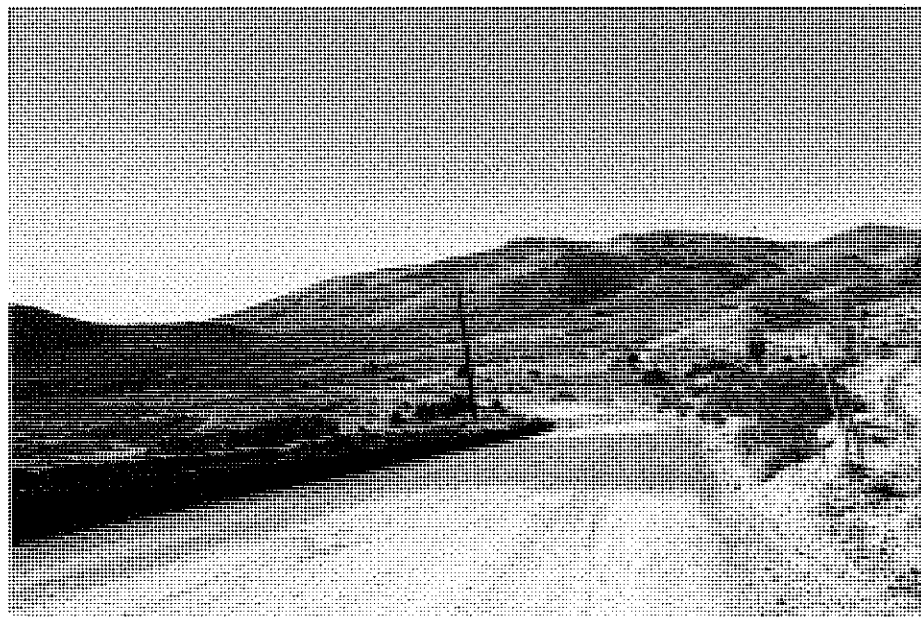


VIEW OF THE MILLING OPERATION IN AMERICAN FLAT



ANOTHER VIEW OF THE MILLING OPERATION

PHOTOGRAPHS



VIEW OF THE HAUL ROAD IN THE AMERICAN FLAT AREA



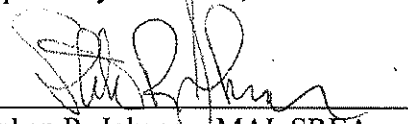
VIEW OF HEAVY TRUCK EQUIPMENT ON THE HAUL ROAD

CONSULTANT'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, conclusions, and recommendations.
- I have no present or prospective interest in the properties that are the subject of this report, and I have no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the properties that are the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of the stipulated result, or the occurrence of a subsequent event directly related to the intended use of this consulting assignment.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- I have made a personal inspection of Silver City and the surrounding areas that are the subject of this report.
- No one provided significant real property appraisal or appraisal consulting assistance to the person signing this certification.

Respectfully submitted,



Stephen R. Johnson, MAI, SREA
Nevada Certified General Appraiser
License Number A.0000003-CG

**QUALIFICATIONS OF APPRAISER
STEPHEN R. JOHNSON**

Professional Designations

MAI - Member Appraisal Institute (Certified through 2013)	1976
SREA - Senior Real Estate Analyst; Society of Real Estate Appraisers	1984

State Licensing and Certification

Certified General Appraiser-State of Nevada License #A.0000003-CG (Certified through 04/30/2015)	1991
Certified General Appraiser-State of California License #AG007038 (Certified through 06/18/2015)	1992

Association Memberships and Affiliations

Member Reno Board of Realtors	
Member Nevada Association of Realtors	
International Right-of-Way Association	
Member Nevada State Board of Equalization - (Appointed by Governor Richard Bryan, January 1984 & 1988)	1984-1991
(Appointed by Governor Kenny C. Guinn, March 2000 & 2004)	2000-2008
Member Nevada Commission of Appraisers of Real Estate - (Appointed by Governor Bob Miller, August 7, 1989)	1989-1994
Commissioner, Nevada Commission of Appraisers of Real Estate (Appointed by Governor Jim Gibbons, 2009)	2009-Present
President, Nevada Commission of Appraisers of Real Estate (Appointed by Governor Sandoval, 2012)	2012-2013

Offices Held

Chairman, National Ethics Administration Division	1995
Vice Chairman, National Ethics Commission	1993/94
Regional Member, Ethics Administration Appraisal Institute, Region I	1989-1992
President, Sierra-Nevada Chapter #60, AIREA -	1989
Vice President, Sierra-Nevada Chapter #60, AIREA -	1988
Secretary, Sierra-Nevada Chapter #60, AIREA -	1987
Vice Governor District 3 (Northern California & Nevada) Society of Real Estate Appraisers (SREA) -	1980-1981
Past President & Membership Chairman - Reno/Carson/Tahoe Chapter #189	
Member 1976 Young Men's Council, SREA, Atlanta, Georgia	

**QUALIFICATIONS OF APPRAISER
STEPHEN R. JOHNSON**

Offices Held (continued)

Discussion Leader 1977 Young Men's Council, SREA, Las Vegas, Nevada	
Elected 1 of 2 National Representatives to the Inter- National Board of Governors of the SREA, representing the Young Men's Council -	1977
International Professional Practice Committee, SREA -	1978-1981
International Conference Committee, SREA -	1978 & 1979
National Candidates Guidance Committee of the American Institute of Real Estate Appraisers (AIREA) -	1978-1981
Chairman National Division of Member and Chapter Services, AIREA -	1981
Board of Directors Northern California Chapter #11, AIREA -1	1980
Admissions Committee, Sierra-Nevada Chapter #60, AIREA	
Board of Directors, Sierra-Nevada Chapter #60, AIREA	1984-1986
Board of Directors, Reno-Carson-Tahoe Chapter	

Appraisal Experience

Independent Fee Appraiser	1976 to present
President, Stephen R. Johnson & Associates	1976-1992
President, Johnson - Wright & Associates	
President, Johnson - Perkins & Associates (Staff of 11 Appraisers)	1994 to present
Alves Appraisal Associates	1972-1976
Alves-Kent Appraisal Associates	1970-1972

Qualified as an Expert Witness

Nevada District Courts:
Washoe County, Carson City, Douglas County,
and Elko County
U.S. Bankruptcy Courts:
Reno, Las Vegas, Sacramento, and Los Angeles
U.S. District Court, San Francisco, California
United States Tax Court
Arizona Superior Court, Maricopa County, Phoenix
Douglas County Board of Equalization
Washoe County Board of Equalization
Nevada State Board of Equalization
King County Superior Court, Seattle, Washington

**QUALIFICATIONS OF APPRAISER
STEPHEN R. JOHNSON**

Formal Education

Reno High School Graduate - 1966
Bachelor of Science Degree in Business Administration
Majoring in Real Estate, from the University of
Nevada, Reno - 1972

Appraisal Education

University of Nevada:
B.A. 430 Real Estate Evaluation 1970
B.A. 432 Real Estate Appraisal Problems 1971
American Institute of Real Estate Appraisers:
Course 1A Basic Appraisal Principles, Methods
& Techniques, San Francisco, CA 1972
Course 1B Capitalization Theory & Techniques,
San Francisco, California 1973
Course 2 Urban Properties,
San Francisco, California
Course 6 Investment Analysis,
Memphis, Tennessee 1976
Society of Real Estate Appraisers:
Course 301 Special Applications of Appraisal
Analysis, Pomona, California 1974
Uniform Appraisal Standards for Federal Land Acquisitions June 2009
Numerous Continuing Education Seminars and Courses

Appraisal Instructor

Nevada Association of Realtors
Department of Commerce, Real Estate Division, State of Nevada
Appraisal "A" Residential Appraising
Appraisal "B" Apartment and Commercial Property Appraising
Western Nevada Community College
R.E. 206 Real Estate Appraising
Northern Nevada Real Estate School
Real Estate Appraisal

QUALIFICATIONS OF APPRAISER
STEPHEN R. JOHNSON
REPRESENTATIVE APPRAISAL CLIENTS AND PROPERTIES

BARTON MEMORIAL HOSPITAL
CITY OF RENO
CITY OF SPARKS
COLONIAL BANK
R.J.B. DEVELOPMENT COMPANY CARSON CITY
DOUGLAS COUNTY
LINCOLN COUNTY
LYON COUNTY
WASHOE COUNTY
MINERAL COUNTY
EMERALD BAY POST OFFICE
NEVADA STATE PARK SYSTEM
NEVADA STATE DEPT. OF TRANSPORTATION
NEVADA STATE DIVISION OF LANDS
NEVADA ATTORNEY GENERAL'S OFFICE
U.S. DEPARTMENT OF NAVY
U.S. FOREST SERVICE
FNMA - REGIONAL OFFICE
INTERNAL REVENUE SERVICE
FEDERAL TRADE COMMISSION
WASHOE COUNTY REGIONAL TRANS.
RENO TAHOE AIRPORT AUTHORITY
TAHOE REGIONAL PLANNING AGENCY
CALIFORNIA ATTY GENERAL'S OFFICE
CALIFORNIA TAHOE CONSERVANCY
CITY OF SOUTH LAKE TAHOE
PLACER COUNTY REDEVELOPMENT AGENCY
NEW HAMPSHIRE DEPARTMENT OF JUSTICE
MISSOURI HWY AND TRANS. DEPT COMMISSION
IDAHO TRANSPORTATION DEPARTMENT
COLONIAL BANK
PLUMAS BANK
SECURITY BANK OF NEVADA
LIBERTY BANK
FIRST INDEPENDENT BANK OF NV
NORTHERN NEVADA BUSINESS BANK
NEVADA STATE BANK
UNION BANK
VALLEY BANK OF NEVADA
BANK OF AMERICA
THE BANK OF CALIFORNIA
CROCKER NATIONAL BANK
WELLS FARGO BANK
B OF A TRUST DEPARTMENT
FIRST FEDERAL SAVINGS & LOAN
FIRST WESTERN SAVINGS & LOAN
AMERICAN SAVINGS AND LOAN
NEVADA SAVINGS & LOAN
DILORETO CONST. & DEVELOPMENT
DERMODY PROPERTIES
TRAMMELL CROW CO.
MCKENZIE PROPERTIES
HOMWOOD HIGH & DRY MARINA
TAHOE KEYS MARINA
TAHOE CITY MARINA

WASHOE MEDICAL CENTER
PLAZA RESORT CLUB
ROYAL BANK OF SCOTLAND
CARSON-TAHOE HOSPITAL
JOHNNY RIBEIRO BUILDER
KEEVER CONSTRUCTION COMPANY
SIERRA PACIFIC POWER COMPANY
SOUTH LAKE TAHOE PUBLIC UTILITY DIST.
TAHOE DOUGLAS SEWER DISTRICT
GLENBROOK WATER COMPANY
TAHOE PARK WATER COMPANY
NORTH FOOTHILL APARTMENTS
MEADOWOOD APARTMENTS
WOODSIDE VILLAGE APARTMENTS
SIERRA WOODS APARTMENTS
AMESBURY PLACE APARTMENTS
SUNDANCE APARTMENTS
KEYSTONE SQUARE SHOPPING CTR.
POZZI MOTORS
CARSON CITY DATSUN-AMC-JEEP
LEMMON VALLEY LAND COMPANY
CONSOLIDATED FREIGHTWAYS
RINGSBY UNITED
SYSTEMS 99
EASTMAN KODAK
HALLMARK CARDS
OSCAR MEYER AND COMPANY
GENERAL ELECTRIC
CHEMETRO
CITY SERVICES MINERAL CO.
SUPERIOR OIL COMPANY
TRAVELERS INSURANCE
FARMERS INSURANCE COMPANY
FIRST AMERICAN TITLE CO. OF NV.
FIDELITY TITLE INSURANCE CO
MERRILL LYNCH RELOCATION
YOUNG ELECTRIC SIGN COMPANY
THE TRUST FOR PUBLIC LANDS
THE TRUCKEE DONNER LAND TRUST
THE CONSERVATION FUND
THE NATURE CONSERVANCY
SUGAR BOWL SKI RESORT
THE FEATHER RIVER LAND TRUST
SKI INCLINE RESORT
KIRKWOOD ASSOCIATES
NORTHSTAR
SQUAW VALLEY U.S.A.
LEWIS HOMES OF NEVADA
SYNCON HOMES
MGM GRAND HOTEL CASINO & THEME PARK
EL DORADO HOTEL - CASINO
COMSTOCK HOTEL - CASINO
LAKESIDE INN HOTEL - CASINO
RAMADA EXPRESS HOTEL - CASINO

James F. Barker, Ph.D.
4543 Hillside Road
Carson City, Nevada 89701

John L. Marshall
570 Marsh Avenue
Reno, Nevada 89509

November 4, 2013

Dear Mr. Marshall:

Per your request to provide an analysis regarding the history and current status of the Virginia City National Historic Landmark and the potential effects of mining within the Silver City town boundaries at the Dayton Consolidated Mill Site, I am providing the following information for your review.

The Virginia City National Historic Landmark

In 1961, an area of 14,700 acres including Virginia City, Gold Hill, Silver City and Dayton was designated as the Virginia City National Historic Landmark by the Secretary of the Interior. This formal designation recognized the Comstock's national importance in the history of the American West and the history of mining. By receiving this designation, the Virginia City National Historic Landmark was acknowledged as one of our nation's most important historic and cultural resources.

In a letter dated March 3, 1988, Ron James, Deputy State Historic Preservation Officer, notified then Secretary of the Interior Hodel (Attached) that "The Virginia City Historic Landmark District is endangered because of previous open pit mining which has limited the visual integrity of the District and which destroyed and continues to threaten contributing cultural resources within the District."

In response to this notification, the National Park Service assessed the status of the Landmark (Leo Barker, 1988). In his analysis Barker (1988:30) found that "Historic landscapes—the tailings, dumps, prospects, roads, walls, adits, complex ruins, and other alterations of and structural associations on the land—have been neglected in preservation planning on the Landmark. Historic land alterations in and around historic sites are now recognized as integral parts of historic properties, because they reflect significant changes in land use and because they constitute the connective tissue that often supports and defines the historic character and integrity of a place."

Because of this neglect, "cumulative post World War II open pit mining and related mill site activities have severely impacted the historic landscape of the Virginia City National Historic Landmark District" (Barker 1988:30). In addition, Barker (1988:26-27) argued that "Historic landscapes, archeological sites, and historic buildings are threatened . . . by the removal and reprocessing of historic tailings, the opening of new surface mine sites, and by the creation of new landform features—large open pits and heap leach processing sites—that are incompatible with the character of the Landmark."

The importance of maintaining the integrity of the historic landscape was again addressed in the latest update of the Virginia City Historic District Amendment – 1991 (Attached) wherein Ron James, the State Historic Preservation Officer at the time, reiterated and formalized these same

considerations, arguing that the historic *landscape* of the district is an integral setting for its built environment. Specifically he noted:

- (1) "... hundreds of acres of cultural landscape which, between 1859 and 1942, played an integral role in the history of mining on the Comstock."
- (2) "... the landscape in the District, both the rural and built-up sections, portrays the evolving and cyclical industrial, commercial, and social patterns relating to mining activity, the central, significant focus of Comstock history up to 1942."
- (3) "Scattered across the natural landscape of this predominantly rural historic district are countless cultural landscape features (mill tailings, mine dumps, sunken shafts, dark adit openings, cemeteries, abandoned railroad and road beds), historic structures (headframes, ore rockers, mill leaching tanks, and water tanks and flumes), and archaeological sites (the honeycomb network of underground mining tunnels, partially or totally buried mining equipment and parts of buildings, stone embankments and foundations) that provide visual testimony to the important role of mining in Comstock history up to World War II."
- (4) "Contributing buildings have retained substantial integrity of setting (taking into account the evolution of both natural and cultural landscape features that invariably has taken place over the eighty-two year period of significance), feeling, and association."

In this nomination amendment, Mr. James makes a strong argument for the significance of the historic landscape within the Virginia City National Historic Landmark.

Lyon County Comprehensive Master Plan

The current Lyon County Comprehensive Master Plan (2010) discusses existing historic district designations that include and surround Silver City as planning tools to preserve its "existing historic character." The Plan notes that "Silver City, situated in lower Gold Canyon, represents the first settlement in Nevada based on mining activity" and now comprises an historic town site that is an integral part of the Virginia City National Historic Landmark and the Comstock Historic District. Slow growth allows Silver City to treasure "its historic buildings and landscape features" as a way to maintain a strong sense of identity and pride in its cohesive small town atmosphere.

As noted in the Lyon County Comprehensive Master Plan, during the planning process "residents and property owners expressed considerable interest in maintaining their many diverse communities and improving community aesthetics" and that preserving the County's rural character is a core value of a majority of Lyon County residents." The Master Plan argues that a community's unique character "is defined by its design, its viewsheds, its gathering places, and its historic and cultural resources, as well as by environmental characteristics such as natural quiet and dark night skies." The Plan further notes that "maintaining this character is important—not only for promoting economic development and diversification, but also for protecting our living spaces, quality of life and open lands."

The current Lyon County Comprehensive Master Plan defines a set of guiding principles with which land use will be managed. These include but are not limited to:

- (1) Lyon County will respect and promote the distinct character and heritage of its communities, strive to retain its rural and agricultural culture and promote cohesive and high quality development to improve the overall image and function of its communities; and

(2) The proximity of the natural environment will continue to be an important part of life in Lyon County, where residents will enjoy sustainable supplies of clean water for drinking and agriculture; clean air; wildlife; access to rivers, lakes and public lands; scenic views, and dark night skies. Lyon County will work to reduce or mitigate natural hazards such as wildfire, flooding, earthquakes and dust.

Based on these principles, one planning goal (CC 3: Heritage) states, "Historic places, structures, and landmarks in the county will be preserved and will provide an opportunity for residents and visitors to learn about and celebrate our heritage." Associated with this goal is a policy (CC 3.1: Maintain and Restore Historic Resources) that "Lyon County will encourage and support efforts to preserve and restore registered historic structures, and landmarks, and districts." Specifically, within historic districts, like Silver City, the County will:

- Revise zoning to encourage historic use and development patterns including mixed-use structures and districts.
- Promote historic design elements, features and context, and prohibit building design that compromises the integrity of the historic community character.
- Limit new land uses that would pose a risk to historic structures or the historic character of the district.
- Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.

Other sections of the Master Plan define additional principles, goals and policies guiding development in historic districts, particularly as they relate to the historic landscape. These include:

Policy LU 1.4: New industrial uses should only be located in areas that do not adversely impact existing residential settlements.

Natural Resources and Environment: The proximity of the natural environment will continue to be an important part of life in Lyon County, where residents will enjoy sustainable supplies of clean water for drinking and agriculture; clean air; wildlife; access to rivers, lakes and public lands; scenic views, and dark night skies.

Goal NR 8 Views: Lyon County will protect scenic views of mountain backdrops and nighttime views of stars.

Policy NR 8.1: Mountain Backdrop: Recognizing that views of the mountains in and around the county provide a unique scenic value for residents and visitors, Lyon County will strive to preserve such views.

Goal NR 9: Mining and Resource Extraction: Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce, conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR 9.3: Mitigate Operations: To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, and so forth.

Discussion

Historic structures do not exist in a vacuum, and land use planning decisions are made in a real world where communities are more than the sum of their parts. Historic districts necessarily include buildings and structures *in their historically derived landscape*. Further, as shown throughout the Lyon County Master Plan, both visitors and residents are drawn to historic communities exactly for the historic nature of the landscape in which they are found. If the historic nature of the landscape is degraded, it will become less valued.


The existing zoning preserves the nature and pace of development in Silver City in ways that are compatible with the historic landscape. Given the very pointed language in the Lyon County Master Plan pertaining to historic districts and community character, Comstock Mining Inc. is obligated to show that its proposed Master Plan change and zoning change will not adversely impact the historic integrity of Silver City. Comstock Mining's implied goal in seeking the change in land use and zoning is to conduct mining in the town limits. However, they offer no evidence to support the compatibility of their proposed project with the existing historic landscape, nor do they address adverse impacts to the landscape, viewshed, historic integrity, and community values in Silver City implicit in the change. To avoid further damage to the Virginia City National Historic Landmark in general, and specifically to the historic integrity of Silver City, requires maintaining and supporting the protections imbedded in the existing Lyon County Master Plan.

Reference

Barker, Leo, 1988. "Over the Lode: An Investigation of the Status of the Virginia City National Historic Landmark District, Also Known as the Comstock Historic District, Nevada." National Park Service, San Francisco.

I hope this information meets your needs. If you have any questions, please do not hesitate to contact me at 883-7790.

Sincerely,



James P. Barker, Ph.D.
Nevada State Archaeologist, Bureau of Land Management, Retired

Bio

Pat Barker was born in Reno. He earned a Ph.D. in Anthropology in 1982 from the University of California, Riverside. In 1986, he began work as an archaeologist for the Bureau of Land Management and two years later became the archaeologist for the BLM Nevada State Office. During his tenure in the state office, Dr. Barker developed guidelines for conducting cultural resource inventories and for evaluation eligibility for the National Register. He negotiated a statewide protocol agreement with the Nevada State Historic Preservation Office (SHPO) for compliance with the National Historic Preservation Act (NHPA). He was a founding member of the BLM National Preservation Board and helped develop the BLM's cultural resource manual series. Dr. Barker has negotiated at least 30 programmatic agreements to facilitate NHPA compliance for proposed land uses, mainly mining developments. Since retiring from the BLM in 2006, he has worked as a consultant on several projects, including the Ruby Pipeline, the American Flats demolition environmental assessment, the Virginia City sewer expansion programmatic agreement, and the Nevada Test Site rail corridor environmental impact statement. Dr. Barker also was a Research Associate in Anthropology at the Nevada State Museum and at UC Davis; past president of the Board of Directors of the Nevada Rock Art Foundation; and president of the Great Basin Anthropology Association. He teaches a graduate seminar on Historic Preservation Law and Policy at the University of Nevada, Reno.

Pat Barker, Ph.D.

Personal Information

Address: 4523 Hells Bells Road, Carson City, Nevada 89701,
(775) 883-7790; Cell: 775 721-0110; email: barkerj@unr.edu
DOB: 12/16/46, Reno, Nevada; U.S. Citizen; Married, No Children; Viet Nam veteran

Professional Preparation

Orange Coast College	Anthropology A.A.	1972
California State University, Long Beach	Anthropology B.A.	1974
University of California, Riverside	Anthropology M.A.	1977
University of California, Riverside	Anthropology Ph.D.	1982

Appointments

Research Associate, Anthropology, University of California, Davis, 2009-Present
Research Associate, Anthropology, Nevada State Museum, Carson City, Nevada, 2000-Present
Senior Archaeologist, ASM Affiliates, Reno, Nevada, 2008-Present
Senior Archaeologist, Progressive Adaptations, Carson City, Nevada, 2006-Present
Adjunct Professor, Anthropology, University of Nevada, Reno, Nevada, 1998-Present
Nevada State Archaeologist, Bureau of Land Management, Reno, Nevada, 1988-2006 (Retired)
Resource Area Archaeologist, Bureau of Land Management, Barstow, Ca, 1986-1988
Chief, Alcohol Dependence Program, VA Medical Center, Reno, Nevada, 1985-1986
Coordinator, Alcohol Dependence Program, VA Medical Center, Reno, Nevada, 1982-1985
Graduate Student, University of California, Riverside, California 1974-1982
Assistant Editor, Journal of California and Great Basin Anthropology, 1980-1982

Publications

2013 *Points in Time: Direct Radiocarbon Dates on Great Basin Projectile Points*, with Geoffrey Smith, Eugene M. Hattori, Anan Raymond, and Ted Goebel. *American Antiquity* 78(3):580-594.

2011 *Looting at Elephant Mountain Cave*, with Cynthia Pinto-Ellis and David Valentine. *Nevada Archaeologist* 24:1-11

2009a *The Process Made Me Do It: or Would a Reasonably Intelligent Person Agree that CRM is Reasonably Intelligent*. In L. Sebastian and W. Lipe, eds. *Archaeology and Public Policy: A New Vision for the Future*. Santa Fe: School of Advanced Research. Pp 65-90.

2009a *Great Basin Sandals*, with Tom Connolly. In C. Fowler and D. Fowler, eds. *The Great Basin: People and Places in Ancient times*. Santa Fe: School of Advanced Research. Pp 69-74.

2009c *Woven Sandals as Boundary Markers Between the Great Basin and Southwest Culture Areas*. In B. Hockett, ed. *Past, Present and Future Issues in Great Basin Archaeology: Papers in*

Honor of Don D. Fowler, Bureau of Land Management, Nevada, Cultural Resource Series 20:125-145.

2008 *Forum: Who Makes it Heritage?* Invited Comment. *Heritage Management* 1(1)110-112

2006 *Long Term Fire History in Great Basin Sagebrush Reconstructed from Macroscopic Charcoal in Spring Sediments*, with Scott Mensing and Stephanie Livingston. *Western North American Naturalist*, 66(1) 64-77.

2004 *Basketry Chronology of the Early Holocene in the Northern Great Basin*, with Tom Connolly. *University of Oregon Anthropological Papers* 62:241-250.

1996 *Archaeological Contributions to Ecosystem Management*. *SAA Bulletin* 14(2):18-21.

1995 *Legal Implications of the Numic Expansion*. with Cynthia Pinto. In, *Across the West: Human Population Movement and the Expansion of the Numa*. D. Madsen and D. Rhode, eds. Salt Lake City: University of Utah Press. Pp 16-19.

Honors

President's Honor List, CSULB, 1972-73, Fall 1973

Society for California Archaeology, Student Prize Paper, 1973

Outstanding Graduate in Anthropology, CSULB, 1974

Regents Fellow, UCR, 1975-1976

VA Outstanding Performance Award, 1983, 1984, 1985

BLM, Group Achievement Award, 1987, 1992

National Take Pride in America Award for *Adventures in the Past Exhibit*, 1991

BLM Sustained Performance Award, 1992, 1999, 2000, 2006

Professional Associations

Nevada Archaeological Association

Society for American Archaeology

Nevada Rock Art Association

Service

Nevada Archaeological Association, Board of Directors, 1990-1992

President, Board of Directors, Nevada Rock Art Foundation, 2009-2012

President, Great Basin Anthropology Association, 2012-Present

Referees

Robert L. Bettinger, Ph.D., Department of Anthropology, University of California, Davis, California 95616 (916) 752-0551

David Hurst Thomas, Ph.D., Curator, North American Archaeology, American Museum of Natural History, New York, New York 10024 (212) 769-5890



Kerry Page <kpage@lyon-county.org>

A couple of quick questions

8 messages

Joe McCarthy <1200paydirt@gmail.com>

Mon, Oct 14, 2013 at 8:54 AM

To: Kerry Page <kpage@lyon-county.org>

Hi Kerry,

1. I'm having a tough time finding Lyon County's zoning maps on the website. Are there digital versions or only hard copies? Any suggestions?

2. Back in 2010, Comstock Mining sent the county a letter asking that the 2010 mp maps be "adjusted," or some such thing. They were informed that the maps were already processed & it was too late to do so. Of course, this is my memory only. Do you have a copy of this letter in the file & the county's response? Would it be possible for me to get a copy?

Thanks,

Joe
1200paydirt@gmail.com
775-720-0331

"Like music and art, love of nature is a common language that can transcend political or social boundaries."

— Jimmy Carter

On Oct 3, 2013, at 12:43 PM, Kerry Page <kpage@lyon-county.org> wrote:

Okay Joe. Mike has the map in hand but he won't be able to make it back to the office today. He said he will leave it in "will call" at the front desk of the Utilities office and it will be available for pick up on Monday.
Thanks.

--
Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305

Joe McCarthy <1200paydirt@gmail.com>

Mon, Oct 14, 2013 at 11:52 AM

To: Kerry Page <kpage@lyon-county.org>

Hi Kerry,

One question answered. I found the 12/13/10 CMI letter.

JA2805

14 CV 00128 - 002700

Is it possible that you can send me or direct me to the agendas & minutes for the 1st, 2nd & special meetings of the BOC? Should I be asking Jeff?

Thanks, and again sorry to be a pest. A big thank you for sending me the west Central Lyon County land use plan. Very helpful, indeed.

Joe

[Quoted text hidden]

--

Joe McCarthy
1200paydirt@gmail.com
775-720-0331

Eudora Welty, when asked what causes she would support, replied, "Peace, education, equality, conservation, and quiet."

Kerry Page <kpage@lyon-county.org>
To: Joe McCarthy <1200paydirt@gmail.com>

Tue, Oct 15, 2013 at 4:11 PM

Hi Joe,
Sorry, I was out yesterday and have been playing catch up all day.
The BOC and PC minutes and agendas are on our website (www.lyon-county.org) but only for those minutes that have been officially approved by that board. If you want the draft minutes for a BOC meeting that is not yet on the website you should ask Maureen Williss, Jeff's Office Manager, to send those to you.
The BOC has not yet held any hearings for CMI. The PC is the final authority for Reversions to Acreage. The Master Plan and Zone Change have not yet been heard by either board.

[Quoted text hidden]

Kerry Page <kpage@lyon-county.org>
To: Joe McCarthy <1200paydirt@gmail.com>

Tue, Oct 15, 2013 at 4:13 PM

Hi again Joe,
Our zoning maps are not yet available on the website. That is a project I have been working on for some time now - in my spare time! I can make zoning maps from our GIS so if you want one of a specific area (Silver City, I assume), I can email that to you. Let me know what you need. I will look for the correspondence you mentioned - I'm sure we have that in our files.

[Quoted text hidden]

Joe McCarthy <1200paydirt@gmail.com>
To: Kerry Page <kpage@lyon-county.org>

Tue, Oct 15, 2013 at 4:23 PM

Hi Kerry,

Thank you for getting back to me. We are doing some homework to get ready for CMI's mp amendment & zoning change application that is set for the PlanCom to hear on 11/12. The BOC meetings I'm trying to find out about were back in 2010. I'll poke around the website to see if I can locate the minutes; if I can't find them, I'll ask Maureen to help.

My other dumb question was - how do I find the current zoning maps on the website?

Sorry to bug you. I know how busy you are & how hard you work.

Joe

On Mon, Oct 14, 2013 at 8:54 AM, Joe McCarthy <1200paydirt@gmail.com> wrote:

[Quoted text hidden]

JA2806

14 CV 00128 - 002701

--
Joe McCarthy
1200paydirt@gmail.com
775-720-0331

Eudora Welty, when asked what causes she would support, replied, "Peace, education, equality, conservation, and quiet."

Kerry Page <kpage@lyon-county.org>
To: Joe McCarthy <1200paydirt@gmail.com>

Tue, Oct 15, 2013 at 4:28 PM

Joe,
The minutes for the 2010 meetings are on the website - you should click on "view all archives for this item" or something to that effect.
I responded to the zoning map question in a separate email.
[Quoted text hidden]

Joe McCarthy <1200paydirt@gmail.com>
To: Kerry Page <kpage@lyon-county.org>

Tue, Oct 15, 2013 at 4:29 PM

Hi Kerry,

No need to find the correspondence - I found it. I'll track down the minutes of the BOC via Maureen.

Yes, we do want the zoning maps of Silver City & environs. Please email to me when you can make that happen.
We much appreciate it & charge me, if needed.

Again, you need to know how much we appreciate what you do for Lyon County.
[Quoted text hidden]

--
Joe McCarthy
1200paydirt@gmail.com
775-720-0331

Eudora Welty, when asked what causes she would support, replied, "Peace, education, equality, conservation, and quiet."

Kerry Page <kpage@lyon-county.org>
To: Joe McCarthy <1200paydirt@gmail.com>

Tue, Oct 15, 2013 at 4:31 PM

Yes, I just found that correspondence too! I'll prepare the maps for you.
[Quoted text hidden]



Kerry Page <kpage@lyon-county.org>

Silver City Advisory Board comments

1 message

Kerry Page <kpage@lyon-county.org>
To: elaine@barkdullspenceragency.com

Mon, Oct 7, 2013 at 2:14 PM

Elaine,
Here is what I have so far.

--

Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305

4 attachments



SILVER CITY PETITION 10.4.2013.pdf
400K



SCAB comments - Erich Obermayer 10.7.2013.doc
31K



SILVER CITY ADV BD AND WORKSHOP MINUTES - CMI.pdf
3329K



COMSTOCK RTA SILVER CITY COMMITTEE COMMENTS-JOHN MARSHALL 10.4.2013.pdf
89K

JA2808

14 CV 00128 - 002703

October 4, 2013

Lyon County Planning Commissioners
27 South Main Street
Yerington, Nevada, 89447

Re: Comstock Mining Inc. Application for Reversion to Acreage (PLZ-13-0044)

Dear Commissioners:

Attached, please find a petition from the residents of Silver City and adjacent areas, directed to yourselves and the Lyon County Commissioners. The purpose of the petition is to inform you of the opinions of the signers regarding the above referenced application.

On August 12, 2013 Comstock Mining Inc., submitted the above application and a master plan and zoning change application to the Lyon County Planning Department. Copies were also provided to the Silver City Advisory Board. The applications were placed on the agenda for the September 3, 2013 town meeting. Copies of the applications were obtained and reviewed by residents of Silver City during the week of August 18, 2013.

From August 31st to September 3rd, the residents of Silver City signed the attached petition. The petition currently contains 104 signatures. As a point of reference, according to the Lyon County website, Silver City has a total of 146 registered voters. As one of the residents who walked the town, informing citizens of the applications for both the reversion to acreage and the master plan and zoning change, I can state that the people I spoke to were eager to sign and thus communicate their feelings to you.

The signers presented the petition to the Silver City Advisory Board at the town meeting of September 3, 2013, requesting that the Board convey this petition to the Planning and County Commissioners.

As Comstock Mining was not prepared to share their plans with the approximately 80 attendees at the town meeting, both applications were agendaized for the October 1st Silver City Town Advisory Board meeting. Once again, the Silver City Community Center was packed with attendees, anxious to hear from Comstock Mining what their intentions are for the Dayton Consolidated. For the residents who live less than 250 feet away from the area that is to be reverted, this was an important chance to communicate to Mr. DeGasperi, CEO of Comstock Mining, that his plans could result in making their residences unlivable. Unfortunately Comstock Mining's total presentation was less than five minutes in duration and provided no information regarding the plans for the reverted acreage.

The Silver City Town Board then voted to reaffirm the town's recommendation to the Planning Commission and the County Commissioners i.e., that this application for a reversion to acreage at the Dayton Consolidated is a detriment to the quality of life, health and the historic integrity of Silver City.

As you deliberate, please keep in mind that the Reversion to Acreage application is designed to pave the way for mining within Silver City Town limits. I am requesting on behalf of the signers of the petition that you deny Comstock Mining's application.

Alternatively, please consider a continuance of this application until after the decision has been made on the master plan and zoning change. There is so much at stake for all of us who live in Silver City. Surely there is no harm to Comstock Mining if this decision is delayed until after the master plan and zoning change has been decided.

Sincerely,

A handwritten signature in cursive script that reads "Gayle Sherman".

Gayle Sherman
100 Grant Street
Silver City, Nevada 89428

9-9-13

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	CASHION GALLOWAY	500 HIGH STREET SILVER CITY, NV 89428	Cashion Galloway	8.31.13
2	Michele Busk	245 4th St. Silver City NV 89428	Michele Busk	8/31/13
3	William Rosevear	145 High St. Silver City NV 89428	William Rosevear	9/3/13
4	SHEREE ROSEVEAR	145 High St Silver City NV 89428	Sherree Rosevear	8/31/13
5	Allen McCabe	320 First St Silver City, NV 89428	Allen McCabe	8/31/13
6	SUSAN MCCABE	320 first St Silver City, NV 89428	Susan McCabe	8/31/13
7	Wayne Bachand	420 High St Silver City, NV 89428	Wayne Bachand	8-31-13
8	Catherine Bachand	420 High St. Silver City, NV 89428	Catherine Bachand	8-31-13
9	MOLLY AUANDER	750 HIGH ST " " "	Molly Auander	8/31/13
10	Allison Woodman	1150 Main St, Silver City NV 89428	Allison Woodman	8/31/13
11	Alan Jackson	1150 Main " " " "	Alan Jackson	8-31-13
12	Tom Byron	4 HIGH ST. SILVER CITY 89428	Tom Byron	9/1/13
13	LILA LINDSAY	250 High St. Silver City, NV 89428	Lila Lindsay	9/1/13
14	Linda Hicks	1300 HIGH ST SILVER CITY, NV	Linda Hicks	9-1-13
15	Todd Hicks	" " " "	Todd Hicks	9-1-13
16	RENATE VICTOR	230 Second Street Silver City, NV	Renate Victor	9.1.13
17	Rachel Berry	265 4th St Silver City NV	Rachel Berry	9.1.13
18	Ron Victor	230 2ND ST SILVER CITY	Ron Victor	9-1-13
19	Douglas Hanesco	550 Buckner St. Silver City, NV	Douglas Hanesco	9-2-13
20	Deann Michelson	550 Buckner St. Silver City, NV	Deann Michelson	9-2-13
21	Joann Shea	#2 PRADERE RD. DAYTON	Joann Shea	9-2-13

24
26
50 67

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Ken Keamer	245 4th ST SILVER CITY NV	[Signature]	9/2/13
2	STEVE BROWN	1530 DAYTON TOL ROAD SC	[Signature]	9-10-13
3	Fred Swanson	450 1st St. Silver City, NV	[Signature]	9-4-13
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Kirk Gomez	480 High St. Silver City	[Signature]	8-29-13
2	Terrri Gomez	480 High St. Silver City	[Signature]	8-29-13
3	ROBERT EUSTON	500 High St. SILVER CITY	[Signature]	8/29/13
4	Alex Mardian	50 Croner St Silver City	[Signature]	8/29/13
5	Mary MacDonnell	50 Croner St. Silver City	[Signature]	8/31/13
6	Carmen Erisman	50 Croner St Silver City	[Signature]	8/31/13
7	RON RENO	375 CRONER SILVER CITY	[Signature]	8/31/13
8	Mona Reno	375 Croner, Silver City	[Signature]	8-31-13
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	BONNIE BROWN	1530 DAYTON TOLL RD. - SILVER CITY	Bonnie Brown	8-31-13
2	CHRIS BROWN	" " "	Chris Brown	"
3	LORRAINE RICHMOND	27 THE GOLDEN RD. SILVER CITY	Lorraine Richmond	8/31/13
4	Mark Richmond	" " "	Mark Richmond	"
5	Mark Bradley	387 Buckeye St Silver City	Mark Bradley	8-31-13
6	Robert Royce Bradley	387 Buckeye St, Silver City	Robert Royce Bradley	8/31/13
7	KAREN WEST	575 Buckeye St, Silver City	Karen West	8/31/13
8	Kip Allander	200 Grant St, Silver City NV	Kip Allander	8/31/13
9	CLEO ROSS	275 MAIN - SILVER CITY, NV	Cleo Ross	8-31-13
10	MARGARET COBBY	1000 MAIN ST., SILVER CITY, NV	Margaret Cobby	8/31/13
11	Emily Cobby	1000 MAIN ST., SILVER CITY	Emily Cobby	8/31/13
12	Bruce Bonow	1560 Dayton Toll Rd. Silver City	Bruce Bonow	9/1/13
13	Kelly Kotik	305 Main St #2, Silver City	Kelly Kotik	9/2/13
14				
15				
16				
17				
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Carol Brown	900 SR 341, Silver City, NV	Carol Brown	8-31-13
2	DOUGLAS BROWN	" " " "	DOUGLAS BROWN	8-31-13
3	Stephen Crawford	1045 Highway 341 Silver City, NV	Stephen Crawford	8-31-13
4	LOUISE CRAWFORD	1045 Highway 341 Silver City, NV	Louise Crawford	8-31-13
5	Deborah McKesones	1465 DAYTON TOLL RD NV	Deborah McKesones	8/31/13
6	HERNAN H MESAÑES	1465 Dayton Toll Rd NV	Hernan Mesañes	8/31/13
7	Carol Gordon	1410 Dayton Toll Rd, Silver City, NV 89428	Carol Gordon	8/31/13
8	Judie Wysocki	1000 Hwy 341 Silver City, NV 89428	Judie Wysocki	8/31/13
9	Kris Coston	1275 Benham Tol. Silver City, NV 89428	Kris Coston	8/31/13
10	Laura Coston	1275 Benham Tol. Silver City, NV 89428	Laura Coston	8/31/13
11	Joe McCarthy	1200 Highway 341 Silver City, NV 89428	Joe McCarthy	8-31-13
12	Ann McCarthy	1200 Highway 341 Silver City, NV 89428	Ann McCarthy	8-31-13
13	Diane Kotik	1500 Dayton Toll Silver City, NV 89428	Diane Kotik	8-31-13
14	Larry Kotik	1500 Dayton Toll Silver City, NV 89428	Larry Kotik	8-31-13
15	Chad Olson	386 Hwy 341 Silver City, NV 89428	Chad Olson	9-1-13
16	JUDI OLSON	386 Hwy 341 Silver City, NV 89428	Judi Olson	9-1-13
17	WILLIAM GODWIN	1410 DAYTON TOLL RD SILVER CITY, NV 89428	William Godwin	9-2-13
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Shari Fletcher	180 2nd St	Shari Fletcher	8/31/13
2	64.5 SZOREY	225 GAY ST	64.5 Szorey	8/31/13
3	LISA COOKE	150 GAY ST	Lisa Cooke	8-31-13
4	Patricia Allander	30 Third St	Patricia Allander	8/31/13
5	Deborah Hoebel	425 Main St Silver City NV 89428	Deborah Hoebel	8/31/13
6	JAMES BRANSTETTER	575 GAY ST SILVER CITY NV 89428	James Branstetter	8/31/13
7	DON WOBES	#3 PEDLAR, SILVER CITY NV 89428	Don Wobes	8/31/13
8	DARLENE COOPER	1000 MAIN ST SILVER CITY NV 89428	Darlene Cooper	8/31/13
9	John Colby	1000 Main St. Silver City NV 89428	John Colby	8/31/13
10	Gayle Sherman	100 Grant St Silver City NV	Gayle Sherman	8/31/13
11	Donald S. Wobes	#3 Pedlar Rd Silver City Nev.	Donald S. Wobes	8/31/13
12	SUSAN STORME	680 American Flat Rd Silver City NV	Susan Storme	8-31-13
13	Thomas Ross	250 Main St S.C.	Thomas Ross	8-31-13
14	Susan Shuler	107 Grant St	Susan Shuler	8-31-13
15	ROBERT SHULDS	107 GRANT ST SC	Robert Shulds	8-31-13
16	Janet Heas Ross	30 VIVIAN ST - SC	Janet Heas Ross	8/31/13
17	DANIEL ROSE	" " " "	Daniel Rose	8/31/13
19	Margaret Burns	480 Buckeye St. Silver City, NV	Margaret Burns	8/1/13
20	SANDRA BUNKER	351 GAY ST SILVER CITY	Sandra Bunker	8/1/13
21	Gabriel SOSA	30 Third St SC NV 89428	Gabriel Sosa	8/1/13

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Suzanne M. Cassidy	50 Main St. Silver City, NV 89428	Suzanne M. Cassidy	08/31/13
2	Cameron Cassidy	50 main St. Silver City, NV 89428	Cameron Cassidy	08/31/13
3	Kyle Baker	305 #2 Main Street Silver City NV 89428	Kyle Baker	08/31/13
4	ALISHA BIKLIN	272 MAIN ST SILVER CITY NV 89428	Alisha Biklin	08/31/13
5	Patty Marshall	20 main St Silver City, NV 89428	Patty Marshall	8/31/13
6	Kris Anderton	55 Main St. Dayton 89403	Kris Anderton	8/31/13
7	PROSPER ELLISON	70 MAIN ST SILVER CITY, NV	Prospere Ellison	8/31/13
8	Cynthia Ellison	50 Vivian St. Silver City NV 89428	Cynthia Ellison	8.31.13
9	BEAU GUTHRIE	160 GRANT ST. SILVER CITY 89428	Beau Guthrie	9/1/13
10	Peter Rose	4 Rose's Rd Silver City, NV	Peter Rose	9/1/13
11	Niki de Leon	4 Rose's Rd. SILVER CITY, NV	Niki de Leon	9/1/13
12	D. Patrick	90 main St S. Iver City	D. Patrick	9/1/13
13	Ther McCombs	142 High St, Silver City, NV 89428	Ther McCombs	9/1/13
14	Natalie Isaac	142 High St Silver City NV 89428	Natalie Isaac	9/1/13
15	Karen Kreyeski	490 Vivian Silver City NV 89428	Karen Kreyeski	9/1/13
16	Daniel Hamner	305 #1 main St Silver City NV 89428	Daniel Hamner	9/1/13
17	SCOTT MOUNT	490 VIVIAN ST SILVER CITY NV 89428	Scott Mount	9/2/13
18				
19				
20				
21				

Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Cathy Wahrenbrock	75 Gay St, Silver City, NV	Cathy Wahrenbrock	8/31/13
2	Mariah Mena	75 Gay St, Silver City, NV	Mariah Mena	8-30-13
3	Ken Ferguson	5109 Azalea Dr Grant Pass OR	Ken Ferguson	8-31-13
4	Shelly Kieper	220 Holiday Ln. Talent Oregon	Shelly Kieper	8/31/13
5				
6	Note: these signers do not live in Silver City			
7	and were not counted as a part of the			
8	104 signers			
9	JWS			
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

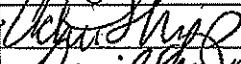
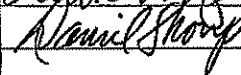
Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents contributed to and actively participated in the development of the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the character of Silver City,

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change.

We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	VICKIE SHOUP	1450 DAYTON TOLL RD. SILVER CITY NV 89428		9/4/13
2	DAN SHOUP	1450 DAYTON TOLL RD SILVER CITY NV 89428		9/4/13
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

**Citizen Advisory Board
Letter of Transmittal**

Advisory Board: Silver City

Date: Oct 7, 2013

Item of Concern: _____

1) Revised Application for Reversion to Acreage on Comstock Mining, Inc. property in Silver City, Agenda Item 2, Lyon County Planning Commission Meeting Oct. 8, 2013.

2) Request to the Lyon County Planning Commission and Lyon County Board of Commissioners that future meetings regarding Comstock Mining, Inc.'s applications for Master Plan Amendments and Zone Changes for property in Silver City be held at the Silver City Community Center.

Has the Advisory Board agendized this and taken action? Yes ☒ No ☐

If yes, what action has been taken?

1) The Silver City Citizen Advisory Board voted unanimously to recommend that the Lyon County Planning Commission reject this application or, if the applicant requests, grant a continuance.

The primary reason given during discussion for this recommendation is that the purpose of the application is to create a large parcel of land that will conform to a separate application for a master plan amendment and zone change for the property. The master plan amendment and zone change have not yet been approved, so it would be premature to grant this reversion to acreage. Questions were also raised regarding the appropriateness of combining the small parcels in question, which date to the original Silver City townsite and reflect the existing subdivision of nearby property; questions were also raised regarding these parcels and the results and/or potential mitigation measures associated with the recent testing program within the Carson River Mercury Superfund Site.

2) The Silver City Citizen Advisory Board voted unanimously to request that the Lyon County Planning Commission and Lyon County Board of Commissioners hold future meetings regarding Comstock Mining, Inc.'s applications for Master Plan Amendments and Zone Changes for property in Silver City at the Silver City Community Center.

The reasons discussed for this request included the fact that these land use issues are of critical importance to Silver City and its residents. Attendance at Advisory Board meetings at which these issues have been discussed—between 60 and 80 people—has reflected residents' high level of concern. Holding these meetings in Silver City would not only allow for maximum participation, but would also save residents from having to making a 180 mile round trip to Yerington. A number of residents also expressed their willingness to help defray costs or do anything necessary to expedite holding these meetings in Silver City.

Does the Advisory Board want this item brought before the Board of Commissioners?

Yes____

No X

What, if any, recommendation does the Advisory Board have

None beyond the recommendations listed above.

Mail to: Lyon County Managers Office, 27 S. Main Street, Yerington, NV 89447

Email to: mwilliss@lyon-county.org

Silver City Citizen Advisory Board Meeting MINUTES AMENDED
Silver City Community Center in Silver City, Nevada
Tuesday August 6, 2013 at 7:00pm

Call to Order: Cal opened the meeting, Cal and Pam present

Public Participation: Jack Richmond, Bob Hastings, Ray Fierro, Deputy McDaniel, John Hartley, Mike Workman, Julie Workman, Frank Pedlar, Elaine Bardull-Spencer, Lois Swanson, Larry Warhenbrack

For Possible Action: Approve Agenda: Pam motioned, Cal seconded, all in favor motion passes

For Possible Action: Approval of the June 4 meeting minutes, June 27 workshop minutes, and July 2 meeting Minutes: Pam motioned to table meeting minutes September 3 2013, Cal seconded, all in favor, motion passes

Correspondence: none

Reports: (No Action)

Commissioners: Ray Fierro opened the Commissioner's report by asking if the town board is enjoying the new meeting recorders. Pam thanked him with great gratitude. One of the issues in the county relates to the increase of accidents on the Hwy 50 corridor and the county's attempt to address this problem. He impressed driver safety responsibility. Cal mentioned the increased presence of law enforcement on the corridor. Ray reiterated the county's approaches to addressing traffic issues. He also mentioned the planning department's development code work and presenting to town boards about the changes and updates. The codes and ordinances need to be consistent with the master plan. Ray has recommended changes and the commissioners are looking forward to public input. Ideas are to promote commercial and business endeavors. Public comment reverted to traffic issues and asked if the head light requirements were mandatory. The response was yes.

Mr. Bob Hastings, present as well, added an announcement about the kid safety rally at Smith's the following Saturday. He also announced his town hall with John Stevens regarding the LC Board of Education to address questions, answers and visions about the school district. It will be at Dayton High School on Thursday August 8, 2013. Cal thanked the commissioners.

Lyon County Sheriff's Department: Deputy McDaniel reported on calls in Lyon County. He addressed the speeding issues on the corridor. The county has a grant to put more LE on the roads. He shared the break down on calls for service and provided the board of the statistics. Commissioner Fierro asked about gang activity and graffiti. Deputy McDaniel referred him to the gang unit in Lyon County. Pam asked what kinds of felonies occur in Lyon County. Deputy McDaniel shared that he doesn't have the specific breakdown, but he could obtain it. She then asked if we have a lot of burglary in Lyon County. Deputy McDaniel shared that they broke a burglary ring and he took a few burglary calls recently mostly related to people leaving their homes/cars unlocked. People are taking guns, jars of change and particular items not necessarily turning houses upside down. Deputy McDaniel announced the upcoming Lyon County Sheriff's Office Citizens Academy on Tuesday evenings September 3 through October 15 at the Silver Springs Senior Center Hillyard Hall 2945 Ft. Churchill Road to help citizens learn about the county's law enforcement and sign up for a ride along (depending on eligibility). The academy intends to share what to look for and when to call. He left some fliers for the academy and Pam offered to post at the Post Office. Cal thanked the deputy.

Lyon County Planning Commission: none

Silver City Fire Department: none

Lyon County Parks and Recreation: Jack Richmond reported that the board did not have a meeting.

County Officials: Mike Workman introduced himself and shared that he had his crew come up and repaired the fence at the park. He asked if there is any issue in the future to let him know as soon as possible. He thanked Cal for reporting the septic or grease trap issue at the Community Center and requested that he be informed if any issues like this occur so he can be proactive and take care of things as early as possible. He will put it on a routine check too. He shared that he is working on repairing shingles on the Community Center also. He then brought up the High Street alignment project or ROW project. The BOC approved the project. Big hitters sat down at the table to figure out how to address this issue. They are finishing up on the deeds and titles to work forward. A few minor issues needed to be addressed, quit claims, etc are being addressed. He showed a parcel map of how they are working on the property lines to resolve the adjustments. They worked on a ROW for the cemetery. Behind the project is mounds of paper work. This started as a cemetery expansion project and now they are resolving property line issues. Buckeye is the next project. Later this fall he hopes to address other abandonments and road adjustments

that need to be addressed. In regards to the cemetery, Workman is working on access and expansion by starting with the paper work. He will make sure all the required permits from various agencies are obtained and consult the cemetery committee. This will take time. Pam asked what needed to be done to request grading Buckeye near the stop sign. He said they are a three to four weeks behind but she could email him a request.

Advisory Board Member Comments: Cal shared that Patty Marshall found some maps in belongings of Merk's. She would like to get the maps in the proper place. Someone had suggested to him that maybe the State Library and Archives. He asked if anyone has ideas. The maps are surveying maps. Patty doesn't want them in boxes and accessible to the public. Lois Swanson suggested that CMI scan them to make electronic copies. Cal shared the Patty is amiable to the mining company having them only because of her son. Elaine suggested the state archive. Cal mentioned that there are costs associated with this agency. Commissioner Fierro suggested Dayton Historic Society. Pam asked if the county would be interested. Workman shared that the county can digitize them and will work with the Recorder's office to scan and return to owner. Another public comment suggested UNR and Cal echoed UNR's Bureau of Mining. Workman shared that it may be helpful for addressing issues related to property lines in Silver City. Pam opined that the county would be the appropriate place, especially because it is a public agency with responsibilities to the public. Workman shared that the county would certainly help to preserve the information contained in the documents/maps.

Public Comment and Participation: Lois Swanson shared that her father Fred took out the antique PO boxes and would like them to be stored in the Community Center inside a cabinet. Pam asked Workman about the process for getting them stored in the Community Center. He shared a potential process. Lois also shared that she has firewood starter from the mill she would like to share with those in the community that would need it. Cal would like to put a note at the PO but PO staff are limiting what can go up. Lois asked Will and Sheri if they could put up at DooDads. Lois also asked if there are still areas in town that need weeding.

For Possible Action: Requests for Use of the Community Center: none

New Business

Presentation by John Hartely, Chair, Lyon County Democratic Central Committee (No Action): Mr. Hartley introduced himself with the Lyon County Democratic Central Committee. He is generating awareness of the committee and involvement of Lyon County Democrats. He invited them to their meetings the second Tuesday of each month at the Dayton Public Library. They are trying to involve democrats in Silver City and Mound House. They are getting ready for upcoming campaigns. He referenced their facebook site. The group is focusing on library issues, public lands bill, mining impacts. He shared the upcoming September 8 Dini picnic at the Dayton State Park. Pam Thanked John.

For Possible Action: past and future workshops regarding concerns about the effects of mining on Silver City and its residents: Cal brought up the workshop last Wednesday. He shared his concern that there hasn't been much community participation, possibly because of the summer. He deferred to Pam about the next workshop, as she would like a workshop on reclamation. Elaine from CMI suggested that we move forward to a workshop in August and August 29 was decided by the board. Pam made a motion to set the next workshop for August 29 on Reclamation. Cal asked if there would be any comment from the community. Lois and Elaine concurred. Jack Richmond asked for specifics. Pam shared that she is concerned about the hole in Gold Hill, CMI's reclamation plan, the budget including expenditures and revenues, and community concerns that the hole will be left with out remedy. Elaine inquired if Pam would like to see the budget in addition to the plan. Pam shared that she would like to see what funds are available, to be available, the costs for the plan, etc. Elaine assured they would bring in the necessary parties to address the whole reclamation project. Elaine added she would like community input and hopes there will be people in attendance. Elaine added that CMI would send out invitations to residents to come. Pam inquired if the letter would be to residents, not particular names to protect privacy. Elaine agreed. Pam also added that if people choose not to attend, at least the board would be there to hear what CMI has to share. Public comment was then shared that community is skeptical of CMI and do not believe that they will not uphold anything they say and therefore haven't been attending. Pam thanked the public participant for commenting because the board and others have been curious. Elaine segwayed into inquiring as to how the board and CMI would be sharing with the community the solutions to the concerns that lay at the heart of the workshops. CMI would like the community to know what they are working on. Pam shared that she had a list of what was addressed on blasting. There is intentions to create a summary for the community and make a report to the commissioners. Erich may be sending

an e-blast to the community. Elaine offered CMI to mail out a community summary prepared by the board. Public comment was made on how to format the summary for the community and share it with them. Pam asked commissioners present. Commissioner Hastings suggested a report to the commissioners in September. Elaine brought up revisiting the original list. Pam shared that list: noise, dust, blasting, quality of life concerns, property value depreciation, fragmented regulatory oversight, lack of information about short and long term plans, pressure to change land use designations from Erich's list and Pam's list also included reclamation and CMI involving the community in their plans for the area of Silver City. Commissioner Hastings suggested finishing out the workshops and then providing the BOC and planning commission with a comprehensive report while maintaining updates to the community. Commissioner Fierro suggested to use information from the comprehensive report to share through media sources and mailings offered by CMI. Pam offered to put together a report on blasting, noise and dust and then would need Erich and Cal to look over. Cal commented to CMI about their help doing this. He continued that the next step is to get it out to the community. Elaine then shared the previous powerpoint of the VibraTech presentation to the board. Pam then reviewed the last workshops. She listed possible solutions such as the following for blasting: moving the blasting traffic stop that has occurred twice now, blasting only on one day so people can be aware, the signs to notice the community of the blasting (however CMI is awaiting permits for signs) – signs to be posted at Devils gate/in town near Post Office/and junction 341 and 342, gathering data on blasting vibrations and Erich has agreed to a monitor in his home (he has a portable one), Erich requested a map of where the blasts occur and CMI is working on that, Dave Thomas will be presenting at the September meeting the 3D model of the underground structures, and the evaluations of the homes by home owner's insurance of a baseline for possible damage as a result of blasting effects within the identified radius. In respect to noise and dust – CMI will install a dust monitor at the pit and one request about noise came from Pam (partly in due because of lack of community participation) was to have an hour later start on weekdays and weekends. However, Pam didn't feel comfortable that a request come just from her. Erich was going to ask the community and Elaine suggested getting information from the community at the reclamation workshop regarding requests to reduce noise. Pam summarized that following the next workshop there should be a summary for the community and then after the workshops conclude there would be a comprehensive report for the BOC. Comment from the public about the good work on communication and coordination between the board and CMI. Pam restated the motion for the reclamation workshop on August 29, Cal seconded, all in favor, motion passes.

Old Business

For Possible Action: Ferrari Club of American 2013 Hillclimb (Sept 14 and 15, 2013). Dennis Chiodo of the Ferrari Club will be in attendance: Dennis Chiodo was not present. Pam asked commissioners present if they were approved. Commissioner Hastings confirmed and shared that BOC put requirements of previous races on the upcoming race.

For Possible Action: Lyon County Strategic Plan

Cal inquired about this agenda item. Pam shared the county manager asked it to be on town board agendas. Pam asked Commissioner Fierro to update us on the plan. He shared that this was the BOC's method for obtaining community input on the plan. Pam asked if there was an updated version and suggested it sent out to the community. Pam asked if they will be finalizing the plan by the end of the year and Commissioner Fierro replied that was the intentions.

Cal moved to Larry Warenbrack since he showed up if there was anything pressing on the planning commissioners. He said the last agenda was light. However, there is a solar project coming up in Mason Valley that may be of concerns.

Public Comment and Participation:

Adjournment: Pam motioned to adjourn, Cal seconded, all in favor, motion passes.

Silver City Citizen Advisory Board Workshop MINUTES AMENDED

Silver City Community Center in Silver City, Nevada
Wednesday, July 31, 2013, at 7:00pm

Call to Order: Erich welcomed everyone. Cal, Erich, and Pam present

Approval of Agenda: Cal motioned, Erich seconded, all in favor, motion passes

Public Participation: John R. Odom, Roger Drum, Frank Pedlar, Ray Fierro, Las Swanson, David Thomas, Todd Chelini, Rita Wheeler, Dawn McCranfield, Elaine Bardull-Spencer, John Bennett

Public Comment and Participation:

Workshop. The subject of the workshop is Silver City residents' concerns regarding **noise and dust** associated with Comstock Mining Inc.'s operations in the area of the Lucerne Pit, and their effects on Silver City. In addition, there may also be follow up discussion regarding the June 27, 2013 blasting workshop. The purpose of these workshops is to define and clarify residents' concerns, and to explore with Comstock Mining, Inc. possible remedies for these concerns.

Erich introduced agenda item by sharing the topics addressed thus far. First, CMI moved the traffic stop to Devil's Gate by a request of Erich from a complaint by a resident on Main Street. He deferred to Cal who spoke to the resident and now the traffic backed up in front of her house is causing fumes to continue to go in her house. Cal mentioned that she also commented that blasting is quieter. Elaine asked if she recognized that the traffic stop had moved. Cal shared yes, but the problem continues. Erich asked if CMI could move the stop to the north end of chain-up area. Public comments included that DOT has been stopping traffic in that area as well and traffic in this area is high because of the summer months. Erich then listed the next topic, notification of blasting. We were with the understanding that blasting will be on only one day a week. Dave Thomas responded that it could be accommodated if it is a wish of the community. Erich asked if as the town board could we request the blasting to occur on only one day a week. Dave Thomas said that they decide a blast based on wind and time of day. Pam commented that the blasting be confined to one day so residents are clearly aware. Dave also shared that CMI is waiting for DOT to approve posting signs. She asked where the locations would be. Dave Thomas said one at Devil's Gate and 341-342 intersection. He also offered possibly in middle of town at the Post Office. The signs will be facing in town. Security guard will update the signs. Erich reiterated that blasting one day a week would be our request. The day of week not critical. Pam inserted that one day a week with multiple blasts on one day if needed. Commissioner Fierro suggested putting a flag on the sign when there is new information. Dave Thomas said CMI could do that the day of the blast. Erich then mentioned the topic of data on blasting. He confirmed that according to the previous presentation it is unlikely that blasting affects structures. However, the blasting affects interrupting people's lives. He has started collecting anecdotal data from residents. He shared some of the comments he has collected so far gathered onto a document. Comments ranged from nothing to major effects. He then requested a map of where the blasts occur. Dave Thomas said he could provide a map of each blast. He also shared that he has 3D model of the underground structures. He offered to share it at a town meeting or workshop. Erich also mentioned a resident collecting data on blasting using a portable monitor. Dave Thomas mentioned setting a couple monitors in town, which then would feed data into his system. Erich requested a permanent monitor. Dave Thomas hoped to have a representative sample of data from various areas of town. Pam asked where the resident lived that provided a comment on Erich's document. It was concluded on the east part of town and the comments are subjective. Discussion ensued about the how the sounds of the blasting vary depending on the area of town. Commissioner Fierro asked about the type of sound the monitors pick up. Todd Chelini shared the sounds it picks up comparing it to picking up a jarring earthquake but no a rolling earthquake. Elaine offered to provide the board with a copy of the VibraTech powerpoint. Erich requested a print copy. Other notes Erich had addressed a third party evaluation of houses within 1000 feet of blasting. He asked if CMI could get a third party to evaluate homes.

Elaine shared that would be VibraTech. Dave Thomas said he would have to talk to VibraTech and the home would have to be within the 1000 feet. Erich suggested that it would be offered to the community. Erich reiterated the importance the company is outside of CMI. VibraTech is a third party. Erich wants to present a rational approach to people's complaints. Elaine commented that whether it is VibraTech or a person's insurance company at least it would serve as a baseline. Erich's other topic referenced the 3D model and CMI would like to present it at the September meeting. Dave Thomas offered that anyone could come up and look at it beforehand. Pam thanked CMI for their cooperation.

Dave Thomas then provided a presentation on noise and dust. He introduced CMI staff associated with blasting. He shared his perspective of teamwork and how Silver City and CMI can make the best for both entities. He shared that he can accommodate things the community wants if he knows what the community wants. He planned to talk about air quality and mine operations. Air quality issues: CMI is regulated by NDEP. CMI has an air quality permit to construct and now that they are in operations, the permit was converted into a federal permit called a 'classified operations permit' governed by the EPA. In order to transition from a state permit to federal permit CMI had to do a series of tests, which were just done in July. They 'passed' all their tests. They have 14 sources with 14 separate permits. EPA checks 14-point sources with mechanical devices at pit operations, another operations site, processing plant, and lab. Pam asked what it means to pass a test. Dave explained that they met set regulatory requirements based on state and federal guidelines. Dave used an example of testing for mercury. CMI also has an approved dust abatement plan based on regulations and operating under a permit. Dave explained this using the dust from trucks as an example. They are required to use 23,000 gallons of water per day. They put an average of 68,000 on the road per day. Pam asked if it is reclaimed water. Dave replied no, that the water comes from two sources, Storey County through the Washoe County watershed at 72,000 gallons per minute into a fire pond for processing and then CMI uses water at night that is put back into the ponds for a closed system. They lose about 50,000 gallons a day to evaporation transmission on an 80 degree day. Then they have their own well pumping called WS4 180 gallons per minute generally used for surface mining operations for dust abatement program and for process water for washing things down. Sometimes the county has problems with their pipes. They monitor the well regularly. Because of the wind they increase watering the roads. Cal asked about the water tank near Delmar bend. Dave confirmed the tank is theirs, CMI doesn't have many water rights in that area, and they are in the process of transferring water rights. They have applied with the state to do this. Erich asked about the dust standards in comparison to unpopulated areas. Dave replied that there are no differences in standards between populated areas and unpopulated areas. Commissioner Fierro commented about the treated affluent water: Carson City is using all that is available. He then asked Dave if the water from Storey County that they are using is potable. Dave replied that it meets drinking water standards but there would need to be put through a process. Commissioner Fierro was curious as to why drinking water that can be used for citizens is being put on roads. Dave retorted that CMI is going to help Storey County upgrade their water system. CMI could only get wastewater from Virginia Highlands. Comments made that water is scarce Dave then shared a project in Russia where he brought in 30,000 people to a community of 750 people. Dave then went on to explain the ore processing process in relation to testing carbon and capturing mercury. Dave also shared other sources tested. Dave moved on to noise and brought up the community's previous complaints about noise from drilling exploration, noting that they can do a better job in the future. Dave then shared that CMI commissioned a study to monitor the noise from equipment and regulations state not to exceed 80 decibels. Dave brought up that issues have been with mornings, weekends, and holidays. He offered to reduce noise at certain times. Pam shared that mornings have been a concern from her house, as early as 6:00am. Dave then shared the morning schedule and noise usually starts around 6:30am. Dave offered to move noisier equipment to later, like after 8:00am. Dave admitted in regards to holidays that he has no empathy and loves to work so he works his guys on holidays. Erich shared complaints about holidays. Dave offered to be flexible and limit noise on certain holidays and early hours. Dave did comment that he doesn't want to give the community an inch and they take a mile. Dave shared that his flexibility depends on productivity. Pam shared that she doesn't want CMI to make accommodations according to her needs and wants the community to provide input. However, with the lack of participation from the community in these workshops it is difficult to determine community input. Public commented about doing a survey. However, Erich has a method for gathering community input and solicited people to provide him with their email address so he can add them to his email list. In respect to this issue of noise, Erich shared that he would present to the community what CMI is willing to be flexible. Erich restated that this area is not the middle of Nevada and people here are openly exposed to the effects of mining. He reiterated the excessive noise from exploratory drilling and compared it the world's largest jackhammer. It was concluded that CMI would start a little later and avoid holidays for now. Dave offered to change the operations to minimize impact and allow people to complain about particular noise in order to address it. CMI wants to go above and beyond. Pam asked Erich how long it would take to gather community input. He said by the next workshop in August. Dave shared that they

added two water trucks this year. Erich brought the upper road that isn't watered. Dave replied that the road is BLM property and they can't put water trucks on that road. Erich then asked if CMI is collecting data and monitoring dust offsite. Dave replied yes. Elaine has been talking with people. What came out of it was putting a naturally occurring sap (Pam asked Dave to confirm it was not chemical and he said not chemical) type material on the roads to reduce dust. Erich then shared an anecdotal data that a person has noticed large dust particles in their home lately and asked if the CMI monitoring system can tell how much dust is leaving the site. The system is not a feedback system, it just tells how CMI needs to be proactive and 'CMI chooses to be more proactive and preventative', and how much of the road has been disturbed and what to do. Erich asked if it takes into account the amount of dust that occurs when CMI is moving materials around. Dave replied that CMI has a separate system to monitor such as the crusher. Erich restated his reference was to the areas where the trucks are. Erich asked if there was a way to measure the amount of dust caused by CMI operations. Dave reminded that there is no baseline. Dave then offered anyone to come to him about questions, concerns, etc. Comment came from the public participation concerning why 'concerned citizens' are not present. This individual was bombarded by citizens' concerns and he told them to come to this workshop. This person was extremely concerned about people's lack of participation. Pam pointed out that it is extremely disappointing there isn't public participation tonight. This person asked if people knew about the workshop and Erich confirmed yes. Erich pointed out meeting fatigue. Cal pointed out people take opportunity when the can. Elaine suggested that at some time there needs to be a summary for the community and the information put in people's mailboxes. It was then reiterated the need to put together the workshop solution outcomes. Erich said we will need to put together a summary for the community and at a town meeting put together a report for the commissioners. Public comment that the board or CMI needs to put together something and put in their mail boxes so residents don't have excuses as to not knowing what is going on. Erich did share that sometimes the mailbox is not the answer because things are often subject to context. However, the board is doing what they can. Public comment that the workshop has been very productive and this person reiterated that it is bothersome that people can scream and yell outside of the meetings yet not participate in a productive process as these workshops. Pam asked if we could conclude a format for summarizing the workshops. Erich replied that we should present specific things accomplished at the next town meeting. Cal shared that having the town board's summary and CMI's summary would be helpful. Pam shared her idea for the next workshop and for it to focus on reclamation, the whole picture. Erich reminded that the board can't make a decision at the workshop and suggested deciding at the next town meeting.

Public Comment and Participation: Cal had a public comment from the party last Saturday with the water running out of the sewer. He shared that Mike Workman will be out to address it.

Adjournment: Pam motioned, Cal seconded, all in favor, motion passes

Silver City Citizen Advisory Board Meeting MINUTES AMENDED
Silver City Community Center in Silver City, Nevada
Tuesday July 2, 2013 at 7:00pm

Call to Order

Erich welcomed everyone; all members present

Approve Agenda

Pam motioned to approve the agenda, Cal seconded, all in favor, motion passes

Public participants:

Bob Hastings, Bob Kielty, John Gillenwater, Patricia Allander, Robin D. Hall, Jack Richmond, Elaine Barksull-Spencer, Larry Waherbrack, Lois Swanson

Approval of the May 7 and May 29 minutes meeting minutes

Erich had amendments to the meeting minutes of both May 7 and May 29 provided in notes on a copy of the meeting minutes. Cal motioned to approve the meeting minutes of May 7 and May 29 with corrections. Erich seconded, all in favor, motion passes.

Correspondence

Erich shared correspondence from County Manager Jeff Page regarding a leadership conference July 19-21. The county manager additionally corresponded on changes to the open meeting law that included but not limited to a note to add a contact person for supporting material and beginning January 2014 the CAB agendas will need to be posted on the state website. Another correspondence shared by Erich was a request from a town resident for the town board to send a thank you to all the agencies who responded to the recent Silver City fire.

Reports

Commissioners

Commissioner Hastings was present to report. Hastings reported that the Board of Commissioners will be providing the Lyon County CABs a digital recorder to replace the methods for recording the meetings using cassette tapes. He also thanked the Silver City Volunteer Fire Department and all other agencies involved for protecting the town and additional threatened during the recent fire. There was also mention of upcoming lands use changes.

Lyon County Sheriff's Department

Deputy Hall reported on the crime in Lyon County the previous month.

Lyon County Planning Commission: (Kona Gold, same as before, under the Planning Commission, although this time it is scheduled for the July 9 Planning Commission Meeting)

Erich mentioned the Kona Gold special use permit request before the Board of Commissioners again. Community concerns include noise issues, a crusher on site, and use of a jaw crusher. Kona Gold has required paperwork submitted to the county but there are still a couple 'wrinkles' they need to iron out with their application. This item was not agendized as an action item therefore no action was taken.

Silver City Fire Department

Chief Patricia Allander was present and introduced Chief Gillenwater and Bob Kielty to report on the recent Silver City fire that threatened the town and residential structures. Kielty reported the fire was 100% contained and crews were still cleaning up. At the time of the meeting, the fire was again under Central Lyon County Fire District jurisdiction. The cause of the fire was still under investigation. Erich requested a list of all agencies that helped with the fire. Chief Gillenwater reported the state mutual plan and interagency cooperation that occurred during this fire demonstrated how well it has come along over the past ten years. Five counties were involved, one state helicopter, air tankers from California and Stead.

Lyon County Parks and Recreation

Jack Richmond from the LC Parks and Rec board reported that the county is looking for volunteers for weed eradication. There was a request for tree trimming.

County Officials

There were no county officials present.

Advisory Board Member Comments

Erich noticed that Gordy Gannon was very ill at home in Canada. He is doing well and trying to come back the beginning of August.

Public Comment and Participation:

There were no public comments

Requests for Use of the Community Center

There were no requests for use of the community center

New Business

Discussion and possible action RE: June 27, 2013 workshop, and future workshops regarding concerns about the effects of mining on Silver City and its residents

Erich updated the meeting participants on the June 27 workshop. Erich recommended people note affects of blasting if they are home during a blast from Comstock Mining. Elaine from CMI mentioned the blasting notification, monitors for residents' homes, and home evaluations. Concerns were expressed that the Bureau of Mines standards were too general for assessing impacts of blasting on structures. Erich requested that CMI provide third party for pre-evaluations of homes. Concerns expressed regarding structural damage and the impact of noise. From the workshop, Erich wants to work toward gathering people's perceptions of the effects of blasting to use as qualitative data for helping to conclude solutions. Maybe there could be a way to correlate perceived effects of blasting with size of blast. Maybe there could be a way to influence CMI to address more impacts of blasting. Elaine of CMI asked why there was so little participation in the workshop by residents. Erich and a community member suggested the influence summer months and meeting fatigue or fatigue on the mining issue. Another concern brought up involved blasting effects on the underground structures characteristic of the historical mining on the Comstock. Brandon MacDougall of CMI is making a 3D map of the historical underground structures. Erich requested more information on it. Erich pressed that residents monitor what happens at and to their homes from blasting and report to him.

The points concluded from the workshop included the following: (1) move traffic stops caused from blasting operations more north to reduce gas fumes into nearby home; (2) increased use and promotion of CMI email notification system for informing about the blasting where, when, and number of holes; (3) identify homes most affected by blasting and install CMI's portable monitors; (4) post signs with notification of blasting information, and (5) CMI would restrict blasting to one day a week.

Erich motioned to set another workshop on July 31, 2013 to discuss noise and dust. Pam seconded, all in favor, motion passes.

Discussion and possible action RE: Lyon County BOC agenda item for July 5, 2013 Commission meeting "To amend and approved (sic) amendments to Lyon County Administration Policy and Procedures 1-3 General Responsibilities in reference to Board of Commissioners appointment to various Boards, Commissions and Committees"

Commissioner Hastings shared that the amendments primarily intended to address concerns with the Library and Fair boards because these boards have budgets. The amendments make all county boards consistent also. Erich voiced concerns regarding how "special interests" would be defined. The conclusion was the language in the amendment is boilerplate language

Old Business

Discussion and possible action RE: Lyon County Strategic Plan

Erich shared that he went to the recent county strategic planning meeting to promote Silver City as a quiet residential area. Comment made that there are intentions with the plan to develop business opportunities in the county.

Discussion and possible action RE: Ferrari Club of America request for the Lyon County Commissioners' approval of their plans and dates for the 2013 Hillclimb (September 14 and 15, 2013)

Erich referenced the 2012 conditions the county required of the club for the race. Erich spoke to Dennis from the club and the club didn't follow the conditions. Chief Patricia Allander shared that there were not any problems with the Ferrari Club last year. Most of the complaints that have occurred in the past were associated with a different club that came to the area only once. Erich shared that Dennis will be at the August town board meeting.

Public Comment and Participation

There were no public comments and participation

Adjournment

Pam motioned to adjourn, Erich seconded, all in favor, motion passes.

Silver City Citizen Advisory Board Workshop MINUTES AMENDED

Silver City Community Center in Silver City, Nevada
Thursday, June 27, 2013, at 7:00pm

Call to Order: Erich called the meeting to order; all members present

Approval of Agenda: Cal motioned and Erich seconded, all in favor, motion passes

Participants: Brandon MacDougall, David Thomas, Bob Hastings, Irish Thom Cutts, Randy Harris, Frank Pedlar, Bud Enlon, Lane Ramirez, Larry Wahrenbrock, Grahme Ross, Sara Ross, Todd Chelini, Cody Luftis, John Bennetts, Olivia Ainos, Rachel Yelderman, Gayle Sherman, Elaine Barkdull-Spencer, Serge Marchale, Corrado DeGasperis

Public Comment and Participation: none

Workshop

The subject of the workshop is Silver City residents' concerns regarding blasting in the area of Comstock Mining Inc.'s Lucerne Pit, and its effects on Silver City. Examples of topics for discussion might include vibration, noise, dust, potential subsidence, etc. It is the Advisory Board's intention to limit today's discussion to blasting-related effects only (and to address other mining related issues at later workshops.) The purpose of the workshop is to define and clarify residents' concerns, and to explore with Comstock Mining, Inc. possible remedies for these concerns.

Erich explained that the intention is to start from facts and known points and move from there. Elaine Barkdull-Spencer opened with a presentation from Ethan and Doug (did not sign public participant sheet) of Vibra Tech. She also introduced Rachel, CMI Environmental Specialist, and Todd and Cody, blasting operations managers and staff. The intentions of the CMI presentation is to share the blasting operations and procedures, Vibra Tech responsibilities, and then to hear from Silver City residents about their concerns. Doug from Vibra Tech shared history of Vibra Tech, blasting criteria/regulations, threshold/vibration damage/measuring, and blasting operations/monitoring procedures.

Rachel Yelderman presented on the environmental monitoring, measuring, and regulating for blasting operations.

Dave Thomas presented on blasting regulator procedures and operations and complaint process.

Todd and Cody presented on the CMI blasting operations.

Erich started the questions: regarding discussion on structure damage, he inquired about blasting effects on the quiet nature of Silver City and the disruption of day-to-day lives. He also asked if there was a way to blast that reduces noise and vibration. Erich mentioned that he receives residents' comments about blasting effects. There is concern of residents about unexpected blasting. Doug referred to this as the 'startle factor' and said prior notification of blasting helps to reduce the startle factor. Is there a way to blast that minimizes noise and vibrations and how residents perceive blasting effects. Doug responded that educating people on the blasting. There is recognition that perceptions of blasting are subjective. Dave Thomas suggested that there is a way to reduce the number of holes blasted at once in relation to wind conditions. Wind is a major factor influencing blasting affects. Doug MacDougall is the one that plans the blasts and CMI has been refining and reducing blasting designs that produce similar results. Comments ensued relating to the diversity of people's exposure, perception, and reactions to effects of blasting. It was concluded that structural effects are minimal. Dave Thomas suggested that people with major concerns agree to have a blasting monitor put in their home. Doug MacDougall informed that Vibra Tech has a mobile unit. Question arose about quantifying residents' perceptions of blasting and monitoring their experience. Question asked about Vibra Tech's experience of monitoring effects on historical structures.

Doug of Vibra Tech responded that Bureau of Mines looks at differing types of structures when setting criteria. Erich would like for us to get back to what we perceive as a disruptive blast, how we measure that and see how CMI stays below that. Dave Thomas asked for open communication, calls when there is a disruptive blast. Erich acknowledged complaints are subjective. However, Silver City residents pride themselves in living a quiet life so blasting effects disturbs this. Another resident complaint shared involved traffic stops in front of a home and gas fumes entering the house. CMI agreed to move the traffic stop further north to the chain up area with intentions to prevent idle car fumes entering the complainer's home. Pam inquired if Vibra Tech has experience with blasting monitoring and the impacts of blasting on the underground structures such as like that of the Comstock. Doug of Vibra Tech responded touching on the difference between measuring vibrations on the surface versus underground. Doug MacDougall shared the CMI model based on historic maps and data of the underground structures of the Comstock. Conclusion is to implement more notification of blasting: signs, calls, emails; and reducing blasting to one day a week; and installing monitors in homes for objective data collection.

Public Comment and Participation: none

Adjournment: Pam motioned, Cal seconded, all in favor, motion passes

John L. Marshall

ATTORNEY AT LAW

570 Marsh Avenue
RENO, NV 89509

Telephone:
(775) 303-4882
Facsimile:
(775) 201-0193

johnmarshall@charter.net

October 3, 2013

VIA ELECTRONIC MAIL

Lyon County Planning Commissioners
Lyon County
Yerington, Nevada

Re: Comstock Mining Inc. Application for Reversion to Acreage (PLZ-13-0044)

Dear Commissioners:

I write on behalf of the Comstock Residents Association ("CRA") to request that you continue the Comstock Mining Incorporated ("CMI") application for reversion to acreage of historic Silver City town lots that have been in existence since 1874 and held by multiple prior owners.

As recognized by the Lyon County Planning Staff, "[t]he purpose of this reversionary map is to create a parcel that will be in conformance with a **proposed** Master Plan Amendment and Zone Change. (Revised Staff Report at page 2, emphasis added.) Any review of the public statements and published material by the applicant demonstrates that the intention of CMI is to develop the property as a mining operation. This reversion to acreage is intended to facilitate further actions (the Master Plan Amendment, Zone Change and SUP) to allow CMI to commence a mining operation on, and/or around, the subject property. The development of a contemporary mining operation within the town site of Silver City is and has been, contrary to all Lyon County Master Plans. Additionally, the Lyon County Planning Commission and the Board of Commissioners have previously denied a Master Plan Amendment, Zoning Change and Special Use Permit application intended to allow a mining operation for this same property. Silver City has seen no substantial change in basic conditions that would warrant approval of this reversion to acreage as a precursor to a Master Plan Amendment, Zone Change and SUP.

Development in Silver City over the last four decades has been consistent with a slowly expanding suburban residential pattern within the context of a historic town site. Vacant properties have seen the construction of single family housing units. Several of those on former patented mining claim properties were subdivided for residential

JA2833

14 CV 00128 - 002728
LYON COUNTY

purposes. Occupied properties have seen rehabilitation or reconstruction projects within the constraints of water service availability and septic system capabilities. The subject property is currently as capable of supporting residential development as any other similar property in Silver City under the current zoning and lot configuration. It seems that a reversion to acreage would be contrary to the development pattern anticipated in the Master Plan and inconsistent with the observable growth pattern seen in Silver City.

The only logical purpose for the applicant to request the reversion to acreage is to facilitate a zone change and Master Plan amendment which would allow mining to be conducted on the subject property with a Special or Conditional Use Permit. The applicant's argument that the reversion to acreage would facilitate future residential development fails in substance. If the applicant has true intentions of residential development, then the current zoning provides the most flexibility and highest density, therefore providing the greatest opportunity for return on investment, a combination most developers aspire to. The applicant's stated constraints to residential development – topography and water availability – will not be ameliorated by the requested reversion and proposed zone change.¹ The true constraint to development is the soil characteristics on the property. State Law requires a minimum lot size of ¼ acre for a residence served by a community water system and Individual Septic Disposal System (ISDS). The current zoning allows for a maximum potential residential density. In the alternative, a request for reversion to acreage and a zoning classification of E-1 or E-2 would seem more appropriate.²

In December of 2010, the Lyon County Board of Commissioners adopted with substantial public input the Lyon County Comprehensive Master Plan: County-wide Component, the culmination of over four years of effort by the Lyon County Planning Commission. This is the first element of an on-going planning process by Lyon County to

¹ CMI contends that the reversion to acreage is justified because the property is constrained from residential development. The applicant postulates that individual wells could be drilled to serve a future residential development plan if the lot sizes were larger. Wells cannot be drilled to service individual residences within the service area of a municipal water system. The only constraint to servicing water to the property is a lack of infrastructure, a common problem in Silver City. Development in Silver City has consistently faced this issue and property owners have provided water line extensions in cooperation the Virginia City Water System to provide water service to lots not currently served.

² The argument presented by the applicant is internally contradictory and contrary to accepted planning practices. The reversion to acreage would create a single lot which would then have to be re-subdivided to achieve any residential development other than the construction of one single family unit, directly contradictory to CMI's argument that the reversion to acreage would facilitate future residential development.

update land use classifications, zoning districts, development standards and land use regulations. The Planning Commission is currently reviewing the second element of the process; a review of the working draft of the new Lyon County Land Use and Development Code. This effort will reorganize, consolidate and coordinate the language of the Lyon County Code to implement the adopted County-wide Master Plan Component. The final element of the planning efforts will be to review and adopt the more specific sub-area plans. Any application which would significantly modify the currently adopted County-wide Master Plan component prior to the completion of the review and adoption of the new Lyon county Land Use and Develop Code, not to mention completion of the sub-area plans, is premature.

There is an additional consideration regarding the property that the applicant has not addressed and the Planning Commission should consider. The subject property encompasses a collection of buildings and structures which constitutes one of the most intact early twentieth century mine/mill complexes left within the National Landmark Historic District; the Dayton Consolidated. This complex commands the southwest viewscape of Silver City, provides substantial historic context to the character of Silver City, and is a major contributing element to the historic district. The Master Plan speaks to the protection of historic resources, the maintenance of community character, the avoidance of conflicting land uses when reviewing development proposals and the preservation of the quality of life for Lyon County residents. The presence of such a significant and substantial resource should not be ignored in the review of the application.

The Planning Commission, in conjunction with the citizenry, is charged with studying and analyzing all development proposals. It is always important to have as much information as possible regarding all aspects of any proposal, prior to making any decisions. This application for reversion to acreage lacks a comprehensive narrative regarding the final development scenario envisioned by the applicant. It therefore puts the Commission in a position of speculating on the intent of the applicant. This is a compromised position and compromised position leads to poor decisionmaking.

Prior to the Planning Commission taking any action on this application for reversion to acreage, a full review of the change of Zoning and Master Plan Amendment requests regarding this same property, which are currently on file with the County, would be appropriate to allow the Planning commission to formulate a fully informed decision. The citizens of Lyon County should also be afforded the same opportunity.

CRA therefore requests that the Planning Commission continue CMI's request for reversion to acreage in order to gather additional information and make a more informed decision, as set forth at page 3 of the Lyon County Planning Department's Revised Staff Report.

Sincerely,

John L. Marshall
Attorney for Comstock Residents Association



Kerry Page <kpage@lyon-county.org>

Letter from Comstock Mining

1 message

Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Tue, Oct 1, 2013 at 12:11 PM

To: "kpage@lyon-county.org" <kpage@lyon-county.org>

Hello Kerry,

Attached is the letter I referred to yesterday. Thank you for forwarding the letter to the Lyon County Planning Commission members and Chairman Davies. Would you mind forwarding the letter to County Manager Jeff Page, the Board of Commissioners, and Rob Loveberg as well? I truly appreciate your assistance.

Warm Regards,

Elaine

Elaine Barkdull-Spencer

Director of External Relations

Comstock Mining Inc.



775-847-7376 (o)

775-340-2045 (c)

775-847-7128 (f)

1200 American Flat Road

P.O. Box 1118


Virginia City, NV 89440

NYSE MKT: LODE

JA2837

14 CV 00128 - 002732



 **img-131001120219.pdf**
453K



775.848.5310

degasperis@comstockmining.com

September 30, 2013

Dear Chairman Davies and Planning Board Commissioners,

As you are aware, Comstock Mining has been working with the Lyon County Planning Department on a number of important planning related applications, mainly associated with the zoning of certain lands in Lyon County, in and around the historic mining district. It is important that you know that Comstock's intentions are to always be thorough, transparent and consistent.

In cooperation with the Lyon County Planning Department and with their advisement, we scheduled a thorough review process, including advisory board reviews in both Silver City and Mound House, a planning commission meeting in November, and hopefully, a subsequent audience with the Commission.

Unfortunately, despite our communicated intent to present formally on October 1, 2013 to the Silver City Town Advisory Board, the board noticed both of our applications as items for its September 3rd agenda and with only a few days advanced notice voted that night to advise a rejection of our applications. We were both stunned and disappointed that an organized group of participants rejected any dialogue or any consideration, showing a paradigm against any objective discussion and prejudging any possible outcome. We were equally disappointed to have been met with extremely inaccurate allegations, unprofessionalism and in some regard, unrestricted aggression.

We are aware that a request has been made to hold future meetings regarding Comstock Mining applications for master plan amendments and zone changes in Silver City at the Community Center.

Comstock is committed to following the process through and will present the applications at the October 1st Silver City Town Advisory Board meeting, despite their premature decisions, as scheduled and we look forward to the planning commission's deliberations; however, as the applicant we would prefer that the planning commission host its meeting in its customary site in Yerington where the recording system and audio visual equipment are available, and due process can occur for Lyon County. We are not opposed to an evening meeting, if it is more convenient for the public. Ultimately, we believe when we are able to properly present and demonstrate the unique approach of our company, and the incredible potentials for benefiting our Community and County, constant special meetings and non-routine venues will prove disrupting and prohibitively costly for the County and our company.

We sincerely appreciate your consideration of these important matters.

Kindest regards,

Corrado De Gasperis
President and Chief Executive Officer

Cc: Rob Loveberg, Lyon County Planner
Jeff Page, Lyon County Manager
Lyon County Board of Commissioners



Kerry Page <kpage@lyon-county.org>

Silver City Town Board actions

2 messages

Erich Obermayr <historicinsight@gbis.com>

Mon, Sep 9, 2013 at 10:26 AM

To: Kerry Page <kpage@lyon-county.org>

Cc: Pamela Abercrombie <pamabercrombie22@gmail.com>, Cal Dillon <cdillon@gbis.com>, Pamela Abercrombie <pamela.communitychestnevada@gmail.com>

Good morning Kerry,

Attached is the transmittal letter which describes the actions taken at the Silver City Advisory Board last week. One of the actions has to do with Comstock Mining's reversion to acreage request, and the other addresses their application for a master plan amendment and zoning change. I realize the Planning Commission will not be able to discuss the Master Plan/zoning issue at this time, but it was the recommendation decided upon at our meeting--so I have forwarded it.

Thanks,
Erich

Erich Obermayr
Historic Insight
Box 249
Silver City, NV 89428
775-847-0344

 **letter of transmittal 9-4-13.doc**
30K**Kerry Page** <kpage@lyon-county.org>

Mon, Sep 9, 2013 at 2:21 PM

To: Betty Retzer <blretzer@yahoo.com>, Chuck Davies <ced302@att.net>, George Mortensen <gpfgeorge@aol.com>, Harold Ritter <hk3m@aol.com>, Larry Wahrenbrock <NevadaBead@aol.com>, Mike Hardcastle <mike@fernleynlodge34.org>, Paul Lanning <paul14527@aol.com>

Good afternoon,

I am forwarding the following email to each of you at the request of Erich Obermayr, Silver City Advisory Board Chairman. I will make copies for you for tomorrow's hearing too.

[Quoted text hidden]

Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-6596

 **letter of transmittal 9-4-13.doc**
30K

JA2840

14 CV 00128 - 002735

**Citizen Advisory Board
Letter of Transmittal**

Advisory Board: Silver City

Date: Sept 3, 2013

Item of Concern: _____

1) Application for Reversion to Acreage on Comstock Mining, Inc. property in Silver City, as specified in the Development Application on file with the Lyon County Planning Department and dated August 7, 2013

2) Master Plan Amendment and Zone Change Application for Comstock Mining Property, as specified in the Master Plan Amendment and Zone Change Request submitted to the Lyon County Planning Department, August 16, 2013

Has the Advisory Board agendized this and taken action? Yes ☒ No _____

If yes, what action has been taken?

1) The Silver City Citizen Advisory Board voted unanimously to recommend that the Lyon County Planning Commission reject this application or, if the applicant requests, grant a continuance.

The primary reason given during discussion for this recommendation is that the purpose of the application is to create a large parcel of land that will conform to a separate application for a master plan amendment and zone change for the property. The master plan amendment and zone change have not yet been approved, so it would be premature to grant this reversion to acreage.

2) The Silver City Citizen Advisory Board voted unanimously to recommend that the Lyon County Planning Commission and Lyon County Board of Commissioners reject this application. The primary reason given during discussion for this recommendation was that the master plan amendment and zone change would allow mining within Silver City, and this is strongly opposed by a wide majority of Silver City residents.

Does the Advisory Board want this item brought before the Board of Commissioners?

Yes _____

No ☒ _____

What, if any, recommendation does the Advisory Board have

None beyond the recommendations listed above.

Mail to: Lyon County Managers Office, 27 S. Main Street, Yerington, NV 89447

Email to: mwilliss@lyon-county.org



Kerry Page <kpage@lyon-county.org>

Re: Results of Superfund Site testing at the Dayton Consolidated

1 message

Rob Loveberg <rloveberg@lyon-county.org>

Wed, Sep 4, 2013 at 8:26 PM

To: Gayle Sherman <gales@gbis.com>

Cc: Kerry Page <kpage@lyon-county.org>

Gayle,

Thank you for the information. We will follow-up with Jeff.

On Wed, Sep 4, 2013 at 4:08 PM, Gayle Sherman <gales@gbis.com> wrote:
Hello Rob,

I have been following the results of the Superfund Site testing that Comstock Mining Inc was required to do as a part of their NDEP reclamation permit.

The Dayton Consolidated was tested a while ago per the NDEP Sampling and Analysis Plan that CMI agreed to because they are working in a Superfund Site. Those results were just received in July of this year by Jeff Collins at NDEP. Jeff told me last week that acreage in and around the Dayton Consolidated Mining buildings has tested positive for arsenic and lead at levels that have been determined to be Contaminants of Concern (COC's) and will therefore be regulated under CERCLA laws and will require some kind of mitigation.

Since it is this very same area that is coming before the Planning Commission on Tuesday, September 10th, and as the results have not yet been published, I thought I should let you know about this. I asked Jeff Collins to provide me with a letter explaining the results so I could provide this information under public comment at the meeting, and he said that he would be more comfortable providing that information to you directly.

Since part of the basis for the possible approval for the RTA is that it would not be detrimental to the public health, safety, convenience and welfare, I think the Planning Commission should have this information. This same area was previously drilled by Comstock Mining a couple of summers ago before NDEP got involved and since COC's are damaging when the soil is disturbed, CMI's actions on their property probably already lofted arsenic and lead into the air at the time of the drilling. There are about 8 homes in the area. Residents complained long and loud at the time of the drilling about the all-pervasive dust they had to deal with secondary to the drilling.

I am passing this information along to you in hopes that you will be able to follow up with Jeff Collins and provide this information to the Planning Commissioners.

Thanks so much.

Gayle Sherman

--

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office

JA2843

14 CV 00128 - 002738

775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

JA2844

14 CV 00128 - 002739



Kerry Page <kpage@lyon-county.org>

Revised MPA / ZC Application

2 messages

Andrew Motter <amotter@manhard.com>

Fri, Aug 16, 2013 at 2:10 PM

To: kpage@lyon-county.org, rloveberg@lyon-county.org

Rob / Kerry,

Attached is the revised Master Plan Amendment and Zone Change application reflecting the changes to the reversion application. A following email will have the digital copies of the Master Plan and Zoning maps in 11x17 format and a Vicinity Map that does not have the aerial photo in the background.

The revised application has the following changes incorporated:

- Revised Cover Letter
- Revised Narrative and Justification
- Revised Master Plan and Zoning Maps (Figure 3 through 6)
- Revised Property Exhibit (Figure 2)
- Revised Application - Page 1
- Revised Photo Location Exhibit
- Revised Legal Description

I will bring out the original documents and map copies on Monday. I will just need to swap out the signature page that was in the initial application package and put into the revised package. I will also grab the 20 copies that were supplied and bring them back to the office to swap out the new documents. I will bring the 20 copies back to your office on Tuesday.

You should be receiving via mail, the new \$1,000 application fee check to replace the \$3,375 application fee that was submitted with the initial package.

Let me know if you have any questions.

Andrew Motter, P.E.**Senior Project Manager****Manhard Consulting, Ltd.****9850 Double R Blvd., Suite 101****Reno, NV 89521**

office: 775.746.3500 ext. 4711

cell: 775.745.3826

fax: 775.746.3520

**Manhard**

CONSULTING LTD

9850 Double R Boulevard
Suite 101

Reno, NV 89521

p: 775.746.3500 f: 775.746.3520

This electronic message and any files or attachments are confidential and may be privileged information. The information is solely for the use of the individual(s) or entity to which it was addressed. If you are not the intended recipient(s), you are hereby notified that distributing, copying, or in any way disclosing any of the information in this e-mail is strictly prohibited. Receipt by anyone other than the named recipient(s) is not a waiver of any work product, or other applicable privilege. If you have received this e-mail in error, please notify sender immediately, and destroy the material in its entirety.

JA2845

14 CV 00128 - 002740

whether in electronic or hard copy format. Since data stored on electronic media can deteriorate, be translated or modified, Manhard Consulting Ltd. will not be liable for the completeness, correctness or readability of the electronic data. The electronic data should be verified against the hard copy.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>



MPA-ZC Overall Package Revised 8-16-2013.pdf
13732K

Rob Loveberg <rloveberg@lyon-county.org>
To: Andrew Motter <amotter@manhard.com>
Cc: Kerry Page <kpage@lyon-county.org>

Fri, Aug 16, 2013 at 2:37 PM

Andrew,

We are in receipt of the revised application materials you submitted via two emails. We will review the materials for completeness.

[Quoted text hidden]

--
Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

JA2846

14 CV 00128 - 002741



Civil Engineering
Surveying
Water Resources Management
Water & Wastewater Engineering
Supply Chain Logistics
Construction Management
Environmental Sciences
Landscape Architecture
Land Planning

August 16, 2013

Mr. Rob Loveberg
Planning Director
Lyon County Planning Department
27 S. Main Street
Yerington, Nevada 89447

Re: Comstock Mining Master Plan Amendment & Zone Change Request

Mr. Loveberg:

On behalf of Comstock Mining, we appreciate your consideration of the enclosed application. The property included with this application request is generally located north and west of State Highway 341 adjacent to and within the town site of Silver City.

This application includes the following requests:

1. A Master Plan Amendment request from Suburban Residential to Rural Residential on 44.67 acres.
2. A Master Plan Amendment request from Resource to Rural Residential on 12.29 acres.
3. A Zoning Map Amendment request from NR1 to RR3 on 56.96 acres.
4. A Zoning Map Amendment request from NR1 to RR5 on 32.34 acres.

Due to the fact that the zone change and master plan amendment requests are being submitted simultaneously, we understand that the zone change request will not be considered by the commission within forty five (45) days after the application is filed with the administrator in accordance with Lyon County Code (10.12.07c).

If you have any questions or require additional information, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Motter'.

Andrew Motter, P.E.
Senior Project Manager

Manhard Consulting, Ltd.
9850 Double R Boulevard, Suite 101 • Reno, Nevada 89521
tel: (775) 746-3500 • fax: (775) 746-3520 • www.manhard.com
ARIZONA • CALIFORNIA • COLORADO • GEORGIA • ILLINOIS • INDIANA • NEVADA

JA2847

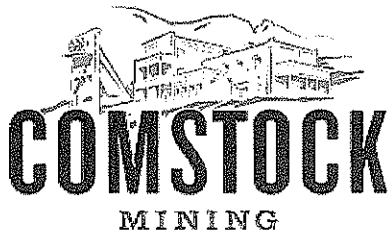
**14 CV 00128 - 002742
LYON COUNTY**

MASTER PLAN AMENDMENT AND ZONE CHANGE APPLICATION FOR COMSTOCK MINING PROPERTY

SILVER CITY, LYON COUNTY, NEVADA

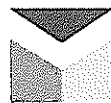


PREPARED FOR:



Comstock Mining Inc.
P.O. Box 1118
Virginia City, Nevada 89440

PREPARED BY:



Manhard
CONSULTING LTD

Manhard Consulting Inc.
9850 Double R Blvd.
Reno, NV 89521

AUGUST 2013

JA2848

14 CV 00128 - 002743
LYON COUNTY

Table of Contents

Project Location	1
Master Plan & Zoning Designation	1
Application Request	2
Justification	2
Master Plan Amendment Findings	7
Master Plan Amendment Process and Procedure Findings	10
Zone Change Findings.....	12

Tables:

Table1: Current Land Use Designations.....	1
Table 2: Proposed Land Use Designations	1
Table 3: Surrounding Property Designations.....	2
Table 3: Lyon County Land Use Categories.....	4

List of Figures:

Figure 1: Vicinity Map	
Figure 2: Parcel Exhibit	
Figure 3: Existing Master Plan Map	
Figure 4: Existing Zoning Map	
Figure 5: Proposed Master Plan Map	
Figure 6: Proposed Zoning Map	
Figure 7: Existing Slope Map	

Appendix:

Development Application	
Owners Affidavit	
Legal Descriptions	
Site Photographs	

Project Location

The property included with this application request is generally located north and west of State Highway 341 adjacent to the town site of Silver City. See Figure 1 Vicinity Map and Figure 2 Parcel Exhibit for additional detail.

Master Plan Land Use & Zoning Designations

Table 1: Current Land Use Designations (Ref. Figure 3 and Figure 4)

Parcel	Master Plan	Zoning	Land Use
1	Resource	NR1	Vacant
2	Suburban Residential	NR1	Vacant
3	Resource	NR1	Vacant
4	Suburban Residential	NR1	Vacant
5	Suburban Residential	NR1	Vacant
6	Suburban Residential	NR1	Vacant / Abandoned Mining Facilities

Table 2: – Proposed Land Use Designations (Ref. Figure 5 and Figure 6)

Parcel	Master Plan	Zoning	Area
1	Resource	RR-5	32.34 AC
2	Rural Residential	RR-3	7.20 AC
3	Rural Residential	RR-3	12.29 AC
4	Rural Residential	RR-3	10.28 AC
5	Rural Residential	RR-3	11.01 AC
6	Rural Residential	RR-3	16.18 AC

Table 3: Surrounding Property Designations

Location	Master Plan	Zoning	Land Use
North	Suburban Residential & Commercial Mixed Use	M1 & NR1	Vacant / Silver City Town Site
South	Resource, Open Space & Future Planning Area	RR5 & C2	Vacant
East	Resource & Suburban Residential	RR5 & NR1	Vacant / Silver City Town Site
West	Open Space & Suburban Residential	RR5 & NR1	Vacant

Application Request

This application includes the following requests:

1. A Master Plan Amendment request from Suburban Residential to Rural Residential on 44.67 acres.
2. A Master Plan Amendment request from Resource to Rural Residential on 12.29 acres.
3. A Zoning Map Amendment request from NR1 to RR3 on 56.96 acres.
4. A Zoning Map Amendment request from NR1 to RR5 on 32.34 acres.

Justification

The application is requesting a "down zone" at both the master plan and zoning levels. These amendments modify the residential development potential of the property from its current allowed density of 655 total dwelling units to a maximum yield of a more rurally representative 12 dwelling units. If approved, these proposed requests change the master plan and zoning designations from "Suburban Residential and NR1" to "Rural Residential, RR3 and RR5." This would provide a more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure and also clean up and align certain parcels that currently have "split" master plan designations.

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. Regardless of the

rationale, the designations have rendered the subject property unproductive for any activity other than mineral exploration for the last 40 years.

The applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property. Prior to proceeding with actual mining activities, the applicant would be required to obtain a special use permit from Lyon County. Such a permit would then address all manners of land use and include relevant conditions to limit the impacts and effects of potential or proposed mining activities. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

A change in the master plan and zoning designations from Suburban Residential and NR1 to Rural Residential, RR3 and RR5 will not only support the productive evaluation of existing mineral potential but will, more importantly, also bring the property into conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services, while helping to further promote the goals, policies, and strategies of the Lyon County Master Plan.

The Lyon County Master Plan Community Description for Silver City states, "The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims. The existing water service infrastructure dates back to the late nineteenth century, when a water system to supply the mining operations and settlement demands of the Comstock communities was constructed. This aging water system and a lack of sewer system limit growth in Silver City."

The Lyon County Master Plan includes five types of Character Districts, Rural, Suburbanizing, Historic, Future Plan Areas and General County. These Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries.

As defined in the Master Plan, Suburbanizing Districts, "include areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses. Improvement standards will reflect the "suburban" character of these areas and will include requirements for municipal water and sewer, roadway design appropriate to the planned uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths). Roads are likely to have some bike and pedestrian facilities within the rights-of-way or separate paths."

As defined in the Master Plan, Rural Districts, "include those areas that are predominately low density residential development with limited neighborhood commercial uses. They may or may not have agricultural land uses or grazing lands. Improvement standards will reflect the "rural" character of the area. Rural districts are not likely to have municipal water and sewer. Roads are likely to have dirt shoulders, some equestrian paths as well as bike facilities within the road rights-of-way."

Master Plan & Zoning Map Amendment

As defined by the Master Plan, Historic Districts, "include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Future historic districts could also be designated where the intent is to promote new compatible development that is in keeping with the "historic" development patterns and architectural design elements to create more vitality."

As defined by the Master Plan, General County includes, "Lands outside the boundaries of defined community boundaries are classified as General County. These lands are rural or resource lands or public lands, and are intended to remain largely undeveloped or with very low intensity development within the Master Plan's planning horizon."

Table 4: Lyon County Land Use Categories

Land Use Category	Community Plan Land Use Designation	Density Range/ Size	Examples of Uses	Description/ Characteristics	Current Zoning Districts
Suburban Residential	High Density Residential	5 to 18 Dwelling Units per acre	Apartments, duplexes, fourplexes, condominiums and townhomes. Single Family Residential detached units at 5 to 10 dwelling units per acre.	High density residential is typically found in suburbanizing districts. High density residential should be located near major transportation facilities, near commercial uses, or civic centers and near parks	NR1 NR2 NR3 MHP
Rural Residential	Rural Residential	1 du per 5 to <20 acres	Single-family residences, "farmettes" and "ranchettes", etc.	Typically found in rural districts and on the suburbanizing fringe. Lot size and layout varies. Typically not served by municipal utilities, depending on location in suburbanizing district.	RR3 RR4

According to the Lyon County Character Districts Map, the subject property appears to reside within both the Historic and General County Districts. Despite this apparent inconsistency of Character Districts, the land use and zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts. Clearly, the proposed land use and zoning designation are much more compatible and consistent with the Historic and General County Districts than the master plan designation of Suburban Residential which is currently assigned to the majority of the subject property.

Provided is the Silver City Community Description from the Lyon County Master Plan and the Master Plan's definitions for the types of residential Character Districts, also provided in Table 3: Lyon County Land Use Categories, is an excerpt from the Lyon County Master Plan comparing the current Land Use Category, Suburban Residential to the requested Land Use Category Rural Residential.

The community Character District of Suburbanizing, the Community Plan Land Use Designation of High Density, Density of 5 to 18 dwelling units per acre, the Examples of Uses and the Description/ Characteristics and the current Suburban Residential master plan designation and NR1 zoning designation are inconsistent with the following goals, policies and strategies of the current Lyon County Master Plan and conversely, these of goals, policies and strategies actually promote the proposed master plan and zoning modification requests from Suburban Residential and NR1 to Rural Residential, RR5 and RR3.

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio; infrastructure capacity and distance to services.*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand base zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

Policy LU1.2: *Residential development Patterns in Neighborhoods*

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Development of the property at its current NR1 density would be out of character with the existing "neighborhood" of Silver City. A reduction in development potential is a more appropriate development pattern and more compatible with existing and historic uses.

Goal LU2: *Services Coordinated with Growth*

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

According to the master plan "Suburban Residential" areas should be located near major transportation facilities, near commercial uses, or civic centers and near parks. The subject property is rural in nature and adequate facilities to accommodate such high density residential would be impractical to develop and completely out of character with the existing community. Therefore a reduction in development potential is warranted and appropriate.

Policy LU 2.1 *Residential Development in Areas with Services*

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: *Ensure that plans are in place for required services to occur concurrently with all proposed development.*

Goal FS1: *Municipal water and sewer systems will be expanded only in areas where they are cost effective.*

Policy FS 1.1: *Location of New Development*

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

The subject property, although designated Suburban Residential, does not have adequate municipal water or sewer in close proximity and facility plans are not currently in place to allow for development to occur concurrently. A reduction in allowable units would be more consistent with the current and future services of the area.

Goal LU3: *Diverse Economy*

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: *Diverse Economy Base*

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: *Work with Economic development agencies and community groups to identify economic assets and development opportunities.*

The master plan change would allow for continued mineral exploration on the subject property helping to identify economic assets while employing local residents in primary jobs.

Goal NR9: *Mining and Resource Extraction*

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 *Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.*

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

Master Plan Amendment Findings:

1. Consistency with the Master Plan:

The proposed amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods
New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth
Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy
The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base
The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal NR9: Mining and Resource Extraction
Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development
New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

2. Compatible Land Uses:

The proposed amendment is compatible with the actual and planned adjacent uses, and reflects a logical change in land uses.

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has resulted in little to no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe."

3. Response to Change Conditions:

The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the board, and the requested amendment represents a more desirable use of the land.

A change in the master plan designation from Suburban Residential to Rural Residential represents a more desirable use of land because it will bring the property in conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services. In addition, the proposed changes will allow for the exploration and evaluation of existing patented mining claims with potential for significant benefit to the County and community, while consistently promoting the goals, policies, and strategies of the Lyon County Master Plan.

4. No Adverse Effects:

The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.

The amendment request will not adversely affect the implementation of the master plan or negatively impact public health, safety and welfare. The

amendment proposes a significant enhancement in nature and type of development potentials of the property while continuing to maintain the goals, objectives and actions of the current master plan and will have no foreseeable impact on public health, safety or welfare.

5. Desired Pattern of Growth:

The proposed amendment will promote the desired pattern for the orderly physical growth of the county, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the county based on the least amount of natural resource impairment and efficient expenditure of the funds for public services.

The proposed request to change the master plan designation from Suburban Residential to Rural Residential represents a desired pattern of growth by providing a realistic current and long range land use strategy based on actual development potential, considering factors like topography and proximity to adequate infrastructure. Although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, we do not believe this would result in any impairment to the water resources and other resources that are important to existing residents and businesses in the area, and, we believe existing constraints or negative impacts would be reduced by the proposed amendments. The proposed Master Plan Amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

Master Plan Amendment Process and Procedures Findings:

1. The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, or even if they are pursued, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land

uses and post-mining land opportunities, than the current master plan designation.

2. *The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;*

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has been put to little or no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe" and is supportive of the goals and policies identified above.

3. *The proposed amendment will have no major negative impacts on transportation, services, and facilities;*

The proposed amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the preservation of natural resources and efficient expenditure of funds for public services.

4. *The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*

The proposed request to change the master plan designation from Suburban Residential to Rural Residential will actually have a positive effect on service provision by providing a realistic, more flexible, current and long range land use strategy based on actual development potential, considering factors like topography, surrounding uses and proximity to adequate infrastructure.

5. *Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand based zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

6. *The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.*

The amendment proposes a significant increase in consistency between the actual and potential use of the subject property and the land use designation.

The proposed land use designation is consistent with the realistic development potential of the subject property while supporting the goals, objectives and actions of the current master plan. The requested designation will have no negative impact on public health, safety or welfare.

Zone Change Findings:

1. Consistency with the Master Plan Land Use Map.

The proposed zone change is not only in substantial conformance with the proposed master plan amendment request but the requested modifications will actually help correct existing conformance issues between the Lyon County Master Plan and Zoning Code.

2. Consistency with the Master Plan goals, policies and strategies.

The proposed zoning map amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: Orderly Growth Patterns

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on realistic population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal LU5: Encourage Resource Sensitive Growth

Development will be designed to reduce energy use and minimize environmental impacts.

Goal NR9: Mining and Resource Extraction

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

3. Consistency with the desired pattern for the orderly physical growth of the County and maintains compact development patterns.

The proposed request to change the zoning designation from NR1 to RR3 and RR5 represents a desired pattern of growth by providing a realistic, current and long range zoning strategy based on actual development potential considering factors like topography, existing uses and proximity to adequate infrastructure.

4. *Contributes to the timely, orderly and efficient arrangement of transportation and other public facilities and services.*

The proposed zoning will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

5. *Promotes development that is commensurate with the character and physical limitations of the land.*

The proposed RR5 and RR3 designations will significantly reduce the development potential of the property not only taking into consideration the character and physical limitations of the land (i.e. topography and surrounding densities) but also reducing the need for additional infrastructure.

6. *Promotes the protection and/or enhancement of existing neighborhoods and communities.*

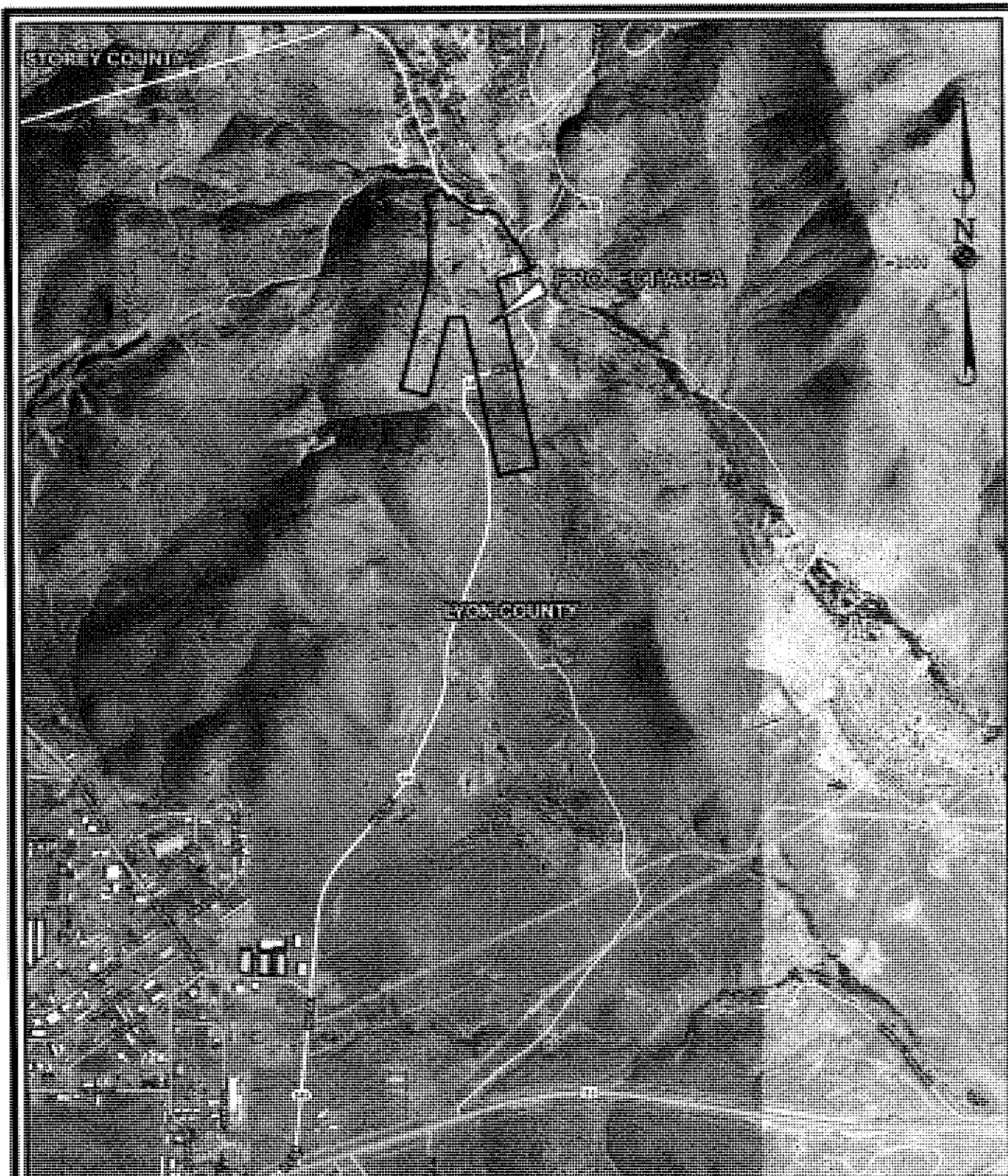
The proposed zoning map amendment is consistent with the current and future development character of Silver City. The current NR1 designation promotes high density residential on a property that is constrained by topography and infrastructure availability.

7. *No detrimental impacts to other properties in the vicinity.*

The proposed zoning map amendment is sensitive to and compatible with the current and future development character of Silver City. The current NR1 designation promotes high density residential that is not only out of character with the rural nature of the area, but does not take into consideration the fact that the property is constrained by topography and infrastructure availability.

8. *No adverse impacts to the public health, safety and welfare.*

The proposed zone change will have no impacts to public health, safety and welfare, and although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, this will not result in any impairment to the water resources and/or other resources that are important to existing residents and businesses in the area.



© 2010 MANHARD CONSULTING, INC. ALL RIGHTS RESERVED.

Manhard
CONSULTING LTD.

MANHARD CONSULTING LTD. (NOR. 1000000000) IS A SERVICE PROVIDER FOR THE FOLLOWING:
 Civil Engineers, Surveyors, Water Resources Engineers, Water & Wastewater Engineers,
 Construction Managers, Environmental Scientists, Landscape Architects, Planners

CONSTOCK MINING INC.

VICINITY MAP

FIGURE 1

PROJECT NO.: 14 CV 00128 - 002759
DRAWN BY: DCE
DATE: 7/24/2010
SCALE: 1"=1 MILE

SHEET

1

7

CMILON

JA2864

14 CV 00128 - 002759
LYON COUNTY

This map is a reproduction of a map prepared by Manhard Consulting, Inc. for the purpose of showing the location of the project area. It is not to be used for any other purpose. The map is not to be used for any other purpose. The map is not to be used for any other purpose.



Manhard
CONSULTING LTD.

MANHARD CONSULTING LTD. has provided the direct resource information:
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

CONSTOCK MINING INC.

PARCEL EXHIBIT

FIGURE 2

PROJECT NAME: 2000
DRAWING NO.: 2000
DATE: 7/24/2013
SCALE: 1"=500'

SHEET

2

OF

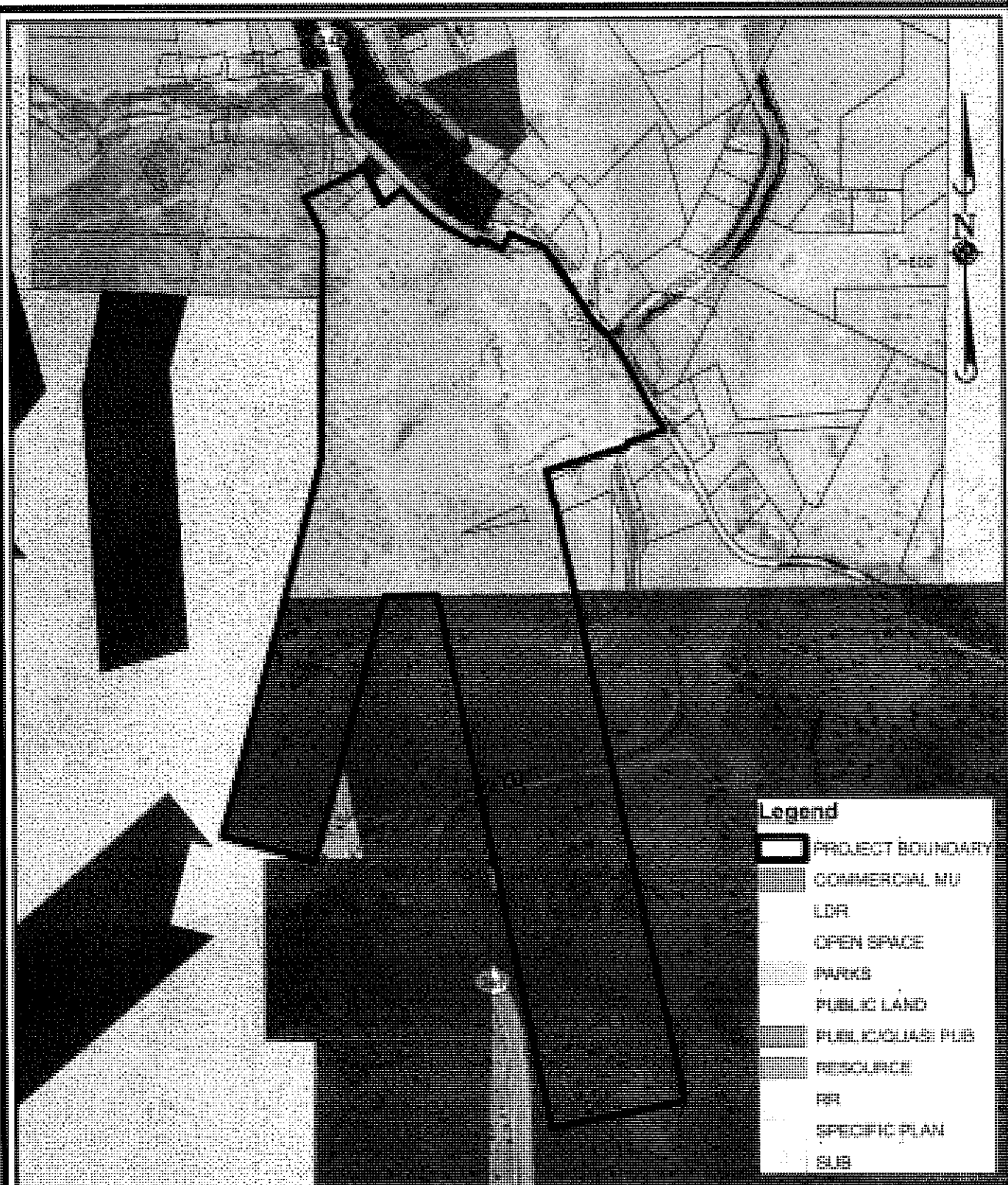
7

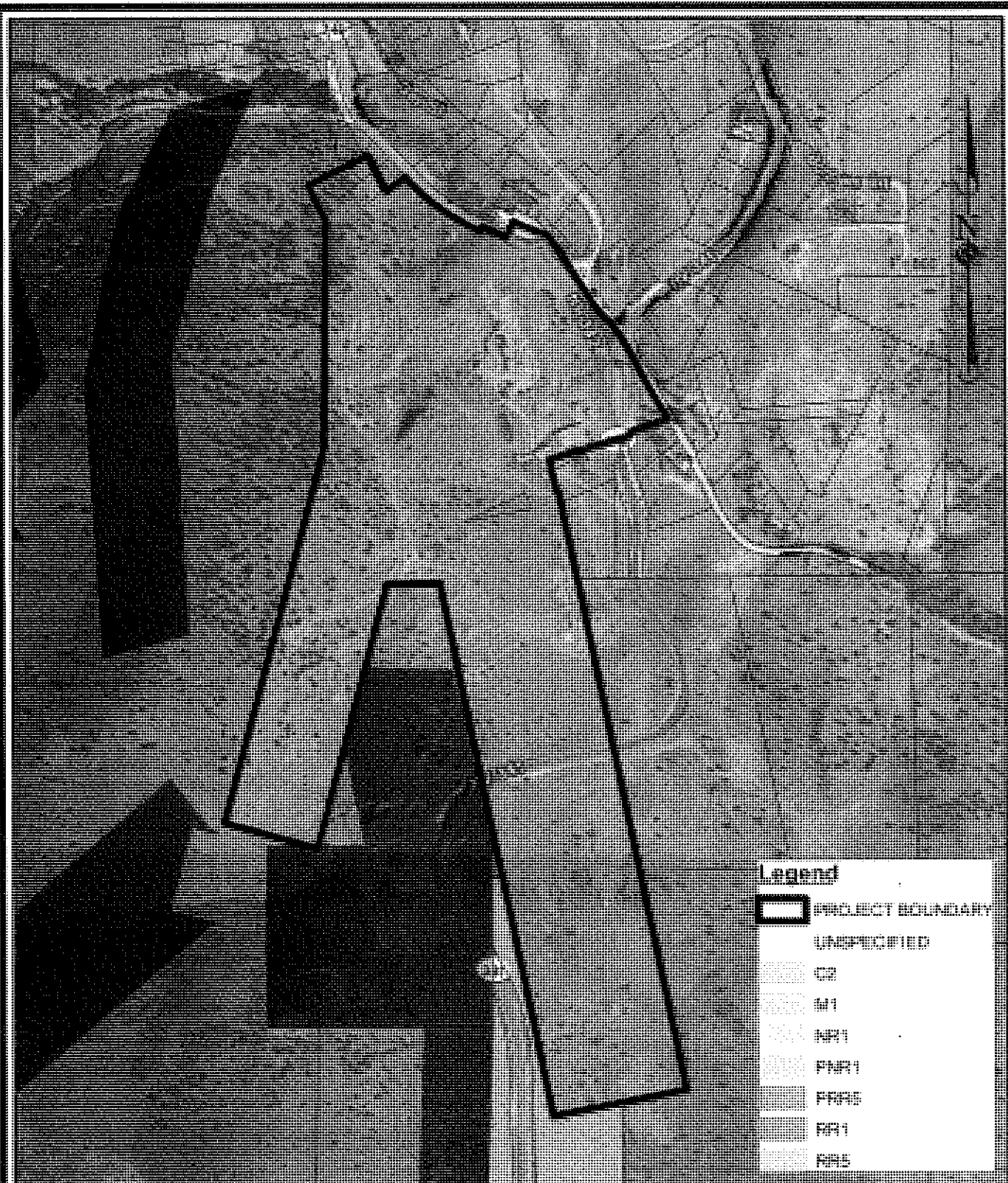
CHILCH

JA2865

14 CV 00128 - 002760
LYON COUNTY

This document is the property of Manhard Consulting Ltd. and is not to be reproduced or distributed without the written consent of Manhard Consulting Ltd.

[illegible]



LEAD



姓名：王强 性别：男 年龄：25 籍贯：山东 民族：汉族 学历：本科 专业：计算机科学与技术 毕业院校：山东大学 工作经历：2018.07-2019.06 在某公司担任软件开发工程师，负责后端开发工作。 2019.07-2020.06 在某公司担任软件开发工程师，负责前端开发工作。 2020.07-2021.06 在某公司担任软件开发工程师，负责全栈开发工作。	姓名：李华 性别：女 年龄：28 籍贯：河南 民族：汉族 学历：硕士 专业：软件工程 毕业院校：郑州大学 工作经历：2015.07-2016.06 在某公司担任软件开发工程师，负责后端开发工作。 2016.07-2017.06 在某公司担任软件开发工程师，负责前端开发工作。 2017.07-2018.06 在某公司担任软件开发工程师，负责全栈开发工作。
---	---

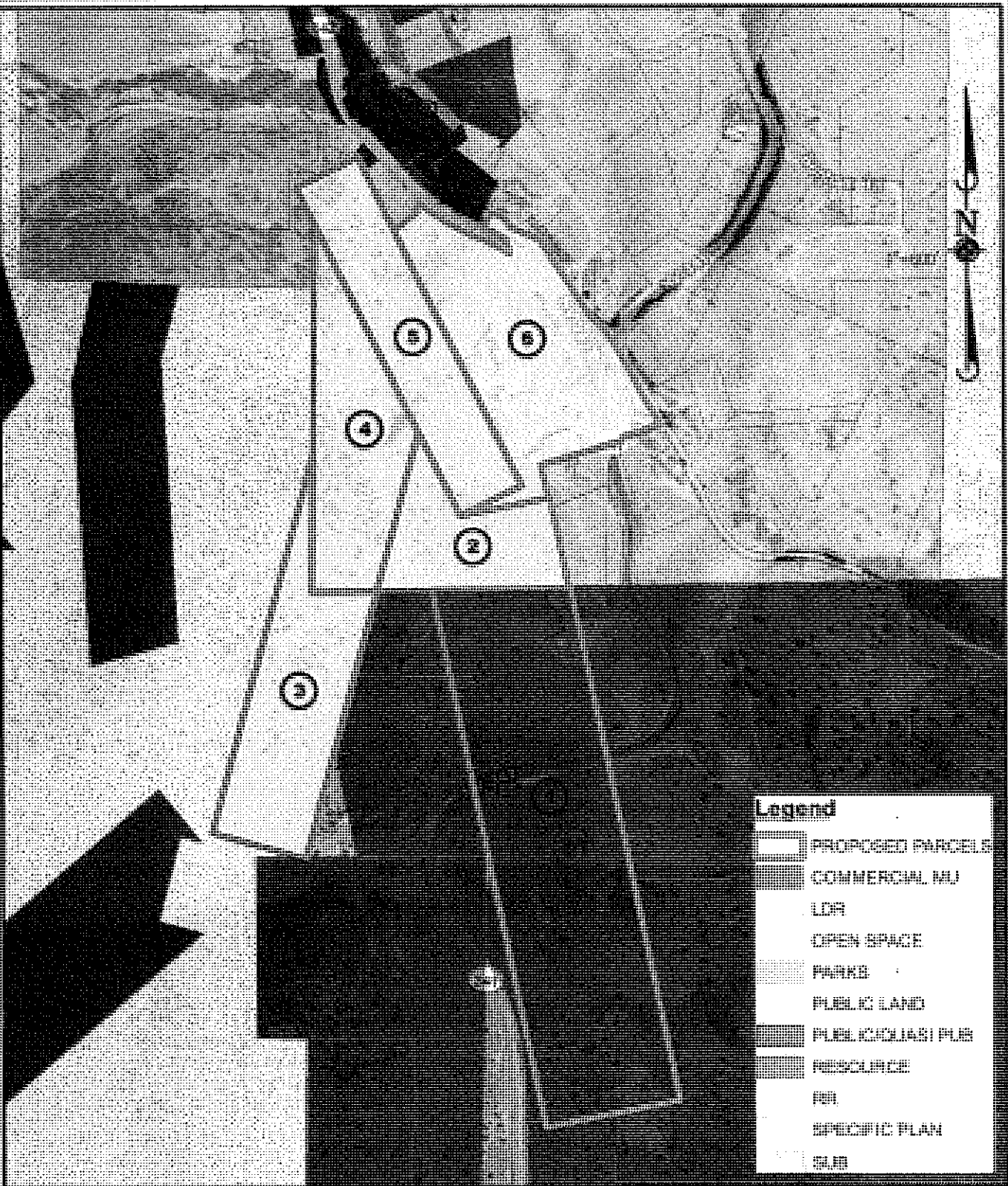
FRASE 4

[illegible][illegible]

$\frac{1}{2}(\frac{1}{2} + \frac{1}{2}) = \frac{1}{2}$
 $\frac{1}{2}(\frac{1}{2} + \frac{1}{2}) = \frac{1}{2}$
 $\frac{1}{2}(\frac{1}{2} + \frac{1}{2}) = \frac{1}{2}$
 $\frac{1}{2}(\frac{1}{2} + \frac{1}{2}) = \frac{1}{2}$

Conclusion

\\manhard\projects\14 CV 00128 - 002763\14 CV 00128 - 002763.dwg User: jmanhard Date: 11/11/2014 11:50:00 AM



Legend	
	PROPOSED PARCELS
	COMMERCIAL MU
	LDR
	OPEN SPACE
	PARKS
	PUBLIC LAND
	PUBLIC UTILITIES PUB
	RESOURCE
	RR
	SPECIFIC PLAN
	SLUR

© 2014 MANHARD CONSULTING LTD. ALL RIGHTS RESERVED



Manhard

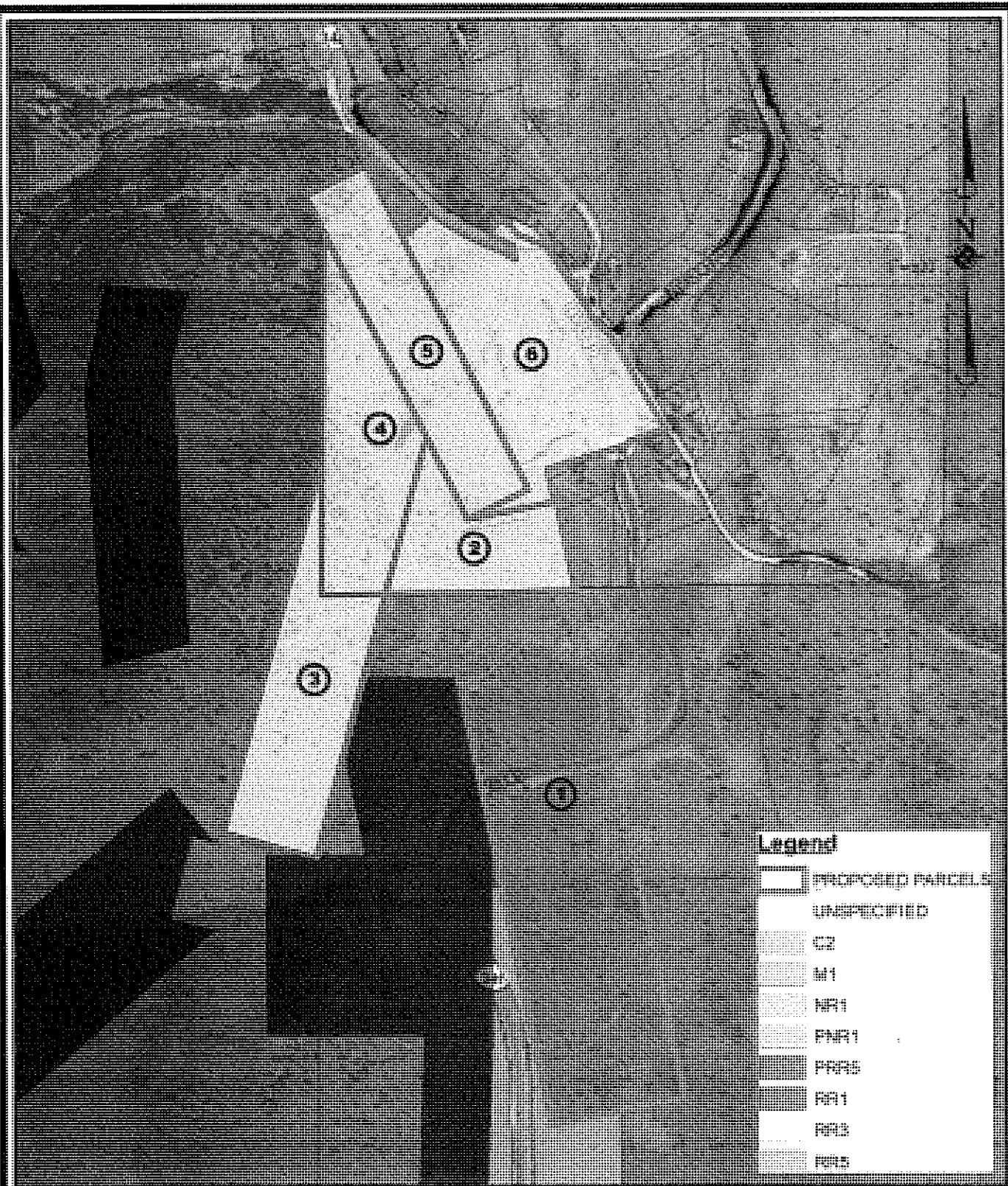
CONSULTING LTD.

MANHARD CONSULTING LTD. 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

COMSTOCK MINING INC.	
PROPOSED MASTER PLAN MWP	
FIGURE 5	
PROJECT NAME: <u>COMSTOCK</u>	SHEET
OWNER: <u>COMSTOCK</u>	5 OF 7
DATE: <u>1/1/2010</u>	
SCALE: <u>1"=100'</u>	CHILCH

JA2868

14 CV 00128 - 002763
LYON COUNTY



Legend	
	PROPOSED PARCELS
	UNSPECIFIED
	C2
	M1
	NR1
	FNR1
	FGS5
	RR1
	RR3
	RR5

© 2000 MANHARD CONSULTING LTD. ALL RIGHTS RESERVED

Manhard

CONSULTING LTD.

MINERAL AND WATER RIGHTS - CIVIL ENGINEERING - SURVEYING - ENVIRONMENTAL ENGINEERING
 CIVIL ENGINEERING - SURVEYING - WATER RESOURCES ENGINEERING - WINDTUNNEL ENGINEERING
 CONSTRUCTION MANAGEMENT - ENVIRONMENTAL SCIENCE - LANDSCAPE ARCHITECTURE - PLANNING

COMSTOCK MINING INC.
PROPOSED ZONING MAP
FIGURE #

PROJECT NO: AM	SHEET
DRAWN BY: ED	6 of 7
DATE: 7/24/2010	CHILCH
SCALE: AS SHOWN	

Lyon County, NV, Project (Lyon County) - Proposed Zoning Map - Figure # 6 of 7 - Sheet 6 of 7
 10/30/2010 10:30 AM



姓名	性别	年龄	民族	籍贯	出生地	文化程度	职业	工作单位	住址	联系电话	电子邮箱	备注
王德胜	男	45	汉族	山东烟台	烟台	高中	教师	烟台市第一中学	烟台市莱山区	1390645XXXX	1390645XXXX@163.com	
李小明	男	32	汉族	河南郑州	郑州	大学	工程师	河南省建筑设计院	郑州市金水区	158380XXXX	158380XXXX@163.com	
张小红	女	28	汉族	湖北武汉	武汉	大学	会计	武汉市财政局	武汉市江岸区	138710XXXX	138710XXXX@163.com	
赵国强	男	50	汉族	广东广州	广州	高中	工人	广州市白云区	广州市白云区	139220XXXX	139220XXXX@163.com	
刘伟华	男	38	汉族	四川成都	成都	大学	医生	四川省人民医院	成都市武侯区	138800XXXX	138800XXXX@163.com	
陈丽娟	女	42	汉族	浙江杭州	杭州	高中	售货员	杭州百货大楼	杭州市拱墅区	139570XXXX	139570XXXX@163.com	
周建民	男	35	汉族	湖南长沙	长沙	大学	程序员	湖南省软件中心	长沙市岳麓区	158730XXXX	158730XXXX@163.com	
吴志远	男	25	汉族	福建厦门	厦门	高中	学生	厦门大学	厦门市思明区	139590XXXX	139590XXXX@163.com	
孙文娟	女	30	汉族	广西桂林	桂林	大学	教师	桂林市第一中学	桂林市七星区	138770XXXX	138770XXXX@163.com	
郑大伟	男	40	汉族	江西九江	九江	高中	工人	江西省建材厂	九江市浔阳区	139790XXXX	139790XXXX@163.com	
马小芳	女	22	汉族	云南昆明	昆明	高中	学生	昆明市第一中学	昆明市五华区	139870XXXX	139870XXXX@163.com	
徐国强	男	33	汉族	贵州贵阳	贵阳	大学	工程师	贵州省建筑设计院	贵阳市南明区	158850XXXX	158850XXXX@163.com	
黄小红	女	27	汉族	陕西西安	西安	高中	售货员	西安市百货大楼	西安市碑林区	139910XXXX	139910XXXX@163.com	
周建民	男	35	汉族	河南郑州	郑州	大学	程序员	河南省软件中心	郑州市金水区	158380XXXX	158380XXXX@163.com	
吴志远	男	25	汉族	福建厦门	厦门	高中	学生	厦门大学	厦门市思明区	139590XXXX	139590XXXX@163.com	
孙文娟	女	30	汉族	广西桂林	桂林	大学	教师	桂林市第一中学	桂林市七星区	138770XXXX	138770XXXX@163.com	
郑大伟	男	40	汉族	江西九江	九江	高中	工人	江西省建材厂	九江市浔阳区	139790XXXX	139790XXXX@163.com	
马小芳	女	22	汉族	云南昆明	昆明	高中	学生	昆明市第一中学	昆明市五华区	139870XXXX	139870XXXX@163.com	
徐国强	男	33	汉族	贵州贵阳	贵阳	大学	工程师	贵州省建筑设计院	贵阳市南明区	158850XXXX	158850XXXX@163.com	
黄小红	女	27	汉族	陕西西安	西安	高中	售货员	西安市百货大楼	西安市碑林区	139910XXXX	139910XXXX@163.com	



Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099
1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	

[illegible]

姓名	性别	年龄	职业	住址	联系电话
张三	男	35	教师	北京市朝阳区	13800138000
李四	女	28	医生	北京市海淀区	13900139000
王五	男	45	工程师	上海市浦东新区	13600136000
赵六	女	52	公务员	广州市天河区	13500135000
孙七	男	60	农民	河南省郑州市	13400134000
周八	女	70	退休	北京市西城区	13300133000
吴九	男	80	学者	江苏省南京市	13200132000
郑十	女	90	作家	浙江省杭州市	13100131000

1. 凡在本公司工作之员工，其工资由基本工资、绩效工资、奖金、津贴、补贴、福利费、社会保险费、住房公积金等组成。

2. 基本工资：根据员工所在岗位及工作年限确定。

3. 绩效工资：根据员工当月绩效考核结果确定。

4. 奖金：根据公司年度经营业绩及员工个人表现确定。

5. 津贴：包括高温津贴、夜班津贴、出差津贴等。

6. 补贴：包括交通补贴、通讯补贴、餐饮补贴等。

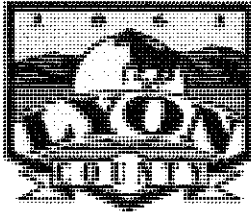
7. 福利费：包括带薪年假、带薪病假、带薪产假等。

8. 社会保险费：包括养老保险、医疗保险、失业保险、工伤保险、生育保险等。

9. 住房公积金：根据国家规定缴纳。

10. 其他：包括员工培训费、体检费、节日福利等。

APPENDIX



LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
VOICE: (775) 463-6592 • FAX: (775) 463-6596

For Office Use Only

Date

Received by

File Number

DEVELOPMENT APPLICATION

This form must be completed and all requested information incorporated, as prescribed by the application submission requirements for each application type, before the application is deemed complete and accepted for processing by Lyon County.

Application Type (check all that apply)		
<input type="checkbox"/> Abandonment	<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Reimbursement Agreement
<input type="checkbox"/> Amended Map	<input type="checkbox"/> Hardship Exception Permit	<input type="checkbox"/> Reversion to Acreage
<input type="checkbox"/> Appeal of Administrative Decision	<input type="checkbox"/> Improvement Plan for Land Division	<input type="checkbox"/> Site Improvement Plan
<input type="checkbox"/> Appeal of Planning Commission Decision	<input type="checkbox"/> Improvement Standards Variance or Waiver	<input type="checkbox"/> Special Use Permit
<input type="checkbox"/> Approval Condition Amendment	<input checked="" type="checkbox"/> Master Plan Map Amendment	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Boundary Line Adjustment	<input type="checkbox"/> Master Plan Text Amendment	<input type="checkbox"/> Street Name Request
<input type="checkbox"/> Certificate of Amendment	<input type="checkbox"/> Mobile Home Park/Recreational Vehicle Park	<input type="checkbox"/> Subdivision Map, Tentative
<input type="checkbox"/> Continuation of Planning Application	<input type="checkbox"/> Parcel Map	<input type="checkbox"/> Subdivision Map, Final
<input type="checkbox"/> Development Agreement	<input type="checkbox"/> Parcel Map, Final	<input type="checkbox"/> Variance <input type="checkbox"/> Administrative
<input type="checkbox"/> Development Agreement, Revision	<input type="checkbox"/> Parcel Map Waiver	<input type="checkbox"/> Wireless Communication Facility
<input type="checkbox"/> Division of Land into Large Parcels, Tentative Map Waiver	<input type="checkbox"/> Planned Unit Development, Final	<input type="checkbox"/> Wireless Communication Facility, Modification
<input type="checkbox"/> Division of Land into Large Parcels, Tentative Map	<input type="checkbox"/> Planned Unit Development, Tentative	<input type="checkbox"/> Zoning Determination
<input type="checkbox"/> Division of Land into Large Parcels, Final Map	<input type="checkbox"/> Pre-Application Conference	<input checked="" type="checkbox"/> Zoning Map / Text Change

General Information			
Assessor's Parcel number(s)	Acreage	Assessor's Parcel number(s)	Acreage
Por. of 008-091-05	+/- 88.94 AC		
008-091-02	+/- 0.36 AC		
Applicant Name(s): <input checked="" type="checkbox"/> Same as Owner <input type="checkbox"/> Other (Insert name(s)):			
Community: <input type="checkbox"/> Dayton <input type="checkbox"/> Fernley <input type="checkbox"/> Mark Twain <input type="checkbox"/> Mason Townsite <input type="checkbox"/> Mason Valley <input type="checkbox"/> Mound House			
<input checked="" type="checkbox"/> Other County <input checked="" type="checkbox"/> Silver City <input type="checkbox"/> Silver Springs <input type="checkbox"/> Smith Valley <input type="checkbox"/> Stagecoach			
Previous applications filed on this site:			
Project Name (if applicable):			

Project Information

Project or Request Description: Comstock Mining is requesting a Master Plan Amendment and Zone Change on a portion of Lyon County APN 008-091-05 and APN 008-091-02. APN 008-091-05 includes 20 legal parcels (3 patented claim parcels and 17 Silver City town lots) which are a portion of this request. The Master Plan Amendment request is to change 44.67 acres within the Silver City town limits from Suburban Residential to Rural Residential and 12.29 acres in unincorporated Lyon County from Resource to Rural Residential. The Zone Change request is to change 44.67 acre within the Silver City town limits from NR-1 zoning to RR-3 zoning and 44.63 acres in unincorporated Lyon County from NR-1 Zoning to RR-3 and RR5 Zoning.

Project Area (square feet or acres): +/- 89.30 AC Number of proposed units: Smallest parcel size:

Uses proposed (check all that apply): ☐ Single Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

Project Location	
Project Street Address:	State Route 341
Primary Access:	State Route 341 and State Route 342
Section(s)/Township/Range:	Sect. 8,9,16,17 T16N R21E
Approximately feet <input type="checkbox"/> north <input type="checkbox"/> south of	(street name)
Approximately feet <input type="checkbox"/> east <input type="checkbox"/> west of	(street name)
If within a Subdivision, Name:	Lot: Block:
Project Location (with point of reference to primary access, major cross streets or area locator): A portion of the property is located within the Silver City Town limits adjacent to State Route 342 and a portion is in unincorporated Lyon County adjacent to State Route 341.	

Other Information	
Current Master Plan designation(s):	Suburban Residential, Resource
Proposed Master Plan designation(s):	Rural Residential
Current Zoning designation(s):	NR1
Proposed Zoning designation(s):	RR-3 and RR-5
Floodplain designation (from FIRM maps):	Zone AE, Unshaded Zone X
Road/street surface of frontage/access:	Paved highway for frontage and dirt road for access to a portion.

Applicant Information		
Applicant/Developer		
Name: Same as Property Owner		
Address:		
City:	State:	Zip:
Phone:	Fax:	
Cell:	Contact:	
Email:		
Property Owner		
Name: Comstock Mining Inc.		
Address: 1120 American Flat Rd.		
City: Virginia City	State: NV	Zip: 89440
Phone: 775-847-5272	Fax: 775-847-7118	
Cell:	Contact: Corrado DeGasperi	
Email: degasperi@comstockmining.com		
Professional Consultant/Representative		
Name: Manhard Consulting Ltd.		
Address: 9850 Double R Blvd., Suite 101		
City: Reno	State: NV	Zip: 89521
Phone: 775-746-3500	Fax: 775-746-3520	
Cell:	Contact: Andrew Motter, P.E.	
Email: amotter@manhard.com		
Other Person(s) to be Contacted		
Name: Comstock Mining Inc.		
Address: 1120 American Flat Rd.		
City: Virginia City	State: NV	Zip: 89440
Phone: 775-847-5272	Fax: 775-847-7118	
Cell:	Contact: Scott Jolcover	
Email: sjolcover@comstockmining.com		

The receipt of an application at the time of submission does not imply the application complies with all requirements of the Lyon County Code or Lyon County Planning Department, or that it is deemed complete and will be processed.

Property Tax Status:

As per Lyon County Code Title 10, Section 10.12.05, a signature is required from the Lyon County Clerk's Office showing the taxes are paid current on the subject property.

I, Nikki Bryan, hereby certify that all required property taxes are paid current on APN(s): 008-091-02, 008-091-05

By:

Deputy Clerk

Date

Applicant's Affidavit (Complete if different from Property Owner):

I, _____, being duly sworn, depose and say that I am the applicant

(Printed name)

of the described project and/or request, and all the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Lyon County Planning Department staff.

Signature of Applicant

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public in and for said county.

Date

(Notary stamp)

Property Owner's Affidavit:

I, Corrado De Gasperi, being duly sworn, depose and say that I am an owner* in

(Printed name)

fee of the described property involved in this application, that I have knowledge of, and agree to, the filing of this application, and that the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I acknowledge that I am aware of the "right to farm" policy of the county and have been provided with a copy of a statement (attached to this application form) containing substantially the disclosure set forth in Chapter 10.15 of the Lyon County Code. I understand that no assurance or guarantee can be given by members of the Lyon County Planning Department staff.

(*A separate Affidavit must be provided by each property owner)

Signature of Property Owner

Subscribed and sworn to before me this 7th day of AUGUST, 2013

BY CORRADO DE GASPERIS ***

Notary Public in and for said county.

Date

08/07/2013



JA2873

14 CV 00128 - 002768

LYON COUNTY



Land Information Solutions

TRI STATE SURVEYING, LTD.

1925 E. Prater Way, Sparks, Nevada 89434
Telephone (775) 358-9491 ♦ FAX (775) 358-3664
Toll Free: 1-800-411-3752

August 15, 2013
Project No. 10055.01.CC

Parcel Descriptions

All those certain parcel situate within portions of Sections Eight (8), Nine (9), Sixteen (16) and Seventeen (17), Township Sixteen (16) North, Range Twenty-One (21) East, Mount Diablo Meridian, Lyon County, Nevada, being more particularly described as follows:

Parcel 1:

All that portion of Mineral Survey 63, Kossuth Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 63 (Office No. 186), Kossuth Lode (Kossuth Mining Co's.), Devils Gate Mining District, by Don H. Barker, January 1874, lying southerly and outside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876.

Parcel 2:

All that All that portion of Mineral Survey 63, Kossuth Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 63 (Office No. 186), Kossuth Lode (Kossuth Mining Co's.), Devils Gate Mining District, by Don H. Barker, January 1874, lying northerly and inside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, together with all of Lot 275 as shown on said Official Map of the TOWNSITE of SILVER CITY.

Parcel 3:

All that portion of Mineral Survey 56, Alhambra Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 56 (Office No. 183), Alhambra Lode (Alhambra Co's), Devils Gate Mining District, by Hugo Hochholzer, September 1872, lying southerly, westerly and outside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876.

Parcel 4:

All that portion of Mineral Survey 56, Alhambra Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 56 (Office No. 183), Alhambra Lode (Alhambra Co's), Devils Gate Mining District, by Hugo Hochholzer, September 1872, lying northerly, easterly and inside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, together with all of Lot 274 as shown on said Official Map of the TOWNSITE of SILVER CITY.

FOR REVIEW ONLY

JA2874

14 CV 00128 - 002769
LYON COUNTY

1 Pursuant to NRS 239B.030, the undersigned
2 affirms that the following document does not
3 contain the social security number of any person.

4 JOHN L. MARSHALL
5 SBN 6733
6 570 Marsh Avenue
7 Reno, Nevada 89509
8 Telephone: (775) 303-4882
9 Attorney for Petitioners Comstock
10 Residents Association & Joe McCarthy

11
12 IN THE SUPREME COURT OF THE STATE OF NEVADA

13 COMSTOCK RESIDENTS ASSOCIATION,
14 JOE McCARTHY

15 Appellants,
16 00128

No. 68433
District Court Case No. 14-CV-

17 v.

18 LYON COUNTY BOARD OF
19 COMMISSIONERS; COMSTOCK
20 MINING INCORPORATED

21 Respondents,
22 _____/

23 **JOINT APPENDIX**

24 **VOLUME 15**

25 **PAGES 2625-2750**
26
27
28

ALPHABETICAL INDEX TO JOINT APPENDIX

<u>Document (date filed)</u>	<u>Volume:Page</u>
Complaint for Declaratory and Injunctive Relief/Petition for Writ of Mandate or Judicial Review (1/31/2014)	1:0001
Comstock Mining Incorporated's Answer to Complaint (3/28/2014)	1:0053
Comstock Residents Association's Opening Brief on Petition for Judicial Review (12/16/2014)	28:3837
Comstock Residents Association's Opposition Brief in Support of Petition for Judicial Review (1/9/2015)	28:3894
Comstock Residents Association's Reply Brief in Support of Motion to Augment Record (1/9/2015)	28:3888
Comstock Residents Association's Reply Brief in Support of Petition for Judicial Review (1/20/2015)	28:3926
CRA's Notice of Supplemental Authority re Motion to Amend (10/14/2014)	28:3754
CRA's Reply to Lyon County and CMI's Oppositions to Motion to Amend Complaint/Petition (8/5/2014)	27:3746
Joinder to Defendant Lyon County Board of Commissioners' Motion to Dismiss (6/13/2014)	27:3648
Joint Opposition of Respondents Lyon County Board of Commissioners and Comstock Mining Incorporated to Motion to Augment Record (1/2/2015)	28:3881
Lyon County Board of Commissioners' Answer to Complaint (3/27/2014)	1:0038
Lyon County Board of Commissioners' Motion to Dismiss or, in the Alternative, Motion for Partial Summary Judgment (6/10/2014) ...	1:0082

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Document (date filed)</u>	<u>Volume:Page</u>
Lyon County Board of Commissioners’ Opposition to Motion to Amend Complaint/Petition (7/29/2014)	27:3721
Lyon County Board of Commissioners’ Reply to Opposition to Motion to Dismiss (7/29/2014)	27:3730
Lyon County’s Objection to Court’s Consideration of CRA’s Supplemental Authority (10/16/2014)	28:3757
Memorandum of Points and Authorities in Opposition to Comstock Residents Association’s Opening Brief in Support of Petition for Judicial Review (1/12/2015)	28:3905
Memorandum of Points and Authorities in Opposition to Petition for Judicial Review (12/15/2014)	28:3785
Memorandum of Points and Authorities in Reply to Comstock Residents Association’s Opposition Brief in Support of Petition for Judicial Review (1/16/2015)	28:3917
Motion to Amend Complaint/Petition (7/3/2014)	27:3651
Motion to Augment Record and/or Request for Judicial Notice (12/16/2014)	28:3812
Notice of Assignment by Clerk [Senior Judge Estes] (6/10/2014)	1:0079
Notice of Entry of Order [Denying Motion to Amend Complaint/Petition] (12/8/2014)	28:3772
Notice of Entry of Order [Granting in Part and Denying in Part Motion to Dismiss] (12/8/2014)	28:3777
Notice of Entry of Order [Granting in Part and Denying in Part Plaintiffs’ Motion to Augment Record] (6/10/2015)	28:3944
Notice of Entry of Order [Denying Petition for	

1	Judicial Review] (6/15/2015).....	28:3949
2	<u>Document (date filed)</u>	<u>Volume:Page</u>
3		
4	Objection to Court’s Consideration of CRA’s Supplemental	
5	Authority (10/21/2014)	28:3760
6	Opposition to Motion to Dismiss (7/3/2014)	27:3695
7	Opposition to Plaintiffs/Petitioners’ Motion to Amend	
8	Complaint/Petition (7/25/2014)	27:3712
9	Order Denying Petition for Judicial Review (6/5/2015).....	28:3937
10	Order Denying Plaintiffs [sic] Motion to Amend (12/3/2014)	28:3793
11		
12	Order Granting in Part and Denying in Part Motion to	
13	Augment Record (6/5/2015)	28:3941
14	Order Granting in Part and Denying in Part Motion to Dismiss (12/3/2014)	28:3766
15	Order of Recusal [Judge Rogers] (4/1/2014)	1:0071
16	Order of Recusal [Judge Aberasturi] (5/2/2014)	1:0076
17		
18	Petitioners Comstock Residents Association and Joe McCarthy’s	
19	Notice of Appeal (7/14/2015)	28:3955
20	Record on Appeal (6/10/2014)	1:0102
21	Supplement to Record on Appeal (1/2/2015)	28:3877

--
Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.



Kerry Page <kpage@lyon-county.org>

Public notice for publishing

Legals, MVN <mvnlegals@reno.gannett.com>
To: Kerry Page <kpage@lyon-county.org>

Thu, Oct 24, 2013 at 4:17 PM

Received and will publish as requested ad# 18994 \$295.00.

Thank you!



GINA BRILES

Legals Department

RGJ Media

legals@rgj.com

legals@masonvalleynews.com

SUBSCRIBE today

www.rgj.com

775.788.6394 (w)

775.327.6786 (f)

RGJ Media's quality content across a variety of platforms attracts **nearly 3 out of 4** of Washoe County adults more than **5 times** in a typical week.



JA2626

14 CV 00128 - 002521

From: Kerry Page [mailto:kpage@lyon-county.org]

Sent: Thursday, October 24, 2013 4:02 PM

To: Legals, MVN

Subject: Public notice for publishing

[Quoted text hidden]

JA2627

14 CV 00128 - 002522



Kerry Page <kpage@lyon-county.org>

Public notice for publishing

Kerry Page <kpage@lyon-county.org>

Thu, Oct 24, 2013 at 4:02 PM

To: Public Notice Publishing <legals@masonvalleynews.com>

Good afternoon,
Please publish the attached public notice in all three newspapers, next week.
Have a great weekend.
Thank you!

--

Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305



11 NOVEMBER, 2013.doc

77K

JA2628

14 CV 00128 - 002523



LYON COUNTY PLANNING
27 South Main Street
Yerington, Nevada 89447
Phone: (775) 463-6592 Fax: (775) 463-5305

NOTICE OF PUBLIC HEARING

Pursuant to the requirements of Lyon County Code Title 10 and/or 11, **PUBLIC NOTICE IS HEREBY GIVEN** that the Lyon County Planning Commission will hold a public hearing on **Tuesday, November 12, 2013**, beginning at 9:00 A.M. in the **Commissioner's Meeting Room, Lyon County Administrative Complex, 27 South Main Street, Yerington, Nevada**, for the purpose of considering the following planning applications: (action will be taken on all items)

1. **CALVARY CHAPEL DAYTON VALLEY (for possible action)** - Request for definition and interpretation of accessory uses for churches and religious meeting places
2. **X-TREME BULLETS, INC. – SPECIAL USE PERMIT MODIFICATION (for possible action)** - Request to modify an existing special use permit for the expansion of a bullet copper plating facility; located at 25 and 31 Stokes Drive, Mound House (APN 16-182-04 & 16-182-07) PLZ-13-0055
3. **STUDY HONEY HOLD, LLC YERINGTON – ZONE CHANGE (for possible action)** – Request to change the zoning from C-2 (General Commercial) and E-1T (First Estates Residential District-12,000 sq. ft. minimum) to C-2 (General Commercial) on approximately 10.24 acres and RR-1 (Rural Residential - 1 acre minimum), on approximately 104.38 acres, of a 114.62 total acre parcel; located at Hwy 95A and Nadel Lane, Mason Valley (APN's 14-641-22 and 14-541-09) PLZ-13-0049
4. **WOODBRIIDGE ESTATES – PLANNED UNIT DEVELOPMENT REVISED REQUEST (for possible action) – continued from October 8, 2013 Planning Commission meeting** - Request for a Planned Unit Development and a Tentative Development Plan for a proposed 76 lot residential Planned Unit Development on approximately 30.00 total acres; located off of Highway 50 at La Fond Drive, Dayton (APN 16-025-04) PLZ-13-0037
5. **COMSTOCK MINING, INC – MASTER PLAN AMENDMENT (for possible action)** – Request to change the Master Plan from Resource land use designation and Suburban Residential land use designation to Resource land use designation on approximately 32.34 acres and Rural Residential land use designation on approximately 54.86 acres of a 94.27 total acre parcel; located off of Highway 341, Silver City (a portion of APN 08-091-05 & 08-091-02) PLZ-13-0050
6. **COMSTOCK MINING, INC – ZONE CHANGE (for possible action)** - Request to change the zoning from NR-1 (Non-Rural Residential - 6,000 sq. ft. lot size) and RR-5 (Fifth Rural Residential - 20 acre minimum) to RR-3 (Third Rural Residential-5 acre minimum) on approximately 54.86 acres and RR-5 (Fifth Rural Residential - 20 acre minimum) on approximately 32.34 acres, of a 94.27 total acre parcel; located off of Highway 341, Silver City (a portion of APN 08-091-05 & 08-091-02) PLZ-13-0051
7. **KONA GOLD, LLC – SPECIAL USE PERMIT (for possible action) - continued from the July 9, 2013 Planning Commission meeting** - Request for a mill site which utilizes a gravity separation process and a mobile home for watchman's quarters, on four parcels totaling approximately 5.98 acres, located off of Newman Lane and Newman Court, Mound House (APN's 16-244-07, 16-244-08, 16-245-03 & 16-245-05); and a mining operation on approximately 11.04 total acres, located at 139 Highway 341, Mound House (APN 16-171-03) PLZ-13-0013

RECESS TO CONVENE AS THE LYON COUNTY PUBLIC LANDS MANAGEMENT ADVISORY BOARD

8. Public participation (no action will be taken on any item until it is properly agendaized)
9. Future agenda items for discussion and possible action (for possible action)

10. Board member comments (no action will be taken on any item until it is properly agendized)

11. Public participation (no action will be taken on any item until it is properly agendized)

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

12. Discussion and possible action regarding the draft Lyon County Land Use and Development Code, with special concentration on Part 3 (for possible action)

13. **STAFF COMMENTS AND COMMISSIONER COMMENTS** (discussion only)

PUBLIC PARTICIPATION

Hearings on the matters listed herein will be conducted during the course of a public meeting of the Lyon County Planning Commission. For a copy of the agenda and/or supporting materials, please contact Kerry Page at the Lyon County Planning Department at 775-463-6592 or kpage@lyon-county.org. The agenda is also available on the Lyon County Website at www.lyon-county.org.

We are pleased to make reasonable accommodations for those members of the public who wish to attend the meeting and need assistance. If special arrangements are necessary, please notify the Lyon County Planning Department in writing at 27 South Main Street, Yerington, Nevada 89447, or call 775-463-6592. 24 hours notice is required.

PUBLIC HEARING ITEMS ARE HEARD BY COMMUNITY ADVISORY BOARDS IN MOST COMMUNITIES PRIOR TO THE PLANNING COMMISSION MEETING. PLEASE CHECK YOUR LOCAL COMMUNITY ADVISORY COUNCIL'S AGENDA, REGARDING ANY APPLICATION OF INTEREST.

PUBLISH: Mason Valley News; Leader Courier (Dayton & Fernley)

OCTOBER 30, 2013



Kerry Page <kpage@lyon-county.org>

Comstock zoning application

1 message

Kerry Page <kpage@lyon-county.org>

Wed, Oct 23, 2013 at 12:26 PM

To: Andrew Motter <amotter@manhard.com>

Hi Drew,

I am trying to figure out the zoning application. I've attached a hand-colored map of how I interpret the request and I have some questions. North, east and west of Parcel 5 of the proposed zoning map (figure 6) are areas that are still a part of that parcel. This will leave the remainder portion of APN 08-091-05 (after the RTA and BLA maps have recorded) zoned NR-1 (westerly portion), NR-1 and M-1 (northerly) and M-1 (easterly). Do you agree?

I don't see where that is reflected in the request. Can you clarify that for me please?

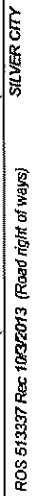
Thanks.

Kerry Page*Lyon County Planning Assistant**27 South Main Street**Yerington, NV 89447**ph: 775-463-6592**fax: 775-463-5305***APN 08-091-05 REZONING.pdf**

808K

JA2631

14 CV 00128 - 002526





Kerry Page <kpage@lyon-county.org>

Revised CMI MPA/ZC Application

2 messages

Andrew Motter <amotter@manhard.com>

Fri, Oct 18, 2013 at 3:01 PM

To: kpage@lyon-county.org, rloveberg@lyon-county.org

Cc: Barkdull-Spencer@comstockmining.com, DeGasperis@comstockmining.com, Chris Baker

<nevadalanduse@yahoo.com>

Rob / Kerry,

Attached is the revised Master Plan Amendment and Zone Change application for Comstock Mining. This revision is to change the acreage for the Zone Change and Master Plan Amendment due to the change of acreage in the Reversion to Acreage. The changed pages are as follows:

- The acreage referenced in the Cover Letter were updated.
- Pages 1 and 2 of the Narrative were revised to show the proper acreage.
- Page 1 of the Lyon County Development Application was revised to show the proper acreage of the request.
- Exhibits 2, 3, 4, 5, and 6 have been updated to reflect the proper parcel shape for Parcel 6 (the reversion parcel).
- The legal description for parcel 6 (the reversion parcel) has been updated to reflect the proper description.

I will be sending 20 copies of the application to your office for your use and distribution. If you have any questions, please feel free to give me a call.

Andrew Motter, P.E.

Senior Project Manager

Manhard Consulting, Ltd.

9850 Double R Blvd., Suite 101

Reno, NV 89521

office: 775.746.3500 ext. 4711

cell: 775.745.3826

fax: 775.746.3520



This electronic message and any files or attachments are confidential and may be privileged information. The information is solely for the use of the individual(s) or entity to which it was addressed. If you are not the intended recipient(s), you are hereby notified that distributing, copying, or in any way disclosing any of the information in this e-mail is strictly prohibited. Receipt by anyone other than the named recipient(s) is not a waiver of any work product, or other applicable privilege. If you have received this e-mail in error, please notify sender immediately, and destroy the material in its entirety, whether in electronic or hard copy format. Since data stored on electronic media can deteriorate, be translated or modified, Manhard Consulting Ltd. will not be liable for the completeness, correctness or readability of the electronic data. The electronic data should be verified against the hard copy.

This email has been scanned for email related threats and delivered safely by Mimecast.

For more information please visit <http://www.mimecast.com>

JA2633

14 CV 00128 - 002528

<https://mail.google.com/mail/u/0/?ui=2&ik=c046a0832d&view=pt&q=Barkdull-Spencer%40comstockmining.com> 2/19/2014

LYON COUNTY

 **MPA-ZC Overall Package Revised 10-11-2013.pdf**
15068K

Kerry Page <kpage@lyon-county.org>
To: Andrew Motter <amotter@manhard.com>

Fri, Oct 18, 2013 at 3:54 PM

Thanks Drew,
Happy Friday!

[Quoted text hidden]

--
Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305



October 11, 2013

Mr. Rob Loveberg
Planning Director
Lyon County Planning Department
27 S. Main Street
Yerington, Nevada 89447

Re: Comstock Mining Master Plan Amendment & Zone Change Request

Mr. Loveberg:

On behalf of Comstock Mining, we appreciate your consideration of the enclosed application. The property included with this application request is generally located north and west of State Highway 341 adjacent to and within the town site of Silver City.

This application includes the following requests:

1. A Master Plan Amendment request from Suburban Residential to Rural Residential on 42.57 acres.
2. A Master Plan Amendment request from Resource to Rural Residential on 12.29 acres.
3. A Zoning Map Amendment request from NR1 to RR3 on 54.86 acres.
4. A Zoning Map Amendment request from NR1 to RR5 on 32.34 acres.

Due to the fact that the zone change and master plan amendment requests are being submitted simultaneously, we understand that the zone change request will not be considered by the commission within forty five (45) days after the application is filed with the administrator in accordance with Lyon County Code (10.12.07c).

If you have any questions or require additional information, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Motter'.

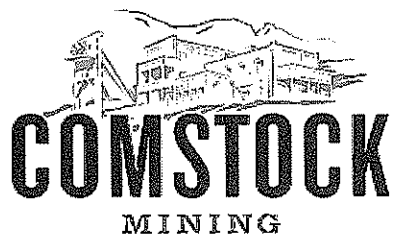
Andrew Motter, P.E.
Senior Project Manager

MASTER PLAN AMENDMENT AND ZONE CHANGE APPLICATION FOR COMSTOCK MINING PROPERTY

SILVER CITY, LYON COUNTY, NEVADA

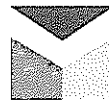


PREPARED FOR:



Comstock Mining Inc.
P.O. Box 1118
Virginia City, Nevada 89440

PREPARED BY:



Manhard
CONSULTING LTD

Manhard Consulting Inc.
9850 Double R Blvd.
Reno, NV 89521

AUGUST 2013

JA2636

14 CV 00128 - 002531
LYON COUNTY

Table of Contents

Project Location	1
Master Plan & Zoning Designation	1
Application Request	2
Justification	2
Master Plan Amendment Findings	7
Master Plan Amendment Process and Procedure Findings	10
Zone Change Findings	12

Tables:

Table 1: Current Land Use Designations	1
Table 2: Proposed Land Use Designations	1
Table 3: Surrounding Property Designations	2
Table 3: Lyon County Land Use Categories	4

List of Figures:

Figure 1: Vicinity Map
Figure 2: Parcel Exhibit
Figure 3: Existing Master Plan Map
Figure 4: Existing Zoning Map
Figure 5: Proposed Master Plan Map
Figure 6: Proposed Zoning Map
Figure 7: Existing Slope Map

Appendix:

Development Application
Owners Affidavit
Legal Descriptions
Site Photographs

Project Location

The property included with this application request is generally located north and west of State Highway 341 adjacent to the town site of Silver City. See Figure 1 Vicinity Map and Figure 2 Parcel Exhibit for additional detail.

Master Plan Land Use & Zoning Designations

Table 1: Current Land Use Designations (Ref. Figure 3 and Figure 4)

Parcel	Master Plan	Zoning	Land Use
1	Resource	NR1	Vacant
2	Suburban Residential	NR1	Vacant
3	Resource	NR1	Vacant
4	Suburban Residential	NR1	Vacant
5	Suburban Residential	NR1	Vacant
6	Suburban Residential	NR1	Vacant / Abandoned Mining Facilities

Table 2: – Proposed Land Use Designations (Ref. Figure 5 and Figure 6)

Parcel	Master Plan	Zoning	Area
1	Resource	RR-5	32.34 AC
2	Rural Residential	RR-3	7.20 AC
3	Rural Residential	RR-3	12.29 AC
4	Rural Residential	RR-3	10.28 AC
5	Rural Residential	RR-3	11.01 AC
6	Rural Residential	RR-3	14.08 AC

Table 3: Surrounding Property Designations

Location	Master Plan	Zoning	Land Use
North	Suburban Residential & Commercial Mixed Use	M1 & NR1	Vacant / Silver City Town Site
South	Resource, Open Space & Future Planning Area	RR5 & C2	Vacant
East	Resource & Suburban Residential	RR5 & NR1	Vacant / Silver City Town Site
West	Open Space & Suburban Residential	RR5 & NR1	Vacant

Application Request

This application includes the following requests:

1. A Master Plan Amendment request from Suburban Residential to Rural Residential on 42.57 acres.
2. A Master Plan Amendment request from Resource to Rural Residential on 12.29 acres.
3. A Zoning Map Amendment request from NR1 to RR3 on 54.86 acres.
4. A Zoning Map Amendment request from NR1 to RR5 on 32.34 acres.

Justification

The application is requesting a "down zone" at both the master plan and zoning levels. These amendments modify the residential development potential of the property from its current allowed density of 655 total dwelling units to a maximum yield of a more rurally representative 10 dwelling units. If approved, these proposed requests change the master plan and zoning designations from "Suburban Residential and NR1" to "Rural Residential, RR3 and RR5." This would provide a more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure and also clean up and align certain parcels that currently have "split" master plan designations.

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. Regardless of the

rationale, the designations have rendered the subject property unproductive for any activity other than mineral exploration for the last 40 years.

The applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property. Prior to proceeding with actual mining activities, the applicant would be required to obtain a special use permit from Lyon County. Such a permit would then address all manners of land use and include relevant conditions to limit the impacts and effects of potential or proposed mining activities. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

A change in the master plan and zoning designations from Suburban Residential and NR1 to Rural Residential, RR3 and RR5 will not only support the productive evaluation of existing mineral potential but will, more importantly, also bring the property into conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services, while helping to further promote the goals, policies, and strategies of the Lyon County Master Plan.

The Lyon County Master Plan Community Description for Silver City states, "The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims. The existing water service infrastructure dates back to the late nineteenth century, when a water system to supply the mining operations and settlement demands of the Comstock communities was constructed. This aging water system and a lack of sewer system limit growth in Silver City."

The Lyon County Master Plan includes five types of Character Districts, Rural, Suburbanizing, Historic, Future Plan Areas and General County. These Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries.

As defined in the Master Plan, Suburbanizing Districts, "include areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses. Improvement standards will reflect the "suburban" character of these areas and will include requirements for municipal water and sewer, roadway design appropriate to the planned uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths). Roads are likely to have some bike and pedestrian facilities within the rights-of-way or separate paths."

As defined in the Master Plan, Rural Districts, "include those areas that are predominately low density residential development with limited neighborhood commercial uses. They may or may not have agricultural land uses or grazing lands. Improvement standards will reflect the "rural" character of the area. Rural districts are not likely to have municipal water and sewer. Roads are likely to have dirt shoulders, some equestrian paths as well as bike facilities within the road rights-of-way."

Master Plan & Zoning Map Amendment

As defined by the Master Plan, Historic Districts, "include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Future historic districts could also be designated where the intent is to promote new compatible development that is in keeping with the "historic" development patterns and architectural design elements to create more vitality."

As defined by the Master Plan, General County includes, "Lands outside the boundaries of defined community boundaries are classified as General County. These lands are rural or resource lands or public lands, and are intended to remain largely undeveloped or with very low intensity development within the Master Plan's planning horizon."

Table 4: Lyon County Land Use Categories

Land Use Category	Community Plan Land Use Designation	Density Range/ Size	Examples of Uses	Description/ Characteristics	Current Zoning Districts
Suburban Residential	High Density Residential	5 to 18 Dwelling Units per acre	Apartments, duplexes, fourplexes, condominiums and townhomes. Single Family Residential detached units at 5 to 10 dwelling units per acre.	High density residential is typically found in suburbanizing districts. High density residential should be located near major transportation facilities, near commercial uses, or civic centers and near parks	NR1 NR2 NR3 MHP
Rural Residential	Rural Residential	1 du per 5 to <20 acres	Single-family residences, "farmettes" and "ranchettes", etc.	Typically found in rural districts and on the suburbanizing fringe. Lot size and layout varies. Typically not served by municipal utilities, depending on location in suburbanizing district.	RR3 RR4

According to the Lyon County Character Districts Map, the subject property appears to reside within both the Historic and General County Districts. Despite this apparent inconsistency of Character Districts, the land use and zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts. Clearly, the proposed land use and zoning designation are much more compatible and consistent with the Historic and General County Districts than the master plan designation of Suburban Residential which is currently assigned to the majority of the subject property.

Provided is the Silver City Community Description from the Lyon County Master Plan and the Master Plan's definitions for the types of residential Character Districts, also provided in Table 3: Lyon County Land Use Categories, is an excerpt from the Lyon County Master Plan comparing the current Land Use Category, Suburban Residential to the requested Land Use Category Rural Residential.

The community Character District of Suburbanizing, the Community Plan Land Use Designation of High Density, Density of 5 to 18 dwelling units per acre, the Examples of Uses and the Description/ Characteristics and the current Suburban Residential master plan designation and NR1 zoning designation are inconsistent with the following goals, policies and strategies of the current Lyon County Master Plan and conversely, these of goals, policies and strategies actually promote the proposed master plan and zoning modification requests from Suburban Residential and NR1 to Rural Residential, RR5 and RR3.

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand base zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

Policy LU1.2: *Residential development Patterns in Neighborhoods*

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Development of the property at its current NR1 density would be out of character with the existing "neighborhood" of Silver City. A reduction in development potential is a more appropriate development pattern and more compatible with existing and historic uses.'

Goal LU2: *Services Coordinated with Growth*

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

According to the master plan "Suburban Residential" areas should be located near major transportation facilities, near commercial uses, or civic centers and near parks. The subject property is rural in nature and adequate facilities to accommodate such high density residential would be impractical to develop and completely out of character with the existing community. Therefore a reduction in development potential is warranted and appropriate.

Policy LU 2.1 *Residential Development in Areas with Services*

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: *Ensure that plans are in place for required services to occur concurrently with all proposed development.*

Goal FS1: *Municipal water and sewer systems will be expanded only in areas where they are cost effective.*

Policy FS 1.1: *Location of New Development*

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

The subject property, although designated Suburban Residential, does not have adequate municipal water or sewer in close proximity and facility plans are not currently in place to allow for development to occur concurrently. A reduction in allowable units would be more consistent with the current and future services of the area.

Goal LU3: *Diverse Economy*

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: *Diverse Economy Base*

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: *Work with Economic development agencies and community groups to identify economic assets and development opportunities.*

The master plan change would allow for continued mineral exploration on the subject property helping to identify economic assets while employing local residents in primary jobs.

Goal NR9: *Mining and Resource Extraction*

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 *Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.*

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

Master Plan Amendment Findings:

1. Consistency with the Master Plan:

The proposed amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods
New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth
Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy
The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base
The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal NR9: Mining and Resource Extraction
Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

2. Compatible Land Uses:

The proposed amendment is compatible with the actual and planned adjacent uses, and reflects a logical change in land uses.

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has resulted in little to no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe."

3. Response to Change Conditions:

The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the board, and the requested amendment represents a more desirable use of the land.

A change in the master plan designation from Suburban Residential to Rural Residential represents a more desirable use of land because it will bring the property in conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services. In addition, the proposed changes will allow for the exploration and evaluation of existing patented mining claims with potential for significant benefit to the County and community, while consistently promoting the goals, policies, and strategies of the Lyon County Master Plan.

4. No Adverse Effects:

The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.

The amendment request will not adversely affect the implementation of the master plan or negatively impact public health, safety and welfare. The

amendment proposes a significant enhancement in nature and type of development potentials of the property while continuing to maintain the goals, objectives and actions of the current master plan and will have no foreseeable impact on public health, safety or welfare.

5. Desired Pattern of Growth:

The proposed amendment will promote the desired pattern for the orderly physical growth of the county, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the county based on the least amount of natural resource impairment and efficient expenditure of the funds for public services.

The proposed request to change the master plan designation from Suburban Residential to Rural Residential represents a desired pattern of growth by providing a realistic current and long range land use strategy based on actual development potential, considering factors like topography and proximity to adequate infrastructure. Although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, we do not believe this would result in any impairment to the water resources and other resources that are important to existing residents and businesses in the area, and, we believe existing constraints or negative impacts would be reduced by the proposed amendments. The proposed Master Plan Amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

Master Plan Amendment Process and Procedures Findings:

1. The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, or even if they are pursued, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land

uses and post-mining land opportunities, than the current master plan designation.

2. *The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;*

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has been put to little or no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe" and is supportive of the goals and policies identified above.

3. *The proposed amendment will have no major negative impacts on transportation, services, and facilities;*

The proposed amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the preservation of natural resources and efficient expenditure of funds for public services.

4. *The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*

The proposed request to change the master plan designation from Suburban Residential to Rural Residential will actually have a positive effect on service provision by providing a realistic, more flexible, current and long range land use strategy based on actual development potential, considering factors like topography, surrounding uses and proximity to adequate infrastructure.

5. *Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand based zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

6. *The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.*

The amendment proposes a significant increase in consistency between the actual and potential use of the subject property and the land use designation.

The proposed land use designation is consistent with the realistic development potential of the subject property while supporting the goals, objectives and actions of the current master plan. The requested designation will have no negative impact on public health, safety or welfare.

Zone Change Findings:

1. Consistency with the Master Plan Land Use Map.

The proposed zone change is not only in substantial conformance with the proposed master plan amendment request but the requested modifications will actually help correct existing conformance issues between the Lyon County Master Plan and Zoning Code.

2. Consistency with the Master Plan goals, policies and strategies.

The proposed zoning map amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: Orderly Growth Patterns

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on realistic population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal LU5: Encourage Resource Sensitive Growth

Development will be designed to reduce energy use and minimize environmental impacts.

Goal NR9: Mining and Resource Extraction

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

3. Consistency with the desired pattern for the orderly physical growth of the County and maintains compact development patterns.

The proposed request to change the zoning designation from NR1 to RR3 and RR5 represents a desired pattern of growth by providing a realistic, current and long range zoning strategy based on actual development potential considering factors like topography, existing uses and proximity to adequate infrastructure.

4. *Contributes to the timely, orderly and efficient arrangement of transportation and other public facilities and services.*

The proposed zoning will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

5. *Promotes development that is commensurate with the character and physical limitations of the land.*

The proposed RR5 and RR3 designations will significantly reduce the development potential of the property not only taking into consideration the character and physical limitations of the land (i.e. topography and surrounding densities) but also reducing the need for additional infrastructure.

6. *Promotes the protection and/or enhancement of existing neighborhoods and communities.*

The proposed zoning map amendment is consistent with the current and future development character of Silver City. The current NR1 designation promotes high density residential on a property that is constrained by topography and infrastructure availability.

7. *No detrimental impacts to other properties in the vicinity.*

The proposed zoning map amendment is sensitive to and compatible with the current and future development character of Silver City. The current NR1 designation promotes high density residential that is not only out of character with the rural nature of the area, but does not take into consideration the fact that the property is constrained by topography and infrastructure availability.

8. *No adverse impacts to the public health, safety and welfare.*

The proposed zone change will have no impacts to public health, safety and welfare, and although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, this will not result in any impairment to the water resources and/or other resources that are important to existing residents and businesses in the area.

rationale, the designations have rendered the subject property unproductive for any activity other than mineral exploration for the last 40 years.

The applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property. Prior to proceeding with actual mining activities, the applicant would be required to obtain a special use permit from Lyon County. Such a permit would then address all manners of land use and include relevant conditions to limit the impacts and effects of potential or proposed mining activities. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

A change in the master plan and zoning designations from Suburban Residential and NR1 to Rural Residential, RR3 and RR5 will not only support the productive evaluation of existing mineral potential but will, more importantly, also bring the property into conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services, while helping to further promote the goals, policies, and strategies of the Lyon County Master Plan.

The Lyon County Master Plan Community Description for Silver City states, *"The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims. The existing water service infrastructure dates back to the late nineteenth century, when a water system to supply the mining operations and settlement demands of the Comstock communities was constructed. This aging water system and a lack of sewer system limit growth in Silver City."*

The Lyon County Master Plan includes five types of Character Districts, Rural, Suburbanizing, Historic, Future Plan Areas and General County. These Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries.

As defined in the Master Plan, Suburbanizing Districts, *"include areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses. Improvement standards will reflect the "suburban" character of these areas and will include requirements for municipal water and sewer, roadway design appropriate to the planned uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths). Roads are likely to have some bike and pedestrian facilities within the rights-of-way or separate paths."*

As defined in the Master Plan, Rural Districts, *"include those areas that are predominately low density residential development with limited neighborhood commercial uses. They may or may not have agricultural land uses or grazing lands. Improvement standards will reflect the "rural" character of the area. Rural districts are not likely to have municipal water and sewer. Roads are likely to have dirt shoulders, some equestrian paths as well as bike facilities within the road rights-of-way."*

Master Plan & Zoning Map Amendment

As defined by the Master Plan, Historic Districts, "include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Future historic districts could also be designated where the intent is to promote new compatible development that is in keeping with the "historic" development patterns and architectural design elements to create more vitality."

As defined by the Master Plan, General County includes, "Lands outside the boundaries of defined community boundaries are classified as General County. These lands are rural or resource lands or public lands, and are intended to remain largely undeveloped or with very low intensity development within the Master Plan's planning horizon."

Table 4: Lyon County Land Use Categories

Land Use Category	Community Plan Land Use Designation	Density Range/ Size	Examples of Uses	Description/ Characteristics	Current Zoning Districts
Suburban Residential	High Density Residential	5 to 18 Dwelling Units per acre	Apartments, duplexes, fourplexes, condominiums and townhomes. Single Family Residential detached units at 5 to 10 dwelling units per acre.	High density residential is typically found in suburbanizing districts. High density residential should be located near major transportation facilities, near commercial uses, or civic centers and near parks	NR1 NR2 NR3 MHP
Rural Residential	Rural Residential	1 du per 5 to <20 acres	Single-family residences, "farmettes" and "ranchettes", etc.	Typically found in rural districts and on the suburbanizing fringe. Lot size and layout varies. Typically not served by municipal utilities, depending on location in suburbanizing district.	RR3 RR4

According to the Lyon County Character Districts Map, the subject property appears to reside within both the Historic and General County Districts. Despite this apparent inconsistency of Character Districts, the land use and zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts. Clearly, the proposed land use and zoning designation are much more compatible and consistent with the Historic and General County Districts than the master plan designation of Suburban Residential which is currently assigned to the majority of the subject property.

Provided is the Silver City Community Description from the Lyon County Master Plan and the Master Plan's definitions for the types of residential Character Districts, also provided in Table 3: Lyon County Land Use Categories, is an excerpt from the Lyon County Master Plan comparing the current Land Use Category, Suburban Residential to the requested Land Use Category Rural Residential.

The community Character District of Suburbanizing, the Community Plan Land Use Designation of High Density, Density of 5 to 18 dwelling units per acre, the Examples of Uses and the Description/ Characteristics and the current Suburban Residential master plan designation and NR1 zoning designation are inconsistent with the following goals, policies and strategies of the current Lyon County Master Plan and conversely, these of goals, policies and strategies actually promote the proposed master plan and zoning modification requests from Suburban Residential and NR1 to Rural Residential, RR5 and RR3.

Goal LU1: Orderly Growth Patterns

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand base zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

Policy LU1.2: Residential development Patterns in Neighborhoods

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Development of the property at its current NR1 density would be out of character with the existing "neighborhood" of Silver City. A reduction in development potential is a more appropriate development pattern and more compatible with existing and historic uses.

Goal LU2: *Services Coordinated with Growth*

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

According to the master plan "Suburban Residential" areas should be located near major transportation facilities, near commercial uses, or civic centers and near parks. The subject property is rural in nature and adequate facilities to accommodate such high density residential would be impractical to develop and completely out of character with the existing community. Therefore a reduction in development potential is warranted and appropriate.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: *Ensure that plans are in place for required services to occur concurrently with all proposed development.*

Goal FS1: *Municipal water and sewer systems will be expanded only in areas where they are cost effective.*

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

The subject property, although designated Suburban Residential, does not have adequate municipal water or sewer in close proximity and facility plans are not currently in place to allow for development to occur concurrently. A reduction in allowable units would be more consistent with the current and future services of the area.

Goal LU3: *Diverse Economy*

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: *Work with Economic development agencies and community groups to identify economic assets and development opportunities.*

The master plan change would allow for continued mineral exploration on the subject property helping to identify economic assets while employing local residents in primary jobs.

Goal NR9: *Mining and Resource Extraction*

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 *Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.*

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

Master Plan Amendment Findings:

1. Consistency with the Master Plan:

The proposed amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods
New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth
Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy
The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base
The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal NR9: Mining and Resource Extraction
Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

2. Compatible Land Uses:

The proposed amendment is compatible with the actual and planned adjacent uses, and reflects a logical change in land uses.

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has resulted in little to no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe."

3. Response to Change Conditions:

The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the board, and the requested amendment represents a more desirable use of the land.

A change in the master plan designation from Suburban Residential to Rural Residential represents a more desirable use of land because it will bring the property in conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services. In addition, the proposed changes will allow for the exploration and evaluation of existing patented mining claims with potential for significant benefit to the County and community, while consistently promoting the goals, policies, and strategies of the Lyon County Master Plan.

4. No Adverse Effects:

The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.

The amendment request will not adversely affect the implementation of the master plan or negatively impact public health, safety and welfare. The

amendment proposes a significant enhancement in nature and type of development potentials of the property while continuing to maintain the goals, objectives and actions of the current master plan and will have no foreseeable impact on public health, safety or welfare.

5. Desired Pattern of Growth:

The proposed amendment will promote the desired pattern for the orderly physical growth of the county, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the county based on the least amount of natural resource impairment and efficient expenditure of the funds for public services.

The proposed request to change the master plan designation from Suburban Residential to Rural Residential represents a desired pattern of growth by providing a realistic current and long range land use strategy based on actual development potential, considering factors like topography and proximity to adequate infrastructure. Although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, we do not believe this would result in any impairment to the water resources and other resources that are important to existing residents and businesses in the area, and, we believe existing constraints or negative impacts would be reduced by the proposed amendments. The proposed Master Plan Amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

Master Plan Amendment Process and Procedures Findings:

1. The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, or even if they are pursued, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land

uses and post-mining land opportunities, than the current master plan designation.

2. *The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;*

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has been put to little or no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe" and is supportive of the goals and policies identified above.

3. *The proposed amendment will have no major negative impacts on transportation, services, and facilities;*

The proposed amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the preservation of natural resources and efficient expenditure of funds for public services.

4. *The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*

The proposed request to change the master plan designation from Suburban Residential to Rural Residential will actually have a positive effect on service provision by providing a realistic, more flexible, current and long range land use strategy based on actual development potential, considering factors like topography, surrounding uses and proximity to adequate infrastructure.

5. *Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand based zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

6. *The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.*

The amendment proposes a significant increase in consistency between the actual and potential use of the subject property and the land use designation.

The proposed land use designation is consistent with the realistic development potential of the subject property while supporting the goals, objectives and actions of the current master plan. The requested designation will have no negative impact on public health, safety or welfare.

Zone Change Findings:

1. Consistency with the Master Plan Land Use Map.

The proposed zone change is not only in substantial conformance with the proposed master plan amendment request but the requested modifications will actually help correct existing conformance issues between the Lyon County Master Plan and Zoning Code.

2. Consistency with the Master Plan goals, policies and strategies.

The proposed zoning map amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: Orderly Growth Patterns

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on realistic population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal LU5: Encourage Resource Sensitive Growth

Development will be designed to reduce energy use and minimize environmental impacts.

Goal NR9: Mining and Resource Extraction

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

3. Consistency with the desired pattern for the orderly physical growth of the County and maintains compact development patterns.

The proposed request to change the zoning designation from NR1 to RR3 and RR5 represents a desired pattern of growth by providing a realistic, current and long range zoning strategy based on actual development potential considering factors like topography, existing uses and proximity to adequate infrastructure.

4. *Contributes to the timely, orderly and efficient arrangement of transportation and other public facilities and services.*

The proposed zoning will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

5. *Promotes development that is commensurate with the character and physical limitations of the land.*

The proposed RR5 and RR3 designations will significantly reduce the development potential of the property not only taking into consideration the character and physical limitations of the land (i.e. topography and surrounding densities) but also reducing the need for additional infrastructure.

6. *Promotes the protection and/or enhancement of existing neighborhoods and communities.*

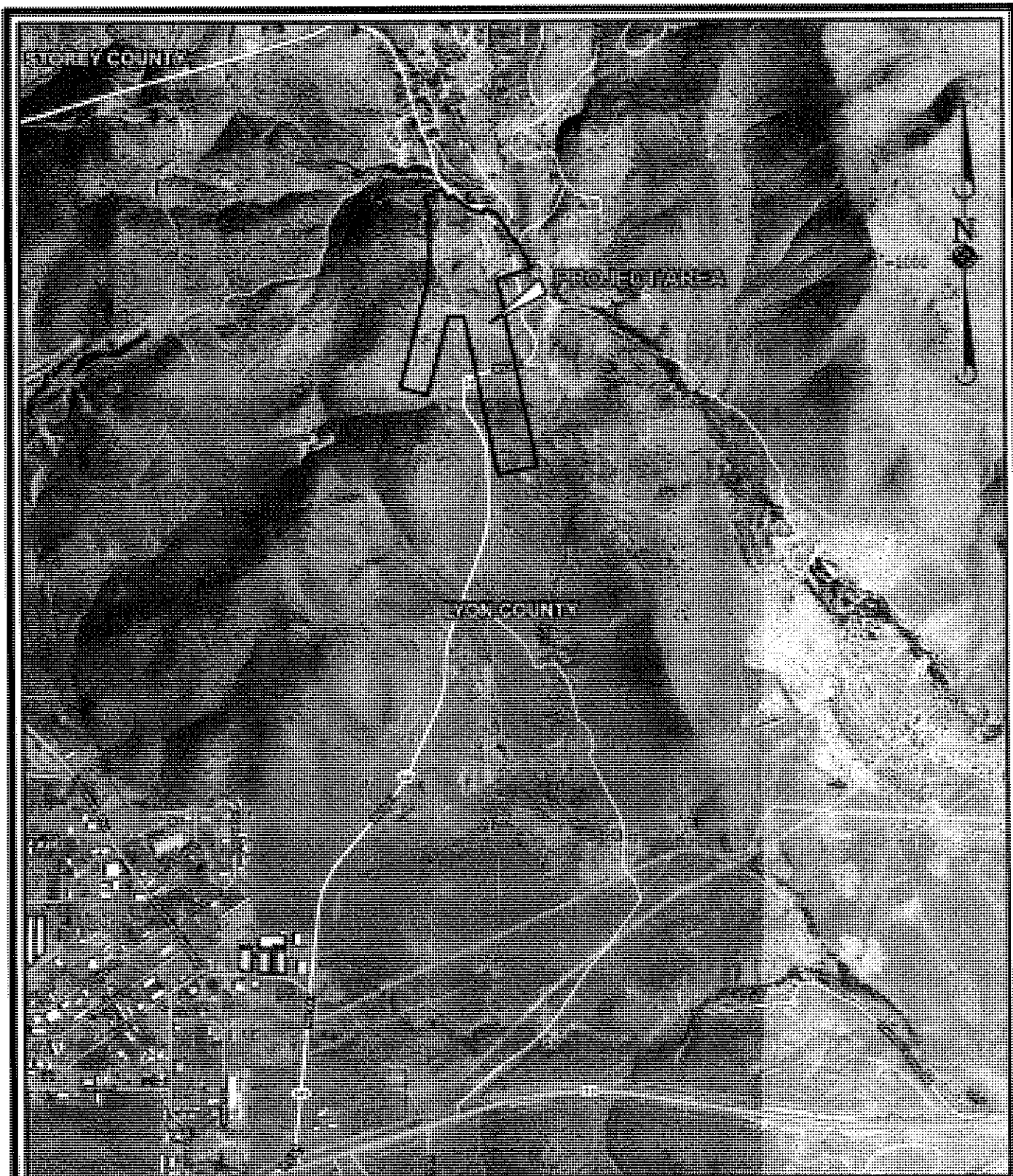
The proposed zoning map amendment is consistent with the current and future development character of Silver City. The current NR1 designation promotes high density residential on a property that is constrained by topography and infrastructure availability.

7. *No detrimental impacts to other properties in the vicinity.*

The proposed zoning map amendment is sensitive to and compatible with the current and future development character of Silver City. The current NR1 designation promotes high density residential that is not only out of character with the rural nature of the area, but does not take into consideration the fact that the property is constrained by topography and infrastructure availability.

8. *No adverse impacts to the public health, safety and welfare.*

The proposed zone change will have no impacts to public health, safety and welfare, and although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, this will not result in any impairment to the water resources and/or other resources that are important to existing residents and businesses in the area.



THIS MAP AND CONTENTS ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF MANHARD CONSULTING INC.



Manhard
CONSULTING INC.

MANHARD CONSULTING INC. IS A FULL SERVICE ENGINEERING AND CONSULTING FIRM. OUR SERVICES INCLUDE: CIVIL ENGINEERING, WATER RESOURCES ENGINEERING, WATER & WASTEWATER ENGINEERING, CONSTRUCTION MANAGEMENT, ENVIRONMENTAL SCIENCE, LANDSCAPE ARCHITECTURE, PLANNING.

CONSTOCK MINING INC.

VICINITY MAP

FIGURE 1

PROJECT NAME: **PM**
DRAWN BY: **DCB**
DATE: **7/24/2013**
SCALE: **1"=200'**

SHEET

1 of **7**
CMILON

This map and contents are not to be used for any other purposes without the written permission of Manhard Consulting Inc.

JA2664

14 CV 00128 - 002559
LYON COUNTY



Manhard
CONSULTING LTD.

MINERAL RIGHTS CONSULTING, REALTY SERVICES, CIVIL ENGINEERING, ENVIRONMENTAL ENGINEERING, LANDSCAPE ARCHITECTURE, PLANNING
Civil Engineers • Surveyors • Water Resources Engineers • Mineral & Environmental Engineers
Construction Management • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.

PARCEL EXHIBIT

FIGURE 2

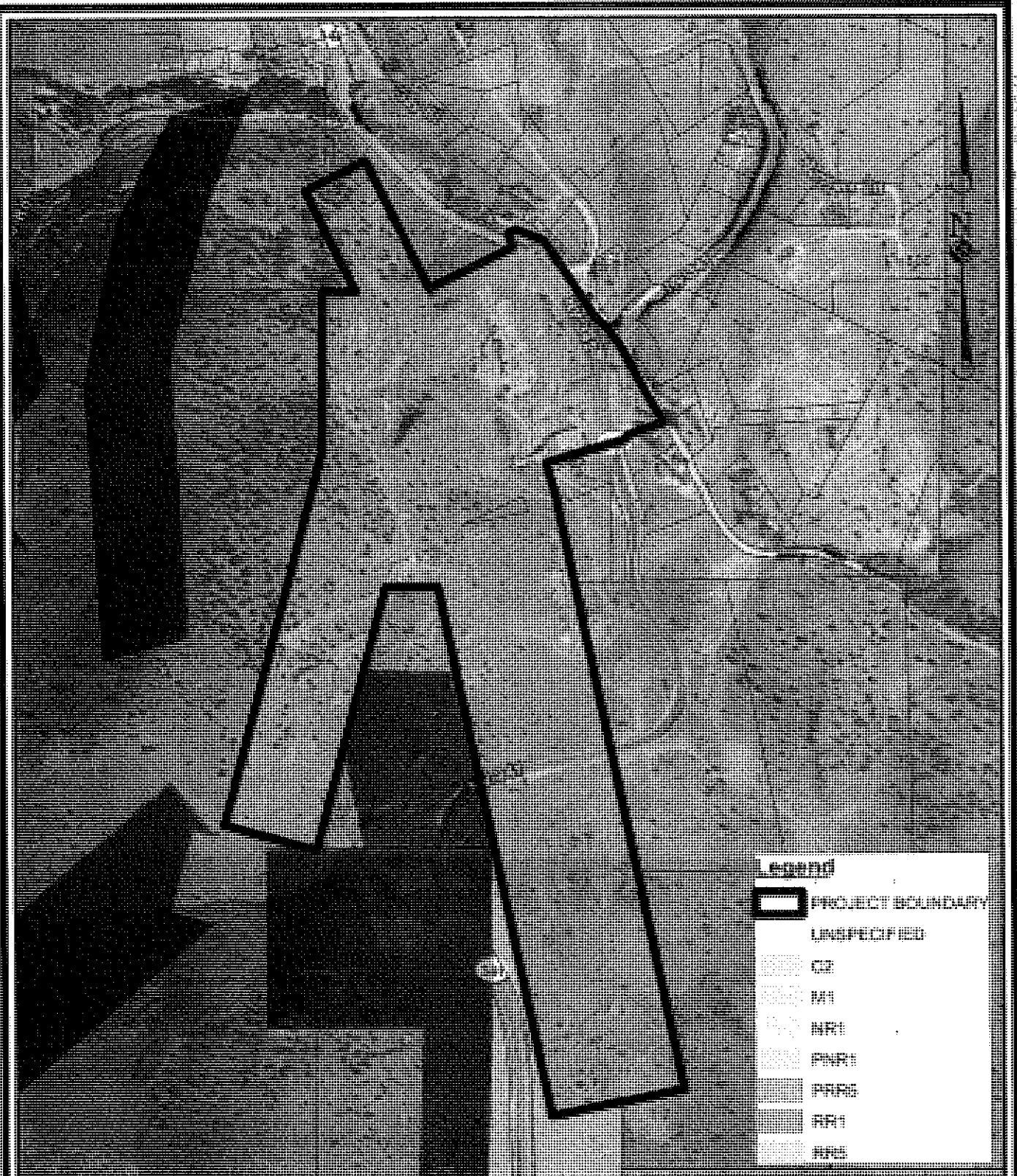
FILE NO.: 14-00000
PROJECT: 14-00000
DATE: 11/11/2014
SCALE: 1"=100'

SHEET
2 OF **7**
CHILCH

JA2665

14 CV 00128 - 002560
LYON COUNTY

Map Name: 14-00000-Parcel Exhibit (Fig 2) and Comstock Mining Inc. Parcel Exhibit (Fig 2) 11/11/2014



© 2014 MANHARD CONSULTING LTD. ALL RIGHTS RESERVED

Manhard
CONSULTING LTD.

20000 Steeles Ave. East, Unit 107, Richmond Hill, Ontario L4B 1N1
Civil Engineers - Surveyors - Water Resources Engineers - Water & Wastewater Engineers
Construction Managers - Environmental Scientists - Landscape Architects - Planners

COMSTOCK MINING INC.

EXISTING ZONING MAP

FIGURE 4

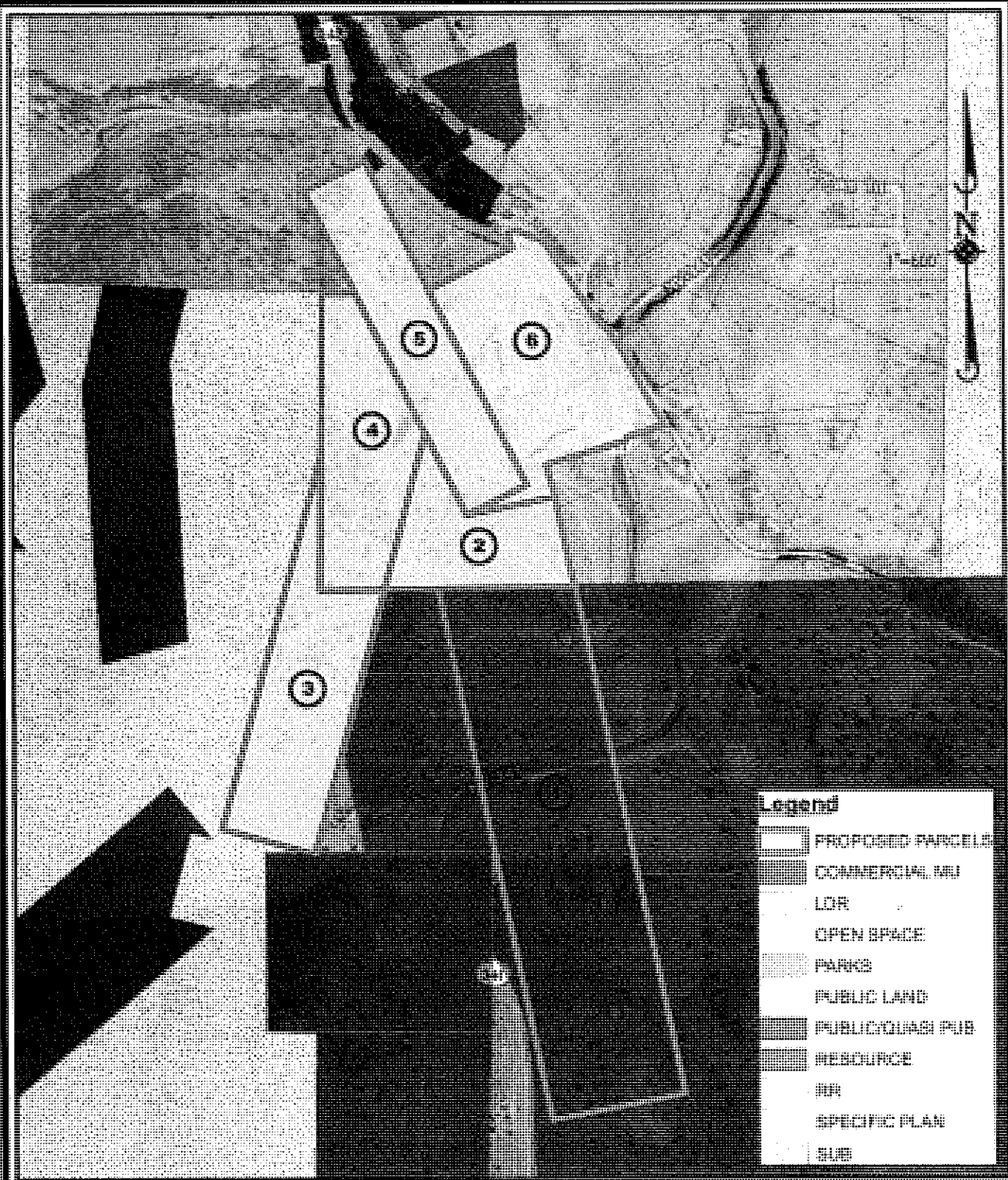
PROJECT NO.: 14-001
DRAWN BY: DCE
DATE: 10/10/2013
SCALE: 1"=500'

SHEET

4 of 7
CMLCH

JA2667

14 CV 00128 - 002562
LYON COUNTY



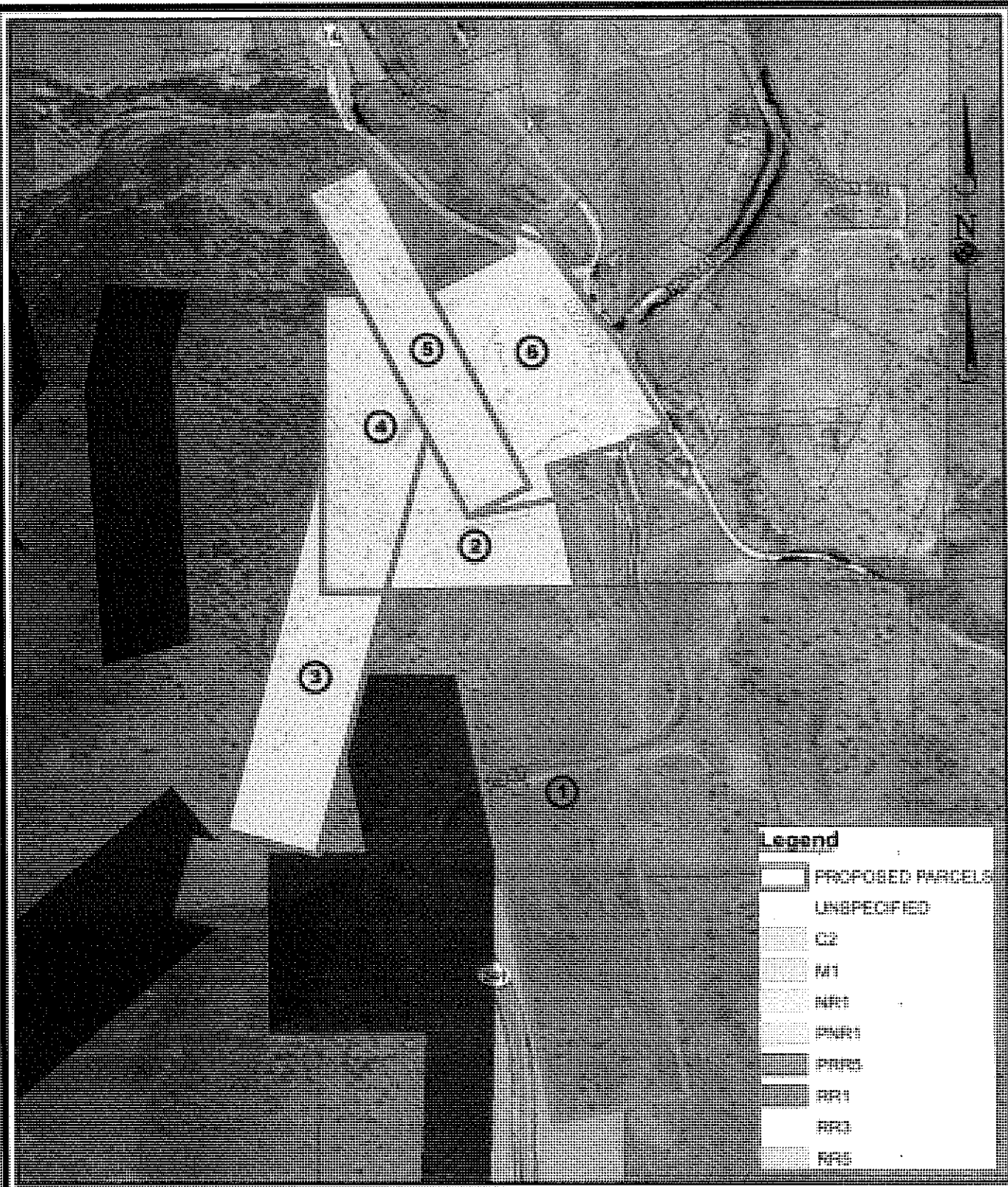
Legend	
	PROPOSED PARCELS
	COMMERCIAL MU
	LDR
	OPEN SPACE
	PARKS
	PUBLIC LAND
	PUBLIC/QUASI PUB
	RESOURCE
	RR
	SPECIFIC PLAN
	SUB

© 1998 MANHARD CONSULTING INC. LTD. ALL RIGHTS RESERVED

Manhard
CONSULTING LTD.

MANHARD CONSULTING INC. LTD. (FORMERLY MANHARD CONSULTING LTD.) IS A SERVICE PROVIDER IN THE FOLLOWING AREAS:
Civil Engineers - Surveyors - Water Resources Engineers - Water & Wastewater Engineers
Construction Managers - Environmental Scientists - Landscape Architects - Planners

COMSTOCK MINING INC.	
PROPOSED MASTER PLAN MAP	
FIGURE 5	
DATE: 1/24/2003	SHEET 5 OF 7
SCALE: 1"=500'	CMILION



 <h1>Manhard</h1> <h2>CONSULTING LTD.</h2> <p>10000 Highway 101, Suite 100, Mississauga, ON L4V 1P9 (905) 276-1111 ext. 222 or (905) 276-1112 Fax: (905) 276-1113 Email: info@manhard.ca Website: www.manhard.ca Services: Civil Engineers, Surveyors, Water Resources Engineers, Water & Wastewater Engineers, Construction Managers, Environmental Scientists, Landscape Architects, Planners</p>	CONISTOCK MINING INC. PROPOSED ZONING MAP FIGURE 6		
	PROJECT: AM DRAWN BY: ICE DATE: 7/24/2013 SCALE: 1"=500'	SHEET 6 OF 7 CHILTON	



© 2010 MANHARD CONSULTING LTD. ALL RIGHTS RESERVED

Manhard
CONSULTING LTD.

2000 Saskatchewan Ave. Suite 100, Regina, S4S 0A2
 Civil Engineers - Surveyors - Water Resources Engineers - Water & Wastewater Engineers
 Construction Managers - Environmental Scientists - Landscape Architects - Planners

COMSTOCK MINING INC.

EXISTING SLOPE MAP

FIGURE 7

DESIGNED BY: **BM**
 CHECKED BY: **DB**
 DATE: **1/24/2010**
 SCALE: **1"=300'**

SHEET
7 OF **7**
 CMLCIN

JA2670

14 CV 00128 - 002565
 LYON COUNTY

APPENDIX

LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
VOICE: (775) 463-6592 • FAX: (775) 463-6596

DEVELOPMENT APPLICATION

This form must be completed and all requested information incorporated, as prescribed by the application submission requirements for each application type, before the application is deemed complete and accepted for processing by Lyon County.

Application Type (check all that apply)			
<input type="checkbox"/> Abandonment <input type="checkbox"/> Amended Map <input type="checkbox"/> Appeal of Administrative Decision <input type="checkbox"/> Appeal of Planning Commission Decision <input type="checkbox"/> Approval Condition Amendment <input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Certificate of Amendment <input type="checkbox"/> Continuation of Planning Application <input type="checkbox"/> Development Agreement <input type="checkbox"/> Development Agreement, Revision <input type="checkbox"/> Division of Land into Large Parcels, Tentative Map Waiver <input type="checkbox"/> Division of Land into Large Parcels, Tentative Map <input type="checkbox"/> Division of Land into Large Parcels, Final Map	<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Hardship Exception Permit <input type="checkbox"/> Improvement Plan for Land Division <input type="checkbox"/> Improvement Standards Variance or Waiver <input checked="" type="checkbox"/> Master Plan Map Amendment <input type="checkbox"/> Master Plan Text Amendment <input type="checkbox"/> Mobile Home Park/Recreational Vehicle Park <input type="checkbox"/> Parcel Map <input type="checkbox"/> Parcel Map, Final <input type="checkbox"/> Parcel Map Waiver <input type="checkbox"/> Planned Unit Development, Final <input type="checkbox"/> Planned Unit Development, Tentative <input type="checkbox"/> Pre-Application Conference	<input type="checkbox"/> Reimbursement Agreement <input type="checkbox"/> Reversion to Acreage <input type="checkbox"/> Site Improvement Plan <input type="checkbox"/> Special Use Permit <input type="checkbox"/> Specific Plan <input type="checkbox"/> Street Name Request <input type="checkbox"/> Subdivision Map, Tentative <input type="checkbox"/> Subdivision Map, Final <input type="checkbox"/> Variance <input type="checkbox"/> Administrative <input type="checkbox"/> Wireless Communication Facility <input type="checkbox"/> Wireless Communication Facility, Modification <input type="checkbox"/> Zoning Determination <input checked="" type="checkbox"/> Zoning Map / Text Change	

General Information			
Assessor's Parcel number(s)	Acreage	Assessor's Parcel number(s)	Acreage
Por. of 008-091-05	+/- 86.84 AC		
008-091-02	+/- 0.36 AC		
Applicant Name(s): <input checked="" type="checkbox"/> Same as Owner <input type="checkbox"/> Other (insert name(s)):			
Community: <input type="checkbox"/> Dayton <input type="checkbox"/> Fernley <input type="checkbox"/> Mark Twain <input type="checkbox"/> Mason Townsite <input type="checkbox"/> Mason Valley <input type="checkbox"/> Mound House <input checked="" type="checkbox"/> Other County <input checked="" type="checkbox"/> Silver City <input type="checkbox"/> Silver Springs <input type="checkbox"/> Smith Valley <input type="checkbox"/> Stagecoach			
Previous applications filed on this site:			
Project Name (if applicable):			

Project Information	
Project or Request Description: Comstock Mining is requesting a Master Plan Amendment and Zone Change on a portion of Lyon County APN 008-091-05 and APN 008-091-02. APN 008-091-05 includes 14 legal parcels (3 patented claim parcels and 11 Silver City town lots) which are a portion of this request. The Master Plan Amendment request is to change 42.57 acres within the Silver City town limits from Suburban Residential to Rural Residential and 12.29 acres in unincorporated Lyon County from Resource to Rural Residential. The Zone Change request is to change 42.577 acre within the Silver City town limits from NR-1 zoning to RR-3 zoning and 44.63 acres in unincorporated Lyon County from NR-1 Zoning to RR-3 and RR5 Zoning.	
Project Area (square feet or acres):	+/- 87.20 AC Number of proposed units: Smallest parcel size:
Uses proposed (check all that apply):	<input type="checkbox"/> Single Family Residential <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial

Project Location	
Project Street Address: State Route 341	
Primary Access: State Route 341 and State Route 342	Section(s)/Township/Range: Sect. 8,9,16,17 T16N R21E
Approximately feet <input type="checkbox"/> north <input type="checkbox"/> south of (street name)	
Approximately feet <input type="checkbox"/> east <input type="checkbox"/> west of (street name)	
If within a Subdivision, Name:	Lot: Block:
Project Location (with point of reference to primary access, major cross streets or area locator): A portion of the property is located within the Silver City Town limits adjacent to State Route 342 and a portion is in unincorporated Lyon County adjacent to State Route 341.	

Other Information	
Current Master Plan designation(s):	Suburban Residential, Resource
Proposed Master Plan designation(s):	Rural Residential
Current Zoning designation(s):	NR1
Proposed Zoning designation(s):	RR-3 and RR-5
Floodplain designation (from FIRM maps):	Zone AE, Unshaded Zone X
Road/street surface of frontage/access:	Paved highway for frontage and dirt road for access to a portion.

Applicant Information	
Applicant/Developer	Professional Consultant/Representative
Name: Same as Property Owner	Name: Manhard Consulting Ltd.
Address:	Address: 9850 Double R Blvd., Suite 101
City: State: Zip:	City: Reno State: NV Zip: 89521
Phone: Fax:	Phone: 775-746-3500 Fax: 775-746-3520
Cell: Contact:	Cell: Contact: Andrew Motter, P.E.
Email:	Email: amotter@manhard.com
Property Owner	Other Person(s) to be Contacted
Name: Comstock Mining Inc.	Name: Comstock Mining Inc.
Address: 1120 American Flat Rd.	Address: 1120 American Flat Rd.
City: Virginia City State: NV Zip: 89440	City: Virginia City State: NV Zip: 89440
Phone: 775-847-5272 Fax: 775-847-7118	Phone: 775-847-5272 Fax: 775-847-7118
Cell: Contact: Corrado DeGasperi	Cell: Contact: Scott Jolcover
Email: degasperis@comstockmining.com	Email: sjolcover@comstockmining.com

The receipt of an application at the time of submission does not imply the application complies with all requirements of the Lyon County Code or Lyon County Planning Department, or that it is deemed complete and will be processed.

Property Tax Status:

As per Lyon County Code Title 10, Section 10.12.05, a signature is required from the Lyon County Clerk's Office showing the taxes are paid current on the subject property.

I, Nikki Bryan, hereby certify that all required property taxes are paid current on APN(s): 008-091-02, 008-091-05

By:

Deputy Clerk

Date

Applicant's Affidavit (Complete if different from Property Owner):

I, _____, being duly sworn, depose and say that I am the applicant

(Printed name)

of the described project and/or request, and all the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Lyon County Planning Department staff.

Signature of Applicant

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public in and for said county.

Date

(Notary stamp)

Property Owner's Affidavit:

I, Corrado De Gasperi, being duly sworn, depose and say that I am an owner* in

(Printed name)

fee of the described property involved in this application, that I have knowledge of, and agree to, the filing of this application, and that the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I acknowledge that I am aware of the "right to farm" policy of the county and have been provided with a copy of a statement (attached to this application form) containing substantially the disclosure set forth in Chapter 10.15 of the Lyon County Code. I understand that no assurance or guarantee can be given by members of the Lyon County Planning Department staff.

(*A separate Affidavit must be provided by each property owner)

Signature of Property Owner

Subscribed and sworn to before me this _____ day of _____, 2013

BY CORRADO DE GASPERIS ***

Notary Public in and for said county.

Date

08/07/2013



JA2673

14 CV 00128 - 002568

LYON COUNTY



Land Information Solutions

TRI STATE SURVEYING, LTD.

1925 E. Prater Way, Sparks, Nevada 89434
Telephone (775) 358-9491 ♦ FAX (775) 358-3664
Toll Free: 1-800-411-3752

October 18, 2013
Project No. 10055.01.CC

Parcel Descriptions

All those certain parcel situate within portions of Sections Eight (8), Nine (9), Sixteen (16) and Seventeen (17), Township Sixteen (16) North, Range Twenty-One (21) East, Mount Diablo Meridian, Lyon County, Nevada, being more particularly described as follows:

Parcel 1:

All that portion of Mineral Survey 63, Kossuth Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 63 (Office No. 186), Kossuth Lode (Kossuth Mining Co's.), Devils Gate Mining District, by Don H. Barker, January 1874, lying southerly and outside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876.

Parcel 2:

All that All that portion of Mineral Survey 63, Kossuth Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 63 (Office No. 186), Kossuth Lode (Kossuth Mining Co's.), Devils Gate Mining District, by Don H. Barker, January 1874, lying northerly and inside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, together with all of Lot 275 as shown on said Official Map of the TOWNSITE of SILVER CITY.

Parcel 3:

All that portion of Mineral Survey 56, Alhambra Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 56 (Office No. 183), Alhambra Lode (Alhambra Co's), Devils Gate Mining District, by Hugo Hochholzer, September 1872, lying southerly, westerly and outside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876.

Parcel 4:

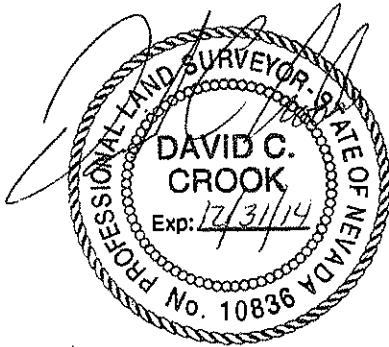
All that portion of Mineral Survey 56, Alhambra Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 56 (Office No. 183), Alhambra Lode (Alhambra Co's), Devils Gate Mining District, by Hugo Hochholzer, September 1872, lying northerly, easterly and inside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, together with all of Lot 274 as shown on said Official Map of the TOWNSITE of SILVER CITY.

Parcel 5:

All of Mineral Survey 66, Marble Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 66 (Office No. 189), Marble Lode (Dayton Silver Mining Co's). Devils Gate Mining District, by J. H. Eaton, March 1873, together with that portion of Lot 129 of the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, lying inside of said Marble Lode.

Parcel 6:

All of Lots 101, 102, 103, 133, 276, 277, 278 and 279, said Lots being as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876 and a portion of Lot 104 of said Official Map of the TOWNSITE of SILVER CITY, being shown on Record of Survey Map No. 291213, recorded in the office of the County Recorder of Lyon County on February 21, 2003.



Date 10/18/2013
David C. Crook, P.L.S.
Nevada Certificate No. 10836

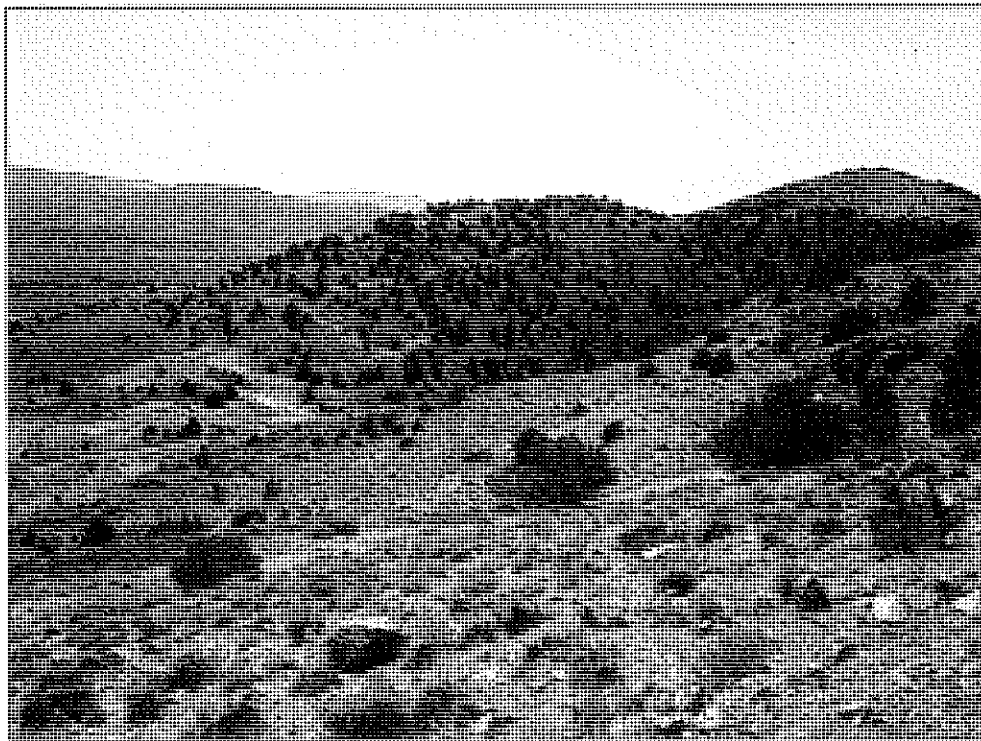


PHOTO P1



PHOTO P2

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING LTD.

9850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 746-3500 fax: (775) 746-3520 www.manhard.com
Civil Engineers - Surveyors - Water Resources Engineers - Water & Wastewater Engineers
Construction Managers - Environmental Scientists - Landscape Architects - Planners

COMSTOCK MINING INC.

SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET

1 OF **1**
CMILCN

Dwg Name: \\mcl_carsoncity\CC_Projects\CMILCN\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter 17:30

JA2677

14 CV 00128 - 002572
LYON COUNTY

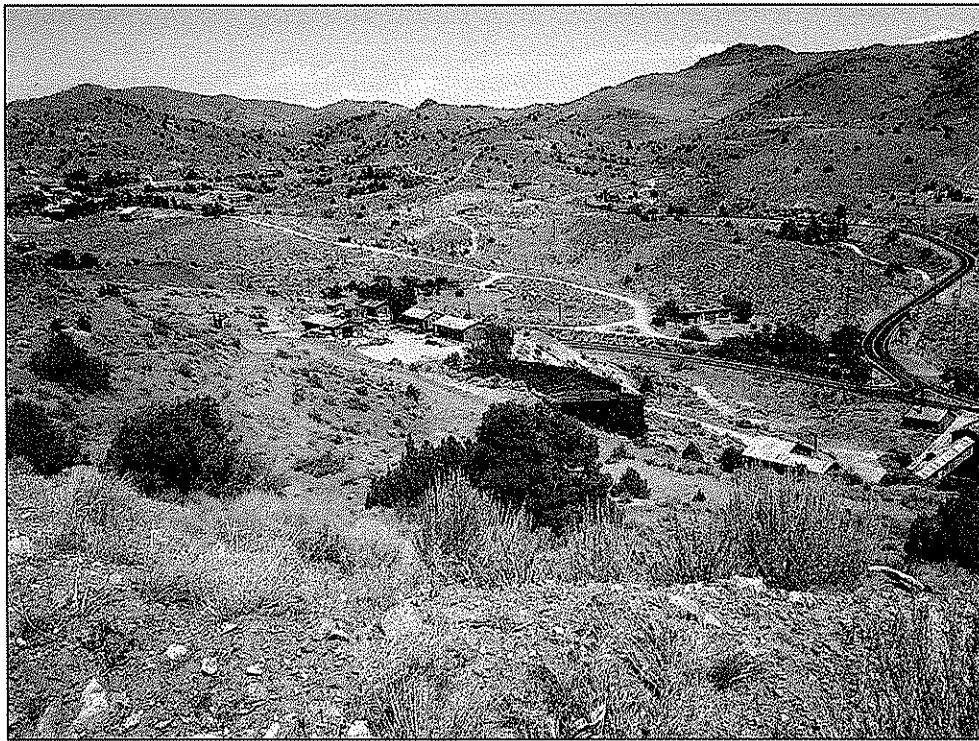


PHOTO P3

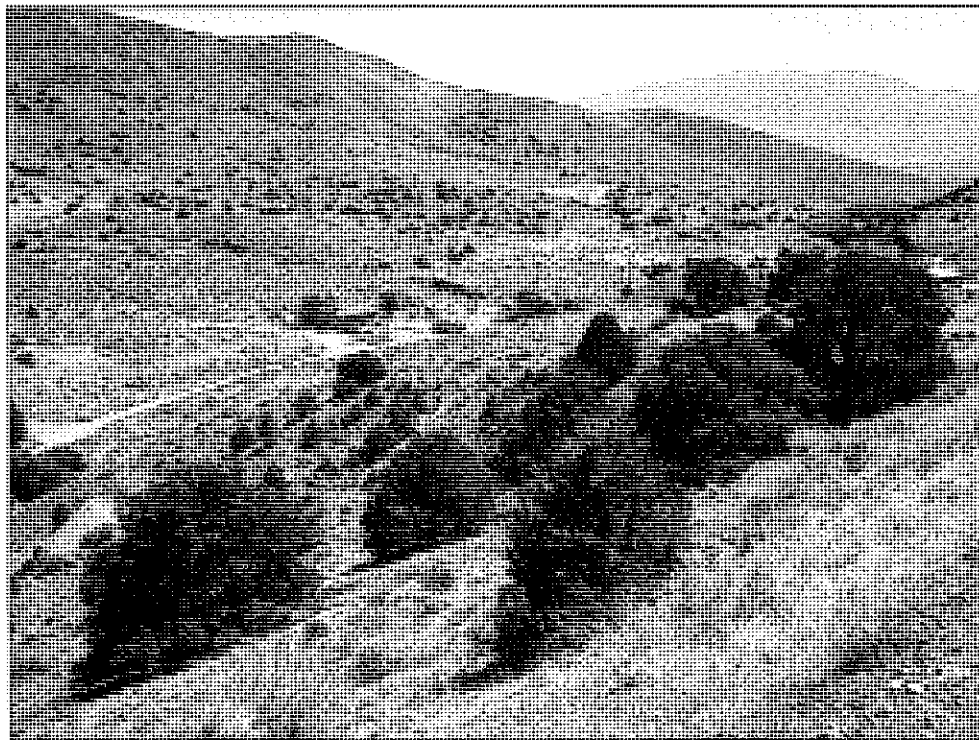


PHOTO P4

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING LTD.

9850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 746-3500 fax: (775) 746-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.

SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET

1 OF **1**
CMILCN

17:30 Dwg Name: \\mcl_carsoncity\CC_Projects\CMilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter

JA2678

14 CV 00128 - 002573
LYON COUNTY



PHOTO P5



PHOTO P6

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING LTD.

8850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 746-3500 fax: (775) 746-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET
1 OF **1**
CMILCN

17:30 Dwg Name: \\mcl_carsoncity\CC_Projects\CMilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter

JA2679

14 CV 00128 - 002574
LYON COUNTY



Kerry Page <kpage@lyon-county.org>

Request to meet with Chuck Davies

3 messages

Gayle Sherman <gales@gbis.com>
To: Kerry Page <kpage@lyon-county.org>

Thu, Oct 17, 2013 at 5:03 PM

Hello Kerry,

Joe McCarthy and I would like to meet with Chuck Davies to discuss process issues regarding the upcoming Planning hearing on Comstock Mining's request for a masterplan change. We would like to discuss time allotments and ask for any suggestions from him on how to make this as smooth as possible. Would it be possible to meet with him?

Gayle Sherman
847-0651

Kerry Page <kpage@lyon-county.org>
To: Gayle Sherman <gales@gbis.com>

Thu, Oct 17, 2013 at 5:26 PM

Gayle,
I do not keep a calendar for Mr. Davies. You can email him at ced302@att.net.

[Quoted text hidden]

--

Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305

Gayle Sherman <gales@gbis.com>
To: Kerry Page <kpage@lyon-county.org>

Thu, Oct 17, 2013 at 5:31 PM

Thanks so much.
[Quoted text hidden]

JA2680

14 CV 00128 - 002575



Kerry Page <kpage@lyon-county.org>

Zoning maps of Silver City & surrounding area

13 messages

Joe McCarthy <1200paydirt@gmail.com>

Thu, Oct 17, 2013 at 1:07 PM

To: Kerry Page <kpage@lyon-county.org>

Thanks Kerry. Would you make sure to include areas immediately surrounding Silver City as you prepare the maps.

Joe

On Tuesday, October 15, 2013, Kerry Page wrote:

Yes, I just found that correspondence too! I'll prepare the maps for you.

On Tue, Oct 15, 2013 at 4:29 PM, Joe McCarthy <1200paydirt@gmail.com> wrote:

Hi Kerry,

No need to find the correspondence - I found it. I'll track down the minutes of the BOC via Maureen.

Yes, we do want the zoning maps of Silver City & environs. Please email to me when you can make that happen. We much appreciate it & charge me, if needed.

Again, you need to know how much we appreciate what you do for Lyon County.

On Tue, Oct 15, 2013 at 4:13 PM, Kerry Page <kpage@lyon-county.org> wrote:

Hi again Joe,

Our zoning maps are not yet available on the website. That is a project I have been working on for some time now - in my spare time! I can make zoning maps from our GIS so if you want one of a specific area (Silver City, I assume), I can email that to you. Let me know what you need. I will look for the correspondence you mentioned - I'm sure we have that in our files.

On Mon, Oct 14, 2013 at 8:54 AM, Joe McCarthy <1200paydirt@gmail.com> wrote:

Hi Kerry,

1. I'm having a tough time finding Lyon County's zoning maps on the website. Are there digital versions or only hard copies? Any suggestions?

2. Back in 2010, Comstock Mining sent the county a letter asking that the 2010 mp maps be "adjusted," or some such thing. They were informed that the maps were already processed & it was too late to do so. Of course, this is my memory only. Do you have a copy of this letter in the file & the county's response? Would it be possible for me to get a copy?

Thanks,

Joe

1200paydirt@gmail.com
775-720-0331

"Like music and art, love of nature is a common language that can transcend political or social boundaries."

— Jimmy Carter

JA2681

14 CV 00128 - 002576

On Oct 3, 2013, at 12:43 PM, Kerry Page <kpage@lyon-county.org> wrote:

Okay Joe. Mike has the map in hand but he won't be able to make it back to the office today. He said he will leave it in "will call" at the front desk of the Utilities office and it will be available for pick up on Monday.
Thanks.

--
Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305

--
Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305

--
Joe McCarthy
1200paydirt@gmail.com<

--
Joe McCarthy
1200paydirt@gmail.com
775-720-0331

Eudora Welty, when asked what causes she would support, replied, "Peace, education, equality, conservation, and quiet."

Kerry Page< kpage@lyon-county.org>
To: Joe McCarthy <1200paydirt@gmail.com>

Thu, Oct 17, 2013 at 3:35 PM

Joe,
I have been fighting with the GIS program for two days now, trying to get it to print a map for me!!! I'm done!
Attached is an original zoning map for Silver City as well as a zoning map that we relied on until about 2002 and I'm confident that it is accurate. The zoning in that area has not changed so the information should still be good. The map is just not as pretty as the one I could make on the GIS. Hopefully this will suffice for now and when the program is working again I will update it for you.

[Quoted text hidden]

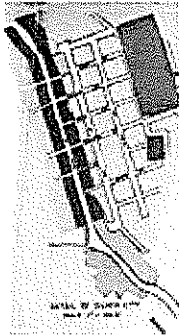
JA2682

14 CV 00128 - 002577

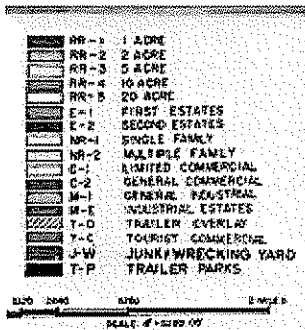
3 attachments



SILVER CITY ZONING MAP 1971.JPG
8814K



SILVER CITY ZONING - 2002.JPG
3347K



SC ZONING MAP-WALL MAP-LEGEND.JPG
1819K

Kerry Page <kpage@lyon-county.org>

Tue, Oct 29, 2013 at 2:28 PM

To: John Singlaub <john.singlaub@ascentenvironmental.com>, SINGLAUB@gmail.com, Joe McCarthy <1200paydirt@gmail.com>

John,

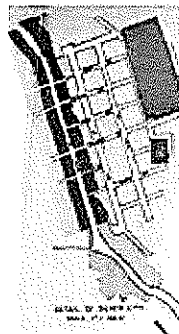
I am forwarding the old zoning maps for Silver City - these are the ones that I sent to Joe. Also attached are two current zoning maps from the GIS. Between the two parts you should be able to see the entire city and then some. Let me know if these will suffice.

[Quoted text hidden]

5 attachments



SILVER CITY ZONING MAP 1971.JPG
8814K

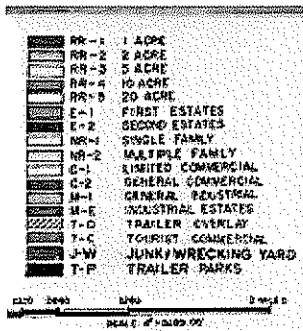


SILVER CITY ZONING - 2002.JPG
3347K

SC ZONING MAP-WALL MAP-LEGEND.JPG
1819K

JA2683

14 CV 00128 - 002578



 **SILVER CITY ZONING 2.pdf**
216K

 **SILVER CITY ZONING 1.pdf**
387K

John Singlaub <singlaub@gmail.com>

Tue, Oct 29, 2013 at 4:04 PM

To: Kerry Page <kpage@lyon-county.org>

Cc: John Singlaub <john.singlaub@ascentenvironmental.com>, Joe McCarthy <1200paydirt@gmail.com>

Thanks, Kerry-

Yes. I've seen these. Joe sent them to me.

What I need are the maps that correspond to the "Existing Zoning Map" shown in Comstock Mining's application for Master Plan Amendment and Zoning Map Change. The map shows the two long appendages south of Silver City as being zoned NR1, when everything else I've seen shows that ending at the Silver City Town Site line. My guess is that this was done so as not to split zoning on lots (those are two old lode claims that are each single lots that extend from within the Silver City town site into the rural area or open space outside the town site). I wonder if this is accurate, and if so, when it occurred.

In addition, the 2010 Comprehensive Master Plan shows this revised Silver City map as being included within the Community Boundary (see App. A, County-wide Land Use Map - Silver City). These revised boundaries using the Community Boundary with the "stick-outs" on the south side are also included in the County-wide Character District Map (Chapter 3, page 3.17), so they are included as part of the Historic Character District, so somehow the apparent zoning map change also become a planning boundary change in the 2010 plan.

Anyway, is there a way to see the current existing zoning map that all these are based on? If I can't get it in GIS, I'd be happy to come to your office to at least view it and document that it isn't an error. There also must be some history documenting the zone change. In reading Comstock Mining's application, it doesn't appear that they are aware of this as it relates to the Character Districts, so we may be heading for a confusing hearing if we can't get this cleared up.

I can come in tomorrow, if possible! Thanks!

-John

-

[Quoted text hidden]

--

John Singlaub
PO Box 11233
Zephyr Cove, NV 89448
(775) 721-5694
singlaub@gmail.com

Kerry Page <kpage@lyon-county.org>

Tue, Oct 29, 2013 at 4:30 PM

To: ROB LOVEBERG <rloveberg@lyon-county.org>

I just thought you should review John's email - this is something that has never occurred to me.

JA2684

14 CV 00128 - 002579

----- Forwarded message -----

From: **John Singlaub** <singlaub@gmail.com>
Date: Tue, Oct 29, 2013 at 4:04 PM
Subject: Re: Zoning maps of Silver City & surrounding area
[Quoted text hidden]
[Quoted text hidden]

Kerry Page <kpage@lyon-county.org>
To: John Singlaub <singlaub@gmail.com>

Tue, Oct 29, 2013 at 4:31 PM

I will be in the office tomorrow. I have forwarded your email to Rob Loveberg, Planning Director, for his evaluation too.
[Quoted text hidden]

John Singlaub <singlaub@gmail.com>
To: Kerry Page <kpage@lyon-county.org>

Tue, Oct 29, 2013 at 4:36 PM

Thanks, Kerry. I will stop by in the morning.
[Quoted text hidden]

John Singlaub <john.singlaub@ascentenvironmental.com>
To: Kerry Page <kpage@lyon-county.org>

Fri, Nov 1, 2013 at 10:44 AM

Hi, Kerry-

So what is "PRR-5" and "PNR-1" zoning? It's not in the code, but must be some kind of overlay.

Thanks!

-John

John Singlaub | Senior Environmental Planner

C: 775.721.5694

John.Singlaub@ascentenvironmental.com

www.ascentenvironmental.com

From: Kerry Page <kpage@lyon-county.org>
Sent: Tuesday, October 29, 2013 2:28 PM
To: John Singlaub; SINGLAUB@gmail.com; Joe McCarthy
Subject: Fwd: Zoning maps of Silver City & surrounding area

[Quoted text hidden]

JA2685

14 CV 00128 - 002580

Kerry Page< kpage@lyon-county.org>
To: John Singlaub <john.singlaub@ascentenvironmental.com>

Mon, Nov 4, 2013 at 8:16 AM

John,
"P" represents Patented Mining Claim and it is an Assessor's code.
[Quoted text hidden]

John Singlaub< john.singlaub@ascentenvironmental.com>
To: Kerry Page <kpage@lyon-county.org>

Mon, Nov 4, 2013 at 8:49 AM

Thank you!

Sent from my iPhone, so please pardon any errors.

John Singlaub
singlaub@gmail.com
(775) 721-5694
[Quoted text hidden]

John Singlaub< john.singlaub@ascentenvironmental.com>
To: Kerry Page <kpage@lyon-county.org>

Thu, Nov 7, 2013 at 8:54 AM

Kerry-

Can you send me a copy of the staff report and any other supporting materials submitted for the Comstock Mining agenda items scheduled for Tuesday, Nov. 12, 2013? Thank you!

-John

John Singlaub | Senior Environmental Planner
C: 775.721.5694
John.Singlaub@ascentenvironmental.com
www.ascentenvironmental.com

From: Kerry Page <kpage@lyon-county.org>
Sent: Monday, November 04, 2013 8:16 AM
To: John Singlaub
[Quoted text hidden]

[Quoted text hidden]

Kerry Page< kpage@lyon-county.org>
To: John Singlaub <john.singlaub@ascentenvironmental.com>

Thu, Nov 7, 2013 at 9:15 AM

Attached is the information being provided to the Planning Commission members, etal. As I have mentioned before, when I have a staff report I will send it to everyone.

[Quoted text hidden]

7 attachments



REVISED MPA & ZON SUBMITTAL recd 10.31.2013.pdf
9001K



MPA-ZON DeGasperis memo & email 11-1-13.pdf
106K



SC RESIDENTS ASSN Environmental Analysis 11-4-13.pdf
4705K



SC RESIDENTS ASSN John Marshall Letter 11-6-13.pdf
883K



SC RESIDENTS ASSN Johnson Perkins Appraisal Report 11-1-13.pdf
1249K



SC RESIDENTS ASSN Pat Barker CV.docx
20K



SC RESIDENTS ASSN Pat Barker's letter historic signed.docx
353K

John Singlaub <john.singlaub@ascentenvironmental.com>
To: Kerry Page <kpage@lyon-county.org>

Thu, Nov 7, 2013 at 9:21 AM

Thanks, Kerry.

John Singlaub | Senior Environmental Planner

C: 775.721.5694

John.Singlaub@ascentenvironmental.com

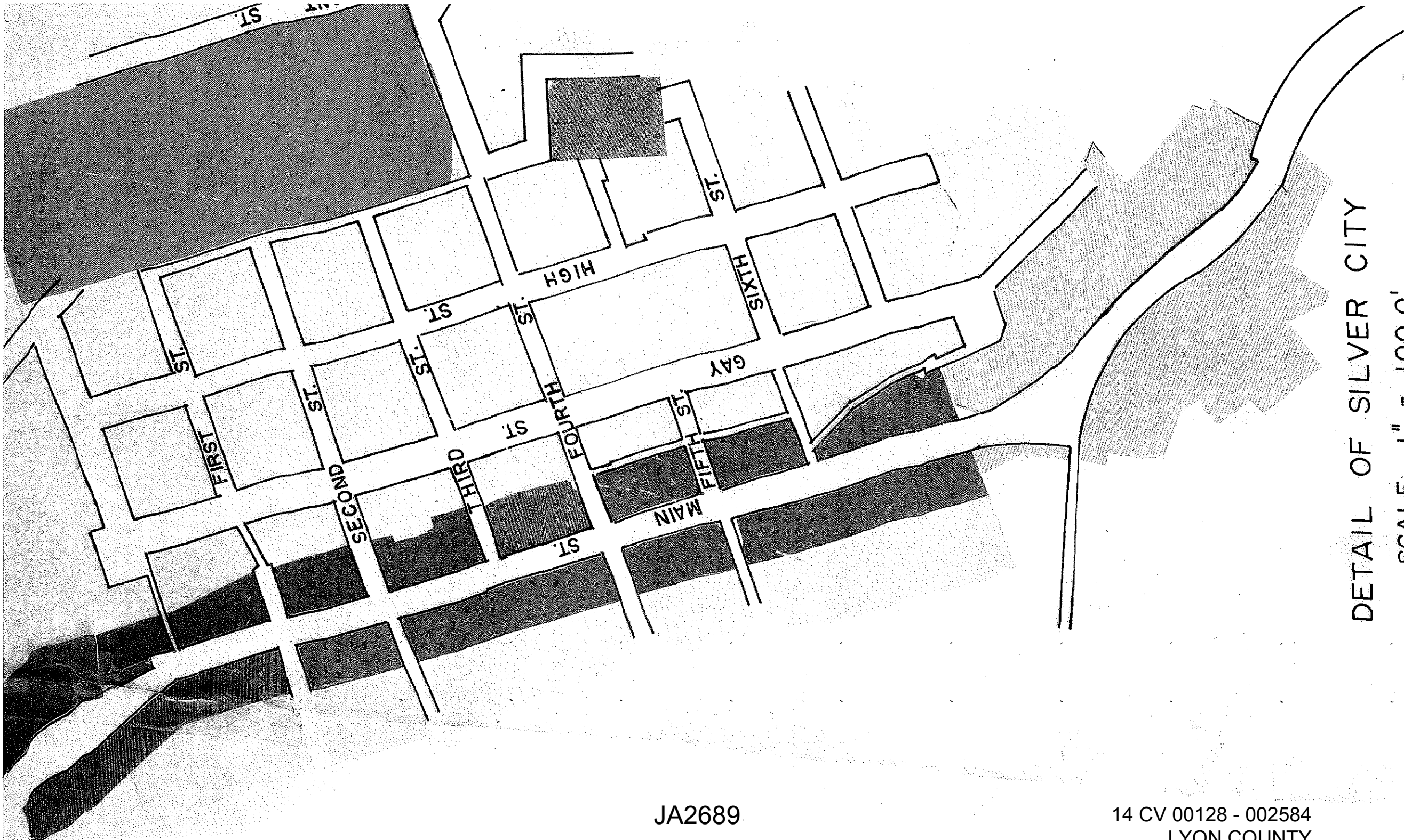
www.ascentenvironmental.com

From: Kerry Page <kpage@lyon-county.org>

Sent: Thursday, November 07, 2013 9:15 AM



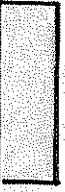








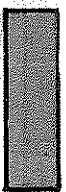





[Quoted text hidden]

[Quoted text hidden]



JA2689

14 CV 00128 - 002584
LYON COUNTY

	RR-1	1 ACRE
	RR-2	2 ACRE
	RR-3	5 ACRE
	RR-4	10 ACRE
	RR-5	20 ACRE
	E-1	FIRST ESTATES
	E-2	SECOND ESTATES
	NR-1	SINGLE FAMILY
	NR-2	MULTIPLE FAMILY
	C-1	LIMITED COMMERCIAL
	C-2	GENERAL COMMERCIAL
	M-1	GENERAL INDUSTRIAL
	M-E	INDUSTRIAL ESTATES
	T-O	TRAILER OVERLAY
	T-C	TOURIST COMMERCIAL
	J-W	JUNK/WRECKING YARD
	T-P	TRAILER PARKS

JA2690

2 MILES

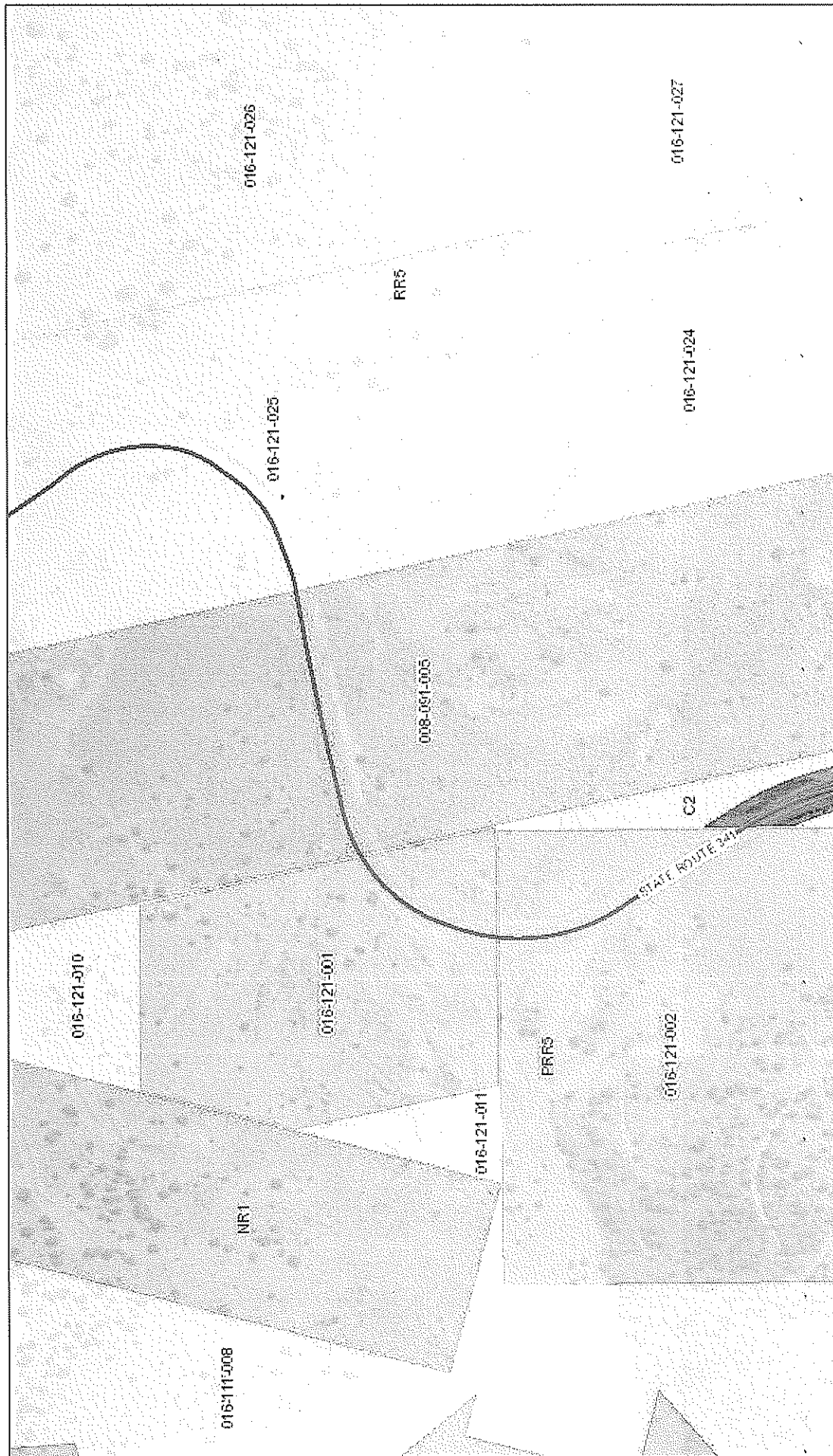
5280

2640

1320

SCALE: 4" = 5280.00'

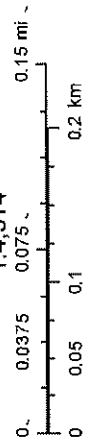
silver city zoning part 2



October 29, 2013

- Admin Building
- ★ Community Center
- ◆ Human Services
- ✱ Library

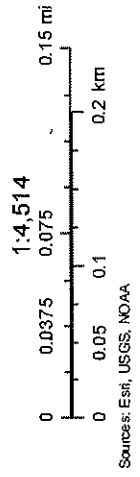
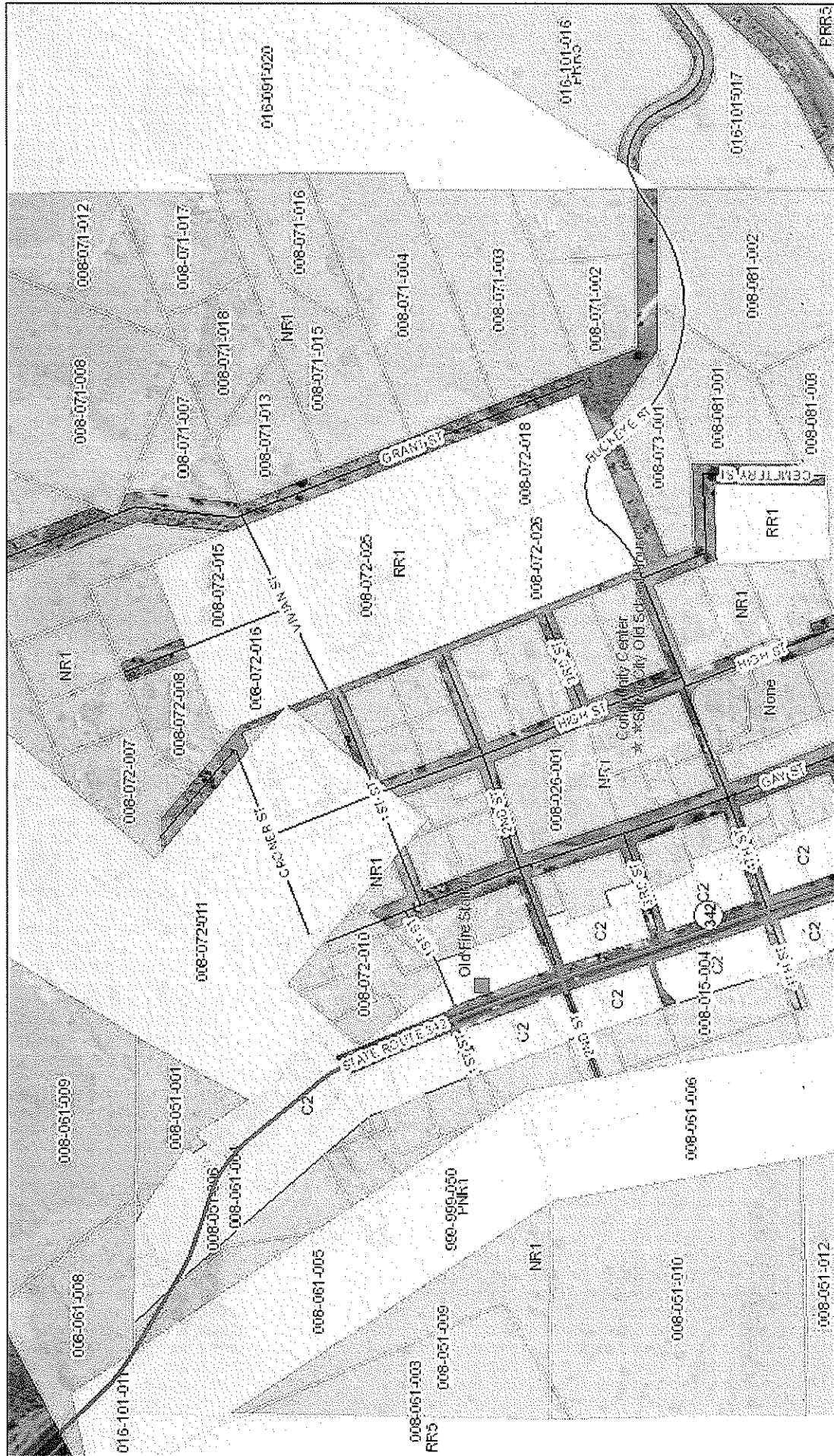
1:4,514



JA2691

14 CV 00128 - 002586
LYON COUNTY

silver city zoning part 1



- October 29, 2013
- Admin Building
 - ★ Community Center
 - ◆ Human Services
 - ✱ Library

JA2692

14 CV 00128 - 002587
LYON COUNTY



October 31, 2013

Mr. Rob Loveberg
Planning Director
Lyon County Planning Department
27 S. Main Street
Yerington, Nevada 89447

Re: Comstock Mining Master Plan Amendment & Zone Change Request

Mr. Loveberg:

On behalf of Comstock Mining, Manhard Consulting is submitting a revision to the Comstock Mining Master Plan Amendment and Zone Change Request (Lyon County Planning Case PLZ-13-0050 and PLZ-13-0051 respectively). A revision to the application is being requested due to inaccurate zoning information that was received from the Lyon County Assessor and Douglas County GIS Department, which distributes Lyon County's GIS data. The Assessor data and GIS data that we gathered showed the entire APN 008-091-05 as having NR-1 zoning. In actuality, APN 008-091-05 is made up of 21 legal parcels, 7 of which have an existing zoning of M1 – General Industrial. The zoning conflict was brought to Comstock Mining's attention during the Reversion to Acreage process, which was just completed on one of the Master Plan Amendment and Zone Change parcels. The area of these 7 parcels was removed from the reversion parcel, thus changing Parcel 6 in the Master Plan Amendment and Zone Change Request. With the Reversion to Acreage process completed on the effected parcel, we are now submitting a revision to update the acreage listed in the application and update the exhibits to properly depict the parcels that are a part of the Master Plan Amendment and Zone Change Request. Following is a summary of the changes to the Master Plan Amendment and Zone Change Request:

- The acreage referenced in the Cover Letter was updated.
- Pages 1 and 2 of the Narrative were revised to show the proper acreage.
- Page 1 of the Lyon County Development Application was revised to show the proper acreage of the request.
- Exhibits 2, 3, 4, 5, and 6 have been updated to reflect the proper parcel shape for Parcel 6 (the reversion parcel).
- The legal description for parcel 6 (the reversion parcel) has been updated to reflect the proper description.

If you have any questions or require additional information, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Motter'.

Andrew Motter, P.E.
Senior Project Manager



October 11, 2013

Mr. Rob Loveberg
Planning Director
Lyon County Planning Department
27 S. Main Street
Yerington, Nevada 89447

Re: Comstock Mining Master Plan Amendment & Zone Change Request

Mr. Loveberg:

On behalf of Comstock Mining, we appreciate your consideration of the enclosed application. The property included with this application request is generally located north and west of State Highway 341 adjacent to and within the town site of Silver City.

This application includes the following requests:

1. A Master Plan Amendment request from Suburban Residential to Rural Residential on 42.57 acres.
2. A Master Plan Amendment request from Resource to Rural Residential on 12.29 acres.
3. A Zoning Map Amendment request from NR1 to RR3 on 54.86 acres.
4. A Zoning Map Amendment request from NR1 to RR5 on 32.34 acres.

Due to the fact that the zone change and master plan amendment requests are being submitted simultaneously, we understand that the zone change request will not be considered by the commission within forty five (45) days after the application is filed with the administrator in accordance with Lyon County Code (10.12.07c).

If you have any questions or require additional information, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Motter'.

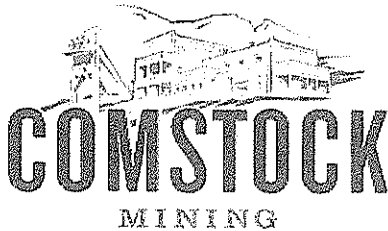
Andrew Motter, P.E.
Senior Project Manager

MASTER PLAN AMENDMENT AND ZONE CHANGE APPLICATION FOR COMSTOCK MINING PROPERTY

SILVER CITY, LYON COUNTY, NEVADA

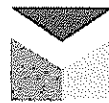


PREPARED FOR:



Comstock Mining Inc.
P.O. Box 1118
Virginia City, Nevada 89440

PREPARED BY:



Manhard
CONSULTING LTD.

Manhard Consulting Inc.
9850 Double R Blvd.
Reno, NV 89521

AUGUST 2013

JA2695

14 CV 00128 - 002590
LYON COUNTY

Table of Contents

Project Location	1
Master Plan & Zoning Designation	1
Application Request	2
Justification	2
Master Plan Amendment Findings	7
Master Plan Amendment Process and Procedure Findings	10
Zone Change Findings	12

Tables:

Table 1: Current Land Use Designations	1
Table 2: Proposed Land Use Designations	1
Table 3: Surrounding Property Designations	2
Table 3: Lyon County Land Use Categories	4

List of Figures:

Figure 1: Vicinity Map	
Figure 2: Parcel Exhibit	
Figure 3: Existing Master Plan Map	
Figure 4: Existing Zoning Map	
Figure 5: Proposed Master Plan Map	
Figure 6: Proposed Zoning Map	
Figure 7: Existing Slope Map	

Appendix:

Development Application	
Owners Affidavit	
Legal Descriptions	
Site Photographs	

Project Location

The property included with this application request is generally located north and west of State Highway 341 adjacent to the town site of Silver City. See Figure 1 Vicinity Map and Figure 2 Parcel Exhibit for additional detail.

Master Plan Land Use & Zoning Designations

Table 1: Current Land Use Designations (Ref. Figure 3 and Figure 4)

Parcel	Master Plan	Zoning	Land Use
1	Resource	NR1	Vacant
2	Suburban Residential	NR1	Vacant
3	Resource	NR1	Vacant
4	Suburban Residential	NR1	Vacant
5	Suburban Residential	NR1	Vacant
6	Suburban Residential	NR1	Vacant / Abandoned Mining Facilities

Table 2: – Proposed Land Use Designations (Ref. Figure 5 and Figure 6)

Parcel	Master Plan	Zoning	Area
1	Resource	RR-5	32.34 AC
2	Rural Residential	RR-3	7.20 AC
3	Rural Residential	RR-3	12.29 AC
4	Rural Residential	RR-3	10.28 AC
5	Rural Residential	RR-3	11.01 AC
6	Rural Residential	RR-3	14.08 AC

Master Plan & Zoning Map Amendment

Table 3: Surrounding Property Designations

Location	Master Plan	Zoning	Land Use
North	Suburban Residential & Commercial Mixed Use	M1 & NR1	Vacant / Silver City Town Site
South	Resource, Open Space & Future Planning Area	RR5 & C2	Vacant
East	Resource & Suburban Residential	RR5 & NR1	Vacant / Silver City Town Site
West	Open Space & Suburban Residential	RR5 & NR1	Vacant

Application Request

This application includes the following requests:

1. A Master Plan Amendment request from Suburban Residential to Rural Residential on 42.57 acres.
2. A Master Plan Amendment request from Resource to Rural Residential on 12.29 acres.
3. A Zoning Map Amendment request from NR1 to RR3 on 54.86 acres.
4. A Zoning Map Amendment request from NR1 to RR5 on 32.34 acres.

Justification

The application is requesting a "down zone" at both the master plan and zoning levels. These amendments modify the residential development potential of the property from its current allowed density of 655 total dwelling units to a maximum yield of a more rurally representative 10 dwelling units. If approved, these proposed requests change the master plan and zoning designations from "Suburban Residential and NR1" to "Rural Residential, RR3 and RR5." This would provide a more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure and also clean up and align certain parcels that currently have "split" master plan designations.

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. Regardless of the

rationale, the designations have rendered the subject property unproductive for any activity other than mineral exploration for the last 40 years.

The applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property. Prior to proceeding with actual mining activities, the applicant would be required to obtain a special use permit from Lyon County. Such a permit would then address all manners of land use and include relevant conditions to limit the impacts and effects of potential or proposed mining activities. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

A change in the master plan and zoning designations from Suburban Residential and NR1 to Rural Residential, RR3 and RR5 will not only support the productive evaluation of existing mineral potential but will, more importantly, also bring the property into conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services, while helping to further promote the goals, policies, and strategies of the Lyon County Master Plan.

The Lyon County Master Plan Community Description for Silver City states, "The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims. The existing water service infrastructure dates back to the late nineteenth century, when a water system to supply the mining operations and settlement demands of the Comstock communities was constructed. This aging water system and a lack of sewer system limit growth in Silver City."

The Lyon County Master Plan includes five types of Character Districts, Rural, Suburbanizing, Historic, Future Plan Areas and General County. These Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries.

As defined in the Master Plan, Suburbanizing Districts, "include areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses. Improvement standards will reflect the "suburban" character of these areas and will include requirements for municipal water and sewer, roadway design appropriate to the planned uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths). Roads are likely to have some bike and pedestrian facilities within the rights-of-way or separate paths."

As defined in the Master Plan, Rural Districts, "include those areas that are predominately low density residential development with limited neighborhood commercial uses. They may or may not have agricultural land uses or grazing lands. Improvement standards will reflect the "rural" character of the area. Rural districts are not likely to have municipal water and sewer. Roads are likely to have dirt shoulders, some equestrian paths as well as bike facilities within the road rights-of-way."

Master Plan & Zoning Map Amendment

As defined by the Master Plan, Historic Districts, "include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Future historic districts could also be designated where the intent is to promote new compatible development that is in keeping with the "historic" development patterns and architectural design elements to create more vitality."

As defined by the Master Plan, General County includes, "Lands outside the boundaries of defined community boundaries are classified as General County. These lands are rural or resource lands or public lands, and are intended to remain largely undeveloped or with very low intensity development within the Master Plan's planning horizon."

Table 4: Lyon County Land Use Categories

Land Use Category	Community Plan Land Use Designation	Density Range/ Size	Examples of Uses	Description/ Characteristics	Current Zoning Districts
Suburban Residential	High Density Residential	5 to 18 Dwelling Units per acre	Apartments, duplexes, fourplexes, condominiums and townhomes. Single Family Residential detached units at 5 to 10 dwelling units per acre.	High density residential is typically found in suburbanizing districts. High density residential should be located near major transportation facilities, near commercial uses, or civic centers and near parks	NR1 NR2 NR3 MHP
Rural Residential	Rural Residential	1 du per 5 to <20 acres	Single-family residences, "farmettes" and "ranchettes", etc.	Typically found in rural districts and on the suburbanizing fringe. Lot size and layout varies. Typically not served by municipal utilities, depending on location in suburbanizing district.	RR3 RR4

According to the Lyon County Character Districts Map, the subject property appears to reside within both the Historic and General County Districts. Despite this apparent inconsistency of Character Districts, the land use and zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts. Clearly, the proposed land use and zoning designation are much more compatible and consistent with the Historic and General County Districts than the master plan designation of Suburban Residential which is currently assigned to the majority of the subject property.

Provided is the Silver City Community Description from the Lyon County Master Plan and the Master Plan's definitions for the types of residential Character Districts, also provided in Table 3: Lyon County Land Use Categories, is an excerpt from the Lyon County Master Plan comparing the current Land Use Category, Suburban Residential to the requested Land Use Category Rural Residential.

The community Character District of Suburbanizing, the Community Plan Land Use Designation of High Density, Density of 5 to 18 dwelling units per acre, the Examples of Uses and the Description/ Characteristics and the current Suburban Residential master plan designation and NR1 zoning designation are inconsistent with the following goals, policies and strategies of the current Lyon County Master Plan and conversely, these of goals, policies and strategies actually promote the proposed master plan and zoning modification requests from Suburban Residential and NR1 to Rural Residential, RR5 and RR3.

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand base zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

Policy LU1.2: *Residential development Patterns in Neighborhoods*

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Development of the property at its current NR1 density would be out of character with the existing "neighborhood" of Silver City. A reduction in development potential is a more appropriate development pattern and more compatible with existing and historic uses.

Goal LU2: *Services Coordinated with Growth*

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

According to the master plan "Suburban Residential" areas should be located near major transportation facilities, near commercial uses, or civic centers and near parks. The subject property is rural in nature and adequate facilities to accommodate such high density residential would be impractical to develop and completely out of character with the existing community. Therefore a reduction in development potential is warranted and appropriate.

Policy LU 2.1 *Residential Development in Areas with Services*

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: *Ensure that plans are in place for required services to occur concurrently with all proposed development.*

Goal FS1: *Municipal water and sewer systems will be expanded only in areas where they are cost effective.*

Policy FS 1.1: *Location of New Development*

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

The subject property, although designated Suburban Residential, does not have adequate municipal water or sewer in close proximity and facility plans are not currently in place to allow for development to occur concurrently. A reduction in allowable units would be more consistent with the current and future services of the area.

Goal LU3: *Diverse Economy*

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: *Diverse Economy Base*

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: *Work with Economic development agencies and community groups to identify economic assets and development opportunities.*

The master plan change would allow for continued mineral exploration on the subject property helping to identify economic assets while employing local residents in primary jobs.

Goal NR9: *Mining and Resource Extraction*

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 *Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.*

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

Master Plan Amendment Findings:

1. Consistency with the Master Plan:

The proposed amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods
New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth
Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy
The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base
The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal NR9: Mining and Resource Extraction
Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

2. Compatible Land Uses:

The proposed amendment is compatible with the actual and planned adjacent uses, and reflects a logical change in land uses.

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has resulted in little to no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe."

3. Response to Change Conditions:

The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the board, and the requested amendment represents a more desirable use of the land.

A change in the master plan designation from Suburban Residential to Rural Residential represents a more desirable use of land because it will bring the property in conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services. In addition, the proposed changes will allow for the exploration and evaluation of existing patented mining claims with potential for significant benefit to the County and community, while consistently promoting the goals, policies, and strategies of the Lyon County Master Plan.

4. No Adverse Effects:

The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.

The amendment request will not adversely affect the implementation of the master plan or negatively impact public health, safety and welfare. The

amendment proposes a significant enhancement in nature and type of development potentials of the property while continuing to maintain the goals, objectives and actions of the current master plan and will have no foreseeable impact on public health, safety or welfare.

5. Desired Pattern of Growth:

The proposed amendment will promote the desired pattern for the orderly physical growth of the county, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the county based on the least amount of natural resource impairment and efficient expenditure of the funds for public services.

The proposed request to change the master plan designation from Suburban Residential to Rural Residential represents a desired pattern of growth by providing a realistic current and long range land use strategy based on actual development potential, considering factors like topography and proximity to adequate infrastructure. Although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, we do not believe this would result in any impairment to the water resources and other resources that are important to existing residents and businesses in the area, and, we believe existing constraints or negative impacts would be reduced by the proposed amendments. The proposed Master Plan Amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

Master Plan Amendment Process and Procedures Findings:

1. The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, or even if they are pursued, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land

uses and post-mining land opportunities, than the current master plan designation.

2. *The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;*

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has been put to little or no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "*Typically found in rural districts and on the suburbanizing fringe*" and is supportive of the goals and policies identified above.

3. *The proposed amendment will have no major negative impacts on transportation, services, and facilities;*

The proposed amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the preservation of natural resources and efficient expenditure of funds for public services.

4. *The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*

The proposed request to change the master plan designation from Suburban Residential to Rural Residential will actually have a positive effect on service provision by providing a realistic, more flexible, current and long range land use strategy based on actual development potential, considering factors like topography, surrounding uses and proximity to adequate infrastructure.

5. *Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand based zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

6. *The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.*

The amendment proposes a significant increase in consistency between the actual and potential use of the subject property and the land use designation.

The proposed land use designation is consistent with the realistic development potential of the subject property while supporting the goals, objectives and actions of the current master plan. The requested designation will have no negative impact on public health, safety or welfare.

Zone Change Findings:

1. Consistency with the Master Plan Land Use Map.

The proposed zone change is not only in substantial conformance with the proposed master plan amendment request but the requested modifications will actually help correct existing conformance issues between the Lyon County Master Plan and Zoning Code.

2. Consistency with the Master Plan goals, policies and strategies.

The proposed zoning map amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: Orderly Growth Patterns

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on realistic population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal LU5: Encourage Resource Sensitive Growth

Development will be designed to reduce energy use and minimize environmental impacts.

Goal NR9: Mining and Resource Extraction

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

3. Consistency with the desired pattern for the orderly physical growth of the County and maintains compact development patterns.

The proposed request to change the zoning designation from NR1 to RR3 and RR5 represents a desired pattern of growth by providing a realistic, current and long range zoning strategy based on actual development potential considering factors like topography, existing uses and proximity to adequate infrastructure.

4. *Contributes to the timely, orderly and efficient arrangement of transportation and other public facilities and services.*

The proposed zoning will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

5. *Promotes development that is commensurate with the character and physical limitations of the land.*

The proposed RR5 and RR3 designations will significantly reduce the development potential of the property not only taking into consideration the character and physical limitations of the land (i.e. topography and surrounding densities) but also reducing the need for additional infrastructure.

6. *Promotes the protection and/or enhancement of existing neighborhoods and communities.*

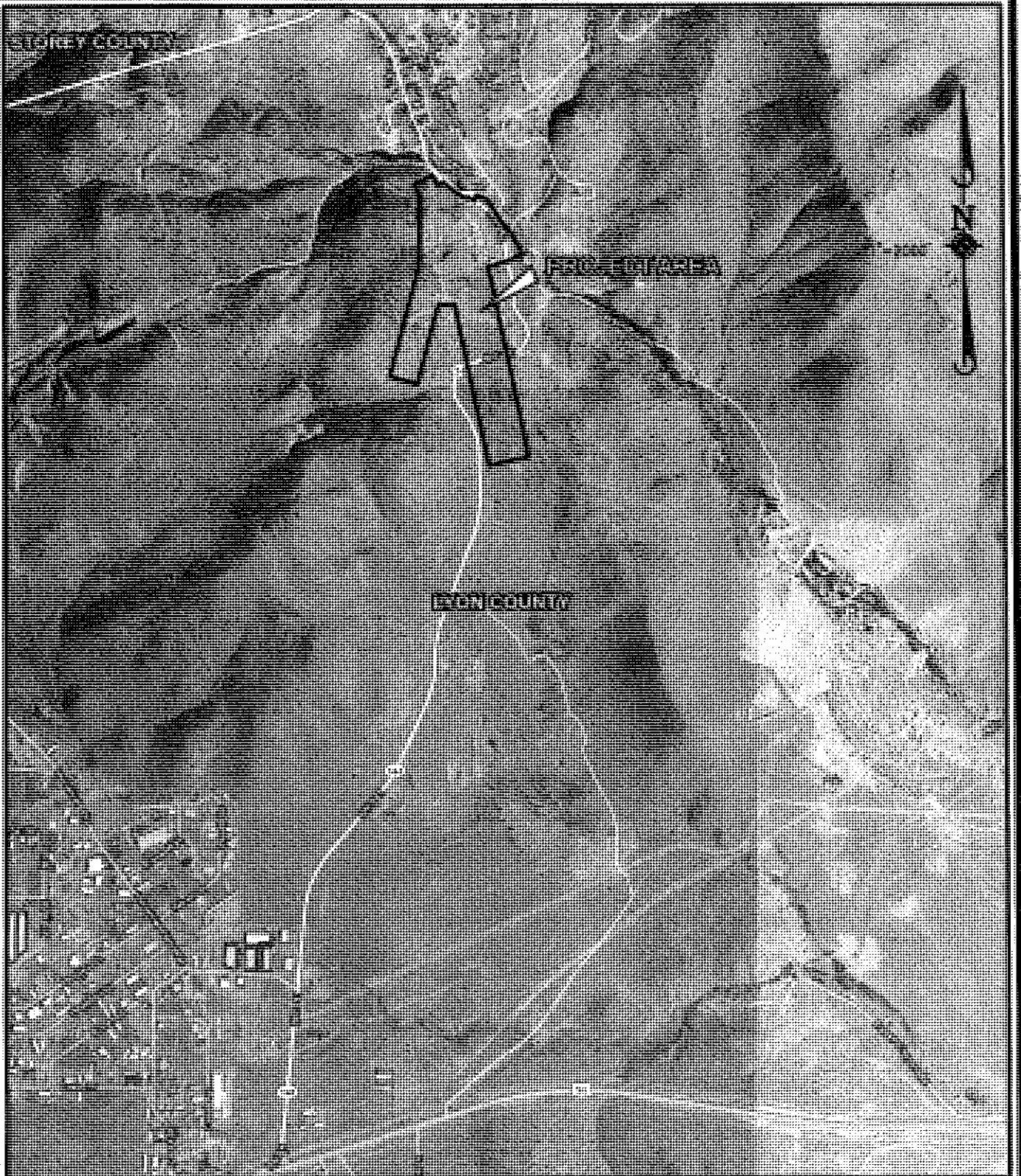
The proposed zoning map amendment is consistent with the current and future development character of Silver City. The current NR1 designation promotes high density residential on a property that is constrained by topography and infrastructure availability.

7. *No detrimental impacts to other properties in the vicinity.*

The proposed zoning map amendment is sensitive to and compatible with the current and future development character of Silver City. The current NR1 designation promotes high density residential that is not only out of character with the rural nature of the area, but does not take into consideration the fact that the property is constrained by topography and infrastructure availability.

8. *No adverse impacts to the public health, safety and welfare.*

The proposed zone change will have no impacts to public health, safety and welfare, and although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, this will not result in any impairment to the water resources and/or other resources that are important to existing residents and businesses in the area.



ALL RIGHTS RESERVED



Manhard
CONSULTING

MANHARD CONSULTING, INC. 1001 First Street, Suite 100, Astoria, OR 97103
Civil Engineers - Surveyors - Water Resources Engineers - Water & Wastewater Engineers
Construction Management - Environmental Scientists - Landscape Architects - Planners

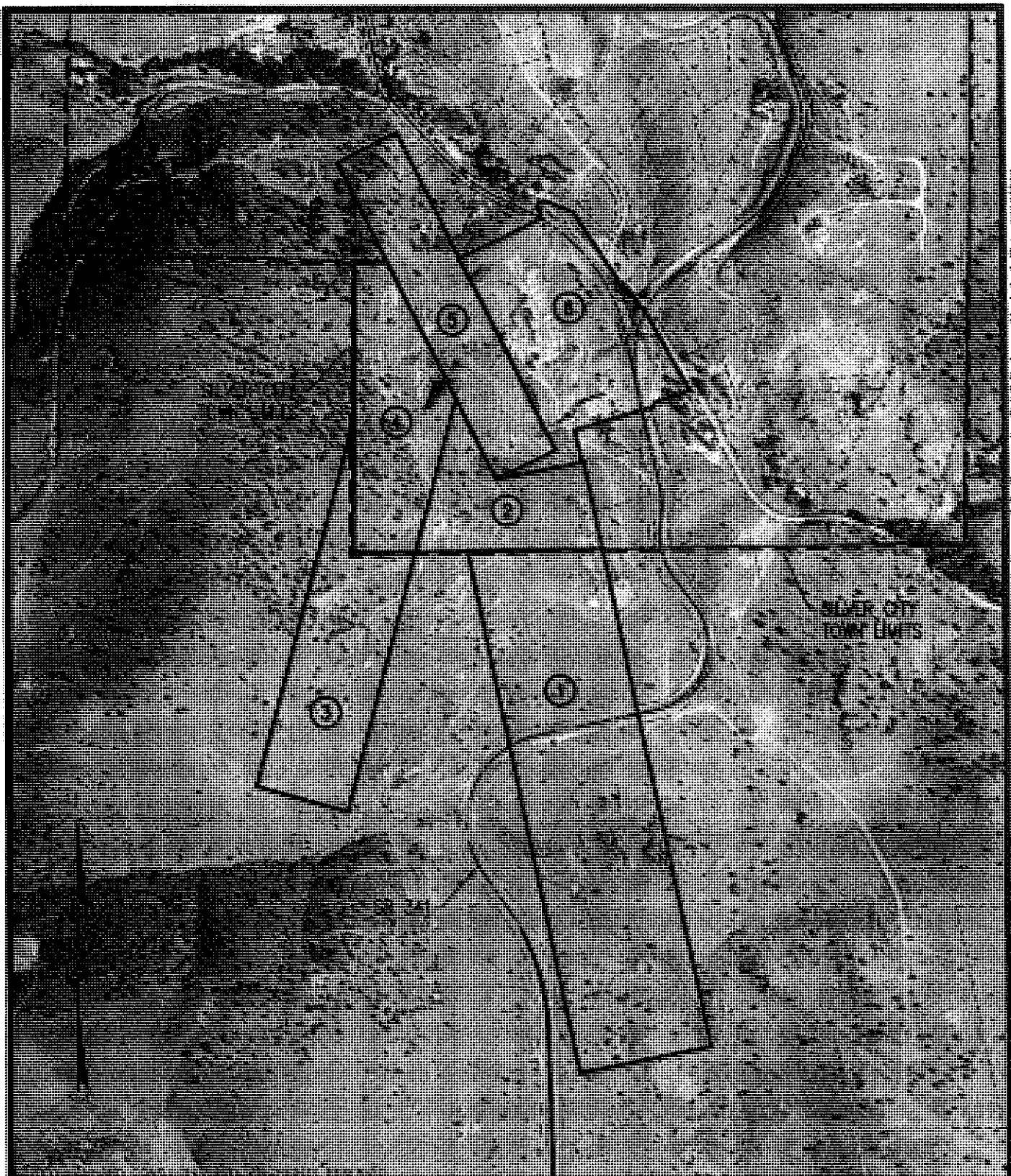
CONSTOCK MINING INC.

VICINITY MAP

FIGURE 1

Scale: 1" = 1 Mile
Date: 7/24/2014
Sheet: 1 of 7

SHEET
1 OF 7
CHILCH



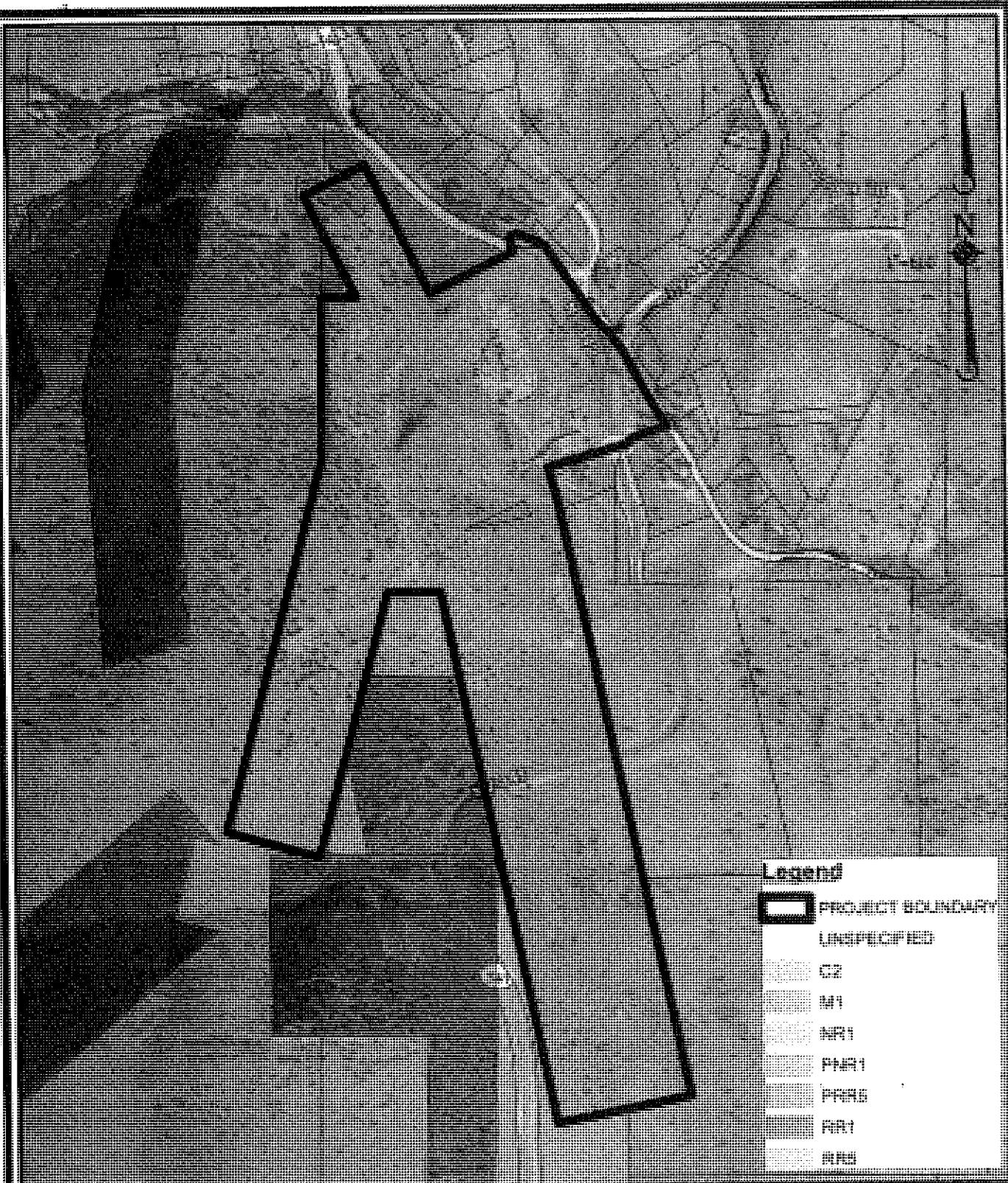
Project: Silver Oak Tract, Lyon County, Georgia
 Drawing: Parcel Exhibit
 Date: 10/26/2011
 Scale: As Shown
 Author: J. Smith
 Checker: J. Smith
 Engineer: J. Smith
 Surveyor: J. Smith
 Updated By: J. Smith

Manhard

CONSULTING

ARCHITECTS • ENGINEERS • PLANNERS • ENVIRONMENTAL SCIENTISTS • LANDSCAPE ARCHITECTS • SURVEYORS
 Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.	
PARCEL EXHIBIT	
FIGURE 2	
FIELD NO.: <u>1001</u> COUNTY: <u>LYON</u> DATE: <u>10/26/2011</u> SCALE: <u>AS SHOWN</u>	SHEET <div style="font-size: 2em; font-weight: bold;">2</div> OF <div style="font-size: 2em; font-weight: bold;">7</div> CDR: JCH

[illegible][illegible]

THE NEW YORK TIMES

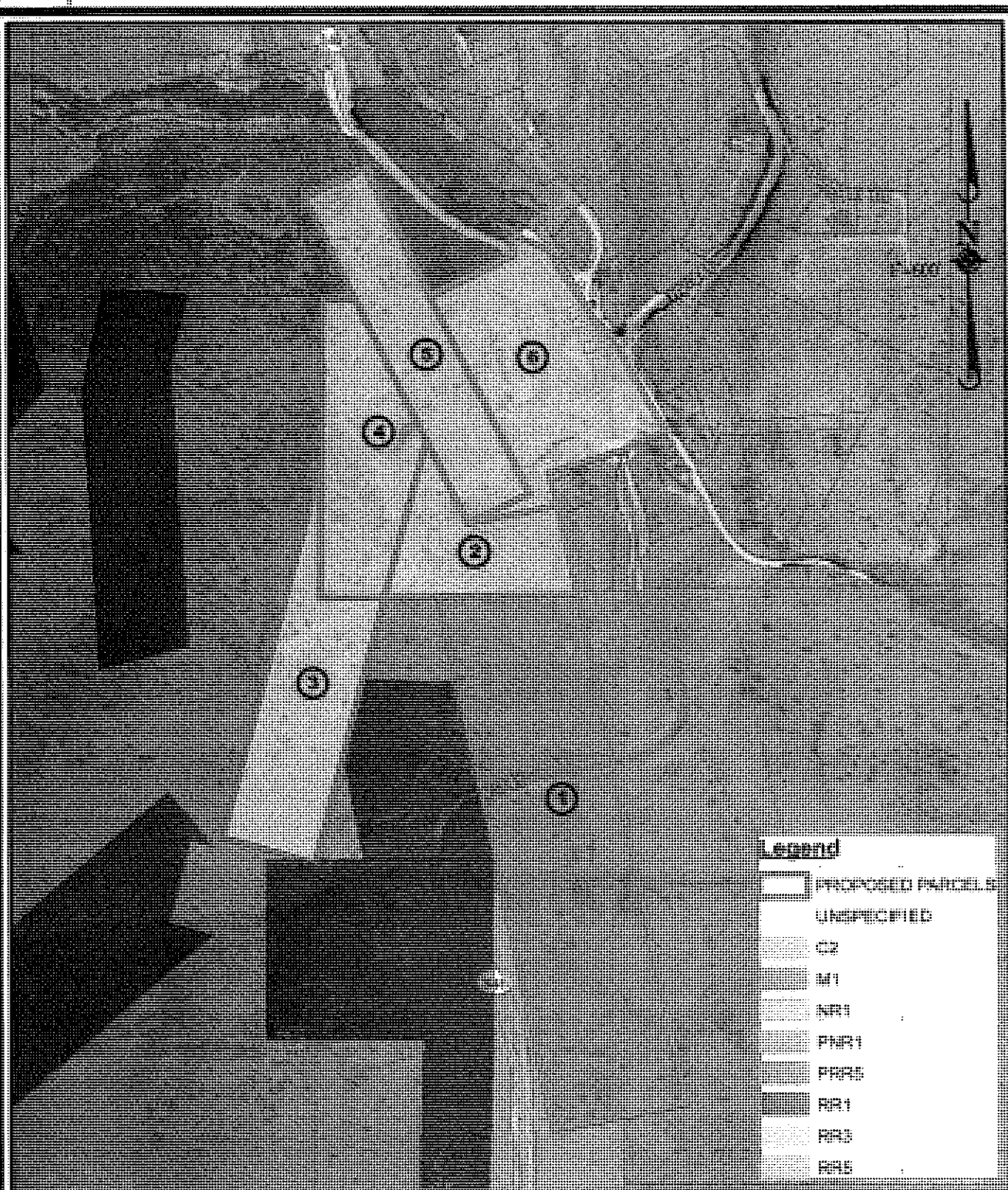
1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522

摘要

[illegible]

地址: 上海南京路 100 号
 电话: 021-2311 1111
 邮编: 200001
 传真: 021-2311 1111

CHILD

[illegible]

FILE #

1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522
 523
 524
 525

APPENDIX

LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
VOICE: (775) 463-6592 • FAX: (775) 463-6596

DEVELOPMENT APPLICATION

This form must be completed and all requested information incorporated, as prescribed by the application submission requirements for each application type, before the application is deemed complete and accepted for processing by Lyon County.

Application Type (check all that apply)		
<input type="checkbox"/> Abandonment <input type="checkbox"/> Amended Map <input type="checkbox"/> Appeal of Administrative Decision <input type="checkbox"/> Appeal of Planning Commission Decision <input type="checkbox"/> Approval Condition Amendment <input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Certificate of Amendment <input type="checkbox"/> Continuation of Planning Application <input type="checkbox"/> Development Agreement <input type="checkbox"/> Development Agreement, Revision <input type="checkbox"/> Division of Land into Large Parcels, Tentative Map Waiver <input type="checkbox"/> Division of Land into Large Parcels, Tentative Map <input type="checkbox"/> Division of Land into Large Parcels, Final Map	<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Hardship Exception Permit <input type="checkbox"/> Improvement Plan for Land Division <input type="checkbox"/> Improvement Standards Variance or Waiver <input checked="" type="checkbox"/> Master Plan Map Amendment <input type="checkbox"/> Master Plan Text Amendment <input type="checkbox"/> Mobile Home Park/Recreational Vehicle Park <input type="checkbox"/> Parcel Map <input type="checkbox"/> Parcel Map, Final <input type="checkbox"/> Parcel Map Waiver <input type="checkbox"/> Planned Unit Development, Final <input type="checkbox"/> Planned Unit Development, Tentative <input type="checkbox"/> Pre-Application Conference	<input type="checkbox"/> Reimbursement Agreement <input type="checkbox"/> Reversion to Acreage <input type="checkbox"/> Site Improvement Plan <input type="checkbox"/> Special Use Permit <input type="checkbox"/> Specific Plan <input type="checkbox"/> Street Name Request <input type="checkbox"/> Subdivision Map, Tentative <input type="checkbox"/> Subdivision Map, Final <input type="checkbox"/> Variance <input type="checkbox"/> Administrative <input type="checkbox"/> Wireless Communication Facility <input type="checkbox"/> Wireless Communication Facility, Modification <input type="checkbox"/> Zoning Determination <input checked="" type="checkbox"/> Zoning Map / Text Change

General Information			
Assessor's Parcel number(s)	Acreage	Assessor's Parcel number(s)	Acreage
Por. of 008-091-05	+/- 86.84 AC		
008-091-02	+/- 0.36 AC		

Applicant Name(s): ☒ Same as Owner ☐ Other (Insert name(s)):

Community: ☐ Dayton ☐ Fernley ☐ Mark Twain ☐ Mason Township ☐ Mason Valley ☐ Mound House
☒ Other County ☒ Silver City ☐ Silver Springs ☐ Smith Valley ☐ Stagecoach

Previous applications filed on this site: _____

Project Name (if applicable): _____

Project Information
<p>Project or Request Description: Comstock Mining is requesting a Master Plan Amendment and Zone Change on a portion of Lyon County APN 008-091-05 and APN 008-091-02. APN 008-091-05 includes 14 legal parcels (3 patented claim parcels and 11 Silver City town lots) which are a portion of this request. The Master Plan Amendment request is to change 42.57 acres within the Silver City town limits from Suburban Residential to Rural Residential and 12.29 acres in unincorporated Lyon County from Resource to Rural Residential. The Zone Change request is to change 42.577 acre within the Silver City town limits from NR-1 zoning to RR-3 zoning and 44.63 acres in unincorporated Lyon County from NR-1 Zoning to RR-3 and RR5 Zoning.</p>

Project Area (square feet or acres): +/- 87.20 AC Number of proposed units: _____ Smallest parcel size: _____

Uses proposed (check all that apply): ☐ Single Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

Project Location
<p>Project Street Address: State Route 341</p> <p>Primary Access: State Route 341 and State Route 342 Section(s)/Township/Range: Sect. 8,9,16,17 T16N R21E</p> <p>Approximately _____ feet <input type="checkbox"/> north <input type="checkbox"/> south of _____ (street name)</p> <p>Approximately _____ feet <input type="checkbox"/> east <input type="checkbox"/> west of _____ (street name)</p> <p>If within a Subdivision, Name: _____ Lot: _____ Block: _____</p>

Project Location (with point of reference to primary access, major cross streets or area locator): A portion of the property is located within the Silver City Town limits adjacent to State Route 342 and a portion is in unincorporated Lyon County adjacent to State Route 341.

Other Information
Current Master Plan designation(s): Suburban Residential, Resource
Proposed Master Plan designation(s): Rural Residential
Current Zoning designation(s): NR1
Proposed Zoning designation(s): RR-3 and RR-5
Floodplain designation (from FIRM maps): Zone AE, Unshaded Zone X
Road/street surface of frontage/access: Paved highway for frontage and dirt road for access to a portion.

Applicant Information		
Applicant/Developer		
Name: Same as Property Owner		
Address:		
City:	State:	Zip:
Phone:	Fax:	
Cell:	Contact:	
Email:		
Property Owner		
Name: Comstock Mining Inc.		
Address: 1120 American Flat Rd.		
City: Virginia City	State: NV	Zip: 89440
Phone: 775-847-5272	Fax: 775-847-7118	
Cell:	Contact: Corrado DeGasperi	
Email: degasperis@comstockmining.com		
Professional Consultant/Representative		
Name: Manhard Consulting Ltd.		
Address: 9850 Double R Blvd., Suite 101		
City: Reno	State: NV	Zip: 89521
Phone: 775-746-3500	Fax: 775-746-3520	
Cell:	Contact: Andrew Motter, P.E.	
Email: amotter@manhard.com		
Other Person(s) to be Contacted		
Name: Comstock Mining Inc.		
Address: 1120 American Flat Rd.		
City: Virginia City	State: NV	Zip: 89440
Phone: 775-847-5272	Fax: 775-847-7118	
Cell:	Contact: Scott Jolcover	
Email: sjolcover@comstockmining.com		

The receipt of an application at the time of submission does not imply the application complies with all requirements of the Lyon County Code or Lyon County Planning Department, or that it is deemed complete and will be processed.

Property Tax Status:

As per Lyon County Code Title 10, Section 10.12.05, a signature is required from the Lyon County Clerk's Office showing the taxes are paid current on the subject property.

I, Nikki Bryan, hereby certify that all required property taxes are paid current on APN(s): 008-091-02, 008-091-05

By:

Deputy Clerk

Date

Applicant's Affidavit (Complete if different from Property Owner):

I, _____, being duly sworn, depose and say that I am the applicant
(Printed name)

of the described project and/or request, and all the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Lyon County Planning Department staff.

Signature of Applicant

Date

Subscribed and sworn to before me this
_____ day of _____

(Notary stamp)

Notary Public in and for said county.

Property Owner's Affidavit:

I, Corrado De Gasperi, being duly sworn, depose and say that I am an owner* in
(Printed name)

fee of the described property involved in this application, that I have knowledge of, and agree to, the filing of this application, and that the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I acknowledge that I am aware of the "right to farm" policy of the county and have been provided with a copy of a statement (attached to this application form) containing substantially the disclosure set forth in Chapter 10.15 of the Lyon County Code. I understand that no assurance or guarantee can be given by members of the Lyon County Planning Department staff.

(*A separate Affidavit must be provided by each property owner)

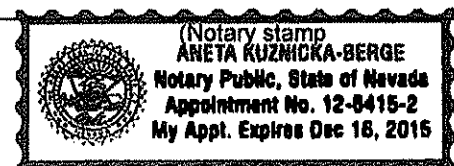
Signature of Property Owner

Date

Subscribed and sworn to before me this
7th day of AUGUST 2013

BY CORRADO DE GASPERIS ***

Notary Public in and for said county.



JA2720

14 CV 00128 - 002615

LYON COUNTY



Land Information Solutions

TRI STATE SURVEYING, LTD.

1925 E. Prater Way, Sparks, Nevada 89434
Telephone (775) 358-9491 ♦ FAX (775) 358-3664
Toll Free: 1-800-411-3752

October 18, 2013
Project No. 10055.01.CC

Parcel Descriptions

All those certain parcel situate within portions of Sections Eight (8), Nine (9), Sixteen (16) and Seventeen (17), Township Sixteen (16) North, Range Twenty-One (21) East, Mount Diablo Meridian, Lyon County, Nevada, being more particularly described as follows:

Parcel 1:

All that portion of Mineral Survey 63, Kossuth Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 63 (Office No. 186), Kossuth Lode (Kossuth Mining Co's.), Devils Gate Mining District, by Don H. Barker, January 1874, lying southerly and outside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876.

Parcel 2:

All that All that portion of Mineral Survey 63, Kossuth Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 63 (Office No. 186), Kossuth Lode (Kossuth Mining Co's.), Devils Gate Mining District, by Don H. Barker, January 1874, lying northerly and inside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, together with all of Lot 275 as shown on said Official Map of the TOWNSITE of SILVER CITY.

Parcel 3:

All that portion of Mineral Survey 56, Alhambra Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 56 (Office No. 183), Alhambra Lode (Alhambra Co's), Devils Gate Mining District, by Hugo Hochholzer, September 1872, lying southerly, westerly and outside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876.

Parcel 4:

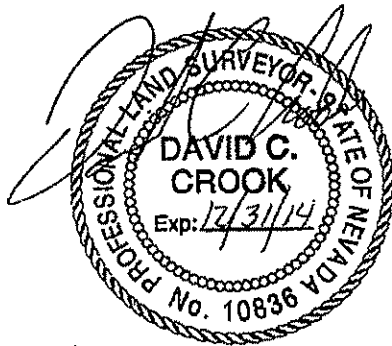
All that portion of Mineral Survey 56, Alhambra Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 56 (Office No. 183), Alhambra Lode (Alhambra Co's), Devils Gate Mining District, by Hugo Hochholzer, September 1872, lying northerly, easterly and inside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, together with all of Lot 274 as shown on said Official Map of the TOWNSITE of SILVER CITY.

Parcel 5:

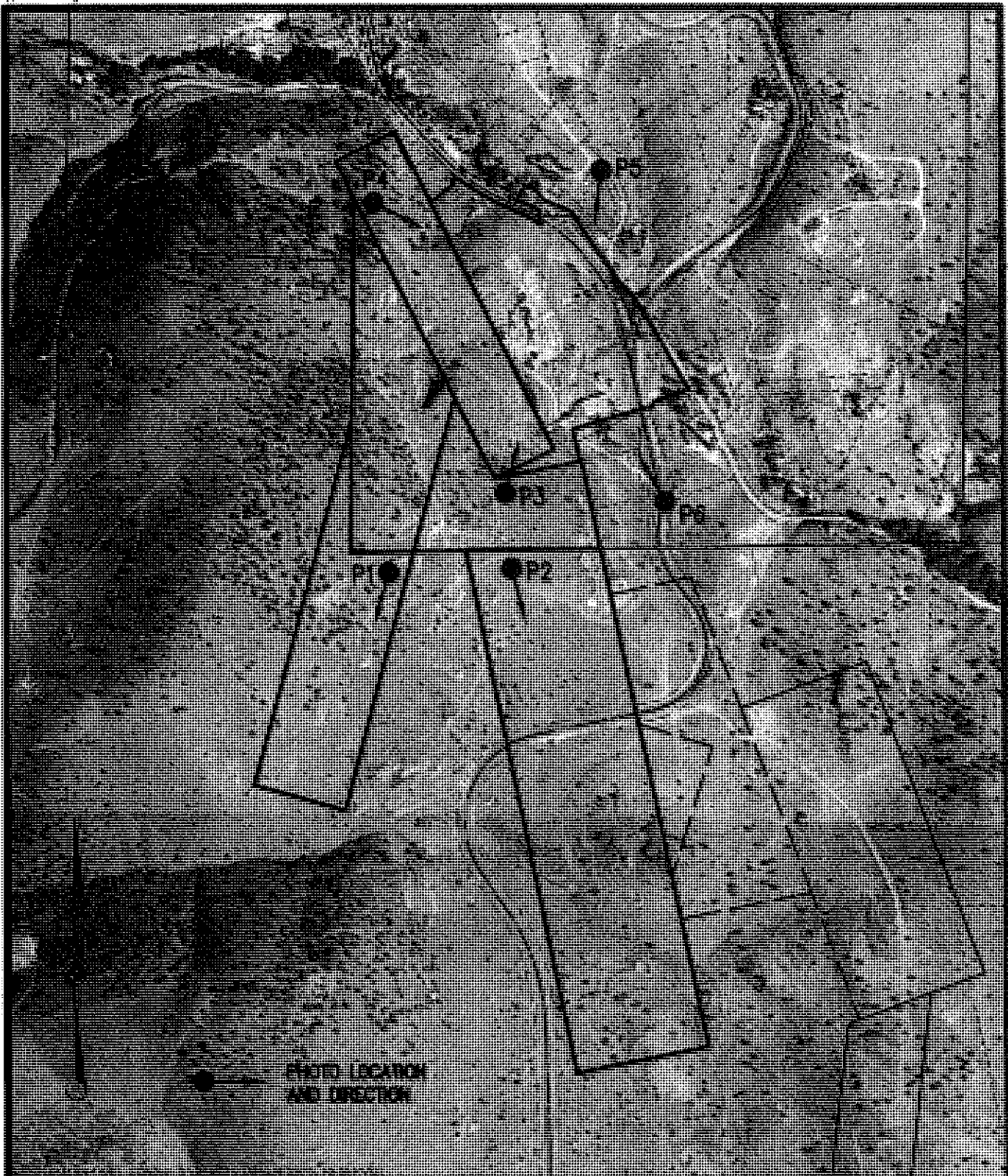
All of Mineral Survey 66, Marble Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 66 (Office No. 189), Marble Lode (Dayton Silver Mining Co's). Devils Gate Mining District, by J. H. Eaton, March 1873, together with that portion of Lot 129 of the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, lying inside of said Marble Lode.

Parcel 6:

All of Lots 101, 102, 103, 133, 276, 277, 278 and 279, said Lots being as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876 and a portion of Lot 104 of said Official Map of the TOWNSITE of SILVER CITY, being shown on Record of Survey Map No. 291213, recorded in the office of the County Recorder of Lyon County on February 21, 2003.



Date 10/18/2013
David C. Crook, P.L.S.
Nevada Certificate No. 10836



Manhard
CONSULTING

MANHARD CONSULTING, INC. 1001 10TH AVE. SUITE 100 DENVER, CO 80202
 Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
PHOTO LOCATIONS

PROJECT NO.: **1001**
 DRAWING NO.: **1001**
 DATE: **11/1/01**
 SCALE: **1"=100'**

SHEET
1 OF **1**
 CMLCH

JA2723

14 CV 00128 - 002618
LYON COUNTY

C:\Program Files\Manhard\Projects\14 CV 00128 - 002618\14 CV 00128 - 002618.dwg Updated by: gmlch



PHOTO P1



PHOTO P2

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING

8850 Double R Blvd. Suite 101, Reno, NV 89521 tel: (775) 748-3900 fax: (775) 748-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 9/9/2013
SCALE:

SHEET
1 OF **1**
CMILCN

Dwg Name: \\mcl_carsoncity\CC_Projects\CMilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amatter 17:30

JA2724

14 CV 00128 - 002619
LYON COUNTY

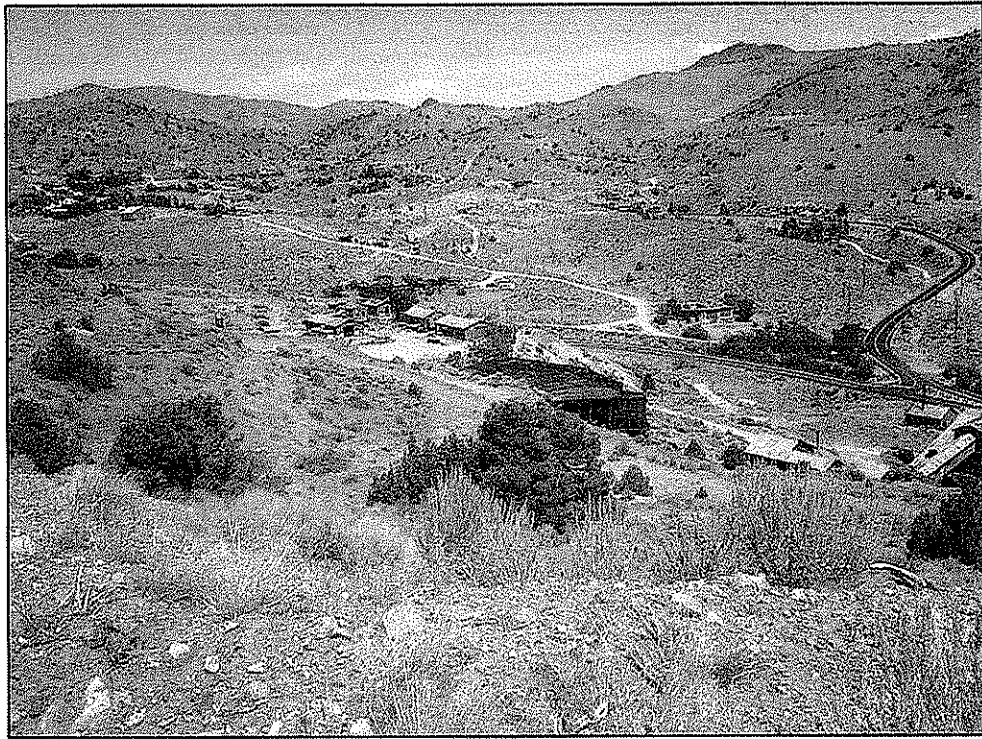


PHOTO P3

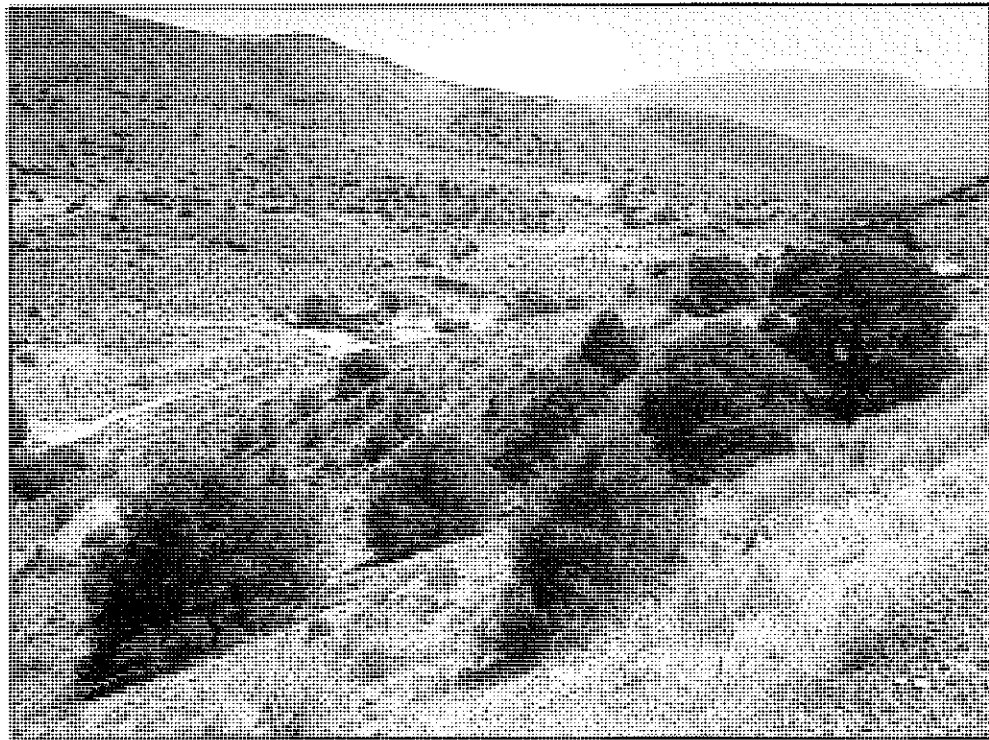


PHOTO P4

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING

8850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 748-3500 fax: (775) 748-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.

SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET
1 OF **1**
CMILCN

Dwg Name: \\mcl_carsoncity\CC_Projects\CMilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter 17:30

JA2725

14 CV 00128 - 002620
LYON COUNTY

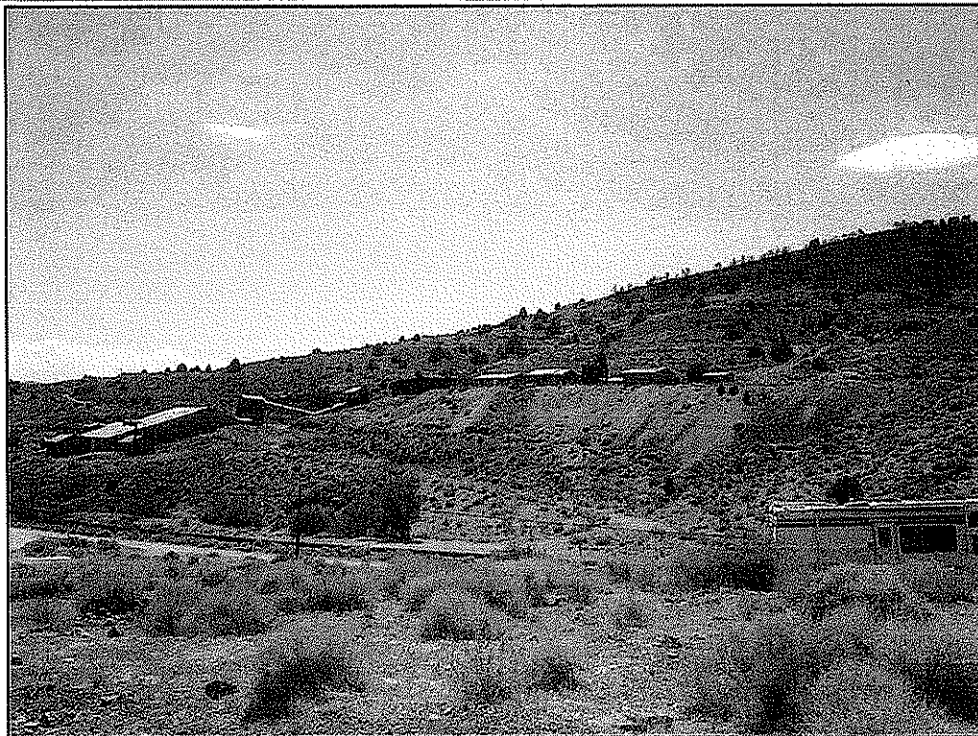


PHOTO P5

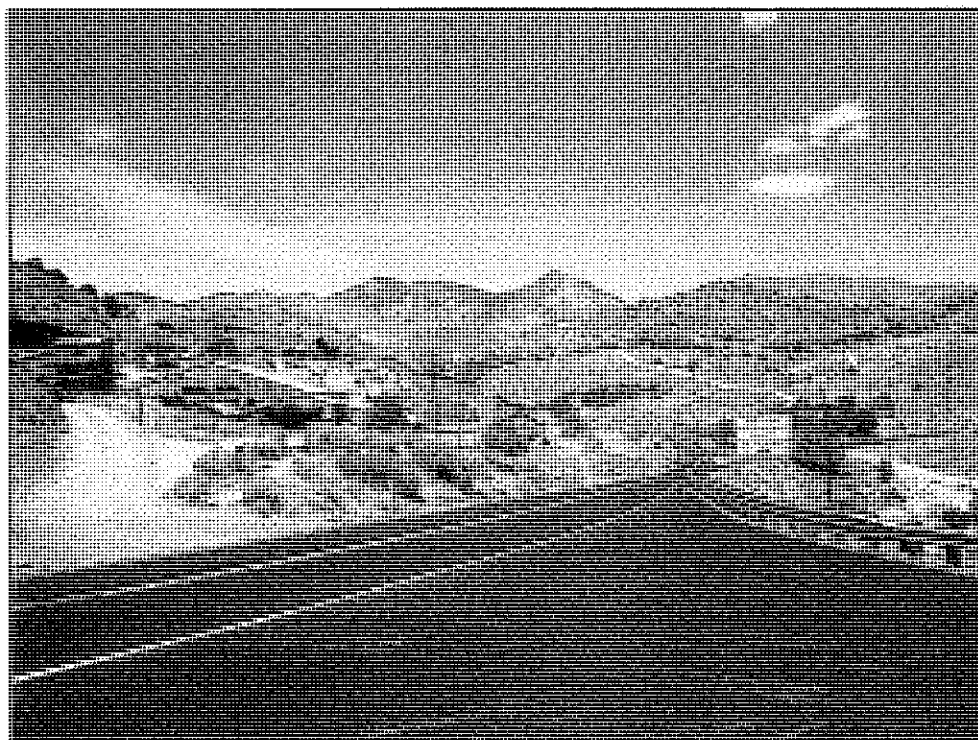


PHOTO P6

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING

8850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 748-3500 fax: (775) 748-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET
1 OF **1**
CMILCN

Dwg Name: \\mcl_carsoncity\CC_Projects\CMilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amatter 17:30

JA2726

14 CV 00128 - 002621
LYON COUNTY

11/1/13

Lyon-county.org Mail - a few more important thoughts



Rob Loveberg <rloveberg@lyon-county.org>

a few more important thoughts

1 message

Corrado DeGasperis <DeGasperis@comstockmining.com>
To: "rloveberg@lyon-county.org" <rloveberg@lyon-county.org>

Fri, Nov 1, 2013 at 6:07 AM

Rob, I was just reflecting on all the dialogue that has gone on since the application was filed and wanted to follow up with a brief discussion, thank you for scheduling the time and I look forward to discussing it today at 8:30 am PST. I appreciate all of the County and staffs support and I wanted to highlight some of the more salient points that would support staff recommending the accepting the changes proposed in our application.

1. Property currently conforms with zoning and MCP changes applied for and reflects an appropriate, zone and MPC consistent with historic mineral and rural residential character currently in place. Critical, is that this MP designation and zoning change would be the right zoning even if no minerals were ever approved for extraction. The topography and current SC character are rural and rural is most protective of any slow growth, sustaining rural community profile.
2. Proposed changes are consistent with historic land use and character. Cultural studies have recently been completed by Kaux, on our properties on the Comstock, for the BLM, confirming mineral uses are consistent with the Historic District uses, both in type and scale. This is key.
3. Enables immediate investments without any disturbances, hugely benefiting the County. These investments include exploration, engineering and development studies for all practical and possible land uses and post uses. No impact on land or community would occur until these assessments were completed.
4. Provides County with deep intelligence regarding all possible uses of our land and the economic benefits.
5. Enables studies that the SC community has long been demanding. This could provide that intelligence and the opportunity for unprecedented, practical and positive opportunity, in collaboration with the community, which the SUP process fully provides for, so real progress, regardless of the conclusion, can occur.
5. Avoids possible denser residential developments, by down zoning, that would most certainly burden the County and seems inconsistent with the COmmunities desired pace of residential development. Without it, the community will likely stagnate and deteriorate, like much of the historic district rather than sustain, with positive rural development.

I have attached some additional thoughts, consistent with our application but extracted and summarized. I look forward to speaking with you this morning.

Kind regards, Corrado

11/1/13

Lyon-county.org Mail - a few more important thoughts



SupportingThoughts.docx

23K

Rob, I was just reflecting on all the dialogue that has gone on since the application was filed and felt compelled to summarize some of the most salient points supporting why staff should recommend the proposed changes.

Throughout the initial stages of the public process, as expected, the public's focus has been mired with speculation, misrepresentations and almost exclusively based on the fear of irresponsible mining operations impact on the subject property. The number of flawed assumptions heard in public hearings frankly overwhelms the dialogue and distracts from the applicants request.

Regardless of the ultimate, actual uses of the applicants current land holdings, the proposed zoning provides a more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure. The modified Zoning and MP would immediately:

- Conform with existing parcels, property lots and boundaries:
- Leverage the existing, diligent county processes for only "appropriate" zone changes and conforming Master Plan Changes that are consistent with (and accelerating of) current master plan implementations.
- Enable significant investments into practical, responsible planning and development, that is, millions of dollars of investment, to determine/validate existence of precious metal reserves and develop responsible mining and restorations plans that could provide significant, sustained economic benefit to the County at large:
- Enable significant assessment and investments into post-mining, practical residential development plans in a manner that does not "burden the county";
- If none of those investments and planning result in approved productive uses, the proposed zoning still results in the best, most practical and productive current and long range land uses and zoning strategy based on topography, actual development potential and proximity to infrastructure.

The intent of this memo is to refocus all parties involved that these application requests, if approved, do not in any way authorize or allow mining activities to occur on the subject property. Rather the application request is based on, and supported by, basic traditional planning principles that are consistent with Lyon County's Master Plan. Please refer to the following excerpts, primarily drawn from the application submittal:

- The application is requesting a "down zone" at both the master plan and zoning levels. These amendments modify the residential development potential of the property from its current allowed density of 655 total dwelling units to a maximum yield of a more rurally representative 10 dwelling units. If approved, these proposed requests change the master plan and zoning designations from "Suburban Residential and NR1" to "Rural Residential, RR3 and RR5."
- The requested reduction in development supports a much more practical (and fiscally feasible), orderly and responsible growth as compared to the current high density NR1 designation. It allows for responsible investment to develop responsible, economically and socially responsible plans for future land uses, including mineral development and/or residential development.
- The current designation of NR1 in no way suggests a demand base zoning strategy nor is it based on any current population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability. This is the desired zoning for the County and the applicant, regardless of ultimately approved land uses.
- A change in the master plan and zoning designations from Suburban Residential and NR1 to Rural Residential, RR3 and RR5 will not only support the productive evaluation of existing mineral potential but will, more importantly, also bring the property into conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure

and services, while helping to further promote the goals, policies, and strategies of the Lyon County Master Plan:

- Suburban Residential master plan designation and NR1 zoning designation are inconsistent with the following goals, policies and strategies of the current Lyon County Master Plan and conversely, these of goals, policies and strategies actually promote the proposed master plan and zone change requests from Suburban Residential and NR1 to Rural Residential, RR5 and RR3.

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU 2.1 *Residential Development in Areas with Services*

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: *Location of New Development*

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

As expressed in the above excerpts, the basis for the application is supported by the basic planning principles of location, topography, density, and the availability of infrastructure and services as they relate to the subject property should be used to determine a property's highest and best use. These principles combined with consistency with the Lyon County Master Plan have us confident that these requested modifications, reducing the overall density, will provide a more appropriate long range plan and orderly growth of the subject property.

We understand and respect the public's position relating to mining on the subject property, but we also are aware that these application requests, if approved, in no way entitle us to engage in any mining activities. Furthermore, we fully understand that the special use permit process, not these applications will ultimately determine if mining is an appropriate use for the subject property. What we fear is that public outcry directed towards a potential future special use permit application request will unfairly influence the master plan and zone change process. We request that basic planning principles, rather than public outcry, are used in determining staff's recommendation regarding these applications.

**Comstock Mining Master Plan Amendment and Zone Change Request
Silver City, Nevada**

Land Use Planning, Zoning, and Environmental Analysis

**Prepared for:
Comstock Residents Association**

**Prepared by:
Ascent Environmental, Inc.
128 Market Street, Suite 3E
PO Box 5022
Stateline, Nevada 89449**

November 4, 2013

Table of Contents

BACKGROUND AND PURPOSE	1
HISTORICAL LAND USE PLANNING AND ZONING IN THE SILVER CITY AREA	1
1971 General Plan	2
1973 Zoning Ordinances.....	3
1986 Plan Amendment and Zone Change proposal	3
1990 Lyon County Master Plan	4
2002 West Central Lyon County Land Use Plan	6
EXISTING PLANNING AND ZONING.....	7
2010 Comprehensive Master Plan.....	7
Land Use Plan	10
Lyon County Zoning Code and Map	12
Draft Land Use and Development Code.....	13
ENVIRONMENTAL CONSIDERATIONS	14
Carson River Mercury Superfund Site	16
Air Quality.....	16
Noise 16	
Water Quality.....	16
Reclamation	17
CONCLUSION.....	17
ENDNOTES	18
EXHIBITS.....	E-1
Exhibit 1 Silver City Zoning Map, 1971	E-1
Exhibit 2 Portion of Carson Plains, Book II map, from 1990 Master Plan.	E-2
Exhibit 3 Land Use Map, 2002 West Central Lyon County Land Use Plan	E-3
Exhibit 4 County-wide Land Use Map - Silver City, 2010 Comprehensive Master Plan	E-4
Exhibit 5 Wind Rose Plot, Station #23185 - Reno/Cannon Airport, Nevada, 1/1/1990 - 12/31/1990, source: Lake Environmental.....	E-5
QUALIFICATIONS OF PREPARERS.....	A-1

Background and Purpose

Comstock Mining, Inc. has submitted a Master Plan Amendment and Zoning Change Application to Lyon County for approximately 87 acres of private land generally located north and west of State Highway 341 within and adjacent to the town site of Silver City, Nevada. The application is being considered by the Lyon County Planning Commission and Board of County Commissioners. The company requests changes to the 2010 Lyon County Comprehensive Master Plan and to the Zoning Maps associated with the Lyon County Code of Ordinances, Title 10 – Land Use Regulations.

According to the application, Comstock Mining is seeking these changes “for the purpose of pursuing continued mineral exploration, development, and the economic mining potential of the subject property”¹ prior to proceeding with actual mining activities. The requested Master Plan and Zoning changes would allow mining as a special use, where it is not now allowed.

The purpose of this analysis is to review and evaluate the changes proposed by Comstock Mining in light of the goals, policies, and intent of the Comprehensive Master Plan and Zoning Ordinances. Because the intent to pursue mining on the lands has been expressly stated by Comstock Mining, this evaluation will also examine whether the intended use of the lands for mining and the associated impacts from that use are generally consistent with the Lyon County Master Plan and Zoning Ordinances.

Historical Land Use Planning and Zoning in the Silver City Area

The use of land in the Silver City area was shaped by the discovery of gold in Dayton, Nevada in 1849, and the subsequent discovery of Silver in Virginia City in 1859. The rush to locate and patent mining claims, then develop underground mines, resulted in a fractured land ownership pattern with a variety of uses intermixed on the landscape. The town of Silver City was surveyed, patented, and developed well before the existence of local, state, or federal zoning, planning, parceling, and environmental regulations. The town’s historical significance can be attributed to these factors, as can the mix of land uses and lot sizes that are uncommon in modern communities.

The Comstock Mining District represents a truly unique piece of the cultural history of Nevada and of the nation. The site of the single most productive mining strike in history, the Comstock brought tens of thousands of people to Nevada, generated enormous wealth, and created the towns of Virginia City, Gold Hill, and Silver City, the second metropolitan center in the Far West at the time. The Virginia and Truckee Railroad (recently restored by Carson City) was constructed to service the mines, and important advances in unionizing and labor standards occurred in the Comstock during the 1860s. The Comstock also generated significant technological achievements in the mining industry that were later incorporated worldwide. Because of the Comstock, Nevada became a territory in 1861 and a state on October 31, 1864.

Recognizing its critical cultural value to the citizens of Nevada and the nation, the United States first designated the Virginia City Historic District (including Silver City which was created as a Town Site in 1873) as a National Historic Monument on July 4, 1961. In 1969, the Nevada Legislature enacted Chapter 384 of the Nevada Revised Statutes to create the Virginia City Historic District, subsequently renamed the Comstock Historic District. Nevada’s Comstock Historic District Act is the only Comstock-specific legislation designed to protect this important and unique site of Nevada and national heritage.

In the Comstock Historic District Act, the Nevada Legislature decreed that it is “the public policy of the State of Nevada to promote the educational, cultural, economic and general welfare and safety of the public through the preservation and protection of the structures, sites and areas of historic interest and scenic beauty” of the Comstock Historic District. Efforts have been made through the decades since the designation to preserve the character of the Silver City community and landscape to reflect the community's roots in the historical mining era.

As modern planning and zoning emerged for the Silver City area, it retained this historical backdrop as its foundation, and overlaid a modern transect of desired development. The Silver City Town Site has been envisioned consistently as having a commercial core with a small industrial zone which includes some historic mills and mines, all surrounded by residential development. Beyond the boundaries of the Town Site, land use has consistently been designated for less dense development and open space. Using different designations with different names, this basic concept has carried through generations of land use plans and continues today.

1971 GENERAL PLAN

Modern planning and zoning really began in the Silver City area with the Lyon County General Plan, which was prepared and adopted in 1971 in response to growing population trends in the County. The plan was comprised of six elements, including a Land Use Plan, a Community Facilities Plan, a Transportation Plan, a Recreation Plan, individual Area Plans (including the Dayton-Silver City Area Plan), and an Implementation Plan. Each of these elements was crafted through an extensive public process.²

Some of the features of these elements that are relevant to the changes that are being proposed today are described below. The 1971 Plan divided uses broadly between “living uses”, containing essentially residential uses, and “non-living” uses, which include commercial, service and industrial uses, stating that “some separation of these two basic functions is desirable for community balance and living conditions”². Silver City was identified as an “urbanizing area” surrounded by rural residential lands and open space. Open Space was described as “one of the most important” uses of land in Lyon County, and included the high mountain and difficult terrain west of SR 341 and 342 outside the Silver City town site.²

Mining was recognized as an important land use in the 1971 Plan, consistent with the concept of separation of “living” and “non-living” areas. For these reasons, county permits for mining were only issued as a special use to allow the Planning Commission and Board of County Commissioners to maintain this desired separation.

The Recreation Plan element of the 1971 Plan further embraced the concept of open space as critical to preserving recreation resources and adding to the quality of life in county residents. The recreation program was seen as focusing on the preservation of open space including areas of historic or cultural significance, and the Plan stated that “development that would change the natural features or reduce the primary importance of the area”² should be prohibited.

The Dayton-Silver City Area Plan was one of five areas in Lyon County requiring special planning approaches in the 1971 Plan. It identified Silver City as a significant recreational, historical and cultural attraction, stating that the “historic core areas of Dayton and Silver City should be preserved”.² Silver City was identified as an urbanizing area that would include light commercial and residential uses, the surrounding steep mountainous areas were designated for open space, and the more gentle terrain was designated for low density residential use.

1973 ZONING ORDINANCES

Implementation of the Lyon County General Plan of 1971 resulted in the adoption of zoning maps and ordinances in 1973 reflecting the goals, policies and land use decisions of the General Plan. Exhibit 1, Silver City Zoning Map³, shows the following zoning designations for the Silver City area.⁴

- ▲ **RR-1 – First Rural Residential.** One-acre minimum lot size. Permitted uses are single family dwellings, agricultural uses, recreational and educational uses and certain commercial, public and industrial activities subject to issuance of a Special Use Permit. This zoning designation remains largely unchanged since 1973 in a small portion in the northeast of the Silver City town site.
- ▲ **RR-5 – Fifth Rural Residential.** Twenty-acre minimum lot size. Permitted uses are single-family dwellings, agricultural uses, recreational and educational uses, and mining activities subject to issuance of a Special Use Permit. Lands with this zoning designation are outside the boundary of the Silver City Town Site, reflecting a less dense, more rural character, and were consistent with the Open Space designation of the 1971 General Plan.
- ▲ **NR-1 – Single Family Non-rural Residential.** 7,000 square feet minimum lot size. Single family residences and some related activities are permitted. This zoning designation made up the vast majority of the Silver City Town Site in 1973, as it does today, with minor modifications. This is a reflection of the “urbanizing area” designation of the 1971 General Plan.
- ▲ **C-2 – General Commercial.** Retail and wholesale business activities are permitted except for obnoxious activities such as junkyards and salvage operations. This zoning designation has been in place along both sides of Main Street (SR 342) through the Silver City town site since at least 1973 and remains to this day. This designation is consistent with the definition of an urbanizing area.
- ▲ **M-1 – General Industrial.** Most industrial land uses are permitted. Obnoxious or dangerous uses such as chemical manufacturing or processing, sand and gravel extraction and mining require issuance of a special use permit. This industrial zone has been in place since 1973 and remains along both sides of the SR 342 corridor south of downtown Silver City and the intersection of American Flat Road.

At some point after this zoning map was produced, the zoning of two parcels that extended beyond the boundaries of the Silver City Town Site into the open space lands surrounding the Town Site, were changed from RR-5 to NR-1 as depicted on the Comstock Mining application and on the current Lyon County GIS data base. Comstock Mining states that this zoning was “adopted in the mid-1970s”⁵ The two parcels are the large Kossuth Lode and Alhambra Lode patented claims that extend outside the Town Site and are labeled Parcels 1 and 3 in the Comstock Mining change application.

1986 PLAN AMENDMENT AND ZONE CHANGE PROPOSAL

In 1986, Nevex Gold Company submitted an application for a master-plan amendment, zoning change request, and a special use permit for an open pit mine, spoil piles, and haul roads on 20 acres of land that are a portion of the same lands that are being proposed today by Comstock Mining for Master Plan Amendment and Zoning Change. As with Nevex, Comstock Mining intends to mine these lands, but unlike Nevex, Comstock Mining has chosen to sequence their approvals by waiting to submit a Special Use Permit application for the open pit mine until after a decision is made by Lyon County on their request for changes to the Master Plan and Zoning Maps.

In 1986, the Lyon County Planning Commission denied the planning and zoning changes and the Special Use Permit, and the Lyon County Board of Commissioners upheld that decision on appeal.

The same rationale for change offered by Nevex in 1986 is being offered by Comstock Mining today.⁶ After a lengthy hearing in which arguments were made by the mining company and opponents, much of it citing the goals, policies, and intent of the 1971 General Plan and the 1973 Zoning Ordinances, the Lyon County Board of Commissioners voted 4 to 1 to uphold the Planning Commission's denial of the master plan and zoning changes, and to deny the Special Use Permit. The following motion was made by Commissioner Cummings and includes the findings made by the Board that were the basis for the Board's denial:⁶

I hereby move to deny the request for rezoning by Nevex Gold, inc., based upon the following findings of fact which I find to be supported by substantial evidence in the record as follows:

- 1) After a four hour presentation on June 17 [1986], the Planning Commission, by vote of five to two, recommended denial of the Nevex rezoning request considered today.
- 2) In reference to requirements for zoning established by NRS Section 278 and 250, we find (A) that the Nevex rezoning request does not comply with the Lyon County Master Plan. (B) The proposed rezoning does not promote the conservation of open space or protect the natural and scenic resources from unreasonable impairment. (C) The proposed rezoning would have both a long-term adverse financial impact to Silver City and the Comstock National Historic Landmark. (D) The proposed rezoning does not promote the health and general welfare of the Silver City area. (E) The proposed rezoning is not compatible with the Silver City area and does not encourage the most appropriate use of land in the Silver City Townsite.
- 3) There is no land in the Silver City Town site zoned RR-5, and the present zoning is predominantly residential in nature.
- 4) The proposed rezoning would significantly harm the integrity of the Comstock Historic District and the National Landmark District.
- 5) The proposed rezoning violates the following expressed goals: (A) to manage national resources in a beneficial way. (B) To improve neighborhood stability and increase property values by preventing incompatible and disruptive land uses.

This action by Lyon County is significant to the current proposal by Comstock Mining, because the County has already addressed this issue and as described previously and below, the goals, policies and intent of the Lyon County Master Plan, have remained in place or even strengthened on these lands in the intervening 27 years.

1990 LYON COUNTY MASTER PLAN

Lyon County developed a new Master Plan that was approved by the Board of County Commissioners in February 1990 and published in July 1990. Lyon County approved two goals for Silver City in the 1990 Master Plan:

Goal #1 – To maintain, promote, and secure the historic character of the community and to prevent the destruction or degradation of the historic character. **Objective:** Lyon County should support the Comstock Historic District Commission in its legislative mission.

Goal #2 – Lyon County should review all new development proposals with the intent to protect the riparian ecology associated with Gold Canyon and American Ravine, with the intent of protecting water quality, minimizing flooding, erosion and sedimentation, and preserving natural drainage, habitat, and aesthetic functions.⁷

Under Community Design, the 1990 Plan referenced the long history of Silver City and stated:

Silver City is totally contained within the Comstock Historic District, and has an active advisory board. The mining history of the area and the structures from that era are an understandable source of pride. A key concern of the residents is preserving the existing historic character of the area.⁸

Under Land Use, the 1990 Plan again focused briefly on Silver City, expressing a vision of the present and the future of the community:

State Route 341 (becoming 342 at the truck route south of town) carried tourist traffic to and from Virginia City through the original commercial district of Silver City. Silver City is located entirely within the Comstock Historic District and is the scenic route through the District. Some of the original commercial buildings are still standing, portraying an historic atmosphere that tourists enjoy.

The prominent elements of this mountainside mining town are the headworks of the Dayton Shaft, west of the highway, and at the site of the Donovan Mill, at the south end of the town. The process buildings, vats and machinery of the Dayton Mill have been standing pretty much as they were since the closure of the mill in 1957; however, the mill is still considered to be a viable industrial property and future operations may occur.

East of the highway and the commercial district are a few older residences that are occupied in a random fashion. There are some new homes mixed with many older homes. An active effort to restore the old Cemetery is being undertaken by many volunteer citizens. The old school facility is being used as a community hall. Many of the parcels in Silver City do not have residential or commercial units on them.⁹

Accompanying the Master Plan were seven land use maps, including one labeled "Carson Plains, Book II" in which Silver City was mapped (see Exhibit 2). As with previous land use designations, Silver City was designated primarily as Medium Density Residential, with the exception of the Commercial Land Use strip along Main Street that remained from the 1971 General Plan. Medium Density Residential was defined as:

Lot and parcel sizes would include the basic "estate zone districts" from 12,000 square feet to ½ acre. Population projections in this land use will consider an average of three (3) family units per acre.¹⁰

Lands outside the Silver City Town Site were designated Open Space (see Fig. 2), defined as follows for private lands:

Any private lands within this designation should be entitled to a single family unit for each existing parcel. All other land use activities should be covered in the current code (as they may apply).¹¹

The 1990 plan was completed and implemented just before the residential boom that began in the 1990s along the US 50 corridor east of Carson City in Lyon County.

2002 WEST CENTRAL LYON COUNTY LAND USE PLAN

As increased growth and development pressures began to occur in the 1990s along the US 50 corridor in Lyon County east of Carson City, the Board of County Commissioners saw the need to update the Master Plan for this area. A public process began in January 2000, culminating with the West Central Lyon County Land Use Plan and map that were approved by the Board of Commissioners in November 2002.¹² This plan looked closely at the Mound House area, the Dayton Valley Area, and Silver City, acknowledging the unique land characteristics and development issues those communities were facing.

The plan concludes that Silver City has the potential for continued limited growth with only half of the potential home sites developed. The plan for slow growth of the community was acknowledged, as was the historic nature of the town's architecture and the context of the community within the Comstock Historic District and the Virginia City National Historic Landmark. In the plan, Lyon County stated that Silver City did not have the kind of development potential they saw in Dayton Valley, but instead hoped for gradual residential and commercial growth of Silver City while maintaining the community's historical integrity.¹³

Lyon County adopted 10 Goals for Silver City that articulated future direction and continuation of earlier policies set out in previous master plans as follows:¹⁴

- 1) To recognize, enhance, and protect the unique character of Silver City. *Among the actions set forth to implement this Goal was "to maintain that scale and primary residential character by retaining the existing Master Plan designation and zoning categories".*
- 2) To preserve the scale of the community by architectural review that is sensitive to how new structures fit into the existing fabric. *Among the actions set forth to implement this Goal was "to preserve the existing pedestrian character by maintaining alleys, soft paving approaches, and relatively narrow streets."*
- 3) To promote the revitalization of the commercial corridor by promoting reinvestment.
- 4) To preserve and strengthen the existing infrastructure, i.e., water, roadways, drainage, and public facilities. *Among the actions set forth to implement this Goal was "Lyon County shall provide an infrastructure inventory and deficiency evaluation and report. Lyon County shall provide a long term if modest capital improvement commitment (i.e., 20 years) that methodically addresses these deficiencies." Also included was an action "to implement and actively oversee the 'dark sky' ordinance."*
- 5) To focus on encouraging tourist-oriented historic activities that do not degrade the quality of life keying Silver City's uniqueness. *Among the actions set forth to implement this Goal was "to actively support the efforts of residents to preserve and improve their property."*
- 6) To recognize and support improvements to and maintenance of historic transportation routes, railroad connections, and other public facilities that link Silver City to its surroundings.
- 7) To promote the preservation of existing public facilities.
- 8) To limit earth disturbance or above-ground mining activities that create visual scarring or that disrupt the fabric of the community. *The only action set forth to implement this Goal was "Lyon County shall establish a land use policy that*

minimizes the impact of mining and other significant earth-disturbing activities that degrade quality of life."

9) To encourage continued citizen participation in the planning process.

10) To maintain the primary focus of the community as residential. *The only action set forth to implement this Goal was "to urge the Board of County Commissioners to carefully consider all zone changes or Master Plan amendments that would substantially alter the character and identity of Silver City."*

Taken together, these 10 Goals clarified Lyon County's vision for the future of Silver City. The Land Use Plan further addressed the land use designations and zoning for Silver City as follows:

Currently there are three General Land Use categories that guide future infill development of Silver City. The predominant land use is residential and the land use category affects about 80 percent of the total land. The zoning classifications of NR-1 and RR-1 have been assigned to the properties and this is a typical low traditional density residential community. The second classification is General Commercial of C-2 that forms a one-block deep corridor on either side of Highway 342 through the center of town. The third is an M-1, industrial land use classification that occupies a southern central position around historically valuable mine and mill properties.¹²

The area surrounding the Silver City Town Site continued to be designated Open Space (Public and Private) in the Land Use Plan and no change in zoning was recommended. Exhibit 3 depicts the map that accompanied the 2002 West Central Lyon County Land Use Plan, reflecting the land use designations for Silver City and the surrounding lands as Lyon County entered the third millennium.¹²

Existing Planning and Zoning

With this backdrop of historical planning and zoning, it should be mentioned that while land uses and zoning remained consistent for Silver City, much of the rest of Lyon County was rapidly undergoing urbanization, population growth, and agricultural land conversion. These later changes, and the wide diversity of land use issues throughout the county, led to the decision by the Lyon County Board of Commissioners to develop a new county-wide Comprehensive Land Use Plan, and a new Land Use and Development Code to implement that plan.

2010 COMPREHENSIVE MASTER PLAN

After an extensive public outreach effort that lasted approximately four years, the Board of County Commissioners approved the new Comprehensive Master Plan on December 23, 2010. It addresses the diversity of communities within Lyon County and the diversity of issues faced by those communities. It is intended to benefit "county residents and landowners by ensuring that land use decisions are rational, democratic, and predictable". [Page 1.7 - *The bracketed page numbers that follow reference the specific pages cited in the 2010 Comprehensive Master Plan.*]¹⁵ The Master Plan is intended to guide the County in making decisions about future development, and to help residents "understand the County's position on proposed changes in land use, zoning, development regulations, and broader policy issues." [pg. 1.7]

The Master Plan is a general policy document, serving as a guide for the future development of property. Zoning maps and regulations, however, provide specific requirements for the development of a property, and have the force of regulation. "When changing the zoning of a particular property, it

must be consistent with the Master Plan Land Use Map. That is to say, the Land Use Map contained in this Master Plan should guide future re-zoning decisions." [pg. 1.9]

Lyon County has adopted a "vision that is founded on the premise that the health of the County and the quality of life of its residents depend on the balancing of multiple factors, including environmental, economic and community/social considerations. These components are interrelated and essential to the continued health and sustainability of the community." [pg. 2.2] This commitment to achieving all three components of the County's wealth – environmental, economic, and social – is confirmed throughout the Master Plan, and recognizes that all three can be attained without sacrificing any one of them.

Based on the vision, the County has set specific goals and policies within the following eight Guiding Principles:

- ▲ Land Use, Economy and Growth (LU)
- ▲ Transportation (TR)
- ▲ Community Character and Design (CC)
- ▲ Natural Resources and Environment (NR)
- ▲ Parks, Recreation and Open Space (PR)
- ▲ Public Facilities/Services (FS)
- ▲ Regional Coordination (RC)
- ▲ Communities and Planning (CP)

The Master Plan contains policies and goals that are County-wide in nature as well as specific to its eight diverse communities, including Silver City. The following excerpts from the Master Plan are relevant to the proposed Master Plan Amendment and Zoning Change application submitted by Comstock Mining and currently being considered by the Lyon County Planning Commission and Board of Commissioners. In its application, Comstock Mining has made proposed findings to support its requested changes, based on its burden of proof that the changes to both the Master Plan and the current Zoning Maps are needed.

Policy LU 1.1: Follow development patterns as established on Countywide Land Use Plan or a more specific Community Plan. [pg. 3.4]

The Community Plan envisioned for Silver City has not yet been initiated by Lyon County. Until a Community Plan is adopted, the Countywide Land Use Plan will be the guide. [pg. 3.18]

Policy LU 1.4: Locate industrial development as designated on County-wide Land Use Plan or determined by criteria. Industrial uses, including extractive industries, will occur in areas that are designated on the County-wide Land Use Plan. New industrial uses should only be located in areas that do not adversely impact existing residential settlements. [pg. 3.5]

The Strategies for implementing this policy include developing a set of siting criteria and performance standards, but these have not yet been developed.

Policy CC 1.3: Design Tailored to Communities. New development in Lyon County should address and respect the unique character of communities within the county. Strategies: develop Community Plans to identify typical or desirable design elements that maintain or promote the community's desired image. Adopt County-wide standards that allow the flexibility to address specific design needs for individual communities in Lyon County. [pg.5.3]

In Silver City, this means maintaining the historic character of development in the Town Site, continuing the architectural standards within the Comstock Historic District, retaining or restoring existing historic structures, and limiting new development to those proposals that fit with the historic image of Silver City.

Goal CC-3: Heritage (under Community Character and Design, Chapter 5). Historic places, structures, and landmarks in the county will be preserved and will provide an opportunity for residents and visitors to learn about and celebrate our heritage.

Policy CC-3.1: Maintain and restore historic resources. Lyon County will encourage and support efforts to preserve and restore registered historic structures, and landmarks, and districts. Strategies: Revise zoning to encourage historic use and development patterns including mixed-use structures and districts. **Within historic districts, promote historic design elements, features, and context, and prohibit building design that compromises the integrity of the historic community character. Within historic districts, limit new land uses that would pose a risk to historic structures or the historic character of the district. Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.** [pg. 5.4 (emphasis added)]

This policy speaks directly to the Comstock Historic District and the Virginia City National Historic Landmark that encompass Silver City and the surrounding area, and addresses the overall context of the historic district, not just lands within the district itself.

Goal NR 9: Mining and Resource Extraction (under Natural Resources and Environment, Chapter 6). Lyon County will promote the continued development of mineral and aggregate resources **while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.** **Policy NR-9.3:** Mitigate Operations. To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, etc. [pgs. 6.8-6.9 (emphasis added)]

The application for Master Plan Amendment and Zoning Map changes from Comstock Mining states the changes are "for the purpose of pursuing mineral exploration, development and the economic mining potential of the subject property."¹⁶ While limited mineral exploration can be conducted on the property now, it is understood that actual mining could only occur after the Master Plan is amended, the current Zoning is changed, and, if these were to be successful, a Special Use Permit would have to be applied for and issued to the applicant.

Lyon County's Policy (NR-9.1) is to guide new residential, commercial, and industrial development away from existing mining activity. [pg. 6.8] However, the reciprocal policy is inherent in Goal NR-9 and Policy NR-9.3 (quoted above) in that it requires avoidance or mitigation of adverse operational impacts of mining activities on existing residential, commercial and industrial activities as well as on

the visual character of the area. Silver City is an existing community with residential, commercial and industrial areas that would be adversely affected by the mining activities envisioned by Comstock Mining similar to the impacts anticipated for the proposed Nevex mine in 1986.¹⁷

Goal CP-1: Support Diversity. Lyon County will celebrate and support the diversity of character among communities in the county. **Policy CP-1.1: Recognize Diversity of Communities.** Lyon County planning efforts and regulations will consider the unique aspects of communities in the county, and will allow for variation and exceptions to address key aspects of their diversity. **Goal CP-3: Community Plans.** Lyon County will support community-based planning efforts that elaborate community-specific goals that are developed with strong public consensus. [pgs. 10.2-10.3]

The communities within the Comstock Historic District, including Silver City, are the oldest in Lyon County, representing a unique aspect of historic development within the County. Embracing the historic character of Silver City and supporting planning actions and designations that are consistent with Silver City's heritage is consistent with the intent of this Goal. It is anticipated that the Community Plan process will begin soon for Silver City, which is identified as one of eight existing, established communities in Lyon County for which a Community Plan is required under the Comprehensive Master Plan. Because the Community Plan is intended to tier off the Comprehensive Master Plan, maintaining the Master Plan decisions for Silver City is critical to the continuity and consistency of this process.¹⁸

LAND USE PLAN

The 2010 Comprehensive Master Plan contains a Land Use Plan that includes County-wide Land Use Plan Maps to guide land uses throughout Lyon County. It also includes a Character District Map to guide the kinds of development appropriate for each of the eight communities that have been identified for Community Plans. The Land Use Plan portion of the Comprehensive Master Plan states that:

The County's geographic planning areas have been assembled into several "communities" that reflect, for each, a sense of place, identity and character. The successful implementation of this Comprehensive Plan will require that these differences be respected and integrated into each of the community plans envisioned by this Plan. [pg. 3.11]

As with prior land use plans in Lyon County, this Land Use Plan embraces the historic nature and slow pace of development in Silver City, acknowledging that:

Over the past 30 years residential infill and limited commercial endeavors have occurred on existing historic properties in Silver City. The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims.

Silver City has a strong sense of identity and prides itself on its cohesive small town atmosphere. The community treasures its historic buildings and landscape features, as evidenced by the preservation and rehabilitation of many original structures. New construction is regulated for exterior architectural features by the Comstock Historic District Commission. [pg. 3.13]

The Character Districts established in the Land Use Plan reflect this by designating the entire area within the Silver City Community Boundary, including the Town Site, as a Historic District, defined as follows:

Historic Districts include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Tools might include mixed-use, design guidelines and conservation easements.. [pg.3.16]

The lands within the Community Boundary for Silver City are all designated as an Historic Character District. These lands will also be the subject of a Community Plan for Silver City, containing the Silver City Town Site, plus some additional surrounding lands (see Exhibit 4, County-wide Land Use Map - Silver City). The lands owned by Comstock Mining that are proposed for a Master Plan Amendment and Zoning Map Change are all included within the Community Boundary. Therefore, all of the Comstock Mining lands included in its application are within the Historic Character District.¹⁹

In addition to the Character Districts, the Land Use Plan Map for Silver City establishes Land Use Categories. In keeping with the historical pattern of planning and zoning for Silver City, the lands proposed for Master Plan Amendment and Zoning Map Change are generally divided between a Suburban Residential designation within the Town Site boundary, and a Resource designation outside that boundary (see Fig. 4).

The Suburban Residential designation under the Land Use Plan can include Medium Density Residential, High Density Residential, or Residential Mixed-Use in a Community Plan. Prior to completion of the Community Plan, only the County-wide Land Use Plan designation applies (Suburban Residential). However, the previous Land Use Plan (West Central Lyon County Final Land Use Plan, 2002) designated the lands within the Silver City Town Site owned by Comstock Mining as Medium Density Residential (a category that does not exist in the County-wide Land Use Plan, only in Community Plans). Until the Community Plan is completed, it is reasonable to assume that a similar designation is intended for these lands. This is defined by the Land Use Plan (for Community Plans) as follows:²⁰

Medium-density residential neighborhoods should contain a mix of housing types in a neighborhood setting. Each neighborhood should have a recognizable center. Centers will vary in size and composition, but may include a combination of higher-density residential uses, parks and/or recreation facilities, or civic uses.

Neighborhoods should contain connective open spaces that unify the development and provide transitions between other areas and uses.

Under the Land Use Plan, these lands would typically be comprised of residential zoning where mining would not be allowed. Comstock Mining proposes to change this Suburban Residential designation within the Silver City Town Site to Rural Residential which typically includes zoning such as RR-3 and RR-5 where mining could be allowed under a Special Use Permit. Rural Residential planning and zoning (except RR-1) have never been included within the Silver City Town Site. During preparation of the Comprehensive Master Plan, Comstock Mining, then a lease holder of the lands, unsuccessfully argued that these lands within the Town Site be designated as Resource.²¹

The Resource designation under the Land Use Plan applies to those Comstock Mining lands outside the Silver City Town Site boundary. This designation includes:

Private properties located within Bureau of Land Management (BLM) and Forest Service lands as in-holdings or in very rural and/or remote areas of the County away from developed lands or existing utilities and roads that are currently vacant or primarily vacant.....While properties are entitled to general rural residential

development based upon current zoning, maintaining these properties as open lands where possible is desirable. [pg. 3.29]

Under the Land Use Plan, mining may be permitted as a Special Use on Resource lands. Comstock Mining is proposing to retain this Resource designation on Parcel 1 of its application, which extends outside of the Silver City Town Site boundary. However, Comstock Mining proposes to change the Land Use Plan designation from Resource to Rural Residential on its Parcel 3, which is the other parcel that extends outside the Silver City Town Site boundary, a designation that, combined with an RR-3 proposed zoning change, would still allow mining as a Special Use. It should be noted that when Comstock Mining requested changes to the Comprehensive Master Plan during its preparation in 2010, they stated that "the Company respectfully agrees with the designation" of Resource for those lands south of the Silver City town line, including Parcel 3.²¹

The Land Use Plan allows a number of options for development that would maintain the rural character of Lyon County, while allowing landowners to obtain equity for their lands. One of those options is called "Clustering" in the Land Use Plan. Clustering of development on lands within the Silver City Town Site could direct new residential development to more appropriate building sites, allowing steep slopes to be protected.²² Clustering would allow multiple lots owned by Comstock Mining or any other owner within the Community Boundary of Silver City, for example, to be clustered onto less steep lands close to the neighborhood center that would be appropriate for residential building sites. Clustering residential development, which could be incentivized by Lyon County as envisioned in the Land Use Plan, would allow Comstock Mining to maximize flexibility for future residential development if plans for mining the land are not successful. The proposed zoning change, a "down zoning," however, would reduce the development potential and, therefore, the value of the land for residential development in the future.

LYON COUNTY ZONING CODE AND MAP

The current zoning map for the area being proposed for change by Comstock Mining is portrayed in its application as Sheet 4 of 7.²³ The subject area currently includes three relevant zoning designations that are described under the current zoning ordinances of Lyon County, excerpts of which are as follows: ²⁴

NR-1 Single-Family Nonrural Residential District. Required lot area is a minimum of 6,000 square feet with no more than one single-family dwelling on any lot or parcel. Permitted uses are single family dwellings and associated uses. Special uses that may be permitted include child care facilities, churches, group care facilities, parks, public utility serving centers, recreational areas, residential industry and schools. On lots that are over 20,000 square feet, Special Uses that may be permitted include private golf, swimming, tennis and similar clubs, sanitariums, and other like uses. Mining would not be allowed.

RR-5 Fifth Rural Residential District. Required lot area is a nominal 20 acres minimum, with no more than one dwelling allowed for each 20 acres in lot size, with structures at least 50 feet apart. Permitted uses on lots with the required area and width include barnyard animals, buildings, coops and pens or other such structures including corrals for horses; buildings for sale and display of products grown or raised on premises; home occupations; single-family dwellings of a permanent nature including accessory buildings, and hunting and fishing lodges, wildlife refuges and game farms.

Special Uses that may be permitted include airports; kennels; cemeteries; churches; dude or guest ranches; racetracks and commercial stables; recreational and

educational uses and buildings; residential industries; rest homes; tennis, golf civic or country clubs, utility and public uses and serving centers; mining, including extraction and/or processing of rock, sand, gravel, asphalt and like earth products including topsoil stripping; rifle and archery ranges; trapshoots; campgrounds; commercial farrowing pens and feedlots; commercial wind energy conversion systems; and on agricultural lands, buildings for use as farm labor housing.

M-1 General Industrial District. Required lot area is 7,000 square feet minimum. A wide range of general commercial and industrial uses are allowed in this zoning district. Mining and milling are allowed by Special Use Permit.

All of the lands owned by Comstock Mining within the project boundary described in its revised Master Plan Amendment and Zoning Map Change application are currently zoned NR-1 with the exception of lands in portions of lots 105 and 106 in the north corner of Parcel 5 of the application, which are zoned M-1. [Note: Inclusion of the M-1 lands may simply be a mapping error in the application since the Parcel 5 description included in the application does not correspond to the map, and Comstock Mining previously tried to avoid split-zoning of lots in its revised Reversion to Acreage application for Parcel 6 that was approved by Lyon County on October 8, 2013.] Lands surrounding the project boundary outside the Silver City Town Site are currently zoned RR-5. As stated by Comstock Mining in its application, these zoning maps and designations have been in place with minor language amendments since "the mid-1970s"⁵

Comstock Mining is requesting that its Parcel 1, currently zoned NR-1 and extending outside the Silver City Town Site be changed to RR-5, a designation that would allow mining as a Special Use. This would be consistent with the RR-5 zoning on surrounding lands outside the Town Site. Comstock Mining is requesting a change in zoning for Parcels 2 – 6 from NR-1 to RR-3. This zoning designation is excerpted from the Lyon County Code as follows: ²⁴

RR-3 Third Rural Residential District (5 acres). Required lot size is a nominal five acre minimum, with no more than one dwelling allowed for each 5 acres in lot size, with structures at least 50 feet apart. Allowed uses are the same as described for RR-5 above. Special Uses are the same as RR-5, except that commercial wind conversion systems and farm labor housing would not be allowed on RR-3. Mining would be allowed as a Special Use.

There has never been RR-3 or higher zoning within the Silver City Town Site, which includes Parcels 2, 4, 5 and 6. Parcel 3 is outside but adjacent to the Town Site boundary and is surrounded by RR-5 zoning on lands outside the Town Site.

An overlay to the zoning on all these lands comes from the Land Use Regulations of Title 10, Lyon County Code, which imposes specific requirements for Special Use Permits within the Comstock Historic District. These are included in Chapter 10 of Title 10, "Mining in the Comstock Historical District." Additional development restrictions would also be imposed on those Comstock Mining lands that cross the public rights-of-way of State Routes 341 and 342 in Parcels 1 and 6.

DRAFT LAND USE AND DEVELOPMENT CODE

Implementation of the 2010 Comprehensive Master Plan requires revision of Lyon County's development regulations and standards to achieve the goals and policies of the Plan. The County is in the process of updating the Land Use and Development Code, including zoning ordinances and maps. These will become Title 15 of the Lyon County Code, updating and replacing the existing zoning. These changes are currently in draft form, and are an implementation priority for the County, along with development of the Community Plans.²⁵

The Land Use and Development Code is comprised of four parts: Part 1 is Administration; Part 2 is Development Regulations, currently focusing only on developing flood-prone lands; Part 3 is Zoning Regulations; and Part 4 is Land Division Regulations. These ordinances are not yet approved, but are available on the Lyon County web site. This discussion will focus only on the draft Zoning Regulations.²⁶

The Zoning Regulations implement the new Comprehensive Master Plan, and upon approval, will be determined by the Board of County Commissioners to be consistent with the Master Plan. As such, the proposed zoning corresponds to the Land Use Plan decisions for both Character Districts and Land Use Categories. No zoning maps are yet available, but it is assumed that the zoning maps will correspond with the Land Use Plan maps in the Master Plan, and as implemented in future Community Plan maps.

All lands currently under consideration for Master Plan Amendment and Zoning Change are within the designated Historic Character District. In terms of Land Use Categories, they are generally divided between a Suburban Residential designation within the Town Site boundary, and a Resource designation outside that boundary (see Fig. 4). There are a number of new Zoning Districts identified in the draft Zoning Regulations, generally fine-tuning the existing zoning to better implement the Land Use Plan, including mixed use centers, tourist commercial, and additional lot size categories for suburban and rural residential uses. Special Use Permits have been replaced by Conditional Use Permits where allowed.

As shown in Table 15.300-3 of the Draft Zoning Regulations for allowed uses in Historic Character Districts, there are four possible residential district designations in the Community Plan based on minimum lot sizes: Suburban Residential (SR) – 1, SR – 12,000 (ft.²), and SR-9,000. There is also a possible Neighborhood Residential (NR) designation that allows a minimum lot size of 4,500 square feet. Historic Character Districts may also include the Non-residential Districts of Tourist Commercial Historic (TC-H) and Public/Quasi Public Uses, and also Commercial Mixed Use zoning (CMU-H). According to the table, “resource extraction and processing”, which includes “mining, sand, gravel, and mineral” use types, are not allowed anywhere in the Historic Character District and would not be allowed on any of the lands being proposed for Master Plan Amendment and Zoning Map Change.

The Land Use Categories that split the subject lands at the Town Site boundary do not allow mining in any of the Suburban Residential or Commercial zoning districts, just as it is not allowed under current zoning rules within the Silver City Town Site. On the Resource lands outside the Town Site, mining would be allowed on RR-10 and RR-20 lands, new designations based on minimum lot sizes on rural residential lands. RR-20 is similar to the current RR-5 zone; there is no current equivalent to the RR-10 zone. Similarly, while there is also no proposed equivalent to the NR-1 zoning now in effect on the subject lands, the NR zone is close to the same, but with a 4,500 ft.² minimum lot size instead of 6,000 ft.².

Environmental Considerations

Because mining is the intended use of the lands and the motivation behind the requested Master Plan Amendment and Zoning Change, it is prudent to briefly consider some of the environmental factors that should be weighed now in general terms. It is assumed that the lands in this application would be mined and the ore removed for processing at Comstock Mining’s existing mill site in American Flat in Storey County. Open pit mining would likely involve stripping the top soil for use as berms around the pit and for later use in reclamation, as well as drilling, blasting (when and where required), loading, and hauling of ore and waste materials.

Within the Comstock Historic District, Lyon County has special provisions for mining that would be applied at the time of considering a Special Use Permit. These are in addition to other federal and state environmental regulations and standards. Lyon County Code²⁷ requires that:

Particular consideration shall be given to the following factors:

1. The effect of the proposed operation on drainage and water supply.
2. The possibility of soil erosion as a result of the proposed operation.
3. The potential resultant degrees and effect of dust and noise.
4. The potential resultant impact upon tourism, historic, archeological and cultural resources, recreational areas, agriculture, and public health and safety.
5. The practical possibility of reclamation of the site and the adequacy of proposed mitigation of impacts.
6. The effect of the proposed operation on natural beauty, character, tax base, economy, adopted general plan, land value and land uses in the area.

In addition, if and when a Special Use Permit is considered, the following findings must be made for proposed mining within the Comstock Historic District pursuant to Lyon County Code, Title 10, Chapter 10. These would apply to the Comstock Mining lands, and are unique in Lyon County because they specifically seek to protect the surrounding property owners, the neighborhood, and the historical context of the area.²⁷

1. That the proposed mining activity will not be detrimental to public health, safety and welfare or injurious to the neighborhood.
2. That the applicant has shown that reasonable steps can be taken to protect land, air, and water resources of both the applicant's property and that of the surrounding property owners.
3. That scenic, historic, recreational, archeological, and agricultural values of the applicant's property and those of the surrounding property owners are protected.
4. That, notwithstanding adverse findings on one or more of the above paragraphs 1 through 3, the proposed mining activity is proposed by adding to the tax base, providing additional employment and otherwise contributing to the economic welfare of Lyon County.

It should also be noted that extensive environmental analysis was provided to Lyon County in 1986 for the Special Use Permit application submitted by Nevex Gold Company for a portion of the lands that are now being considered for a Master Plan Amendment and Zoning Change.¹⁷ Noise, air, quality, water quality, soils and reclamation were all studied for that 1986 proposal, which was ultimately denied by the Lyon County Planning Commission. The denial was upheld by the Board of County Commissioners. While mining techniques and environmental regulations have changed somewhat in the intervening years, the nature of the impacts and the needs for mitigation remain essentially unchanged. We have reviewed these analyses and find them competent and that they provide useful and relevant information to assess the potential impacts of Comstock Mining's current proposal.

CARSON RIVER MERCURY SUPERFUND SITE

Portions of the land being considered in the application for Master Plan Amendment and Zoning Change are part of the Carson River Mercury Superfund Site Operable Unit 1 (OU-1). This includes mercury-contaminated soils at former mill sites and mercury contamination in waterways adjacent to the mill sites. OU-1 generally consists of the tailings and soil contamination near the mills where mercury was used to separate silver and gold from the ore. Contamination at the sites, including the Dayton Consolidated Mill which is located on the Comstock Mining property, is a legacy of the Comstock mining era of the late 1800s. The U.S. Environmental Protection Agency (EPA) and the Nevada Division of Environmental Protection (NDEP) are working together on a long-term sampling and response plan, with an objective to reduce human health risks from the contamination. The proposed clean-up or stabilization of these sites as part of any mining activity would be of particular concern to both agencies, Comstock Mining, and near-by residents.²⁸

AIR QUALITY

Mining operations can generate dust from mining and mineral processing operations and associated truck traffic, releasing particulates, nitrous oxide, sulfur dioxide, and carbon monoxide from the equipment used to mine and process ore minerals. These emissions can generate smog and other forms of air pollution that may impact local air quality. Most air emissions are regulated by the U.S. Environmental Protection Agency under its ambient air-quality standards. Best practices at mine sites involve evaluating the level of likely emissions, taking steps to reduce or eliminate them through the use of management practices or controls, and monitoring the sources from which they may be generated to ensure compliance with regulatory standards.²⁹

These are reinforced by the 2010 Comprehensive Master Plan which states as a Goal that "Lyon County residents will breathe clean air", going on to say that as a policy, "Lyon County will seek to maintain and improve the quality of our air" by requiring "compliance with federal and state air pollutant emissions standards".³⁰

Due to the proximity to the residential area in Silver City of the Comstock Mining lands, this may prove to be challenging to reconcile with an open pit mine. The predominant winds are from the west and south, which would blow emissions and dust from the mining operations toward the populated areas of Silver City. Exhibit 5 depicts the wind rose for Reno-Tahoe airport, approximately 17 air miles to the northwest, showing the cumulative annual wind directions and wind speeds for this part of Nevada. While there are localized differences in wind speeds and directions resulting from topography, this is the closest wind data collection point to Silver City and is considered representative of wind characteristics in the region.³¹

NOISE

Impacts from noise would be anticipated from any mining operation and, due to the proximity of residences in Silver City to the lands being considered for mining, would need to be evaluated in any Special Use Permit application. Drilling, blasting, crushing, operation of heavy equipment, and hauling of ore and waste products can generate high noise levels during mine operations. Numerous variables affect the noise levels including proximity of residences, topography, atmospheric conditions, whether windows are open or closed, and the hours, days and seasons of mine operations.

WATER QUALITY

Some individual mine sites may have increased concentrations of specific metals and salts in water used in – or runoff from – mine sites. Acid mine drainage is a phenomenon that can occur when rock containing sulfides is exposed to air and water. The water can become acidic and often carries

1 Pursuant to NRS 239B.030, the undersigned
2 affirms that the following document does not
3 contain the social security number of any person.

3 JOHN L. MARSHALL
4 SBN 6733
5 570 Marsh Avenue
6 Reno, Nevada 89509
7 Telephone: (775) 303-4882
8 Attorney for Petitioners Comstock
9 Residents Association & Joe McCarthy
10

11
12 IN THE SUPREME COURT OF THE STATE OF NEVADA
13

14 COMSTOCK RESIDENTS ASSOCIATION,
15 JOE McCARTHY

16 Appellants,
17 00128

No. 68433
District Court Case No. 14-CV-

18 v.

19 LYON COUNTY BOARD OF
20 COMMISSIONERS; COMSTOCK
21 MINING INCORPORATED

22 Respondents,
23 _____/

24
25 **JOINT APPENDIX**

26 **VOLUME 14**

27 **PAGES 2501-2624**
28

ALPHABETICAL INDEX TO JOINT APPENDIX

<u>Document (date filed)</u>	<u>Volume:Page</u>
Complaint for Declaratory and Injunctive Relief/Petition for Writ of Mandate or Judicial Review (1/31/2014)	1:0001
Comstock Mining Incorporated's Answer to Complaint (3/28/2014)	1:0053
Comstock Residents Association's Opening Brief on Petition for Judicial Review (12/16/2014)	28:3837
Comstock Residents Association's Opposition Brief in Support of Petition for Judicial Review (1/9/2015)	28:3894
Comstock Residents Association's Reply Brief in Support of Motion to Augment Record (1/9/2015)	28:3888
Comstock Residents Association's Reply Brief in Support of Petition for Judicial Review (1/20/2015)	28:3926
CRA's Notice of Supplemental Authority re Motion to Amend (10/14/2014)	28:3754
CRA's Reply to Lyon County and CMI's Oppositions to Motion to Amend Complaint/Petition (8/5/2014)	27:3746
Joinder to Defendant Lyon County Board of Commissioners' Motion to Dismiss (6/13/2014)	27:3648
Joint Opposition of Respondents Lyon County Board of Commissioners and Comstock Mining Incorporated to Motion to Augment Record (1/2/2015)	28:3881
Lyon County Board of Commissioners' Answer to Complaint (3/27/2014)	1:0038
Lyon County Board of Commissioners' Motion to Dismiss or, in the Alternative, Motion for Partial Summary Judgment (6/10/2014) ...	1:0082

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Document (date filed)</u>	<u>Volume:Page</u>
Lyon County Board of Commissioners’ Opposition to Motion to Amend Complaint/Petition (7/29/2014)	27:3721
Lyon County Board of Commissioners’ Reply to Opposition to Motion to Dismiss (7/29/2014)	27:3730
Lyon County’s Objection to Court’s Consideration of CRA’s Supplemental Authority (10/16/2014)	28:3757
Memorandum of Points and Authorities in Opposition to Comstock Residents Association’s Opening Brief in Support of Petition for Judicial Review (1/12/2015)	28:3905
Memorandum of Points and Authorities in Opposition to Petition for Judicial Review (12/15/2014)	28:3785
Memorandum of Points and Authorities in Reply to Comstock Residents Association’s Opposition Brief in Support of Petition for Judicial Review (1/16/2015)	28:3917
Motion to Amend Complaint/Petition (7/3/2014)	27:3651
Motion to Augment Record and/or Request for Judicial Notice (12/16/2014)	28:3812
Notice of Assignment by Clerk [Senior Judge Estes] (6/10/2014)	1:0079
Notice of Entry of Order [Denying Motion to Amend Complaint/Petition] (12/8/2014)	28:3772
Notice of Entry of Order [Granting in Part and Denying in Part Motion to Dismiss] (12/8/2014)	28:3777
Notice of Entry of Order [Granting in Part and Denying in Part Plaintiffs’ Motion to Augment Record] (6/10/2015)	28:3944
Notice of Entry of Order [Denying Petition for	

1	Judicial Review] (6/15/2015).....	28:3949
2	<u>Document (date filed)</u>	<u>Volume:Page</u>
3		
4	Objection to Court’s Consideration of CRA’s Supplemental	
5	Authority (10/21/2014)	28:3760
6	Opposition to Motion to Dismiss (7/3/2014)	27:3695
7	Opposition to Plaintiffs/Petitioners’ Motion to Amend	
8	Complaint/Petition (7/25/2014)	27:3712
9	Order Denying Petition for Judicial Review (6/5/2015).....	28:3937
10	Order Denying Plaintiffs [sic] Motion to Amend (12/3/2014)	28:3793
11		
12	Order Granting in Part and Denying in Part Motion to	
13	Augment Record (6/5/2015)	28:3941
14	Order Granting in Part and Denying in Part Motion to Dismiss (12/3/2014)	28:3766
15	Order of Recusal [Judge Rogers] (4/1/2014)	1:0071
16	Order of Recusal [Judge Aberasturi] (5/2/2014)	1:0076
17		
18	Petitioners Comstock Residents Association and Joe McCarthy’s	
19	Notice of Appeal (7/14/2015)	28:3955
20	Record on Appeal (6/10/2014)	1:0102
21	Supplement to Record on Appeal (1/2/2015)	28:3877

and that if a mining operation were expanded that they would no longer desire to live in the area.

I next interviewed Judy Olson. Judy indicated that she and her husband Chad had purchased their lot in 2007 and subsequently spent over \$500,000 building an excellent quality single family residence. The residence was designed in a manner to maximize the views to the south and west. They were attracted to the area as it is close to their business in Carson City, yet it provides a rural, quiet and peaceful location. She indicated that they felt that the fact that Silver City was in a historic mining district, would protect them from future mining activities. Judy reported that when drilling activities are occurring on the 89± acres, they typically cannot go outside because the noise is so loud. She also reported that they experience noise from the backup horns on heavy equipment, and are concerned about water quality and quantity. She pointed out that they enjoy the night skies and are afraid that lighting from Comstock Mining will impact the quality of the night skies. Finally, Judy indicated that they were considering the purchase of an adjacent property to protect their privacy. They have recently told the sellers that they are not interested. She also stated that she and her husband will not spend another dime on the property until the mining issue is resolved.

Bob Elston and Cashion Calloway have owned their property in Silver City since 1971. They indicated that when drilling was occurring on the 89± acres, they could not go outside. They have felt the blasting from the Lucerne Pit and experienced lights at night. They also stated that the highway can be closed in Silver City for up to 30 minutes when the mining company is blasting. They have experienced noise from the backup beepers, the heavy equipment and have also experienced dust from the blasting. They stated that Silver City is a very quiet town with typically the loudest sound being the crickets at night. They felt that the Community Center, the monthly town meetings and the activities result in a very close-knit community. They stated that crime has never been a problem in their community and that many people do not lock their doors. They also stated that as they have no air

conditioning, they leave their windows open at night which results in the noise being a greater disturbance. They also pointed out that in the past some of the heavy trucks were speeding through town. However, apparently the mining company has spoken to the drivers and it has not been much of a problem lately. They were concerned about mercury contamination and noted that the area is identified as a Superfund Site. They stated that they would not spend another dime on their property due to these mining issues and that mining on the 89± acres would significantly impact the value of their property.

Gerald Antinoro owns a house on Keystone Circle across from the Lucerne Pit in the Gold Hill area. Gerald is the current sheriff of Storey County. He stated that the existing mining does not impact his day to day life. He also stated that several seismic tests conducted near his residence showed no disturbance. Jerry indicated that he does not particularly like the mining, but understands their operations. He indicated that they could hear some of the drilling from a rig across the highway from their property. He also pointed out that two smaller drilling rigs, which operated on adjacent lots to his, were no problem at all. He does have some concerns relative to heavy metals and the release of toxic materials. He would prefer underground mining to open pit mining. He also expressed concerns as to the certainty of the mines being properly restored and reclaimed at the end of their mining operations. He finally stated that it would be difficult to sell his house due to the ongoing mining issues.

Next, I interviewed Marcey Newell, formerly of Lakeside Properties. Marcey stated that she had sold Lot 6 on Keystone Circle to Comstock Mining on February 7, 2012 for \$25,000. This property had previously sold on January 21, 2005 for \$57,000. She stated that she was not aware of the current issues as she has moved to California and is no longer selling real estate.

I next spoke with Bob Fredlund of Coldwell Banker Select Real Estate. Bob has been a Realtor in the area for a number of years and is very knowledgeable in the local market. He felt that it would be unlikely that non-mining related people would move to Silver City

because of the pending mine. He further felt that it would be very hard to sell existing homes and that it would definitely impact values.

I next spoke with Karen Woodmansee. Karen has been a Realtor in the area for a long period of time and is a journalist. It was her opinion that the proposed mining projects would diminish the desirability and values of properties in the Silver City area. She expressed concern about the heavy truck noise, dust, view impacts, and noise from blasting. She further stated that the only people who would buy in Silver City would be miners. She stated that she had a house listed on Main Street in Silver City for an estate and could not sell it. She also stated that, for the years 2010, 2011 and 2012, she could not sell a single family residence in Gold Hill or Silver City. Karen stated that she typically acted as the buyer's agent. She said typically the only active buyer in the area is Comstock Mining. Finally, she closed by stating that she definitely felt that the proposed mining activity would have a negative impact on property values in the area.

I next spoke with Steve Lincoln of RE/Max Realty. Steve has been a Realtor active in the area for many years. It was his opinion that the increased jobs created by the mine could boost the demand for housing in the area. On the other hand, he felt that the other factors associated with the mines would result in a reduction in values.

I next spoke with Mr. Mike Enright of Valley Realty. Mike has been a Realtor in the area for over 17 years. Mike explained that he does not have a bias against mining, however, he does feel that the proposed mine will negatively impact the property values in Silver City. Mr. Enright reported that he had two people call on a listing he had advertised in the Homes and Lands Magazine. He said that when both parties discovered that the properties were located in Silver City, they lost interest due to their concerns relative to mining. Mike stated that he had handled two sales in Silver City in 2012. One of the buyers bought a home which was separated from the mine by a small ridge and was therefore removed from the mining. This home was purchased by a retired couple. The second residence was purchased by a

tattoo artist who wanted to be near Virginia City, but not in Virginia City. Mr. Enright felt that the mining activity would be unsightly and would create noise and dust for Silver City. It was his opinion that the mining activity would reduce property values in Silver City between 10% and 20%.

I also spoke with Mr. Mike Ramos of Coldwell Banker Select Real Estate. Mike has been an active Realtor in the area for a number of years. He stated that he handled the sale of the Cabin in the Sky Property to Comstock Mining. He also stays in touch with Comstock Mining making sure that they are aware of any listings he has in the Silver City and Gold Hill areas. He felt that the mining will generate jobs which could result in increased demand for housing. He did feel that the mining activity could affect the visual appeal of the area and could impact the desirability of Silver City.

I finally spoke with Jim Allander. He has owned a house adjacent to the Comstock Mining Company's Mill Site in American Flat for over 12 years. Their house is immediately above and adjacent to the Mill Site. He stated that they have gotten used to the noise and other inconveniences of the milling operation. He did state that there is constant noise with work typically beginning at 5:15 a.m. During our telephone conversation, I could hear the backup horns from heavy equipment in the background. Jim confirmed that it was from heavy equipment operating on the adjacent mill site. Jim stated that he felt it would be very difficult on the people of Silver City, should a mining operation occur on the 89± acres.

In summary, I have interviewed in excess of 15 individuals who either own property in Silver City or are real estate professionals who are knowledgeable about real estate values and trends in the local market. Many of the people interviewed expressed concerns regarding the impacts from mining on the adjacent property. Their concerns focused around noise associated with the mining operation, noise and traffic from trucking, noise from blasting, dust from the mining operations, and the visual impact on the aesthetic beauty of the area, resulting from open pit mining. Many of the property owners expressed the opinion that they

were not willing to spend an additional dime on their property until such time as it was determined that a mining operation would not occur on the adjacent property. Almost all of the individuals interviewed indicated that, in all likelihood, it would be very difficult for them to sell their homes due to the concerns of future mining. There were several instances where buyers had elected not to consider Silver City or Gold Hill due to these concerns.

Several of the parties interviewed indicated that the increased mining activity could result in additional job opportunities for the area which would then drive demand for residential housing. In the end, even these parties expressed concerns that it would be difficult to sell a house due to the uncertainty of the mining activity. In several instances, the neutral parties indicated that they did have business dealings with Comstock Mining. Several additional parties requested that I not include them in the survey as they had business dealings with Comstock Mining.

Several of the Realtors interviewed indicated that, in their opinion, the mining activity would have a definite negative impact on property values in the Silver City area. In one instance, the Realtor stated that he felt the diminution in value would be between 10% and 20%.

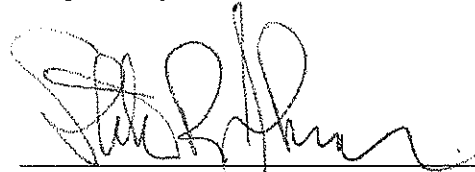
Finally, I have relied upon my forty years of experience in real estate appraising in Northern Nevada, as well as my educational background and experience. It is my observation that the proposed zone change property is located on the west face of the canyon area, while Silver City is located on the east face. As a result, noise will easily be transmitted from the mine site to Silver City which will reduce the peace and quiet of the residential neighborhood. The sources of the noise will include increased trucking, drilling, the operation of heavy equipment, the backup horns for the heavy equipment, and numerous other sources. In addition, the night lighting on the site could result in inconveniences to the residents in Silver City. Dust from the mining operation could also impact the residential properties. Finally, it

is felt that the scarring from an Open Pit Mining operation would impact the aesthetic beauty of the area.

In conclusion, based upon the numerous interviews conducted by this consultant, and relying upon my 40+ years of experience and professional training in real estate, it is this consultant's opinion that proposed Open Pit Mining on the 89± acres across from Silver City would have a material negative impact on residential property values.

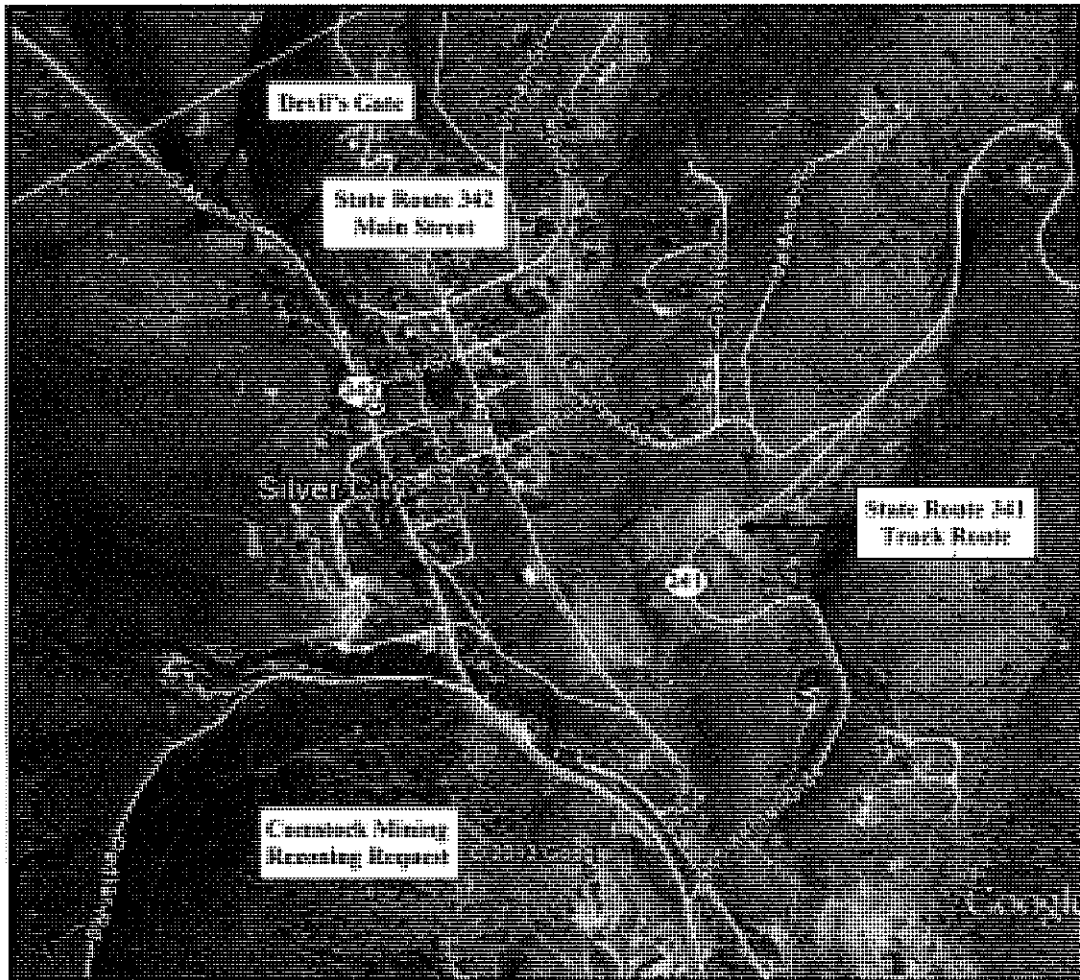
I hope this letter is of assistance and should you have any questions, please do not hesitate to contact me.

Respectfully submitted,



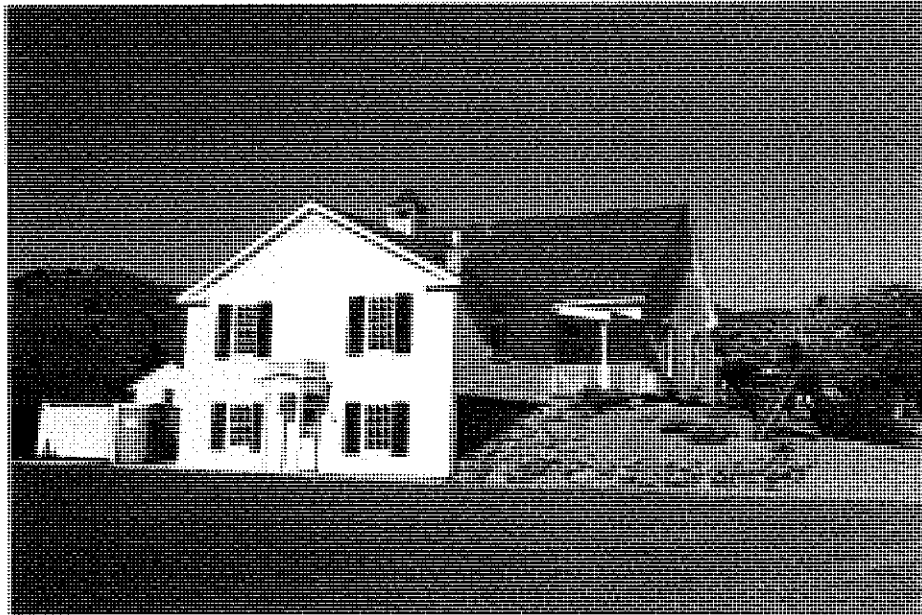
Stephen R. Johnson, MAI, SREA
Nevada Certified General Appraiser
License Number A.0000003-CG

SILVER CITY, NEVADA MAP



Reno ■ Lake Tahoe

PHOTOGRAPHS



VIEW OF SILVER CITY COMMUNITY CENTER

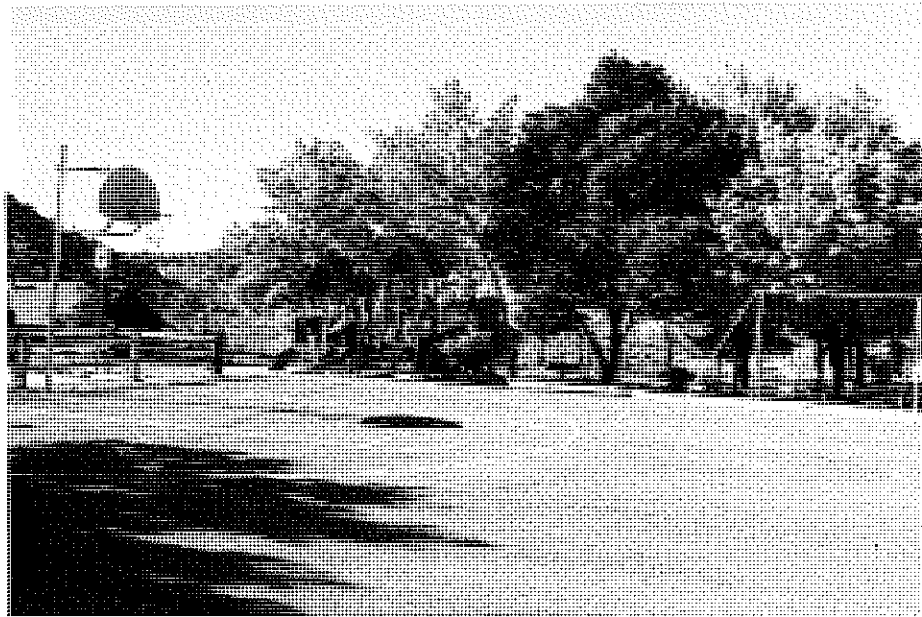


VIEW OF THE SILVER COMMUNITY CENTER

PHOTOGRAPHS

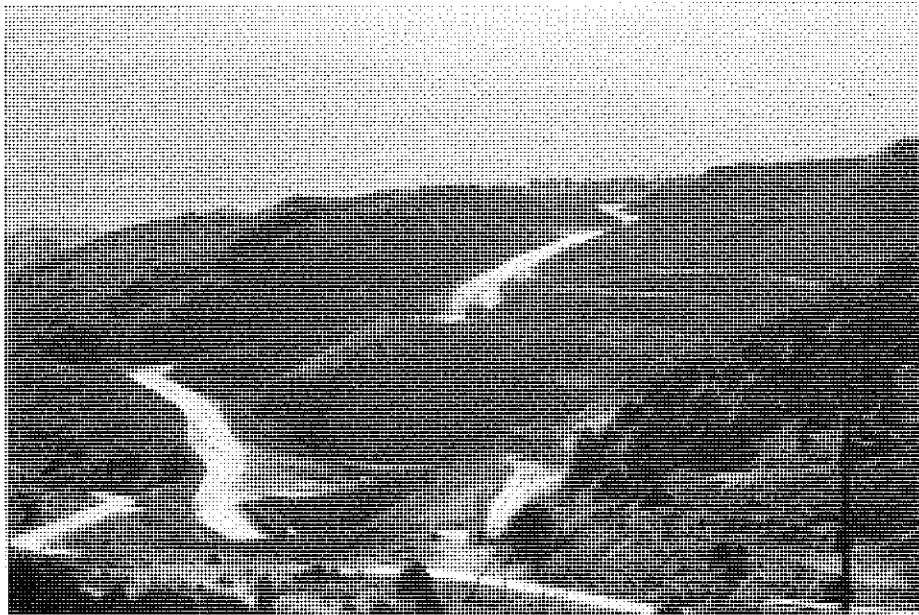


VIEW OF THE COMMUNITY PARK

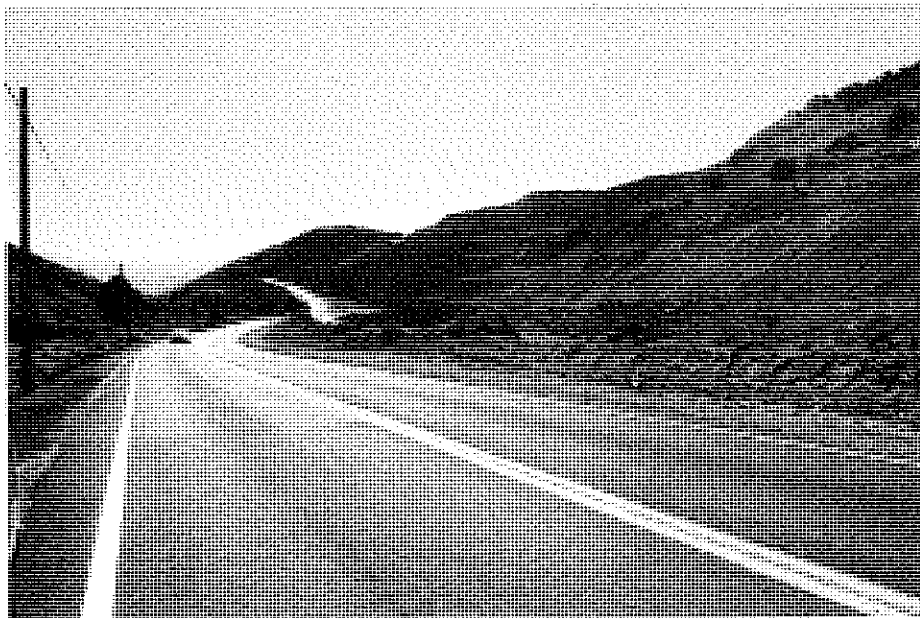


VIEW OF THE PLAYGROUND AT THE SILVER CITY COMMUNITY PARK

PHOTOGRAPHS



VIEW OF COMSTOCK MINING'S LUCERNE PIT

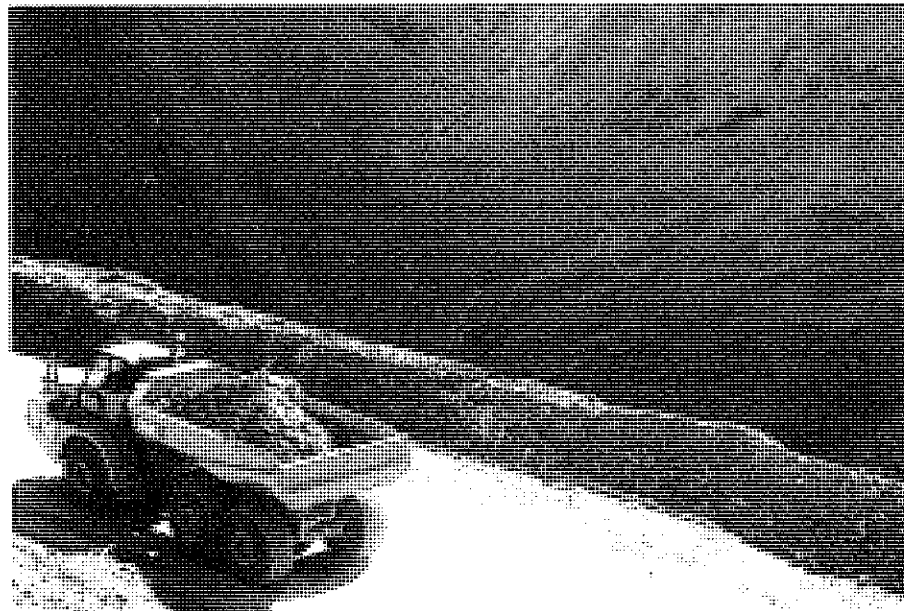


**VIEW OF THE LUCERNE PIT MINING OPERATION SITUATED ON THE WEST SIDE OF
STATE ROUTE 342**

PHOTOGRAPHS

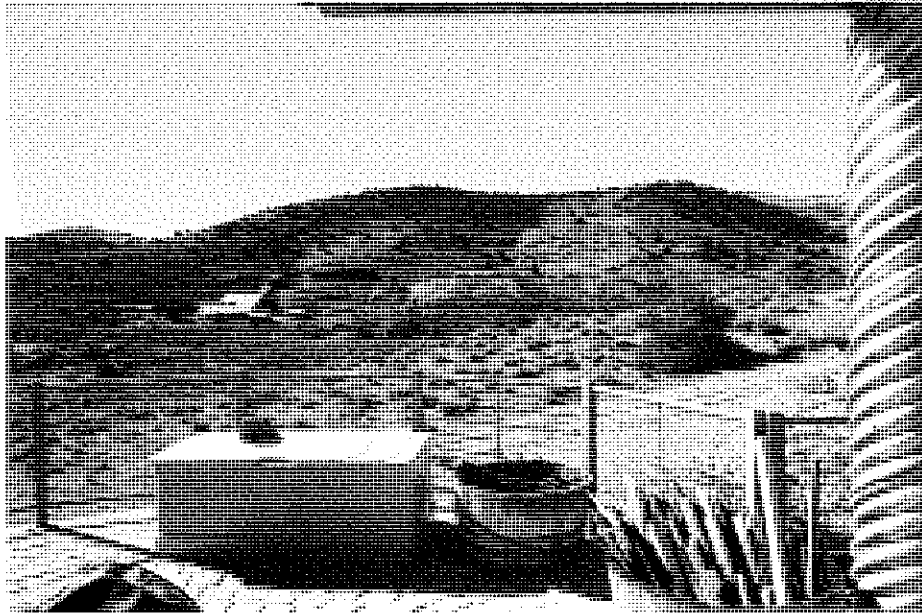


VIEW OF A DUMP TRUCK USED IN THE MINING OPERATION



ANOTHER VIEW OF A DUMP TRUCK HAULING MATERIAL.

PHOTOGRAPHS

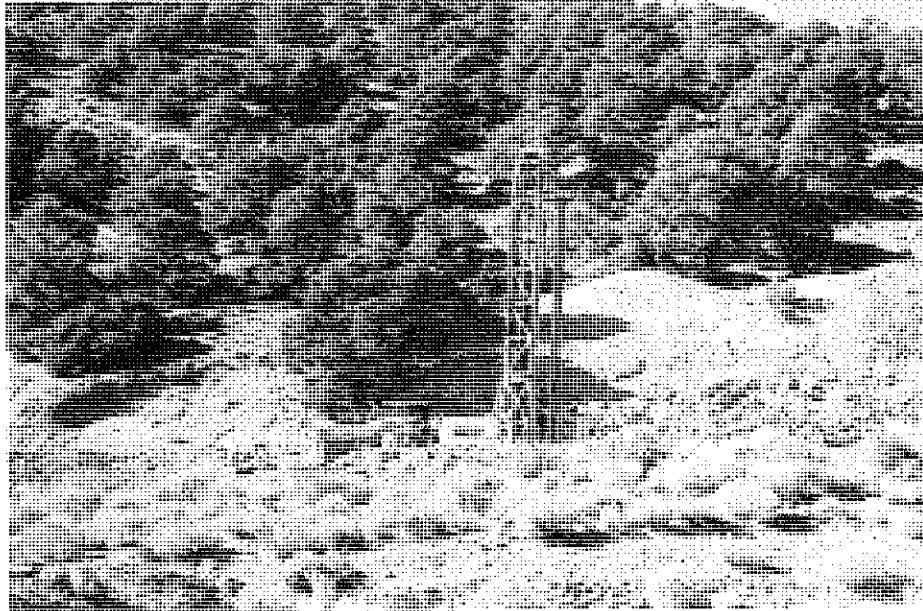


**VIEW OF THE 89± ACRE PROPERTY FROM THE OUTDOOR DECK OF THE
McCARTHY RESIDENCE**

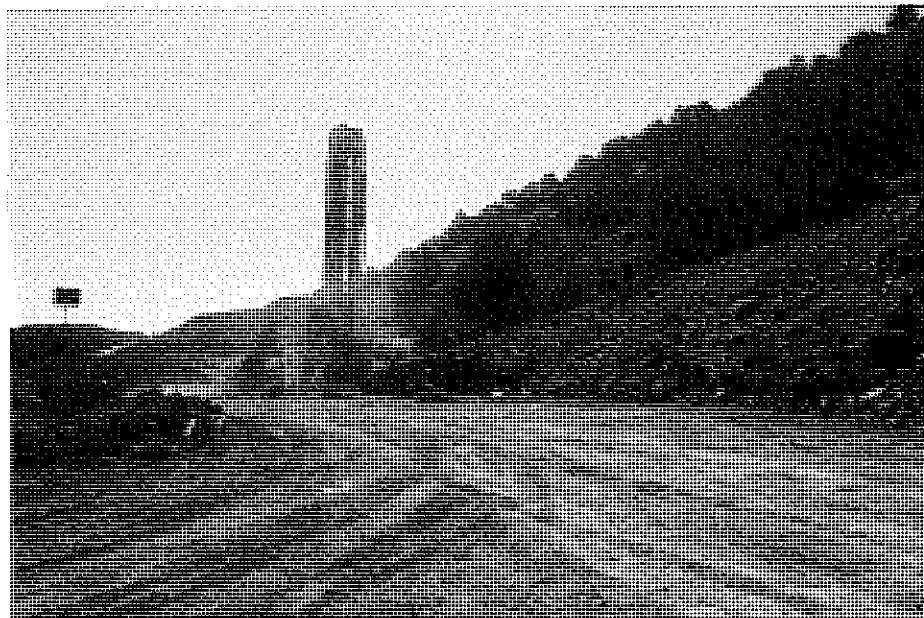


A VIEW OF THE 89± ACRE PROPERTY FROM INSIDE THE McCARTHY RESIDENCE

PHOTOGRAPHS

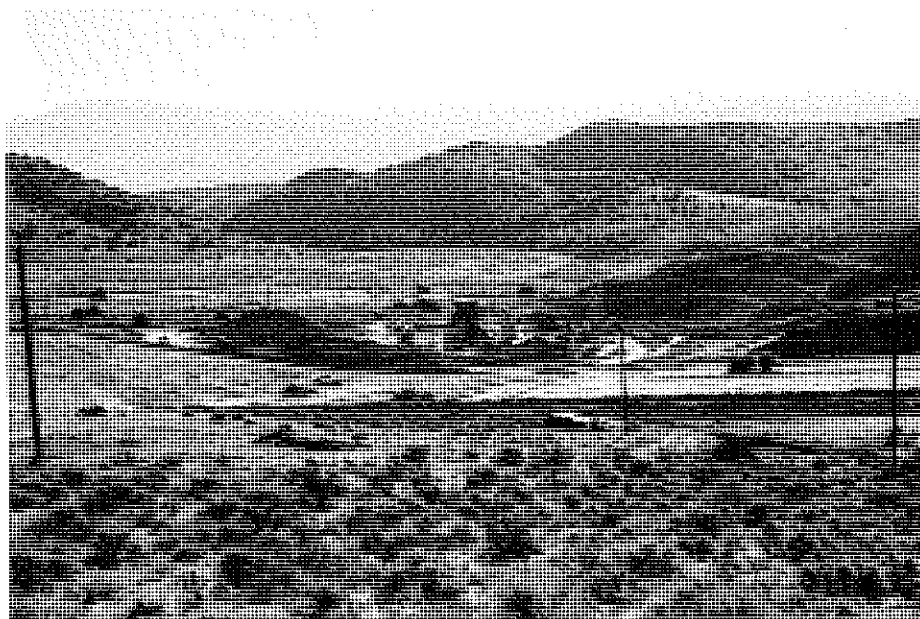


**VIEW OF A DRILLING RIG LOCATED ON THE EAST SIDE OF
STATE ROUTE 342**

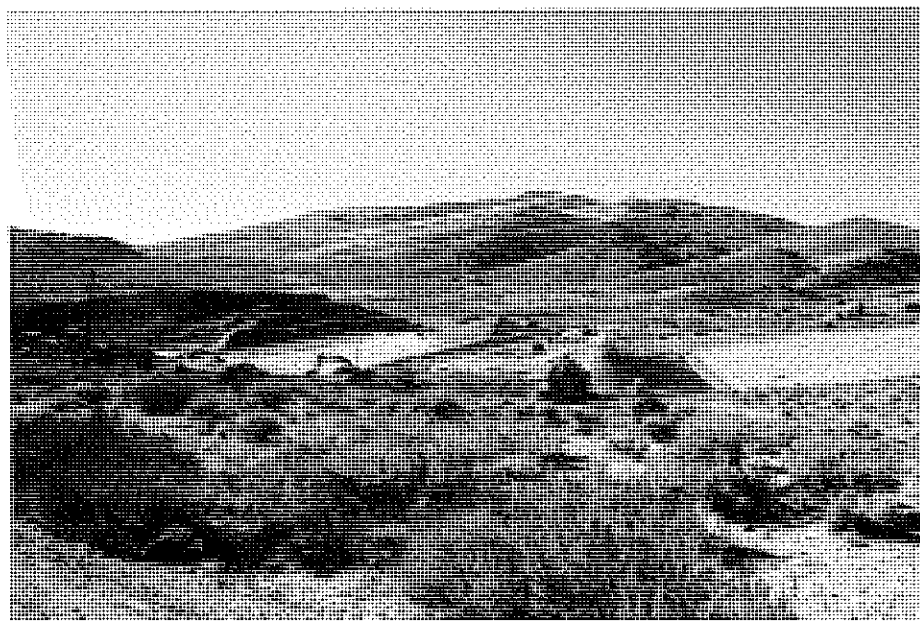


VIEW OF AN OPERATING DRILLING RIG

PHOTOGRAPHS



VIEW OF THE MILLING OPERATION IN AMERICAN FLAT



ANOTHER VIEW OF THE MILLING OPERATION

PHOTOGRAPHS



VIEW OF THE HAUL ROAD IN THE AMERICAN FLAT AREA



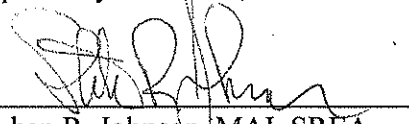
VIEW OF HEAVY TRUCK EQUIPMENT ON THE HAUL ROAD

CONSULTANT'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, conclusions, and recommendations.
- I have no present or prospective interest in the properties that are the subject of this report, and I have no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the properties that are the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of the stipulated result, or the occurrence of a subsequent event directly related to the intended use of this consulting assignment.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- I have made a personal inspection of Silver City and the surrounding areas that are the subject of this report.
- No one provided significant real property appraisal or appraisal consulting assistance to the person signing this certification.

Respectfully submitted,



Stephen R. Johnson, MAI, SREA
Nevada Certified General Appraiser
License Number A.0000003-CG

**QUALIFICATIONS OF APPRAISER
STEPHEN R. JOHNSON**

Professional Designations

MAI - Member Appraisal Institute 1976
(Certified through 2013)

SREA - Senior Real Estate Analyst; Society of Real Estate Appraisers 1984

State Licensing and Certification

Certified General Appraiser-State of Nevada 1991
License #A.0000003-CG
(Certified through 04/30/2015)

Certified General Appraiser-State of California 1992
License #AG007038
(Certified through 06/18/2015)

Association Memberships and Affiliations

Member Reno Board of Realtors
Member Nevada Association of Realtors
International Right-of-Way Association
Member Nevada State Board of Equalization - 1984-1991
(Appointed by Governor Richard Bryan, January 1984 & 1988)
(Appointed by Governor Kenny C. Guinn, March 2000 & 2004) 2000-2008
Member Nevada Commission of Appraisers of Real Estate - 1989-1994
(Appointed by Governor Bob Miller, August 7, 1989)
Commissioner, Nevada Commission of Appraisers of Real Estate 2009-Present
(Appointed by Governor Jim Gibbons, 2009)
President, Nevada Commission of Appraisers of Real Estate 2012-2013
(Appointed by Governor Sandoval, 2012)

Offices Held

Chairman, National Ethics Administration Division 1995
Vice Chairman, National Ethics Commission 1993/94
Regional Member, Ethics Administration
Appraisal Institute, Region 1 1989-1992
President, Sierra-Nevada Chapter #60, AIREA - 1989
Vice President, Sierra-Nevada Chapter #60, AIREA - 1988
Secretary, Sierra-Nevada Chapter #60, AIREA - 1987
Vice Governor District 3 (Northern California & Nevada)
Society of Real Estate Appraisers (SREA) - 1980-1981
Past President & Membership Chairman -
Reno/Carson/Tahoe Chapter #189
Member 1976 Young Men's Council, SREA, Atlanta, Georgia

**QUALIFICATIONS OF APPRAISER
STEPHEN R. JOHNSON**

Offices Held (continued)

Discussion Leader 1977 Young Men's Council, SREA, Las Vegas, Nevada	
Elected 1 of 2 National Representatives to the Inter- National Board of Governors of the SREA, representing the Young Men's Council -	1977
International Professional Practice Committee, SREA -	1978-1981
International Conference Committee, SREA -	1978 & 1979
National Candidates Guidance Committee of the American Institute of Real Estate Appraisers (AIREA) -	1978-1981
Chairman National Division of Member and Chapter Services, AIREA -	1981
Board of Directors Northern California Chapter #11, AIREA -1	1980
Admissions Committee, Sierra-Nevada Chapter #60, AIREA	
Board of Directors, Sierra-Nevada Chapter #60, AIREA	1984-1986
Board of Directors, Reno-Carson-Tahoe Chapter	

Appraisal Experience

Independent Fee Appraiser	1976 to present
President, Stephen R. Johnson & Associates	1976-1992
President, Johnson - Wright & Associates	
President, Johnson - Perkins & Associates (Staff of 11 Appraisers)	1994 to present
Alves Appraisal Associates	1972-1976
Alves-Kent Appraisal Associates	1970-1972

Qualified as an Expert Witness

Nevada District Courts:
Washoe County, Carson City, Douglas County,
and Elko County
U.S. Bankruptcy Courts:
Reno, Las Vegas, Sacramento, and Los Angeles
U.S. District Court, San Francisco, California
United States Tax Court
Arizona Superior Court, Maricopa County, Phoenix
Douglas County Board of Equalization
Washoe County Board of Equalization
Nevada State Board of Equalization
King County Superior Court, Seattle, Washington

**QUALIFICATIONS OF APPRAISER
STEPHEN R. JOHNSON**

Formal Education

Reno High School Graduate -	1966
Bachelor of Science Degree in Business Administration	
Majoring in Real Estate, from the University of	
Nevada, Reno -	1972

Appraisal Education

University of Nevada:	
B.A. 430 Real Estate Evaluation	1970
B.A. 432 Real Estate Appraisal Problems	1971
American Institute of Real Estate Appraisers:	
Course 1A Basic Appraisal Principles, Methods	
& Techniques, San Francisco, CA	1972
Course 1B Capitalization Theory & Techniques,	
San Francisco, California	1973
Course 2 Urban Properties,	
San Francisco, California	
Course 6 Investment Analysis,	
Memphis, Tennessee	1976
Society of Real Estate Appraisers:	
Course 301 Special Applications of Appraisal	
Analysis, Pomona, California	1974
Uniform Appraisal Standards for Federal Land Acquisitions	June 2009
Numerous Continuing Education Seminars and Courses	

Appraisal Instructor

Nevada Association of Realtors
Department of Commerce, Real Estate Division, State of Nevada
Appraisal "A" Residential Appraising
Appraisal "B" Apartment and Commercial Property Appraising
Western Nevada Community College
R.E. 206 Real Estate Appraising
Northern Nevada Real Estate School
Real Estate Appraisal

QUALIFICATIONS OF APPRAISER
STEPHEN R. JOHNSON
REPRESENTATIVE APPRAISAL CLIENTS AND PROPERTIES

BARTON MEMORIAL HOSPITAL
CITY OF RENO
CITY OF SPARKS
COLONIAL BANK
R.J.B. DEVELOPMENT COMPANY CARSON CITY
DOUGLAS COUNTY
LINCOLN COUNTY
LYON COUNTY
WASHOE COUNTY
MINERAL COUNTY
EMERALD BAY POST OFFICE
NEVADA STATE PARK SYSTEM
NEVADA STATE DEPT. OF TRANSPORTATION
NEVADA STATE DIVISION OF LANDS
NEVADA ATTORNEY GENERAL'S OFFICE
U.S. DEPARTMENT OF NAVY
U.S. FOREST SERVICE
FNMA - REGIONAL OFFICE
INTERNAL REVENUE SERVICE
FEDERAL TRADE COMMISSION
WASHOE COUNTY REGIONAL TRANS.
RENO TAHOE AIRPORT AUTHORITY
TAHOE REGIONAL PLANNING AGENCY
CALIFORNIA ATTY GENERAL'S OFFICE
CALIFORNIA TAHOE CONSERVANCY
CITY OF SOUTH LAKE TAHOE
PLACER COUNTY REDEVELOPMENT AGENCY
NEW HAMPSHIRE DEPARTMENT OF JUSTICE
MISSOURI HWY AND TRANS. DEPT COMMISSION
IDAHO TRANSPORTATION DEPARTMENT
COLONIAL BANK
PLUMAS BANK
SECURITY BANK OF NEVADA
LIBERTY BANK
FIRST INDEPENDENT BANK OF NV
NORTHERN NEVADA BUSINESS BANK
NEVADA STATE BANK
UNION BANK
VALLEY BANK OF NEVADA
BANK OF AMERICA
THE BANK OF CALIFORNIA
CROCKER NATIONAL BANK
WELLS FARGO BANK
B OF A TRUST DEPARTMENT
FIRST FEDERAL SAVINGS & LOAN
FIRST WESTERN SAVINGS & LOAN
AMERICAN SAVINGS AND LOAN
NEVADA SAVINGS & LOAN
DILORETO CONST. & DEVELOPMENT
DERMODY PROPERTIES
TRAMMELL CROW CO.
MCKENZIE PROPERTIES
HOMEWOOD HIGH & DRY MARINA
TAHOE KEYS MARINA
TAHOE CITY MARINA

WASHOE MEDICAL CENTER
PLAZA RESORT CLUB
ROYAL BANK OF SCOTLAND
CARSON-TAHOE HOSPITAL
JOHNNY RIBEIRO BUILDER
KEEVER CONSTRUCTION COMPANY
SIERRA PACIFIC POWER COMPANY
SOUTH LAKE TAHOE PUBLIC UTILITY DIST.
TAHOE DOUGLAS SEWER DISTRICT
GLENBROOK WATER COMPANY
TAHOE PARK WATER COMPANY
NORTH FOOTHILL APARTMENTS
MEADOWOOD APARTMENTS
WOODSIDE VILLAGE APARTMENTS
SIERRA WOODS APARTMENTS
AMESBURY PLACE APARTMENTS
SUNDANCE APARTMENTS
KEYSTONE SQUARE SHOPPING CTR.
POZZI MOTORS
CARSON CITY DATSUN-AMC-JEEP
LEMMON VALLEY LAND COMPANY
CONSOLIDATED FREIGHTWAYS
RINGSBY UNITED
SYSTEMS 99
EASTMAN KODAK
HALLMARK CARDS
OSCAR MEYER AND COMPANY
GENERAL ELECTRIC
CHEMETRO
CITY SERVICES MINERAL CO.
SUPERIOR OIL COMPANY
TRAVELERS INSURANCE
FARMERS INSURANCE COMPANY
FIRST AMERICAN TITLE CO. OF NV.
FIDELITY TITLE INSURANCE CO
MERRILL LYNCH RELOCATION
YOUNG ELECTRIC SIGN COMPANY
THE TRUST FOR PUBLIC LANDS
THE TRUCKEE DONNER LAND TRUST
THE CONSERVATION FUND
THE NATURE CONSERVANCY
SUGAR BOWL SKI RESORT
THE FEATHER RIVER LAND TRUST
SKI INCLINE RESORT
KIRKWOOD ASSOCIATES
NORTHSTAR
SQUAW VALLEY U.S.A.
LEWIS HOMES OF NEVADA
SYNCON HOMES
MGM GRAND HOTEL CASINO & THEME PARK
EL DORADO HOTEL - CASINO
COMSTOCK HOTEL - CASINO
LAKESIDE INN HOTEL - CASINO
RAMADA EXPRESS HOTEL - CASINO



Kerry Page <kpage@lyon-county.org>

SC Historic Analysis

1 message

Gayle Sherman <gales@gbis.com>

Wed, Nov 6, 2013 at 3:46 PM

To: Kerry Page <kpage@lyon-county.org>

Hello Kerry,

Here is the Historic Analysis

Gayle

2 attachments



Pat Barker's letter historic signed.docx

349K



Pat Barker CV.docx

17K

James P. Barker, Ph.D.
4523 Hells Bells Road
Carson City, Nevada 89701

John L. Marshall
570 Marsh Avenue
Reno, Nevada 89509

November 4, 2013

Dear Mr. Marshall:

Per your request to provide an analysis regarding the history and current status of the Virginia City National Historic Landmark and the potential effects of mining within the Silver City town boundaries at the Dayton Consolidated Mill Site, I am providing the following information for your review.

The Virginia City National Historic Landmark

In 1961, an area of 14,700 acres including Virginia City, Gold Hill, Silver City and Dayton was designated as the Virginia City National Historic Landmark by the Secretary of the Interior. This formal designation recognized the Comstock's national importance in the history of the American West and the history of mining. By receiving this designation, the Virginia City National Historic Landmark was acknowledged as one of our nation's most important historic and cultural resources.

In a letter dated March 3, 1988, Ron James, Deputy State Historic Preservation Officer, notified then Secretary of the Interior Hodel (Attached) that "The Virginia City Historic Landmark District is endangered because of previous open pit mining which has limited the visual integrity of the District and which destroyed and continues to threaten contributing cultural resources within the District."

In response to this notification, the National Park Service assessed the status of the Landmark (Leo Barker, 1988). In his analysis Barker (1988:30) found that "Historic landscapes—the tailings, dumps, prospects, roads, walls, adits, complex ruins, and other alterations of and structural associations on the land—have been neglected in preservation planning on the Landmark. Historic land alterations in and around historic sites are now recognized as integral parts of historic properties, because they reflect significant changes in land use and because they constitute the connective tissue that often supports and defines the historic character and integrity of a place."

Because of this neglect, "cumulative post World War II open pit mining and related mill site activities have severely impacted the historic landscape of the Virginia City National Historic Landmark District" (Barker 1988:30). In addition, Barker (1988:26-27) argued that "Historic landscapes, archeological sites, and historic buildings are threatened . . . by the removal and reprocessing of historic tailings, the opening of new surface mine sites, and by the creation of new landform features—large open pits and heap leach processing sites—that are incompatible with the character of the Landmark."

The importance of maintaining the integrity of the historic landscape was again addressed in the latest update of the Virginia City Historic District Amendment – 1991 (Attached) wherein Ron James, the State Historic Preservation Officer at the time, reiterated and formalized these same

considerations, arguing that the historic *landscape* of the district is an integral setting for its built environment. Specifically he noted:

- (1) "... hundreds of acres of cultural landscape which, between 1859 and 1942, played an integral role in the history of mining on the Comstock."
- (2) "... the landscape in the District, both the rural and built-up sections, portrays the evolving and cyclical industrial, commercial, and social patterns relating to mining activity, the central, significant focus of Comstock history up to 1942."
- (3) "Scattered across the natural landscape of this predominantly rural historic district are countless cultural landscape features (mill tailings, mine dumps, sunken shafts, dark adit openings, cemeteries, abandoned railroad and road beds), historic structures (headframes, ore rockers, mill leaching tanks, and water tanks and flumes), and archaeological sites (the honeycomb network of underground mining tunnels, partially or totally buried mining equipment and parts of buildings, stone embankments and foundations) that provide visual testimony to the important role of mining in Comstock history up to World War II."
- (4) "Contributing buildings have retained substantial integrity of setting (taking into account the evolution of both natural and cultural landscape features that invariably has taken place over the eighty-two year period of significance), feeling, and association."

In this nomination amendment, Mr. James makes a strong argument for the significance of the historic landscape within the Virginia City National Historic Landmark.

Lyon County Comprehensive Master Plan

The current Lyon County Comprehensive Master Plan (2010) discusses existing historic district designations that include and surround Silver City as planning tools to preserve its "existing historic character." The Plan notes that "Silver City, situated in lower Gold Canyon, represents the first settlement in Nevada based on mining activity" and now comprises an historic town site that is an integral part of the Virginia City National Historic Landmark and the Comstock Historic District. Slow growth allows Silver City to treasure "its historic buildings and landscape features" as a way to maintain a strong sense of identity and pride in its cohesive small town atmosphere.

As noted in the Lyon County Comprehensive Master Plan, during the planning process "residents and property owners expressed considerable interest in maintaining their many diverse communities and improving community aesthetics" and that preserving the County's rural character is a core value of a majority of Lyon County residents." The Master Plan argues that a community's unique character "is defined by its design, its viewsheds, its gathering places, and its historic and cultural resources, as well as by environmental characteristics such as natural quiet and dark night skies." The Plan further notes that "maintaining this character is important—not only for promoting economic development and diversification, but also for protecting our living spaces, quality of life and open lands."

The current Lyon County Comprehensive Master Plan defines a set of guiding principles with which land use will be managed. These include but are not limited to:

- (1) Lyon County will respect and promote the distinct character and heritage of its communities, strive to retain its rural and agricultural culture and promote cohesive and high quality development to improve the overall image and function of its communities; and

(2) The proximity of the natural environment will continue to be an important part of life in Lyon County, where residents will enjoy sustainable supplies of clean water for drinking and agriculture; clean air; wildlife; access to rivers, lakes and public lands; scenic views, and dark night skies. Lyon County will work to reduce or mitigate natural hazards such as wildfire, flooding, earthquakes and dust.

Based on these principles, one planning goal (CC 3: Heritage) states, "Historic places, structures, and landmarks in the county will be preserved and will provide an opportunity for residents and visitors to learn about and celebrate our heritage." Associated with this goal is a policy (CC 3.1: Maintain and Restore Historic Resources) that "Lyon County will encourage and support efforts to preserve and restore registered historic structures, and landmarks, and districts." Specifically, within historic districts, like Silver City, the County will:

- Revise zoning to encourage historic use and development patterns including mixed-use structures and districts.
- Promote historic design elements, features and context, and prohibit building design that compromises the integrity of the historic community character.
- Limit new land uses that would pose a risk to historic structures or the historic character of the district.
- Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.

Other sections of the Master Plan define additional principles, goals and policies guiding development in historic districts, particularly as they relate to the historic landscape. These include:

Policy LU 1.4: New industrial uses should only be located in areas that do not adversely impact existing residential settlements.

Natural Resources and Environment: The proximity of the natural environment will continue to be an important part of life in Lyon County, where residents will enjoy sustainable supplies of clean water for drinking and agriculture; clean air; wildlife; access to rivers, lakes and public lands; scenic views, and dark night skies.

Goal NR 8 Views: Lyon County will protect scenic views of mountain backdrops and nighttime views of stars.

Policy NR 8.1: Mountain Backdrop: Recognizing that views of the mountains in and around the county provide a unique scenic value for residents and visitors, Lyon County will strive to preserve such views.

Goal NR 9: Mining and Resource Extraction: Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR 9.3: Mitigate Operations: To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, and so forth.

Discussion

Historic structures do not exist in a vacuum, and land use planning decisions are made in a real world where communities are more than the sum of their parts. Historic districts necessarily include buildings and structures *in their historically derived landscape*. Further, as shown throughout the Lyon County Master Plan, both visitors and residents are drawn to historic communities exactly for the historic nature of the landscape in which they are found. If the historic nature of the landscape is degraded, it will become less valued.

The existing zoning preserves the nature and pace of development in Silver City in ways that are compatible with the historic landscape. Given the very pointed language in the Lyon County Master Plan pertaining to historic districts and community character, Comstock Mining Inc. is obligated to show that its proposed Master Plan change and zoning change will not adversely impact the historic integrity of Silver City. Comstock Mining's implied goal in seeking the change in land use and zoning is to conduct mining in the town limits. However, they offer no evidence to support the compatibility of their proposed project with the existing historic landscape, nor do they address adverse impacts to the landscape, viewshed, historic integrity, and community values in Silver City implicit in the change. To avoid further damage to the Virginia City National Historic Landmark in general, and specifically to the historic integrity of Silver City, requires maintaining and supporting the protections imbedded in the existing Lyon County Master Plan.

Reference

Barker, Leo, 1988. "Over the Lode: An Investigation of the Status of the Virginia City National Historic Landmark District, Also Known as the Comstock Historic District, Nevada." National Park Service, San Francisco.

I hope this information meets your needs. If you have any questions, please do not hesitate to contact me at 883-7790.

Sincerely,



James P. Barker, Ph.D.
Nevada State Archaeologist, Bureau of Land Management, Retired

Bio

Pat Barker was born in Reno. He earned a Ph.D. in Anthropology in 1982 from the University of California, Riverside. In 1986, he began work as an archaeologist for the Bureau of Land Management and two years later became the archaeologist for the BLM Nevada State Office. During his tenure in the state office, Dr. Barker developed guidelines for conducting cultural resource inventories and for evaluation eligibility for the National Register. He negotiated a statewide protocol agreement with the Nevada State Historic Preservation Office (SHPO) for compliance with the National Historic Preservation Act (NHPA). He was a founding member of the BLM National Preservation Board and helped develop the BLM's cultural resource manual series. Dr. Barker has negotiated at least 30 programmatic agreements to facilitate NHPA compliance for proposed land uses, mainly mining developments. Since retiring from the BLM in 2006, he has worked as a consultant on several projects, including the Ruby Pipeline, the American Flats demolition environmental assessment, the Virginia City sewer expansion programmatic agreement, and the Nevada Test Site rail corridor environmental impact statement. Dr. Barker also was a Research Associate in Anthropology at the Nevada State Museum and at UC Davis; past president of the Board of Directors of the Nevada Rock Art Foundation; and president of the Great Basin Anthropology Association. He teaches a graduate seminar on Historic Preservation Law and Policy at the University of Nevada, Reno.

Pat Barker, Ph.D.

Personal Information

Address: 4523 Hells Bells Road, Carson City, Nevada 89701,
(775) 883-7790; Cell: 775 721-0110; email: barkerj@unr.edu
DOB: 12/16/46, Reno, Nevada; U.S. Citizen; Married, No Children; Viet Nam veteran

Professional Preparation

Orange Coast College	Anthropology A.A.	1972
California State University, Long Beach	Anthropology B.A.	1974
University of California, Riverside	Anthropology M.A.	1977
University of California, Riverside	Anthropology Ph.D.	1982

Appointments

Research Associate, Anthropology, University of California, Davis, 2009-Present
Research Associate, Anthropology, Nevada State Museum, Carson City, Nevada, 2000-Present
Senior Archaeologist, ASM Affiliates, Reno, Nevada, 2008-Present
Senior Archaeologist, Progressive Adaptations, Carson City, Nevada, 2006-Present
Adjunct Professor, Anthropology, University of Nevada, Reno, Nevada, 1998-Present
Nevada State Archaeologist, Bureau of Land Management, Reno, Nevada, 1988-2006 (Retired)
Resource Area Archaeologist, Bureau of Land Management, Barstow, Ca, 1986-1988
Chief, Alcohol Dependence Program, VA Medical Center, Reno, Nevada, 1985-1986
Coordinator, Alcohol Dependence Program, VA Medical Center, Reno, Nevada, 1982-1985
Graduate Student, University of California, Riverside, California 1974-1982
Assistant Editor, Journal of California and Great Basin Anthropology, 1980-1982

Publications

2013 *Points in Time: Direct Radiocarbon Dates on Great Basin Projectile Points*, with Geoffrey Smith, Eugene M. Hattori, Anan Raymond, and Ted Goebel. *American Antiquity* 78(3):580-594.

2011 *Looting at Elephant Mountain Cave*, with Cynthia Pinto-Ellis and David Valentine. *Nevada Archaeologist* 24:1-11

2009a *The Process Made Me Do It: or Would a Reasonably Intelligent Person Agree that CRM is Reasonably Intelligent*. In L. Sebastian and W. Lipe, eds. *Archaeology and Public Policy: A New Vision for the Future*. Santa Fe: School of Advanced Research. Pp 65-90.

2009a *Great Basin Sandals*, with Tom Connolly. In C. Fowler and D. Fowler, eds. *The Great Basin: People and Places in Ancient times*. Santa Fe: School of Advanced Research. Pp 69-74.

2009c *Woven Sandals as Boundary Markers Between the Great Basin and Southwest Culture Areas*. In B. Hockett, ed. *Past, Present and Future Issues in Great Basin Archaeology: Papers in*

Honor of Don D. Fowler, Bureau of Land Management, Nevada, Cultural Resource Series 20:125-145.

2008 *Forum: Who Makes it Heritage?* Invited Comment. *Heritage Management* 1(1)110-112

2006 *Long Term Fire History in Great Basin Sagebrush Reconstructed from Macroscopic Charcoal in Spring Sediments*, with Scott Mensing and Stephanie Livingston. *Western North American Naturalist*, 66(1) 64-77.

2004 *Basketry Chronology of the Early Holocene in the Northern Great Basin*, with Tom Connolly. *University of Oregon Anthropological Papers* 62:241-250.

1996 *Archaeological Contributions to Ecosystem Management*. *SAA Bulletin* 14(2):18-21.

1995 *Legal Implications of the Numic Expansion*. with Cynthia Pinto. In, *Across the West: Human Population Movement and the Expansion of the Numa*. D. Madsen and D. Rhode, eds. Salt Lake City: University of Utah Press. Pp 16-19.

Honors

President's Honor List, CSULB, 1972-73, Fall 1973

Society for California Archaeology, Student Prize Paper, 1973

Outstanding Graduate in Anthropology, CSULB, 1974

Regents Fellow, UCR, 1975-1976

VA Outstanding Performance Award, 1983, 1984, 1985

BLM, Group Achievement Award, 1987, 1992

National Take Pride in America Award for *Adventures in the Past Exhibit*, 1991

BLM Sustained Performance Award, 1992, 1999, 2000, 2006

Professional Associations

Nevada Archaeological Association

Society for American Archaeology

Nevada Rock Art Association

Service

Nevada Archaeological Association, Board of Directors, 1990-1992

President, Board of Directors, Nevada Rock Art Foundation, 2009-2012

President, Great Basin Anthropology Association, 2012-Present

Referees

Robert L. Bettinger, Ph.D., Department of Anthropology, University of California, Davis, California 95616 (916) 752-0551

David Hurst Thomas, Ph.D., Curator, North American Archaeology, American Museum of Natural History, New York, New York 10024 (212) 769-5890



Kerry Page <kpage@lyon-county.org>

Silver City Planning Analysis

1 message

Gayle Sherman <gales@gbis.com>

Wed, Nov 6, 2013 at 3:31 PM

To: Kerry Page <kpage@lyon-county.org>

Hello Kerry,

Here is the Planning Analysis.

Gayle



Ascent PlanZoneEnviron Silver City FINAL.pdf

4730K

**Comstock Mining Master Plan Amendment and Zone Change Request
Silver City, Nevada**

Land Use Planning, Zoning, and Environmental Analysis

**Prepared for:
Comstock Residents Association**

**Prepared by:
Ascent Environmental, Inc.
128 Market Street, Suite 3E
PO Box 5022
Stateline, Nevada 89449**

November 4, 2013

Table of Contents

BACKGROUND AND PURPOSE	1
HISTORICAL LAND USE PLANNING AND ZONING IN THE SILVER CITY AREA	1
1971 General Plan	2
1973 Zoning Ordinances.....	3
1986 Plan Amendment and Zone Change proposal	3
1990 Lyon County Master Plan	4
2002 West Central Lyon County Land Use Plan	6
EXISTING PLANNING AND ZONING.....	7
2010 Comprehensive Master Plan.....	7
Land Use Plan	10
Lyon County Zoning Code and Map	12
Draft Land Use and Development Code.....	13
ENVIRONMENTAL CONSIDERATIONS	14
Carson River Mercury Superfund Site	16
Air Quality.....	16
Noise 16	
Water Quality.....	16
Reclamation	17
CONCLUSION	17
ENDNOTES	18
EXHIBITS.....	E-1
Exhibit 1 Silver City Zoning Map, 1971	E-1
Exhibit 2 Portion of Carson Plains, Book II map, from 1990 Master Plan.	E-2
Exhibit 3 Land Use Map, 2002 West Central Lyon County Land Use Plan	E-3
Exhibit 4 County-wide Land Use Map - Silver City, 2010 Comprehensive Master Plan	E-4
Exhibit 5 Wind Rose Plot, Station #23185 – Reno/Cannon Airport, Nevada, 1/1/1990 – 12/31/1990, source: Lake Environmental.....	E-5
QUALIFICATIONS OF PREPARERS.....	A-1

JA2533

14 CV 00128 - 002428
LYON COUNTY

Background and Purpose

Comstock Mining, Inc. has submitted a Master Plan Amendment and Zoning Change Application to Lyon County for approximately 87 acres of private land generally located north and west of State Highway 341 within and adjacent to the town site of Silver City, Nevada. The application is being considered by the Lyon County Planning Commission and Board of County Commissioners. The company requests changes to the 2010 Lyon County Comprehensive Master Plan and to the Zoning Maps associated with the Lyon County Code of Ordinances, Title 10 – Land Use Regulations.

According to the application, Comstock Mining is seeking these changes “for the purpose of pursuing continued mineral exploration, development, and the economic mining potential of the subject property”¹ prior to proceeding with actual mining activities. The requested Master Plan and Zoning changes would allow mining as a special use, where it is not now allowed.

The purpose of this analysis is to review and evaluate the changes proposed by Comstock Mining in light of the goals, policies, and intent of the Comprehensive Master Plan and Zoning Ordinances. Because the intent to pursue mining on the lands has been expressly stated by Comstock Mining, this evaluation will also examine whether the intended use of the lands for mining and the associated impacts from that use are generally consistent with the Lyon County Master Plan and Zoning Ordinances.

Historical Land Use Planning and Zoning in the Silver City Area

The use of land in the Silver City area was shaped by the discovery of gold in Dayton, Nevada in 1849, and the subsequent discovery of Silver in Virginia City in 1859. The rush to locate and patent mining claims, then develop underground mines, resulted in a fractured land ownership pattern with a variety of uses intermixed on the landscape. The town of Silver City was surveyed, patented, and developed well before the existence of local, state, or federal zoning, planning, parceling, and environmental regulations. The town's historical significance can be attributed to these factors, as can the mix of land uses and lot sizes that are uncommon in modern communities.

The Comstock Mining District represents a truly unique piece of the cultural history of Nevada and of the nation. The site of the single most productive mining strike in history, the Comstock brought tens of thousands of people to Nevada, generated enormous wealth, and created the towns of Virginia City, Gold Hill, and Silver City, the second metropolitan center in the Far West at the time. The Virginia and Truckee Railroad (recently restored by Carson City) was constructed to service the mines, and important advances in unionizing and labor standards occurred in the Comstock during the 1860s. The Comstock also generated significant technological achievements in the mining industry that were later incorporated worldwide. Because of the Comstock, Nevada became a territory in 1861 and a state on October 31, 1864.

Recognizing its critical cultural value to the citizens of Nevada and the nation, the United States first designated the Virginia City Historic District (including Silver City which was created as a Town Site in 1873) as a National Historic Monument on July 4, 1961. In 1969, the Nevada Legislature enacted Chapter 384 of the Nevada Revised Statutes to create the Virginia City Historic District, subsequently renamed the Comstock Historic District. Nevada's Comstock Historic District Act is the only Comstock-specific legislation designed to protect this important and unique site of Nevada and national heritage.

In the Comstock Historic District Act, the Nevada Legislature decreed that it is "the public policy of the State of Nevada to promote the educational, cultural, economic and general welfare and safety of the public through the preservation and protection of the structures, sites and areas of historic interest and scenic beauty" of the Comstock Historic District. Efforts have been made through the decades since the designation to preserve the character of the Silver City community and landscape to reflect the community's roots in the historical mining era.

As modern planning and zoning emerged for the Silver City area, it retained this historical backdrop as its foundation, and overlaid a modern transect of desired development. The Silver City Town Site has been envisioned consistently as having a commercial core with a small industrial zone which includes some historic mills and mines, all surrounded by residential development. Beyond the boundaries of the Town Site, land use has consistently been designated for less dense development and open space. Using different designations with different names, this basic concept has carried through generations of land use plans and continues today.

1971 GENERAL PLAN

Modern planning and zoning really began in the Silver City area with the Lyon County General Plan, which was prepared and adopted in 1971 in response to growing population trends in the County. The plan was comprised of six elements, including a Land Use Plan, a Community Facilities Plan, a Transportation Plan, a Recreation Plan, individual Area Plans (including the Dayton-Silver City Area Plan), and an Implementation Plan. Each of these elements was crafted through an extensive public process.²

Some of the features of these elements that are relevant to the changes that are being proposed today are described below. The 1971 Plan divided uses broadly between "living uses", containing essentially residential uses, and "non-living" uses, which include commercial, service and industrial uses, stating that "some separation of these two basic functions is desirable for community balance and living conditions"². Silver City was identified as an "urbanizing area" surrounded by rural residential lands and open space. Open Space was described as "one of the most important" uses of land in Lyon County, and included the high mountain and difficult terrain west of SR 341 and 342 outside the Silver City town site.²

Mining was recognized as an important land use in the 1971 Plan, consistent with the concept of separation of "living" and "non-living" areas. For these reasons, county permits for mining were only issued as a special use to allow the Planning Commission and Board of County Commissioners to maintain this desired separation.

The Recreation Plan element of the 1971 Plan further embraced the concept of open space as critical to preserving recreation resources and adding to the quality of life in county residents. The recreation program was seen as focusing on the preservation of open space including areas of historic or cultural significance, and the Plan stated that "development that would change the natural features or reduce the primary importance of the area"² should be prohibited.

The Dayton-Silver City Area Plan was one of five areas in Lyon County requiring special planning approaches in the 1971 Plan. It identified Silver City as a significant recreational, historical and cultural attraction, stating that the "historic core areas of Dayton and Silver City should be preserved".² Silver City was identified as an urbanizing area that would include light commercial and residential uses, the surrounding steep mountainous areas were designated for open space, and the more gentle terrain was designated for low density residential use.

1973 ZONING ORDINANCES

Implementation of the Lyon County General Plan of 1971 resulted in the adoption of zoning maps and ordinances in 1973 reflecting the goals, policies and land use decisions of the General Plan. Exhibit 1, Silver City Zoning Map³, shows the following zoning designations for the Silver City area.⁴

- ▲ **RR-1 – First Rural Residential.** One-acre minimum lot size. Permitted uses are single family dwellings, agricultural uses, recreational and educational uses and certain commercial, public and industrial activities subject to issuance of a Special Use Permit. This zoning designation remains largely unchanged since 1973 in a small portion in the northeast of the Silver City town site.
- ▲ **RR-5 – Fifth Rural Residential.** Twenty-acre minimum lot size. Permitted uses are single-family dwellings, agricultural uses, recreational and educational uses, and mining activities subject to issuance of a Special Use Permit. Lands with this zoning designation are outside the boundary of the Silver City Town Site, reflecting a less dense, more rural character, and were consistent with the Open Space designation of the 1971 General Plan.
- ▲ **NR-1 – Single Family Non-rural Residential.** 7,000 square feet minimum lot size. Single family residences and some related activities are permitted. This zoning designation made up the vast majority of the Silver City Town Site in 1973, as it does today, with minor modifications. This is a reflection of the “urbanizing area” designation of the 1971 General Plan.
- ▲ **C-2 – General Commercial.** Retail and wholesale business activities are permitted except for obnoxious activities such as junkyards and salvage operations. This zoning designation has been in place along both sides of Main Street (SR 342) through the Silver City town site since at least 1973 and remains to this day. This designation is consistent with the definition of an urbanizing area.
- ▲ **M-1 – General Industrial.** Most industrial land uses are permitted. Obnoxious or dangerous uses such as chemical manufacturing or processing, sand and gravel extraction and mining require issuance of a special use permit. This industrial zone has been in place since 1973 and remains along both sides of the SR 342 corridor south of downtown Silver City and the intersection of American Flat Road.

At some point after this zoning map was produced, the zoning of two parcels that extended beyond the boundaries of the Silver City Town Site into the open space lands surrounding the Town Site, were changed from RR-5 to NR-1 as depicted on the Comstock Mining application and on the current Lyon County GIS data base. Comstock Mining states that this zoning was “adopted in the mid-1970s”⁵ The two parcels are the large Kossuth Lode and Alhambra Lode patented claims that extend outside the Town Site and are labeled Parcels 1 and 3 in the Comstock Mining change application.

1986 PLAN AMENDMENT AND ZONE CHANGE PROPOSAL

In 1986, Nevex Gold Company submitted an application for a master-plan amendment, zoning change request, and a special use permit for an open pit mine, spoil piles, and haul roads on 20 acres of land that are a portion of the same lands that are being proposed today by Comstock Mining for Master Plan Amendment and Zoning Change. As with Nevex, Comstock Mining intends to mine these lands, but unlike Nevex, Comstock Mining has chosen to sequence their approvals by waiting to submit a Special Use Permit application for the open pit mine until after a decision is made by Lyon County on their request for changes to the Master Plan and Zoning Maps.

In 1986, the Lyon County Planning Commission denied the planning and zoning changes and the Special Use Permit, and the Lyon County Board of Commissioners upheld that decision on appeal.

The same rationale for change offered by Nevex in 1986 is being offered by Comstock Mining today.⁶ After a lengthy hearing in which arguments were made by the mining company and opponents, much of it citing the goals, policies, and intent of the 1971 General Plan and the 1973 Zoning Ordinances, the Lyon County Board of Commissioners voted 4 to 1 to uphold the Planning Commission's denial of the master plan and zoning changes, and to deny the Special Use Permit. The following motion was made by Commissioner Cummings and includes the findings made by the Board that were the basis for the Board's denial:⁶

I hereby move to deny the request for rezoning by Nevex Gold, inc., based upon the following findings of fact which I find to be supported by substantial evidence in the record as follows:

- 1) After a four hour presentation on June 17 [1986], the Planning Commission, by vote of five to two, recommended denial of the Nevex rezoning request considered today.
- 2) In reference to requirements for zoning established by NRS Section 278 and 250, we find (A) that the Nevex rezoning request does not comply with the Lyon County Master Plan. (B) The proposed rezoning does not promote the conservation of open space or protect the natural and scenic resources from unreasonable impairment. (C) The proposed rezoning would have both a long-term adverse financial impact to Silver City and the Comstock National Historic Landmark. (D) The proposed rezoning does not promote the health and general welfare of the Silver City area. (E) The proposed rezoning is not compatible with the Silver City area and does not encourage the most appropriate use of land in the Silver City Townsite.
- 3) There is no land in the Silver City Town site zoned RR-5, and the present zoning is predominantly residential in nature.
- 4) The proposed rezoning would significantly harm the integrity of the Comstock Historic District and the National Landmark District.
- 5) The proposed rezoning violates the following expressed goals: (A) to manage national resources in a beneficial way. (B) To improve neighborhood stability and increase property values by preventing incompatible and disruptive land uses.

This action by Lyon County is significant to the current proposal by Comstock Mining, because the County has already addressed this issue and as described previously and below, the goals, policies and intent of the Lyon County Master Plan, have remained in place or even strengthened on these lands in the intervening 27 years.

1990 LYON COUNTY MASTER PLAN

Lyon County developed a new Master Plan that was approved by the Board of County Commissioners in February 1990 and published in July 1990. Lyon County approved two goals for Silver City in the 1990 Master Plan:

Goal #1 – To maintain, promote, and secure the historic character of the community and to prevent the destruction or degradation of the historic character. **Objective:** Lyon County should support the Comstock Historic District Commission in its legislative mission.

Goal #2 – Lyon County should review all new development proposals with the intent to protect the riparian ecology associated with Gold Canyon and American Ravine, with the intent of protecting water quality, minimizing flooding, erosion and sedimentation, and preserving natural drainage, habitat, and aesthetic functions.⁷

Under Community Design, the 1990 Plan referenced the long history of Silver City and stated:

Silver City is totally contained within the Comstock Historic District, and has an active advisory board. The mining history of the area and the structures from that era are an understandable source of pride. A key concern of the residents is preserving the existing historic character of the area.⁸

Under Land Use, the 1990 Plan again focused briefly on Silver City, expressing a vision of the present and the future of the community:

State Route 341 (becoming 342 at the truck route south of town) carried tourist traffic to and from Virginia City through the original commercial district of Silver City. Silver City is located entirely within the Comstock Historic District and is the scenic route through the District. Some of the original commercial buildings are still standing, portraying an historic atmosphere that tourists enjoy.

The prominent elements of this mountainside mining town are the headworks of the Dayton Shaft, west of the highway, and at the site of the Donovan Mill, at the south end of the town. The process buildings, vats and machinery of the Dayton Mill have been standing pretty much as they were since the closure of the mill in 1957; however, the mill is still considered to be a viable industrial property and future operations may occur.

East of the highway and the commercial district are a few older residences that are occupied in a random fashion. There are some new homes mixed with many older homes. An active effort to restore the old Cemetery is being undertaken by many volunteer citizens. The old school facility is being used as a community hall. Many of the parcels in Silver City do not have residential or commercial units on them.⁹

Accompanying the Master Plan were seven land use maps, including one labeled "Carson Plains, Book II" in which Silver City was mapped (see Exhibit 2). As with previous land use designations, Silver City was designated primarily as Medium Density Residential, with the exception of the Commercial Land Use strip along Main Street that remained from the 1971 General Plan. Medium Density Residential was defined as:

Lot and parcel sizes would include the basic "estate zone districts" from 12,000 square feet to ½ acre. Population projections in this land use will consider an average of three (3) family units per acre.¹⁰

Lands outside the Silver City Town Site were designated Open Space (see Fig. 2), defined as follows for private lands:

Any private lands within this designation should be entitled to a single family unit for each existing parcel. All other land use activities should be covered in the current code (as they may apply).¹¹

The 1990 plan was completed and implemented just before the residential boom that began in the 1990s along the US 50 corridor east of Carson City in Lyon County.

2002 WEST CENTRAL LYON COUNTY LAND USE PLAN

As increased growth and development pressures began to occur in the 1990s along the US 50 corridor in Lyon County east of Carson City, the Board of County Commissioners saw the need to update the Master Plan for this area. A public process began in January 2000, culminating with the West Central Lyon County Land Use Plan and map that were approved by the Board of Commissioners in November 2002.¹² This plan looked closely at the Mound House area, the Dayton Valley Area, and Silver City, acknowledging the unique land characteristics and development issues those communities were facing.

The plan concludes that Silver City has the potential for continued limited growth with only half of the potential home sites developed. The plan for slow growth of the community was acknowledged, as was the historic nature of the town's architecture and the context of the community within the Comstock Historic District and the Virginia City National Historic Landmark. In the plan, Lyon County stated that Silver City did not have the kind of development potential they saw in Dayton Valley, but instead hoped for gradual residential and commercial growth of Silver City while maintaining the community's historical integrity.¹³

Lyon County adopted 10 Goals for Silver City that articulated future direction and continuation of earlier policies set out in previous master plans as follows:¹⁴

- 1) To recognize, enhance, and protect the unique character of Silver City. *Among the actions set forth to implement this Goal was "to maintain that scale and primary residential character by retaining the existing Master Plan designation and zoning categories".*
- 2) To preserve the scale of the community by architectural review that is sensitive to how new structures fit into the existing fabric. *Among the actions set forth to implement this Goal was "to preserve the existing pedestrian character by maintaining alleys, soft paving approaches, and relatively narrow streets."*
- 3) To promote the revitalization of the commercial corridor by promoting reinvestment.
- 4) To preserve and strengthen the existing infrastructure, i.e., water, roadways, drainage, and public facilities. *Among the actions set forth to implement this Goal was "Lyon County shall provide an infrastructure inventory and deficiency evaluation and report. Lyon County shall provide a long term if modest capital improvement commitment (i.e., 20 years) that methodically addresses these deficiencies." Also included was an action "to implement and actively oversee the 'dark sky' ordinance."*
- 5) To focus on encouraging tourist-oriented historic activities that do not degrade the quality of life keying Silver City's uniqueness. *Among the actions set forth to implement this Goal was "to actively support the efforts of residents to preserve and improve their property."*
- 6) To recognize and support improvements to and maintenance of historic transportation routes, railroad connections, and other public facilities that link Silver City to its surroundings.
- 7) To promote the preservation of existing public facilities.
- 8) To limit earth disturbance or above-ground mining activities that create visual scarring or that disrupt the fabric of the community. *The only action set forth to implement this Goal was "Lyon County shall establish a land use policy that*

minimizes the impact of mining and other significant earth-disturbing activities that degrade quality of life."

9) To encourage continued citizen participation in the planning process.

10) To maintain the primary focus of the community as residential. *The only action set forth to implement this Goal was "to urge the Board of County Commissioners to carefully consider all zone changes or Master Plan amendments that would substantially alter the character and identity of Silver City."*

Taken together, these 10 Goals clarified Lyon County's vision for the future of Silver City. The Land Use Plan further addressed the land use designations and zoning for Silver City as follows:

Currently there are three General Land Use categories that guide future infill development of Silver City. The predominant land use is residential and the land use category affects about 80 percent of the total land. The zoning classifications of NR-1 and RR-1 have been assigned to the properties and this is a typical low traditional density residential community. The second classification is General Commercial of C-2 that forms a one-block deep corridor on either side of Highway 342 through the center of town. The third is an M-1, industrial land use classification that occupies a southern central position around historically valuable mine and mill properties.¹²

The area surrounding the Silver City Town Site continued to be designated Open Space (Public and Private) in the Land Use Plan and no change in zoning was recommended. Exhibit 3 depicts the map that accompanied the 2002 West Central Lyon County Land Use Plan, reflecting the land use designations for Silver City and the surrounding lands as Lyon County entered the third millennium.¹²

Existing Planning and Zoning

With this backdrop of historical planning and zoning, it should be mentioned that while land uses and zoning remained consistent for Silver City, much of the rest of Lyon County was rapidly undergoing urbanization, population growth, and agricultural land conversion. These later changes, and the wide diversity of land use issues throughout the county, led to the decision by the Lyon County Board of Commissioners to develop a new county-wide Comprehensive Land Use Plan, and a new Land Use and Development Code to implement that plan.

2010 COMPREHENSIVE MASTER PLAN

After an extensive public outreach effort that lasted approximately four years, the Board of County Commissioners approved the new Comprehensive Master Plan on December 23, 2010. It addresses the diversity of communities within Lyon County and the diversity of issues faced by those communities. It is intended to benefit "county residents and landowners by ensuring that land use decisions are rational, democratic, and predictable". [Page 1.7 – *The bracketed page numbers that follow reference the specific pages cited in the 2010 Comprehensive Master Plan.*]¹⁵ The Master Plan is intended to guide the County in making decisions about future development, and to help residents "understand the County's position on proposed changes in land use, zoning, development regulations, and broader policy issues." [pg. 1.7]

The Master Plan is a general policy document, serving as a guide for the future development of property. Zoning maps and regulations, however, provide specific requirements for the development of a property, and have the force of regulation. "When changing the zoning of a particular property, it

must be consistent with the Master Plan Land Use Map. That is to say, the Land Use Map contained in this Master Plan should guide future re-zoning decisions." [pg. 1.9]

Lyon County has adopted a "vision that is founded on the premise that the health of the County and the quality of life of its residents depend on the balancing of multiple factors, including environmental, economic and community/social considerations. These components are interrelated and essential to the continued health and sustainability of the community." [pg. 2.2] This commitment to achieving all three components of the County's wealth – environmental, economic, and social – is confirmed throughout the Master Plan, and recognizes that all three can be attained without sacrificing any one of them.

Based on the vision, the County has set specific goals and policies within the following eight Guiding Principles:

- ▲ Land Use, Economy and Growth (LU)
- ▲ Transportation (TR)
- ▲ Community Character and Design (CC)
- ▲ Natural Resources and Environment (NR)
- ▲ Parks, Recreation and Open Space (PR)
- ▲ Public Facilities/Services (FS)
- ▲ Regional Coordination (RC)
- ▲ Communities and Planning (CP)

The Master Plan contains policies and goals that are County-wide in nature as well as specific to its eight diverse communities, including Silver City. The following excerpts from the Master Plan are relevant to the proposed Master Plan Amendment and Zoning Change application submitted by Comstock Mining and currently being considered by the Lyon County Planning Commission and Board of Commissioners. In its application, Comstock Mining has made proposed findings to support its requested changes, based on its burden of proof that the changes to both the Master Plan and the current Zoning Maps are needed.

Policy LU 1.1: Follow development patterns as established on Countywide Land Use Plan or a more specific Community Plan. [pg. 3.4]

The Community Plan envisioned for Silver City has not yet been initiated by Lyon County. Until a Community Plan is adopted, the Countywide Land Use Plan will be the guide. [pg. 3.18]

Policy LU 1.4: Locate industrial development as designated on County-wide Land Use Plan or determined by criteria. Industrial uses, including extractive industries, will occur in areas that are designated on the County-wide Land Use Plan. New industrial uses should only be located in areas that do not adversely impact existing residential settlements. [pg. 3.5]

The Strategies for implementing this policy include developing a set of siting criteria and performance standards, but these have not yet been developed.

Policy CC 1.3: Design Tailored to Communities. New development in Lyon County should address and respect the unique character of communities within the county. Strategies: develop Community Plans to identify typical or desirable design elements that maintain or promote the community's desired image. Adopt County-wide standards that allow the flexibility to address specific design needs for individual communities in Lyon County. [pg.5.3]

In Silver City, this means maintaining the historic character of development in the Town Site, continuing the architectural standards within the Comstock Historic District, retaining or restoring existing historic structures, and limiting new development to those proposals that fit with the historic image of Silver City.

Goal CC-3: Heritage (under Community Character and Design, Chapter 5). Historic places, structures, and landmarks in the county will be preserved and will provide an opportunity for residents and visitors to learn about and celebrate our heritage.

Policy CC-3.1: Maintain and restore historic resources. Lyon County will encourage and support efforts to preserve and restore registered historic structures, and landmarks, and districts. Strategies: Revise zoning to encourage historic use and development patterns including mixed-use structures and districts. **Within historic districts, promote historic design elements, features, and context, and prohibit building design that compromises the integrity of the historic community character. Within historic districts, limit new land uses that would pose a risk to historic structures or the historic character of the district. Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.** [pg. 5.4 (emphasis added)]

This policy speaks directly to the Comstock Historic District and the Virginia City National Historic Landmark that encompass Silver City and the surrounding area, and addresses the overall context of the historic district, not just lands within the district itself.

Goal NR 9: Mining and Resource Extraction (under Natural Resources and Environment, Chapter 6). Lyon County will promote the continued development of mineral and aggregate resources **while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.** **Policy NR-9.3:** Mitigate Operations. To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, etc. [pgs. 6.8-6.9 (emphasis added)]

The application for Master Plan Amendment and Zoning Map changes from Comstock Mining states the changes are "for the purpose of pursuing mineral exploration, development and the economic mining potential of the subject property."¹⁶ While limited mineral exploration can be conducted on the property now, it is understood that actual mining could only occur after the Master Plan is amended, the current Zoning is changed, and, if these were to be successful, a Special Use Permit would have to be applied for and issued to the applicant.

Lyon County's Policy (NR-9.1) is to guide new residential, commercial, and industrial development away from existing mining activity. [pg. 6.8] However, the reciprocal policy is inherent in Goal NR-9 and Policy NR-9.3 (quoted above) in that it requires avoidance or mitigation of adverse operational impacts of mining activities on existing residential, commercial and industrial activities as well as on

the visual character of the area. Silver City is an existing community with residential, commercial and industrial areas that would be adversely affected by the mining activities envisioned by Comstock Mining similar to the impacts anticipated for the proposed Nevex mine in 1986.¹⁷

Goal CP-1: Support Diversity. Lyon County will celebrate and support the diversity of character among communities in the county. **Policy CP-1.1: Recognize Diversity of Communities.** Lyon County planning efforts and regulations will consider the unique aspects of communities in the county, and will allow for variation and exceptions to address key aspects of their diversity. **Goal CP-3: Community Plans.** Lyon County will support community-based planning efforts that elaborate community-specific goals that are developed with strong public consensus. [pgs. 10.2-10.3]

The communities within the Comstock Historic District, including Silver City, are the oldest in Lyon County, representing a unique aspect of historic development within the County. Embracing the historic character of Silver City and supporting planning actions and designations that are consistent with Silver City's heritage is consistent with the intent of this Goal. It is anticipated that the Community Plan process will begin soon for Silver City, which is identified as one of eight existing, established communities in Lyon County for which a Community Plan is required under the Comprehensive Master Plan. Because the Community Plan is intended to tier off the Comprehensive Master Plan, maintaining the Master Plan decisions for Silver City is critical to the continuity and consistency of this process.¹⁸

LAND USE PLAN

The 2010 Comprehensive Master Plan contains a Land Use Plan that includes County-wide Land Use Plan Maps to guide land uses throughout Lyon County. It also includes a Character District Map to guide the kinds of development appropriate for each of the eight communities that have been identified for Community Plans. The Land Use Plan portion of the Comprehensive Master Plan states that:

The County's geographic planning areas have been assembled into several "communities" that reflect, for each, a sense of place, identity and character. The successful implementation of this Comprehensive Plan will require that these differences be respected and integrated into each of the community plans envisioned by this Plan. [pg. 3.11]

As with prior land use plans in Lyon County, this Land Use Plan embraces the historic nature and slow pace of development in Silver City, acknowledging that:

Over the past 30 years residential infill and limited commercial endeavors have occurred on existing historic properties in Silver City. The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims.

Silver City has a strong sense of identity and prides itself on its cohesive small town atmosphere. The community treasures its historic buildings and landscape features, as evidenced by the preservation and rehabilitation of many original structures. New construction is regulated for exterior architectural features by the Comstock Historic District Commission. [pg. 3.13]

The Character Districts established in the Land Use Plan reflect this by designating the entire area within the Silver City Community Boundary, including the Town Site, as a Historic District, defined as follows:

Historic Districts include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Tools might include mixed-use, design guidelines and conservation easements. [pg.3.16]

The lands within the Community Boundary for Silver City are all designated as an Historic Character District. These lands will also be the subject of a Community Plan for Silver City, containing the Silver City Town Site, plus some additional surrounding lands (see Exhibit 4, County-wide Land Use Map - Silver City). The lands owned by Comstock Mining that are proposed for a Master Plan Amendment and Zoning Map Change are all included within the Community Boundary. Therefore, all of the Comstock Mining lands included in its application are within the Historic Character District.¹⁹

In addition to the Character Districts, the Land Use Plan Map for Silver City establishes Land Use Categories. In keeping with the historical pattern of planning and zoning for Silver City, the lands proposed for Master Plan Amendment and Zoning Map Change are generally divided between a Suburban Residential designation within the Town Site boundary, and a Resource designation outside that boundary (see Fig. 4).

The Suburban Residential designation under the Land Use Plan can include Medium Density Residential, High Density Residential, or Residential Mixed-Use in a Community Plan. Prior to completion of the Community Plan, only the County-wide Land Use Plan designation applies (Suburban Residential). However, the previous Land Use Plan (West Central Lyon County Final Land Use Plan, 2002) designated the lands within the Silver City Town Site owned by Comstock Mining as Medium Density Residential (a category that does not exist in the County-wide Land Use Plan, only in Community Plans). Until the Community Plan is completed, it is reasonable to assume that a similar designation is intended for these lands. This is defined by the Land Use Plan (for Community Plans) as follows:²⁰

Medium-density residential neighborhoods should contain a mix of housing types in a neighborhood setting. Each neighborhood should have a recognizable center. Centers will vary in size and composition, but may include a combination of higher-density residential uses, parks and/or recreation facilities, or civic uses.

Neighborhoods should contain connective open spaces that unify the development and provide transitions between other areas and uses.

Under the Land Use Plan, these lands would typically be comprised of residential zoning where mining would not be allowed. Comstock Mining proposes to change this Suburban Residential designation within the Silver City Town Site to Rural Residential which typically includes zoning such as RR-3 and RR-5 where mining could be allowed under a Special Use Permit. Rural Residential planning and zoning (except RR-1) have never been included within the Silver City Town Site. During preparation of the Comprehensive Master Plan, Comstock Mining, then a lease holder of the lands, unsuccessfully argued that these lands within the Town Site be designated as Resource.²¹

The Resource designation under the Land Use Plan applies to those Comstock Mining lands outside the Silver City Town Site boundary. This designation includes:

Private properties located within Bureau of Land Management (BLM) and Forest Service lands as in-holdings or in very rural and/or remote areas of the County away from developed lands or existing utilities and roads that are currently vacant or primarily vacant.....While properties are entitled to general rural residential

development based upon current zoning, maintaining these properties as open lands where possible is desirable. [pg. 3.29]

Under the Land Use Plan, mining may be permitted as a Special Use on Resource lands. Comstock Mining is proposing to retain this Resource designation on Parcel 1 of its application, which extends outside of the Silver City Town Site boundary. However, Comstock Mining proposes to change the Land Use Plan designation from Resource to Rural Residential on its Parcel 3, which is the other parcel that extends outside the Silver City Town Site boundary, a designation that, combined with an RR-3 proposed zoning change, would still allow mining as a Special Use. It should be noted that when Comstock Mining requested changes to the Comprehensive Master Plan during its preparation in 2010, they stated that "the Company respectfully agrees with the designation" of Resource for those lands south of the Silver City town line, including Parcel 3.²¹

The Land Use Plan allows a number of options for development that would maintain the rural character of Lyon County, while allowing landowners to obtain equity for their lands. One of those options is called "Clustering" in the Land Use Plan. Clustering of development on lands within the Silver City Town Site could direct new residential development to more appropriate building sites, allowing steep slopes to be protected.²² Clustering would allow multiple lots owned by Comstock Mining or any other owner within the Community Boundary of Silver City, for example, to be clustered onto less steep lands close to the neighborhood center that would be appropriate for residential building sites. Clustering residential development, which could be incentivized by Lyon County as envisioned in the Land Use Plan, would allow Comstock Mining to maximize flexibility for future residential development if plans for mining the land are not successful. The proposed zoning change, a "down zoning," however, would reduce the development potential and, therefore, the value of the land for residential development in the future.

LYON COUNTY ZONING CODE AND MAP

The current zoning map for the area being proposed for change by Comstock Mining is portrayed in its application as Sheet 4 of 7.²³ The subject area currently includes three relevant zoning designations that are described under the current zoning ordinances of Lyon County, excerpts of which are as follows: ²⁴

NR-1 Single-Family Nonrural Residential District. Required lot area is a minimum of 6,000 square feet with no more than one single-family dwelling on any lot or parcel. Permitted uses are single family dwellings and associated uses. Special uses that may be permitted include child care facilities, churches, group care facilities, parks, public utility serving centers, recreational areas, residential industry and schools. On lots that are over 20,000 square feet, Special Uses that may be permitted include private golf, swimming, tennis and similar clubs, sanitariums, and other like uses. Mining would not be allowed.

RR-5 Fifth Rural Residential District. Required lot area is a nominal 20 acres minimum, with no more than one dwelling allowed for each 20 acres in lot size, with structures at least 50 feet apart. Permitted uses on lots with the required area and width include barnyard animals, buildings, coops and pens or other such structures including corrals for horses; buildings for sale and display of products grown or raised on premises; home occupations; single-family dwellings of a permanent nature including accessory buildings, and hunting and fishing lodges, wildlife refuges and game farms.

Special Uses that may be permitted include airports; kennels; cemeteries; churches; dude or guest ranches; racetracks and commercial stables; recreational and

educational uses and buildings; residential industries; rest homes; tennis, golf civic or country clubs, utility and public uses and serving centers; mining, including extraction and/or processing of rock, sand, gravel, asphalt and like earth products including topsoil stripping; rifle and archery ranges; trapshoots; campgrounds; commercial farrowing pens and feedlots; commercial wind energy conversion systems; and on agricultural lands, buildings for use as farm labor housing.

M-1 General Industrial District. Required lot area is 7,000 square feet minimum. A wide range of general commercial and industrial uses are allowed in this zoning district. Mining and milling are allowed by Special Use Permit.

All of the lands owned by Comstock Mining within the project boundary described in its revised Master Plan Amendment and Zoning Map Change application are currently zoned NR-1 with the exception of lands in portions of lots 105 and 106 in the north corner of Parcel 5 of the application, which are zoned M-1. [Note: Inclusion of the M-1 lands may simply be a mapping error in the application since the Parcel 5 description included in the application does not correspond to the map, and Comstock Mining previously tried to avoid split-zoning of lots in its revised Reversion to Acreage application for Parcel 6 that was approved by Lyon County on October 8, 2013.] Lands surrounding the project boundary outside the Silver City Town Site are currently zoned RR-5. As stated by Comstock Mining in its application, these zoning maps and designations have been in place with minor language amendments since "the mid-1970s"⁵

Comstock Mining is requesting that its Parcel 1, currently zoned NR-1 and extending outside the Silver City Town Site be changed to RR-5, a designation that would allow mining as a Special Use. This would be consistent with the RR-5 zoning on surrounding lands outside the Town Site. Comstock Mining is requesting a change in zoning for Parcels 2 – 6 from NR-1 to RR-3. This zoning designation is excerpted from the Lyon County Code as follows: ²⁴

RR-3 Third Rural Residential District (5 acres). Required lot size is a nominal five acre minimum, with no more than one dwelling allowed for each 5 acres in lot size, with structures at least 50 feet apart. Allowed uses are the same as described for RR-5 above. Special Uses are the same as RR-5, except that commercial wind conversion systems and farm labor housing would not be allowed on RR-3. Mining would be allowed as a Special Use.

There has never been RR-3 or higher zoning within the Silver City Town Site, which includes Parcels 2, 4, 5 and 6. Parcel 3 is outside but adjacent to the Town Site boundary and is surrounded by RR-5 zoning on lands outside the Town Site.

An overlay to the zoning on all these lands comes from the Land Use Regulations of Title 10, Lyon County Code, which imposes specific requirements for Special Use Permits within the Comstock Historic District. These are included in Chapter 10 of Title 10, "Mining in the Comstock Historical District." Additional development restrictions would also be imposed on those Comstock Mining lands that cross the public rights-of-way of State Routes 341 and 342 in Parcels 1 and 6.

DRAFT LAND USE AND DEVELOPMENT CODE

Implementation of the 2010 Comprehensive Master Plan requires revision of Lyon County's development regulations and standards to achieve the goals and policies of the Plan. The County is in the process of updating the Land Use and Development Code, including zoning ordinances and maps. These will become Title 15 of the Lyon County Code, updating and replacing the existing zoning. These changes are currently in draft form, and are an implementation priority for the County, along with development of the Community Plans.²⁵

The Land Use and Development Code is comprised of four parts: Part 1 is Administration; Part 2 is Development Regulations, currently focusing only on developing flood-prone lands; Part 3 is Zoning Regulations; and Part 4 is Land Division Regulations. These ordinances are not yet approved, but are available on the Lyon County web site. This discussion will focus only on the draft Zoning Regulations.²⁶

The Zoning Regulations implement the new Comprehensive Master Plan, and upon approval, will be determined by the Board of County Commissioners to be consistent with the Master Plan. As such, the proposed zoning corresponds to the Land Use Plan decisions for both Character Districts and Land Use Categories. No zoning maps are yet available, but it is assumed that the zoning maps will correspond with the Land Use Plan maps in the Master Plan, and as implemented in future Community Plan maps.

All lands currently under consideration for Master Plan Amendment and Zoning Change are within the designated Historic Character District. In terms of Land Use Categories, they are generally divided between a Suburban Residential designation within the Town Site boundary, and a Resource designation outside that boundary (see Fig. 4). There are a number of new Zoning Districts identified in the draft Zoning Regulations, generally fine-tuning the existing zoning to better implement the Land Use Plan, including mixed use centers, tourist commercial, and additional lot size categories for suburban and rural residential uses. Special Use Permits have been replaced by Conditional Use Permits where allowed.

As shown in Table 15.300-3 of the Draft Zoning Regulations for allowed uses in Historic Character Districts, there are four possible residential district designations in the Community Plan based on minimum lot sizes: Suburban Residential (SR) – 1, SR – 12,000 (ft.²), and SR-9,000. There is also a possible Neighborhood Residential (NR) designation that allows a minimum lot size of 4,500 square feet. Historic Character Districts may also include the Non-residential Districts of Tourist Commercial Historic (TC-H) and Public/Quasi Public Uses, and also Commercial Mixed Use zoning (CMU-H). According to the table, “resource extraction and processing”, which includes “mining, sand, gravel, and mineral” use types, are not allowed anywhere in the Historic Character District and would not be allowed on any of the lands being proposed for Master Plan Amendment and Zoning Map Change.

The Land Use Categories that split the subject lands at the Town Site boundary do not allow mining in any of the Suburban Residential or Commercial zoning districts, just as it is not allowed under current zoning rules within the Silver City Town Site. On the Resource lands outside the Town Site, mining would be allowed on RR-10 and RR-20 lands, new designations based on minimum lot sizes on rural residential lands. RR-20 is similar to the current RR-5 zone; there is no current equivalent to the RR-10 zone. Similarly, while there is also no proposed equivalent to the NR-1 zoning now in effect on the subject lands, the NR zone is close to the same, but with a 4,500 ft.² minimum lot size instead of 6,000 ft.².

Environmental Considerations

Because mining is the intended use of the lands and the motivation behind the requested Master Plan Amendment and Zoning Change, it is prudent to briefly consider some of the environmental factors that should be weighed now in general terms. It is assumed that the lands in this application would be mined and the ore removed for processing at Comstock Mining's existing mill site in American Flat in Storey County. Open pit mining would likely involve stripping the top soil for use as berms around the pit and for later use in reclamation, as well as drilling, blasting (when and where required), loading, and hauling of ore and waste materials.

Within the Comstock Historic District, Lyon County has special provisions for mining that would be applied at the time of considering a Special Use Permit. These are in addition to other federal and state environmental regulations and standards. Lyon County Code²⁷ requires that:

Particular consideration shall be given to the following factors:

1. The effect of the proposed operation on drainage and water supply.
2. The possibility of soil erosion as a result of the proposed operation.
3. The potential resultant degrees and effect of dust and noise.
4. The potential resultant impact upon tourism, historic, archeological and cultural resources, recreational areas, agriculture, and public health and safety.
5. The practical possibility of reclamation of the site and the adequacy of proposed mitigation of impacts.
6. The effect of the proposed operation on natural beauty, character, tax base, economy, adopted general plan, land value and land uses in the area.

In addition, if and when a Special Use Permit is considered, the following findings must be made for proposed mining within the Comstock Historic District pursuant to Lyon County Code, Title 10, Chapter 10. These would apply to the Comstock Mining lands, and are unique in Lyon County because they specifically seek to protect the surrounding property owners, the neighborhood, and the historical context of the area.²⁷

1. That the proposed mining activity will not be detrimental to public health, safety and welfare or injurious to the neighborhood.
2. That the applicant has shown that reasonable steps can be taken to protect land, air, and water resources of both the applicant's property and that of the surrounding property owners.
3. That scenic, historic, recreational, archeological, and agricultural values of the applicant's property and those of the surrounding property owners are protected.
4. That, notwithstanding adverse findings on one or more of the above paragraphs 1 through 3, the proposed mining activity is proposed by adding to the tax base, providing additional employment and otherwise contributing to the economic welfare of Lyon County.

It should also be noted that extensive environmental analysis was provided to Lyon County in 1986 for the Special Use Permit application submitted by Nevex Gold Company for a portion of the lands that are now being considered for a Master Plan Amendment and Zoning Change.¹⁷ Noise, air quality, water quality, soils and reclamation were all studied for that 1986 proposal, which was ultimately denied by the Lyon County Planning Commission. The denial was upheld by the Board of County Commissioners. While mining techniques and environmental regulations have changed somewhat in the intervening years, the nature of the impacts and the needs for mitigation remain essentially unchanged. We have reviewed these analyses and find them competent and that they provide useful and relevant information to assess the potential impacts of Comstock Mining's current proposal.

CARSON RIVER MERCURY SUPERFUND SITE

Portions of the land being considered in the application for Master Plan Amendment and Zoning Change are part of the Carson River Mercury Superfund Site Operable Unit 1 (OU-1). This includes mercury-contaminated soils at former mill sites and mercury contamination in waterways adjacent to the mill sites. OU-1 generally consists of the tailings and soil contamination near the mills where mercury was used to separate silver and gold from the ore. Contamination at the sites, including the Dayton Consolidated Mill which is located on the Comstock Mining property, is a legacy of the Comstock mining era of the late 1800s. The U.S. Environmental Protection Agency (EPA) and the Nevada Division of Environmental Protection (NDEP) are working together on a long-term sampling and response plan, with an objective to reduce human health risks from the contamination. The proposed clean-up or stabilization of these sites as part of any mining activity would be of particular concern to both agencies, Comstock Mining, and near-by residents.²⁸

AIR QUALITY

Mining operations can generate dust from mining and mineral processing operations and associated truck traffic, releasing particulates, nitrous oxide, sulfur dioxide, and carbon monoxide from the equipment used to mine and process ore minerals. These emissions can generate smog and other forms of air pollution that may impact local air quality. Most air emissions are regulated by the U.S. Environmental Protection Agency under its ambient air-quality standards. Best practices at mine sites involve evaluating the level of likely emissions, taking steps to reduce or eliminate them through the use of management practices or controls, and monitoring the sources from which they may be generated to ensure compliance with regulatory standards.²⁹

These are reinforced by the 2010 Comprehensive Master Plan which states as a Goal that "Lyon County residents will breathe clean air", going on to say that as a policy, "Lyon County will seek to maintain and improve the quality of our air" by requiring "compliance with federal and state air pollutant emissions standards".³⁰

Due to the proximity to the residential area in Silver City of the Comstock Mining lands, this may prove to be challenging to reconcile with an open pit mine. The predominant winds are from the west and south, which would blow emissions and dust from the mining operations toward the populated areas of Silver City. Exhibit 5 depicts the wind rose for Reno-Tahoe airport, approximately 17 air miles to the northwest, showing the cumulative annual wind directions and wind speeds for this part of Nevada. While there are localized differences in wind speeds and directions resulting from topography, this is the closest wind data collection point to Silver City and is considered representative of wind characteristics in the region.³¹

NOISE

Impacts from noise would be anticipated from any mining operation and, due to the proximity of residences in Silver City to the lands being considered for mining, would need to be evaluated in any Special Use Permit application. Drilling, blasting, crushing, operation of heavy equipment, and hauling of ore and waste products can generate high noise levels during mine operations. Numerous variables affect the noise levels including proximity of residences, topography, atmospheric conditions, whether windows are open or closed, and the hours, days and seasons of mine operations.

WATER QUALITY

Some individual mine sites may have increased concentrations of specific metals and salts in water used in – or runoff from – mine sites. Acid mine drainage is a phenomenon that can occur when rock containing sulfides is exposed to air and water. The water can become acidic and often carries

elevated levels of toxic metals. Acid mine drainage occurs most frequently in association with metals mines [such as gold and silver mines] and can affect water quality. Pit lakes, another water quality concern during and after mine closure, are created when mining is completed in a pit and dewatering pumps are turned off, allowing groundwater to flow back into the pit. Similar concerns about the acidity and concentration of heavy metals in these water bodies arise in association with metals mines. Changes in water quality and quantity can affect not only human health but also wildlife habitat and ecosystem health. Environmental impact assessment processes often intensively focus on bio-diversity issues in Nevada, and as a consequence, operating plans require significant dedication to design of mitigation and management efforts.²⁹

Lyon County has adopted a policy for Water Supply and Quality in the 2010 Comprehensive Master Plan: "Recognizing that clean water is a precious resource necessary to maintain our health, economy, and quality of life, Lyon County will protect the water supply and encourage efficient use of water resources."³²

Site-specific analysis of surface waters and sub-surface waters in relation to any proposed mining activity would need to be undertaken to determine the extent of potential impacts to surface and groundwater quality and the appropriate mitigation measures that would be required.

RECLAMATION

Before any ground is disturbed, mining companies must ensure that adequate funds are available to complete reclamation and remediation of exploration and mining sites. In the subject area, this process takes the form of bonds and sureties held by the Nevada Division of Environmental Protection. This is intended to protect the public, should a company be unable to fulfill the activities required for reclamation and the safe closure of a mine, by having funds available to complete these tasks. Bond amounts are determined through development of comprehensive reclamation plans that detail the engineering, construction and environmental costs required to physically and chemically stabilize, reclaim and restore areas disturbed by mining.²⁹

Lyon County also has imposed separate reclamation requirements for lands that are mined within the Comstock Historic District (see Title 10, Chapter 10, Lyon County Code). Reclamation plans for the site would need to address soil erosion and slope stability, invasive species control, chemical alteration of the soils and revegetation concerns, surface runoff, groundwater contamination, surface drainage of Gold Creek and its tributaries, the disposition of the existing mine and historic mill sites on the property, and the close proximity to scenic vistas from SR 341 and 342, the gateway tourist entrance to Virginia City and the Comstock Historic District.

Conclusion

Lyon County has consistently acted through its land use planning and policies, as well as its zoning decisions, to designate lands within the Silver City Town Site for medium density residential uses surrounding a commercial core area. The County has also consistently planned for rural uses and open space outside the Town Site boundary. These designations have used different language and different terminology, but all arrive at the same result: residential uses surrounding a commercial core within the Silver City Town Site, and open space outside the Town Site. Extending the RR-5 zoning (or creating new RR-3 zoning) within the Town Site would be out of keeping with the vision and values expressed by Lyon County over decades of planning.

The importance and special meaning of the Comstock Historic District and the Virginia City National Historic Landmark cannot be overstated. In its 2010 Comprehensive Master Plan, Lyon County created a Historic Character District so as to retain the cultural heritage of Silver City and parts of Dayton. Lyon County's ordinances also reflect the special consideration given this area by creating

separate rules for any proposed mining of these lands, and for their protection and reclamation. Retaining the current land use designations, zoning, and restrictions of this area is essential to retaining the historic values and cultural heritage of Silver City.

Finally, in 1986, the Lyon County Board of Commissioners already rejected a similar proposal on the same lands with the following findings: the rezoning request does not comply with the Lyon County Master Plan; does not promote the conservation of open space or protect the natural and scenic resources from unreasonable impairment; would have both a long-term adverse financial impact to Silver City and the Comstock National Historic Landmark; does not promote the health and general welfare of the Silver City area; is not compatible with the Silver City area and does not encourage the most appropriate use of land in the Silver City Town Site.⁶

Endnotes

- ¹ Comstock Mining, Inc. revised Master Plan Amendment and Zone Change Request, prepared by Manhard Consulting, Ltd., October 11, 2013.
- ² Quotes from the Lyon County General Plan, 1971, were included in Milton Sharp, Sharp & Associates, Land-Use Planning and Zoning Analysis, Nevex Gold Company Applications for Master Plan Amendment and Special Use Permit, June 12, 1986.
- ³ Map provided by the Lyon County Planning Department.
- ⁴ Portions of these summaries were taken from Milton Sharp, Sharp & Associates, Land-Use Planning and Zoning Analysis, Nevex Gold Company Applications for Master Plan Amendment and Special Use Permit, June 12, 1986.
- ⁵ Page 2, Comstock Mining, Inc. revised Master Plan Amendment and Zone Change Request, prepared by Manhard Consulting, Ltd., October 11, 2013.
- ⁶ Transcript of Lyon County Board of Commissioners hearing on Nevex Gold Company's appeal of a Lyon County Planning Commission hearing, 1986.
- ⁷ Page 9, Lyon County Master Plan, July 1990.
- ⁸ *ibid*, page 25.
- ⁹ *ibid*, page 54.
- ¹⁰ *ibid*, page 251.
- ¹¹ *ibid*, page 251.
- ¹² West Central Lyon County Final Land Use Plan, prepared by FPE Engineering and Planning, approved by the Lyon County Board of Commissioners, November 2002.
- ¹³ Pages 13 – 15, West Central Lyon County Final Land Use Plan, 2002.
- ¹⁴ Pages 16 – 17, West Central Lyon County Final Land Use Plan, 2002.
- ¹⁵ Lyon County Comprehensive Master Plan, December 23, 2010.

- ¹⁶ Page 3, Comstock Mining, Inc. revised Master Plan Amendment and Zone Change Request, prepared by Manhard Consulting, Ltd., October 11, 2013.
- ¹⁷ Resource Concepts, Inc. Nevox Gold Company Master Plan Amendment and Special Use Application – Reclamation, Noise, Air Quality and Water Quality Analysis, June 11, 1986.
- ¹⁸ Chapter 10, Communities and Planning and Chapter 11, Implementation, of the Lyon County Comprehensive Master Plan identify the development of Community Plans as a high priority for Lyon County.
- ¹⁹ A portion of land that comprises that part of the Alhambra Lode parcel that is in the E½ of the NE¼ of Section 17, T21E, R16N is included within the Community Plan boundary, though it is outside the Silver City Town Site. Most, but not all, of this land is shown as public land managed by the Bureau of Land Management, according to LR2000, the BLM data base, last published February 14, 2011. Efforts to confirm this land ownership with BLM are pending. It is presumed that Comstock Mining owns the mineral estate underlying this parcel since they show it as their property in the application.
- ²⁰ Pages 3.30-3.31, Lyon County Comprehensive Master Plan, December 23, 2010.
- ²¹ Letter from Corrado De Gasperis, President and CEO of Comstock Mining, Inc., to Chairman Joe Mortensen, Lyon County Board of Commissioners, Subject: "Final draft – County Wide Component of the Comprehensive Master Plan, Request for Resource Land Designation for Specific Mining Properties", December 13, 2010.
- ²² Clustering is described on page 3.41 of the Lyon County Comprehensive Master Plan, 2010.
- ²³ Page 18, Comstock Mining, Inc. revised Master Plan Amendment and Zone Change Request, prepared by Manhard Consulting, Ltd., October 11, 2013.
- ²⁴ Lyon County Code, Title 10, Chapter 3, Residential Districts and Chapter 4, Nonresidential Districts.
- ²⁵ Page 11.6, Lyon County Comprehensive Master Plan, December 23, 2010.
- ²⁶ Lyon County Code, Title 15 (Working Draft), Part III, Zoning regulations, October 9, 2013.
- ²⁷ Lyon County Code Title 10, Chapter 10, Mining in Comstock Historical District.
- ²⁸ Carson River Mercury Superfund Site, U.S. Environmental Protection Agency, Region 9, Summary of Five-Year Review of OU-1 in Nevada, February 2013.
- ²⁹ Nevada Mining Association web site (www.nevadamining.org), "Issues and Policy", October 31, 2013.
- ³⁰ Pages 6.4-6.5, Lyon County Comprehensive Master Plan, December 23, 2010.
- ³¹ Wind Rose Plot, Station #23185 – Reno/Cannon Airport, Nevada, 1/1/1990 – 12/31/1990, source: Lake Environmental.
- ³² Page 6.4, Lyon County Comprehensive Master Plan, December 23, 2010.

JA2553

14 CV 00128 - 002448
LYON COUNTY

Exhibits

- Exhibit 1 Silver City Zoning Map, 1971.
- Exhibit 2 Portion of Carson Plains, Book II map, from 1990 Master Plan.
- Exhibit 3 Land Use Map, 2002 West Central Lyon County Land Use Plan
- Exhibit 4 County-wide Land Use Map - Silver City, 2010 Comprehensive Master Plan
- Exhibit 5 Wind Rose Plot, Station #23185 - Reno/Cannon Airport, Nevada,
1/1/1990 - 12/31/1990, source: Lake Environmental.

JA2555

14 CV 00128 - 002450
LYON COUNTY

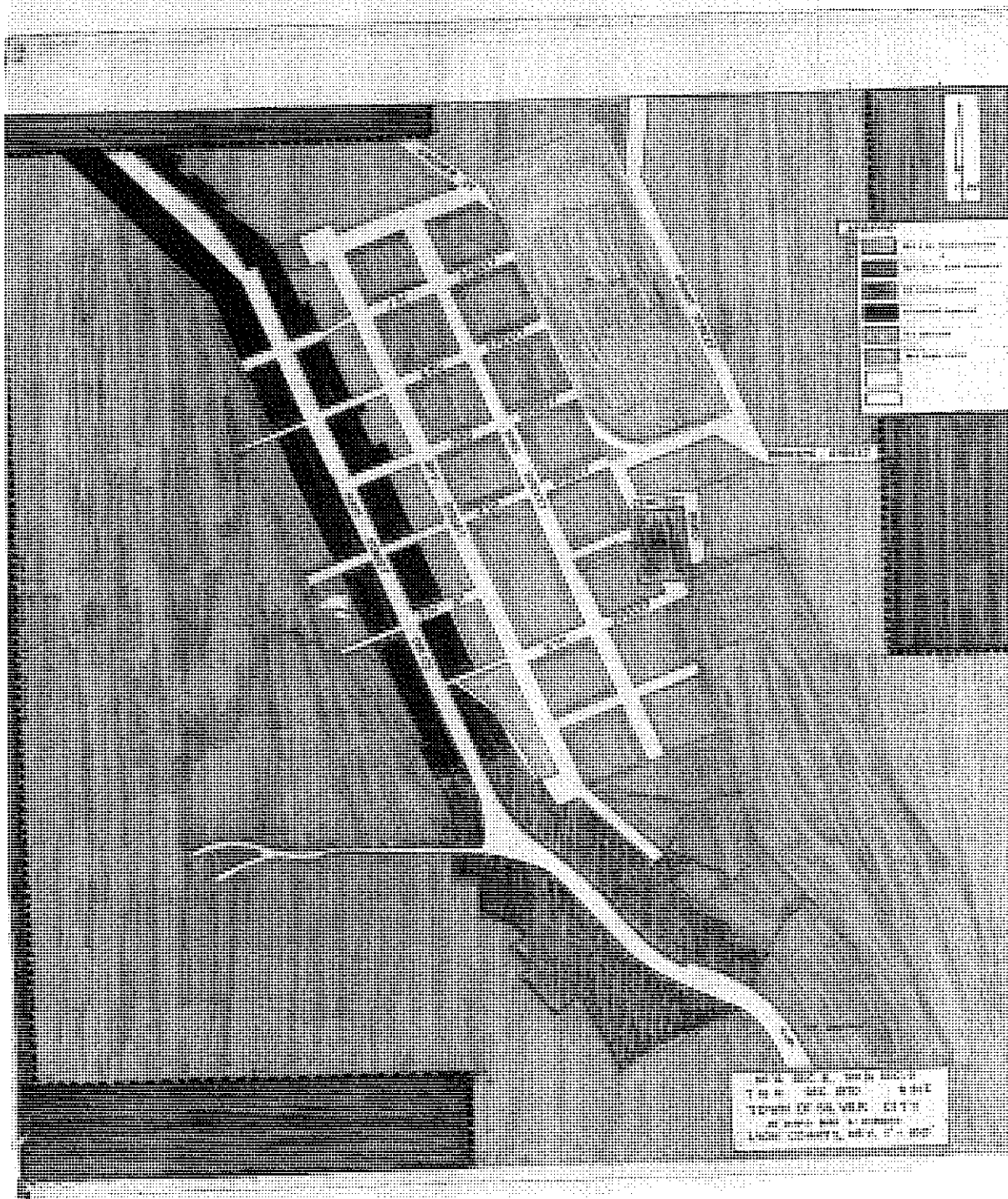


Exhibit 1

Silver City Zoning Map, 1971

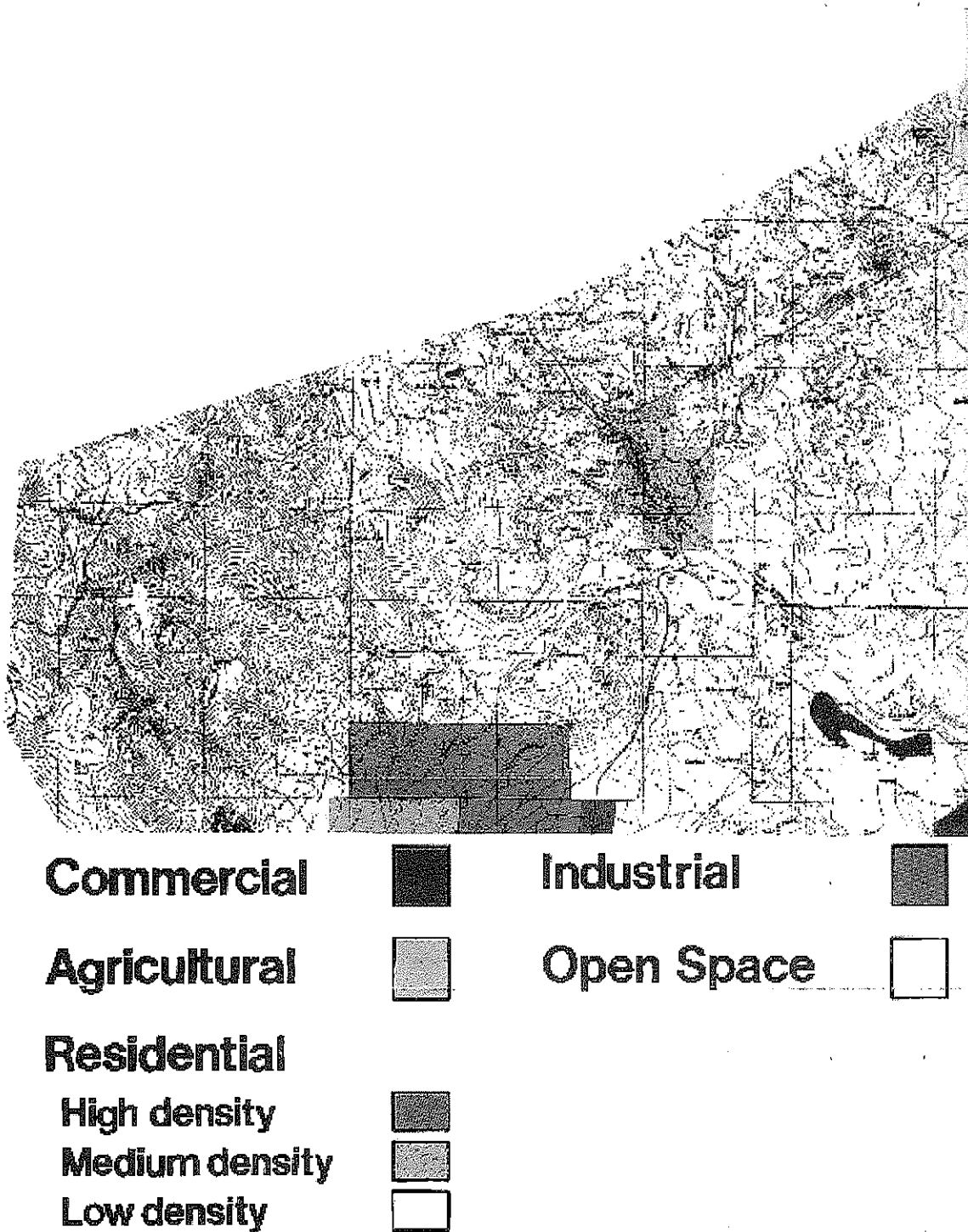


Exhibit 2

Portion of Carson Plains, Book II map, from 1990 Master Plan.

WEST CENTRAL LYON COUNTY FINAL DRAFT LAND USE PLAN

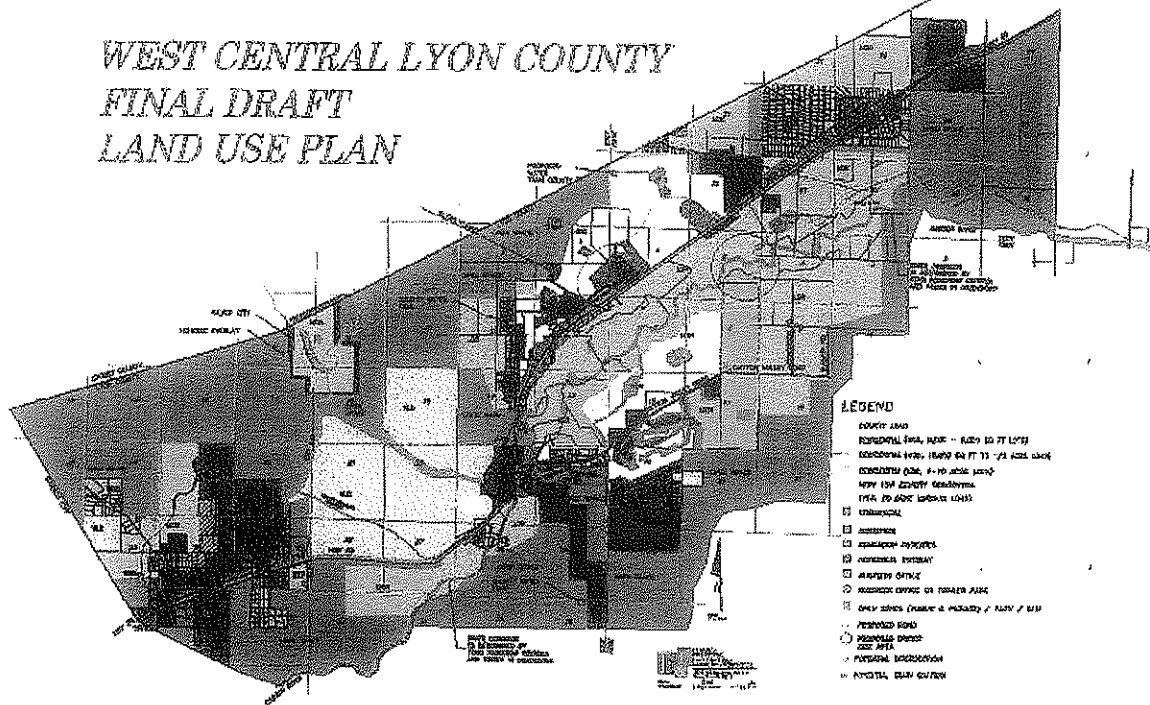


Exhibit 3

Land Use Map, 2002 West Central Lyon County Land Use Plan

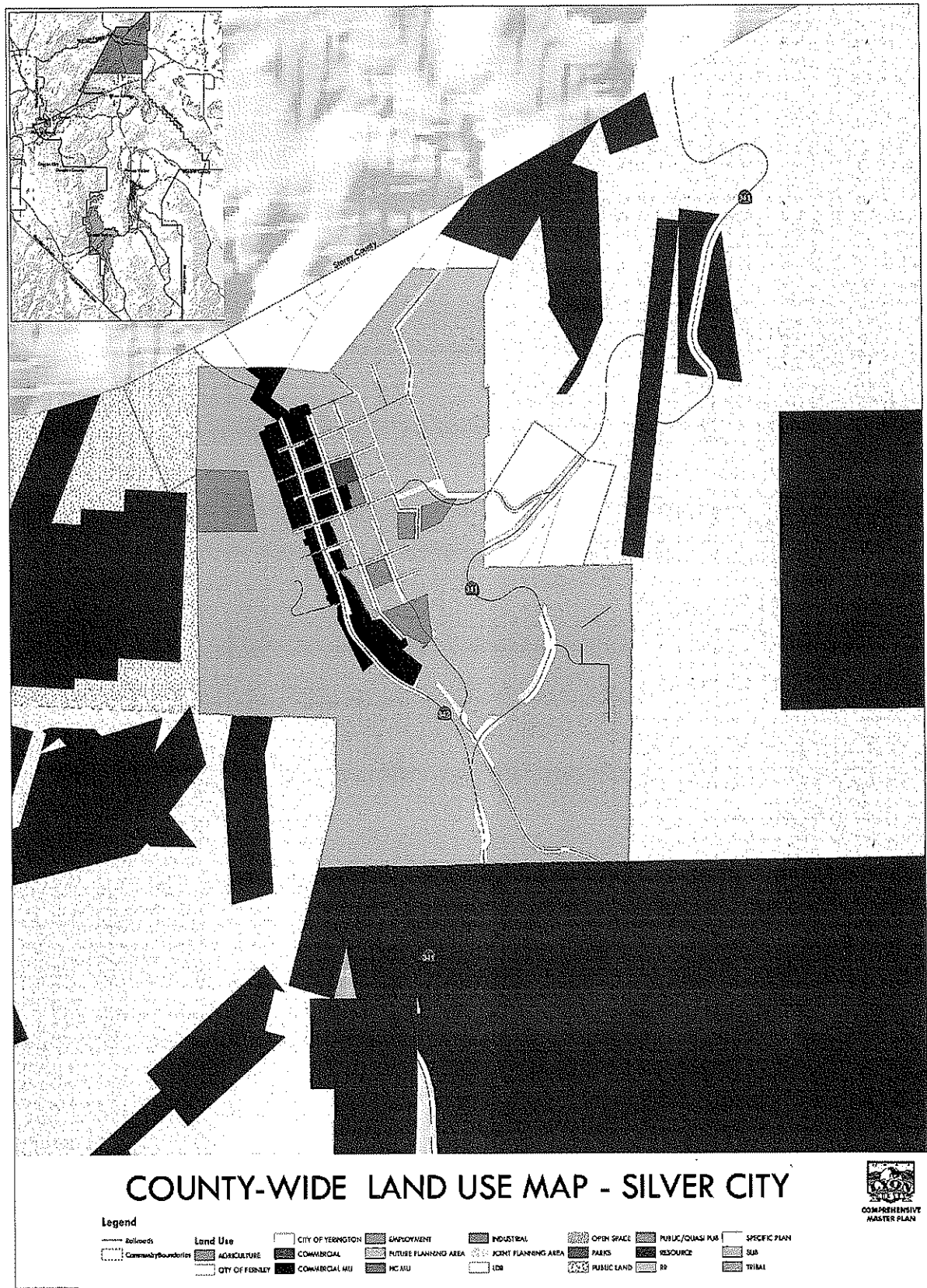


Exhibit 4 County-wide Land Use Map - Silver City, 2010 Comprehensive Master Plan

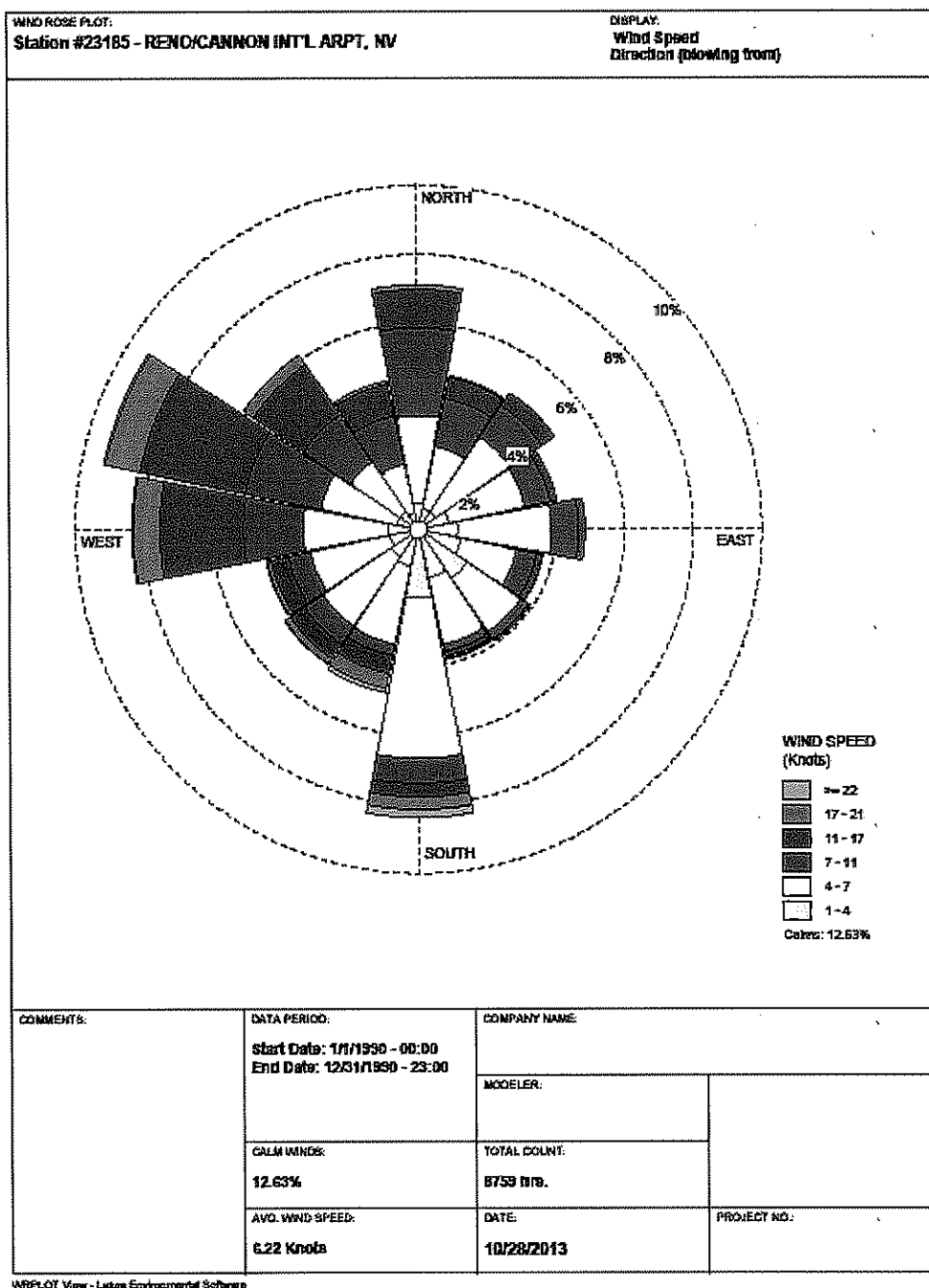


Exhibit 5

**Wind Rose Plot, Station #23185 – Reno/Cannon Airport, Nevada,
1/1/1990 – 12/31/1990, source: Lake Environmental.**

Qualifications of Preparers

JA2563

14 CV 00128 - 002458
LYON COUNTY

Qualifications of Preparers

Ascent Environmental, Inc. is an environmental planning and natural resources consultancy with offices in Stateline, Nevada and Sacramento, California. Ascent provides clients with personally engaged professionals dedicated to meeting higher standards by applying leading-edge thinking to resolve their important environmental issues. Over 35 Ascent professionals provide environmental planning and analysis services, National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) compliance, natural resources management, strategic regulatory guidance, climate change/greenhouse gas (GHG) analyses, sustainability planning, outdoor recreation planning, air quality and noise analyses, and GIS services to projects and clients in the Western U.S. We have a long and successful history of working on environmental and natural resources projects that are controversial and complex. We do not avoid projects that may face public scrutiny, opposition, polarized stakeholders, complicated regulatory challenges, or potential litigation. We apply our skills in coordination with our clients to develop strategic approaches, weigh advantages and disadvantages, and provide recommendations that achieve the requirements of applicable laws and regulations and meet the needs of our clients.

JOHN SINGLAUB

Project Manager and Senior Analyst

John Singlaub is a senior environmental planner with extensive experience in natural resources management topics affecting the U. S. West. With over 30 years of experience, he is an expert in land management policy development and implementation, natural resources management planning, National Environmental Policy Act compliance, and federal land management planning and permitting. His experience includes a wide range of environmental topics such as endangered and threatened species, scenic resources, land use plans and policies, outdoor recreation, water quality, impacts of mining, fire management, and public outreach. John left the Tahoe Regional Planning Agency (TRPA) in 2009, after serving five years as the Executive Director. TRPA is the bi-state planning and regulatory agency responsible for the protection and restoration of Lake Tahoe. Prior to that, John served for 25 years as a planner and manager for the Bureau of Land Management (BLM), most recently as the District Manager for BLM in Carson City, Nevada. John holds a Bachelor of Arts in Geography from the University of California, Los Angeles and a Master of Planning from the University of Virginia.

SYDNEY B. COATSWORTH, AICP

Principal in Charge

Ms. Coatsworth is an environmental planner with over 25 years of experience in environmental compliance, planning, technical analysis, and public outreach programs for a wide variety of projects. Her practice includes projects pertaining to surface and groundwater resources and supply, wastewater treatment facilities, floodplain management, renewable energy facilities, pipelines and other linear facilities, urban development, affordable housing, natural resources management, and environmental policy and regulation. She is an expert and educator in environmental compliance pursuant to NEPA, CEQA, and TRPA laws and regulations for professional associations and client agencies. Sydney specializes in managing large-scale and complex environmental compliance projects and has overseen the preparation of hundreds of environmental documents and technical analyses. She holds a Bachelor of Arts in Earth Science from California State University, Northridge and a Master of Arts in Geography, with emphasis in Geomorphology, from the University of California, Los Angeles.



Kerry Page <kpage@lyon-county.org>

Lyon County Planning Commission meeting date: 11/12/13

1 message

bbrown@gbis.com <bbrown@gbis.com>

Tue, Nov 5, 2013 at 9:56 AM

To: "kpage@lyon-county.org" <kpage@lyon-county.org>

RE: Comstock Mining Inc.

Dear Ms. Page,

Please accept this amended email communication that was previously sent earlier this morning. I apologize for the improper identification of the November 12, 2013 agenda items that we wish to present comment.

Dear Ms. Page,

We have received the **Notice of Application and Public Hearing, as an Affected Property Owner, in reference to the two agenda items concerning Comstock Mining, Inc. application for Lyon County Master Plan amendment and zoning change.** Thank you.

We would like to notify the Commission that as Affect Property Owners we will present oral comment to the Commission.

We would also like to request a copy of the supporting materials for these agenda items.

Thank you for attending to our requests.

Sincerely,

Bonnie and Chris Brown

775-847-0431

P.O. Box 102

Silver City, NV 89428

bandcbrown@gbis.com

JA2566

14 CV 00128 - 002461



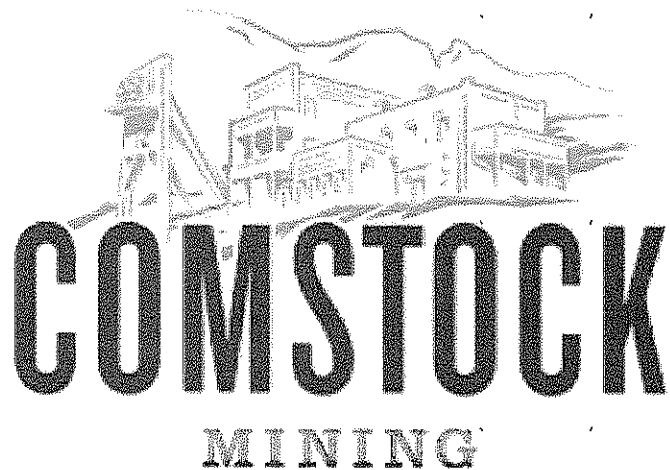
Kerry Page <kpage@lyon-county.org>

You're Invited to Comstock Mining's Town Meeting & Hosted Dinner

1 message

Kyle Jones <Jones@comstockmining.com>

To: Kyle Jones <Jones@comstockmining.com>



Comstock Mining Town Hall & Hosted I

**Comstock Mining Inc. would like to invite you and your fa
Dayton area gathering. This event will be held in Dayton
provide our regional neighbors with an update of our op**

➤ **Save the Date**

Wednesday, November 6, 2013

5:30 p.m. – 8:00 p.m.

Location: Dayton Community Center, Old Tow

○ 5:30 p.m. Hosted Dinner Buffet

JA2567

14 CV 00128- 002462

- 6:15 p.m. Special Presentation by John Tyson, Enterta
- 6:30 p.m. Comstock Mining Update by Corrado De Gaspi



Corrado De Gasperis

**Comstock Mining:
"Preserving, Protecting
and Enhancing the
Comstock District"**

Plus Operations Update



**L
"C
Pr
Hop**

Information • Dinner Catered by Gold Hill Hotel • Promot

Kyle Jones
External Relations



F 775-847-7118

Comstock Mining Inc.
P.O. Box 1118
1200 American Flat Road
Virginia City, NV 89440

Invitation.pdf
476K



Kerry Page <kpage@lyon-county.org>

Staff Report

12 messages

John Marshall <johnmarshall@charter.net>

Mon, Nov 4, 2013 at 12:45 PM

To: kpage@lyon-county.org

Kerry,

Could you send a copy of the Comstock Mining staff report when you finished? Thanks.

John

Kerry Page <kpage@lyon-county.org>

Mon, Nov 4, 2013 at 12:51 PM

To: John Marshall <johnmarshall@charter.net>

Of course.

[Quoted text hidden]

*Kerry Page**Lyon County Planning Assistant**27 South Main Street**Yerington, NV 89447**ph: 775-463-6592**fax: 775-463-5305*

John Marshall <johnmarshall@charter.net>

Mon, Nov 4, 2013 at 12:59 PM

To: Kerry Page <kpage@lyon-county.org>

Thank you!

From: Kerry Page <kpage@lyon-county.org>**Date:** Monday, November 4, 2013 12:51 PM**To:** John Marshall <johnmarshall@charter.net>**Subject:** Re: Staff Report

[Quoted text hidden]

John Marshall <johnmarshall@charter.net>

Mon, Nov 4, 2013 at 4:48 PM

To: Kerry Page <kpage@lyon-county.org>

Kerry,

Any word on when the Staff Report will be available?

John

From: Kerry Page <kpage@lyon-county.org>**Date:** Monday, November 4, 2013 12:51 PM**To:** John Marshall <johnmarshall@charter.net>**Subject:** Re: Staff Report

[Quoted text hidden]

JA2569

14 CV 00128 - 002464

Kerry Page <kpage@lyon-county.org>
To: John Marshall <johnmarshall@charter.net>

Mon, Nov 4, 2013 at 4:55 PM

Rob is out of town (out of the state) and didn't leave that particular staff report with me. He finished the other 5 reports for other applications - just not that one!
I will be distributing the applicant submitted materials tomorrow and the staff report will be emailed out later this week, unless he emails it to me sooner.

[Quoted text hidden]

John Marshall <johnmarshall@charter.net>
To: Kerry Page <kpage@lyon-county.org>

Mon, Nov 4, 2013 at 5:11 PM

Thank you Kerry. Could you send me the other staff reports?
John

From: Kerry Page <kpage@lyon-county.org>
Date: Monday, November 4, 2013 4:55 PM

[Quoted text hidden]

[Quoted text hidden]

Kerry Page <kpage@lyon-county.org>
To: John Marshall <johnmarshall@charter.net>

Mon, Nov 4, 2013 at 5:13 PM

Which other staff reports? The ones for unrelated applicants?
[Quoted text hidden]

John Marshall <johnmarshall@charter.net>
To: Kerry Page <kpage@lyon-county.org>

Mon, Nov 4, 2013 at 5:25 PM

Yes please, if its not too much trouble — there is anther mining project on the agenda.

From: Kerry Page <kpage@lyon-county.org>
Date: Monday, November 4, 2013 5:13 PM

[Quoted text hidden]


[Quoted text hidden]

Kerry Page <kpage@lyon-county.org>
To: John Marshall <johnmarshall@charter.net>

Tue, Nov 5, 2013 at 8:39 AM

Attached.
[Quoted text hidden]

3 attachments

 **PLZ-13-0013 KONA GOLD SUP-AMENDED 11.12.2013.doc**
197K

 **PLZ-13-0037 Woodbridge Estates PUD 16-025-04 11.12.2013.doc**
211K

 **PLZ-13-0055 XTREME BULLET SUP MOD 11.12.2013.doc**
133K

Kerry Page <kpage@lyon-county.org>
To: John Marshall <johnmarshall@charter.net>

Tue, Nov 5, 2013 at 8:40 AM

I forgot one.

[Quoted text hidden]



PLZ-13-0050 STUDY HONEY FUND ZON MV 11.12.2013.doc
126K

John Marshall <johnmarshall@charter.net>
To: Kerry Page <kpage@lyon-county.org>

Wed, Nov 6, 2013 at 8:56 AM

Kerry,
Any word on the CMI staff Report? Thanks.
John

From: Kerry Page <kpage@lyon-county.org>
Date: Tuesday, November 5, 2013 8:40 AM

[Quoted text hidden]

[Quoted text hidden]

Kerry Page <kpage@lyon-county.org>
To: John Marshall <johnmarshall@charter.net>

Wed, Nov 6, 2013 at 9:17 AM

I doubt it will be today. Rob is back from Louisiana but is out of the office attending other meetings. He will be back tomorrow.

[Quoted text hidden]

JA2571

14 CV 00128 - 002466



Kerry Page <kpage@lyon-county.org>

Comstock Mining's submittal information.

2 messages

Kerry Page <kpage@lyon-county.org>

Thu, Oct 31, 2013 at 3:15 PM

To: Gayle Sherman <gales@gbis.com>, Joe McCarthy <1200paydirt@gmail.com>, Larry Wahrenbrock <NevadaBead@aol.com>, Erich Obermayr <eober@historicsight.com>

Good afternoon,

Rob is still working on the staff report so the full packets are not yet ready but I wanted you to have an early look at the information most recently provided by the applicant's representative.

Happy Nevada Day!

--

Kerry Page

Lyon County Planning Assistant

27 South Main Street

Yerington, NV 89447

ph: 775-463-6592

fax: 775-463-5305



REVISED MPA & ZON SUBMITTAL 10.11.2013.pdf

10514K

Gayle Sherman <gales@gbis.com>

Thu, Oct 31, 2013 at 3:56 PM

To: Kerry Page <kpage@lyon-county.org>

Thank you Kerry. It looks like our presentation would be available until later in the week of next week, so don't wait for our report if you have the packet ready.

Gayle

[Quoted text hidden]

JA2572

14 CV 00128 - 002467



October 11, 2013

Mr. Rob Loveberg
Planning Director
Lyon County Planning Department
27 S. Main Street
Yerington, Nevada 89447

Re: Comstock Mining Master Plan Amendment & Zone Change Request

Mr. Loveberg:

On behalf of Comstock Mining, we appreciate your consideration of the enclosed application. The property included with this application request is generally located north and west of State Highway 341 adjacent to and within the town site of Silver City.

This application includes the following requests:

1. A Master Plan Amendment request from Suburban Residential to Rural Residential on 42.57 acres.
2. A Master Plan Amendment request from Resource to Rural Residential on 12.29 acres.
3. A Zoning Map Amendment request from NR1 to RR3 on 54.86 acres.
4. A Zoning Map Amendment request from NR1 to RR5 on 32.34 acres.

Due to the fact that the zone change and master plan amendment requests are being submitted simultaneously, we understand that the zone change request will not be considered by the commission within forty five (45) days after the application is filed with the administrator in accordance with Lyon County Code (10.12.07c).

If you have any questions or require additional information, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Motter'.

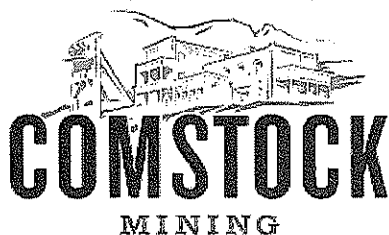
Andrew Motter, P.E.
Senior Project Manager

MASTER PLAN AMENDMENT AND ZONE CHANGE APPLICATION FOR COMSTOCK MINING PROPERTY

SILVER CITY, LYON COUNTY, NEVADA

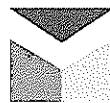


PREPARED FOR:



Comstock Mining Inc.
P.O Box 1118
Virginia City, Nevada 89440

PREPARED BY:



Manhard
CONSULTING LTD

Manhard Consulting Inc.
9850 Double R Blvd.
Reno, NV 89521

AUGUST 2013

JA2574

14 CV 00128 - 002469
LYON COUNTY

Table of Contents

Project Location	1
Master Plan & Zoning Designation	1
Application Request	2
Justification	2
Master Plan Amendment Findings	7
Master Plan Amendment Process and Procedure Findings	10
Zone Change Findings	12

Tables:

Table1: Current Land Use Designations.....	1
Table 2: Proposed Land Use Designations	1
Table 3: Surrounding Property Designations.....	2
Table 3: Lyon County Land Use Categories.....	4

List of Figures:

Figure 1: Vicinity Map	
Figure 2: Parcel Exhibit	
Figure 3: Existing Master Plan Map	
Figure 4: Existing Zoning Map	
Figure 5: Proposed Master Plan Map	
Figure 6: Proposed Zoning Map	
Figure 7: Existing Slope Map	

Appendix:

Development Application	
Owners Affidavit	
Legal Descriptions	
Site Photographs	

Project Location

The property included with this application request is generally located north and west of State Highway 341 adjacent to the town site of Silver City. See Figure 1 Vicinity Map and Figure 2 Parcel Exhibit for additional detail.

Master Plan Land Use & Zoning Designations

Table 1: Current Land Use Designations (Ref. Figure 3 and Figure 4)

Parcel	Master Plan	Zoning	Land Use
1	Resource	NR1	Vacant
2	Suburban Residential	NR1	Vacant
3	Resource	NR1	Vacant
4	Suburban Residential	NR1	Vacant
5	Suburban Residential	NR1	Vacant
6	Suburban Residential	NR1	Vacant / Abandoned Mining Facilities

Table 2: – Proposed Land Use Designations (Ref. Figure 5 and Figure 6)

Parcel	Master Plan	Zoning	Area
1	Resource	RR-5	32.34 AC
2	Rural Residential	RR-3	7.20 AC
3	Rural Residential	RR-3	12.29 AC
4	Rural Residential	RR-3	10.28 AC
5	Rural Residential	RR-3	11.01 AC
6	Rural Residential	RR-3	14.08 AC

Table 3: Surrounding Property Designations

Location	Master Plan	Zoning	Land Use
North	Suburban Residential & Commercial Mixed Use	M1 & NR1	Vacant / Silver City Town Site
South	Resource, Open Space & Future Planning Area	RR5 & C2	Vacant
East	Resource & Suburban Residential	RR5 & NR1	Vacant / Silver City Town Site
West	Open Space & Suburban Residential	RR5 & NR1	Vacant

Application Request

This application includes the following requests:

1. A Master Plan Amendment request from Suburban Residential to Rural Residential on 42.57 acres.
2. A Master Plan Amendment request from Resource to Rural Residential on 12.29 acres.
3. A Zoning Map Amendment request from NR1 to RR3 on 54.86 acres.
4. A Zoning Map Amendment request from NR1 to RR5 on 32.34 acres.

Justification

The application is requesting a "down zone" at both the master plan and zoning levels. These amendments modify the residential development potential of the property from its current allowed density of 655 total dwelling units to a maximum yield of a more rurally representative 10 dwelling units. If approved, these proposed requests change the master plan and zoning designations from "Suburban Residential and NR1" to "Rural Residential, RR3 and RR5." This would provide a more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure and also clean up and align certain parcels that currently have "split" master plan designations.

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. Regardless of the

rationale, the designations have rendered the subject property unproductive for any activity other than mineral exploration for the last 40 years.

The applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property. Prior to proceeding with actual mining activities, the applicant would be required to obtain a special use permit from Lyon County. Such a permit would then address all manners of land use and include relevant conditions to limit the impacts and effects of potential or proposed mining activities. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

A change in the master plan and zoning designations from Suburban Residential and NR1 to Rural Residential, RR3 and RR5 will not only support the productive evaluation of existing mineral potential but will, more importantly, also bring the property into conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services, while helping to further promote the goals, policies, and strategies of the Lyon County Master Plan.

The Lyon County Master Plan Community Description for Silver City states, "The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims. The existing water service infrastructure dates back to the late nineteenth century, when a water system to supply the mining operations and settlement demands of the Comstock communities was constructed. This aging water system and a lack of sewer system limit growth in Silver City."

The Lyon County Master Plan includes five types of Character Districts, Rural, Suburbanizing, Historic, Future Plan Areas and General County. These Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries.

As defined in the Master Plan, Suburbanizing Districts, "include areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses. Improvement standards will reflect the "suburban" character of these areas and will include requirements for municipal water and sewer, roadway design appropriate to the planned uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths). Roads are likely to have some bike and pedestrian facilities within the rights-of-way or separate paths."

As defined in the Master Plan, Rural Districts, "include those areas that are predominately low density residential development with limited neighborhood commercial uses. They may or may not have agricultural land uses or grazing lands. Improvement standards will reflect the "rural" character of the area. Rural districts are not likely to have municipal water and sewer. Roads are likely to have dirt shoulders, some equestrian paths as well as bike facilities within the road rights-of-way."

Master Plan & Zoning Map Amendment

As defined by the Master Plan, Historic Districts, "include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Future historic districts could also be designated where the intent is to promote new compatible development that is in keeping with the "historic" development patterns and architectural design elements to create more vitality."

As defined by the Master Plan, General County includes, "Lands outside the boundaries of defined community boundaries are classified as General County. These lands are rural or resource lands or public lands, and are intended to remain largely undeveloped or with very low intensity development within the Master Plan's planning horizon."

Table 4: Lyon County Land Use Categories

Land Use Category	Community Plan Land Use Designation	Density Range/ Size	Examples of Uses	Description/ Characteristics	Current Zoning Districts
Suburban Residential	High Density Residential	5 to 18 Dwelling Units per acre	Apartments, duplexes, fourplexes, condominiums and townhomes. Single Family Residential detached units at 5 to 10 dwelling units per acre.	High density residential is typically found in suburbanizing districts. High density residential should be located near major transportation facilities, near commercial uses, or civic centers and near parks	NR1 NR2 NR3 MHP
Rural Residential	Rural Residential	1 du per 5 to <20 acres	Single-family residences, "farmettes" and "ranchettes", etc.	Typically found in rural districts and on the suburbanizing fringe. Lot size and layout varies. Typically not served by municipal utilities, depending on location in suburbanizing district.	RR3 RR4

According to the Lyon County Character Districts Map, the subject property appears to reside within both the Historic and General County Districts. Despite this apparent inconsistency of Character Districts, the land use and zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts. Clearly, the proposed land use and zoning designation are much more compatible and consistent with the Historic and General County Districts than the master plan designation of Suburban Residential which is currently assigned to the majority of the subject property.

Provided is the Silver City Community Description from the Lyon County Master Plan and the Master Plan's definitions for the types of residential Character Districts, also provided in Table 3: Lyon County Land Use Categories, is an excerpt from the Lyon County Master Plan comparing the current Land Use Category, Suburban Residential to the requested Land Use Category Rural Residential.

The community Character District of Suburbanizing, the Community Plan Land Use Designation of High Density, Density of 5 to 18 dwelling units per acre, the Examples of Uses and the Description/ Characteristics and the current Suburban Residential master plan designation and NR1 zoning designation are inconsistent with the following goals, policies and strategies of the current Lyon County Master Plan and conversely, these of goals, policies and strategies actually promote the proposed master plan and zoning modification requests from Suburban Residential and NR1 to Rural Residential, RR5 and RR3.

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand base zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

Policy LU1.2: *Residential development Patterns in Neighborhoods*

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Development of the property at its current NR1 density would be out of character with the existing "neighborhood" of Silver City. A reduction in development potential is a more appropriate development pattern and more compatible with existing and historic uses.

Goal LU2: *Services Coordinated with Growth*

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

According to the master plan "Suburban Residential" areas should be located near major transportation facilities, near commercial uses, or civic centers and near parks. The subject property is rural in nature and adequate facilities to accommodate such high density residential would be impractical to develop and completely out of character with the existing community. Therefore a reduction in development potential is warranted and appropriate.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: *Ensure that plans are in place for required services to occur concurrently with all proposed development.*

Goal FS1: *Municipal water and sewer systems will be expanded only in areas where they are cost effective.*

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

The subject property, although designated Suburban Residential, does not have adequate municipal water or sewer in close proximity and facility plans are not currently in place to allow for development to occur concurrently. A reduction in allowable units would be more consistent with the current and future services of the area.

Goal LU3: *Diverse Economy*

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: *Work with Economic development agencies and community groups to identify economic assets and development opportunities.*

The master plan change would allow for continued mineral exploration on the subject property helping to identify economic assets while employing local residents in primary jobs.

Goal NR9: *Mining and Resource Extraction*

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 *Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.*

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

Master Plan Amendment Findings:

1. Consistency with the Master Plan:

The proposed amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods
New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth
Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy
The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base
The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal NR9: Mining and Resource Extraction
Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

2. Compatible Land Uses:

The proposed amendment is compatible with the actual and planned adjacent uses, and reflects a logical change in land uses.

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has resulted in little to no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe."

3. Response to Change Conditions:

The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the board, and the requested amendment represents a more desirable use of the land.

A change in the master plan designation from Suburban Residential to Rural Residential represents a more desirable use of land because it will bring the property in conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services. In addition, the proposed changes will allow for the exploration and evaluation of existing patented mining claims with potential for significant benefit to the County and community, while consistently promoting the goals, policies, and strategies of the Lyon County Master Plan.

4. No Adverse Effects:

The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.

The amendment request will not adversely affect the implementation of the master plan or negatively impact public health, safety and welfare. The

amendment proposes a significant enhancement in nature and type of development potentials of the property while continuing to maintain the goals, objectives and actions of the current master plan and will have no foreseeable impact on public health, safety or welfare.

5. Desired Pattern of Growth:

The proposed amendment will promote the desired pattern for the orderly physical growth of the county, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the county based on the least amount of natural resource impairment and efficient expenditure of the funds for public services.

The proposed request to change the master plan designation from Suburban Residential to Rural Residential represents a desired pattern of growth by providing a realistic current and long range land use strategy based on actual development potential, considering factors like topography and proximity to adequate infrastructure. Although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, we do not believe this would result in any impairment to the water resources and other resources that are important to existing residents and businesses in the area, and, we believe existing constraints or negative impacts would be reduced by the proposed amendments. The proposed Master Plan Amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

Master Plan Amendment Process and Procedures Findings:

1. The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, or even if they are pursued, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land

uses and post-mining land opportunities, than the current master plan designation.

- 2. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;**

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has been put to little or no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe" and is supportive of the goals and policies identified above.

- 3. The proposed amendment will have no major negative impacts on transportation, services, and facilities;**

The proposed amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the preservation of natural resources and efficient expenditure of funds for public services.

- 4. The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;**

The proposed request to change the master plan designation from Suburban Residential to Rural Residential will actually have a positive effect on service provision by providing a realistic, more flexible, current and long range land use strategy based on actual development potential, considering factors like topography, surrounding uses and proximity to adequate infrastructure.

- 5. Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and**

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand based zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

- 6. The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.**

The amendment proposes a significant increase in consistency between the actual and potential use of the subject property and the land use designation.

The proposed land use designation is consistent with the realistic development potential of the subject property while supporting the goals, objectives and actions of the current master plan. The requested designation will have no negative impact on public health, safety or welfare.

Zone Change Findings:

1. Consistency with the Master Plan Land Use Map.

The proposed zone change is not only in substantial conformance with the proposed master plan amendment request but the requested modifications will actually help correct existing conformance issues between the Lyon County Master Plan and Zoning Code.

2. Consistency with the Master Plan goals, policies and strategies.

The proposed zoning map amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: Orderly Growth Patterns

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on realistic population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal LU5: Encourage Resource Sensitive Growth

Development will be designed to reduce energy use and minimize environmental impacts.

Goal NR9: Mining and Resource Extraction

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

3. *Consistency with the desired pattern for the orderly physical growth of the County and maintains compact development patterns.*

The proposed request to change the zoning designation from NR1 to RR3 and RR5 represents a desired pattern of growth by providing a realistic, current and long range zoning strategy based on actual development potential considering factors like topography, existing uses and proximity to adequate infrastructure.

4. *Contributes to the timely, orderly and efficient arrangement of transportation and other public facilities and services.*

The proposed zoning will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

5. *Promotes development that is commensurate with the character and physical limitations of the land.*

The proposed RR5 and RR3 designations will significantly reduce the development potential of the property not only taking into consideration the character and physical limitations of the land (i.e. topography and surrounding densities) but also reducing the need for additional infrastructure.

6. *Promotes the protection and/or enhancement of existing neighborhoods and communities.*

The proposed zoning map amendment is consistent with the current and future development character of Silver City. The current NR1 designation promotes high density residential on a property that is constrained by topography and infrastructure availability.

7. *No detrimental impacts to other properties in the vicinity.*

The proposed zoning map amendment is sensitive to and compatible with the current and future development character of Silver City. The current NR1 designation promotes high density residential that is not only out of character with the rural nature of the area, but does not take into consideration the fact that the property is constrained by topography and infrastructure availability.

8. *No adverse impacts to the public health, safety and welfare.*

The proposed zone change will have no impacts to public health, safety and welfare, and although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, this will not result in any impairment to the water resources and/or other resources that are important to existing residents and businesses in the area.

rationale, the designations have rendered the subject property unproductive for any activity other than mineral exploration for the last 40 years.

The applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property. Prior to proceeding with actual mining activities, the applicant would be required to obtain a special use permit from Lyon County. Such a permit would then address all manners of land use and include relevant conditions to limit the impacts and effects of potential or proposed mining activities. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

A change in the master plan and zoning designations from Suburban Residential and NR1 to Rural Residential, RR3 and RR5 will not only support the productive evaluation of existing mineral potential but will, more importantly, also bring the property into conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services, while helping to further promote the goals, policies, and strategies of the Lyon County Master Plan.

The Lyon County Master Plan Community Description for Silver City states, "The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims. The existing water service infrastructure dates back to the late nineteenth century, when a water system to supply the mining operations and settlement demands of the Comstock communities was constructed. This aging water system and a lack of sewer system limit growth in Silver City."

The Lyon County Master Plan includes five types of Character Districts, Rural, Suburbanizing, Historic, Future Plan Areas and General County. These Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries.

As defined in the Master Plan, Suburbanizing Districts, "include areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses. Improvement standards will reflect the "suburban" character of these areas and will include requirements for municipal water and sewer, roadway design appropriate to the planned uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths). Roads are likely to have some bike and pedestrian facilities within the rights-of-way or separate paths."

As defined in the Master Plan, Rural Districts, "include those areas that are predominately low density residential development with limited neighborhood commercial uses. They may or may not have agricultural land uses or grazing lands. Improvement standards will reflect the "rural" character of the area. Rural districts are not likely to have municipal water and sewer. Roads are likely to have dirt shoulders, some equestrian paths as well as bike facilities within the road rights-of-way."

Master Plan & Zoning Map Amendment

As defined by the Master Plan, Historic Districts, "include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Future historic districts could also be designated where the intent is to promote new compatible development that is in keeping with the "historic" development patterns and architectural design elements to create more vitality."

As defined by the Master Plan, General County includes, "Lands outside the boundaries of defined community boundaries are classified as General County. These lands are rural or resource lands or public lands, and are intended to remain largely undeveloped or with very low intensity development within the Master Plan's planning horizon."

Table 4: Lyon County Land Use Categories

Land Use Category	Community Plan Land Use Designation	Density Range/ Size	Examples of Uses	Description/ Characteristics	Current Zoning Districts
Suburban Residential	High Density Residential	5 to 18 Dwelling Units per acre	Apartments, duplexes, fourplexes, condominiums and townhomes. Single Family Residential detached units at 5 to 10 dwelling units per acre.	High density residential is typically found in suburbanizing districts. High density residential should be located near major transportation facilities, near commercial uses, or civic centers and near parks	NR1 NR2 NR3 MHP
Rural Residential	Rural Residential	1 du per 5 to <20 acres	Single-family residences, "farmettes" and "ranchettes", etc.	Typically found in rural districts and on the suburbanizing fringe. Lot size and layout varies. Typically not served by municipal utilities, depending on location in suburbanizing district.	RR3 RR4

According to the Lyon County Character Districts Map, the subject property appears to reside within both the Historic and General County Districts. Despite this apparent inconsistency of Character Districts, the land use and zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts. Clearly, the proposed land use and zoning designation are much more compatible and consistent with the Historic and General County Districts than the master plan designation of Suburban Residential which is currently assigned to the majority of the subject property.

Provided is the Silver City Community Description from the Lyon County Master Plan and the Master Plan's definitions for the types of residential Character Districts, also provided in Table 3: Lyon County Land Use Categories, is an excerpt from the Lyon County Master Plan comparing the current Land Use Category, Suburban Residential to the requested Land Use Category Rural Residential.

The community Character District of Suburbanizing, the Community Plan Land Use Designation of High Density, Density of 5 to 18 dwelling units per acre, the Examples of Uses and the Description/ Characteristics and the current Suburban Residential master plan designation and NR1 zoning designation are inconsistent with the following goals, policies and strategies of the current Lyon County Master Plan and conversely, these of goals, policies and strategies actually promote the proposed master plan and zoning modification requests from Suburban Residential and NR1 to Rural Residential, RR5 and RR3.

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand base zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

Policy LU1.2: *Residential development Patterns in Neighborhoods*

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Development of the property at its current NR1 density would be out of character with the existing "neighborhood" of Silver City. A reduction in development potential is a more appropriate development pattern and more compatible with existing and historic uses.

Goal LU2: *Services Coordinated with Growth*

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

According to the master plan "Suburban Residential" areas should be located near major transportation facilities, near commercial uses, or civic centers and near parks. The subject property is rural in nature and adequate facilities to accommodate such high density residential would be impractical to develop and completely out of character with the existing community. Therefore a reduction in development potential is warranted and appropriate.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: *Ensure that plans are in place for required services to occur concurrently with all proposed development.*

Goal FS1: *Municipal water and sewer systems will be expanded only in areas where they are cost effective.*

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

The subject property, although designated Suburban Residential, does not have adequate municipal water or sewer in close proximity and facility plans are not currently in place to allow for development to occur concurrently. A reduction in allowable units would be more consistent with the current and future services of the area.

Goal LU3: *Diverse Economy*

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: *Work with Economic development agencies and community groups to identify economic assets and development opportunities.*

The master plan change would allow for continued mineral exploration on the subject property helping to identify economic assets while employing local residents in primary jobs.

Goal NR9: *Mining and Resource Extraction*

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 *Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.*

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

Master Plan Amendment Findings:

1. Consistency with the Master Plan:

The proposed amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods
New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth
Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy
The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base
The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal NR9: Mining and Resource Extraction
Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

2. Compatible Land Uses:

The proposed amendment is compatible with the actual and planned adjacent uses, and reflects a logical change in land uses.

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has resulted in little to no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe."

3. Response to Change Conditions:

The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the board, and the requested amendment represents a more desirable use of the land.

A change in the master plan designation from Suburban Residential to Rural Residential represents a more desirable use of land because it will bring the property in conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services. In addition, the proposed changes will allow for the exploration and evaluation of existing patented mining claims with potential for significant benefit to the County and community, while consistently promoting the goals, policies, and strategies of the Lyon County Master Plan.

4. No Adverse Effects:

The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.

The amendment request will not adversely affect the implementation of the master plan or negatively impact public health, safety and welfare. The

amendment proposes a significant enhancement in nature and type of development potentials of the property while continuing to maintain the goals, objectives and actions of the current master plan and will have no foreseeable impact on public health, safety or welfare.

5. Desired Pattern of Growth:

The proposed amendment will promote the desired pattern for the orderly physical growth of the county, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the county based on the least amount of natural resource impairment and efficient expenditure of the funds for public services.

The proposed request to change the master plan designation from Suburban Residential to Rural Residential represents a desired pattern of growth by providing a realistic current and long range land use strategy based on actual development potential, considering factors like topography and proximity to adequate infrastructure. Although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, we do not believe this would result in any impairment to the water resources and other resources that are important to existing residents and businesses in the area, and, we believe existing constraints or negative impacts would be reduced by the proposed amendments. The proposed Master Plan Amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

Master Plan Amendment Process and Procedures Findings:

1. The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, or even if they are pursued, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land

uses and post-mining land opportunities, than the current master plan designation.

2. *The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;*

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has been put to little or no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe" and is supportive of the goals and policies identified above.

3. *The proposed amendment will have no major negative impacts on transportation, services, and facilities;*

The proposed amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the preservation of natural resources and efficient expenditure of funds for public services.

4. *The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*

The proposed request to change the master plan designation from Suburban Residential to Rural Residential will actually have a positive effect on service provision by providing a realistic, more flexible, current and long range land use strategy based on actual development potential, considering factors like topography, surrounding uses and proximity to adequate infrastructure.

5. *Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand based zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

6. *The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.*

The amendment proposes a significant increase in consistency between the actual and potential use of the subject property and the land use designation.

The proposed land use designation is consistent with the realistic development potential of the subject property while supporting the goals, objectives and actions of the current master plan. The requested designation will have no negative impact on public health, safety or welfare.

Zone Change Findings:

1. Consistency with the Master Plan Land Use Map.

The proposed zone change is not only in substantial conformance with the proposed master plan amendment request but the requested modifications will actually help correct existing conformance issues between the Lyon County Master Plan and Zoning Code.

2. Consistency with the Master Plan goals, policies and strategies.

The proposed zoning map amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: Orderly Growth Patterns

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on realistic population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal LU5: Encourage Resource Sensitive Growth

Development will be designed to reduce energy use and minimize environmental impacts.

Goal NR9: Mining and Resource Extraction

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

3. Consistency with the desired pattern for the orderly physical growth of the County and maintains compact development patterns.

The proposed request to change the zoning designation from NR1 to RR3 and RR5 represents a desired pattern of growth by providing a realistic, current and long range zoning strategy based on actual development potential considering factors like topography, existing uses and proximity to adequate infrastructure.

4. *Contributes to the timely, orderly and efficient arrangement of transportation and other public facilities and services.*

The proposed zoning will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

5. *Promotes development that is commensurate with the character and physical limitations of the land.*

The proposed RR5 and RR3 designations will significantly reduce the development potential of the property not only taking into consideration the character and physical limitations of the land (i.e. topography and surrounding densities) but also reducing the need for additional infrastructure.

6. *Promotes the protection and/or enhancement of existing neighborhoods and communities.*

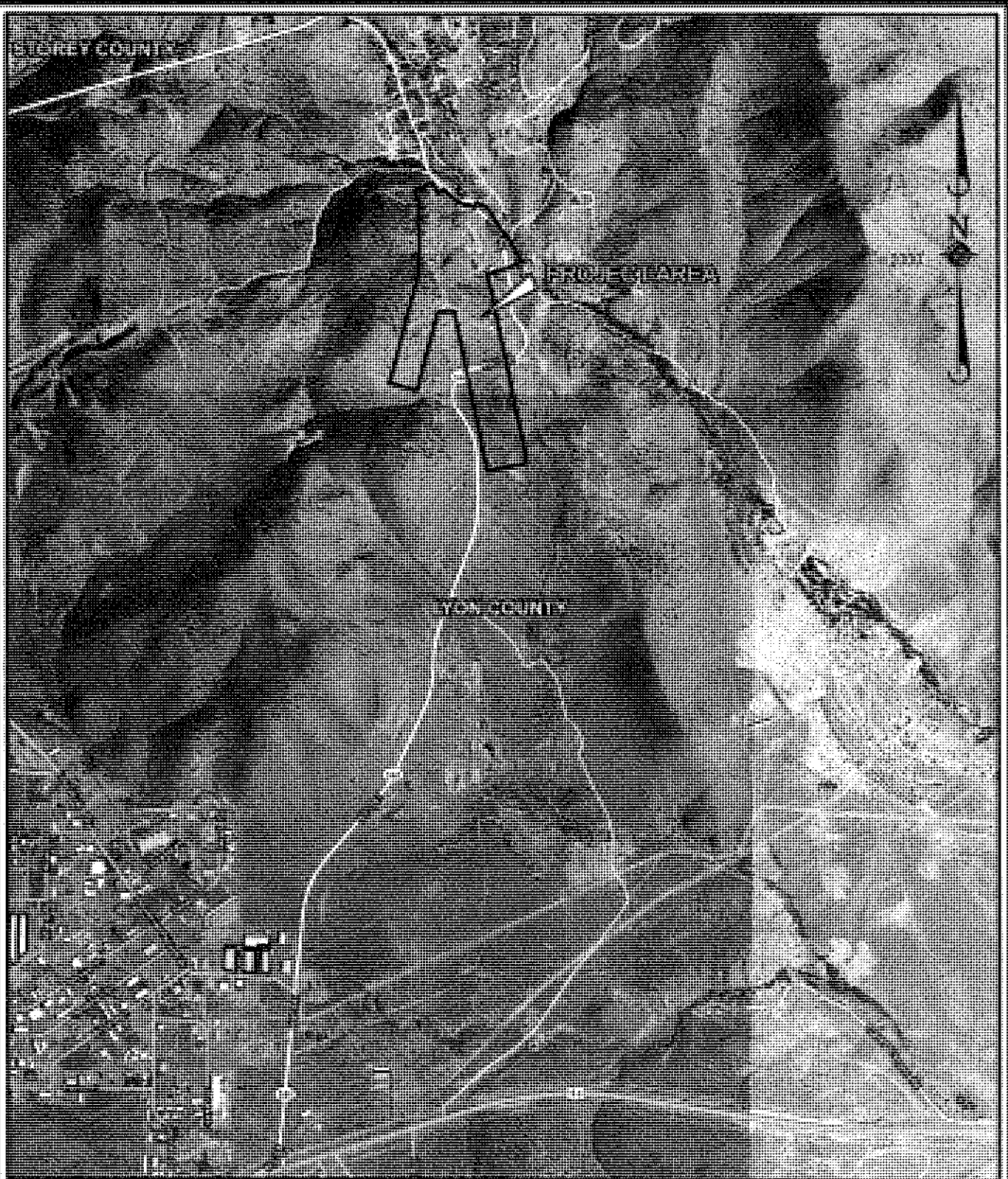
The proposed zoning map amendment is consistent with the current and future development character of Silver City. The current NR1 designation promotes high density residential on a property that is constrained by topography and infrastructure availability.

7. *No detrimental impacts to other properties in the vicinity.*

The proposed zoning map amendment is sensitive to and compatible with the current and future development character of Silver City. The current NR1 designation promotes high density residential that is not only out of character with the rural nature of the area, but does not take into consideration the fact that the property is constrained by topography and infrastructure availability.

8. *No adverse impacts to the public health, safety and welfare.*

The proposed zone change will have no impacts to public health, safety and welfare, and although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, this will not result in any impairment to the water resources and/or other resources that are important to existing residents and businesses in the area.



THIS MAP WAS PREPARED BY MANHARD CONSULTING LTD. FOR CONSTOCK MINING INC.



Manhard
CONSULTING LTD.

MANHARD CONSULTING LTD. 101, King Street, Suite 101, Vancouver, BC V6A 1K1. TEL: 604-681-1111. FAX: 604-681-1112. E-MAIL: info@manhard.ca
Civil Engineers • Surveyors • Utility Engineers • Environmental Engineers • Geotechnical Engineers • Construction Managers • Environmental Scientists • Landscape Architects • Planners

CONSTOCK MINING INC.

VICINITY MAP

FIGURE 1

PROJECT NAME: SM
DRAWN BY: SM
DATE: 1/24/2013
SCALE: 1"=1000'

SHEET
1 OF **7**
CMILCH

JA2602

14 CV 00128 - 002497
LYON COUNTY



Manhard
CONSULTING LTD.

Professional Engineers - Civil, Mechanical, Electrical, and Environmental
Civil Engineers - Surveyors - Water Resources Engineers - Water & Wastewater Engineers
Environmental Engineers - Environmental Scientists - Landscape Architects - Planners

COMSTOCK MINING INC.

PARCEL EXHIBIT

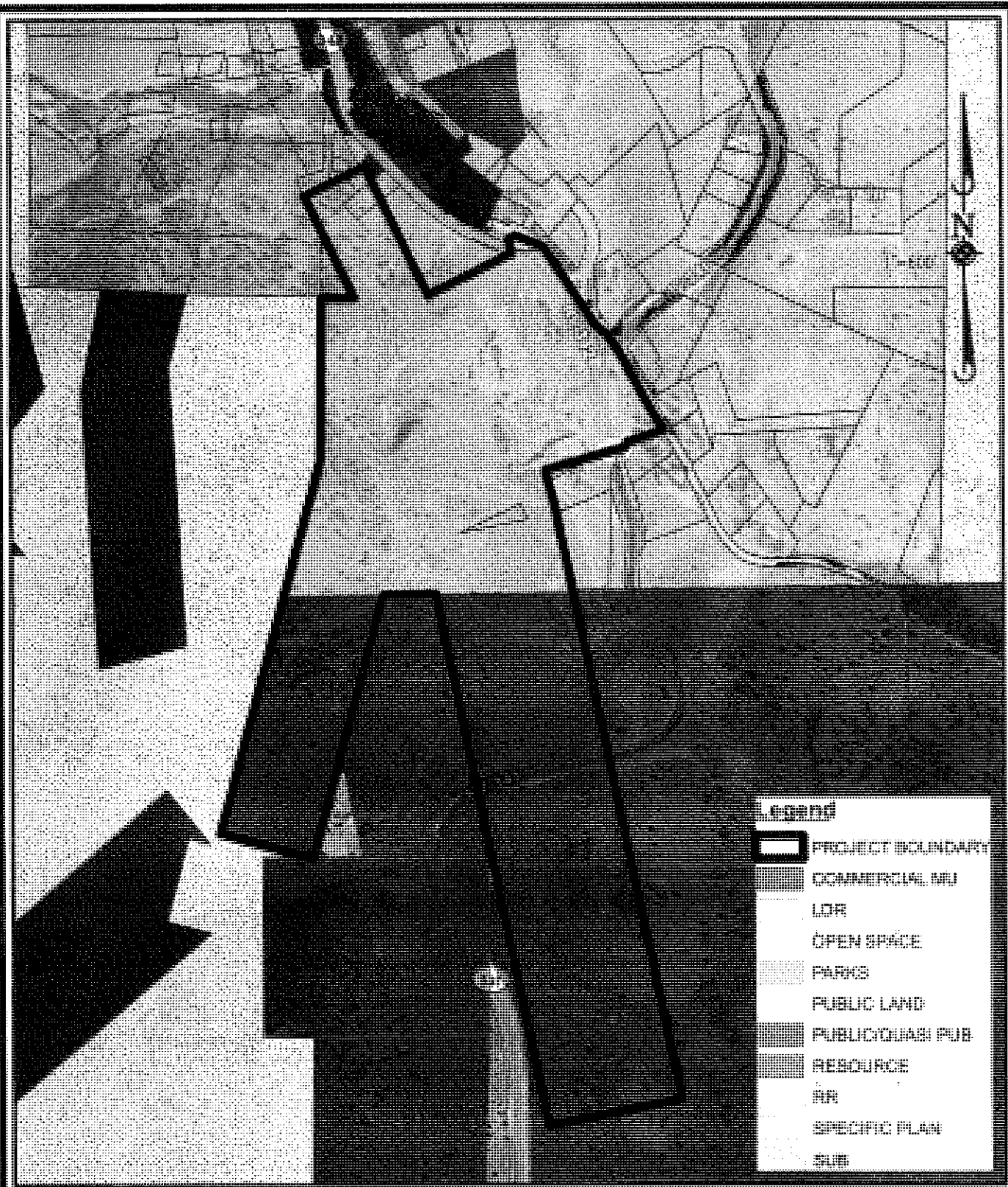
FIGURE 2

PROJECT: AM
DRAWN: AM
DATE: 10/15/2003
SCALE: 1"=100'

SHEET
2 of **7**
CIVIL/EN

JA2603

14 CV 00128 - 002498
LYON COUNTY



EXISTING MAPS AND AERIAL PHOTOGRAPHS ARE USED AS SOURCES OF INFORMATION.

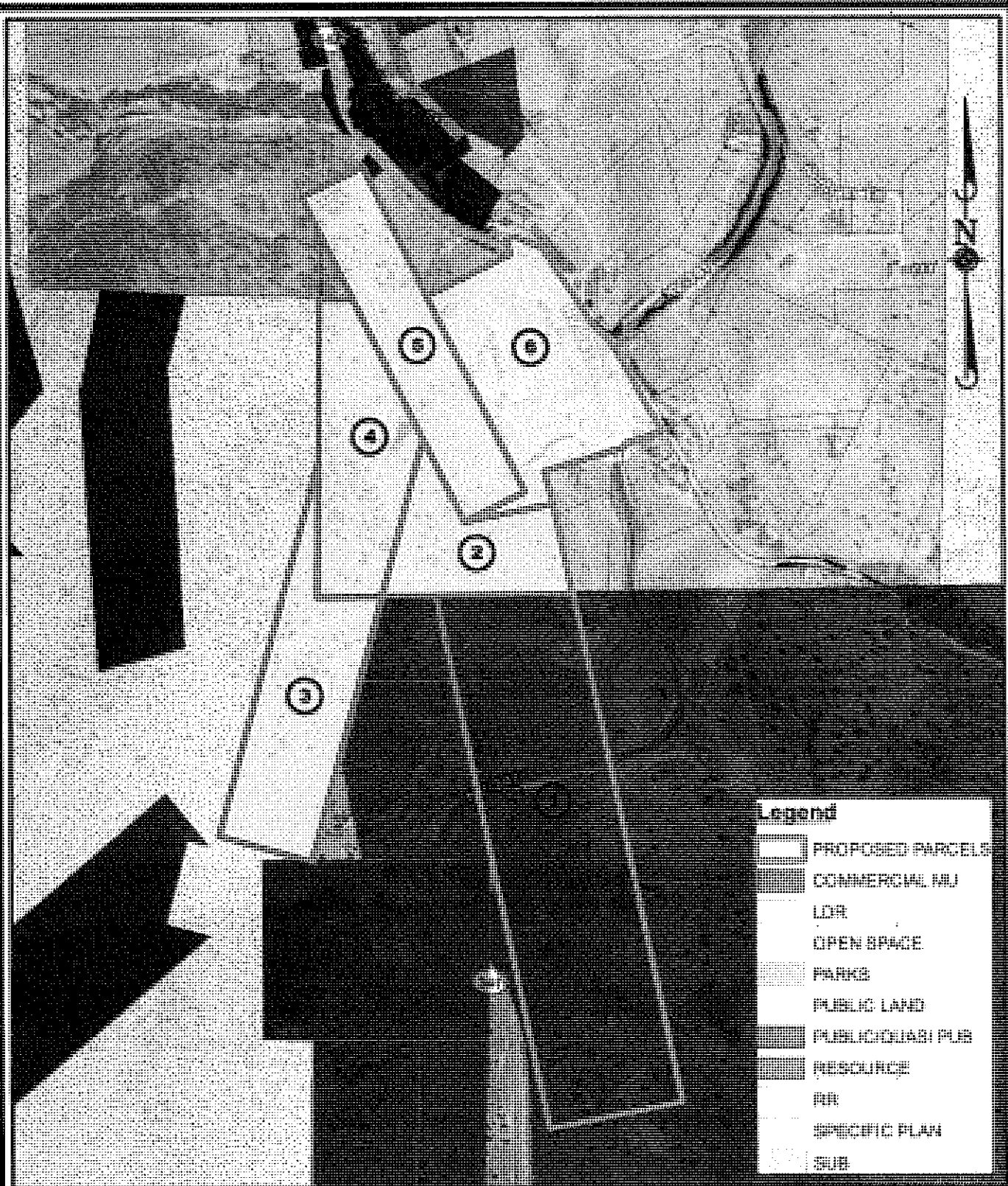
Manhard

CONSULTING LLC

10000 Highway 100, Suite 100, San Diego, CA 92121
 Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

CONSTOCK MINING INC.	
EXISTING MASTER PLAN MAP	
FIGURE 3	
PROJECT: FM	SHEET
DESIGNED BY: EE	3 OF 7
DATE: 7/24/2013	CML/CN
SCALE: 1"=200'	

This map was prepared by Constock Mining Inc. for the purpose of showing the location of the project. It is not intended to be used for any other purpose. The map is not a warranty, representation, or endorsement of any kind. The map is provided as a reference only. The map is not to be used for any other purpose. The map is not a warranty, representation, or endorsement of any kind. The map is provided as a reference only.



© 2013 MANHARD CONSULTING, LLC. ALL RIGHTS RESERVED.

Manhard
CONSULTING, LLC

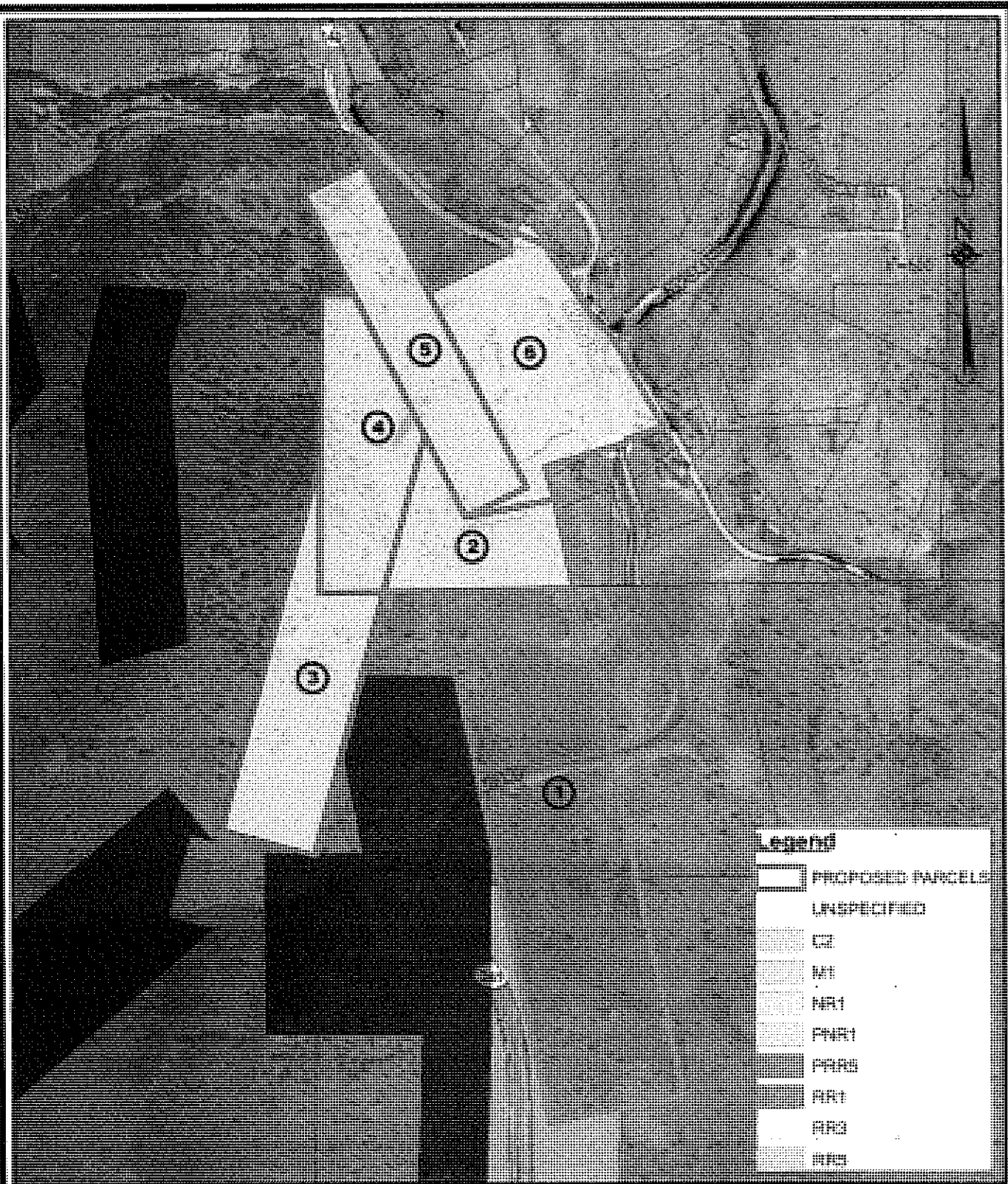
CONSULTANTS: 2013 FIRM RANKING: 1st IN ENVIRONMENTAL ENGINEERING, 2nd IN CIVIL ENGINEERING, 3rd IN LANDSCAPE ARCHITECTURE, 4th IN PLANNING, 5th IN SURVEYING, 6th IN GEOTECHNICAL ENGINEERING, 7th IN WATER RESOURCES ENGINEERING, 8th IN WASTEWATER ENGINEERING, 9th IN CONSTRUCTION MANAGEMENT, 10th IN ENVIRONMENTAL SCIENCE, 11th IN LANDSCAPE ARCHITECTURE, 12th IN PLANNING

COMSTOCK MINING INC.			
PROPOSED MASTER PLAN MAP			
FIGURE 5			
SCALE: 1"=100'	DATE: 1/14/2013	SHEET 5 OF 7	
DESIGNED BY: JCB	DRAWN BY: JCB	CHECKED BY: JCB	
APPROVED BY: JCB	DATE: 1/14/2013	SCALE: 1"=100'	

JA2606

14 CV 00128 - 002501
LYON COUNTY

This map is a reproduction of the original map. The original map is the property of Manhard Consulting, LLC. All rights reserved. The map is not to be used for any other purpose without the written consent of Manhard Consulting, LLC.



LEGEND	
	PROPOSED PARCELS
	UNSPECIFIED
	C2
	M1
	NR1
	PUR1
	PUR2
	RR1
	RR2
	RR3

© 2010 MANHARD CONSULTING LTD. ALL RIGHTS RESERVED



Manhard

CONSULTING LTD.

CIVIL ENGINEERS • SURVEYORS • WATER RESOURCES ENGINEERS • WATER & WASTEWATER ENGINEERS
 CONSTRUCTION MANAGERS • ENVIRONMENTAL SCIENTISTS • LANDSCAPE ARCHITECTS • PLANNERS

CONSTOCK MINING INC.	
PROPOSED ZONING MAP	
FIGURE 6	
<small> FILED BY: RM DRAWN BY: EE DATE: 7/24/2012 SCALE: 1"=100' </small>	<small> SHEET 6 OF 7 CMLCH </small>

This document is the property of Constock Mining Inc. and is not to be distributed outside of the project. Any unauthorized use or distribution of this document is strictly prohibited.



© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED

Manhard

CONSULTING LTD.

10000 Highway 100, Suite 100, Calgary, AB T2C 1A5
 Tel: (403) 243-1111 Fax: (403) 243-1112
 Email: info@manhard.ca
 Website: www.manhard.ca

COMSTOCK MINING INC.	
EXISTING SLOPE MAP	
FIGURE 7	
PROJECT: COM DRAWN BY: EDS DATE: 7/24/2010 SCALE: 1"=200'	SHEET 7 OF 7 CMILION

This document is the property of Manhard Consulting, Ltd. and is not to be distributed, copied, or reproduced in any form without the written consent of Manhard Consulting, Ltd.

APPENDIX

LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
VOICE: (775) 463-6592 • FAX: (775) 463-6596

DEVELOPMENT APPLICATION

This form must be completed and all requested information incorporated, as prescribed by the application submission requirements for each application type, before the application is deemed complete and accepted for processing by Lyon County.

Application Type (check all that apply)		
<input type="checkbox"/> Abandonment <input type="checkbox"/> Amended Map <input type="checkbox"/> Appeal of Administrative Decision <input type="checkbox"/> Appeal of Planning Commission Decision <input type="checkbox"/> Approval Condition Amendment <input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Certificate of Amendment <input type="checkbox"/> Continuation of Planning Application <input type="checkbox"/> Development Agreement <input type="checkbox"/> Development Agreement, Revision <input type="checkbox"/> Division of Land into Large Parcels, Tentative Map Waiver <input type="checkbox"/> Division of Land into Large Parcels, Tentative Map <input type="checkbox"/> Division of Land into Large Parcels, Final Map	<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Hardship Exception Permit <input type="checkbox"/> Improvement Plan for Land Division <input type="checkbox"/> Improvement Standards Variance or Waiver <input checked="" type="checkbox"/> Master Plan Map Amendment <input type="checkbox"/> Master Plan Text Amendment <input type="checkbox"/> Mobile Home Park/Recreational Vehicle Park <input type="checkbox"/> Parcel Map <input type="checkbox"/> Parcel Map, Final <input type="checkbox"/> Parcel Map Waiver <input type="checkbox"/> Planned Unit Development, Final <input type="checkbox"/> Planned Unit Development, Tentative <input type="checkbox"/> Pre-Application Conference	<input type="checkbox"/> Reimbursement Agreement <input type="checkbox"/> Reversion to Acreage <input type="checkbox"/> Site Improvement Plan <input type="checkbox"/> Special Use Permit <input type="checkbox"/> Specific Plan <input type="checkbox"/> Street Name Request <input type="checkbox"/> Subdivision Map, Tentative <input type="checkbox"/> Subdivision Map, Final <input type="checkbox"/> Variance <input type="checkbox"/> Administrative <input type="checkbox"/> Wireless Communication Facility <input type="checkbox"/> Wireless Communication Facility, Modification <input type="checkbox"/> Zoning Determination <input checked="" type="checkbox"/> Zoning Map / Text Change

General Information			
Assessor's Parcel number(s)	Acreage	Assessor's Parcel number(s)	Acreage
Por. of 008-091-05	+/- 86.84 AC		
008-091-02	+/- 0.36 AC		
Applicant Name(s): <input checked="" type="checkbox"/> Same as Owner <input type="checkbox"/> Other (Insert name(s)):			
Community: <input type="checkbox"/> Dayton <input type="checkbox"/> Fernley <input type="checkbox"/> Mark Twain <input type="checkbox"/> Mason Townsite <input type="checkbox"/> Mason Valley <input type="checkbox"/> Mound House <input checked="" type="checkbox"/> Other County <input checked="" type="checkbox"/> Silver City <input type="checkbox"/> Silver Springs <input type="checkbox"/> Smith Valley <input type="checkbox"/> Stagecoach			
Previous applications filed on this site:			
Project Name (if applicable):			

Project Information
Project or Request Description: Comstock Mining is requesting a Master Plan Amendment and Zone Change on a portion of Lyon County APN 008-091-05 and APN 008-091-02. APN 008-091-05 includes 14 legal parcels (3 patented claim parcels and 11 Silver City town lots) which are a portion of this request. The Master Plan Amendment request is to change 42.57 acres within the Silver City town limits from Suburban Residential to Rural Residential and 12.29 acres in unincorporated Lyon County from Resource to Rural Residential. The Zone Change request is to change 42.577 acre within the Silver City town limits from NR-1 zoning to RR-3 zoning and 44.63 acres in unincorporated Lyon County from NR-1 Zoning to RR-3 and RR5 Zoning.

Project Area (square feet or acres): +/- 87.20 AC Number of proposed units: Smallest parcel size:

Uses proposed (check all that apply): ☐ Single Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

Project Location	
Project Street Address: State Route 341	
Primary Access: State Route 341 and State Route 342	Section(s)/Township/Range: Sect. 8,9,16,17 T16N R21E
Approximately feet <input type="checkbox"/> north <input type="checkbox"/> south of	(street name)
Approximately feet <input type="checkbox"/> east <input type="checkbox"/> west of	(street name)
If within a Subdivision, Name:	Lot: Block:
Project Location (with point of reference to primary access, major cross streets or area locator): A portion of the property is located within the Silver City Town limits adjacent to State Route 342 and a portion is in unincorporated Lyon County adjacent to State Route 341.	

Other Information	
Current Master Plan designation(s):	Suburban Residential, Resource
Proposed Master Plan designation(s):	Rural Residential
Current Zoning designation(s):	NR1
Proposed Zoning designation(s):	RR-3 and RR-5
Floodplain designation (from FIRM maps):	Zone AE, Unshaded Zone X
Road/street surface of frontage/access:	Paved highway for frontage and dirt road for access to a portion.

Applicant Information		
Applicant/Developer		
Name: Same as Property Owner		
Address:		
City:	State:	Zip:
Phone:	Fax:	
Cell:	Contact:	
Email:		
Property Owner		
Name: Comstock Mining Inc.		
Address: 1120 American Flat Rd.		
City: Virginia City	State: NV	Zip: 89440
Phone: 775-847-5272	Fax: 775-847-7118	
Cell:	Contact: Corrado DeGasperis	
Email: degasperis@comstockmining.com		
Professional Consultant/Representative		
Name: Manhard Consulting Ltd.		
Address: 9850 Double R Blvd., Suite 101		
City: Reno	State: NV	Zip: 89521
Phone: 775-746-3500	Fax: 775-746-3520	
Cell:	Contact: Andrew Motter, P.E.	
Email: amotter@manhard.com		
Other Person(s) to be Contacted		
Name: Comstock Mining Inc.		
Address: 1120 American Flat Rd.		
City: Virginia City	State: NV	Zip: 89440
Phone: 775-847-5272	Fax: 775-847-7118	
Cell:	Contact: Scott Jolcover	
Email: sjolcover@comstockmining.com		

The receipt of an application at the time of submission does not imply the application complies with all requirements of the Lyon County Code or Lyon County Planning Department, or that it is deemed complete and will be processed.

Property Tax Status:

As per Lyon County Code Title 10, Section 10.12.05, a signature is required from the Lyon County Clerk's Office showing the taxes are paid current on the subject property.

I, Nikki Bryan, hereby certify that all required property taxes are paid current on APN(s): 008-091-02, 008-091-05

By:

Deputy Clerk

Date

Applicant's Affidavit (Complete if different from Property Owner):

I, _____, being duly sworn, depose and say that I am the applicant
(Printed name)
of the described project and/or request, and all the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Lyon County Planning Department staff.

Signature of Applicant

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public in and for said county.

Date

(Notary stamp)

Property Owner's Affidavit:

I, Corrado De Gasperis, being duly sworn, depose and say that I am an owner* in
(Printed name)
fee of the described property involved in this application, that I have knowledge of, and agree to, the filing of this application, and that the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I acknowledge that I am aware of the "right to farm" policy of the county and have been provided with a copy of a statement (attached to this application form) containing substantially the disclosure set forth in Chapter 10.15 of the Lyon County Code. I understand that no assurance or guarantee can be given by members of the Lyon County Planning Department staff.

(*A separate Affidavit must be provided by each property owner)

Signature of Property Owner

Subscribed and sworn to before me this 7th day of AUGUST, 2013

BY CORRADO DE GASPERIS ***
Notary Public in and for said county.

Date

08/07/2013



JA2611

14 CV 00128 - 002506

LYON COUNTY



Land Information Solutions

TRI STATE SURVEYING, LTD.

1925 E. Prater Way, Sparks, Nevada 89434
Telephone (775) 358-9491 ♦ FAX (775) 358-3664
Toll Free: 1-800-411-3752

October 18, 2013
Project No. 10055.01.CC

Parcel Descriptions

All those certain parcel situate within portions of Sections Eight (8), Nine (9), Sixteen (16) and Seventeen (17), Township Sixteen (16) North, Range Twenty-One (21) East, Mount Diablo Meridian, Lyon County, Nevada, being more particularly described as follows:

Parcel 1:

All that portion of Mineral Survey 63, Kossuth Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 63 (Office No. 186), Kossuth Lode (Kossuth Mining Co's.), Devils Gate Mining District, by Don H. Barker, January 1874, lying southerly and outside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876.

Parcel 2:

All that All that portion of Mineral Survey 63, Kossuth Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 63 (Office No. 186), Kossuth Lode (Kossuth Mining Co's.), Devils Gate Mining District, by Don H. Barker, January 1874, lying northerly and inside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, together with all of Lot 275 as shown on said Official Map of the TOWNSITE of SILVER CITY.

Parcel 3:

All that portion of Mineral Survey 56, Alhambra Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 56 (Office No. 183), Alhambra Lode (Alhambra Co's), Devils Gate Mining District, by Hugo Hochholzer, September 1872, lying southerly, westerly and outside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876.

Parcel 4:

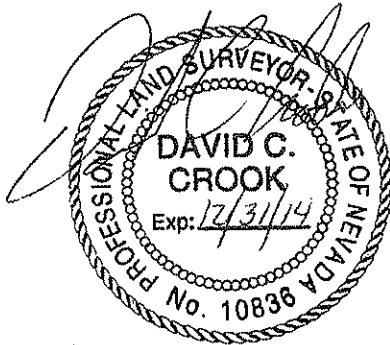
All that portion of Mineral Survey 56, Alhambra Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 56 (Office No. 183), Alhambra Lode (Alhambra Co's), Devils Gate Mining District, by Hugo Hochholzer, September 1872, lying northerly, easterly and inside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, together with all of Lot 274 as shown on said Official Map of the TOWNSITE of SILVER CITY.

Parcel 5:

All of Mineral Survey 66, Marble Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 66 (Office No. 189), Marble Lode (Dayton Silver Mining Co's). Devils Gate Mining District, by J. H. Eaton, March 1873, together with that portion of Lot 129 of the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, lying inside of said Marble Lode.

Parcel 6:

All of Lots 101, 102, 103, 133, 276, 277, 278 and 279, said Lots being as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876 and a portion of Lot 104 of said Official Map of the TOWNSITE of SILVER CITY, being shown on Record of Survey Map No. 291213, recorded in the office of the County Recorder of Lyon County on February 21, 2003.



Date 10/18/2013
David C. Crook, P.L.S.
Nevada Certificate No. 10836



PHOTO P1

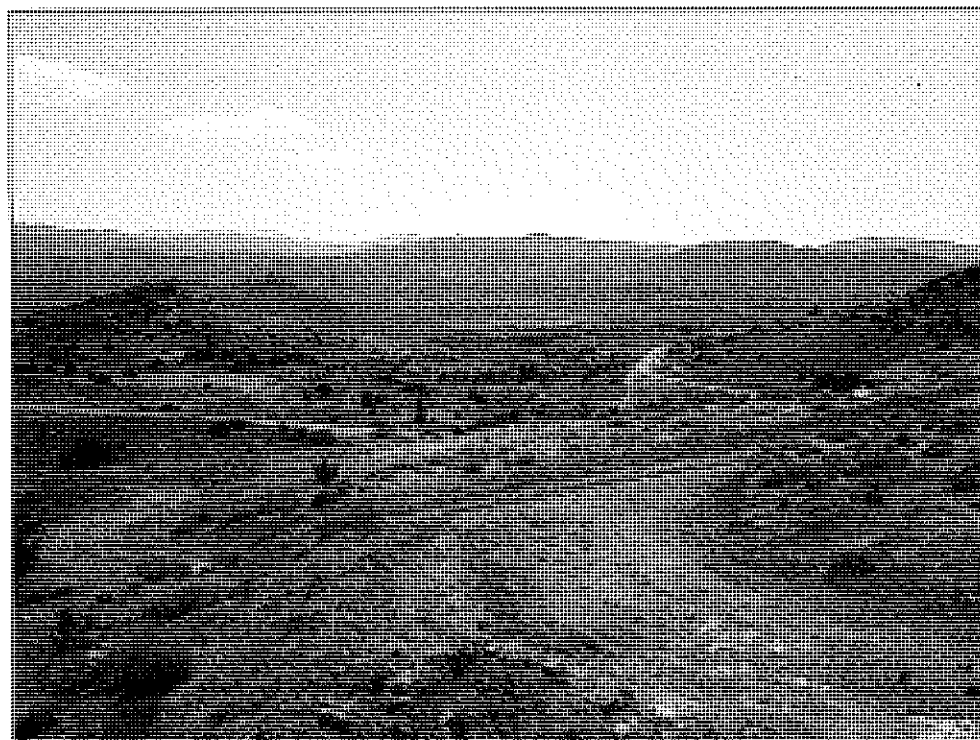


PHOTO P2

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING LTD.

8950 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 746-3500 fax: (775) 746-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET
1 OF **1**
CMILCN

Dwg Name: \\mcl_carsoncity\CC_Projects\Cmilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter 17: 30

JA2615

14 CV 00128 - 002510
LYON COUNTY

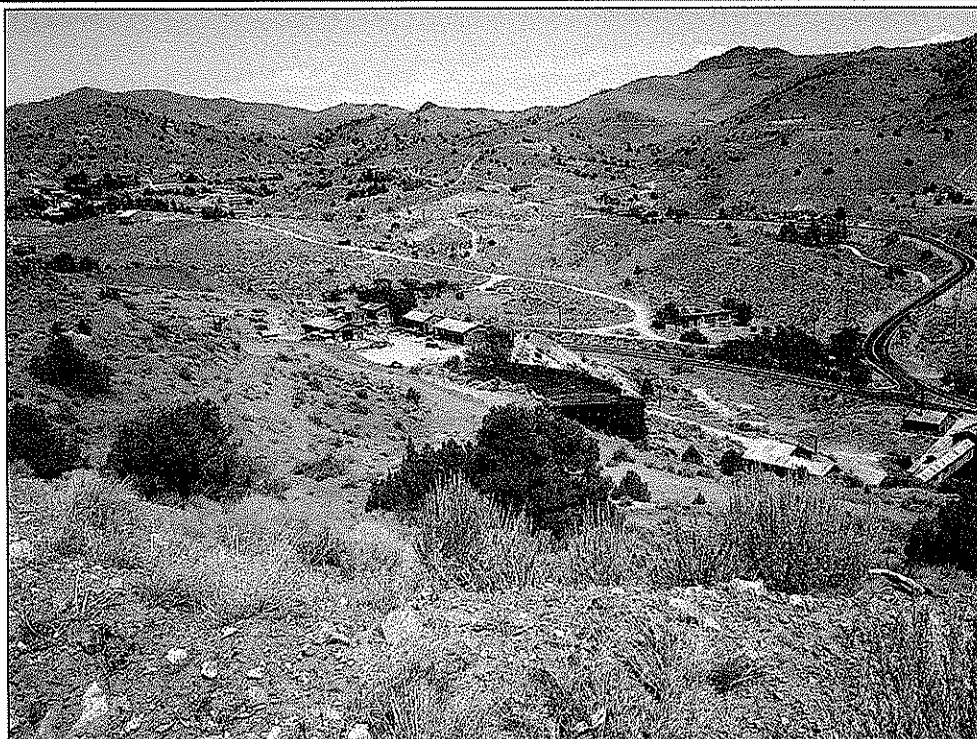


PHOTO P3



PHOTO P4

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING LTD.

8950 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 746-3500 fax: (775) 746-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET
1 OF **1**
CMILCN

Dwg Name: \\vmd_carsoncity\CC_Projects\CMILCN\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter 17:30

JA2616

14 CV 00128 - 002511
LYON COUNTY

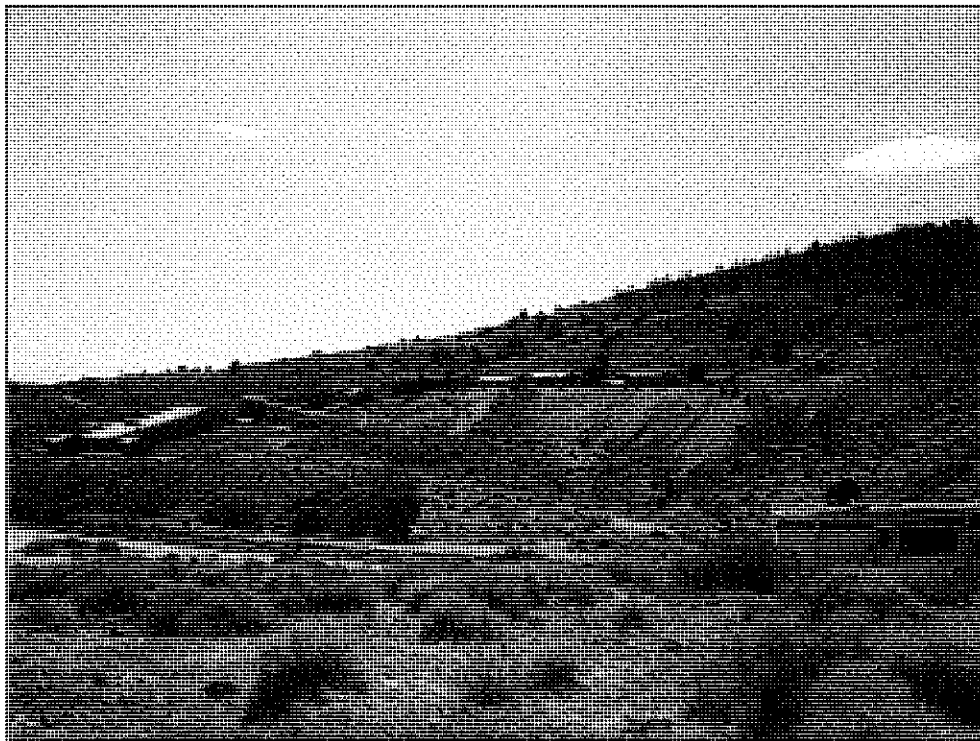


PHOTO P5

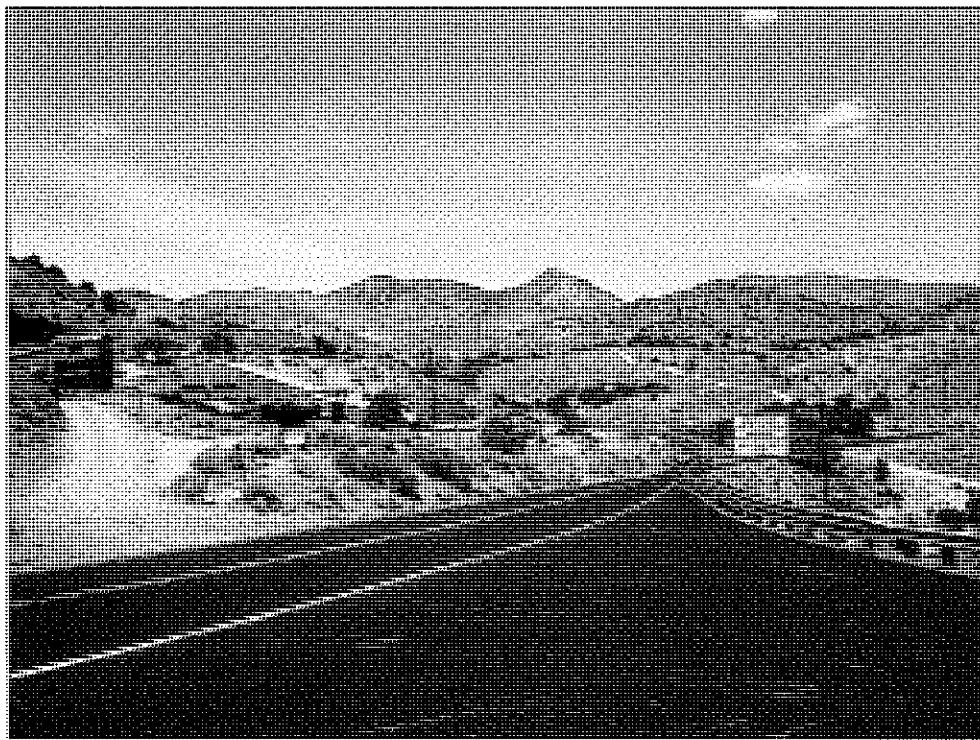


PHOTO P6

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING LTD

9850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 746-3500 fax: (775) 746-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET
1 OF **1**
CMILCN

Dwg Name: \\mcl_carsoncity\CC_Projects\CMILCN\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter 17:30

JA2617

14 CV 00128 - 002512
LYON COUNTY



Kerry Page <kpage@lyon-county.org>

Comstock Mining revised MPA & ZON

2 messages

Kerry Page <kpage@lyon-county.org>

Wed, Oct 30, 2013 at 4:45 PM

To: Andrew Motter <amotter@manhard.com>

Hi Drew,

We were just wondering when we might receive the hard copies of the revised submittal for CMI MPA & ZON. Are there further revisions?

--

Kerry Page*Lyon County Planning Assistant**27 South Main Street**Yerington, NV 89447**ph: 775-463-6592**fax: 775-463-5305***Andrew Motter** <amotter@manhard.com>

Thu, Oct 31, 2013 at 2:17 PM

To: Kerry Page <kpage@lyon-county.org>

No further revisions. I will have them delivered tomorrow. Sorry for the delay.

Andrew Motter, P.E.**Senior Project Manager****Manhard Consulting, Ltd.****9850 Double R Blvd., Suite 101****Reno, NV 89521**

office: 775.746.3500 ext. 4711

cell: 775.745.3826

fax: 775.746.3520

>>> Kerry Page <kpage@lyon-county.org> 10/30/2013 4:45 PM >>>

[Quoted text hidden]

**Manhard**

CONSULTING LTD

9850 Double R Boulevard

Suite 101

Reno, NV 89521

p: 775.746.3500 f: 775.746.3520

This electronic message and any files or attachments are confidential and may be privileged information. The information is solely for the use of the individual(s) or entity to which it was addressed. If you are not the intended recipient(s), you are hereby notified that distributing, copying, or in any way disclosing any of the information in this e-mail is strictly prohibited. Receipt by anyone other than the named recipient(s) is not a waiver of any work product, or other applicable privilege. If you have received this e-mail in error, please notify sender immediately, and destroy the material in its entirety, whether in electronic or hard copy format. Since data stored on electronic media can deteriorate, be translated or modified, Manhard Consulting Ltd. will not be liable for the completeness, correctness or readability of the electronic data. The electronic data should be verified against the hard copy.

JA2618

14 CV 00128 - 002513

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>



Kerry Page <kpage@lyon-county.org>

Phone conference with Corrado

1 message

Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Wed, Oct 30, 2013 at 12:10 PM

To: "rloveberg@lyon-county.org" <rloveberg@lyon-county.org>

Cc: "kpage@lyon-county.org" <kpage@lyon-county.org>

Hello Rob, We understand that you have a very busy schedule this week. Corrado asked me to ask you if we could revisit the Friday option. Corrado would like to call you from Connecticut on Friday morning. Do you have a time between 8 a.m. and 9:30 a.m. that you are available to take a phone call from him on Friday, Nov. 1st?

Please advise.

Thank you, Elaine

Elaine Barkdull-Spencer

Director of External Relations

Comstock Mining Inc.



775-847-7376 (o)

775-340-2045 (c)

775-847-7128 (f)

1200 American Flat Road

P.O. Box 1118

Virginia City, NV 89440

NYSE MKT: LODE

JA2620

14 CV 00128 - 002515



REC'D 10/28/2013



Kerry Page <kpage@lyon-county.org>

You're Invited to Comstock Minings New Headquarters Open House & First Pour Anniversary

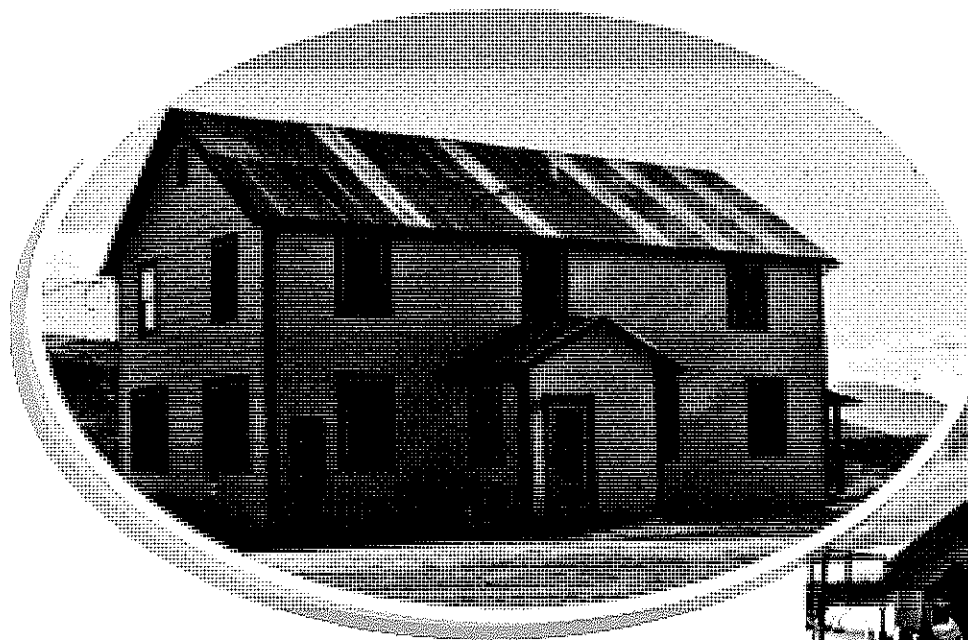
1 message

Kyle Jones <Jones@comstockmining.com>

To: Kyle Jones <Jones@comstockmining.com>

we Join the Celebration

Comstock Mining's New Headquarters Open House & First Pour Anniversary



Wednesday, November 2

4:30 p.m. - 6:30 p

Ribbon Cutting Ceremony

JA2622

14 CV 00128 - 002517



Main Street & American Flats Road, Gol

Door Prizes for Employees & Guests

Catering by the Gold Hill Hotel

For More Information

Call Las: 775-220-6253 or

Elaine: 775-340-2045



Kyle Jones
External Relations



M 775-304-2545
F 775-847-7118

Comstock Mining Inc.
P.O. Box 1118
1200 American Flat Road
Virginia City, NV 89440

JA2623

14 CV 00128 - 002518



Kerry Page <kpage@lyon-county.org>

Re: Zoning Issue Question

1 message

Rob Loveberg <rloveberg@lyon-county.org>

Fri, Oct 25, 2013 at 12:37 PM

To: Bob Hastings <ninergold3@gmail.com>

Cc: Jeff Page <jpage@lyon-county.org>, Kerry Page <kpage@lyon-county.org>

Bob,

I have not completed the report so I can't tell you yet what the staff recommendation will be. However I will tell you the same thing I told their consultant when asked a similar question, I intend to write a balanced report with the facts and information available which permits the Planning Commission and Board of Commissioners to make their own determination.

I have a bias regarding Master Plans. I do not believe that a Master Plan should be changed frequently, nor should it be changed without compelling long term justification which reflects the long term community goals and interests.

I would be happy to talk with you regarding the CMI application. Please do not hesitate to call me at 775-302-6051.

On Thu, Oct 24, 2013 at 10:37 AM, Bob Hastings <ninergold3@gmail.com> wrote:

Good Morning Rob -

I tried calling a few times but manage to keep missing you. I'll try an email now. LOL

First, please understand I am only coming to you with this because I was asked to. Also, please don't think I am in any way trying to influence anything. I am simply trying to get info.

I know you are working on the staff report for the Comstock Mining. Comstock contacted me and they are quite "intense". Of course their concern is that the staff report will either recommend denial or be cast in a negative light. I have tried to convince them that you are a guy who writes the reports based on fact - but that does not calm nerves. If you can tell me - do you expect the final report to be negative towards Comstock and/or recommend a denial? I'm not asking for promises and I realize anything can change, based on facts, in the next few weeks.

Thanks for your help.

--

Bob Hastings
Lyon County Commissioner - District 1
www.bobhastingsnv.com
email: ninergold3@gmail.com
775-771-9848

PO Box 686
Dayton, NV 89403

DISCLAIMER: This e-mail and any file(s) transmitted with it, is intended for the exclusive use by the person(s) mentioned above as recipient(s). This e-mail may contain confidential information and/or information protected by intellectual property rights or other rights. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution, copying, or action taken in relation to the contents of and attachments to this e-mail is strictly prohibited and may be unlawful. If you have received this e-mail in error, please notify the sender and delete the original and any copies of this e-mail and any printouts immediately from your system and destroy all copies of it.

JA2624

14 CV 00128 - 002519

1 Pursuant to NRS 239B.030, the undersigned
2 affirms that the following document does not
3 contain the social security number of any person.

4 JOHN L. MARSHALL
5 SBN 6733
6 570 Marsh Avenue
7 Reno, Nevada 89509
8 Telephone: (775) 303-4882
9 Attorney for Petitioners Comstock
10 Residents Association & Joe McCarthy

11
12 IN THE SUPREME COURT OF THE STATE OF NEVADA

13 COMSTOCK RESIDENTS ASSOCIATION,
14 JOE McCARTHY

15 Appellants,
16 00128

No. 68433
District Court Case No. 14-CV-

17 v.

18 LYON COUNTY BOARD OF
19 COMMISSIONERS; COMSTOCK
20 MINING INCORPORATED

21 Respondents,
22 _____/

23 **JOINT APPENDIX**

24 **VOLUME 13**

25 **PAGES 2251-2500**
26
27
28

ALPHABETICAL INDEX TO JOINT APPENDIX

<u>Document (date filed)</u>	<u>Volume:Page</u>
Complaint for Declaratory and Injunctive Relief/Petition for Writ of Mandate or Judicial Review (1/31/2014)	1:0001
Comstock Mining Incorporated's Answer to Complaint (3/28/2014)	1:0053
Comstock Residents Association's Opening Brief on Petition for Judicial Review (12/16/2014)	28:3837
Comstock Residents Association's Opposition Brief in Support of Petition for Judicial Review (1/9/2015)	28:3894
Comstock Residents Association's Reply Brief in Support of Motion to Augment Record (1/9/2015)	28:3888
Comstock Residents Association's Reply Brief in Support of Petition for Judicial Review (1/20/2015)	28:3926
CRA's Notice of Supplemental Authority re Motion to Amend (10/14/2014)	28:3754
CRA's Reply to Lyon County and CMI's Oppositions to Motion to Amend Complaint/Petition (8/5/2014)	27:3746
Joinder to Defendant Lyon County Board of Commissioners' Motion to Dismiss (6/13/2014)	27:3648
Joint Opposition of Respondents Lyon County Board of Commissioners and Comstock Mining Incorporated to Motion to Augment Record (1/2/2015)	28:3881
Lyon County Board of Commissioners' Answer to Complaint (3/27/2014)	1:0038
Lyon County Board of Commissioners' Motion to Dismiss or, in the Alternative, Motion for Partial Summary Judgment (6/10/2014) ...	1:0082

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Document (date filed)</u>	<u>Volume:Page</u>
Lyon County Board of Commissioners’ Opposition to Motion to Amend Complaint/Petition (7/29/2014)	27:3721
Lyon County Board of Commissioners’ Reply to Opposition to Motion to Dismiss (7/29/2014)	27:3730
Lyon County’s Objection to Court’s Consideration of CRA’s Supplemental Authority (10/16/2014)	28:3757
Memorandum of Points and Authorities in Opposition to Comstock Residents Association’s Opening Brief in Support of Petition for Judicial Review (1/12/2015)	28:3905
Memorandum of Points and Authorities in Opposition to Petition for Judicial Review (12/15/2014)	28:3785
Memorandum of Points and Authorities in Reply to Comstock Residents Association’s Opposition Brief in Support of Petition for Judicial Review (1/16/2015)	28:3917
Motion to Amend Complaint/Petition (7/3/2014)	27:3651
Motion to Augment Record and/or Request for Judicial Notice (12/16/2014)	28:3812
Notice of Assignment by Clerk [Senior Judge Estes] (6/10/2014)	1:0079
Notice of Entry of Order [Denying Motion to Amend Complaint/Petition] (12/8/2014)	28:3772
Notice of Entry of Order [Granting in Part and Denying in Part Motion to Dismiss] (12/8/2014)	28:3777
Notice of Entry of Order [Granting in Part and Denying in Part Plaintiffs’ Motion to Augment Record] (6/10/2015)	28:3944
Notice of Entry of Order [Denying Petition for	

1	Judicial Review] (6/15/2015).....	28:3949
2	<u>Document (date filed)</u>	<u>Volume:Page</u>
3		
4	Objection to Court’s Consideration of CRA’s Supplemental	
5	Authority (10/21/2014)	28:3760
6	Opposition to Motion to Dismiss (7/3/2014)	27:3695
7	Opposition to Plaintiffs/Petitioners’ Motion to Amend	
8	Complaint/Petition (7/25/2014)	27:3712
9	Order Denying Petition for Judicial Review (6/5/2015).....	28:3937
10	Order Denying Plaintiffs [sic] Motion to Amend (12/3/2014)	28:3793
11		
12	Order Granting in Part and Denying in Part Motion to	
13	Augment Record (6/5/2015)	28:3941
14	Order Granting in Part and Denying in Part Motion to Dismiss (12/3/2014)	28:3766
15	Order of Recusal [Judge Rogers] (4/1/2014)	1:0071
16	Order of Recusal [Judge Aberasturi] (5/2/2014)	1:0076
17		
18	Petitioners Comstock Residents Association and Joe McCarthy’s	
19	Notice of Appeal (7/14/2015)	28:3955
20	Record on Appeal (6/10/2014)	1:0102
21	Supplement to Record on Appeal (1/2/2015)	28:3877

Silver City has extensive limitations for individual and on-site sewer disposal systems. Additional large lot residential parcels requiring septic systems may be contrary to long term water quality and may reduce the opportunity for a future connection to a municipal sewer system.

Water system improvements are needed for the community and a sewer system may be necessary in the future. Cost effective improvement and expansion will be influenced by Silver City's the long term development potential.

Goal CP 1: Support Diversity: Lyon County will celebrate and support the diversity of character among communities in the county.

Policy CP 1.1: Recognize Diversity of Communities

Lyon County planning efforts and regulations will consider the unique aspects of communities in the county, and will allow for variation and exceptions to address key aspects of their diversity.

In considering the requested master plan amendment, Silver City's unique character, development pattern, historic location and dependence on the historic landscape should be recognized and supported.

Goal CP 3: Community Plans: Lyon County will support community-based planning efforts that elaborate community-specific goals and that are developed with strong public consensus.

Policy CP 3.1: Support Community Planning Efforts

Lyon County will encourage and offer guidance for community-based planning efforts, with the goal of ensuring that such an effort will result in a document that identifies the unique needs and values of the community in a manner that can be integrated with county-wide planning, regulations, and policies.

Over the past approximately 40 years, the Silver City community has actively participated in several master plan efforts, the results of which appear to be very consistent. During the development of the Comprehensive Master Plan, County-wide Component, the community was very active. Goals, policies, strategies and land use designations affecting Silver City were developed with strong public consensus.

Goal CP 4: Advisory Councils: County staff will confer with the applicable Community Advisory Council when developing programs or policies to address community-specific issues.

Policy CP 4.1: Confer with Community Advisory Councils

When developing a program or policy intended to address a community-specific issue, such as those listed in this Comprehensive Master Plan and in adopted community plans, county staff will confer with the applicable Community Advisory Council before finalizing a decision.

The Silver City Advisory Board has been very active in discussing, reviewing and commenting on the requested master plan amendment and zone change applications. The Advisory Board's comments should be considered in the review and deliberation regarding the requested master plan amendment.

Zoning:

The subject parcels are currently zoned NR-1, Single-Family Nonrural Residential District. A review of the County's zoning maps and zoning information for the subject parcels shows that the current zoning is consistent with zoning dating back to the 1970s.

The NR-1 zoning permits:

- Parcel size of 6,000 square feet or larger;
- Permitted uses consisting of single-family dwellings, detached guest building and accessory uses, garden houses, playhouses, tennis courts and "home occupations;"
- Special uses consisting of child care facilities, churches, group care facilities, parks, public utility serving centers, recreational areas, residential industry, schools, sanitariums and other like uses; and
- Special uses on parcels having a minimum area of 21,000 square feet consisting of private golf, swimming, tennis and similar clubs.

If the Planning Commission adopts the applicant's request for master plan amendments to the Rural Residential land use designation, the applicant's requested zone changes, contained in the concurrent zone change application, would become consistent with the County's Comprehensive Master Plan. If the Planning Commission does not adopt the requested master plan amendments, the applicant's requested zone changes will not be consistent with the County's Comprehensive Master Plan.

Guidance for Reviewing and Granting a Master Plan Amendment

The Lyon County Comprehensive Master Plan, County-wide Component, Chapter 11, Implementation, provides the following guidance for reviewing and granting a master plan amendment:

The public and the County may initiate Plan Amendments in accordance with the provisions of Lyon County Code. All Plan Amendments shall be considered by the Planning Commission and Board of County Commissioners pursuant to their respective powers. Based on its consideration of the recommendations from staff, advisory councils, boards and commissions, and evidence from public hearings, the Planning Commission could then adopt the Plan Amendment (with or without further revisions) or deny the Amendment. Any action on a Plan Amendment by the Planning Commission would be followed by County Commissioners action including, if applicable, its approval of the Plan Amendment. When considering a plan amendment, the County should consider whether:

1. *The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;*
2. *The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;*
3. *The proposed amendment will have no major negative impacts on transportation, services, and facilities;*
4. *The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*
5. *Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and*
6. *The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.*

Requirements for Granting a Master Plan Amendment:

Chapter 10.12.09(F) of the Lyon County Code requires that:

When making an approval, modification or denial of an amendment to the Master Plan land use map or text, the Commission and the Board shall, at a minimum, make one of the following findings of fact:

A. Consistency with the Master Plan.

- 1. Approval: The applicant has demonstrated that the amendment is in substantial compliance with and promotes the Master Plan goals, objectives and actions.*
- 2. Denial: The proposed amendment is not in substantial compliance with, nor does it promote the Master Plan goals, objectives and actions.*

B. Compatible Land Uses.

- 1. Approval: The proposed amendment is compatible with the actual and planned adjacent land uses, and reflects a logical change in land uses.*
- 2. Denial: The proposed amendment would result in land uses which are incompatible with the actual and planned adjacent land uses, and does not reflect a logical change in land uses.*

C. Response to Change Conditions.

- 1. Approval: The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment represents a more desirable utilization of land.*
- 2. Denial: The proposed amendment does not identify and respond to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment does not represent a more desirable utilization of land.*

D. No Adverse Affects.

- 1. Approval: The proposed amendment will not adversely affect the implementation of the Master Plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.*
- 2. Denial: The proposed amendment will adversely affect the implementation of the Master Plan goals, objectives and actions, and would adversely impact the public health, safety or welfare.*

E. Desired Pattern of Growth.

- 1. Approval: The proposed amendment will promote the desired pattern for the orderly physical growth of the County, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the County based on the least amount of natural resource impairment and the efficient expenditure of funds for public services.*
- 2. Denial: The proposed amendment does not promote the desired pattern for the orderly physical growth of the County. The proposed amendment does not allow infrastructure to be extended in efficient increments and patterns, does not maintain relatively compact development patterns, and does not guide development of the County based on the least amount of natural resource impairment and the efficient expenditure of funds for public services.*

Summary:

A master plan amendment is the most discretionary decision that the Planning Commission and Board of Commissioners can make regarding land use. After master plan decisions, the Planning Commission's and Board of Commissioners' breadth of discretion becomes more and more constrained until there is relatively little discretion in the matter of conditional and permitted uses.

The County's Comprehensive Master Plan is a long term plan for the development of the County and its individual communities. Decisions on master plan land use designations should be made with deliberate consideration of long term needs, opportunities, community aspirations, community stability, compatibility, and community character. To be most effective, master plans should be amended infrequently when there are compelling justifications which reflect long term community goals and interests.

In short, the prime considerations the Planning Commission needs to determine are whether the proposed master plan amendments:

- ✓ Are needed,
- ✓ Are compatible with the area and Comprehensive Master Plan,
- ✓ Will have no major negative impacts,
- ✓ Will have minimal effect on and will be compatible with services,
- ✓ Will promote the public welfare, and
- ✓ Are consistent with the Comprehensive Master Plan goals and policies.

Staff Recommendation:

Staff would generally recommend that the most appropriate process for making a land use designation decision would be as part of the preparation of a Community Plan for Silver City as envisioned in the Comprehensive Master Plan. However, the Comprehensive Master Plan and County Code provide a process for the master plan amendment now before the County.

Staff recommends denial of the requested master plan amendments based on the guidance provided by the Comprehensive Master Plan, County-wide Component, including the adopted Land Use Plan, the majority of applicable goals, policies and strategies, Silver City's unique and historic character, and the County's lengthy, consistent master plan record of land use planning for Silver City.

Alternative Findings and Motions:

The alternative motions suggested below are offered for Planning Commission consideration.

Alternative for Denial:

If the Commission determines that the request for a Master Plan Amendment should be denied, the Commission must make findings supporting a denial. The Planning Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. The proposed amendment is not in substantial compliance with, nor promotes the Master Plan goals, objectives and actions in that it is not in keeping with the majority of applicable guiding principles, goals, policies, strategies and community description contained in the 2010 Lyon County Comprehensive Master Plan, County-wide Component.
- B. The proposed amendment would result in land uses which are incompatible with the actual and planned adjacent land uses, and does not reflect a logical change in land use in that the amendment would change the planned character and intensity of residential development and enables the potential development of a land use incompatible with the actual and planned adjacent and predominant residential land uses.
- C. The proposed amendment fails to identify or respond to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment does not represent a more desirable utilization of land.
- D. The proposed amendment will adversely affect the implementation of the Master Plan goals, objectives and actions, and will adversely impact the public health, safety or welfare.
- E. The proposed amendment does not promote the desired pattern for the orderly physical growth of the County as set forth for the Silver City community in the 2010 Lyon County Comprehensive Master Plan, County-wide Component.
- F. The existing Comprehensive Master Plan and/or any related element thereof is not in need of the proposed amendment.
- G. The proposed amendment is not compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan, particularly those related to Silver City.
- H. The proposed amendment will have effects on service provision, including adequacy or availability of facilities and services, and is not compatible with existing and planned service provision.
- I. Deviation from the strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan.
- J. The proposed Plan amendment will not promote the public welfare and will be inconsistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.

Based on the above findings, the Lyon County Planning Commission denies the Master Plan Amendments from Resource to Rural Residential on 12.29 acres and from Suburban Residential to Rural Residential on 42.57 acres for Comstock Mining, Inc. as set forth in the written and graphic information contained in the revised master plan amendment application and supporting documents, received by the Lyon County Planning Department on October 18, 2013 (APNs 08-091-02 and 08-091-05) (PLZ-13-0050).

Alternative for Approval:

If the Commission desires to approve the requested Master Plan amendment from Low Density Residential to Commercial, the Commission must make findings supporting the proposed expansion of the Commercial Master Plan Classification on the subject parcels. The Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. The applicant has demonstrated that the amendment is in substantial compliance with and promotes the Master Plan goals, objectives and actions in that it is in keeping with applicable guiding principles, goals, policies, strategies.
- B. The proposed amendment is compatible with the actual and planned adjacent land uses, and reflects a logical change in land uses in that the amendment would decrease the intensity of residential development.
- C. The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment represents a more desirable utilization of land.
- D. The proposed amendment will not adversely affect the implementation of the Master Plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.
- E. The proposed amendment will promote the desired pattern for the orderly physical growth of the County, maintains relatively compact development patterns, and guides development of the County based on the least amount of natural resource impairment and the efficient expenditure of funds for public services.
- F. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan.
- G. The proposed amendment will have no major negative impacts on transportation, services, and facilities.
- H. The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision.
- I. Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan.

Based on the aforementioned findings, the Lyon County Planning Commission approves the Master Plan Amendments from Resource to Rural Residential on 12.29 acres and from Suburban Residential to Rural Residential on 42.57 acres for Comstock Mining, Inc. as set forth in the written and graphic information contained in the revised master plan amendment application and supporting documents, received by the Lyon County Planning Department on October 18, 2013 (APNs 08-091-02 and 08-091-05) (PLZ-13-0050).

Alternative for Continuance:

If the Commission determines that additional information, discussion and public review are necessary for a more thorough review of the proposed Master Plan Amendment, the Commission should make appropriate findings and move to **continue** the Public Hearing with a specific time period for the applicant to provide additional specific information necessary for the analysis of the request. The Planning Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. Additional information, discussion and public review are necessary for a more thorough review of the proposed Master Plan Amendment.

Based on the above findings and with the applicant's concurrence, the Lyon County Planning Commission continues the hearing for the Master Plan Amendments from Resource to Rural Residential on 12.29 acres and from Suburban Residential to Rural Residential on 42.57 acres for Comstock Mining, Inc. as set forth in the written and graphic information contained in the revised master plan amendment application and supporting documents, received by the Lyon County Planning Department on October 18, 2013 (APNs 08-091-02 and 08-091-05) (PLZ-13-0050), for ___ days.

Attachment 1

Lyon County Comprehensive Master Plan, County-wide Component Excerpts and Relevant Information

Chapter 1: Introduction

Plan Use

The Comprehensive Master Plan will be used as a decision-making tool by residents, landowners, developers, the County Planning Department, Planning Commission, and Board of Commissioners. The Plan does not change existing zoning or solve all of the county's problems; instead, it serves as a handbook for implementing the county vision. It specifies policy guidelines that respect the individual, reinforce community values, support healthy functioning communities, and advocate quality of life.

The Plan is a catalyst and guide to the establishment, or revision, of mechanisms to implement the selected goals and policies. These mechanisms include development codes and other planning tools such as zoning and subdivision codes, zoning maps, capital improvements programs, Community Plans for the eight identified communities within the County, and other specific "action items."

About Master Plans Generally

The Comprehensive Master Plan is an official public document adopted by the Lyon County Planning Commission and Board of Commissioners. The Plan is a general, long-range, policy and implementation guide for elected and appointed officials in making choices concerning the overall needs, growth and development of the county and its communities. It outlines Lyon County's vision and goals for the future.

The Plan is comprehensive because the elements cover a broad range of development and growth issues which can be influenced significantly by the County Planning Commission, Board of Commissioners and other governing authorities and agencies. The Plan is general because the recommendations are broad. The plan is long-range because consideration is given to the problems and opportunities which may arise over the next twenty or so years. The Plan is dynamic because there will be amendments to adapt to new situations and meet new challenges over time.

The written guiding principles, goals, policies and strategies, in combination with the Land Use Map, provide guidance for decisions affecting growth, the use and development of land, preservation of open space and the expansion of public facilities and services. The Comprehensive Master Plan written policy recommendations and maps should be used together when making decisions. It is also recognized that this document should be reviewed annually at a public hearing and revised as needed to reflect the availability of new implementation tools, changes in State and Federal law, changes in funding sources, the results of monitoring the effectiveness of existing policies and the impacts of past decisions, as well to reflect changes in the community's vision for the future.

How Does Zoning Relate to The Master Plan?

County zoning regulations consist of both a zoning map and a written ordinance that divides the county into zoning districts, including various residential, commercial, and industrial districts. The zoning regulations describe what type of land use and specific activities are permitted in each district, and also regulate how buildings, signs, parking, and other construction may be placed on a lot. The zoning regulations also provide procedures for re-zoning and other planning applications.

The zoning map and zoning regulations provide specific requirements for development of property, while the Master Plan provides a guide for the future development of the property. When changing the zoning of a particular property, it must be consistent with the Master Plan Land Use Map. That is to say, the Land Use Map contained in this Master Plan should guide future re-zoning decisions.

Consistency Between the Master Plan And Zoning

Master plan land use category designations shown on a Land Use Map are not the same as zoning. The adoption of a master plan and Land Use Map does not change a property's zoning.

Master plans are advisory in nature, serving to guide the community at a policy level and to guide future development decisions. Zoning is regulatory in nature, generally serving to implement the master plan and specify permitted uses, allowed densities and development standards.

In many instances, land use category designations on a Land Use Map may not directly correspond to a property's underlying zoning. Unless the County chooses to pro-actively re-zone properties that are not consistent with the Land Use Map, properties retain their underlying zoning. If a property owner desires to change zoning to be consistent with the Land Use Map, the property owner will be required to request re-zoning of the property as part of the development process to bring it into compliance with the Master Plan. There is no requirement in Nevada State law requiring that the zoning of properties be brought into compliance with the Master Plan and its Land Use Map.

Underlying zoning was reviewed and considered throughout the development of this Master Plan to ensure that consistency between planned land uses and zoning could be maintained to the maximum extent feasible. In some instances, land use designations do differ, however, as was necessary to meet the broader objectives of the Master Plan. Re-zoning may be required should the properties develop or redevelop in the future. It should be noted that in many of the cases where inconsistencies do exist, planned land use categories (e.g., mixed-use land use designations) and zoning that would subsequently be required, would allow a much broader range of uses than are allowed today.

Process for Plan Development and Adoption

This County-wide Component of the Comprehensive Master Plan is the culmination of four years of dialogue and analysis that has included a wide array of participants including the Board of Commissioners, the Planning Commission, community advisory councils, County staff and the community at large. A series of community meetings, open house events and workshops were held throughout the county to obtain citizen input and recommendations, including eight meetings on issues identification in March 2007, eight community meetings and 2 joint Planning Commission/Board of Commissioners sessions on

Chapter 2: Vision and Guiding Principals

The Vision, Guiding Principles, and Goals, Policies and Strategies of the Lyon County Comprehensive Master Plan will guide the County in its decisions, and as new development or changes occur, help to maintain and enhance the qualities that make Lyon County a great place in which to live, work, and play.

- ♦ *The Lyon County Vision Statement sets out a desired picture of the future of Lyon County. It represents a future toward which the County will strive.*

- ◆ *Guiding Principles represent the broad values and ideals for the County.*
- ◆ *Goals are statements about what the County aims to achieve over the life of the Comprehensive Plan. Goals are intended to give decision-makers and citizens a clear idea about the County's intended direction.*
- ◆ *Policies provide ongoing guidance for elected and appointed officials, staff, and administrators as these community leaders make decisions about specific development, programs, and capital investments in the County.*
- ◆ *Strategies list detailed actions and methods for implementing the plan. We have listed a range of possible strategies to be considered. Some strategies will be possible to accomplish in the near term, while others will be on-going, or will take place later in the life of the Comprehensive Master Plan.*

How Did We Get Here?

The Vision, Guiding Principles, Goals, Policies, and Strategies in this document are based on public comments gathered in a series of open houses and workshops held in communities throughout Lyon County, in meetings with community advisory councils, and on comments and direction provided by the Planning Commission and Board of County Commissioners. Feedback from these meetings was first distilled into a draft Vision, Guiding Principles, and Goals document that was reviewed by the Planning Board and Board of County Commissioners in September, 2007. Subsequently, comments and concerns and detailed policy direction, in the form of policies and strategies, have been addressed in numerous drafts and updates during 2008, 2009 and 2010.

Overall Vision for Lyon County

A Vision statement is an overall image of what the community wants to be and how it wants to look in the future. It describes the kind of community that residents, business owners, and leaders want their county to become. The Vision for Lyon County describes the community's collective values and aspirations and creates an image of the County based upon what it is today and what residents would like it to be in the future. The Vision is founded on the premise that the health of the County and the quality of life of its residents depend on the balancing of multiple factors, including environmental, economic and community/social considerations. These components are interrelated and essential to the continued health and sustainability of the community. Addressing these factors in a comprehensive manner provides a balanced and flexible basis for formulating the County's Comprehensive Master Plan.

Lyon County Vision

Lyon County will guide growth and change to meet the needs of current and future residents, building on its heritage, and exploring new and innovative techniques to address challenges. The diverse communities within Lyon County will work together to meet shared goals while respecting and promoting the individual character of each community. Residents will enjoy an excellent quality of life characterized by: diverse lifestyle opportunities, quality housing choices, plenty of clean air and water, access to open lands, recreation and wildlife, outstanding public schools, an efficient transportation network, a safe community, and a range of employment and occupational choices. Our rural character, and agricultural and mining heritage, will continue to be a strong part of Lyon County's identity.

Guiding Principals

Eight broad "Guiding Principles" have been identified as the basic beliefs behind the overall County Vision and this Comprehensive Master Plan. The Principles reflect the community's vision at a broad policy level and describe the community's aspirations; highlighting areas where the County has opportunities to build on its strengths—as well as those areas where a change in policy direction is needed to improve a condition that is not consistent with the Vision.

Chapter 3: Land Use, Economy and Growth

Land use patterns in Lyon County have not only been shaped by County regulations and development decisions, but also by physical factors such as topography and water availability. Throughout most of its history, Lyon County has been characterized by a number of compact communities and rural settlements spread over a landscape of valleys and mountains, farm/ranch lands, rivers, and extensive undisturbed areas. For years, the County has been noted for its rural character and image, its historical heritage, and its slow-paced rural way of life.

The rapid growth in the region has brought changes to the County: changes welcomed by many, lamented by others, but of concern to all. Inevitably, in such a process, Lyon County and its communities have been affected by development, increased traffic volumes, encroachment into floodplains, services stretched to meet needs, and a declining agricultural land base.

Future development will be influenced by factors such as population trends, employment growth, and water availability. Lyon County desires to be able to provide employment opportunities for its residents as well as a diverse choice of housing types, commercial services, recreational opportunities and community character.

The County's purpose is not to restrict future growth but to direct it in a way that minimizes negative impacts while offering residents a range of choices and promoting job creation. The County seeks to successfully accommodate growth and consciously decide how development should occur to achieve a more efficient pattern for future development. Lyon County intends to ensure the county's long-term viability by using methods to guide new development to locations where adequate public infrastructure such as roads, water, sewer, schools, and related facilities, is available or can be provided most efficiently and cost effectively, promoting infill development, and providing incentives for quality development.

Lyon County sees more growth and development occurring in and around the existing community cores (its towns and established settlement areas) with more focus on balancing residential, employment, and retail land uses. Less growth is desired in the remote unincorporated areas (outside of community cores). The County also desires to continue agricultural production and the retention of agricultural lands, but allow residential development especially in alternative rural patterns such as clustering, through incentives and density transfer mechanisms. Incentives and density transfer mechanisms are also desired to promote alternative development patterns and the conservation of areas of environmental significance or hazardous features.

Guiding Principal: Lyon County will grow in an orderly fashion concentrating development within designated community cores, maintaining the diversity characterized by its settlement patterns and landscapes, providing jobs as well as housing, and sustaining quality public services and facilities.

Goal LU 1: Orderly Growth Patterns: Direct and manage development in the county so that it is orderly and fiscally responsible.

Policy LU 1.1: Follow Development Patterns as Established on Countywide Land Use Plan or a More Specific Community Plan

Future development of Lyon County will be consistent with the Countywide Land Use Plan or a more specific Community Plan, if one has been adopted. The Countywide Land Use Plan will guide future growth and development by defining appropriate land use types, densities, and character in different locations including cities and towns, suburbanizing areas, rural areas, farm and ranch land, hillsides, and public lands. The county's future urban and suburban growth will develop largely around existing communities.

Strategies:

- ◆ *Use the Countywide Land Use Plan and adopted Community Plans as a guide for decision-making on development approvals.*
- ◆ *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.*

Policy LU 1.4: Locate industrial development as designated on County-wide Land Use Plan or determined by criteria.

Industrial uses, including extractive industries, will occur in areas that are designated on the County-wide Land Use Plan. New industrial uses should only be located in areas that do not adversely impact existing residential settlements.

Strategies:

- ◆ *Consider developing a set of siting criteria to be used in determining the suitability of sites for industrial and extraction uses.*
- ◆ *Establish performance standards in areas of noise, odor, dust, traffic generation, etc.*

Goal LU 3: Diverse Economy: The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economic Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near to population centers.

The county will support economic diversification throughout the county to more fully utilize the broad range of skills, knowledge and abilities inherent in our workforce.

Policy LU 3.2: Business and Industry Locations that are Consistent with Future Land Use Plan

Encourage commercial and industrial development to locate in designated locations shown on the Future Land Use Plan, where public facilities exist or are planned to accommodate such development cost-effectively. The County-wide Land Use Plan will reserve adequate lands for jobs and industry.

Strategies:

- ◆ *Use the Countywide Land Use plan and Community Plans as a guide to determine appropriate locations for business and industry.*

Goal LU 5: Encourage Resource Sensitive Growth: Development will be designed to reduce energy use and minimize environmental impacts.

Overall Land Use Plan Approach – Community Core Concept

Early in the process of developing this Master Plan and based on input from the community and county leadership, an overall approach for future growth and development in the county was identified and is referred to as the Community Core Concept. Under this approach, Lyon County would see more growth and development occurring in and around the existing community cores (its towns and established settlement areas) with more focus on balancing residential, employment, and retail land uses. The concept encourages less growth in the remote unincorporated areas (outside of community cores). The agricultural areas around Smith and Mason Valleys would primarily continue for agricultural production, but would allow residential development especially in alternative rural patterns such as clustering, through such mechanisms as transfer of development rights and non-contiguous density transfers. In addition, the concept promotes alternative development and conservation approaches for areas of environmental significance or hazardous features, such as steep slopes, wetlands, or floodplains.

Community Description

Chapter 3, Land Use, states that "community descriptions should serve as a general guide when considering the implications of the Master Plan County-wide Component on individual communities." The description of Silver City is as follows:

Silver City

Silver City, situated in lower Gold Canyon, represents the first settlement in Nevada based on mining activity. The town is located about 4 miles northwest of Dayton, the site of Nevada's first gold discovery, and 3 miles south of Virginia City along Highways 341 and 342. Approximately 200 home-sites and 100 houses, along with some historic commercial and industrial buildings, comprise the historic town site which is an integral part of the Comstock Historic District – a National Landmark Historic District.

Over the past 30 years residential infill and limited commercial endeavors have occurred on existing historic properties in Silver City. The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims. The existing water service infrastructure dates to the late nineteenth century, when a water system to supply the mining operations and settlement demands of the Comstock communities was constructed. This aging water system and a lack of a sewer system limit growth in Silver City. Additionally, title issues due to the historic nature of the town site and complications based in local zoning and building codes, have limited development.

Silver City has a strong sense of identity and prides itself on its cohesive small town atmosphere. The community treasures its historic buildings and landscape features, as evidenced by the preservation and rehabilitation of many original structures. New construction is regulated for exterior architectural features by the Comstock Historic District Commission.

Character Districts

Character District Map Description

"Character" can generally be thought of as the look or feel of a place, including: the built environment, land use patterns, street patterns, open lands, and general density or

intensity and type of uses. The purpose of the Character Districts Map is to help define, maintain, or enhance desired character of development or intensity in particular areas of the county.

Five Character Districts

Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries. They control and modify the land use designations to achieve the type and character of development desired in communities. These Districts are defined areas within communities. A community may have one or more Character Districts within its boundary. The following character districts are described in the sections that follow:

- Rural districts,
- Suburbanizing districts,
- Historic districts,
- Future Plan Areas, and
- General County.

Rural Districts

Rural Districts include those areas that are predominately low density residential development with limited neighborhood commercial uses. They may or may not have agricultural land uses or grazing lands. Improvement standards will reflect the "rural" character of the area. Rural districts are not likely to have municipal water and sewer. Roads are likely to have dirt shoulders, some equestrian paths as well as bike facilities within road rights-of-way.

Suburbanizing Districts

Suburbanizing Districts include those areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses. Improvement standards will reflect the "suburban" character of these areas and will include requirements for municipal water and sewer, roadway design appropriate to the planned land uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths). Roads are likely to have some bike and pedestrian facilities within road rights-of-way or separate paths.

Historic Districts

Historic Districts include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Future historic districts could also be designated where the intent is to promote new compatible development that is in keeping with the "historic" development patterns and architectural design elements to create more vitality. Tools might include mixed-use, design guidelines and conservation easements.

General County

Lands outside the boundaries of defined community boundaries are classified as General County. These lands are rural or resource lands or public lands, and are intended to remain largely undeveloped or with very low intensity development within the Master Plan's planning horizon. The development standards applicable to General County lands are the same as those for Rural Character Districts.

County-wide Land Use Plan Map(s)

The intent of the County-Wide Land Use Plan Map(s) is to show the generalized land use patterns for the entire County and the land use designations for lands outside of defined communities. This Plan map(s) provides an overall view of the County's desired development pattern. The county-wide categories, which are very general and the broadest categories to be mapped, encompass the more specific community plan land use designations, as shown in the land use categories table in this section. The County-wide Land Use Plan map(s) provides broad direction for the land uses intended within communities and the County. (Note: The Land Use Plan designations are shown in the blue column in the master table beginning on page 3.28.) Until a Community Plan is adopted, the County-wide Land Use Plan will be the guide.

Land Use Categories shown are generally consistent with Lyon County zoning and do not remove or vastly change owner entitlements to properties. However, some categories suggest a slight refocus of future development patterns to better achieve Comprehensive Plan Goals. For example, the intent for lands designated as "Highway Corridor Mixed-Use" is to gradually transition away from the strip commercial pattern along the county's highways to become a more cohesive mix of uses with offices, residential, and commercial that is focused in centers. Likewise, some of the lands in Smith Valley that are zoned for Rural Residential are shown as Agriculture, because the intent is that they are part of a larger agricultural area where options for landowners to conserve lands, do clustered development, or transfer density to more concentrated rural development areas is desirable. The Agriculture designation does not imply a change in potential development units from current zoning.

Proposals for development must be consistent with the categories and centers shown on the County-wide Land Use Plan or applicable Community Land Use Plan, or be consistent with locational criteria for centers described later in this chapter. The plan amendment procedures section of this plan describes what developers must do when a proposal is not consistent with the land uses defined herein.

County-wide Land Use Categories Table [Excerpts]

Countywide Land Use Category	Community Plan Land Use Categories	Density Range	Description/ Characteristics and Examples of Uses
AGRICULTURE AND RESOURCE LANDS			
Resource	✓ Resource (private)	1 du per 40 acres or one-sixteenth of a section as described by a government land office survey, or per existing parcel if less than 40 acres or one-sixteenth of a section	Characteristics: Private property, generally inholdings or located in very remote or rural parts of the County (outside of community boundaries). Within communities may be private property used for resource uses. Examples of uses: Open range and dispersed grazing, mining and large scale energy, general rural residential development at very low densities. Within communities uses such as mining, borrow pit or gravel pit operations, energy projects; may include limited employment/industrial uses complementary to and compatible with surrounding uses.
RESIDENTIAL			
Rural Residential	✓ General Rural ✓ Rural Residential	1 du per 20 acres to 1 du per 5 acres	Characteristics: Typically in rural districts and on the edge of suburbanizing areas. Lot sizes vary. Typically not served by

Corrected 11/11/2013

Page 27 of 35
Public Hearing for COMSTOCK MINING, LLC MPA
Planning Commission-November 12, 2013
Planning-rgl

JA2265

14 CV 00128 - 002160
LYON COUNTY

Countywide Land Use Category	Community Plan Land Use Categories	Density Range	Description/ Characteristics and Examples of Uses
			municipal utilities. Examples of uses: Single-family residences, ranches, and "farmettes".
Suburban Residential	<ul style="list-style-type: none"> ✓ Medium Density Residential ✓ High Density Residential 	1 du per acre to 18 du per acre.	Characteristics: Typically in suburbanizing areas. Neighborhoods should contain a mix of housing types and lot sizes in a neighborhood setting with a recognizable center (with a park, school, or other public use) and connected, useable open space within the neighborhood. Will be served by municipal utilities. High density residential must be located near major roads and near commercial uses. Examples of uses: Single-family residences, duplexes and attached housing.
	<ul style="list-style-type: none"> ✓ Residential Mixed-Use 	3 du per acre to 18 du per acre.	Characteristics: This category is designed to create opportunities for higher-density neighborhoods in a suburban-setting to promote neighborhoods with a mix of types and intensities in close proximity to commercial and commercial mixed-use districts. Examples of uses: A range of medium to high-density residential housing types with open space, parks, schools, and other public uses.

Chapter 5: Community Character and Design

Lyon County features a rich mosaic of communities, residents, and physical attributes. Residents and property owners have expressed considerable interest in maintaining their many diverse communities and improving community aesthetics. A community's character is defined by its design, its viewsheds, its gathering places, and its historic and cultural resources, as well as by environmental characteristics such as natural quiet and dark night skies. Maintaining this character is important—not only for promoting economic development and diversification, but also for protecting our living spaces, quality of life and open lands. In addition, preserving rural character is a core value of a majority of Lyon County residents.

This Chapter describes the factors that combine to create community character in our county. It also discusses the Guiding Principle, goals, policies and other mechanisms that help us to protect the community characteristics we value. This Community Character and Design Chapter seeks to define, preserve, and enhance the quality of the places where we live, work, and enjoy our leisure time. Its goals include protecting the unique characteristics of our communities.

Each community has distinct features that contribute to its physical character. Many of these features reflect common values for preserving a community's rural character, appearance, natural resources, open spaces, recreation areas, scenic views, vegetation, historic architecture, development patterns, and activity centers. These features promote quality of life and economic well-being. Preserving them should not prohibit

development; however, the County needs to consider them to ensure that new development fits into the existing community fabric.

Guiding Principal: Lyon County will respect and promote the distinct character and heritage of its communities, strive to retain its rural and agricultural culture and promote cohesive and high quality development to improve the overall image and function of its communities.

Goal CC 1: Quality Design: New development in Lyon County will improve the appearance and function of our communities.

Policy CC 1.1: Quality New Development

New development in the communities of Lyon County should create inviting places for locals and visitors to live, shop, eat, visit, and do business.

Policy CC 1.3: Design Tailored to Communities

New development in Lyon County should address and respect the unique character of communities within the county.

Goal CC 3: Heritage: Historic places, structures, and landmarks in the county will be preserved and will provide an opportunity for resident and visitors to learn about and celebrate our heritage.

Policy CC 3.1: Maintain and Restore Historic Resources

Lyon County will encourage and support efforts to preserve and restore registered historic structures, and landmarks, and districts.

Strategies:

- ◆ *Revise zoning to encourage historic use and development patterns including mixed-use structures and districts.*
- ◆ *Support organizations in the county that apply for historic designation or grant funding for inventory or rehabilitation of historic structures, efforts to identify receiving sites for historic structures that cannot be maintained in their original locations, and similar historic preservation purposes and efforts.*
- ◆ *Work with knowledgeable organizations and individuals to ensure that building and development standards allow for adaptive reuse of valued historic structures, including those without official historic designation.*
- ◆ *Within historic districts, promote historic design elements, features and context, and prohibit building design that compromises the integrity of the historic community character.*
- ◆ *Within historic districts, limit new land uses that would pose a risk to historic structures or the historic character of the district.*
- ◆ *Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.*

Chapter 6: Natural Resources and Environment

Guiding Principal: The proximity of the natural environment will continue to be an important part of life in Lyon County, where residents will enjoy sustainable supplies of clean water for drinking and agriculture; clean air; wildlife; access to rivers, lakes

and public lands; scenic views, and dark night skies. Lyon County will work to reduce or mitigate natural hazards such as wildfire, flooding, earthquakes and dust.

Goal NR 3: Adequate, Clean Water: Adequate water supply will be available for current and future needs in Lyon County, including safe, healthy drinking water for all Lyon County residents.

Policy NR 3.1: Water Supply and Quality

Recognizing that clean water is a precious resource necessary to maintain our health, economy, and quality of life, Lyon County will protect the water supply and encourage efficient use of water resources.

Strategies:

- ◆ *Maintain and expand the piped municipal water and sewer systems within community core and urbanizing areas of the County as designated on the Future Land Use map.*

Goal NR 9: Mining and Resource Extraction: Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR 9.1: Guide Development

Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Strategies:

- ◆ *Consider the location of known resources when reviewing new development.*

Policy NR 9.3: Mitigate Operations

To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, etc.

Strategies:

- ◆ *Promote "limited impact"/environmentally safe resource extraction practices to protect the natural environment, enhance the quality of life of residents, and limit impacts on present and future public facilities and services.*

Policy NR 9.4: Mitigate long-term impacts

To the extent possible, Lyon County will promote long-term reclamation and rehabilitation of extractive sites.

Strategies:

- ◆ *Require resource extraction projects to submit detailed long-term reclamation and reuse plans and to provide adequate funding mechanisms to implement plans*

Chapter 8: Public Facilities and Services

Lyon County desires to have adequate public facilities and services to support desirable land use and development patterns, to contribute to the quality of life and to encourage economic development. Ensuring that the provision of community facilities and services is phased with the demand or need is a major component of managing the future development and growth of communities.

Public facilities and services are those minimum facilities and services the County and other entities provide for the common good. Many entities provide community facilities and services — the County, state and federal agencies, special districts, and the private sector. Maintaining a high degree of coordination between these providers helps ensure that adequate facilities are available and improvements keep pace with development.

Generally, public facilities include land, buildings, equipment and whole systems of activity provided by the County on the behalf of the public. This Chapter addresses public facilities and services related to water and sewer systems, public safety, schools and libraries. The goals and policies are designed to ensure that we plan for adequate services and facilities, either during the land development process or through appropriate government programs.

Guiding Principal: Lyon County residents will have access to excellent schools and libraries, and effective response from well-equipped emergency services. The timing and location of future development will be coordinated with improvements to services and infrastructure to provide cost-effective services to existing and future residents.

Goal FS 1: Provision of Services: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

Strategies:

- ◆ *Develop a Capital Improvements Plan and budget for Lyon County utility system expansion that is consistent with the Land Use Map in this Plan.*
- ◆ *Revise the County's development regulations in order to create incentives to build according to the Land Use map in this Plan.*
- ◆ *Require the developer to pay the full cost of utility system extension, in order to discourage inefficient utility system development, and provide for reimbursement mechanisms where appropriate.*

Chapter 10: Communities and Planning

Lyon County consists of several distinct and diverse communities. The diversity of these communities is reflected in their different growth patterns, character and personality. It is essential that the distinctive character of each identified community is established, maintained, and enhanced.

The Comprehensive Master Plan must address issues that are unique to each community, establish policies that apply strictly to the affected community and deal with issues that are special concerns to that community. The successful implementation of this Comprehensive Master Plan will require that community differences be respected and integrated into the Plan.

Guiding Principal: Through its Community Planning process, Lyon County will address individual community needs and desires while implementing county-wide policies and actions.

Goal CP 1: Support Diversity: Lyon County will celebrate and support the diversity of character among communities in the county.

Policy CP 1.1: Recognize Diversity of Communities

Lyon County planning efforts and regulations will consider the unique aspects of communities in the county, and will allow for variation and exceptions to address key aspects of their diversity.

Goal CP 3: Community Plans: Lyon County will support community-based planning efforts that elaborate community-specific goals and that are developed with strong public consensus.

Policy CP 3.1: Support Community Planning Efforts

Lyon County will encourage and offer guidance for community-based planning efforts, with the goal of ensuring that such an effort will result in a document that identifies the unique needs and values of the community in a manner that can be integrated with county-wide planning, regulations, and policies.

Goal CP 4: Advisory Councils: County staff will confer with the applicable Community Advisory Council when developing programs or policies to address community-specific issues.

Policy CP 4.1: Confer with Community Advisory Councils

When developing a program or policy intended to address a community-specific issue, such as those listed in this Comprehensive Master Plan and in adopted community plans, county staff will confer with the applicable Community Advisory Council before finalizing a decision.

Community Plans

Community Plans comprise the second major component of the Lyon County Comprehensive Master Plan. These plans are essential in carrying out one of the Comprehensive Master Plan's fundamental goals – to recognize and promote the diversity and individual characters of the County's various communities.

Based on the framework established in the County-wide Component, the Community Plans address issues that are unique to each community. The Community Plans provide the specific vision, goals, policies, strategies and land use pattern for each identified community as determined through a community planning process. The Plans and maps contain the detailed information about each community and the views of the community's desired development for the future. They are intended to ensure that the distinctive character of each community is established, maintained, and enhanced.

Policies are established in the Community Plan that apply strictly to the defined community and deal with issues that are of special concern to that community. These may include policies that contain more detailed requirements for land use, development,

or public improvements than are identified in the chapters of the County-wide Component. The Community Plans may also contain detailed implementation measures. These action measures can address issues such as design standards and special use provisions. The goals and policies contained in the Master Plan's County-wide Component also apply to the areas covered by a Community Plan.

Community Plans are designated for the existing, established communities identified during development of the Comprehensive Master Plan. The County will work with the communities to complete Community Plans, including Community Land Use Plans, in each community.

Chapter 11: Implementation

Plan Amendment Process

For the Comprehensive Plan to function over time, Lyon County must be able to periodically review and update it to respond to significant trends or changes in the economic, physical, social, or political conditions.

Plan Amendment Process and Procedures

The public and the County may initiate Plan Amendments in accordance with the provisions of Lyon County Code. All Plan Amendments shall be considered by the Planning Commission and Board of County Commissioners pursuant to their respective powers. Based on its consideration of the recommendations from staff, advisory councils, boards and commissions, and evidence from public hearings, the Planning Commission could then adopt the Plan Amendment (with or without further revisions) or deny the Amendment. Any action on a Plan Amendment by the Planning Commission would be followed by County Commissioners action including, if applicable, its approval of the Plan Amendment. When considering a plan amendment, the County should consider whether:

- 1. The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;*
- 2. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;*
- 3. The proposed amendment will have no major negative impacts on transportation, services, and facilities;*
- 4. The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*
- 5. Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and*
- 6. The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.*

Summary of Priority Actions

To focus the County's efforts on actions that should be taken as soon as possible to ensure that future development decisions are consistent with the goals and policies

contained in this Plan and with the designations on the Land Use Map. Several priority actions are highlighted below. These are already underway or are anticipated to be underway shortly following the adoption of the Plan. The Priority Actions should be reviewed and updated periodically to reflect the County's accomplishments, available resources, and potential shifts in policy direction.

The priority actions listed below are recommended.

Prepare Community Plans

The implementation of the Comprehensive Master Plan framework requires the creation of Community Plans for each of the identified communities. These Plans are to be prepared through a community planning process directed by the County Planning Department. The Community Plans are intended to show the specific land use pattern for each identified community. The Plans will provide detailed views of the community's desired development pattern for the future.

Attachment 2

Past Lyon County Master Plans Excerpts and Relevant Information

1971 Lyon County General Plan

On the 1971 General Plan Map, Silver City is shown as an Urbanizing Area and the Mining Industry land use is not depicted in the Silver City area.

1990 Lyon County Master Plan – Silver City

Goal #1: To maintain, promote, and secure the historic character of the community and to prevent the destruction or degradation of the historic character.

2002 West Central Lyon County Final Land Use Plan – Silver City Master Plan Goals

Goal 1: To recognize, enhance, and protect the unique character of Silver City.

Actions:

- To maintain that scale and primary residential character by retaining the existing Master Plan designation and zoning categories.

Goal 8: To limit any earth disturbance or above ground mining activities that create visual scaring or that disrupt the fabric of the community.

Actions:

- Lyon County shall establish a land use policy that minimizes the impact of mining and other significant earth disturbing activities that degrade quality of life.

Goal 10: To maintain the primary focus of the community as residential.

Actions:

- To urge the Board of Commissioners to carefully consider all zone changes or Master Plan amendments that would substantially alter the character and identity of Silver City.



Kerry Page <kpage@lyon-county.org>

Fwd: CMI

1 message

Jeff Page <jpage@lyon-county.org>

Wed, Dec 4, 2013 at 3:29 PM

To: Rob Loveberg <rloveberg@lyon-county.org>, Kerry Page <kpage@lyon-county.org>, "bocc@lyon-county.org" <bocc@lyon-county.org>

Please convert all emails re: Comstock Mining applications to pdf and deliver to me. We will then sit down and verify if they are public records or not

----- Forwarded message -----

From: **Nancy Dallas** <nancy@nancydallas.com>

Date: Wed, Dec 4, 2013 at 2:57 PM

Subject: CMI

To: Jeff Page <jpage@lyon-county.org>

To: Jeff Page, Lyon County Manager

I would like copies of all emails between staff (including commissioners) and Comstock mining in regards to their current applications in Lyon County.

Nancy

Nancy Dallas, Editor/Publisher NewsDesk

2125 Conestoga Rd

VC Highlands, NV 89521

775-847-0129

--

Jeffery A. Page

Lyon County Manager

27 South Main Street

Yerington, NV 89447

(775) 463-6531/(775) 577-5037

(775) 302-7088 (Cell)

*"It is amazing what you can accomplish if you do not care who gets the credit" **Harry S. Truman***

JA2274

14 CV 00128 - 002169



Kerry Page <kpage@lyon-county.org>

December 2010 minutes

10 messages

Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Tue, Dec 3, 2013 at 5:55 AM

To: "planning@lyon-county.org" <planning@lyon-county.org>

Cc: "kpage@lyon-county.org" <kpage@lyon-county.org>

Hello Kerry, I have been trying to locate the minutes for 12/2010. The LC website has the November 2010 minutes posted for the December 2010 meeting. Also, do you keep transcripts for meetings? I would like to request the transcripts for this meeting as well.

Warm Regards, Elaine

Comstock Mining, Inc.

775-340-2045

Kerry Page <kpage@lyon-county.org>

Tue, Dec 3, 2013 at 7:48 AM

To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Planning Commission or Board of Commissioners - I can you get whichever ones you need. I guess I need to check what's posted on the website!!

[Quoted text hidden]

Kerry Page

Lyon County Planning Assistant

27 South Main Street

Yerington, NV 89447

ph: 775-463-6592

fax: 775-463-5305

Kerry Page <kpage@lyon-county.org>

Tue, Dec 3, 2013 at 9:03 AM

To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Elaine,

I have fixed the problem on the website where the wrong minutes were shown for December 2010. If there is something else you need just let me know.

On Tue, Dec 3, 2013 at 5:55 AM, Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com> wrote:

[Quoted text hidden]

Kerry Page

Lyon County Planning Assistant

27 South Main Street

JA2275

14 CV 00128 - 002170

Yerington, NV 89447

ph: 775-463-6592

fax: 775-463-5305

Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>
 To: Kerry Page <kpage@lyon-county.org>

Tue, Dec 3, 2013 at 10:49 AM

Hi Kerry,

I have a few questions:

1. Would it be possible to get copies of the letters that were read into record at the December 23, 2010. I am interested in the letter Erich Obermayr of Silver City read into record at this meeting.
2. Are meeting transcripts kept? I am interested in the December 2010 meeting where Corrado DeGasperi, our CEO, spoke. I did not find his public comments in any of the meetings' minutes in Dec. of 2010.
3. Is it possible to get copies of the letters that you have received relating to our current zoning and M/P changes? I can pick them up if possible?

Thanks as always for your help. I appreciate it.

Warm Regards, Elaine

From: Kerry Page [mailto:kpage@lyon-county.org]
Sent: Tuesday, December 03, 2013 9:03 AM
To: Elaine Barkdull-Spencer
Subject: Re: December 2010 minutes

[Quoted text hidden]

Kerry Page< kpage@lyon-county.org>
 To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Tue, Dec 3, 2013 at 11:38 AM










Elaine,
 I can see if I have those letters - I should have them here however I won't be able to do that until tomorrow. I have to finish this project I am working on.
 We do not keep meeting transcripts however, I think I can make a copy of the CD of that meeting for you and email it to you - I'll see what I can do. The current letters are attached but were included in the correspondence that was sent out for the previous hearing.

[Quoted text hidden]

9 attachments

JA2276

14 CV 00128 - 002171

-  **SC RESIDENTS ASSN Environmental Analysis 11-4-13.pdf**
4705K
-  **SC RESIDENTS ASSN John Marshall Letter 11-6-13.pdf**
883K
-  **SC RESIDENTS ASSN Johnson Perkins Appraisal Report 11-1-13.pdf**
1249K
-  **SC RESIDENTS ASSN Pat Barker CV.docx**
20K
-  **SC RESIDENTS ASSN Pat Barker's letter historic signed.docx**
353K
-  **SCAB comments - Erich Obermayer 10.7.2013.doc**
31K
-  **SILVER CITY PETITION 10.4.2013.pdf**
400K
-  **MISC. CORRESPONDENCE IN OPPOSITION.pdf**
1006K
-  **MISC. CORRESPONDENCE IN FAVOR.pdf**
281K

Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>
Reply-To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>
To: Kerry Page <kpage@lyon-county.org>

Tue, Dec 3, 2013 at 11:59 AM

Thank you Kerry. I look forward to receiving the minutes. Corrado remembers a commission meeting he spoke at and said it was the one that they confirmed the Master Plan.

Sent from my Verizon Wireless 4G LTE Smartphone
[Quoted text hidden]

Kerry Page <kpage@lyon-county.org>
To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Tue, Dec 3, 2013 at 12:11 PM

Okay, I'll see what I can find.
[Quoted text hidden]

Kerry Page <kpage@lyon-county.org>
To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Tue, Dec 3, 2013 at 3:28 PM

I found a letter dated 12.23.2010 from Erich Obermayr so hopefully that is the one you are looking for. Did Corrado speak at the Planning Commission or the Board of Commissioners meeting?
[Quoted text hidden]

 **SILVER CITY MP-ERICH OBERMAYR COMMENTS 12.23.2010.pdf**
419K

Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>
To: Kerry Page <kpage@lyon-county.org>

Tue, Dec 3, 2013 at 4:08 PM

Kerry, THANK YOU!!

JA2277

14 CV 00128 - 002172

The letter from Erich states that Comstock Mining Inc., spoke at the 12/16/10 Commissioners' meeting, but I do not see Corrado DeGasperi's name or comment in the minutes.

From: Kerry Page [mailto:kpage@lyon-county.org]

Sent: Tuesday, December 03, 2013 3:28 PM

[Quoted text hidden]

[Quoted text hidden]

Kerry Page <kpage@lyon-county.org>

Tue, Dec 3, 2013 at 4:46 PM

To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

The clerk for the Commissioners types the minutes but I don't know if they keep all the correspondence or at least what they do with it. They should have at least acknowledged that he spoke even if they didn't type his exact comment. I can have them duplicate the meeting and I will send it to you. I should be able to email it to you - I'll see.

[Quoted text hidden]

Silver City
December 23, 2010

Joe Mortensen
Chairman
Board of County Commissioners
Lyon County, Nevada
27 South Main Street
Yerington, Nevada 89447

Dear Chairman Mortensen,

I am a resident and property owner in Silver City, and I am writing to urge the Commissioners' approval of the Final Draft County-wide Component of the Lyon County Comprehensive Master Plan, Agenda Item 5 for today's Lyon County Board of Commissioners Meeting. I agree wholeheartedly with the land use designations as shown on the County-Wide Land Use Map — Silver City, specifically the areas designated "Suburban" within the Silver City Town Limits. I am expressing my support for the Draft Master Plan in light of the contention by Comstock Mining, Inc. at the last Board of Commissioners Meeting that the "Suburban" designation of a portion of their property (APN 008-091-01) within the Silver City Town Limits is arbitrary and baseless. The designation is, in fact, neither arbitrary nor baseless:

1. **The portion of APN 008-091-01 designated "Suburban" lies within the Silver City Town Limits.** The town limits, by definition, are the boundary between residential or commercial areas and undeveloped or sparsely occupied land outside town. This distinction was made in the first Lyon County General Plan, developed in 1971, which designated the area within the Silver City Town Limits as residential (with the exception of a commercial area along Main Street, and a small general industrial area at the south end of Main Street). The current Draft Master Plan continues this designation. Both master plans were developed in consultation with the people and communities of Lyon County, and both concluded that the Silver City Town Limits and residential land use were congruent.
2. **The Lyon County Board of Commissioners addressed this issue in 1986, when they upheld the Lyon County Planning and Zoning Commission decision to deny a rezoning request by Nevex Mining Inc., which would have allowed open pit mining in the Silver City Townsite on land within what is now APN 008-091-01.** In his motion to deny the request, Commissioner Cummings offered a long, comprehensive list of "findings of fact" supporting the denial, for example:
 - 6) The proposed rezoning violates the following expressed goals: A) To manage natural resources in a beneficial way, B) To improve neighborhood stability and increase property values by preventing incompatible and disruptive land use.

The Planning Commission recommended denial of the Nevex rezoning request by a five to two vote on June 17, 1986. The rezoning was denied by the Lyon County Board of Commissioners by a vote of four to one on August 19, 1986. (Commission's Record Book Z, pp 145-157).

3. The growth and development of Silver City over the past 25 years has only magnified the factors originally supporting the Board of Commissioners' reasoning that open pit mining within the Silver City Town Limits represents incompatible and disruptive land use. The parcel described by Comstock Mining, Inc. (APN 008-091-01) is larger and even more intrusive than the 20 acre 1986 Nevex project it encompasses. Both APN 008-091-01 and the proposed Nevex pit occupy a prominent slope overlooking the southern part of Silver City. They are within view, and easy earshot, of almost every house and residential lot in Silver City. APN 008-091-01 extends northeast across State Route 342, and is contiguous with at least four existing residences and a number of residential lots. At its northern extent, the parcel is contiguous with at least one residence, and reaches into the southern core of Silver City, along an area of Main Street designated Commercial Mixed Use in the Draft Master Plan.

This is about values. One way of quantifying value is by the ounce, in the case of gold currently around \$1400 dollars. Other values are more complicated, although they can also be measured in dollars and cents. People buy houses; they have them built; they build them themselves. They improve their houses over the years and, as circumstances dictate, they sell them. But they also build homes, and out of homes they make communities. These things have value—the kind of values which, I would argue, are the foundation for the Draft Master Plan. When Rob Loveberg and the Planning Department staff came to us at the beginning of this process they asked us—they did not tell us—what we wanted for our community and its future. They asked us what we valued most about our town, and we told them, and we worked with them through endless meetings, drafts, and more drafts—and together we produced the Draft Master Plan which is before you today. It is not unreasonable to point out that \$1400 an ounce gold affects the way people see the world. It can make thoughtful, common sense planning seem illogical. I submit to you that not a single line on the Draft Silver City Land Use Map is arbitrary or baseless, and if our experience is any guide, there are none on any other Master Plan maps either.

I strongly urge you to give the Final Draft County-wide Component of the Lyon County Comprehensive Master Plan your vote of approval.

Thank you for your consideration.

Sincerely,



Erich Obermayr

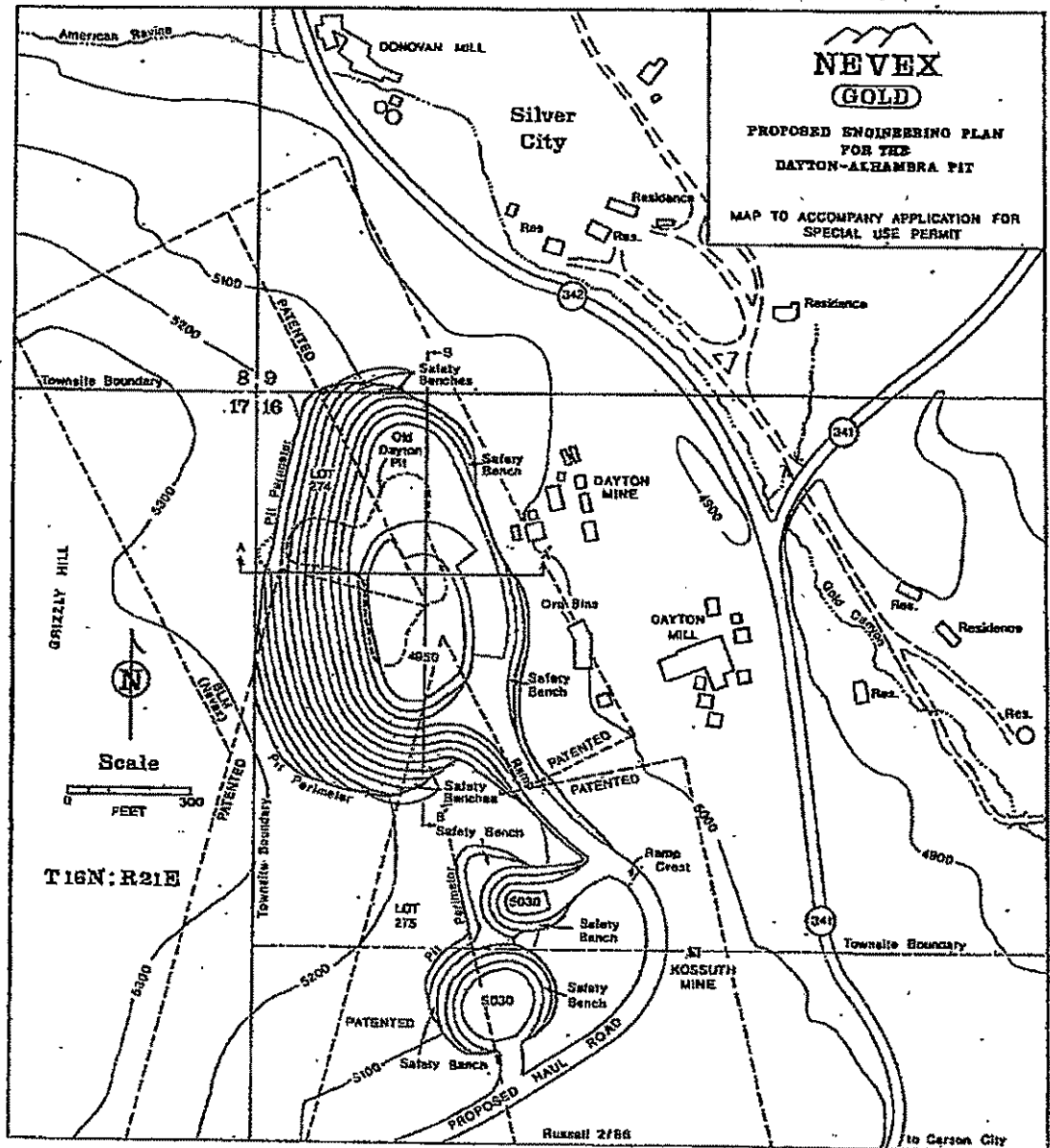
Box 249

Silver City Nevada

775-847-0344

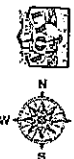
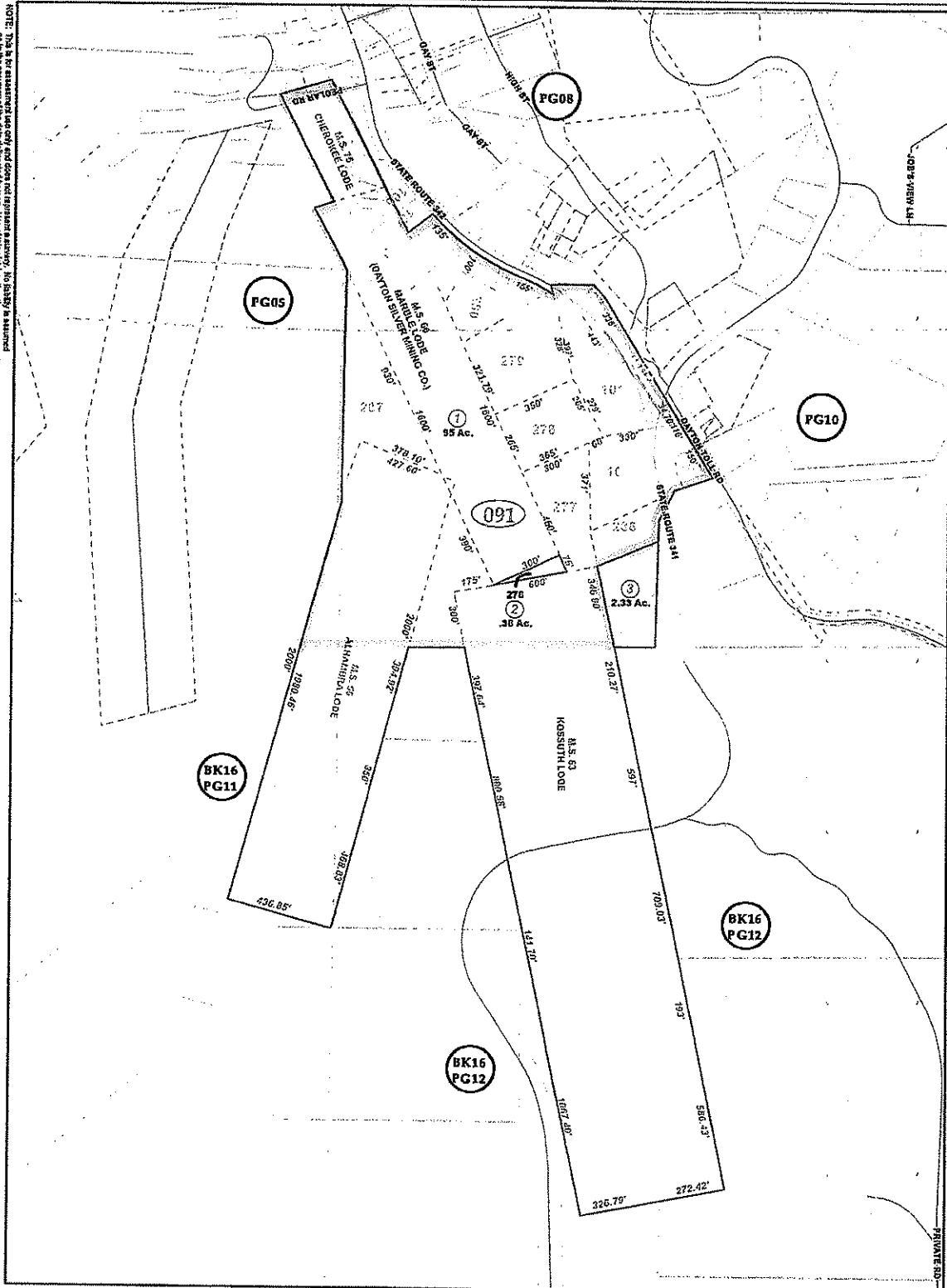
eoerber@historicinsight.com

NeveX Gold Company
 Special use permit application
 April 25, 1986



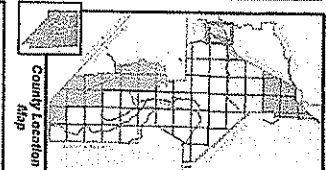
Portion SW1/4 Section 9 & Portion NW 1/4 Section 16, T16N - R21E, ND&M

8-09



Scale: 1" = 400'
 Revised: June 26, 2007

CITIES & TOWNSHIPS	
	City of Lincoln
	Township 16N
	Township 17N
	Township 18N
	Township 19N
	Township 20N
	Township 21N
	Township 22N
	Township 23N
	Township 24N
	Township 25N
	Township 26N
	Township 27N
	Township 28N
	Township 29N
	Township 30N
	Township 31N
	Township 32N
	Township 33N
	Township 34N
	Township 35N
	Township 36N
	Township 37N
	Township 38N
	Township 39N
	Township 40N
	Township 41N
	Township 42N
	Township 43N
	Township 44N
	Township 45N
	Township 46N
	Township 47N
	Township 48N
	Township 49N
	Township 50N
	Township 51N
	Township 52N
	Township 53N
	Township 54N
	Township 55N
	Township 56N
	Township 57N
	Township 58N
	Township 59N
	Township 60N
	Township 61N
	Township 62N
	Township 63N
	Township 64N
	Township 65N
	Township 66N
	Township 67N
	Township 68N
	Township 69N
	Township 70N
	Township 71N
	Township 72N
	Township 73N
	Township 74N
	Township 75N
	Township 76N
	Township 77N
	Township 78N
	Township 79N
	Township 80N
	Township 81N
	Township 82N
	Township 83N
	Township 84N
	Township 85N
	Township 86N
	Township 87N
	Township 88N
	Township 89N
	Township 90N
	Township 91N
	Township 92N
	Township 93N
	Township 94N
	Township 95N
	Township 96N
	Township 97N
	Township 98N
	Township 99N
	Township 100N



JA2282

14 CV 00128 - 002177

LYON COUNTY

**Comstock Mining Master Plan Amendment and Zone Change Request
Silver City, Nevada**

Land Use Planning, Zoning, and Environmental Analysis

**Prepared for:
Comstock Residents Association**

**Prepared by:
Ascent Environmental, Inc.
128 Market Street, Suite 3E
PO Box 5022
Stateline, Nevada 89449**

November 4, 2013

JA2283

**14 CV 00128 - 002178
LYON COUNTY**

Table of Contents

BACKGROUND AND PURPOSE	1
HISTORICAL LAND USE PLANNING AND ZONING IN THE SILVER CITY AREA	1
1971 General Plan	2
1973 Zoning Ordinances.....	3
1986 Plan Amendment and Zone Change proposal	3
1990 Lyon County Master Plan	4
2002 West Central Lyon County Land Use Plan	6
EXISTING PLANNING AND ZONING.....	7
2010 Comprehensive Master Plan.....	7
Land Use Plan	10
Lyon County Zoning Code and Map	12
Draft Land Use and Development Code.....	13
ENVIRONMENTAL CONSIDERATIONS	14
Carson River Mercury Superfund Site	16
Air Quality.....	16
Noise 16	
Water Quality.....	16
Reclamation	17
CONCLUSION.....	17
ENDNOTES	18
EXHIBITS.....	E-1
Exhibit 1 Silver City Zoning Map, 1971	E-1
Exhibit 2 Portion of Carson Plains, Book II map, from 1990 Master Plan.	E-2
Exhibit 3 Land Use Map, 2002 West Central Lyon County Land Use Plan	E-3
Exhibit 4 County-wide Land Use Map - Silver City, 2010 Comprehensive Master Plan	E-4
Exhibit 5 Wind Rose Plot, Station #23185 - Reno/Cannon Airport, Nevada, 1/1/1990 - 12/31/1990, source: Lake Environmental.....	E-5
QUALIFICATIONS OF PREPARERS	A-1

Background and Purpose

Comstock Mining, Inc. has submitted a Master Plan Amendment and Zoning Change Application to Lyon County for approximately 87 acres of private land generally located north and west of State Highway 341 within and adjacent to the town site of Silver City, Nevada. The application is being considered by the Lyon County Planning Commission and Board of County Commissioners. The company requests changes to the 2010 Lyon County Comprehensive Master Plan and to the Zoning Maps associated with the Lyon County Code of Ordinances, Title 10 – Land Use Regulations.

According to the application, Comstock Mining is seeking these changes “for the purpose of pursuing continued mineral exploration, development, and the economic mining potential of the subject property”¹ prior to proceeding with actual mining activities. The requested Master Plan and Zoning changes would allow mining as a special use, where it is not now allowed.

The purpose of this analysis is to review and evaluate the changes proposed by Comstock Mining in light of the goals, policies, and intent of the Comprehensive Master Plan and Zoning Ordinances. Because the intent to pursue mining on the lands has been expressly stated by Comstock Mining, this evaluation will also examine whether the intended use of the lands for mining and the associated impacts from that use are generally consistent with the Lyon County Master Plan and Zoning Ordinances.

Historical Land Use Planning and Zoning in the Silver City Area

The use of land in the Silver City area was shaped by the discovery of gold in Dayton, Nevada in 1849, and the subsequent discovery of Silver in Virginia City in 1859. The rush to locate and patent mining claims, then develop underground mines, resulted in a fractured land ownership pattern with a variety of uses intermixed on the landscape. The town of Silver City was surveyed, patented, and developed well before the existence of local, state, or federal zoning, planning, parceling, and environmental regulations. The town’s historical significance can be attributed to these factors, as can the mix of land uses and lot sizes that are uncommon in modern communities.

The Comstock Mining District represents a truly unique piece of the cultural history of Nevada and of the nation. The site of the single most productive mining strike in history, the Comstock brought tens of thousands of people to Nevada, generated enormous wealth, and created the towns of Virginia City, Gold Hill, and Silver City, the second metropolitan center in the Far West at the time. The Virginia and Truckee Railroad (recently restored by Carson City) was constructed to service the mines, and important advances in unionizing and labor standards occurred in the Comstock during the 1860s. The Comstock also generated significant technological achievements in the mining industry that were later incorporated worldwide. Because of the Comstock, Nevada became a territory in 1861 and a state on October 31, 1864.

Recognizing its critical cultural value to the citizens of Nevada and the nation, the United States first designated the Virginia City Historic District (including Silver City which was created as a Town Site in 1873) as a National Historic Monument on July 4, 1961. In 1969, the Nevada Legislature enacted Chapter 384 of the Nevada Revised Statutes to create the Virginia City Historic District, subsequently renamed the Comstock Historic District. Nevada’s Comstock Historic District Act is the only Comstock-specific legislation designed to protect this important and unique site of Nevada and national heritage.

In the Comstock Historic District Act, the Nevada Legislature decreed that it is “the public policy of the State of Nevada to promote the educational, cultural, economic and general welfare and safety of the public through the preservation and protection of the structures, sites and areas of historic interest and scenic beauty” of the Comstock Historic District. Efforts have been made through the decades since the designation to preserve the character of the Silver City community and landscape to reflect the community’s roots in the historical mining era.

As modern planning and zoning emerged for the Silver City area, it retained this historical backdrop as its foundation, and overlaid a modern transect of desired development. The Silver City Town Site has been envisioned consistently as having a commercial core with a small industrial zone which includes some historic mills and mines, all surrounded by residential development. Beyond the boundaries of the Town Site, land use has consistently been designated for less dense development and open space. Using different designations with different names, this basic concept has carried through generations of land use plans and continues today.

1971 GENERAL PLAN

Modern planning and zoning really began in the Silver City area with the Lyon County General Plan, which was prepared and adopted in 1971 in response to growing population trends in the County. The plan was comprised of six elements, including a Land Use Plan, a Community Facilities Plan, a Transportation Plan, a Recreation Plan, individual Area Plans (including the Dayton-Silver City Area Plan), and an Implementation Plan. Each of these elements was crafted through an extensive public process.²

Some of the features of these elements that are relevant to the changes that are being proposed today are described below. The 1971 Plan divided uses broadly between “living uses”, containing essentially residential uses, and “non-living” uses, which include commercial, service and industrial uses, stating that “some separation of these two basic functions is desirable for community balance and living conditions”². Silver City was identified as an “urbanizing area” surrounded by rural residential lands and open space. Open Space was described as “one of the most important” uses of land in Lyon County, and included the high mountain and difficult terrain west of SR 341 and 342 outside the Silver City town site.²

Mining was recognized as an important land use in the 1971 Plan, consistent with the concept of separation of “living” and “non-living” areas. For these reasons, county permits for mining were only issued as a special use to allow the Planning Commission and Board of County Commissioners to maintain this desired separation.

The Recreation Plan element of the 1971 Plan further embraced the concept of open space as critical to preserving recreation resources and adding to the quality of life in county residents. The recreation program was seen as focusing on the preservation of open space including areas of historic or cultural significance, and the Plan stated that “development that would change the natural features or reduce the primary importance of the area”² should be prohibited.

The Dayton-Silver City Area Plan was one of five areas in Lyon County requiring special planning approaches in the 1971 Plan. It identified Silver City as a significant recreational, historical and cultural attraction, stating that the “historic core areas of Dayton and Silver City should be preserved”.² Silver City was identified as an urbanizing area that would include light commercial and residential uses, the surrounding steep mountainous areas were designated for open space, and the more gentle terrain was designated for low density residential use.

1973 ZONING ORDINANCES

Implementation of the Lyon County General Plan of 1971 resulted in the adoption of zoning maps and ordinances in 1973 reflecting the goals, policies and land use decisions of the General Plan. Exhibit 1, Silver City Zoning Map³, shows the following zoning designations for the Silver City area.⁴

- ▲ **RR-1 – First Rural Residential.** One-acre minimum lot size. Permitted uses are single family dwellings, agricultural uses, recreational and educational uses and certain commercial, public and industrial activities subject to issuance of a Special Use Permit. This zoning designation remains largely unchanged since 1973 in a small portion in the northeast of the Silver City town site.
- ▲ **RR-5 – Fifth Rural Residential.** Twenty-acre minimum lot size. Permitted uses are single-family dwellings, agricultural uses, recreational and educational uses, and mining activities subject to issuance of a Special Use Permit. Lands with this zoning designation are outside the boundary of the Silver City Town Site, reflecting a less dense, more rural character, and were consistent with the Open Space designation of the 1971 General Plan.
- ▲ **NR-1 – Single Family Non-rural Residential.** 7,000 square feet minimum lot size. Single family residences and some related activities are permitted. This zoning designation made up the vast majority of the Silver City Town Site in 1973, as it does today, with minor modifications. This is a reflection of the “urbanizing area” designation of the 1971 General Plan.
- ▲ **C-2 – General Commercial.** Retail and wholesale business activities are permitted except for obnoxious activities such as junkyards and salvage operations. This zoning designation has been in place along both sides of Main Street (SR 342) through the Silver City town site since at least 1973 and remains to this day. This designation is consistent with the definition of an urbanizing area.
- ▲ **M-1 – General Industrial.** Most industrial land uses are permitted. Obnoxious or dangerous uses such as chemical manufacturing or processing, sand and gravel extraction and mining require issuance of a special use permit. This industrial zone has been in place since 1973 and remains along both sides of the SR 342 corridor south of downtown Silver City and the intersection of American Flat Road.

At some point after this zoning map was produced, the zoning of two parcels that extended beyond the boundaries of the Silver City Town Site into the open space lands surrounding the Town Site, were changed from RR-5 to NR-1 as depicted on the Comstock Mining application and on the current Lyon County GIS data base. Comstock Mining states that this zoning was “adopted in the mid-1970s”⁵ The two parcels are the large Kossuth Lode and Alhambra Lode patented claims that extend outside the Town Site and are labeled Parcels 1 and 3 in the Comstock Mining change application.

1986 PLAN AMENDMENT AND ZONE CHANGE PROPOSAL

In 1986, Nevex Gold Company submitted an application for a master-plan amendment, zoning change request, and a special use permit for an open pit mine, spoil piles, and haul roads on 20 acres of land that are a portion of the same lands that are being proposed today by Comstock Mining for Master Plan Amendment and Zoning Change. As with Nevex, Comstock Mining intends to mine these lands, but unlike Nevex, Comstock Mining has chosen to sequence their approvals by waiting to submit a Special Use Permit application for the open pit mine until after a decision is made by Lyon County on their request for changes to the Master Plan and Zoning Maps.

In 1986, the Lyon County Planning Commission denied the planning and zoning changes and the Special Use Permit, and the Lyon County Board of Commissioners upheld that decision on appeal.

The same rationale for change offered by Nevex in 1986 is being offered by Comstock Mining today.⁶ After a lengthy hearing in which arguments were made by the mining company and opponents, much of it citing the goals, policies, and intent of the 1971 General Plan and the 1973 Zoning Ordinances, the Lyon County Board of Commissioners voted 4 to 1 to uphold the Planning Commission's denial of the master plan and zoning changes, and to deny the Special Use Permit. The following motion was made by Commissioner Cummings and includes the findings made by the Board that were the basis for the Board's denial: ⁶

I hereby move to deny the request for rezoning by Nevex Gold, inc., based upon the following findings of fact which I find to be supported by substantial evidence in the record as follows:

- 1) After a four hour presentation on June 17 [1986], the Planning Commission, by vote of five to two, recommended denial of the Nevex rezoning request considered today.
- 2) In reference to requirements for zoning established by NRS Section 278 and 250, we find (A) that the Nevex rezoning request does not comply with the Lyon County Master Plan. (B) The proposed rezoning does not promote the conservation of open space or protect the natural and scenic resources from unreasonable impairment. (C) The proposed rezoning would have both a long-term adverse financial impact to Silver City and the Comstock National Historic Landmark. (D) The proposed rezoning does not promote the health and general welfare of the Silver City area. (E) The proposed rezoning is not compatible with the Silver City area and does not encourage the most appropriate use of land in the Silver City Townsite.
- 3) There is no land in the Silver City Town site zoned RR-5, and the present zoning is predominantly residential in nature.
- 4) The proposed rezoning would significantly harm the integrity of the Comstock Historic District and the National Landmark District.
- 5) The proposed rezoning violates the following expressed goals: (A) to manage national resources in a beneficial way. (B) To improve neighborhood stability and increase property values by preventing incompatible and disruptive land uses.

This action by Lyon County is significant to the current proposal by Comstock Mining, because the County has already addressed this issue and as described previously and below, the goals, policies and intent of the Lyon County Master Plan, have remained in place or even strengthened on these lands in the intervening 27 years.

1990 LYON COUNTY MASTER PLAN

Lyon County developed a new Master Plan that was approved by the Board of County Commissioners in February 1990 and published in July 1990. Lyon County approved two goals for Silver City in the 1990 Master Plan:

Goal #1 – To maintain, promote, and secure the historic character of the community and to prevent the destruction or degradation of the historic character. **Objective:** Lyon County should support the Comstock Historic District Commission in its legislative mission.

Goal #2 – Lyon County should review all new development proposals with the intent to protect the riparian ecology associated with Gold Canyon and American Ravine, with the intent of protecting water quality, minimizing flooding, erosion and sedimentation, and preserving natural drainage, habitat, and aesthetic functions.⁷

Under Community Design, the 1990 Plan referenced the long history of Silver City and stated:

Silver City is totally contained within the Comstock Historic District, and has an active advisory board. The mining history of the area and the structures from that era are an understandable source of pride. A key concern of the residents is preserving the existing historic character of the area.⁸

Under Land Use, the 1990 Plan again focused briefly on Silver City, expressing a vision of the present and the future of the community:

State Route 341 (becoming 342 at the truck route south of town) carried tourist traffic to and from Virginia City through the original commercial district of Silver City. Silver City is located entirely within the Comstock Historic District and is the scenic route through the District. Some of the original commercial buildings are still standing, portraying an historic atmosphere that tourists enjoy.

The prominent elements of this mountainside mining town are the headworks of the Dayton Shaft, west of the highway, and at the site of the Donovan Mill, at the south end of the town. The process buildings, vats and machinery of the Dayton Mill have been standing pretty much as they were since the closure of the mill in 1957; however, the mill is still considered to be a viable industrial property and future operations may occur.

East of the highway and the commercial district are a few older residences that are occupied in a random fashion. There are some new homes mixed with many older homes. An active effort to restore the old Cemetery is being undertaken by many volunteer citizens. The old school facility is being used as a community hall. Many of the parcels in Silver City do not have residential or commercial units on them.⁹

Accompanying the Master Plan were seven land use maps, including one labeled "Carson Plains, Book II" in which Silver City was mapped (see Exhibit 2). As with previous land use designations, Silver City was designated primarily as Medium Density Residential, with the exception of the Commercial Land Use strip along Main Street that remained from the 1971 General Plan. Medium Density Residential was defined as:

Lot and parcel sizes would include the basic "estate zone districts" from 12,000 square feet to ½ acre. Population projections in this land use will consider an average of three (3) family units per acre.¹⁰

Lands outside the Silver City Town Site were designated Open Space (see Fig. 2), defined as follows for private lands:

Any private lands within this designation should be entitled to a single family unit for each existing parcel. All other land use activities should be covered in the current code (as they may apply).¹¹

The 1990 plan was completed and implemented just before the residential boom that began in the 1990s along the US 50 corridor east of Carson City in Lyon County.

2002 WEST CENTRAL LYON COUNTY LAND USE PLAN

As increased growth and development pressures began to occur in the 1990s along the US 50 corridor in Lyon County east of Carson City, the Board of County Commissioners saw the need to update the Master Plan for this area. A public process began in January 2000, culminating with the West Central Lyon County Land Use Plan and map that were approved by the Board of Commissioners in November 2002.¹² This plan looked closely at the Mound House area, the Dayton Valley Area, and Silver City, acknowledging the unique land characteristics and development issues those communities were facing.

The plan concludes that Silver City has the potential for continued limited growth with only half of the potential home sites developed. The plan for slow growth of the community was acknowledged, as was the historic nature of the town's architecture and the context of the community within the Comstock Historic District and the Virginia City National Historic Landmark. In the plan, Lyon County stated that Silver City did not have the kind of development potential they saw in Dayton Valley, but instead hoped for gradual residential and commercial growth of Silver City while maintaining the community's historical integrity.¹³

Lyon County adopted 10 Goals for Silver City that articulated future direction and continuation of earlier policies set out in previous master plans as follows:¹⁴

- 1) To recognize, enhance, and protect the unique character of Silver City. *Among the actions set forth to implement this Goal was "to maintain that scale and primary residential character by retaining the existing Master Plan designation and zoning categories".*
- 2) To preserve the scale of the community by architectural review that is sensitive to how new structures fit into the existing fabric. *Among the actions set forth to implement this Goal was "to preserve the existing pedestrian character by maintaining alleys, soft paving approaches, and relatively narrow streets."*
- 3) To promote the revitalization of the commercial corridor by promoting reinvestment.
- 4) To preserve and strengthen the existing infrastructure, i.e., water, roadways, drainage, and public facilities. *Among the actions set forth to implement this Goal was "Lyon County shall provide an infrastructure inventory and deficiency evaluation and report. Lyon County shall provide a long term if modest capital improvement commitment (i.e., 20 years) that methodically addresses these deficiencies." Also included was an action "to implement and actively oversee the 'dark sky' ordinance."*
- 5) To focus on encouraging tourist-oriented historic activities that do not degrade the quality of life keying Silver City's uniqueness. *Among the actions set forth to implement this Goal was "to actively support the efforts of residents to preserve and improve their property."*
- 6) To recognize and support improvements to and maintenance of historic transportation routes, railroad connections, and other public facilities that link Silver City to its surroundings.
- 7) To promote the preservation of existing public facilities.
- 8) To limit earth disturbance or above-ground mining activities that create visual scarring or that disrupt the fabric of the community. *The only action set forth to implement this Goal was "Lyon County shall establish a land use policy that*

minimizes the impact of mining and other significant earth-disturbing activities that degrade quality of life."

- 9) To encourage continued citizen participation in the planning process.
- 10) To maintain the primary focus of the community as residential. *The only action set forth to implement this Goal was "to urge the Board of County Commissioners to carefully consider all zone changes or Master Plan amendments that would substantially alter the character and identity of Silver City."*

Taken together, these 10 Goals clarified Lyon County's vision for the future of Silver City. The Land Use Plan further addressed the land use designations and zoning for Silver City as follows:

Currently there are three General Land Use categories that guide future infill development of Silver City. The predominant land use is residential and the land use category affects about 80 percent of the total land. The zoning classifications of NR-1 and RR-1 have been assigned to the properties and this is a typical low traditional density residential community. The second classification is General Commercial of C-2 that forms a one-block deep corridor on either side of Highway 342 through the center of town. The third is an M-1, industrial land use classification that occupies a southern central position around historically valuable mine and mill properties.¹²

The area surrounding the Silver City Town Site continued to be designated Open Space (Public and Private) in the Land Use Plan and no change in zoning was recommended. Exhibit 3 depicts the map that accompanied the 2002 West Central Lyon County Land Use Plan, reflecting the land use designations for Silver City and the surrounding lands as Lyon County entered the third millennium.¹²

Existing Planning and Zoning

With this backdrop of historical planning and zoning, it should be mentioned that while land uses and zoning remained consistent for Silver City, much of the rest of Lyon County was rapidly undergoing urbanization, population growth, and agricultural land conversion. These later changes, and the wide diversity of land use issues throughout the county, led to the decision by the Lyon County Board of Commissioners to develop a new county-wide Comprehensive Land Use Plan, and a new Land Use and Development Code to implement that plan.

2010 COMPREHENSIVE MASTER PLAN

After an extensive public outreach effort that lasted approximately four years, the Board of County Commissioners approved the new Comprehensive Master Plan on December 23, 2010. It addresses the diversity of communities within Lyon County and the diversity of issues faced by those communities. It is intended to benefit "county residents and landowners by ensuring that land use decisions are rational, democratic, and predictable". [Page 1.7 – *The bracketed page numbers that follow reference the specific pages cited in the 2010 Comprehensive Master Plan.*]¹⁵ The Master Plan is intended to guide the County in making decisions about future development, and to help residents "understand the County's position on proposed changes in land use, zoning, development regulations, and broader policy issues." [pg. 1.7]

The Master Plan is a general policy document, serving as a guide for the future development of property. Zoning maps and regulations, however, provide specific requirements for the development of a property, and have the force of regulation. "When changing the zoning of a particular property, it

must be consistent with the Master Plan Land Use Map. That is to say, the Land Use Map contained in this Master Plan should guide future re-zoning decisions." [pg. 1.9]

Lyon County has adopted a "vision that is founded on the premise that the health of the County and the quality of life of its residents depend on the balancing of multiple factors, including environmental, economic and community/social considerations. These components are interrelated and essential to the continued health and sustainability of the community." [pg. 2.2] This commitment to achieving all three components of the County's wealth – environmental, economic, and social – is confirmed throughout the Master Plan, and recognizes that all three can be attained without sacrificing any one of them.

Based on the vision, the County has set specific goals and policies within the following eight Guiding Principles:

- ▲ Land Use, Economy and Growth (LU)
- ▲ Transportation (TR)
- ▲ Community Character and Design (CC)
- ▲ Natural Resources and Environment (NR)
- ▲ Parks, Recreation and Open Space (PR)
- ▲ Public Facilities/Services (FS)
- ▲ Regional Coordination (RC)
- ▲ Communities and Planning (CP)

The Master Plan contains policies and goals that are County-wide in nature as well as specific to its eight diverse communities, including Silver City. The following excerpts from the Master Plan are relevant to the proposed Master Plan Amendment and Zoning Change application submitted by Comstock Mining and currently being considered by the Lyon County Planning Commission and Board of Commissioners. In its application, Comstock Mining has made proposed findings to support its requested changes, based on its burden of proof that the changes to both the Master Plan and the current Zoning Maps are needed.

Policy LU 1.1: Follow development patterns as established on Countywide Land Use Plan or a more specific Community Plan. [pg. 3.4]

The Community Plan envisioned for Silver City has not yet been initiated by Lyon County. Until a Community Plan is adopted, the Countywide Land Use Plan will be the guide. [pg. 3.18]

Policy LU 1.4: Locate industrial development as designated on County-wide Land Use Plan or determined by criteria. Industrial uses, including extractive industries, will occur in areas that are designated on the County-wide Land Use Plan. New industrial uses should only be located in areas that do not adversely impact existing residential settlements. [pg. 3.5]

The Strategies for implementing this policy include developing a set of siting criteria and performance standards, but these have not yet been developed.

Policy CC 1.3: Design Tailored to Communities. New development in Lyon County should address and respect the unique character of communities within the county. Strategies: develop Community Plans to identify typical or desirable design elements that maintain or promote the community's desired image. Adopt County-wide standards that allow the flexibility to address specific design needs for individual communities in Lyon County. [pg.5.3]

In Silver City, this means maintaining the historic character of development in the Town Site, continuing the architectural standards within the Comstock Historic District, retaining or restoring existing historic structures, and limiting new development to those proposals that fit with the historic image of Silver City.

Goal CC-3: Heritage (under Community Character and Design, Chapter 5). Historic places, structures, and landmarks in the county will be preserved and will provide an opportunity for residents and visitors to learn about and celebrate our heritage.

Policy CC-3.1: Maintain and restore historic resources. Lyon County will encourage and support efforts to preserve and restore registered historic structures, and landmarks, and districts. Strategies: Revise zoning to encourage historic use and development patterns including mixed-use structures and districts. **Within historic districts, promote historic design elements, features, and context, and prohibit building design that compromises the integrity of the historic community character. Within historic districts, limit new land uses that would pose a risk to historic structures or the historic character of the district. Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.** [pg. 5.4 (emphasis added)]

This policy speaks directly to the Comstock Historic District and the Virginia City National Historic Landmark that encompass Silver City and the surrounding area, and addresses the overall context of the historic district, not just lands within the district itself.

Goal NR 9: Mining and Resource Extraction (under Natural Resources and Environment, Chapter 6). Lyon County will promote the continued development of mineral and aggregate resources **while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.** **Policy NR-9.3:** Mitigate Operations. To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, etc. [pgs. 6.8-6.9 (emphasis added)]

The application for Master Plan Amendment and Zoning Map changes from Comstock Mining states the changes are "for the purpose of pursuing mineral exploration, development and the economic mining potential of the subject property."¹⁶ While limited mineral exploration can be conducted on the property now, it is understood that actual mining could only occur after the Master Plan is amended, the current Zoning is changed, and, if these were to be successful, a Special Use Permit would have to be applied for and issued to the applicant.

Lyon County's Policy (NR-9.1) is to guide new residential, commercial, and industrial development away from existing mining activity. [pg. 6.8] However, the reciprocal policy is inherent in Goal NR-9 and Policy NR-9.3 (quoted above) in that it requires avoidance or mitigation of adverse operational impacts of mining activities on existing residential, commercial and industrial activities as well as on

the visual character of the area. Silver City is an existing community with residential, commercial and industrial areas that would be adversely affected by the mining activities envisioned by Comstock Mining similar to the impacts anticipated for the proposed Nevex mine in 1986.¹⁷

Goal CP-1: Support Diversity. Lyon County will celebrate and support the diversity of character among communities in the county. **Policy CP-1.1: Recognize Diversity of Communities.** Lyon County planning efforts and regulations will consider the unique aspects of communities in the county, and will allow for variation and exceptions to address key aspects of their diversity. **Goal CP-3: Community Plans.** Lyon County will support community-based planning efforts that elaborate community-specific goals that are developed with strong public consensus. [pgs. 10.2-10.3]

The communities within the Comstock Historic District, including Silver City, are the oldest in Lyon County, representing a unique aspect of historic development within the County. Embracing the historic character of Silver City and supporting planning actions and designations that are consistent with Silver City's heritage is consistent with the intent of this Goal. It is anticipated that the Community Plan process will begin soon for Silver City, which is identified as one of eight existing, established communities in Lyon County for which a Community Plan is required under the Comprehensive Master Plan. Because the Community Plan is intended to tier off the Comprehensive Master Plan, maintaining the Master Plan decisions for Silver City is critical to the continuity and consistency of this process.¹⁸

LAND USE PLAN

The 2010 Comprehensive Master Plan contains a Land Use Plan that includes County-wide Land Use Plan Maps to guide land uses throughout Lyon County. It also includes a Character District Map to guide the kinds of development appropriate for each of the eight communities that have been identified for Community Plans. The Land Use Plan portion of the Comprehensive Master Plan states that:

The County's geographic planning areas have been assembled into several "communities" that reflect, for each, a sense of place, identity and character. The successful implementation of this Comprehensive Plan will require that these differences be respected and integrated into each of the community plans envisioned by this Plan. [pg. 3.11]

As with prior land use plans in Lyon County, this Land Use Plan embraces the historic nature and slow pace of development in Silver City, acknowledging that:

Over the past 30 years residential infill and limited commercial endeavors have occurred on existing historic properties in Silver City. The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims.

Silver City has a strong sense of identity and prides itself on its cohesive small town atmosphere. The community treasures its historic buildings and landscape features, as evidenced by the preservation and rehabilitation of many original structures. New construction is regulated for exterior architectural features by the Comstock Historic District Commission. [pg. 3.13]

The Character Districts established in the Land Use Plan reflect this by designating the entire area within the Silver City Community Boundary, including the Town Site, as a Historic District, defined as follows:

Historic Districts include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Tools might include mixed-use, design guidelines and conservation easements. [pg.3.16]

The lands within the Community Boundary for Silver City are all designated as an Historic Character District. These lands will also be the subject of a Community Plan for Silver City, containing the Silver City Town Site, plus some additional surrounding lands (see Exhibit 4, County-wide Land Use Map - Silver City). The lands owned by Comstock Mining that are proposed for a Master Plan Amendment and Zoning Map Change are all included within the Community Boundary. Therefore, all of the Comstock Mining lands included in its application are within the Historic Character District. ¹⁹

In addition to the Character Districts, the Land Use Plan Map for Silver City establishes Land Use Categories. In keeping with the historical pattern of planning and zoning for Silver City, the lands proposed for Master Plan Amendment and Zoning Map Change are generally divided between a Suburban Residential designation within the Town Site boundary, and a Resource designation outside that boundary (see Fig. 4).

The Suburban Residential designation under the Land Use Plan can include Medium Density Residential, High Density Residential, or Residential Mixed-Use in a Community Plan. Prior to completion of the Community Plan, only the County-wide Land Use Plan designation applies (Suburban Residential). However, the previous Land Use Plan (West Central Lyon County Final Land Use Plan, 2002) designated the lands within the Silver City Town Site owned by Comstock Mining as Medium Density Residential (a category that does not exist in the County-wide Land Use Plan, only in Community Plans). Until the Community Plan is completed, it is reasonable to assume that a similar designation is intended for these lands. This is defined by the Land Use Plan (for Community Plans) as follows: ²⁰

Medium-density residential neighborhoods should contain a mix of housing types in a neighborhood setting. Each neighborhood should have a recognizable center. Centers will vary in size and composition, but may include a combination of higher-density residential uses, parks and/or recreation facilities, or civic uses.

Neighborhoods should contain connective open spaces that unify the development and provide transitions between other areas and uses.

Under the Land Use Plan, these lands would typically be comprised of residential zoning where mining would not be allowed. Comstock Mining proposes to change this Suburban Residential designation within the Silver City Town Site to Rural Residential which typically includes zoning such as RR-3 and RR-5 where mining could be allowed under a Special Use Permit. Rural Residential planning and zoning (except RR-1) have never been included within the Silver City Town Site. During preparation of the Comprehensive Master Plan, Comstock Mining, then a lease holder of the lands, unsuccessfully argued that these lands within the Town Site be designated as Resource.²¹

The Resource designation under the Land Use Plan applies to those Comstock Mining lands outside the Silver City Town Site boundary. This designation includes:

Private properties located within Bureau of Land Management (BLM) and Forest Service lands as in-holdings or in very rural and/or remote areas of the County away from developed lands or existing utilities and roads that are currently vacant or primarily vacant.....While properties are entitled to general rural residential

development based upon current zoning, maintaining these properties as open lands where possible is desirable. [pg. 3.29]

Under the Land Use Plan, mining may be permitted as a Special Use on Resource lands. Comstock Mining is proposing to retain this Resource designation on Parcel 1 of its application, which extends outside of the Silver City Town Site boundary. However, Comstock Mining proposes to change the Land Use Plan designation from Resource to Rural Residential on its Parcel 3, which is the other parcel that extends outside the Silver City Town Site boundary, a designation that, combined with an RR-3 proposed zoning change, would still allow mining as a Special Use. It should be noted that when Comstock Mining requested changes to the Comprehensive Master Plan during its preparation in 2010, they stated that "the Company respectfully agrees with the designation" of Resource for those lands south of the Silver City town line, including Parcel 3.²¹

The Land Use Plan allows a number of options for development that would maintain the rural character of Lyon County, while allowing landowners to obtain equity for their lands. One of those options is called "Clustering" in the Land Use Plan. Clustering of development on lands within the Silver City Town Site could direct new residential development to more appropriate building sites, allowing steep slopes to be protected.²² Clustering would allow multiple lots owned by Comstock Mining or any other owner within the Community Boundary of Silver City, for example, to be clustered onto less steep lands close to the neighborhood center that would be appropriate for residential building sites. Clustering residential development, which could be incentivized by Lyon County as envisioned in the Land Use Plan, would allow Comstock Mining to maximize flexibility for future residential development if plans for mining the land are not successful. The proposed zoning change, a "down zoning," however, would reduce the development potential and, therefore, the value of the land for residential development in the future.

LYON COUNTY ZONING CODE AND MAP

The current zoning map for the area being proposed for change by Comstock Mining is portrayed in its application as Sheet 4 of 7.²³ The subject area currently includes three relevant zoning designations that are described under the current zoning ordinances of Lyon County, excerpts of which are as follows: ²⁴

NR-1 Single-Family Nonrural Residential District. Required lot area is a minimum of 6,000 square feet with no more than one single-family dwelling on any lot or parcel. Permitted uses are single family dwellings and associated uses. Special uses that may be permitted include child care facilities, churches, group care facilities, parks, public utility serving centers, recreational areas, residential industry and schools. On lots that are over 20,000 square feet, Special Uses that may be permitted include private golf, swimming, tennis and similar clubs, sanitariums, and other like uses. Mining would not be allowed.

RR-5 Fifth Rural Residential District. Required lot area is a nominal 20 acres minimum, with no more than one dwelling allowed for each 20 acres in lot size, with structures at least 50 feet apart. Permitted uses on lots with the required area and width include barnyard animals, buildings, coops and pens or other such structures including corrals for horses; buildings for sale and display of products grown or raised on premises; home occupations; single-family dwellings of a permanent nature including accessory buildings, and hunting and fishing lodges, wildlife refuges and game farms.

Special Uses that may be permitted include airports; kennels; cemeteries; churches; dude or guest ranches; racetracks and commercial stables; recreational and

educational uses and buildings; residential industries; rest homes; tennis, golf civic or country clubs, utility and public uses and serving centers; mining, including extraction and/or processing of rock, sand, gravel, asphalt and like earth products including topsoil stripping; rifle and archery ranges; trapshoots; campgrounds; commercial farrowing pens and feedlots; commercial wind energy conversion systems; and on agricultural lands, buildings for use as farm labor housing.

M-1 General Industrial District. Required lot area is 7,000 square feet minimum. A wide range of general commercial and industrial uses are allowed in this zoning district. Mining and milling are allowed by Special Use Permit.

All of the lands owned by Comstock Mining within the project boundary described in its revised Master Plan Amendment and Zoning Map Change application are currently zoned NR-1 with the exception of lands in portions of lots 105 and 106 in the north corner of Parcel 5 of the application, which are zoned M-1. [Note: Inclusion of the M-1 lands may simply be a mapping error in the application since the Parcel 5 description included in the application does not correspond to the map, and Comstock Mining previously tried to avoid split-zoning of lots in its revised Reversion to Acreage application for Parcel 6 that was approved by Lyon County on October 8, 2013.] Lands surrounding the project boundary outside the Silver City Town Site are currently zoned RR-5. As stated by Comstock Mining in its application, these zoning maps and designations have been in place with minor language amendments since “the mid-1970s”⁵

Comstock Mining is requesting that its Parcel 1, currently zoned NR-1 and extending outside the Silver City Town Site be changed to RR-5, a designation that would allow mining as a Special Use. This would be consistent with the RR-5 zoning on surrounding lands outside the Town Site. Comstock Mining is requesting a change in zoning for Parcels 2 – 6 from NR-1 to RR-3. This zoning designation is excerpted from the Lyon County Code as follows: ²⁴

RR-3 Third Rural Residential District (5 acres). Required lot size is a nominal five acre minimum, with no more than one dwelling allowed for each 5 acres in lot size, with structures at least 50 feet apart. Allowed uses are the same as described for RR-5 above. Special Uses are the same as RR-5, except that commercial wind conversion systems and farm labor housing would not be allowed on RR-3. Mining would be allowed as a Special Use.

There has never been RR-3 or higher zoning within the Silver City Town Site, which includes Parcels 2, 4, 5 and 6. Parcel 3 is outside but adjacent to the Town Site boundary and is surrounded by RR-5 zoning on lands outside the Town Site.

An overlay to the zoning on all these lands comes from the Land Use Regulations of Title 10, Lyon County Code, which imposes specific requirements for Special Use Permits within the Comstock Historic District. These are included in Chapter 10 of Title 10, “Mining in the Comstock Historical District.” Additional development restrictions would also be imposed on those Comstock Mining lands that cross the public rights-of-way of State Routes 341 and 342 in Parcels 1 and 6.

DRAFT LAND USE AND DEVELOPMENT CODE

Implementation of the 2010 Comprehensive Master Plan requires revision of Lyon County’s development regulations and standards to achieve the goals and policies of the Plan. The County is in the process of updating the Land Use and Development Code, including zoning ordinances and maps. These will become Title 15 of the Lyon County Code, updating and replacing the existing zoning. These changes are currently in draft form, and are an implementation priority for the County, along with development of the Community Plans.²⁵

The Land Use and Development Code is comprised of four parts: Part 1 is Administration; Part 2 is Development Regulations, currently focusing only on developing flood-prone lands; Part 3 is Zoning Regulations; and Part 4 is Land Division Regulations. These ordinances are not yet approved, but are available on the Lyon County web site. This discussion will focus only on the draft Zoning Regulations.²⁶

The Zoning Regulations implement the new Comprehensive Master Plan, and upon approval, will be determined by the Board of County Commissioners to be consistent with the Master Plan. As such, the proposed zoning corresponds to the Land Use Plan decisions for both Character Districts and Land Use Categories. No zoning maps are yet available, but it is assumed that the zoning maps will correspond with the Land Use Plan maps in the Master Plan, and as implemented in future Community Plan maps.

All lands currently under consideration for Master Plan Amendment and Zoning Change are within the designated Historic Character District. In terms of Land Use Categories, they are generally divided between a Suburban Residential designation within the Town Site boundary, and a Resource designation outside that boundary (see Fig. 4). There are a number of new Zoning Districts identified in the draft Zoning Regulations, generally fine-tuning the existing zoning to better implement the Land Use Plan, including mixed use centers, tourist commercial, and additional lot size categories for suburban and rural residential uses. Special Use Permits have been replaced by Conditional Use Permits where allowed.

As shown in Table 15.300-3 of the Draft Zoning Regulations for allowed uses in Historic Character Districts, there are four possible residential district designations in the Community Plan based on minimum lot sizes: Suburban Residential (SR) – 1, SR – 12,000 (ft.²), and SR-9,000. There is also a possible Neighborhood Residential (NR) designation that allows a minimum lot size of 4,500 square feet. Historic Character Districts may also include the Non-residential Districts of Tourist Commercial Historic (TC-H) and Public/Quasi Public Uses, and also Commercial Mixed Use zoning (CMU-H). According to the table, “resource extraction and processing”, which includes “mining, sand, gravel, and mineral” use types, are not allowed anywhere in the Historic Character District and would not be allowed on any of the lands being proposed for Master Plan Amendment and Zoning Map Change.

The Land Use Categories that split the subject lands at the Town Site boundary do not allow mining in any of the Suburban Residential or Commercial zoning districts, just as it is not allowed under current zoning rules within the Silver City Town Site. On the Resource lands outside the Town Site, mining would be allowed on RR-10 and RR-20 lands, new designations based on minimum lot sizes on rural residential lands. RR-20 is similar to the current RR-5 zone; there is no current equivalent to the RR-10 zone. Similarly, while there is also no proposed equivalent to the NR-1 zoning now in effect on the subject lands, the NR zone is close to the same, but with a 4,500 ft.² minimum lot size instead of 6,000 ft.².

Environmental Considerations

Because mining is the intended use of the lands and the motivation behind the requested Master Plan Amendment and Zoning Change, it is prudent to briefly consider some of the environmental factors that should be weighed now in general terms. It is assumed that the lands in this application would be mined and the ore removed for processing at Comstock Mining’s existing mill site in American Flat in Storey County. Open pit mining would likely involve stripping the top soil for use as berms around the pit and for later use in reclamation, as well as drilling, blasting (when and where required), loading, and hauling of ore and waste materials.

Within the Comstock Historic District, Lyon County has special provisions for mining that would be applied at the time of considering a Special Use Permit. These are in addition to other federal and state environmental regulations and standards. Lyon County Code²⁷ requires that:

Particular consideration shall be given to the following factors:

1. The effect of the proposed operation on drainage and water supply.
2. The possibility of soil erosion as a result of the proposed operation.
3. The potential resultant degrees and effect of dust and noise.
4. The potential resultant impact upon tourism, historic, archeological and cultural resources, recreational areas, agriculture, and public health and safety.
5. The practical possibility of reclamation of the site and the adequacy of proposed mitigation of impacts.
6. The effect of the proposed operation on natural beauty, character, tax base, economy, adopted general plan, land value and land uses in the area.

In addition, if and when a Special Use Permit is considered, the following findings must be made for proposed mining within the Comstock Historic District pursuant to Lyon County Code, Title 10, Chapter 10. These would apply to the Comstock Mining lands, and are unique in Lyon County because they specifically seek to protect the surrounding property owners, the neighborhood, and the historical context of the area.²⁷

1. That the proposed mining activity will not be detrimental to public health, safety and welfare or injurious to the neighborhood.
2. That the applicant has shown that reasonable steps can be taken to protect land, air, and water resources of both the applicant's property and that of the surrounding property owners.
3. That scenic, historic, recreational, archeological, and agricultural values of the applicant's property and those of the surrounding property owners are protected.
4. That, notwithstanding adverse findings on one or more of the above paragraphs 1 through 3, the proposed mining activity is proposed by adding to the tax base, providing additional employment and otherwise contributing to the economic welfare of Lyon County.

It should also be noted that extensive environmental analysis was provided to Lyon County in 1986 for the Special Use Permit application submitted by Nevex Gold Company for a portion of the lands that are now being considered for a Master Plan Amendment and Zoning Change.¹⁷ Noise, air quality, water quality, soils and reclamation were all studied for that 1986 proposal, which was ultimately denied by the Lyon County Planning Commission. The denial was upheld by the Board of County Commissioners. While mining techniques and environmental regulations have changed somewhat in the intervening years, the nature of the impacts and the needs for mitigation remain essentially unchanged. We have reviewed these analyses and find them competent and that they provide useful and relevant information to assess the potential impacts of Comstock Mining's current proposal.

CARSON RIVER MERCURY SUPERFUND SITE

Portions of the land being considered in the application for Master Plan Amendment and Zoning Change are part of the Carson River Mercury Superfund Site Operable Unit 1 (OU-1). This includes mercury-contaminated soils at former mill sites and mercury contamination in waterways adjacent to the mill sites. OU-1 generally consists of the tailings and soil contamination near the mills where mercury was used to separate silver and gold from the ore. Contamination at the sites, including the Dayton Consolidated Mill which is located on the Comstock Mining property, is a legacy of the Comstock mining era of the late 1800s. The U.S. Environmental Protection Agency (EPA) and the Nevada Division of Environmental Protection (NDEP) are working together on a long-term sampling and response plan, with an objective to reduce human health risks from the contamination. The proposed clean-up or stabilization of these sites as part of any mining activity would be of particular concern to both agencies, Comstock Mining, and near-by residents.²⁸

AIR QUALITY

Mining operations can generate dust from mining and mineral processing operations and associated truck traffic, releasing particulates, nitrous oxide, sulfur dioxide, and carbon monoxide from the equipment used to mine and process ore minerals. These emissions can generate smog and other forms of air pollution that may impact local air quality. Most air emissions are regulated by the U.S. Environmental Protection Agency under its ambient air-quality standards. Best practices at mine sites involve evaluating the level of likely emissions, taking steps to reduce or eliminate them through the use of management practices or controls, and monitoring the sources from which they may be generated to ensure compliance with regulatory standards.²⁹

These are reinforced by the 2010 Comprehensive Master Plan which states as a Goal that “Lyon County residents will breathe clean air”, going on to say that as a policy, “Lyon County will seek to maintain and improve the quality of our air” by requiring “compliance with federal and state air pollutant emissions standards”.³⁰

Due to the proximity to the residential area in Silver City of the Comstock Mining lands, this may prove to be challenging to reconcile with an open pit mine. The predominant winds are from the west and south, which would blow emissions and dust from the mining operations toward the populated areas of Silver City. Exhibit 5 depicts the wind rose for Reno-Tahoe airport, approximately 17 air miles to the northwest, showing the cumulative annual wind directions and wind speeds for this part of Nevada. While there are localized differences in wind speeds and directions resulting from topography, this is the closest wind data collection point to Silver City and is considered representative of wind characteristics in the region.³¹

NOISE

Impacts from noise would be anticipated from any mining operation and, due to the proximity of residences in Silver City to the lands being considered for mining, would need to be evaluated in any Special Use Permit application. Drilling, blasting, crushing, operation of heavy equipment, and hauling of ore and waste products can generate high noise levels during mine operations. Numerous variables affect the noise levels including proximity of residences, topography, atmospheric conditions, whether windows are open or closed, and the hours, days and seasons of mine operations.

WATER QUALITY

Some individual mine sites may have increased concentrations of specific metals and salts in water used in – or runoff from – mine sites. Acid mine drainage is a phenomenon that can occur when rock containing sulfides is exposed to air and water. The water can become acidic and often carries

elevated levels of toxic metals. Acid mine drainage occurs most frequently in association with metals mines [such as gold and silver mines] and can affect water quality. Pit lakes, another water quality concern during and after mine closure, are created when mining is completed in a pit and dewatering pumps are turned off, allowing groundwater to flow back into the pit. Similar concerns about the acidity and concentration of heavy metals in these water bodies arise in association with metals mines. Changes in water quality and quantity can affect not only human health but also wildlife habitat and ecosystem health. Environmental impact assessment processes often intensively focus on bio-diversity issues in Nevada, and as a consequence, operating plans require significant dedication to design of mitigation and management efforts.²⁹

Lyon County has adopted a policy for Water Supply and Quality in the 2010 Comprehensive Master Plan: "Recognizing that clean water is a precious resource necessary to maintain our health, economy, and quality of life, Lyon County will protect the water supply and encourage efficient use of water resources."³²

Site-specific analysis of surface waters and sub-surface waters in relation to any proposed mining activity would need to be undertaken to determine the extent of potential impacts to surface and groundwater quality and the appropriate mitigation measures that would be required.

RECLAMATION

Before any ground is disturbed, mining companies must ensure that adequate funds are available to complete reclamation and remediation of exploration and mining sites. In the subject area, this process takes the form of bonds and sureties held by the Nevada Division of Environmental Protection. This is intended to protect the public, should a company be unable to fulfill the activities required for reclamation and the safe closure of a mine, by having funds available to complete these tasks. Bond amounts are determined through development of comprehensive reclamation plans that detail the engineering, construction and environmental costs required to physically and chemically stabilize, reclaim and restore areas disturbed by mining.²⁹

Lyon County also has imposed separate reclamation requirements for lands that are mined within the Comstock Historic District (see Title 10, Chapter 10, Lyon County Code). Reclamation plans for the site would need to address soil erosion and slope stability, invasive species control, chemical alteration of the soils and revegetation concerns, surface runoff, groundwater contamination, surface drainage of Gold Creek and its tributaries, the disposition of the existing mine and historic mill sites on the property, and the close proximity to scenic vistas from SR 341 and 342, the gateway tourist entrance to Virginia City and the Comstock Historic District.

Conclusion

Lyon County has consistently acted through its land use planning and policies, as well as its zoning decisions, to designate lands within the Silver City Town Site for medium density residential uses surrounding a commercial core area. The County has also consistently planned for rural uses and open space outside the Town Site boundary. These designations have used different language and different terminology, but all arrive at the same result: residential uses surrounding a commercial core within the Silver City Town Site, and open space outside the Town Site. Extending the RR-5 zoning (or creating new RR-3 zoning) within the Town Site would be out of keeping with the vision and values expressed by Lyon County over decades of planning.

The importance and special meaning of the Comstock Historic District and the Virginia City National Historic Landmark cannot be overstated. In its 2010 Comprehensive Master Plan, Lyon County created a Historic Character District so as to retain the cultural heritage of Silver City and parts of Dayton. Lyon County's ordinances also reflect the special consideration given this area by creating

separate rules for any proposed mining of these lands, and for their protection and reclamation. Retaining the current land use designations, zoning, and restrictions of this area is essential to retaining the historic values and cultural heritage of Silver City.

Finally, in 1986, the Lyon County Board of Commissioners already rejected a similar proposal on the same lands with the following findings: the rezoning request does not comply with the Lyon County Master Plan; does not promote the conservation of open space or protect the natural and scenic resources from unreasonable impairment; would have both a long-term adverse financial impact to Silver City and the Comstock National Historic Landmark; does not promote the health and general welfare of the Silver City area; is not compatible with the Silver City area and does not encourage the most appropriate use of land in the Silver City Town Site.⁶

Endnotes

- ¹ Comstock Mining, Inc. revised Master Plan Amendment and Zone Change Request, prepared by Manhard Consulting, Ltd., October 11, 2013.
- ² Quotes from the Lyon County General Plan, 1971, were included in Milton Sharp, Sharp & Associates, Land-Use Planning and Zoning Analysis, Nevex Gold Company Applications for Master Plan Amendment and Special Use Permit, June 12, 1986.
- ³ Map provided by the Lyon County Planning Department.
- ⁴ Portions of these summaries were taken from Milton Sharp, Sharp & Associates, Land-Use Planning and Zoning Analysis, Nevex Gold Company Applications for Master Plan Amendment and Special Use Permit, June 12, 1986.
- ⁵ Page 2, Comstock Mining, Inc. revised Master Plan Amendment and Zone Change Request, prepared by Manhard Consulting, Ltd., October 11, 2013.
- ⁶ Transcript of Lyon County Board of Commissioners hearing on Nevex Gold Company's appeal of a Lyon County Planning Commission hearing, 1986.
- ⁷ Page 9, Lyon County Master Plan, July 1990.
- ⁸ *ibid*, page 25.
- ⁹ *ibid*, page 54.
- ¹⁰ *ibid*, page 251.
- ¹¹ *ibid*, page 251.
- ¹² West Central Lyon County Final Land Use Plan, prepared by FPE Engineering and Planning, approved by the Lyon County Board of Commissioners, November 2002.
- ¹³ Pages 13 – 15, West Central Lyon County Final Land Use Plan, 2002.
- ¹⁴ Pages 16 – 17, West Central Lyon County Final Land Use Plan, 2002.
- ¹⁵ Lyon County Comprehensive Master Plan, December 23, 2010.

- ¹⁶ Page 3, Comstock Mining, Inc. revised Master Plan Amendment and Zone Change Request, prepared by Manhard Consulting, Ltd., October 11, 2013.
- ¹⁷ Resource Concepts, Inc, Nevox Gold Company Master Plan Amendment and Special Use Application – Reclamation, Noise, Air Quality and Water Quality Analysis, June 11, 1986.
- ¹⁸ Chapter 10, Communities and Planning and Chapter 11, Implementation, of the Lyon County Comprehensive Master Plan identify the development of Community Plans as a high priority for Lyon County.
- ¹⁹ A portion of land that comprises that part of the Alhambra Lode parcel that is in the E½ of the NE¼ of Section 17, T21E, R16N is included within the Community Plan boundary, though it is outside the Silver City Town Site. Most, but not all, of this land is shown as public land managed by the Bureau of Land Management, according to LR2000, the BLM data base, last published February 14, 2011. Efforts to confirm this land ownership with BLM are pending. It is presumed that Comstock Mining owns the mineral estate underlying this parcel since they show it as their property in the application.
- ²⁰ Pages 3.30-3.31, Lyon County Comprehensive Master Plan, December 23, 2010.
- ²¹ Letter from Corrado De Gasperis, President and CEO of Comstock Mining, Inc., to Chairman Joe Mortensen, Lyon County Board of Commissioners, Subject: "Final draft – County Wide Component of the Comprehensive Master Plan, Request for Resource Land Designation for Specific Mining Properties", December 13, 2010.
- ²² Clustering is described on page 3.41 of the Lyon County Comprehensive Master Plan, 2010.
- ²³ Page 18, Comstock Mining, Inc. revised Master Plan Amendment and Zone Change Request, prepared by Manhard Consulting, Ltd., October 11, 2013.
- ²⁴ Lyon County Code, Title 10, Chapter 3, Residential Districts and Chapter 4, Nonresidential Districts.
- ²⁵ Page 11.6, Lyon County Comprehensive Master Plan, December 23, 2010.
- ²⁶ Lyon County Code, Title 15 (Working Draft), Part III, Zoning regulations, October 9, 2013.
- ²⁷ Lyon County Code Title 10, Chapter 10, Mining in Comstock Historical District.
- ²⁸ Carson River Mercury Superfund Site, U.S. Environmental Protection Agency, Region 9, Summary of Five-Year Review of OU-1 in Nevada, February 2013.
- ²⁹ Nevada Mining Association web site (www.nevadamining.org), "Issues and Policy", October 31, 2013.
- ³⁰ Pages 6.4-6.5, Lyon County Comprehensive Master Plan, December 23, 2010.
- ³¹ Wind Rose Plot, Station #23185 – Reno/Cannon Airport, Nevada, 1/1/1990 – 12/31/1990, source: Lake Environmental.
- ³² Page 6.4, Lyon County Comprehensive Master Plan, December 23, 2010.

Exhibits

- Exhibit 1 Silver City Zoning Map, 1971.
- Exhibit 2 Portion of Carson Plains, Book II map, from 1990 Master Plan.
- Exhibit 3 Land Use Map, 2002 West Central Lyon County Land Use Plan
- Exhibit 4 County-wide Land Use Map - Silver City, 2010 Comprehensive Master Plan
- Exhibit 5 Wind Rose Plot, Station #23185 - Reno/Cannon Airport, Nevada,
1/1/1990 - 12/31/1990, source: Lake Environmental.

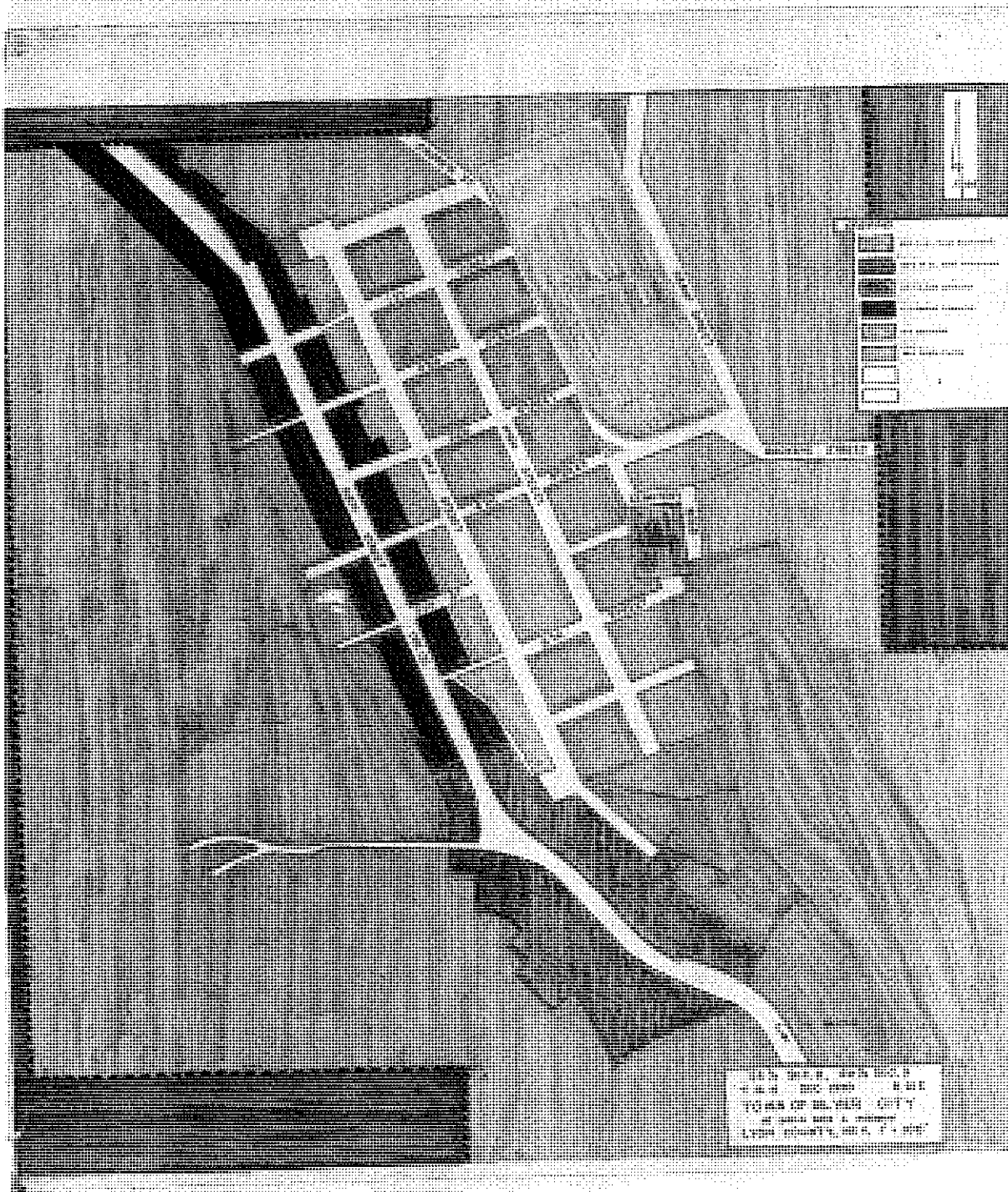
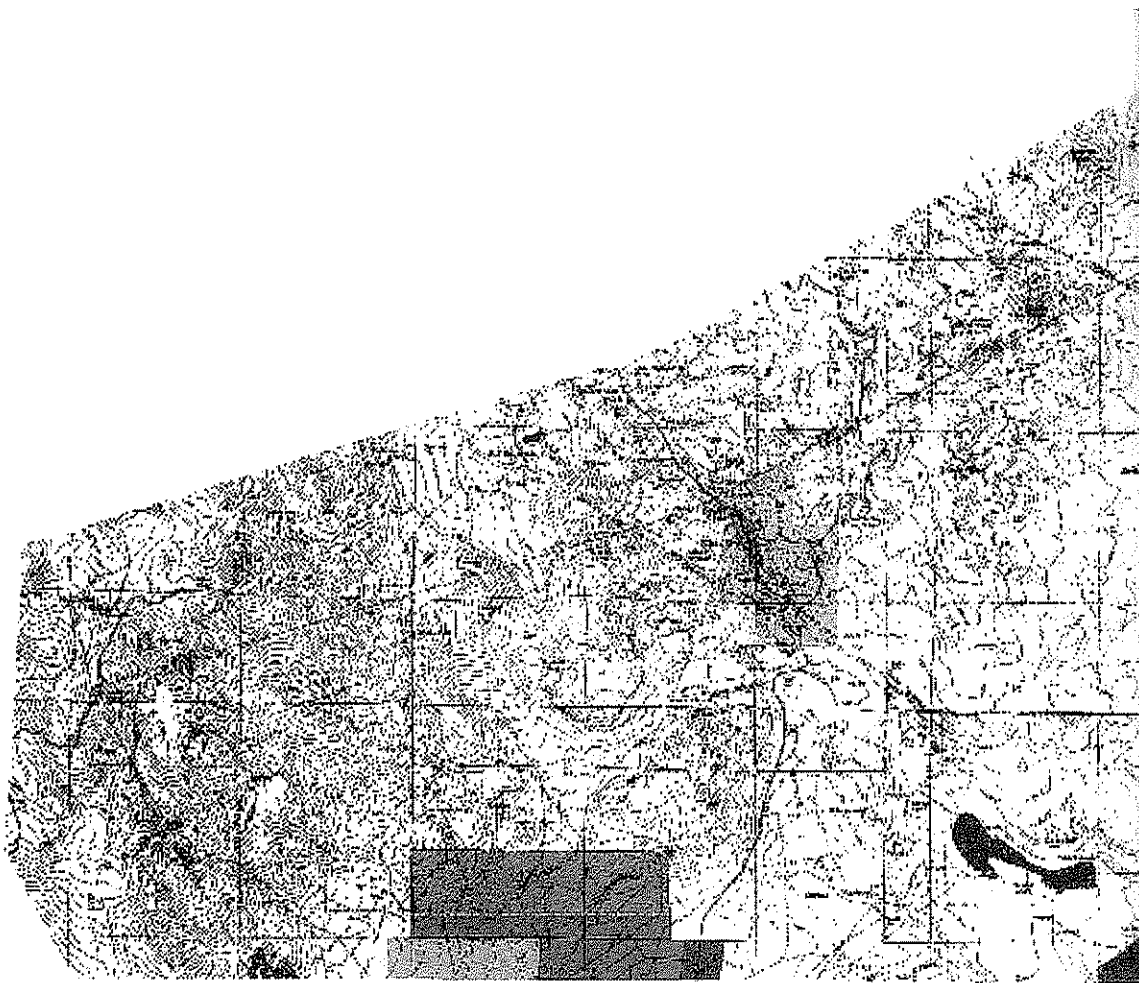


Exhibit 1

Silver City Zoning Map, 1971



Commercial



Industrial



Agricultural



Open Space



Residential

High density



Medium density



Low density



Exhibit 2

Portion of Carson Plains, Book II map, from 1990 Master Plan.

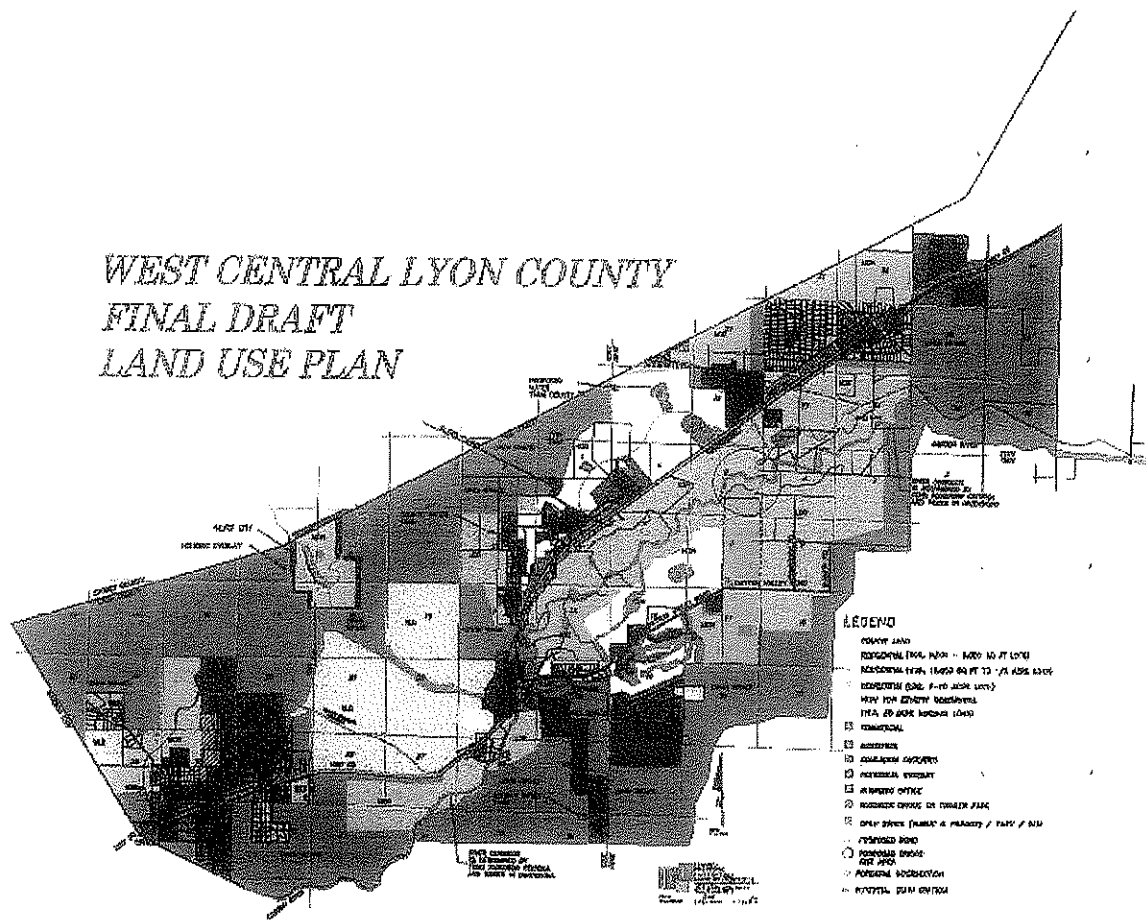


Exhibit 3

Land Use Map, 2002 West Central Lyon County Land Use Plan

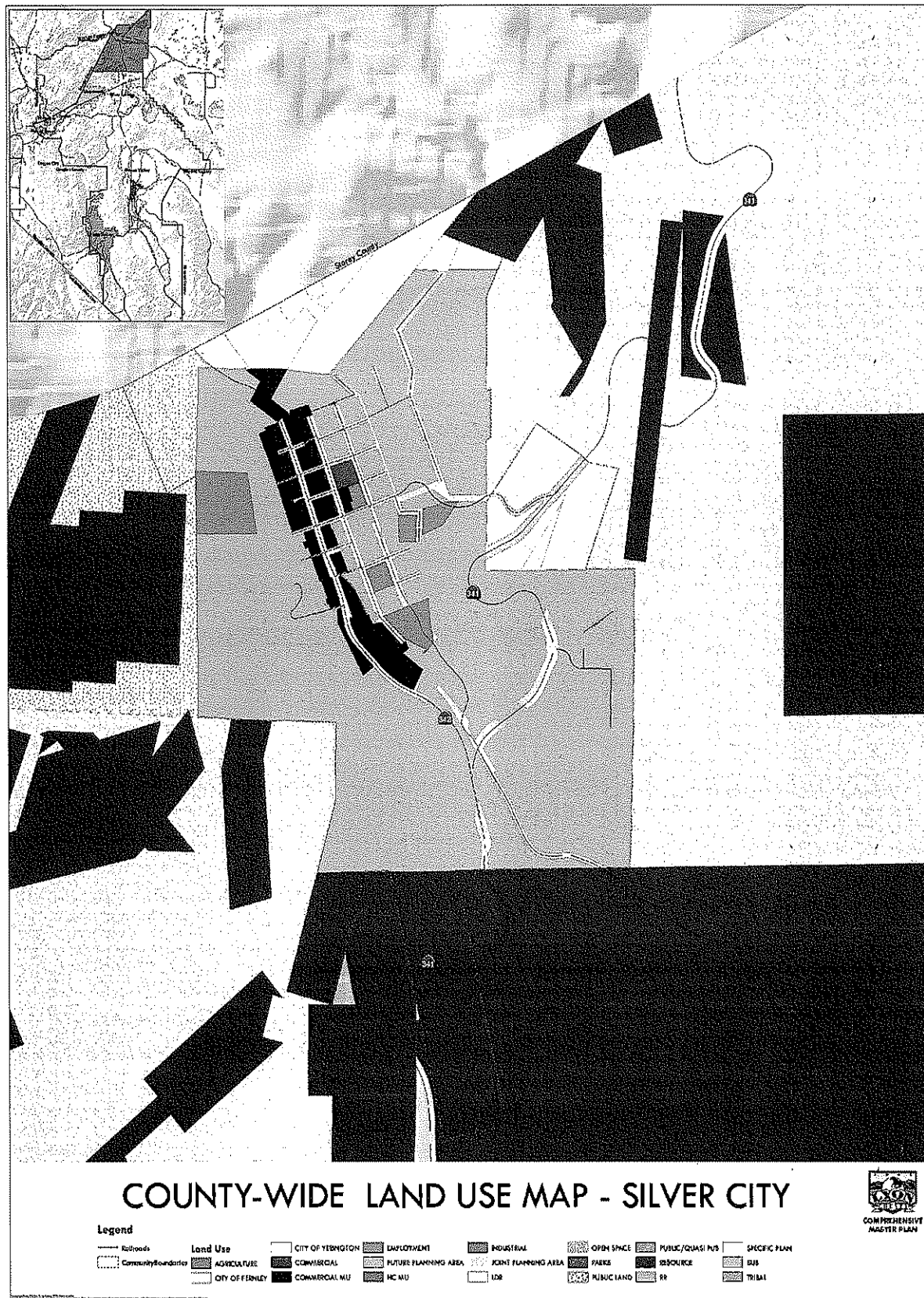
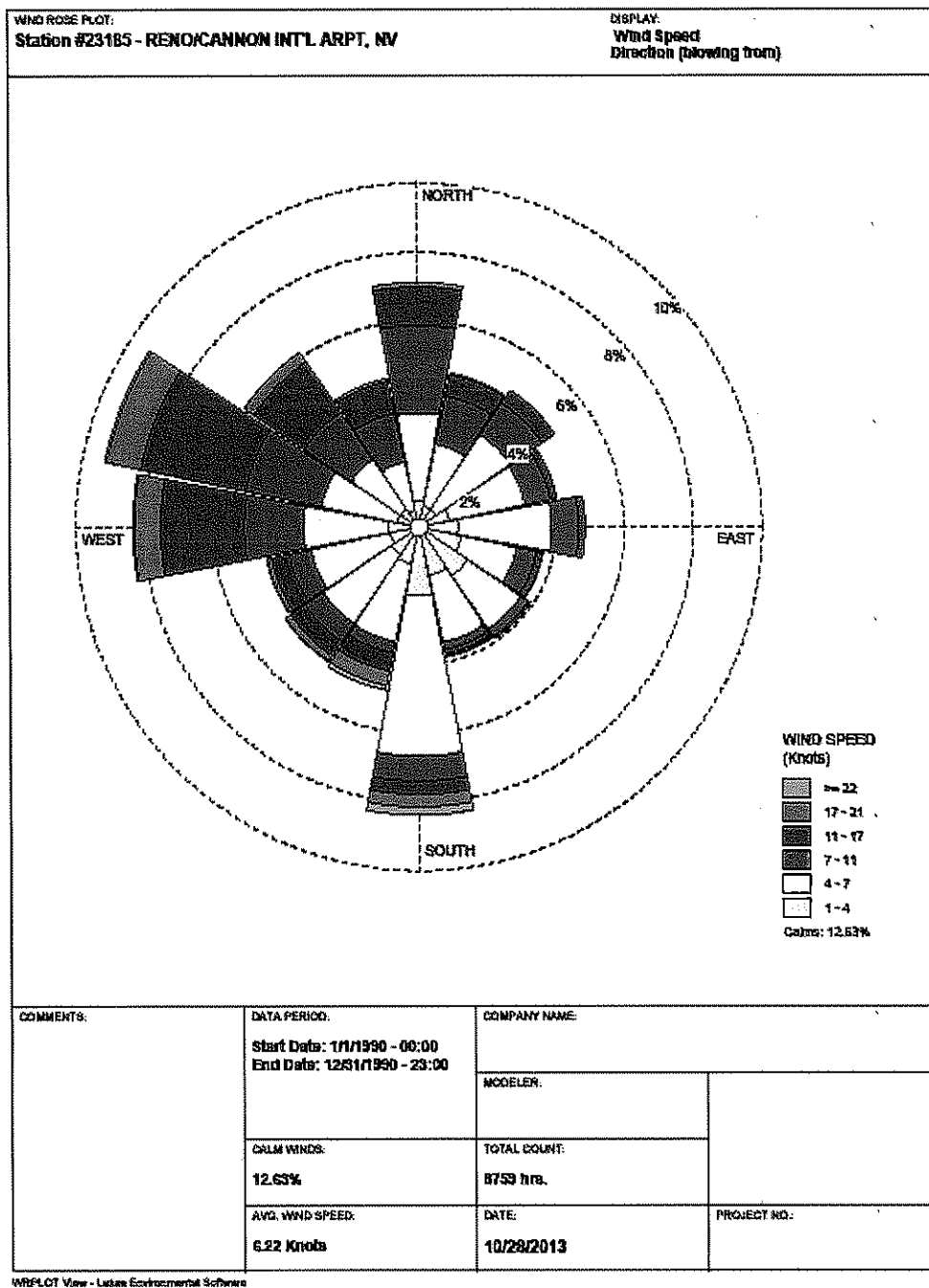


Exhibit 4 County-wide Land Use Map - Silver City, 2010 Comprehensive Master Plan

**Exhibit 5**

**Wind Rose Plot, Station #23185 – Reno/Cannon Airport, Nevada,
1/1/1990 – 12/31/1990, source: Lake Environmental.**

Qualifications of Preparers

Qualifications of Preparers

Ascent Environmental, Inc. is an environmental planning and natural resources consultancy with offices in Stateline, Nevada and Sacramento, California. Ascent provides clients with personally engaged professionals dedicated to meeting higher standards by applying leading-edge thinking to resolve their important environmental issues. Over 35 Ascent professionals provide environmental planning and analysis services, National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) compliance, natural resources management, strategic regulatory guidance, climate change/greenhouse gas (GHG) analyses, sustainability planning, outdoor recreation planning, air quality and noise analyses, and GIS services to projects and clients in the Western U.S. We have a long and successful history of working on environmental and natural resources projects that are controversial and complex. We do not avoid projects that may face public scrutiny, opposition, polarized stakeholders, complicated regulatory challenges, or potential litigation. We apply our skills in coordination with our clients to develop strategic approaches, weigh advantages and disadvantages, and provide recommendations that achieve the requirements of applicable laws and regulations and meet the needs of our clients.

JOHN SINGLAUB

Project Manager and Senior Analyst

John Singlaub is a senior environmental planner with extensive experience in natural resources management topics affecting the U. S. West. With over 30 years of experience, he is an expert in land management policy development and implementation, natural resources management planning, National Environmental Policy Act compliance, and federal land management planning and permitting. His experience includes a wide range of environmental topics such as endangered and threatened species, scenic resources, land use plans and policies, outdoor recreation, water quality, impacts of mining, fire management, and public outreach. John left the Tahoe Regional Planning Agency (TRPA) in 2009, after serving five years as the Executive Director. TRPA is the bi-state planning and regulatory agency responsible for the protection and restoration of Lake Tahoe. Prior to that, John served for 25 years as a planner and manager for the Bureau of Land Management (BLM), most recently as the District Manager for BLM in Carson City, Nevada. John holds a Bachelor of Arts in Geography from the University of California, Los Angeles and a Master of Planning from the University of Virginia.

SYDNEY B. COATSWORTH, AICP

Principal in Charge

Ms. Coatsworth is an environmental planner with over 25 years of experience in environmental compliance, planning, technical analysis, and public outreach programs for a wide variety of projects. Her practice includes projects pertaining to surface and groundwater resources and supply, wastewater treatment facilities, floodplain management, renewable energy facilities, pipelines and other linear facilities, urban development, affordable housing, natural resources management, and environmental policy and regulation. She is an expert and educator in environmental compliance pursuant to NEPA, CEQA, and TRPA laws and regulations for professional associations and client agencies. Sydney specializes in managing large-scale and complex environmental compliance projects and has overseen the preparation of hundreds of environmental documents and technical analyses. She holds a Bachelor of Arts in Earth Science from California State University, Northridge and a Master of Arts in Geography, with emphasis in Geomorphology, from the University of California, Los Angeles.

John L. Marshall

ATTORNEY AT LAW

570 Marsh Avenue
Reno, NV 89509

Telephone:
(775) 303-4882
Facsimile:
(775) 201-0193

johnmarshall@charter.net

November 6, 2013

Lyon County Planning Commissioners
27 South Main Street
Yerington, Nevada 89447

Re: Comstock Mining Inc. Application for Master Plan Amendment and Zoning
Change (PLZ-13-0050, 0051)

Dear Commissioners:

Citizens of Silver City respectfully request that you deny Comstock Mining Incorporated's ("CMI") application for a Master Plan Amendment and Zone Change, filed by CMI for "the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property" (Application at p. 3), which lies principally within the Silver City town site. Over the last 40 years, Lyon County has addressed the exact same planning issue before you today: whether the land should remain suburban residentially zoned, or whether master plan and zoning amendments should be allowed to permit mining within the town site. Each time, the County and its staff have weighed the considerations and found that the master plan and zoning designation should maintain the town of Silver City as an important Lyon County suburban town. The Town Board and over 75% of Silver City citizens simply ask that you make the same determination today as past Planning Commissioners and County Commissioners have uniformly done.

Although nothing has changed, other than a new landowner, Comstock Mining Inc. requests that Lyon County again consider whether mining should occur within the Silver City town site. Make no mistake, this application is about mining. CMI is refreshingly candid about its purposes here, as no actual land developer would seek such a down-zone that limits the property's residential development potential.

CMI's candor, however, does not replace sensible planning. As described below, CMI's application fails to carry the applicant's burden to demonstrate why the recently adopted Master Plan should be so radically altered, particularly given the repeated affirmation of the current designations and the utter lack of changed circumstances.

To aid Planning Commissioners in their review of the CMI application, citizens of Silver City engaged a number of highly qualified experts to review and comment on the proposal. Their reports, appended hereto as Attachments A, B, and C, are briefly reviewed here and referenced below during discussion of the failure of CMI to carry its burden to justify its application.

Ascent Environmental, Inc. is one of the premier companies practicing land use consulting in Nevada and California. As indicated in their statement of qualifications, Ascent has prepared many analyses of land use plans and projects on behalf of local governments and private companies.

Johnson-Perkins and Associates' report examines the impact CMI's mining proposals have had on Silver City. Johnson-Perkins is the leading real estate appraisal firm in Northern Nevada, and the credentials of the report's author, Stephen Johnson, speak for themselves.

Dr. Pat Barker, a leading Nevada archeologist, has considerable experience with the Comstock Historic District and the Virginia City National Historic Landmark. His report examines the impacts that mining on CMI's property would have on the Landmark.

We have also provided each Commissioner the transcripts of the 1986 Lyon County Planning Commission and County Commission hearings on Nevex Gold Company's applications to seek the same changes that CMI seeks today.

Lastly, we submit for the Planning Commission's consideration information provided to Lyon County in opposition to the Nevex Gold application. These legal, planning, historical, environmental, and economic analyses are just as valid today as they were in 1986.

A. The History of Consistent Master Planning and Zoning for Silver City and CMI Property

As carefully described in Ascent's report, Lyon County has been making Master Plan and Zoning decisions regarding Silver City and Grizzly Hill since the early 1970's as urban residential. (See Ascent Report (Attachment A) at 2-3.) Since that time, Lyon County has repeatedly reaffirmed the appropriateness of that basic designation. In 1986, Lyon County denied Nevex Gold's application to rezone the same property to allow for mining. (Ascent Report at 3-4.) In 1990, Lyon County adopted a new Master Plan that again reaffirmed the prior designations. (Ascent Report at 4-5.) In 2002, Lyon County adopted the West Central Lyon County Land Use Plan that continued earlier policies and made specific direction to recognize, enhance, and protect the unique character of Silver City. (Ascent Report at 6-7.) In 2010, over CMI's opposition, Lyon County again affirmed the

designations in its new Master Plan for Silver City and the subject property. (Ascent Report at 7-10.) Time after time, Lyon County, including this Planning Commission, has considered the appropriate Master Plan and Zoning designation for the Silver City town site, including CMI's property, and has consistently and uniformly determined to maximize the residential flexibility of the area and preclude industrial uses such as mining.

We urge the Commissioners to review the Ascent Report (Attachment A hereto) before continuing with this letter, as the report presents a comprehensive review of the history and currently applicable Master Plan and Zoning issues raised by CMI's application.

B. CMI Bears a High Burden of Proof

Lyon County's repeated and consistently articulated position on the appropriate designations for the CMI property increases the already heavy burden placed on CMI. Under standard zoning law, CMI bears the burden of proof to demonstrate that a change to a Master Plan and Zoning should occur. (*Coronet Homes, Inc. v. McKenzie*, 84 Nev. 250 (1968).) However, in addition to this standard burden, where an agency has consistently applied its discretion in a particular way, it cannot reverse course without the applicant demonstrating what has changed in order to justify such a policy reversal. (See e.g., *Northwest Environmental Defense Center v. Bonneville Power Administration*, 477 F.3d 668, 690 (9th Cir. 2007); *Ramasrakashi v. Federal Aviation Authority*, 346 F.3d 1121, 1130 (D.C. Cir., 2003).) Thus, CMI must not only demonstrate how it meets each and every requirement but also must justify how changed circumstances should cause Lyon County to reverse its longstanding position. As demonstrated below, CMI's bare-bones application meets neither standard.

C. CMI's Thin Application Fails to Demonstrate Changed Circumstances

Comstock Mining Inc.'s October 11, 2013, application package contains a single report from Manhard Consulting. The Manhard Report itself contains scant analysis of the planning issues and instead repeats stock conclusory and self-serving phrases denigrating the past efforts of Lyon County to plan for and protect its citizens.

1. Silver City is a residential community of mixed uses and densities

Contrary to what the Manhard Report suggests, Silver City is a residential community. It is no longer a mining community and has not been a mining town for more than 60 years. This fact was officially recognized as early as 1971 when the Lyon County Board of Commissioners, in its general plan, identified Silver City and the areas immediately surrounding it as "suburbanizing." This valid description of the town of Silver City was reaffirmed in 1986 in the Nevex Gold Company's Master Plan amendment

and Zoning change denial; in 2002 in the West Central Lyon County Land Use Plan; and in the 2010 Comprehensive Master Plan. Based on these affirmative decisions, it is easy to see that the current application misrepresents the goals and strategies of more than 40 years of Lyon County master planning. And in doing so, the CMI application mischaracterizes both the town of Silver City and the subject property that sits within its boundaries.

Today, Silver City is made up of a growing residential base that includes professional and technical employers and employees, working artists, home-offices, and retirees. Silver City is principally a suburban residential town where many residents commute for work or shopping to the nearby population centers of the Dayton Valley, Carson City, and Reno/Sparks. The town could be described a viable mixed-use economy that lends itself to an excellent quality of life for its current residents. By unfortunately adding potential industrial uses within the town borders, Lyon County risks losing that burgeoning mixed-use economy, long-term residents, new business, and tourists. Eighty percent (80%) of Silver City's zoning is suburban, all within the Silver City town limits. The town limits, by definition, are the boundary between residential or commercial areas and undeveloped or sparsely occupied land outside of town. That distinction was made in the first Lyon County General Plan, developed in 1971, which designated the area within the Silver City town limits as residential, with the exception of a commercial area along Main Street and a small light-industrial area at the south end of Main Street. The current 2010 Comprehensive Master Plan continues this designation. Both master plans were developed in consultation with current residents, business owners, and the communities of Lyon County. Both master plans concluded that the Silver City town limits and residential land use were congruent.

2. Current Master Plan and Zoning provides maximum flexibility to landowners to promote and protect town

The current zoning permits homes, community centers, gathering centers and parks, and mixed use. The maximum density under NR-1 is high density, which has aided in the residential development of Silver City since it began its transformation from a ghost town in the 1950's to the residential community it is today. The NR-1 zoning greatly helped to protect the town's integrity, and helped it grow and prosper into a safe, quiet community to live in, raise a family, and build a business.

Since 1971, more than 35 homes have been built in and around Silver City. In addition, numerous older, historic buildings have been restored for residential use. There was a wave of impressive new home construction in the 2000's until the recession slowed investment. The 2011 exploratory drilling program on Grizzly Hill by CMI, which hinted at future mining, has stopped all residential real estate development cold.

D. CMI's Gamble On Its Property Need Not Be Rewarded

Comstock Mining Inc. has long been aware of the zoning and land use decisions on these lands. Before purchasing the property in 2012, they were leasing the property, and in 2010 they proposed changes to the Comprehensive Master Plan before it was approved. Comstock Mining did their due diligence, and knowing what the restrictions against mining were, purchased the lands, assuming Lyon County would change the rules on their behalf. To reward CMI's speculation to the detriment of Lyon County citizens would be an unfortunate precedent for planning, and zoning, for Silver City and Lyon County. As described in detail in the 1986 materials, CMI has no reasonable investment-backed expectations to a change in Master Plan designation and zoning, as it acquired the property with full or constructive knowledge of Lyon County's past actions regarding the site and thereby purchased it at price presumably reflective of its current zoning. (See Gary Owen Legal Analysis at 19-24.)

E. CMI's Application Results in Illegal Spot Zoning

In 1986, both the Lyon County Planning Commission and the County Commission found that the Nevex Gold application, indistinguishable from CMI's present one, resulted in illegal spot zone by treating one property differently than similarly situated property. (See Planning Commission 1986 Transcript; County Commission 1986 Transcript. As described to Lyon County back then:

Spot zoning is "zoning with disregard for the welfare of the whole community, for the benefit of a few or in violation of a comprehensive plan." *Save a Valuable Environment v. City of Bothell*, 576 P.2d 401, 405 (Wash. 1978). Such zoning is arbitrary and capricious, as it disregards the emphasis upon consistency of rezoning with existing land uses. *Id.* Moreover, spot zoning aside, granting of Nevex' application for a master-plan amendment would be per se arbitrary and capricious in that, under the circumstances of this case, it would fail "to serve the welfare of the community as a whole." *Id.* It would represent, instead, a blatant disregard of adverse environmental [and other] effects and potentially severe financial burdens on the Silver City community. (1986 Legal Analysis by Gary A. Owen at 7.)

We respectfully submit that CMI's application presents exactly the same legal infirmity today as it did in 1986 and should be similarly rejected.

G. CMI's Application Should Be Denied Because Lyon County Could Not Issue a Special Use Permit Consistent With Its Sunergy World Decision

Just a few months ago, in March and April of 2013, the Lyon County Planning Commission and then the County Commission voted unanimously to deny Sunergy World LLC a special use permit ("SUP") to construct a passive solar array east of MacKenzie Lane in southeast Mason Valley. A group of local citizens opposed Sunergy World's application and filed a petition with 79 signatures in opposition. The citizens contended that the solar array would adversely affect neighboring property values, viewsheds, wildlife, and other issues, and the Commissioners so found. (See Lyon County Planning Commission Minutes from March 12, 2013, at 5-10; County Commission Minutes from April 4, 2013, at 176-177.)

An SUP for mining by CMI would have substantially greater impacts on the local citizens of Silver City than the solar array on the residents of southeast Mason Valley. As detailed above, a mine directly across from Silver City and adjacent to residential property will crush home values, destroy the peace and quiet, eviscerate the viewshed, and destroy the close-knit spirit of a unique community. (See also Kona Gold SUP Application Staff Report (PLZ-13-0013) (November 12, 2013) at 12 (Recommending denial of SUP near Highway 341 because "[t]he impacts of the Mill Site on surrounding properties, and the potential negative impacts to public health, safety, welfare and the neighborhood are of particular concern."). Since Lyon County denied a harmful but more benign SUP, it could not consistently approve a more devastating one. Since an SUP for mining is highly unlikely, a Master Plan amendment and Zone change application facilitating that SUP should be denied as simply futile.

Put another way, approval of the Master Plan amendment, Zone change, and/or an SUP for a mine in Silver City would wholly undercut Lyon County's defense in the pending litigation over its denial of the Sunergy World SUP.

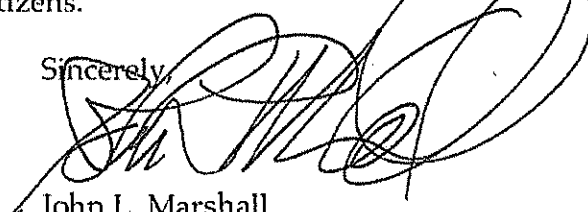
H. CMI's October 11, 2013, Application Must Be Heard in March 2014

Comstock Mining Inc. submitted a new application for a Master Plan Amendment and Zone Change on October 11, 2013, replacing its August 2013 application. Under Lyon County Code § 10.12.09(C)(4)(b)(4), that application can only be heard at the March 2014 Planning Commission meeting.

Conclusion

Silver City represents a unique and vibrant part of Lyon County. For more than 40 years, Lyon County has sought to enhance and protect the Silver City community from incompatible uses in order to foster its growth. CMI's application threatens to undermine Silver City's progress for the company's short-term, speculative profit without concern for the larger community. We therefore urge you to deny CMI's application and maintain Lyon County and Silver City for its citizens.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'JL Marshall', is written over the word 'Sincerely,'.

John L. Marshall
Attorney for Comstock Residents Association

JOHNSON~PERKINS & ASSOCIATES, INC.
REAL ESTATE APPRAISERS & CONSULTANTS

Main Office: 295 Holcomb Avenue, Suite 1 ■ Reno, Nevada 89502 ■ Telephone (775) 322-1155
Lake Tahoe Office: P.O. Box 11430 ■ Zephyr Cove, Nevada 89448 ■ Telephone (775) 588-4787
FAX: Main Office (775) 322-1156 ■ Lake Tahoe Office (775) 588-8295
E-mail: jpareno@johnsonperkins.com ■ jpatahoe@johnsonperkins.com

Stephen R. Johnson, MAI, SREA
Reese Perkins, MAI, SRA
Cynthia Johnson, SRA
Cindy Lund Fogel, MAI
Scott Q. Griffin, MAI
Daniel B. Oaks, MAI
Benjamin Q. Johnson, MAI

Karen K. Sanders
Gregory D. Ruzzine
Chad Gerken

November 1, 2013

Gayle Sherman
P.O. Box 425
Silver City, Nevada 88428

RE: Comstock Mining, Inc.'s Zoning Change Request

Dear Mr. McCarthy,

This letter is in response to your request that we address the likely impact on the local real estate market as a result of Comstock Mining, Inc.'s request to rezone 89± acres in Silver City, Nevada to zoning classifications which will allow mining activities, including Open Pit Mines. This letter will set forth some preliminary research conducted to assist me in determining if there could be an adverse impact to the local real estate market as a result of the proposed zoning change.

The clients for this consulting assignment are Gayle Sherman and Joe McCarthy on the behalf of the citizens of Silver City, Nevada. The intended users of this consulting report include the clients, their representatives, the Lyon County Planning Commission and the Lyon County Board of Commissioners. The intended use of this consultation report is to assist the Lyon County Planning Commission and the Lyon County Board of Commissioners in determining that the proposed zoning change request will have an impact on the adjacent

— Reno ■ Lake Tahoe —

property owners in Silver City. This consultation report involves an effective date of October 18, 2013, which is the date that this consultant conducted a physical inspection of Silver City and the surrounding areas.

The scope of work completed for this preliminary consultation report involved the inspection described above of the Silver City area, meetings and interviews with Silver City residents and property owners, interviews with brokers familiar with the local real estate market and interviews with other knowledgeable parties. Based upon these investigations and further being based upon my experience, I have concluded that the proposed mining zone change request could have a material impact on the Silver City property values. As this initial scope of work was limited to the investigation set forth above, I have not completed an in-depth data investigation and analysis which would allow me to form a more precise estimate of the potential percentage impact on property values as a result of the zoning change and possibility of an Open Pit Mine on the property across the highway.

Silver City is located north of Moundhouse and south of Virginia City and Gold Hill. Silver City is generally located north of the intersections of State Routes 342 and 341 and south and east of Devil's Gate. Based upon the best information available to these consultants, Silver City had an estimated population of 180 people in 2011. In 2000, the population was reported to be 170 and in 2010 the population was reported to be 179 people. Silver City is essentially a historic mining town which has evolved into a permanent residential community. Many of the homes are older which have been renovated, while there are a number of newer homes which have been constructed over the past decade. Residents consist of retirees, professionals and others who typically work in the Carson City or Reno areas and commute to their residence. The residents are drawn to this area due to its rural, peaceful location which is within reasonable commuting distance of major metropolitan areas.

Silver City has a Community Hall, a Community Park and a very active Citizen's Group. The citizens have monthly dinners in which all citizens are invited to attend. In

addition, they have a number of special events. As a result, Silver City is a tight knit community in which everyone seems to know everyone else.

Comstock Mining, Incorporated is currently petitioning Lyon County to change the zoning on 89± acres from NR-1 to RR-3 and RR-5. It is our understanding that under the new zoning classifications, the property owner would be allowed to conduct mining operations on the property. It is further our understanding that the allowed mining operations would include Open-Pit Mining. The property in question is located on the west side of State Route 342 (Main Street) across from the junction with State Route 341 (Truck Route), north to Peddler Road.

As Silver City and the requested zone change property are on facing walls of a canyon area, a mine on the requested property would be highly visible from Silver City. Furthermore, Silver City could experience considerable noise and disruption from truck traffic, drilling, mining, dust and night lighting. In order to determine how the market would perceive a mining operation in this real estate market, this consultant has conducted interviews with a number of property owners, knowledgeable parties in the area, and local Realtors. Set out following are summary discussions of the interviews with each of the parties interviewed.

Chris and Bonnie Brown have lived on their property in Silver City since 1975. It was originally the French Mill. They indicated that they have experienced very intense noise from the drilling rigs which reportedly operate from 6 a.m. to 6 p.m. They pointed out that the canyon reflects the noise in their direction. They also had experienced truck traffic noise including the Jake Breaks, back-up horns on heavy equipment, and the trucks moving equipment 24 hours a day. They also reported that they can hear the steel tracks on the heavy tractors. These homeowners also reported that they had heard that Comstock Mining had found good minerals at a depth of 800 feet. They felt that this would result in a fairly large pit being developed across the street from their property. They were also concerned that the mining activity upstream could result in contamination of the stream which passes through

their property. These property owners stated that they were very uncertain about the future because of the proposed mine. They felt that it would result in a loss in value to their property and would reduce the overall quality of life in Silver City. They stated that, at this point in time, they are reluctant to make additional investments in their property due to the uncertainty of the zoning request.

Darlene Cobbey has owned her 6 acre property in Silver City since 1981. She stated that she has experienced dust from the mining operations, and heavy truck traffic noise. At one point, Ms. Cobbey stated that trucks from Coons Construction Company, Cruz Construction Company and Cinderlite in Carson City were hauling material for the mine with trucks passing her property every 20 seconds. Darlene was also concerned that Comstock Mining may be utilizing water from Marlette Lake. She felt that due to the conditions which she has experienced and the pending zoning change request, that it would be very difficult to sell her property.

I next spoke with Robin Cobbey of Gold Hill. She indicated that she had lived in Gold Hill for over 30 years and that David Toll had lived on the property for in excess of 50 years. They are located across the street from Comstock Mining's existing operation. Robin indicated that they do experience truck noise, dust, and have also been kept awake at night due to the flashing lights on equipment. Robin indicated that they own a pink house across from the turnoff to the mine and that she has had a hard time renting it due to the adjacency to the mine. She had at one time rented the house for \$800 per month and has now had to reduce the rent to \$700 per month (a 12.50% reduction), which she attributes to the mining activity. She also stated that they had another residence which they rented for \$600 per month and have now had to reduce the rent to \$500 per month (a 16.67% reduction). Robin indicated that they were planning to install solar panels on their home and to rebuild their kitchen. Due to the uncertainty of the mining activity, they have put their plans on hold. In closing, Robin stated that due to the uncertainties involved, they could not sell their home at the present time

and that if a mining operation were expanded that they would no longer desire to live in the area.

I next interviewed Judy Olson. Judy indicated that she and her husband Chad had purchased their lot in 2007 and subsequently spent over \$500,000 building an excellent quality single family residence. The residence was designed in a manner to maximize the views to the south and west. They were attracted to the area as it is close to their business in Carson City, yet it provides a rural, quiet and peaceful location. She indicated that they felt that the fact that Silver City was in a historic mining district, would protect them from future mining activities. Judy reported that when drilling activities are occurring on the 89± acres, they typically cannot go outside because the noise is so loud. She also reported that they experience noise from the backup horns on heavy equipment, and are concerned about water quality and quantity. She pointed out that they enjoy the night skies and are afraid that lighting from Comstock Mining will impact the quality of the night skies. Finally, Judy indicated that they were considering the purchase of an adjacent property to protect their privacy. They have recently told the sellers that they are not interested. She also stated that she and her husband will not spend another dime on the property until the mining issue is resolved.

Bob Elston and Cashion Calloway have owned their property in Silver City since 1971. They indicated that when drilling was occurring on the 89± acres, they could not go outside. They have felt the blasting from the Lucerne Pit and experienced lights at night. They also stated that the highway can be closed in Silver City for up to 30 minutes when the mining company is blasting. They have experienced noise from the backup beepers, the heavy equipment and have also experienced dust from the blasting. They stated that Silver City is a very quiet town with typically the loudest sound being the crickets at night. They felt that the Community Center, the monthly town meetings and the activities result in a very close-knit community. They stated that crime has never been a problem in their community and that many people do not lock their doors. They also stated that as they have no air

conditioning, they leave their windows open at night which results in the noise being a greater disturbance. They also pointed out that in the past some of the heavy trucks were speeding through town. However, apparently the mining company has spoken to the drivers and it has not been much of a problem lately. They were concerned about mercury contamination and noted that the area is identified as a Superfund Site. They stated that they would not spend another dime on their property due to these mining issues and that mining on the 89± acres would significantly impact the value of their property.

Gerald Antinoro owns a house on Keystone Circle across from the Lucerne Pit in the Gold Hill area. Gerald is the current sheriff of Storey County. He stated that the existing mining does not impact his day to day life. He also stated that several seismic tests conducted near his residence showed no disturbance. Jerry indicated that he does not particularly like the mining, but understands their operations. He indicated that they could hear some of the drilling from a rig across the highway from their property. He also pointed out that two smaller drilling rigs, which operated on adjacent lots to his, were no problem at all. He does have some concerns relative to heavy metals and the release of toxic materials. He would prefer underground mining to open pit mining. He also expressed concerns as to the certainty of the mines being properly restored and reclaimed at the end of their mining operations. He finally stated that it would be difficult to sell his house due to the ongoing mining issues.

Next, I interviewed Marcey Newell, formerly of Lakeside Properties. Marcey stated that she had sold Lot 6 on Keystone Circle to Comstock Mining on February 7, 2012 for \$25,000. This property had previously sold on January 21, 2005 for \$57,000. She stated that she was not aware of the current issues as she has moved to California and is no longer selling real estate.

I next spoke with Bob Fredlund of Coldwell Banker Select Real Estate. Bob has been a Realtor in the area for a number of years and is very knowledgeable in the local market. He felt that it would be unlikely that non-mining related people would move to Silver City

because of the pending mine. He further felt that it would be very hard to sell existing homes and that it would definitely impact values.

I next spoke with Karen Woodmansee. Karen has been a Realtor in the area for a long period of time and is a journalist. It was her opinion that the proposed mining projects would diminish the desirability and values of properties in the Silver City area. She expressed concern about the heavy truck noise, dust, view impacts, and noise from blasting. She further stated that the only people who would buy in Silver City would be miners. She stated that she had a house listed on Main Street in Silver City for an estate and could not sell it. She also stated that, for the years 2010, 2011 and 2012, she could not sell a single family residence in Gold Hill or Silver City. Karen stated that she typically acted as the buyer's agent. She said typically the only active buyer in the area is Comstock Mining. Finally, she closed by stating that she definitely felt that the proposed mining activity would have a negative impact on property values in the area.

I next spoke with Steve Lincoln of RE/Max Realty. Steve has been a Realtor active in the area for many years. It was his opinion that the increased jobs created by the mine could boost the demand for housing in the area. On the other hand, he felt that the other factors associated with the mines would result in a reduction in values.

I next spoke with Mr. Mike Enright of Valley Realty. Mike has been a Realtor in the area for over 17 years. Mike explained that he does not have a bias against mining, however, he does feel that the proposed mine will negatively impact the property values in Silver City. Mr. Enright reported that he had two people call on a listing he had advertised in the Homes and Lands Magazine. He said that when both parties discovered that the properties were located in Silver City, they lost interest due to their concerns relative to mining. Mike stated that he had handled two sales in Silver City in 2012. One of the buyers bought a home which was separated from the mine by a small ridge and was therefore removed from the mining. This home was purchased by a retired couple. The second residence was purchased by a

tattoo artist who wanted to be near Virginia City, but not in Virginia City. Mr. Enright felt that the mining activity would be unsightly and would create noise and dust for Silver City. It was his opinion that the mining activity would reduce property values in Silver City between 10% and 20%.

I also spoke with Mr. Mike Ramos of Coldwell Banker Select Real Estate. Mike has been an active Realtor in the area for a number of years. He stated that he handled the sale of the Cabin in the Sky Property to Comstock Mining. He also stays in touch with Comstock Mining making sure that they are aware of any listings he has in the Silver City and Gold Hill areas. He felt that the mining will generate jobs which could result in increased demand for housing. He did feel that the mining activity could affect the visual appeal of the area and could impact the desirability of Silver City.

I finally spoke with Jim Allander. He has owned a house adjacent to the Comstock Mining Company's Mill Site in American Flat for over 12 years. Their house is immediately above and adjacent to the Mill Site. He stated that they have gotten used to the noise and other inconveniences of the milling operation. He did state that there is constant noise with work typically beginning at 5:15 a.m. During our telephone conversation, I could hear the backup horns from heavy equipment in the background. Jim confirmed that it was from heavy equipment operating on the adjacent mill site. Jim stated that he felt it would be very difficult on the people of Silver City, should a mining operation occur on the 89± acres.

In summary, I have interviewed in excess of 15 individuals who either own property in Silver City or are real estate professionals who are knowledgeable about real estate values and trends in the local market. Many of the people interviewed expressed concerns regarding the impacts from mining on the adjacent property. Their concerns focused around noise associated with the mining operation, noise and traffic from trucking, noise from blasting, dust from the mining operations, and the visual impact on the aesthetic beauty of the area resulting from open pit mining. Many of the property owners expressed the opinion that they

were not willing to spend an additional dime on their property until such time as it was determined that a mining operation would not occur on the adjacent property. Almost all of the individuals interviewed indicated that, in all likelihood, it would be very difficult for them to sell their homes due to the concerns of future mining. There were several instances where buyers had elected not to consider Silver City or Gold Hill due to these concerns.

Several of the parties interviewed indicated that the increased mining activity could result in additional job opportunities for the area which would then drive demand for residential housing. In the end, even these parties expressed concerns that it would be difficult to sell a house due to the uncertainty of the mining activity. In several instances, the neutral parties indicated that they did have business dealings with Comstock Mining. Several additional parties requested that I not include them in the survey as they had business dealings with Comstock Mining.

Several of the Realtors interviewed indicated that, in their opinion, the mining activity would have a definite negative impact on property values in the Silver City area. In one instance, the Realtor stated that he felt the diminution in value would be between 10% and 20%.

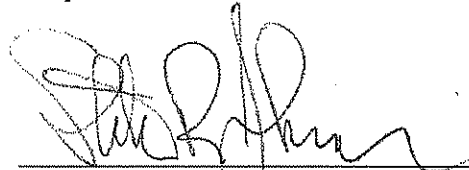
Finally, I have relied upon my forty years of experience in real estate appraising in Northern Nevada, as well as my educational background and experience. It is my observation that the proposed zone change property is located on the west face of the canyon area, while Silver City is located on the east face. As a result, noise will easily be transmitted from the mine site to Silver City which will reduce the peace and quiet of the residential neighborhood. The sources of the noise will include increased trucking, drilling, the operation of heavy equipment, the backup horns for the heavy equipment, and numerous other sources. In addition, the night lighting on the site could result in inconveniences to the residents in Silver City. Dust from the mining operation could also impact the residential properties. Finally, it

is felt that the scarring from an Open Pit Mining operation would impact the aesthetic beauty of the area.

In conclusion, based upon the numerous interviews conducted by this consultant, and relying upon my 40+ years of experience and professional training in real estate, it is this consultant's opinion that proposed Open Pit Mining on the 89± acres across from Silver City would have a material negative impact on residential property values.

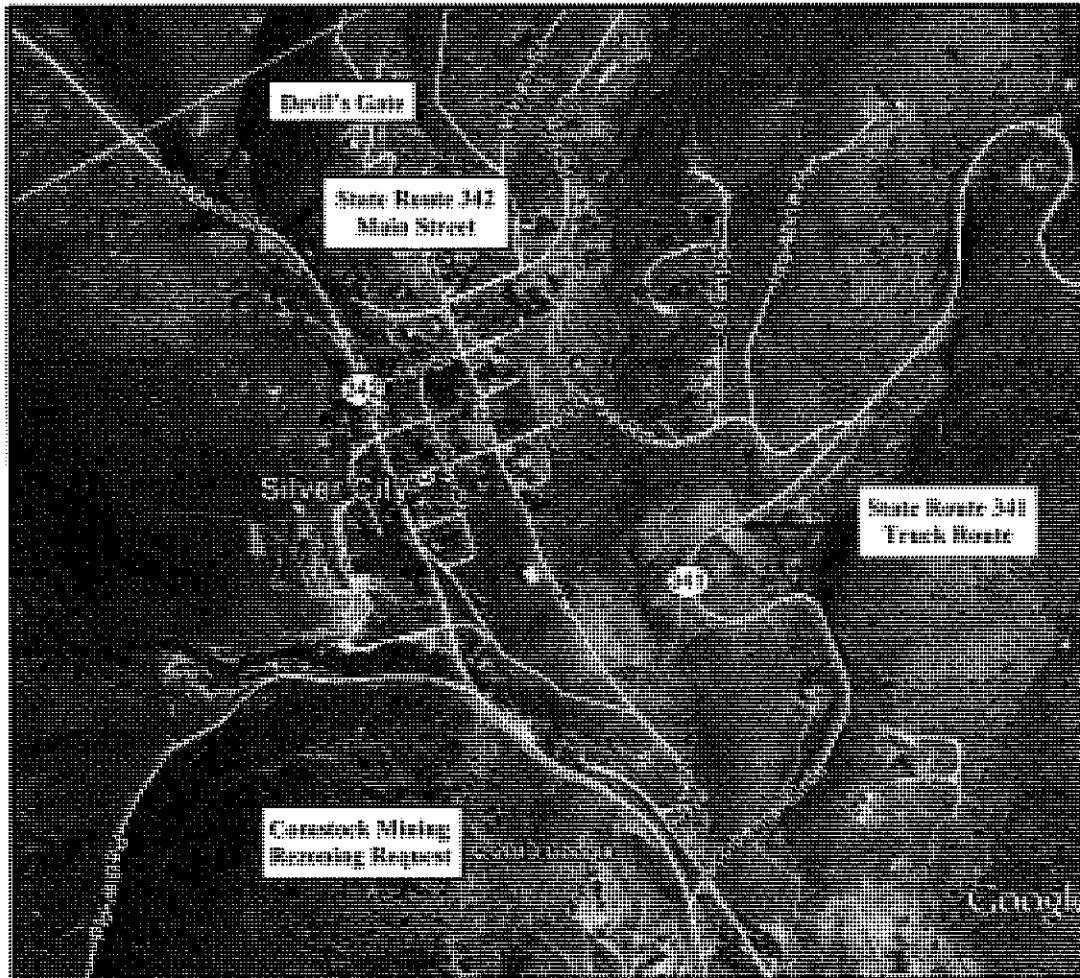
I hope this letter is of assistance and should you have any questions, please do not hesitate to contact me.

Respectfully submitted,



Stephen R. Johnson, MAI, SREA
Nevada Certified General Appraiser
License Number A.0000003-CG

SILVER CITY, NEVADA MAP



Reno ■ Lake Tahoe

PHOTOGRAPHS



VIEW OF SILVER CITY COMMUNITY CENTER

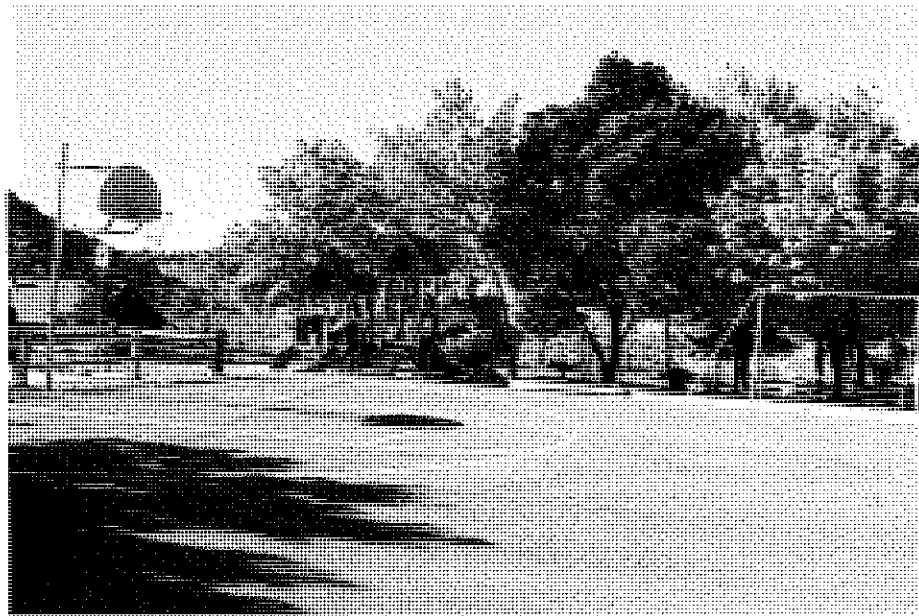


VIEW OF THE SILVER COMMUNITY CENTER

PHOTOGRAPHS



VIEW OF THE COMMUNITY PARK



VIEW OF THE PLAYGROUND AT THE SILVER CITY COMMUNITY PARK

PHOTOGRAPHS



VIEW OF COMSTOCK MINING'S LUCERNE PIT

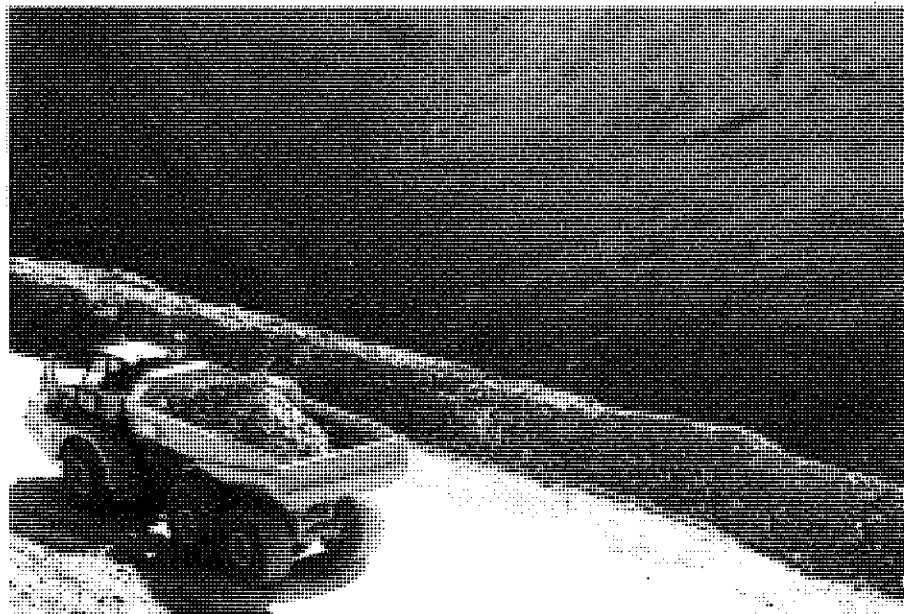


**VIEW OF THE LUCERNE PIT MINING OPERATION SITUATED ON THE WEST SIDE OF
STATE ROUTE 342**

PHOTOGRAPHS



VIEW OF A DUMP TRUCK USED IN THE MINING OPERATION



ANOTHER VIEW OF A DUMP TRUCK HAULING MATERIAL

PHOTOGRAPHS

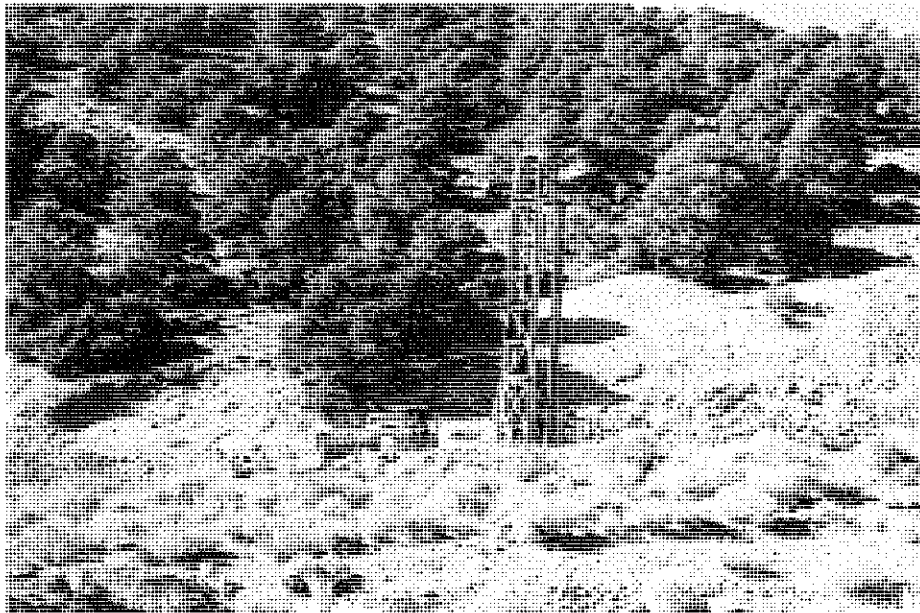


**VIEW OF THE 89± ACRE PROPERTY FROM THE OUTDOOR DECK OF THE
McCARTHY RESIDENCE**

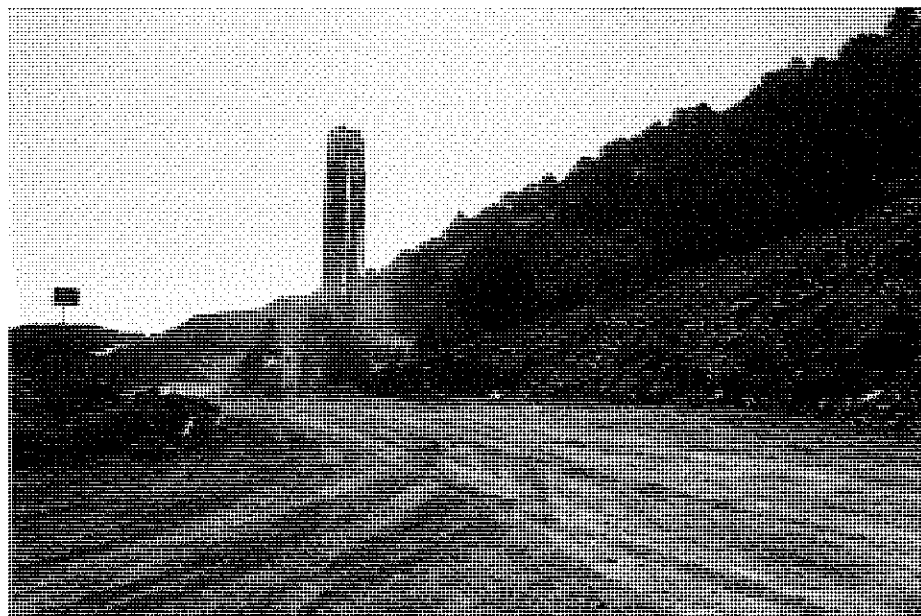


A VIEW OF THE 89± ACRE PROPERTY FROM INSIDE THE McCARTHY RESIDENCE

PHOTOGRAPHS



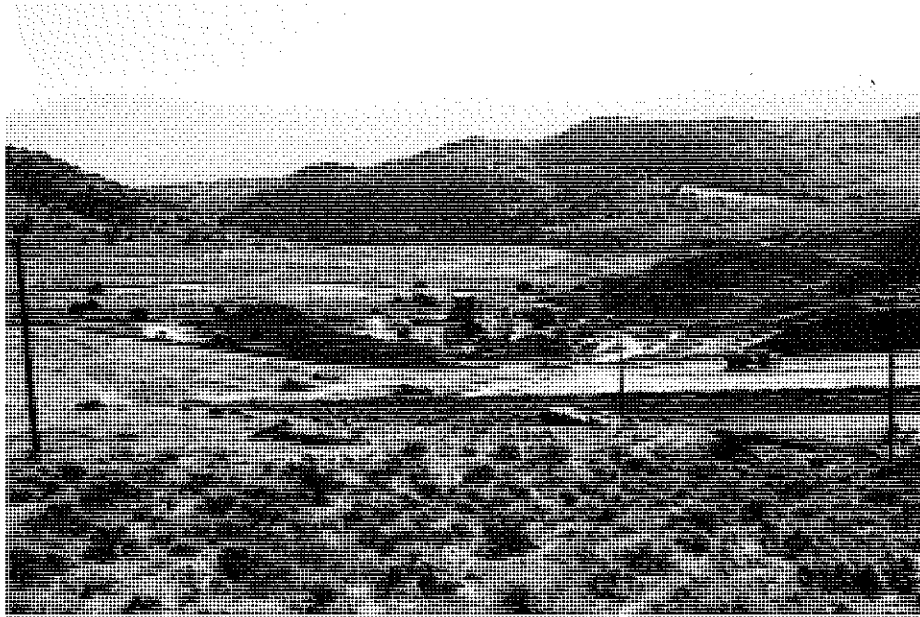
**VIEW OF A DRILLING RIG LOCATED ON THE EAST SIDE OF
STATE ROUTE 342**



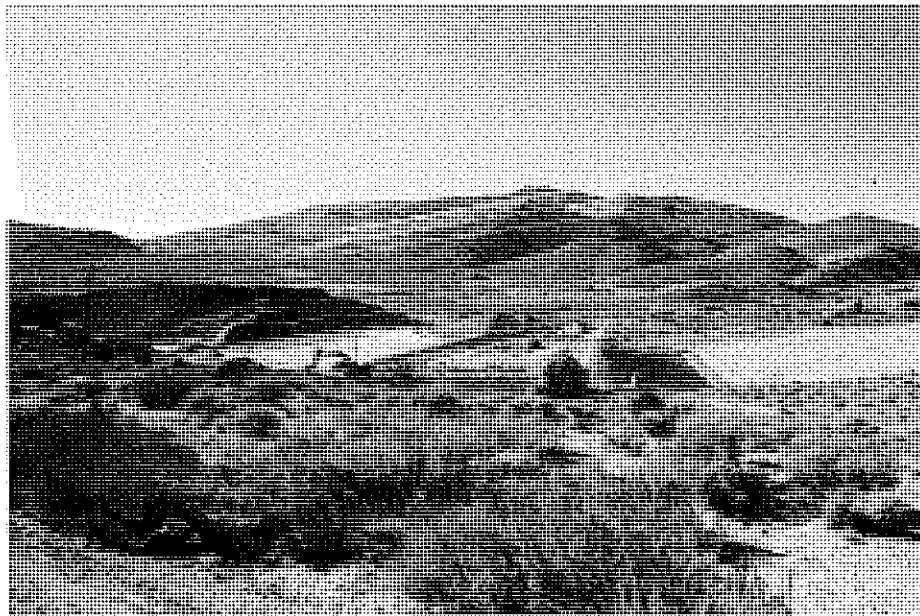
VIEW OF AN OPERATING DRILLING RIG

Reno ■ Lake Tahoe

PHOTOGRAPHS



VIEW OF THE MILLING OPERATION IN AMERICAN FLAT



ANOTHER VIEW OF THE MILLING OPERATION

PHOTOGRAPHS



VIEW OF THE HAUL ROAD IN THE AMERICAN FLAT AREA



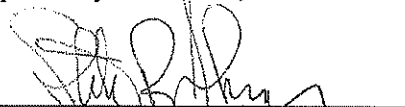
VIEW OF HEAVY TRUCK EQUIPMENT ON THE HAUL ROAD

CONSULTANT'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, conclusions, and recommendations.
- I have no present or prospective interest in the properties that are the subject of this report, and I have no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the properties that are the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of the stipulated result, or the occurrence of a subsequent event directly related to the intended use of this consulting assignment.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- I have made a personal inspection of Silver City and the surrounding areas that are the subject of this report.
- No one provided significant real property appraisal or appraisal consulting assistance to the person signing this certification.

Respectfully submitted,



Stephen R. Johnson, MAI, SREA
Nevada Certified General Appraiser
License Number A.0000003-CG

**QUALIFICATIONS OF APPRAISER
STEPHEN R. JOHNSON**

Professional Designations

MAI - Member Appraisal Institute 1976
(Certified through 2013)

SREA - Senior Real Estate Analyst; Society of Real Estate Appraisers 1984

State Licensing and Certification

Certified General Appraiser-State of Nevada 1991
License #A.0000003-CG
(Certified through 04/30/2015)

Certified General Appraiser-State of California 1992
License #AG007038
(Certified through 06/18/2015)

Association Memberships and Affiliations

Member Reno Board of Realtors
Member Nevada Association of Realtors
International Right-of-Way Association
Member Nevada State Board of Equalization - 1984-1991
(Appointed by Governor Richard Bryan, January 1984 & 1988)
(Appointed by Governor Kenny C. Guinn, March 2000 & 2004) 2000-2008
Member Nevada Commission of Appraisers of Real Estate - 1989-1994
(Appointed by Governor Bob Miller, August 7, 1989)
Commissioner, Nevada Commission of Appraisers of Real Estate 2009-Present
(Appointed by Governor Jim Gibbons, 2009)
President, Nevada Commission of Appraisers of Real Estate 2012-2013
(Appointed by Governor Sandoval, 2012)

Offices Held

Chairman, National Ethics Administration Division 1995
Vice Chairman, National Ethics Commission 1993/94
Regional Member, Ethics Administration
Appraisal Institute, Region 1 1989-1992
President, Sierra-Nevada Chapter #60, AIREA - 1989
Vice President, Sierra-Nevada Chapter #60, AIREA - 1988
Secretary, Sierra-Nevada Chapter #60, AIREA - 1987
Vice Governor District 3 (Northern California & Nevada)
Society of Real Estate Appraisers (SREA) - 1980-1981
Past President & Membership Chairman -
Reno/Carson/Tahoe Chapter #189
Member 1976 Young Men's Council, SREA, Atlanta, Georgia

**QUALIFICATIONS OF APPRAISER
STEPHEN R. JOHNSON**

Offices Held (continued)

Discussion Leader 1977 Young Men's Council, SREA, Las Vegas, Nevada	
Elected 1 of 2 National Representatives to the Inter- National Board of Governors of the SREA, representing the Young Men's Council -	1977
International Professional Practice Committee, SREA -	1978-1981
International Conference Committee, SREA -	1978 & 1979
National Candidates Guidance Committee of the American Institute of Real Estate Appraisers (AIREA) -	1978-1981
Chairman National Division of Member and Chapter Services, AIREA -	1981
Board of Directors Northern California Chapter #11, AIREA -1	1980
Admissions Committee, Sierra-Nevada Chapter #60, AIREA	
Board of Directors, Sierra-Nevada Chapter #60, AIREA	1984-1986
Board of Directors, Reno-Carson-Tahoe Chapter	

Appraisal Experience

Independent Fee Appraiser	1976 to present
President, Stephen R. Johnson & Associates	1976-1992
President, Johnson - Wright & Associates	
President, Johnson - Perkins & Associates (Staff of 11 Appraisers)	1994 to present
Alves Appraisal Associates	1972-1976
Alves-Kent Appraisal Associates	1970-1972

Qualified as an Expert Witness

Nevada District Courts:
Washoe County, Carson City, Douglas County,
and Elko County
U.S. Bankruptcy Courts:
Reno, Las Vegas, Sacramento, and Los Angeles
U.S. District Court, San Francisco, California
United States Tax Court
Arizona Superior Court, Maricopa County, Phoenix
Douglas County Board of Equalization
Washoe County Board of Equalization
Nevada State Board of Equalization
King County Superior Court, Seattle, Washington

QUALIFICATIONS OF APPRAISER
STEPHEN R. JOHNSON

Formal Education

Reno High School Graduate -	1966
Bachelor of Science Degree in Business Administration	
Majoring in Real Estate, from the University of	
Nevada, Reno -	1972

Appraisal Education

University of Nevada:	
B.A. 430 Real Estate Evaluation	1970
B.A. 432 Real Estate Appraisal Problems	1971
American Institute of Real Estate Appraisers:	
Course 1A Basic Appraisal Principles, Methods	
& Techniques, San Francisco, CA	1972
Course 1B Capitalization Theory & Techniques,	
San Francisco, California	1973
Course 2 Urban Properties,	
San Francisco, California	
Course 6 Investment Analysis,	
Memphis, Tennessee	1976
Society of Real Estate Appraisers:	
Course 301 Special Applications of Appraisal	
Analysis, Pomona, California	1974
Uniform Appraisal Standards for Federal Land Acquisitions	June 2009
Numerous Continuing Education Seminars and Courses	

Appraisal Instructor

Nevada Association of Realtors
Department of Commerce, Real Estate Division, State of Nevada
 Appraisal "A" Residential Appraising
 Appraisal "B" Apartment and Commercial Property Appraising
Western Nevada Community College
 R.E. 206 Real Estate Appraising
Northern Nevada Real Estate School
 Real Estate Appraisal

**QUALIFICATIONS OF APPRAISER
STEPHEN R. JOHNSON
REPRESENTATIVE APPRAISAL CLIENTS AND PROPERTIES**

BARTON MEMORIAL HOSPITAL
CITY OF RENO
CITY OF SPARKS
COLONIAL BANK
R.J.B. DEVELOPMENT COMPANY CARSON CITY
DOUGLAS COUNTY
LINCOLN COUNTY
LYON COUNTY
WASHOE COUNTY
MINERAL COUNTY
EMERALD BAY POST OFFICE
NEVADA STATE PARK SYSTEM
NEVADA STATE DEPT. OF TRANSPORTATION
NEVADA STATE DIVISION OF LANDS
NEVADA ATTORNEY GENERAL'S OFFICE
U.S. DEPARTMENT OF NAVY
U.S. FOREST SERVICE
FNMA - REGIONAL OFFICE
INTERNAL REVENUE SERVICE
FEDERAL TRADE COMMISSION
WASHOE COUNTY REGIONAL TRANS.
RENO TAHOE AIRPORT AUTHORITY
TAHOE REGIONAL PLANNING AGENCY
CALIFORNIA ATTY GENERAL'S OFFICE
CALIFORNIA TAHOE CONSERVANCY
CITY OF SOUTH LAKE TAHOE
PLACER COUNTY REDEVELOPMENT AGENCY
NEW HAMPSHIRE DEPARTMENT OF JUSTICE
MISSOURI HWY AND TRANS. DEPT COMMISSION
IDAHO TRANSPORTATION DEPARTMENT
COLONIAL BANK
PLUMAS BANK
SECURITY BANK OF NEVADA
LIBERTY BANK
FIRST INDEPENDENT BANK OF NV
NORTHERN NEVADA BUSINESS BANK
NEVADA STATE BANK
UNION BANK
VALLEY BANK OF NEVADA
BANK OF AMERICA
THE BANK OF CALIFORNIA
CROCKER NATIONAL BANK
WELLS FARGO BANK
B OF A TRUST DEPARTMENT
FIRST FEDERAL SAVINGS & LOAN
FIRST WESTERN SAVINGS & LOAN
AMERICAN SAVINGS AND LOAN
NEVADA SAVINGS & LOAN
DILORETO CONST. & DEVELOPMENT
DERMODY PROPERTIES
TRAMMELL CROW CO.
MCKENZIE PROPERTIES
HOMWOOD HIGH & DRY MARINA
TAHOE KEYS MARINA
TAHOE CITY MARINA

WASHOE MEDICAL CENTER
PLAZA RESORT CLUB
ROYAL BANK OF SCOTLAND
CARSON-TAHOE HOSPITAL
JOHNNY RIBEIRO BUILDER
KEEVER CONSTRUCTION COMPANY
SIERRA PACIFIC POWER COMPANY
SOUTH LAKE TAHOE PUBLIC UTILITY DIST.
TAHOE DOUGLAS SEWER DISTRICT
GLENBROOK WATER COMPANY
TAHOE PARK WATER COMPANY
NORTH FOOTHILL APARTMENTS
MEADOWOOD APARTMENTS
WOODSIDE VILLAGE APARTMENTS
SIERRA WOODS APARTMENTS
AMESBURY PLACE APARTMENTS
SUNDANCE APARTMENTS
KEYSTONE SQUARE SHOPPING CTR.
POZZI MOTORS
CARSON CITY DATSUN-AMC-JEEP
LEMMON VALLEY LAND COMPANY
CONSOLIDATED FREIGHTWAYS
RINGSBY UNITED
SYSTEMS 99
EASTMAN KODAK
HALLMARK CARDS
OSCAR MEYER AND COMPANY
GENERAL ELECTRIC
CHEMETRO
CITY SERVICES MINERAL CO.
SUPERIOR OIL COMPANY
TRAVELERS INSURANCE
FARMERS INSURANCE COMPANY
FIRST AMERICAN TITLE CO. OF NV.
FIDELITY TITLE INSURANCE CO
MERRILL LYNCH RELOCATION
YOUNG ELECTRIC SIGN COMPANY
THE TRUST FOR PUBLIC LANDS
THE TRUCKEE DONNER LAND TRUST
THE CONSERVATION FUND
THE NATURE CONSERVANCY
SUGAR BOWL SKI RESORT
THE FEATHER RIVER LAND TRUST
SKI INCLINE RESORT
KIRKWOOD ASSOCIATES
NORTHSTAR
SQUAW VALLEY U.S.A.
LEWIS HOMES OF NEVADA
SYNCON HOMES
MGM GRAND HOTEL CASINO & THEME PARK
EL DORADO HOTEL - CASINO
COMSTOCK HOTEL - CASINO
LAKESIDE INN HOTEL - CASINO
RAMADA EXPRESS HOTEL - CASINO

James P. Barker, Ph.D.
4523 Hells Bells Road
Carson City, Nevada 89701

John L. Marshall
570 Marsh Avenue
Reno, Nevada 89509

November 4, 2013

Dear Mr. Marshall:

Per your request to provide an analysis regarding the history and current status of the Virginia City National Historic Landmark and the potential effects of mining within the Silver City town boundaries at the Dayton Consolidated Mill Site, I am providing the following information for your review.

The Virginia City National Historic Landmark

In 1961, an area of 14,700 acres including Virginia City, Gold Hill, Silver City and Dayton was designated as the Virginia City National Historic Landmark by the Secretary of the Interior. This formal designation recognized the Comstock's national importance in the history of the American West and the history of mining. By receiving this designation, the Virginia City National Historic Landmark was acknowledged as one of our nation's most important historic and cultural resources.

In a letter dated March 3, 1988, Ron James, Deputy State Historic Preservation Officer, notified then Secretary of the Interior Hodel (Attached) that "The Virginia City Historic Landmark District is endangered because of previous open pit mining which has limited the visual integrity of the District and which destroyed and continues to threaten contributing cultural resources within the District."

In response to this notification, the National Park Service assessed the status of the Landmark (Leo Barker, 1988). In his analysis Barker (1988:30) found that "Historic landscapes—the tailings, dumps, prospects, roads, walls, adits, complex ruins, and other alterations of and structural associations on the land—have been neglected in preservation planning on the Landmark. Historic land alterations in and around historic sites are now recognized as integral parts of historic properties, because they reflect significant changes in land use and because they constitute the connective tissue that often supports and defines the historic character and integrity of a place."

Because of this neglect, "cumulative post World War II open pit mining and related mill site activities have severely impacted the historic landscape of the Virginia City National Historic Landmark District" (Barker 1988:30). In addition, Barker (1988:26-27) argued that "Historic landscapes, archeological sites, and historic buildings are threatened . . . by the removal and reprocessing of historic tailings, the opening of new surface mine sites, and by the creation of new landform features—large open pits and heap leach processing sites—that are incompatible with the character of the Landmark."

The importance of maintaining the integrity of the historic landscape was again addressed in the latest update of the Virginia City Historic District Amendment – 1991 (Attached) wherein Ron James, the State Historic Preservation Officer at the time, reiterated and formalized these same

considerations, arguing that the historic *landscape* of the district is an integral setting for its built environment. Specifically he noted:

- (1) "... hundreds of acres of cultural landscape which, between 1859 and 1942, played an integral role in the history of mining on the Comstock."
- (2) "... the landscape in the District, both the rural and built-up sections, portrays the evolving and cyclical industrial, commercial, and social patterns relating to mining activity, the central, significant focus of Comstock history up to 1942."
- (3) "Scattered across the natural landscape of this predominantly rural historic district are countless cultural landscape features (mill tailings, mine dumps, sunken shafts, dark adit openings, cemeteries, abandoned railroad and road beds), historic structures (headframes, ore rockers, mill leaching tanks, and water tanks and flumes), and archaeological sites (the honeycomb network of underground mining tunnels, partially or totally buried mining equipment and parts of buildings, stone embankments and foundations) that provide visual testimony to the important role of mining in Comstock history up to World War II."
- (4) "Contributing buildings have retained substantial integrity of setting (taking into account the evolution of both natural and cultural landscape features that invariably has taken place over the eighty-two year period of significance), feeling, and association."

In this nomination amendment, Mr. James makes a strong argument for the significance of the historic landscape within the Virginia City National Historic Landmark.

Lyon County Comprehensive Master Plan

The current Lyon County Comprehensive Master Plan (2010) discusses existing historic district designations that include and surround Silver City as planning tools to preserve its "existing historic character." The Plan notes that "Silver City, situated in lower Gold Canyon, represents the first settlement in Nevada based on mining activity" and now comprises an historic town site that is an integral part of the Virginia City National Historic Landmark and the Comstock Historic District. Slow growth allows Silver City to treasure "its historic buildings and landscape features" as a way to maintain a strong sense of identity and pride in its cohesive small town atmosphere.

As noted in the Lyon County Comprehensive Master Plan, during the planning process "residents and property owners expressed considerable interest in maintaining their many diverse communities and improving community aesthetics" and that preserving the County's rural character is a core value of a majority of Lyon County residents." The Master Plan argues that a community's unique character "is defined by its design, its viewsheds, its gathering places, and its historic and cultural resources, as well as by environmental characteristics such as natural quiet and dark night skies." The Plan further notes that "maintaining this character is important—not only for promoting economic development and diversification, but also for protecting our living spaces, quality of life and open lands."

The current Lyon County Comprehensive Master Plan defines a set of guiding principles with which land use will be managed. These include but are not limited to:

- (1) Lyon County will respect and promote the distinct character and heritage of its communities, strive to retain its rural and agricultural culture and promote cohesive and high quality development to improve the overall image and function of its communities; and

(2) The proximity of the natural environment will continue to be an important part of life in Lyon County, where residents will enjoy sustainable supplies of clean water for drinking and agriculture; clean air; wildlife; access to rivers, lakes and public lands; scenic views, and dark night skies. Lyon County will work to reduce or mitigate natural hazards such as wildfire, flooding, earthquakes and dust.

Based on these principles, one planning goal (CC 3: Heritage) states, "Historic places, structures, and landmarks in the county will be preserved and will provide an opportunity for residents and visitors to learn about and celebrate our heritage." Associated with this goal is a policy (CC 3.1: Maintain and Restore Historic Resources) that "Lyon County will encourage and support efforts to preserve and restore registered historic structures, and landmarks, and districts." Specifically, within historic districts, like Silver City, the County will:

- Revise zoning to encourage historic use and development patterns including mixed-use structures and districts.
- Promote historic design elements, features and context, and prohibit building design that compromises the integrity of the historic community character.
- Limit new land uses that would pose a risk to historic structures or the historic character of the district.
- Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.

Other sections of the Master Plan define additional principles, goals and policies guiding development in historic districts, particularly as they relate to the historic landscape. These include:

Policy LU 1.4: New industrial uses should only be located in areas that do not adversely impact existing residential settlements.

Natural Resources and Environment: The proximity of the natural environment will continue to be an important part of life in Lyon County, where residents will enjoy sustainable supplies of clean water for drinking and agriculture; clean air; wildlife; access to rivers, lakes and public lands; scenic views, and dark night skies.

Goal NR 8 Views: Lyon County will protect scenic views of mountain backdrops and nighttime views of stars.

Policy NR 8.1: Mountain Backdrop: Recognizing that views of the mountains in and around the county provide a unique scenic value for residents and visitors, Lyon County will strive to preserve such views.

Goal NR 9: Mining and Resource Extraction: Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR 9.3: Mitigate Operations: To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, and so forth.

Discussion

Historic structures do not exist in a vacuum, and land use planning decisions are made in a real world where communities are more than the sum of their parts. Historic districts necessarily include buildings and structures *in their historically derived landscape*. Further, as shown throughout the Lyon County Master Plan, both visitors and residents are drawn to historic communities exactly for the historic nature of the landscape in which they are found. If the historic nature of the landscape is degraded, it will become less valued.


The existing zoning preserves the nature and pace of development in Silver City in ways that are compatible with the historic landscape. Given the very pointed language in the Lyon County Master Plan pertaining to historic districts and community character, Comstock Mining Inc. is obligated to show that its proposed Master Plan change and zoning change will not adversely impact the historic integrity of Silver City. Comstock Mining's implied goal in seeking the change in land use and zoning is to conduct mining in the town limits. However, they offer no evidence to support the compatibility of their proposed project with the existing historic landscape, nor do they address adverse impacts to the landscape, viewshed, historic integrity, and community values in Silver City implicit in the change. To avoid further damage to the Virginia City National Historic Landmark in general, and specifically to the historic integrity of Silver City, requires maintaining and supporting the protections imbedded in the existing Lyon County Master Plan.

Reference

Barker, Leo, 1988. "Over the Lode: An Investigation of the Status of the Virginia City National Historic Landmark District, Also Known as the Comstock Historic District, Nevada." National Park Service, San Francisco.

I hope this information meets your needs. If you have any questions, please do not hesitate to contact me at 883-7790.

Sincerely,



James P. Barker, Ph.D.
Nevada State Archaeologist, Bureau of Land Management, Retired

Bio

Pat Barker was born in Reno. He earned a Ph.D. in Anthropology in 1982 from the University of California, Riverside. In 1986, he began work as an archaeologist for the Bureau of Land Management and two years later became the archaeologist for the BLM Nevada State Office. During his tenure in the state office, Dr. Barker developed guidelines for conducting cultural resource inventories and for evaluation eligibility for the National Register. He negotiated a statewide protocol agreement with the Nevada State Historic Preservation Office (SHPO) for compliance with the National Historic Preservation Act (NHPA). He was a founding member of the BLM National Preservation Board and helped develop the BLM's cultural resource manual series. Dr. Barker has negotiated at least 30 programmatic agreements to facilitate NHPA compliance for proposed land uses, mainly mining developments. Since retiring from the BLM in 2006, he has worked as a consultant on several projects, including the Ruby Pipeline, the American Flats demolition environmental assessment, the Virginia City sewer expansion programmatic agreement, and the Nevada Test Site rail corridor environmental impact statement. Dr. Barker also was a Research Associate in Anthropology at the Nevada State Museum and at UC Davis; past president of the Board of Directors of the Nevada Rock Art Foundation; and president of the Great Basin Anthropology Association. He teaches a graduate seminar on Historic Preservation Law and Policy at the University of Nevada, Reno.

Pat Barker, Ph.D.

Personal Information

Address: 4523 Hells Bells Road, Carson City, Nevada 89701,
(775) 883-7790; Cell: 775 721-0110; email: barkerj@unr.edu
DOB: 12/16/46, Reno, Nevada; U.S. Citizen; Married, No Children; Viet Nam veteran

Professional Preparation

Orange Coast College	Anthropology A.A.	1972
California State University, Long Beach	Anthropology B.A.	1974
University of California, Riverside	Anthropology M.A.	1977
University of California, Riverside	Anthropology Ph.D.	1982

Appointments

Research Associate, Anthropology, University of California, Davis, 2009-Present
Research Associate, Anthropology, Nevada State Museum, Carson City, Nevada, 2000-Present
Senior Archaeologist, ASM Affiliates, Reno, Nevada, 2008-Present
Senior Archaeologist, Progressive Adaptations, Carson City, Nevada, 2006-Present
Adjunct Professor, Anthropology, University of Nevada, Reno, Nevada, 1998-Present
Nevada State Archaeologist, Bureau of Land Management, Reno, Nevada, 1988-2006 (Retired)
Resource Area Archaeologist, Bureau of Land Management, Barstow, Ca, 1986-1988
Chief, Alcohol Dependence Program, VA Medical Center, Reno, Nevada, 1985-1986
Coordinator, Alcohol Dependence Program, VA Medical Center, Reno, Nevada, 1982-1985
Graduate Student, University of California, Riverside, California 1974-1982
Assistant Editor, Journal of California and Great Basin Anthropology, 1980-1982

Publications

2013 *Points in Time: Direct Radiocarbon Dates on Great Basin Projectile Points*, with Geoffrey Smith, Eugene M. Hattori, Anan Raymond, and Ted Goebel. *American Antiquity* 78(3):580-594.

2011 *Looting at Elephant Mountain Cave*, with Cynthia Pinto-Ellis and David Valentine. *Nevada Archaeologist* 24:1-11

2009a *The Process Made Me Do It: or Would a Reasonably Intelligent Person Agree that CRM is Reasonably Intelligent*. In L. Sebastian and W. Lipe, eds. *Archaeology and Public Policy: A New Vision for the Future*. Santa Fe: School of Advanced Research. Pp 65-90.

2009a *Great Basin Sandals*, with Tom Connolly. In C. Fowler and D. Fowler, eds. *The Great Basin: People and Places in Ancient times*. Santa Fe: School of Advanced Research. Pp 69-74.

2009c *Woven Sandals as Boundary Markers Between the Great Basin and Southwest Culture Areas*. In B. Hockett, ed. *Past, Present and Future Issues in Great Basin Archaeology: Papers in*

Honor of Don D. Fowler, Bureau of Land Management, Nevada, Cultural Resource Series 20:125-145.

2008 *Forum: Who Makes it Heritage?* Invited Comment. *Heritage Management* 1(1)110-112

2006 *Long Term Fire History in Great Basin Sagebrush Reconstructed from Macroscopic Charcoal in Spring Sediments*, with Scott Mensing and Stephanie Livingston. *Western North American Naturalist*, 66(1) 64-77.

2004 *Basketry Chronology of the Early Holocene in the Northern Great Basin*, with Tom Connolly. *University of Oregon Anthropological Papers* 62:241-250.

1996 *Archaeological Contributions to Ecosystem Management*. *SAA Bulletin* 14(2):18-21.

1995 *Legal Implications of the Numic Expansion*. with Cynthia Pinto. In, *Across the West: Human Population Movement and the Expansion of the Numa*. D. Madsen and D. Rhode, eds. Salt Lake City: University of Utah Press. Pp 16-19.

Honors

President's Honor List, CSULB, 1972-73, Fall 1973

Society for California Archaeology, Student Prize Paper, 1973

Outstanding Graduate in Anthropology, CSULB, 1974

Regents Fellow, UCR, 1975-1976

VA Outstanding Performance Award, 1983, 1984, 1985

BLM, Group Achievement Award, 1987, 1992

National Take Pride in America Award for *Adventures in the Past Exhibit*, 1991

BLM Sustained Performance Award, 1992, 1999, 2000, 2006

Professional Associations

Nevada Archaeological Association

Society for American Archaeology

Nevada Rock Art Association

Service

Nevada Archaeological Association, Board of Directors, 1990-1992

President, Board of Directors, Nevada Rock Art Foundation, 2009-2012

President, Great Basin Anthropology Association, 2012-Present

Referees

Robert L. Bettinger, Ph.D., Department of Anthropology, University of California, Davis, California 95616 (916) 752-0551

David Hurst Thomas, Ph.D., Curator, North American Archaeology, American Museum of Natural History, New York, New York 10024 (212) 769-5890

**Citizen Advisory Board
Letter of Transmittal**

Advisory Board: Silver City

Date: Oct 7, 2013

Item of Concern: _____

1) Revised Application for Reversion to Acreage on Comstock Mining, Inc. property in Silver City, Agenda Item 2, Lyon County Planning Commission Meeting Oct. 8, 2013.

2) Request to the Lyon County Planning Commission and Lyon County Board of Commissioners that future meetings regarding Comstock Mining, Inc.'s applications for Master Plan Amendments and Zone Changes for property in Silver City be held at the Silver City Community Center.

Has the Advisory Board agendized this and taken action? Yes ☒ No ☐

If yes, what action has been taken?

1) The Silver City Citizen Advisory Board voted unanimously to recommend that the Lyon County Planning Commission reject this application or, if the applicant requests, grant a continuance.

The primary reason given during discussion for this recommendation is that the purpose of the application is to create a large parcel of land that will conform to a separate application for a master plan amendment and zone change for the property. The master plan amendment and zone change have not yet been approved, so it would be premature to grant this reversion to acreage. Questions were also raised regarding the appropriateness of combining the small parcels in question, which date to the original Silver City townsite and reflect the existing subdivision of nearby property; questions were also raised regarding these parcels and the results and/or potential mitigation measures associated with the recent testing program within the Carson River Mercury Superfund Site.

2) The Silver City Citizen Advisory Board voted unanimously to request that the Lyon County Planning Commission and Lyon County Board of Commissioners hold future meetings regarding Comstock Mining, Inc.'s applications for Master Plan Amendments and Zone Changes for property in Silver City at the Silver City Community Center.

The reasons discussed for this request included the fact that these land use issues are of critical importance to Silver City and its residents. Attendance at Advisory Board meetings at which these issues have been discussed—between 60 and 80 people—has reflected residents' high level of concern. Holding these meetings in Silver City would not only allow for maximum participation, but would also save residents from having to making a 180 mile round trip to Yerington. A number of residents also expressed their willingness to help defray costs or do anything necessary to expedite holding these meetings in Silver City.

Does the Advisory Board want this item brought before the Board of Commissioners?

Yes___

No X

What, if any, recommendation does the Advisory Board have

None beyond the recommendations listed above.

Mail to: Lyon County Managers Office, 27 S. Main Street, Yerington, NV 89447

Email to: mwilliss@lyon-county.org

October 4, 2013

Lyon County Planning Commissioners
27 South Main Street
Yerington, Nevada, 89447

Re: Comstock Mining Inc. Application for Reversion to Acreage (PLZ-13-0044)

Dear Commissioners:

Attached, please find a petition from the residents of Silver City and adjacent areas, directed to yourselves and the Lyon County Commissioners. The purpose of the petition is to inform you of the opinions of the signers regarding the above referenced application.

On August 12, 2013 Comstock Mining Inc., submitted the above application and a master plan and zoning change application to the Lyon County Planning Department. Copies were also provided to the Silver City Advisory Board. The applications were placed on the agenda for the September 3, 2013 town meeting. Copies of the applications were obtained and reviewed by residents of Silver City during the week of August 18, 2013.

From August 31st to September 3rd, the residents of Silver City signed the attached petition. The petition currently contains 104 signatures. As a point of reference, according to the Lyon County website, Silver City has a total of 146 registered voters. As one of the residents who walked the town, informing citizens of the applications for both the reversion to acreage and the master plan and zoning change, I can state that the people I spoke to were eager to sign and thus communicate their feelings to you.

The signers presented the petition to the Silver City Advisory Board at the town meeting of September 3, 2013, requesting that the Board convey this petition to the Planning and County Commissioners.

As Comstock Mining was not prepared to share their plans with the approximately 80 attendees at the town meeting, both applications were agendaized for the October 1st Silver City Town Advisory Board meeting. Once again, the Silver City Community Center was packed with attendees, anxious to hear from Comstock Mining what their intentions are for the Dayton Consolidated. For the residents who live less than 250 feet away from the area that is to be reverted, this was an important chance to communicate to Mr. DeGasperi, CEO of Comstock Mining, that his plans could result in making their residences unlivable. Unfortunately Comstock Mining's total presentation was less than five minutes in duration and provided no information regarding the plans for the reverted acreage.

The Silver City Town Board then voted to reaffirm the town's recommendation to the Planning Commission and the County Commissioners i.e., that this application for a reversion to acreage at the Dayton Consolidated is a detriment to the quality of life, health and the historic integrity of Silver City.

As you deliberate, please keep in mind that the Reversion to Acreage application is designed to pave the way for mining within Silver City Town limits. I am requesting on behalf of the signers of the petition that you deny Comstock Mining's application.

Alternatively, please consider a continuance of this application until after the decision has been made on the master plan and zoning change. There is so much at stake for all of us who live in Silver City. Surely there is no harm to Comstock Mining if this decision is delayed until after the master plan and zoning change has been decided.

Sincerely,



Gayle Sherman
100 Grant Street
Silver City, Nevada 89428

9-9-13

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	CASHION CALLAWAY	500 HIGH STREET SILVER CITY, NV 89428	<i>Cashion Callaway</i>	8.31.13
2	Michelle Busk	245 4th St. Silver City NV 89428	<i>Michelle Busk</i>	8/31/13
3	William Rosevear	145 High St. Silver City NV 89428	<i>William Rosevear</i>	9/3/13
4	SHEREE ROSEVEAR	145 High St Silver City NV 89428	<i>Sherree Rosevear</i>	8/31/13
5	Allen McCabe	320 First St Silver City, NV 89428	<i>Allen McCabe</i>	8/31/13
6	SUSAN MCCABE	320 first St Silver City, NV 89428	<i>Susan McCabe</i>	8/31/13
7	Wayne Bachand	420 High St Silver City, NV 89428	<i>Wayne Bachand</i>	8-31-13
8	Catherine Bachand	420 High St. Silver City, NV 89428	<i>Catherine Bachand</i>	8-31-13
9	MOLLY AUANDER	750 HIGH ST " " " "	<i>Molly Auander</i>	8/31/13
10	Allison Wandman	1150 Main St, Silver City NV 89428	<i>Allison Wandman</i>	8/31/13
11	Alan Jackson	1150 Main " " " "	<i>Alan Jackson</i>	8-31-13
12	Tom Byron	4th HIGH ST. SILVER CITY 89428	<i>Tom Byron</i>	9/1/13
13	Lila Lindsay	850 High St. Silver City, NV 89428	<i>Lila Lindsay</i>	9/1/13
14	Linda Hicks	1300 HIGH ST Silver City, NV	<i>Linda Hicks</i>	9-1-13
15	Todd Hicks	" " " "	<i>Todd Hicks</i>	9-1-13
16	RENATE VICTOR	230 Second Street, Silver City, NV	<i>Renate Victor</i>	9.1.13
17	Rachel Berry	265 4th St Silver City NV	<i>Rachel Berry</i>	9.1.13
18	Ron Victor	230 2nd St Silver City	<i>Ron Victor</i>	9-1-13
19	Dougane Hanesco	550 Buckeye St. Silver City, NV	<i>Dougane Hanesco</i>	7-2-13
20	Dorothy Nickerson	550 Buckeye St. Silver City, NV	<i>Dorothy Nickerson</i>	9-2-13
21	Joan N. Shea	*2 PRADERE RD. DAYTON	<i>Joan N. Shea</i>	7-2-13

24
26
50 67


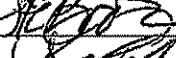

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Ken Keamer	345 4th St Silver City NV		9/2/13
2	STEVE BROWN	1530 DAYTON TOL ROAD SC		9-10-13
3	Fred Swanson	450 1st St. Silver City, NV		9-4-13
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Kirk Gomez	480 High St. Silver City	[Signature]	8-29-13
2	Terri Gomez	480 High St. Silver City	[Signature]	8-29-13
3	ROBERT EUSTON	500 High St. SILVER CITY	[Signature]	8/29/13
4	Alex Mendenhall	50 Croner St Silver City	[Signature]	8/29/13
5	Mary MacDonnell	50 Croner St. Silver City	[Signature]	8/31/13
6	Carmen Erisman	50 Croner St Silver City	[Signature]	8/31/13
7	RON RENO	375 CRONER, SILVER CITY	[Signature]	8/31/13
8	Mona Reno	375 Croner, Silver City	[Signature]	9-1-13
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	BONNIE BROWN	1530 DAYTON TOLL RD. - SILVER CITY	Bonnie Brown	8-31-13
2	CHRIS BROWN	" " "	Chris Brown	"
3	LORRAINE RICHMOND	27 THE GOLDEN RD. SILVER CITY	Lorraine Richmond	8/31/13
4	LORRAINE RICHMOND	" " "	Lorraine Richmond	"
5	Gail Bradley	387 Buckeye St Silver City	Gail Bradley	8-31-13
6	Robert Royce Bradley	387 Buckeye St, Silver City	Robert Royce Bradley	8/31/13
7	Karen West	575 Buckeye St, Silver City	Karen West	8/31/13
8	Kip Allender	200 Grant St, Silver City NV	Kip Allender	8/31/13
9	CLED ROSS	275 MAIN - SILVER CITY, NV	Cled Ross	8-31-13
10	MARGARET COBBY	1000 MAIN ST., SILVER CITY, NV	Margaret Cobby	8/31/13
11	Emily Cobby	1000 MAIN ST. SILVER CITY	Emily Cobby	8/31/13
12	Bruce Brown	1560 Dayton Toll Rd. Silver City	Bruce Brown	9/1/13
13	Kelly Kotik	305 Main St #2, Silver City	Kelly Kotik	9/2/13
14				
15				
16				
17				
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Carol Brown	900 SR 341, Silver City, NV	Carol Brown	8-31-13
2	DOUG BROWN	11, 11, 11	DOUG BROWN	8-31-13
3	Stephen Crawford	1045 Highway 341 Silver City, NV	Stephen Crawford	8-31-13
4	LOUISE CRAWFORD	1045 Highway 341 Silver City, NV	Louise Crawford	8-31-13
5	Deborah McKones	1465 DAYTON TOLL RD NV	Deborah McKones	8-31-13
6	HERNAN H MESSNES	1465 Dayton Toll Rd NV	Hernan H Messnes	8-31-13
7	Carol Godwin	1410 Dayton Toll Rd Silver City NV 89428	Carol Godwin	8/31/13
8	Judie Wysocki	1000 Hwy 341 Silver City NV 89428	Judie Wysocki	8/31/13
9	Kris Coston	1275 Bonham Trl Silver City NV 89428	Kris Coston	8/31/13
10	Laura Coston	1275 Bonham Trl Silver City NV 89428	Laura Coston	8/31/13
11	Joe McCarthy	1200 Highway 341 Silver City NV 89428	Joe McCarthy	8-31-13
12	Ann McCarthy	1200 Highway 341 Silver City NV 89428	Ann McCarthy	8-31-13
13	Diane Kotik	1500 Dayton Toll Silver City NV 89428	Diane Kotik	8-31-13
14	Larry Kotik	1500 Dayton Toll Silver City NV 89428	Larry Kotik	8-31-13
15	Chad Olson	386 Hwy 341 Silver City, NV 89428	Chad Olson	9-1-13
16	JUDI OLSON	386 Hwy 341 Silver City NV 89428	Judi Olson	9-1-13
17	WILLIAM GODWIN	1410 DAYTON TOLL RD SILVER CITY NV 89428	William Godwin	9-2-13
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Shari Fletcher	180 2nd St	Shari Fletcher	8/31/13
2	645 S ZORREY	205 GAY ST	Shari Fletcher	8/31/13
3	LISA COOKE	150 GAY ST	Lisa Cooke	8-31-13
4	Patricia Allander	30 Third St	Patricia Allander	8/31/13
5	Jehorah Hoehel	425 Main St Silver City, NV 89428	Jehorah Hoehel	8/31/13
6	JAMES BRANSTETTER	575 GAY ST SILVER CITY NV 89428	James Branstetter	8/31/13
7	DON WOBLES	#3 PEDLAR, SILVER CITY NV 89428	Don Wobles	8/31/13
8	DARLENE COOPER	1000 MAIN ST SILVER CITY NV 89428	Darlene Cooper	8/31/13
9	John Colby	1000 Main St. Silver City NV 89428	John Colby	8/31/13
10	Gayle Sherman	100 Grant St Silver City NV	Gayle Sherman	8/31/13
11	Donald Swanwick	#3 Pedlar Rd Silver City, Nev.	Donald Swanwick	8/31/13
12	SUSAN STORME	680 American Flat Rd Silver City NV	Susan Storme	8-31-13
13	Thomas Ross	250 Main St S.C.	Thomas Ross	8-31-13
14	Lucian Shields	107 Grant St	Lucian Shields	8-31-13
15	ROBERT SHIELDS	107 GRANT ST SC	Robert Shields	8-31-13
16	Janet Hess Ross	30 VIVIAN ST - SC	Janet Hess Ross	8/31/13
17	DANIEL ROSE	" " " "	Daniel Rose	8/31/13
19	Margaret Burns	480 Buckeye St. Silver City, NV	Margaret Burns	8/1/13
20	SANDRA BUNKER	351 GAY ST SILVER CITY	Sandra Bunker	9/1/13
21	Gabriel Susan	30 Third St SC NV 89428	Gabriel Susan	9/1/13

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Suzanne M. Cassidy	50 Main St. Silver City, NV 89428	Suzanne M. Cassidy	08/31/13
2	Cameron Cassidy	50 main St. Silver City, NV 89428	Cameron Cassidy	08/31/13
3	Kyle Baker	305 #2 Main Street Silver City, NV 89428	Kyle Baker	08/31/13
4	ALISHA GILIN	272 MAIN ST SILVER CITY NV 89428	Alisha Gilin	08/31/13
5	Patty Marshall	20 main St Silver City, NV 89428	Patty Marshall	8/31/13
6	Kris Anderton	55 Main St. Dayton, NV 89403	Kris Anderton	8/31/13
7	PROSPER E. TICHA	70 MAIN ST SILVER CITY, NV	Prospere Ticha	8/31/13
8	Cynthia Eliseo	50 Vivian St. Silver City, NV 89428	Cynthia Eliseo	8.31.13
9	BEAU GUTHRIE	160 GRANT ST. SILVER CITY 89428	Beau Guthrie	9/1/13
10	Peter Rose	1 Rose's Rd Silver City, NV	Peter Rose	9/1/13
11	Niki de Leon	1 Rose's Rd. SILVER CITY, NV	Niki de Leon	9/1/13
12	D. Patrick	40 main St Silver City	D. Patrick	9/1/13
13	Ther McCarroll	142 High St, Silver City, NV 89428	Ther McCarroll	9/1/13
14	Natalie Isaac	142 High St Silver City, NV 89428	Natalie Isaac	9/1/13
15	Karen Krejeski	490 Vivian Silver City, NV 89428	Karen Krejeski	9/1/13
16	Daniel Hammer	305 #1 main St Silver City, NV 89428	Daniel Hammer	9/1/13
17	SCOTT MOUNT	490 VIVIAN ST SILVER CITY NV 89428	Scott Mount	9/2/13
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Cathy Wahrenbrock	75 Gay St, Silver City, NV	Cathy Wahrenbrock	8/24/13
2	Mariah Mena	75 Gay St, Silver City, NV	Mariah Mena	8-30-13
3	Ken Ferguson	5109 Azalea Dr Grant Pass OR	Ken Ferguson	8-31-13
4	Shelly Klepper	220 Holiday Ln. Talent Oregon	Shelly Klepper	8/31/13
5				
6	note: these signers do not live in Silver City			
7	and were not counted as a part of the			
8	104 signers			
9	JWS			
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

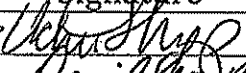
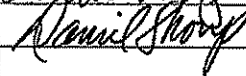
Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents contributed to and actively participated in the development of the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the character of Silver City,

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change.

We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Vickie Shoup	1450 Dayton Toll Rd. Silver City NV 89428		9/4/13
2	DAN SHOUP	1450 DAYTON TOLL RD SILVER CITY NV 89428		9/4/13
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

November. 11, 2013

To the Lyon County Planning Commission:

I am submitting the following for your examination and consideration with respect to Items 5 and 6 on the Planning Commission meeting agenda for November 12, 2013. These agenda items include a request for a Master Plan Amendment and Zone Change for property owned by Comstock Mining, Inc. within and adjacent to Silver City.

The following is based on research conducted by Erich Obermayr at the Nevada State Library and Archives and University of Nevada Special Collection between October 28 and November 8, 2013. This research addressed the oft-repeated statement from the above application that:

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940s and 1960s, while some form of active exploration and development activity has continued from the 1970s through today.

The conclusion from the above mentioned research is that the last significant "active mining and development" at the Dayton property occurred in the late 1940s and ended by 1950. This is based on an examination of reports by the State of Nevada documenting mining and milling operations in the state. These reports include *Nevada Mines, Mills, and Smelters* and *Report of the State Inspector of Mines*, both compiled by the State Inspector of Mines (prior to 1972); and *Nevada Industrial Commission Directory of Active Mining Operations by Counties* and *State of Nevada Department of Industrial Relations Directory of Nevada Mine Operations Active During [the] Calendar Year (1973-2007)*. Reports from the years 1973, 1995, 1996, and 1998 were not available.

The original Dayton Mine was one of the first in the Silver City area, with substantial production from 1870 to 1875. The mine was then idle from 1880 until it was reopened in the 1930s. The Dayton Mill was built in 1934, and the Dayton Consolidated Mines Company processed ore from their numerous properties in the area as well as the Dayton Mine. The Dayton Mine was closed by war regulations in 1942. The Dayton Consolidated Mines Company then resumed operations in 1948 (*Mineral Resources of Storey and Lyon Counties, Nevada*. University of Nevada Bulletin, Geology and Mining Series No. 49. March 1950).

The 1949 *Nevada Mines, Mills, and Smelters* (p 10) lists the Dayton Consolidated Mine Company as operating a flotation and cyanide mill in Lyon County, and conducting underground mining at the Keystone Mine in Storey County (p 13). The report does not specifically mention activity at the Dayton Mine, however the mill is listed as "producing." The combined 1949-50 *Mines, Mills, and Smelters in Operation* repeats the same information. A November 1950 draft Dayton Consolidated Mines Company letter to stockholders (UNR Special Collections 88-47/3) and a general production report from the Dayton Mill from December 1948 (UNR Special Collections 88-47/3) indicate there was production during this time from the Dayton property. The

production report lists tonnage from the Dayton Cut, the "Wedge" (noted as "Dayton Surface"), as well as the Oest Mine (located south of the Dayton property but controlled by the company [See Comstock Notes, a Dayton Consolidated Mines Company prospectus, UNR Special Collections TN 433 N3 D3]). The stockholders letter recounts activity from 1948 through 1950, which included the blocking out and development of ore bodies at depth in company properties. It does not specify whether this refers to the Dayton Mine or the Keystone Mine in Storey County. The letter concludes with the point that the company has exhausted its working capital and without additional financing current bondholders will take over the property. It is not known whether this effort was successful.

The 1951-52 *Report of the State Inspector of Mines* has no activity listed for the Dayton Consolidated Mines Company. Subsequent reports, as referred to above, covering the period from 1952 to 2007, make no mention of mining or milling on the Dayton property. The statement in the application that "active mining and development" occurred on the Dayton property in the 1960s is not supported by the state reports as, again, there is no mention of mining activity on the property during that time.

It should be noted that the reports referenced above may not include mines operated solely by the owner or leasee, without any additional employees. It is possible that individual owners may have mined somewhere on the property at some time during the last sixty-plus years. There was also apparently exploratory drilling on the Dayton property in conjunction with the Nevex Mining Co. project in 1986, as well as the more recent Comstock Mining Inc. exploratory drilling in 2011 and 2012.

The very general statements about the property's use in the application are not necessarily inaccurate. However, since they lack any supporting documentation, it is impossible to assess their veracity. For example, the reference to "active mining" during the 1960s is contradicted by the state agency reports. And while the owners themselves may have occasionally undertaken small scale mining activity on the property, this is impossible to confirm without documentation.

The statements are not accurate in their implication that mining activity has been more or less continuous since the 1940s. It would be more correct to say there has been no verified mining activity, aside from two exploration projects and possibly other sporadic, abbreviated efforts, since productive mining on the property ceased in 1950.

Thankyou for your consideration.

Erich Obermayr
Box 249
Silver City, NV 89428
eober@historicsight.com

November 7, 2013

To the Lyon County Planning Commission

I am Allison Woodman and I live on Main Street in Silver City NV, USA. I sought out to live in a small, quiet, rural community and found, then purchased my historical home using our life savings. It is the biggest investment we have made in our lives and was our dream to own our home. Alan and I have poured all we had and so much work into the property to make it more comfortable and increase the value of our investment. Alan did much of the very hard work himself and I will never forget him saying, "I don't care if I have to dig it out with a spoon; it's ours." We have raised our Granddaughter in the home. It's her home, the only home she has ever known. All of our hand prints are in the repaired foundation. The bottom dropped out of the housing market and times got hard but we've tenaciously hung on. The value to us, having our own home and living in and being part of the Community in Silver City is about so much more than money.

We and many of our neighbors live directly across the road from where Comstock Mining proposes to open pit mine. The impact on all of us of open pit mining in our community and so close to our homes would be devastating. For my family, the value in our investment we have worked so hard for would be a total loss. We would be financially ruined. At 58 and 52 years old, Alan and I cannot just start over somewhere else. We would not be able to remain in a home where our child would be breathing in dirt from a superfund site on a daily basis and we would not be able to sell it. We would have to disrupt our lives, pull our child out of her school in Dayton and walk away from our home and our dream. We don't have the time left or resources to recover from such a loss. This is not an outcome that is out of anyone's control. We have invested within a historically protected, residential community. We have all been contributing citizens of Lyon County before Comstock Mining became. We are asking the Commission to maintain the residential zoning for our community and protect our rights and the integrity of the historical town and landscape.

In 2010 Comstock Mining came to our little town meeting and announced how much acreage they had newly acquired, how much money their out of town investors had, and of their intent to open pit mine within our community. I was alarmed and dismayed when Comstock Mining began moving bulldozing dirt around on the hill across the street. I was assured that testing on the soil would be made. I still have not received the information regarding the results of those tests over 3 years later, although I have asked repeatedly. The last I saw were men in hazmat suits on that hillside. Our quality of life and possibly our health has been negatively impacted by the drilling activity. Several months into the pushing around dirt to make roads and drilling pads, with the disturbed soil blowing down upon us, I developed a swollen lymph node in my neck that cannot be explained after multiple tests and much expense and my child had and sometimes still has a chronic cough. I am angry and afraid.


I am more than just saddened and dismayed by the open pit mine just outside the gates of our town. The activity has had a negative impact on us from the dirt, the noise, the ruining of a newly paved road, the presence of industrial traffic, and most of all the ruined landscape replaced by a growing gaping hole. The area they have destroyed is about the size of our town. I cannot imagine having that within

our town and living directly across from another growing, gapping, hole and constant noise, blastings, lights, industrial traffic, and especially so much dirt blowing onto and into us.

Lyon County can find a way to develop sustainable economy without the gamble of open pit mining within the small historical and residential community of Silver City.

Mining can be a good and productive part of Nevada economy but it should not be, should never be within very close proximity to any community.

Sincerely,

A handwritten signature in black ink, appearing to read "Allison Woodman". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Allison Woodman



LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET
YERINGTON, NEVADA 89447
(775) 463-6592 (775) 463-5305 FAX

ROBERT G. LOVEBERG
PLANNING DIRECTOR

NOTICE OF APPLICATION AND PUBLIC HEARING

PLZ-13-0051 Zone Change
Meeting Date: November 12, 2013
Applicant: Comstock Mining, Inc.
Property Owner: Same
Area Location: Silver City
Parcel Number: (APN's) 08-091-05 & 08-091-02
Existing Zoning: NR-1 (Non-Rural Residential-6,000 sq. ft. minimum)
Proposed Zoning: RR-3 (Rural Residential-5 acre minimum) and RR-5 (Rural Residential - 20 acre minimum)
Existing Master Plan: Suburban Residential
Request: To change the Zoning Designation from NR-1 (Non-Rural Residential - 6,000 sq. ft. minimum) to RR-3 (Rural Residential-5 acre minimum) on 54.86 acres and RR-5 (Rural Residential - 20 acre minimum) on 32.34 acres
Location: Off of Highway 341, Silver City, NV

Dear Affected Property Owner:

An application for the above referenced project is on file at the Lyon County Planning Department offices at 27 South Main Street, Yerington, NV. This file may be reviewed at this location during regular office hours (8:00 a.m. to 5:00 p.m.), Monday through Friday, except legal holidays, or upon request, a copy can be delivered via electronic mail. To request a copy of the supporting materials for this agenda item please contact Kerry Page at kpage@lyon-county.org or by calling 775-463-6592.

Planning Commission Hearing:

Date: Tuesday, November 12, 2013 (*this matter may be continued to another meeting date without additional notice*)
Time: 9:00 a.m.
Location: Board of Commissioners Chambers
 27 South Main Street, Yerington, Nevada

Interested persons may appear at the meeting to present oral comments to the Planning Commission. Written comments may be submitted by mail to Lyon County Planning Department, 27 South Main Street, Yerington, NV 89447, by fax to (775) 463-6596, or send an e-mail to: planning@lyon-county.org. Written comments must be received before the date of the meeting to be considered by the Planning Commission. For further information, please contact the Lyon County Planning Department at (775) 463-6592.

Comments (additional comments may be provided separately):

FRANK PEDLAR

SEE OTHER SHEETS.

My name is Frank Pedlar.

My family moved to Silver City in the early 1930's to mine.

My wife, daughter and I currently live in Silver City.

We have 5 houses and 57 acres. My daughter's house ajoin the Dayton Consolidated on Dayton Toll Road. My property joins the mine further North. We are not just close to the mine, but own some of the same property as the mine. A portion of nine town lots that we own, overlay the Dayton Consolidated patents.

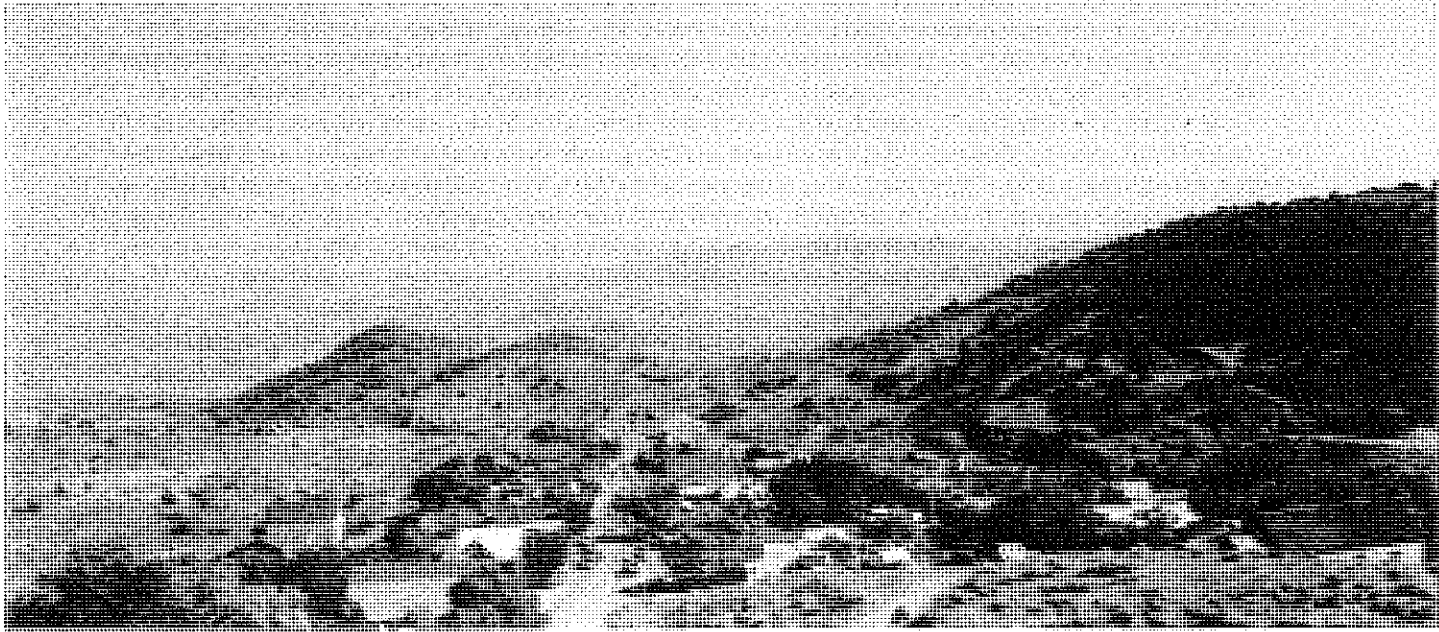
It appears we are dealing more with amotion and fear rather than facts. A lot of the roomers going around are unjustified and designed to scare. An example of this is the picture of the North side of Grizzly Hill with a large open pit. There is no pit here and this property does not belong to the mine, but myself. (See picture by the Comstock Residence Association)

The town of Silver City is patent #433. The rights of the residents and the mine are clear. The patent was put into effect by the president of the United States [Ulysses S. Grant]. Remember there are 9 (nine) patented lode mining claims [MS# 44, 45, 46, 56, 63, 66, 75, 77, 96.] that were issued with no mineral reservations and no U. S. reservations. Where as the Silver City townsite patent was issued with mineral reservations and U. S. reservations to protect the inhabitance.

Comstock Mining has and is restoring several Historic buildings that were about to fall down.

I have no problem with this change to the master plan.

Thank you.



This is what we have now



This is what we'll have if CMI mines here

Mining in Silver City

Comstock Mining has submitted a master plan and zoning change to Lyon County, which if approved, would open the way for mining operations within the Silver City town limits. The application covers more than 55 acres surrounding the Dayton Consolidated mill site, literally across the highway from residents in the southern portion of Silver City. Imagine the current Comstock Mining operation north of Devil's Gate transplanted to the Dayton Consolidated mill site. If you are troubled by the damage done to the historic viewshed along Highway 342 in Gold Hill, and dismayed by the noise, blasting and dust we already experience in Silver City, think what life will be like with mining in Silver City's "front yard." Unless we take action, Silver City residents will be wedged between a northern and a southern mining project with dust and noise from blasting and haul trucks times two. It is easy to understand the devastating effects mining in Silver City would have on our quality of life, health, environment and property values, not to mention the historic landscape of the Virginia City National Historic Landmark.

The coming months will be a critical period in the history of Silver City. We will either remain a quiet, residential community or our town will be transformed into an industrial site. The good news is that Lyon County decision-makers have supported Silver City residents under similar circumstances in the past. In 1986, Nevex Mining proposed master plan and zoning changes in an attempt to pit mine the very same location. Because everyday folks like you worked hard, spoke up and showed up at meetings, the Lyon County Commissioners denied the mining company's request. However, that was 27 years ago. This time it will take an even higher level of commitment and action on the part of all of us in the Silver City community who care about preserving our quality of life.

What You Can Do

On September 3, 2013, the Silver City Advisory Board has the master plan and zoning change for the Dayton Consolidated on the agenda. The meeting is at 7PM at the Silver City Schoolhouse. Your attendance at this meeting is extremely important for providing input to the members of the Town Board.

On September 10, 2013, the Lyon County Planning Commissioners will hear a request from Comstock Mining to consolidate acreage at the Dayton Consolidated Mill Site to pave the way for their upcoming master plan/zoning change. The meeting will be held in Yerington, Nevada at 27 S. Main Street and will begin at 6am. It is important that residents of our community concerned about mining in Silver City attend this meeting and clearly communicate their opinions regarding this issue.

In November of 2013, the Lyon County Planning Commissioners will hear Comstock Mining's master plan and zoning change request. Residents of Silver City have begun work on a presentation to inform, educate and present a counter point-of-view to the members of the Planning Commission. In December of 2013, the Lyon County Commissioners will consider the Planning Commissioners' recommendation on the master plan and zoning change and their decision will be final. The dates of these important meetings will be made available once they are scheduled. Your attendance at both of these meetings will be critical.

The Lyon County Commissioners need to hear from you regarding mining in Silver City. Here are their addresses, phone numbers and e-mail. Please contact them and tell them how mining in Silver City would affect your quality of life.

Bob Hastings POB 686 Dayton, NV 89403 775-246-4350 bhastings@lyon-county.org	Vida Keller POB 201 Silver Springs, NV 89402 775-5773200 vkeller@lyon-county.org	Ray Fierro 409 Keystone Drive Dayton, NV 89403 775-246-0930 rfierro@lyon-county.org
Virgil Arellano 38 Nadel Lane Yerington, NV 89444 775-246-0930 varellano@lyon-county.org	Joe Mortensen 680 Miller Lane Fernley, NV 89408 775-575-4778 jmortensen@lyon-county.org	

If you need a ride to the meeting on September 10, 2013, would like to make a donation or volunteer to support our community, or if you need more information, please call Gayle Sherman at 847-0651.

T: 775-246-0232

FROM THE DESK OF
STEVEN SAYLOR

F: 775-246-0266

November 11, 2013
LYON COUNTY
PLANNING COMMISSION
27 South Main Street
Yerington, NV 89447

RE: Special Use Permit / Comstock Mining

Dear Planning Commissioners,

We are writing in regards to the Special Use Application being considered for Comstock Mining

It is our understanding that the zoning for mining in the proposed area is not inconsistent with their application. Further it gives property owners their inherent right to the highest and best use of their property.

I have taken advantage of their offer to have the public come and tour their mining site and processing center in Storey County. I have found they have gone above and beyond the existing requirements and regulations currently in place for the BLM, NDER, NDOT, and MSHA.


We have also attended several of their public awareness meetings for the public in Dayton and have found them very forth coming with their plans and intentions. The public record shows that what they say they are doing and have done is supported in documentation and their actions.

They are also actively restoring and preserving the historic structures in our area. They are also offering funding for our local historic preservation efforts and others.

In closing, the economic impact in our county will be enhanced through jobs creating payroll and taxes to the county.

Thank you all for your time and consideration.

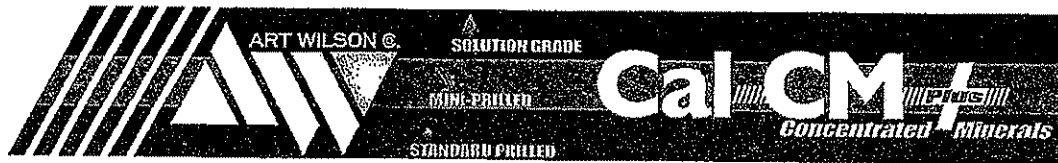
Sincerely yours,


Steven & Johnye Saylor

400 MAIN STREET DAYTON NV 89403

JA2378

14 CV 00128 - 002273
LYON COUNTY



#5 + #6

November 8, 2013

Lyon County Planning Commission
27 South Main Street
Yerington, Nevada 89447
Via: *planning@lyon-county.org*

Re: Comstock Mining Inc.

Dear Commissioners:

I am writing as a former long-time resident of Silver City and current property owner in Silver City, as well as a Lyon County business owner and former owner of the Dayton Consolidated Mine, in order to show my support of Comstock Mining Inc. and what they are proposing for the Master Plan.

I strongly urge the Commission to support the Master Plan amendment and Zone Change application filed by Comstock Mining Inc. in order to properly align the zoning of the parcels submitted before you so that planning will be consistent with the area and with the property's former use.

Respectfully submitted,

Art Wilson
President

ART WILSON CO.
Art Wilson, President
P.O. Box 20160 ~ Carson City, Nevada, 89721 ~ Ph. (775) 882-0700, ext. 105 ~ Fax (775) 882-0790



Kerry Page< kpage@lyon-county.org>

Affected Property Owner

1 message

SJolcover@aol.com< SJolcover@aol.com>

Mon, Nov 11, 2013 at 3:23 PM

To: planning@lyon-county.org

Cc: jpage@lyon-county.org

Our Property, Donovan Mill, LLC APN's 08-091-05 and 08-091-02, is directly across SR 342 from the North End of the applicants property. This area has been stagnant of business or resource development for over 30 years that I know of. As land and building owners directly affected by this application I can not emphasize enough our support of the applicants legal right to be heard on this application, and our support of the Lyon County Planning Commissioners voting in favor of both the Master Plan Amendment and the Zone Change so the applicant may attempt to determine the highest and best use of their land within their legal property rights. There is nothing in the approval of the applicants wishes that creates a condition of negatively impacting health, safety and welfare of the land owners in the area.

kind regards,

Scott Jolcover and Paul Thompson,
Managing Members,
Donovan Mill LLC



Kerry Page <kpage@lyon-county.org>

Correction !!!Re: Lyon County Planning Commission to hear CMI Application

1 message

Gayle Sherman <gales@gbis.com>

Mon, Dec 2, 2013 at 4:53 PM

To: Gayle Sherman <gales@gbis.com>, Alexis Dillon <alexisd@gbis.com>, Allander Patricia <locapa@sbcglobal.net>, Allison Woodman <awoodman@nnamhs.state.nv.us>, Barbara Peck <bpecknv@yahoo.com>, Beau Guthrie <beau89428@gmail.com>, Cal Dillon <cdillon@gbis.com>, CAROL BROWN <carolbrown4@msn.com>, Cashion Callaway <callawaycashion@gmail.com>, Cathy Mena <catcmena@yahoo.com>, Chad Olson <amotostuff@gmail.com>, Cynthia Etchegoin <CCETCHEGOIN@nvdetr.org>, Darlene Cobbey <dcobbey@gmail.com>, Erich Obermayr <historicinsight@gbis.com>, Joe & Ann McCarthy <1200paydirt@gmail.com>, John Cobbey <jcobbey@gbis.com>, Ken Kramer <econevada@earthlink.net>, Kris and Laura Coston <LC@treenv.com>, Linda&Tod Hicks <constockgrizz@gmail.com>, Meg Burns <megburns1@gmail.com>, mreno <mreno@gbis.com>, nvdajack@gmail.com, Quest Lakes <Quest@theodata.com>, Renatevictor <renatevictor@aol.com>, Robert Elston <rgelston@gmail.com>, Sosa Gabe Sosa <captsoa@aol.com>, theo@theodata.com, Thomas Honesco <honescoweddings@gmail.com>, Will and Sheree Rose <willroseroadshow@juno.com>, Ann Price McCarthy <annpricemccarthy@gmail.com>, Lila Lindsey <llindsey@summite.com>, Dan and Vickie Shoup <cageoman@aol.com>, Steve and Lousie Crawford <interspell@aol.com>, David Toll <david@nevadaweb.com>, Lorraine Richmond <lorrainerichmond@mac.com>, Harold and Carol Parrish <hdparrish@gmail.com>, David Moore <demoore123@gmail.com>, Allen and Susan McCabe <twotrowels@gmail.com>, Jean LeGassick <legassick@mac.com>, Comstock Residents Board <board@comstockresidents.org>, Bonnie Brown <bbrown@gbis.com>, Prosper <pintademarron@gmail.com>, Royce Bradley <bradleyinvc@sbcglobal.net>, "D. Hoshell" <hoselld@yahoo.com>, Pam Abercrombie <pamabercrombie22@gmail.com>, Mary Works Covington <marymacw@earthlink.net>, Mary McDonald <beautifulfood777@hotmail.com>, Diane Kotik <dikotik5@aol.com>, Dan Rose <Dan.Rose@att.net>, Canyon Cassidy <Webmaster@nevadacassidys.com>, Carol and Will Godwin <godwinsilvercity@aol.com>, Ron Reno <rlreno@gbis.com>, Lori Carpenter <nvlori@gmail.com>, Sue Shields <sb65buick@gmail.com>, Katherine Bachand <nvkath@aol.com>, Wayne Bachand <wbachand@sbcglobal.net>, Pooja <swpooja@yahoo.com>, Kathryn Ataman <kathryn_ataman@blm.com>, Chris Brown <cbrown@gbis.com>, Steve Funk <sfunk@probisreno.com>, John Marshall <johnmarshall@charter.net>, Hugo and Deborah Mesones <deborahhugo@hughes.net>, Judi Olsen <judi@amotostuff.com>, Randy Pease <rpease@probisreno.com>, Larry Wahrenbrock <nevadabead@aol.com>, Janet Rose <roserosejanet@aol.com>, Scott Mount <scottmount@sbcglobal.net>, Karen Kreyeski <kkreyeski@aol.com>, Kip Allander <kipallandar@gmail.com>

Cc: Kerry Page <kpage@lyon-county.org>

The date for the Planning Commission hearing is **Tuesday, December 10, 2013**. Sorry, my gray hair is showing.

Gayle

----- Original Message -----

From: Gayle Sherman

To: Alexis Dillon ; 'Allander Patricia' ; 'Allison Woodman' ; Barbara Peck ; Beau Guthrie ; Cal Dillon ; CAROL BROWN ; Cashion Callaway ; Cathy Mena ; Chad Olson ; Cynthia Etchegoin ; Darlene Cobbey ; Erich Obermayr ; Joe & Ann McCarthy ; John Cobbey ; 'Ken Kramer' ; Kris and Laura Coston ; 'Linda&Tod Hicks' ; Meg Burns ; mreno ; nvdajack@gmail.com ; Quest Lakes ; Renatevictor ; Robert Elston ; 'Sosa Gabe Sosa' ; theo@theodata.com ; Thomas Honesco ; 'Will and Sheree Rose' ; Ann Price McCarthy ; Lila Lindsey ; Dan and Vickie Shoup ; Steve and Lousie Crawford ; David Toll ; Lorraine Richmond ; Harold and Carol Parrish ; David Moore ; Allen and Susan McCabe ; Jean LeGassick ; Comstock Residents Board ; Bonnie Brown ; Prosper ; Royce Bradley ; D. Hoshell ; Pam Abercrombie ; Mary Works Covington ; Mary McDonald ; Diane Kotik ; Dan Rose ; Canyon Cassidy ; Carol and Will Godwin ; Ron Reno ; Lori Carpenter ; Sue Shields ; Katherine Bachand ; Wayne Bachand ; Pooja ; Kathryn Ataman ; Chris Brown ; Steve Funk ; John Marshall ; Hugo and Deborah Mesones ; Judi Olsen ; Randy Pease ; Gayle Sherman ; Larry Wahrenbrock ; Janet Rose ; Scott Mount ; Karen Kreyeski ; Kip Allander

Cc: Kerry Page

Sent: Monday, December 02, 2013 4:33 PM

Subject: Lyon County Planning Commission to hear CMI Application

JA2381

14 CV 00128 - 002276

On Tuesday, December 12, 2013 at 9:05 AM, the Lyon County Planning Commission will hear Comstock Mining Inc.'s application for Master Plan and Zoning changes on 89 acres in and around the Dayton Consolidated at the south end of Silver City. The hearing will be held in the Commissioners Meeting Room of the Lyon County Administrative Complex which is located at 27 South Main Street in Yerington. This item is first on the agenda and has sufficient time allotted to allow CMI to make their presentation and Silver City to make our presentation. John Marshall, our attorney will provide a legal argument for denial of the application. John Singlaub, a planner who is in private practice will present the planning analysis, Dr. Pat Barker will present a historic analysis and Steve Johnson will present a real estate analysis. I have been assured that there will be ample time for public comment from anyone who desires to speak. Please keep in mind that if you choose to speak, you need to be respectful, have comments that pertain to the application and provide comments that are not redundant, i.e. that do not repeat what has already been said.

At the last hearing on November 12th, Comstock Mining requested a continuance because they said that they did not have enough time to respond to the Lyon County Planning Staff report that recommended denial of the CMI applications. Once again, it is crucial for Silver City area residents who don't agree with mining within Silver City town limits to attend this meeting. We need to fill the hearing room. **If you can attend, please do so, because it could make the difference between approval and denial of the applications.** The Planning Commissioners are appointed local residents who represent certain areas of Lyon County and who volunteer their time to make planning recommendations to the Lyon County Commissioners. The Planning Commissioners are interested in knowing how we feel about this application.

If you can't attend, please write a letter or send an e-mail to the Planning Commissioners to let them know how you feel about this application. The address is:

Lyon County Planning Commissioners

ATTN: Kerry Page

Lyon County Planning Assistant

27 South Main Street

Yerington, NV 8944

kpage@lyon-county.org

Need a ride? Please contact Gayle Sherman at 847-0651 or Bonnie Brown at 847-0431. We will be car pooling to Yerington.

JA2382

14 CV 00128 - 002277



Kerry Page <kpage@lyon-county.org>

Lyon County Planning Commission to hear CMI Application

1 message

Gayle Sherman <gales@gbis.com>

Mon, Dec 2, 2013 at 4:33 PM

To: Alexis Dillon <alexisd@gbis.com>, Allander Patricia <locapa@sbcglobal.net>, Allison Woodman <awoodman@nnamhs.state.nv.us>, Barbara Peck <bpecknv@yahoo.com>, Beau Guthrie <beau89428@gmail.com>, Cal Dillon <cdillon@gbis.com>, CAROL BROWN <carolbrown4@msn.com>, Cashion Callaway <callawaycashion@gmail.com>, Cathy Mena <catcmena@yahoo.com>, Chad Olson <amotostuff@gmail.com>, Cynthia Etchegoin <CCETCHEGOIN@nvdetr.org>, Darlene Cobbey <dcobbey@gmail.com>, Erich Obermayr <historicinsight@gbis.com>, Joe & Ann McCarthy <1200paydirt@gmail.com>, John Cobbey <jcobbey@gbis.com>, Ken Kramer <econeveda@earthlink.net>, Kris and Laura Coston <LC@treenv.com>, Linda&Tod Hicks <constockgrizz@gmail.com>, Meg Burns <megburns1@gmail.com>, mreno <mreno@gbis.com>, nvdajack@gmail.com, Quest Lakes <Quest@theodata.com>, Renatevictor <renatevictor@aol.com>, Robert Elston <rgeiston@gmail.com>, Sosa Gabe Sosa <captsoa@aol.com>, theo@theodata.com, Thomas Honesco <honescoweddings@gmail.com>, Will and Sheree Rose <willroseadshow@juno.com>, Ann Price McCarthy <annpricemccarthy@gmail.com>, Lila Lindsey <llindsey@summite.com>, Dan and Vickie Shoup <cageoman@aol.com>, Steve and Lousie Crawford <interspell@aol.com>, David Toll <david@nevadaweb.com>, Lorraine Richmond <lorrainerichmond@mac.com>, Harold and Carol Parrish <hdparrish@gmail.com>, David Moore <dmoore123@gmail.com>, Allen and Susan McCabe <twotrowels@gmail.com>, Jean LeGassick <legassick@mac.com>, Comstock Residents Board <board@comstockresidents.org>, Bonnie Brown <bbrown@gbis.com>, Prosper <pintademarron@gmail.com>, Royce Bradley <bradleyinv@sbcglobal.net>, "D. Hoshell" <hoselld@yahoo.com>, Pam Abercrombie <pamabercrombie22@gmail.com>, Mary Works Covington <marymacw@earthlink.net>, Mary McDonald <beautifulfood777@hotmail.com>, Diane Kotik <dikotik5@aol.com>, Dan Rose <Dan.Rose@att.net>, Canyon Cassidy <Webmaster@nevadacassidys.com>, Carol and Will Godwin <godwinsilvercity@aol.com>, Ron Reno <rlreno@gbis.com>, Lori Carpenter <nvlori@gmail.com>, Sue Shields <sb65buick@gmail.com>, Katherine Bachand <nvkath@aol.com>, Wayne Bachand <wbachand@sbcglobal.net>, Pooja <swpooja@yahoo.com>, Kathryn Ataman <kathryn_ataman@blm.com>, Chris Brown <cbrown@gbis.com>, Steve Funk <sfunk@probisreno.com>, John Marshall <johnmarshall@charter.net>, Hugo and Deborah Mesones <deborahhugo@hughes.net>, Judi Olsen <judi@amotostuff.com>, Randy Pease <rpease@probisreno.com>, Gayle Sherman <gales@gbis.com>, Larry Wahrenbrock <nevadabead@aol.com>, Janet Rose <roserosejanet@aol.com>, Scott Mount <scottmount@sbcglobal.net>, Karen Kreyeski <kkreyeski@aol.com>, Kip Allander <kipallandar@gmail.com>

Cc: Kerry Page <kpage@lyon-county.org>

On Tuesday, December 12, 2013 at 9:05 AM, the Lyon County Planning Commission will hear Comstock Mining Inc.'s application for Master Plan and Zoning changes on 89 acres in and around the Dayton Consolidated at the south end of Silver City. The hearing will be held in the Commissioners Meeting Room of the Lyon County Administrative Complex which is located at 27 South Main Street in Yerington. This item is first on the agenda and has sufficient time allotted to allow CMI to make their presentation and Silver City to make our presentation. John Marshall, our attorney will provide a legal argument for denial of the application. John Singlaub, a planner who is in private practice will present the planning analysis, Dr. Pat Barker will present a historic analysis and Steve Johnson will present a real estate analysis. I have been assured that there will be ample time for public comment from anyone who desires to speak. Please keep in mind that if you choose to speak, you need to be respectful, have comments that pertain to the application and provide comments that are not redundant, i.e. that do not repeat what has already been said.

At the last hearing on November 12th, Comstock Mining requested a continuance because they said that they did not have enough time to respond to the Lyon County Planning Staff report that recommended denial of the CMI applications. Once again, it is crucial for Silver City area residents who don't agree with mining within Silver City town limits to attend this meeting. We need to fill the hearing room. **If you can attend, please do so, because it could make the difference between approval and denial of the applications.** The Planning Commissioners are appointed local residents who represent certain areas of Lyon County and who volunteer their time to make planning recommendations to the Lyon County Commissioners. The Planning Commissioners are interested in knowing how we feel about this application.

JA2383

14 CV 00128 - 002278

If you can't attend, please write a letter or send an e-mail to the Planning Commissioners to let them know how you feel about this application. The address is:

Lyon County Planning Commissioners

ATTN: Kerry Page

Lyon County Planning Assistant

27 South Main Street

Yerington, NV 8944

kpage@lyon-county.org

Need a ride? Please contact Gayle Sherman at 847-0651 or Bonnie Brown at 847-0431. We will be car pooling to Yerington.

JA2384

14 CV 00128 - 002279



Kerry Page <kpage@lyon-county.org>

Comstock Mining Inc

3 messages

Kerry Page <kpage@lyon-county.org>
 To: Mark Rotter <mrotter@manhard.com>

Mon, Dec 2, 2013 at 4:13 PM

Good afternoon Mark,
 Should I expect some additional or updated information for the Comstock Mining MPA & ZON? I am preparing the Planning Commissioners packets but I'm not sure if I should wait a little while, if more material is coming.
 Thanks.

--

*Kerry Page
 Lyon County Planning Assistant
 27 South Main Street
 Yerington, NV 89447
 ph: 775-463-6592
 fax: 775-463-5305*

Mark Rotter <MRotter@manhard.com>
 To: kpage@lyon-county.org

Mon, Dec 2, 2013 at 6:19 PM

Kerry- we won't be providing any additional information other than our presentation. Thanks for the opportunity though. Mark

-----Original Message-----

From: Kerry Page <kpage@lyon-county.org>
 To: Mark Rotter <MRotter@manhard.com>

Sent: 12/2/2013 6:13:55 PM
 Subject: Comstock Mining Inc

Good afternoon Mark,
 Should I expect some additional or updated information for the Comstock Mining MPA & ZON? I am preparing the Planning Commissioners packets but I'm not sure if I should wait a little while, if more material is coming.
 Thanks.

--

*Kerry Page Lyon County Planning Assistant
 27 South Main Street
 Yerington, NV 89447
 ph: 775-463-6592 fax: 775-463-5305 *

Manhard Consulting, Ltd.
 9850 Double R Boulevard

JA2385

14 CV 00128 - 002280

Suite 101
Reno, NV 89521
p: 775.746.3500 f: 775.746.3520

This electronic message and any files or attachments are confidential and may be privileged information. The information is solely for the use of the individual(s) or entity to which it was addressed. If you are not the intended recipient(s), you are hereby notified that distributing, copying, or in any way disclosing any of the information in this e-mail is strictly prohibited. Receipt by anyone other than the named recipient(s) is not a waiver of any work product, or other applicable privilege. If you have received this e-mail in error, please notify sender immediately, and destroy the material in its entirety, whether in electronic or hard copy format. Since data stored on electronic media can deteriorate, be translated or modified, Manhard Consulting Ltd. will not be liable for the completeness, correctness or readability of the electronic data. The electronic data should be verified against the hard copy.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

Kerry Page <kpage@lyon-county.org>
To: Mark Rotter <MRotter@manhard.com>

Tue, Dec 3, 2013 at 7:48 AM

Okay Mark - I was just checking before I send out the packets.
Thanks.

[Quoted text hidden]

--

Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305

JA2386

14 CV 00128 - 002281



Kerry Page <kpage@lyon-county.org>

Re: Comstock Mining, Inc. & Silver City

2 messages

Jeff Page <jpage@lyon-county.org>

Mon, Nov 25, 2013 at 1:57 PM

To: Rob Loveberg <rloveberg@lyon-county.org>, Kerry Page <kpage@lyon-county.org>, Chuck Davies <ced302@att.net>

Rob and Kerry,

I just got off the phone with Corrado DeGasperis and he would like to have a face to face meeting with Chuck Davies, Rob and me December 3 or 4, 2013 in regards to Chucks thoughts about the Community Component of the Master Plan. Will you please see if we can make this happen? Thanks

On Mon, Nov 18, 2013 at 4:48 PM, Rob Loveberg <rloveberg@lyon-county.org> wrote:

Jeff,

As we discussed, Chuck Davies called me this afternoon with a suggestion regarding the CMI master plan amendment and zone change matter. Chuck suggested that a potential win/win option to the current CMI master plan amendment and zone change may be the preparation of the Silver City community plan, or at least a portion of the plan. This would permit both CMI and the community to work together on the mining issue in a facilitated setting. A compromise, mitigation, or other solutions might be found.

To accomplish this in a timely (quicker) fashion, funds and outside resources would be necessary. CMI could expedite such an effort by providing funds to the County for the community plan effort. The outside consultant(s) would work for the County, not CMI. The citizens of Silver City and CMI could work together to try to come to an agreeable solution in a structured process.

Chuck feels that this would be better than one side or the other loosing from the current application process.

Please let me know if you have any questions.

--

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

--

Jeffery A. Page
Lyon County Manager

JA2387

14 CV 00128 - 002282

27 South Main Street
Yerington, NV 89447
(775) 463-6531/(775) 577-5037
(775) 302-7088 (Cell)

"It is amazing what you can accomplish if you do not care who gets the credit" Harry S. Truman

Chuck Davies <ced302@att.net>

Mon, Nov 25, 2013 at 2:26 PM

Reply-To: Chuck Davies <ced302@att.net>

To: Jeff Page <jpage@lyon-county.org>, Rob Loveberg <rloveberg@lyon-county.org>, Kerry Page <kpage@lyon-county.org>

All:

I am available on the 4th of December, but not on the 3rd.. Should a representative of Silver City be invited to this meeting?.

Chuck

From: Jeff Page <jpage@lyon-county.org>

To: Rob Loveberg <rloveberg@lyon-county.org>; Kerry Page <kpage@lyon-county.org>; Chuck Davies <ced302@att.net>

Sent: Monday, November 25, 2013 1:57 PM

Subject: Re: Comstock Mining, Inc. & Silver City

[Quoted text hidden]

JA2388

14 CV 00128 - 002283



Kerry Page <kpage@lyon-county.org>

December agenda

2 messages

Kerry Page <kpage@lyon-county.org>

Fri, Nov 22, 2013 at 4:17 PM

To: Public Notice Publishing <legals@masonvalleynews.com>

Good afternoon,

I know this is late but is TOOOO late to have it published next Wednesday?? I completely forgot to send it out this morning - sorry. If it won't work just let me know and I'll have to put it in the next week's paper.

Thanks! Happy Thanksgiving.

Kerry Page*Lyon County Planning Assistant**27 South Main Street**Yerington, NV 89447**ph: 775-463-6592**fax: 775-463-5305***12 DECEMBER, 2013.doc**

77K

Legals, MVN <mvnlegals@reno.gannett.com>

Mon, Nov 25, 2013 at 8:08 AM

To: Kerry Page <kpage@lyon-county.org>

Nope, I got cha! Ad# 21241 \$149.10. HAPPY THANKSGIVING!

Thank you!

**GINA BRILES**

Legals Department

RGJ Media

legals@rgj.com

legals@masonvalleynews.com

SUBSCRIBE today**JA2389****14 CV 00128 - 002284**

www.rgj.com

775.788.6394 (w)

775.327.6786 (f)

RGJ Media's quality content across a variety of platforms attracts **nearly 3 out of 4** of Washoe County adults more than **5 times** in a typical week.



From: Kerry Page [mailto:kpage@lyon-county.org]

Sent: Friday, November 22, 2013 4:17 PM

To: Legals, MVN

Subject: December agenda

[Quoted text hidden]

JA2390

14 CV 00128 - 002285



LYON COUNTY PLANNING
27 South Main Street
Yerington, Nevada 89447
Phone: (775) 463-6592 Fax: (775) 463-5305

NOTICE OF PUBLIC HEARING

Pursuant to the requirements of Lyon County Code Title 10 and/or 11, **PUBLIC NOTICE IS HEREBY GIVEN** that the Lyon County Planning Commission will hold a public hearing on **Tuesday, December 10, 2013**, beginning at 9:00 A.M. in the **Commissioner's Meeting Room, Lyon County Administrative Complex, 27 South Main Street, Yerington, Nevada**, for the purpose of considering the following planning applications: (action will be taken on all items)

1. **9:05 A.M. TIME SPECIFIC - COMSTOCK MINING, INC – MASTER PLAN AMENDMENT** (for possible action) - Request to change the Master Plan from Resource land use designation and Suburban Residential land use designation to Resource land use designation on approximately 32.34 acres and Rural Residential land use designation on approximately 54.86 acres of a 94.27 total acre parcel; located off of Highway 341, Silver City (a portion of APN 08-091-05 & 08-091-02) PLZ-13-0050
2. **9:05 A.M. TIME SPECIFIC - COMSTOCK MINING, INC – ZONE CHANGE** (for possible action) - Request to change the zoning from NR-1 (Non-Rural Residential - 6,000 sq. ft. lot size) and RR-5 (Fifth Rural Residential - 20 acre minimum) to RR-3 (Third Rural Residential-5 acre minimum) on approximately 54.86 acres and RR-5 (Fifth Rural Residential - 20 acre minimum) on approximately 32.34 acres, of a 94.27 total acre parcel; located off of Highway 341, Silver City (a portion of APN 08-091-05 & 08-091-02) PLZ-13-0051
3. **McFARLAND CASCADE HOLDINGS, INC / NEVADA WOOD PRESERVING – SPECIAL USE PERMIT MODIFICATION DUE TO NEW OWNERSHIP** (for possible action) – Request for a Special Use Permit for the continued operation of an existing wood treatment plant and continue the use of a mobile home for watchman's quarters under new ownership on 16 lots totaling approximately 106.34 acres; located at 1680 Spruce Avenue, Silver Springs (APN's 18-430-01 through 18-430-10; 18-430-16 through 20; and 18-430-23) (PLZ-13-0057)
4. **DEMOLSKI, THOMAS / STOVER, LARRY, TRS., ETAL – SPECIAL USE PERMIT** (for possible action) – Request for a Special Use Permit to utilize an existing mobile home for watchman's quarters in conjunction with a contractor's equipment yard, on approximately 1.53 acres; located at 41 Highway 341, Mound House (APN 16-194-07) PLZ-13-0056

RECESS TO CONVENE AS THE LYON COUNTY PUBLIC LANDS MANAGEMENT ADVISORY BOARD

5. **1:30 P.M. - TIME SPECIFIC ITEM** (for possible action)- Discussion and possible action to develop comments and make recommendations to the Board of Commissioners regarding the Draft Environmental Impact Statement (EIS) on the Greater Sage-Grouse Bi-State Distinct Population Segment Forest Plan Amendment
6. Public participation
7. Future agenda items for discussion and possible action (for possible action)
8. Board member comments
9. Public participation

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

10. Discussion and possible action regarding the draft Lyon County Land Use and Development Code, with special concentration on Part's 3 & 4 (for possible action)
11. **STAFF COMMENTS AND COMMISSIONER COMMENTS**

PUBLIC PARTICIPATION

Hearings on the matters listed herein will be conducted during the course of a public meeting of the Lyon County Planning Commission. For a copy of the agenda and/or supporting materials, please contact Kerry Page at the Lyon County Planning Department at 775-463-6592 or kpage@lyon-county.org. The agenda is also available on the Lyon County Website at www.lyon-county.org.

We are pleased to make reasonable accommodations for those members of the public who wish to attend the meeting and need assistance. If special arrangements are necessary, please notify the Lyon County Planning Department in writing at 27 South Main Street, Yerington, Nevada 89447, or call 775-463-6592. 24 hours notice is required.

PUBLIC HEARING ITEMS ARE HEARD BY COMMUNITY ADVISORY BOARDS IN MOST COMMUNITIES PRIOR TO THE PLANNING COMMISSION MEETING. PLEASE CHECK YOUR LOCAL COMMUNITY ADVISORY COUNCIL'S AGENDA, REGARDING ANY APPLICATION OF INTEREST.

PUBLISH: Mason Valley News; Leader Courier (Dayton & Fernley) NOVEMBER 27, 2013



Kerry Page <kpage@lyon-county.org>

Land Use Plan Schedule

2 messages

Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Sun, Nov 17, 2013 at 9:06 AM

To: "kpage@lyon-county.org" <kpage@lyon-county.org>

Hi Kerry, Is there a new Land Use Plan schedule for public participation. Does the Planning Commission discuss this every meeting?

Thanks - Elaine

Kerry Page <kpage@lyon-county.org>

Mon, Nov 18, 2013 at 9:02 AM

To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Good morning Elaine,

The attached schedule is quite vague although it is all I have right now. Rob still needs to set this in stone.

On Sun, Nov 17, 2013 at 9:06 AM, Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com> wrote:

Hi Kerry, Is there a new Land Use Plan schedule for public participation. Does the Planning Commission discuss this every meeting?

Thanks - Elaine

--
Kerry Page

Lyon County Planning Assistant

27 South Main Street

Yerington, NV 89447

ph: 775-463-6592

fax: 775-463-5305

**TENTATIVE LAND USE CODE PUBLIC MEETING SCHEDULE.pdf**

27K

JA2393

14 CV 00128 - 002288



LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
(775) 463-6592 (775) 463-5305 FAX

ROBERT G. LOVEBERG
PLANNING DIRECTOR

Draft Land Use and Development Code Proposed Meeting and Workshop Schedule

Advisory Board Meetings

Dayton Regional Advisory Board – January 8, 2014
Mason Valley Advisory Board – November 20, 2013
Mound House Advisory Board – January 7, 2014
Silver City Advisory Board – February 4, 2014
Silver Springs Advisory Board – January 6, 2014
Smith Valley Advisory Board – December 4, 2013
Stagecoach Advisory Board – February 5, 2014

Community Workshops

Dayton/Mound House/Silver City – January 2014
Mason Valley/ Smith Valley – January 2014
Silver Springs/Stagecoach – January 2014

Interest Group Workshops

Agriculture Interest Group – January 2014 and February 2014
Development Interest Group – January 2014 and February 2014

Joint Board of Commissioners/Planning Commission Workshops

Board of Commissioners Meeting – December 19, 2013
Board of Commissioners Meeting – February 20, 2014

Planning Commission Meetings/Workshops

Planning Commission Meeting – June 11, 2013
Planning Commission Meeting – July 9, 2013
Planning Commission Meeting – August 13, 2013
Planning Commission Meeting – September 10, 2013
Planning Commission Meeting – October 8, 2013
Planning Commission Meeting – November 12, 2013
Planning Commission Meeting – December 10, 2013
Planning Commission Meeting – January 14, 2014
Planning Commission Meeting – February 11, 2014
Planning Commission Meeting – March 11, 2014

Board of Commissioners Workshops/Hearings

Board of Commissioners Meeting – Workshop – June 20, 2013
Board of Commissioners Meeting – Hearing – April 3, 2014
Board of Commissioners Meeting – Hearing – May 1, 2014

Revised 11/11/2013



Kerry Page <kpage@lyon-county.org>

Re: Planning Commission meeting 11-12-201

2 messages

bbrown@gbis.com <bbrown@gbis.com>

Sat, Nov 16, 2013 at 2:04 PM

To: Kerry Page <kpage@lyon-county.org>

Hi Kerry, Good Monday morning.

re: Comstock Mining, Inc. (CMI) applications for Master plan amendment and zoning change in Silver City, Lyon County.

Question:

Is it possible for me to have a copy of CMI's applications and materials? If this is possible I would appreciate the information whenever you have the time.

I hope your day goes well.

Bonnie Brown

On Nov 5, 2013, at 8:07 AM, Kerry Page <kpage@lyon-county.org> wrote:

Good morning Bonnie,

Yes, I will be emailing the material provided by the applicant later today. The staff report will be sent separately once Rob is back in town, probably later this week. We are expecting much public comment on these items which are #'s 5 & 6 on the agenda with some other, unrelated items that could prove to be a little lengthy but I would still plan to be here as early as possible. The meeting starts at 9AM.

On Tue, Nov 5, 2013 at 8:02 AM, Bonnie Brown <bbrown@gbis.com> wrote:

Dear Ms. Page,

We have received the **Notice of Application and Public Hearing, as an Affected Property Owner**. Thank you.

We would like to notify the Commission that as Affect Property Owners we will present oral comments to the Commission.

We would also like to request a copy of the supporting materials for this agenda item.

Thank you for attending to our requests.

Sincerely,

Bonnie and Chris Brown

775-847-0431

P.O. Box 102

Silver City, NV 89428

bandcbrown@gbis.com

--

JA2395

14 CV 00128 - 002290







*Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305*

Kerry Page <kpage@lyon-county.org>
To: Bonnie Brown <bbrown@gbis.com>

Mon, Nov 18, 2013 at 8:55 AM

Good morning Bonnie,
here is the information you requested.
[Quoted text hidden]

6 attachments

-  **REVISED MPA & ZON SUBMITTAL recd 10.31.2013.pdf**
9001K
-  **MPA-ZON DeGasperis memo & email 11-1-13.pdf**
106K
-  **PILZ 13-0000 COMSTOCK MINING ZC 11-12-2013 1.pdf**
53K
-  **PILZ 13-0000 COMSTOCK MINING MPA 11-12-2013 1.pdf**
190K
-  **MISC. CORRESPONDENCE IN FAVOR.pdf**
281K
-  **MISC. CORRESPONDENCE IN OPPOSITION.pdf**
1006K

JA2396

14 CV 00128 - 002291



October 31, 2013

Mr. Rob Loveberg
Planning Director
Lyon County Planning Department
27 S. Main Street
Yerington, Nevada 89447

Re: Comstock Mining Master Plan Amendment & Zone Change Request

Mr. Loveberg:

On behalf of Comstock Mining, Manhard Consulting is submitting a revision to the Comstock Mining Master Plan Amendment and Zone Change Request (Lyon County Planning Case PLZ-13-0050 and PLZ-13-0051 respectively). A revision to the application is being requested due to inaccurate zoning information that was received from the Lyon County Assessor and Douglas County GIS Department, which distributes Lyon County's GIS data. The Assessor data and GIS data that we gathered showed the entire APN 008-091-05 as having NR-1 zoning. In actuality, APN 008-091-05 is made up of 21 legal parcels, 7 of which have an existing zoning of M1 – General Industrial. The zoning conflict was brought to Comstock Mining's attention during the Reversion to Acreage process, which was just completed on one of the Master Plan Amendment and Zone Change parcels. The area of these 7 parcels was removed from the reversion parcel, thus changing Parcel 6 in the Master Plan Amendment and Zone Change Request. With the Reversion to Acreage process completed on the effected parcel, we are now submitting a revision to update the acreage listed in the application and update the exhibits to properly depict the parcels that are a part of the Master Plan Amendment and Zone Change Request. Following is a summary of the changes to the Master Plan Amendment and Zone Change Request:

- The acreage referenced in the Cover Letter was updated.
- Pages 1 and 2 of the Narrative were revised to show the proper acreage.
- Page 1 of the Lyon County Development Application was revised to show the proper acreage of the request.
- Exhibits 2, 3, 4, 5, and 6 have been updated to reflect the proper parcel shape for Parcel 6 (the reversion parcel).
- The legal description for parcel 6 (the reversion parcel) has been updated to reflect the proper description.

If you have any questions or require additional information, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Motter', is written over a horizontal line.

Andrew Motter, P.E.
Senior Project Manager



October 11, 2013

Mr. Rob Loveberg
Planning Director
Lyon County Planning Department
27 S. Main Street
Yerington, Nevada 89447

Re: Comstock Mining Master Plan Amendment & Zone Change Request

Mr. Loveberg:

On behalf of Comstock Mining, we appreciate your consideration of the enclosed application. The property included with this application request is generally located north and west of State Highway 341 adjacent to and within the town site of Silver City.

This application includes the following requests:

1. A Master Plan Amendment request from Suburban Residential to Rural Residential on 42.57 acres.
2. A Master Plan Amendment request from Resource to Rural Residential on 12.29 acres.
3. A Zoning Map Amendment request from NR1 to RR3 on 54.86 acres.
4. A Zoning Map Amendment request from NR1 to RR5 on 32.34 acres.

Due to the fact that the zone change and master plan amendment requests are being submitted simultaneously, we understand that the zone change request will not be considered by the commission within forty five (45) days after the application is filed with the administrator in accordance with Lyon County Code (10.12.07c).

If you have any questions or require additional information, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Motter'.

Andrew Motter, P.E.
Senior Project Manager

MASTER PLAN AMENDMENT AND ZONE CHANGE APPLICATION FOR COMSTOCK MINING PROPERTY

SILVER CITY, LYON COUNTY, NEVADA

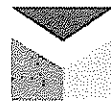


PREPARED FOR:



Comstock Mining Inc.
P.O. Box 1118
Virginia City, Nevada 89440

PREPARED BY:



Manhard
CONSULTING LTD.

Manhard Consulting Inc.
9850 Double R Blvd.
Reno, NV 89521

AUGUST 2013

JA2399

14 CV 00128 - 002294
LYON COUNTY

Table of Contents

Project Location	1
Master Plan & Zoning Designation	1
Application Request	2
Justification	2
Master Plan Amendment Findings	7
Master Plan Amendment Process and Procedure Findings	10
Zone Change Findings.....	12

Tables:

Table1: Current Land Use Designations.....	1
Table 2: Proposed Land Use Designations	1
Table 3: Surrounding Property Designations.....	2
Table 3: Lyon County Land Use Categories.....	4

List of Figures:

Figure 1: Vicinity Map	
Figure 2: Parcel Exhibit	
Figure 3: Existing Master Plan Map	
Figure 4: Existing Zoning Map	
Figure 5: Proposed Master Plan Map	
Figure 6: Proposed Zoning Map	
Figure 7: Existing Slope Map	

Appendix:

Development Application	
Owners Affidavit	
Legal Descriptions	
Site Photographs	

Project Location

The property included with this application request is generally located north and west of State Highway 341 adjacent to the town site of Silver City. See Figure 1 Vicinity Map and Figure 2 Parcel Exhibit for additional detail.

Master Plan Land Use & Zoning Designations

Table 1: Current Land Use Designations (Ref. Figure 3 and Figure 4)

Parcel	Master Plan	Zoning	Land Use
1	Resource	NR1	Vacant
2	Suburban Residential	NR1	Vacant
3	Resource	NR1	Vacant
4	Suburban Residential	NR1	Vacant
5	Suburban Residential	NR1	Vacant
6	Suburban Residential	NR1	Vacant / Abandoned Mining Facilities

Table 2: – Proposed Land Use Designations (Ref. Figure 5 and Figure 6)

Parcel	Master Plan	Zoning	Area
1	Resource	RR-5	32.34 AC
2	Rural Residential	RR-3	7.20 AC
3	Rural Residential	RR-3	12.29 AC
4	Rural Residential	RR-3	10.28 AC
5	Rural Residential	RR-3	11.01 AC
6	Rural Residential	RR-3	14.08 AC

Master Plan & Zoning Map Amendment

Table 3: Surrounding Property Designations

Location	Master Plan	Zoning	Land Use
North	Suburban Residential & Commercial Mixed Use	M1 & NR1	Vacant / Silver City Town Site
South	Resource, Open Space & Future Planning Area	RR5 & C2	Vacant
East	Resource & Suburban Residential	RR5 & NR1	Vacant / Silver City Town Site
West	Open Space & Suburban Residential	RR5 & NR1	Vacant

Application Request

This application includes the following requests:

1. A Master Plan Amendment request from Suburban Residential to Rural Residential on 42.57 acres.
2. A Master Plan Amendment request from Resource to Rural Residential on 12.29 acres.
3. A Zoning Map Amendment request from NR1 to RR3 on 54.86 acres.
4. A Zoning Map Amendment request from NR1 to RR5 on 32.34 acres.

Justification

The application is requesting a "down zone" at both the master plan and zoning levels. These amendments modify the residential development potential of the property from its current allowed density of 655 total dwelling units to a maximum yield of a more rurally representative 10 dwelling units. If approved, these proposed requests change the master plan and zoning designations from "Suburban Residential and NR1" to "Rural Residential, RR3 and RR5." This would provide a more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure and also clean up and align certain parcels that currently have "split" master plan designations.

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. Regardless of the

rationale, the designations have rendered the subject property unproductive for any activity other than mineral exploration for the last 40 years.

The applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property. Prior to proceeding with actual mining activities, the applicant would be required to obtain a special use permit from Lyon County. Such a permit would then address all manners of land use and include relevant conditions to limit the impacts and effects of potential or proposed mining activities. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

A change in the master plan and zoning designations from Suburban Residential and NR1 to Rural Residential, RR3 and RR5 will not only support the productive evaluation of existing mineral potential but will, more importantly, also bring the property into conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services, while helping to further promote the goals, policies, and strategies of the Lyon County Master Plan.

The Lyon County Master Plan Community Description for Silver City states, "The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims. The existing water service infrastructure dates back to the late nineteenth century, when a water system to supply the mining operations and settlement demands of the Comstock communities was constructed. This aging water system and a lack of sewer system limit growth in Silver City."

The Lyon County Master Plan includes five types of Character Districts, Rural, Suburbanizing, Historic, Future Plan Areas and General County. These Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries.

As defined in the Master Plan, Suburbanizing Districts, "include areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses. Improvement standards will reflect the "suburban" character of these areas and will include requirements for municipal water and sewer, roadway design appropriate to the planned uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths). Roads are likely to have some bike and pedestrian facilities within the rights-of-way or separate paths."

As defined in the Master Plan, Rural Districts, "include those areas that are predominately low density residential development with limited neighborhood commercial uses. They may or may not have agricultural land uses or grazing lands. Improvement standards will reflect the "rural" character of the area. Rural districts are not likely to have municipal water and sewer. Roads are likely to have dirt shoulders, some equestrian paths as well as bike facilities within the road rights-of-way."

Master Plan & Zoning Map Amendment

As defined by the Master Plan, Historic Districts, "include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Future historic districts could also be designated where the intent is to promote new compatible development that is in keeping with the "historic" development patterns and architectural design elements to create more vitality."

As defined by the Master Plan, General County includes, "Lands outside the boundaries of defined community boundaries are classified as General County. These lands are rural or resource lands or public lands, and are intended to remain largely undeveloped or with very low intensity development within the Master Plan's planning horizon."

Table 4: Lyon County Land Use Categories

Land Use Category	Community Plan Land Use Designation	Density Range/ Size	Examples of Uses	Description/ Characteristics	Current Zoning Districts
Suburban Residential	High Density Residential	5 to 18 Dwelling Units per acre	Apartments, duplexes, fourplexes, condominiums and townhomes. Single Family Residential detached units at 5 to 10 dwelling units per acre.	High density residential is typically found in suburbanizing districts. High density residential should be located near major transportation facilities, near commercial uses, or civic centers and near parks	NR1 NR2 NR3 MHP
Rural Residential	Rural Residential	1 du per 5 to <20 acres	Single-family residences, "farmettes" and "ranchettes", etc.	Typically found in rural districts and on the suburbanizing fringe. Lot size and layout varies. Typically not served by municipal utilities, depending on location in suburbanizing district.	RR3 RR4

According to the Lyon County Character Districts Map, the subject property appears to reside within both the Historic and General County Districts. Despite this apparent inconsistency of Character Districts, the land use and zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts. Clearly, the proposed land use and zoning designation are much more compatible and consistent with the Historic and General County Districts than the master plan designation of Suburban Residential which is currently assigned to the majority of the subject property.

Provided is the Silver City Community Description from the Lyon County Master Plan and the Master Plan's definitions for the types of residential Character Districts, also provided in Table 3: Lyon County Land Use Categories, is an excerpt from the Lyon County Master Plan comparing the current Land Use Category, Suburban Residential to the requested Land Use Category Rural Residential.

The community Character District of Suburbanizing, the Community Plan Land Use Designation of High Density, Density of 5 to 18 dwelling units per acre, the Examples of Uses and the Description/ Characteristics and the current Suburban Residential master plan designation and NR1 zoning designation are inconsistent with the following goals, policies and strategies of the current Lyon County Master Plan and conversely, these of goals, policies and strategies actually promote the proposed master plan and zoning modification requests from Suburban Residential and NR1 to Rural Residential, RR5 and RR3.

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand base zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

Policy LU1.2: *Residential development Patterns in Neighborhoods*

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Development of the property at its current NR1 density would be out of character with the existing "neighborhood" of Silver City. A reduction in development potential is a more appropriate development pattern and more compatible with existing and historic uses.

Goal LU2: *Services Coordinated with Growth*

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

According to the master plan "Suburban Residential" areas should be located near major transportation facilities, near commercial uses, or civic centers and near parks. The subject property is rural in nature and adequate facilities to accommodate such high density residential would be impractical to develop and completely out of character with the existing community. Therefore a reduction in development potential is warranted and appropriate.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: *Ensure that plans are in place for required services to occur concurrently with all proposed development.*

Goal FS1: *Municipal water and sewer systems will be expanded only in areas where they are cost effective.*

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

The subject property, although designated Suburban Residential, does not have adequate municipal water or sewer in close proximity and facility plans are not currently in place to allow for development to occur concurrently. A reduction in allowable units would be more consistent with the current and future services of the area.

Goal LU3: *Diverse Economy*

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: *Work with Economic development agencies and community groups to identify economic assets and development opportunities.*

The master plan change would allow for continued mineral exploration on the subject property helping to identify economic assets while employing local residents in primary jobs.

Goal NR9: *Mining and Resource Extraction*

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 *Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.*

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

Master Plan Amendment Findings:

1. Consistency with the Master Plan:

The proposed amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods
New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth
Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy
The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base
The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal NR9: Mining and Resource Extraction
Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

2. Compatible Land Uses:

The proposed amendment is compatible with the actual and planned adjacent uses, and reflects a logical change in land uses.

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has resulted in little to no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe."

3. Response to Change Conditions:

The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the board, and the requested amendment represents a more desirable use of the land.

A change in the master plan designation from Suburban Residential to Rural Residential represents a more desirable use of land because it will bring the property in conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services. In addition, the proposed changes will allow for the exploration and evaluation of existing patented mining claims with potential for significant benefit to the County and community, while consistently promoting the goals, policies, and strategies of the Lyon County Master Plan.

4. No Adverse Effects:

The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.

The amendment request will not adversely affect the implementation of the master plan or negatively impact public health, safety and welfare. The

amendment proposes a significant enhancement in nature and type of development potentials of the property while continuing to maintain the goals, objectives and actions of the current master plan and will have no foreseeable impact on public health, safety or welfare.

5. Desired Pattern of Growth:

The proposed amendment will promote the desired pattern for the orderly physical growth of the county, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the county based on the least amount of natural resource impairment and efficient expenditure of the funds for public services.

The proposed request to change the master plan designation from Suburban Residential to Rural Residential represents a desired pattern of growth by providing a realistic current and long range land use strategy based on actual development potential, considering factors like topography and proximity to adequate infrastructure. Although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, we do not believe this would result in any impairment to the water resources and other resources that are important to existing residents and businesses in the area, and, we believe existing constraints or negative impacts would be reduced by the proposed amendments. The proposed Master Plan Amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

Master Plan Amendment Process and Procedures Findings:

1. The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, or even if they are pursued, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land

uses and post-mining land opportunities, than the current master plan designation.

2. *The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;*

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has been put to little or no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe" and is supportive of the goals and policies identified above.

3. *The proposed amendment will have no major negative impacts on transportation, services, and facilities;*

The proposed amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the preservation of natural resources and efficient expenditure of funds for public services.

4. *The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*

The proposed request to change the master plan designation from Suburban Residential to Rural Residential will actually have a positive effect on service provision by providing a realistic, more flexible, current and long range land use strategy based on actual development potential, considering factors like topography, surrounding uses and proximity to adequate infrastructure.

5. *Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand based zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

6. *The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.*

The amendment proposes a significant increase in consistency between the actual and potential use of the subject property and the land use designation.

The proposed land use designation is consistent with the realistic development potential of the subject property while supporting the goals, objectives and actions of the current master plan. The requested designation will have no negative impact on public health, safety or welfare.

Zone Change Findings:

1. Consistency with the Master Plan Land Use Map.

The proposed zone change is not only in substantial conformance with the proposed master plan amendment request but the requested modifications will actually help correct existing conformance issues between the Lyon County Master Plan and Zoning Code.

2. Consistency with the Master Plan goals, policies and strategies.

The proposed zoning map amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: Orderly Growth Patterns

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on realistic population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal LU5: Encourage Resource Sensitive Growth

Development will be designed to reduce energy use and minimize environmental impacts.

Goal NR9: Mining and Resource Extraction

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

3. *Consistency with the desired pattern for the orderly physical growth of the County and maintains compact development patterns.*

The proposed request to change the zoning designation from NR1 to RR3 and RR5 represents a desired pattern of growth by providing a realistic, current and long range zoning strategy based on actual development potential considering factors like topography, existing uses and proximity to adequate infrastructure.

4. *Contributes to the timely, orderly and efficient arrangement of transportation and other public facilities and services.*

The proposed zoning will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

5. *Promotes development that is commensurate with the character and physical limitations of the land.*

The proposed RR5 and RR3 designations will significantly reduce the development potential of the property not only taking into consideration the character and physical limitations of the land (i.e. topography and surrounding densities) but also reducing the need for additional infrastructure.

6. *Promotes the protection and/or enhancement of existing neighborhoods and communities.*

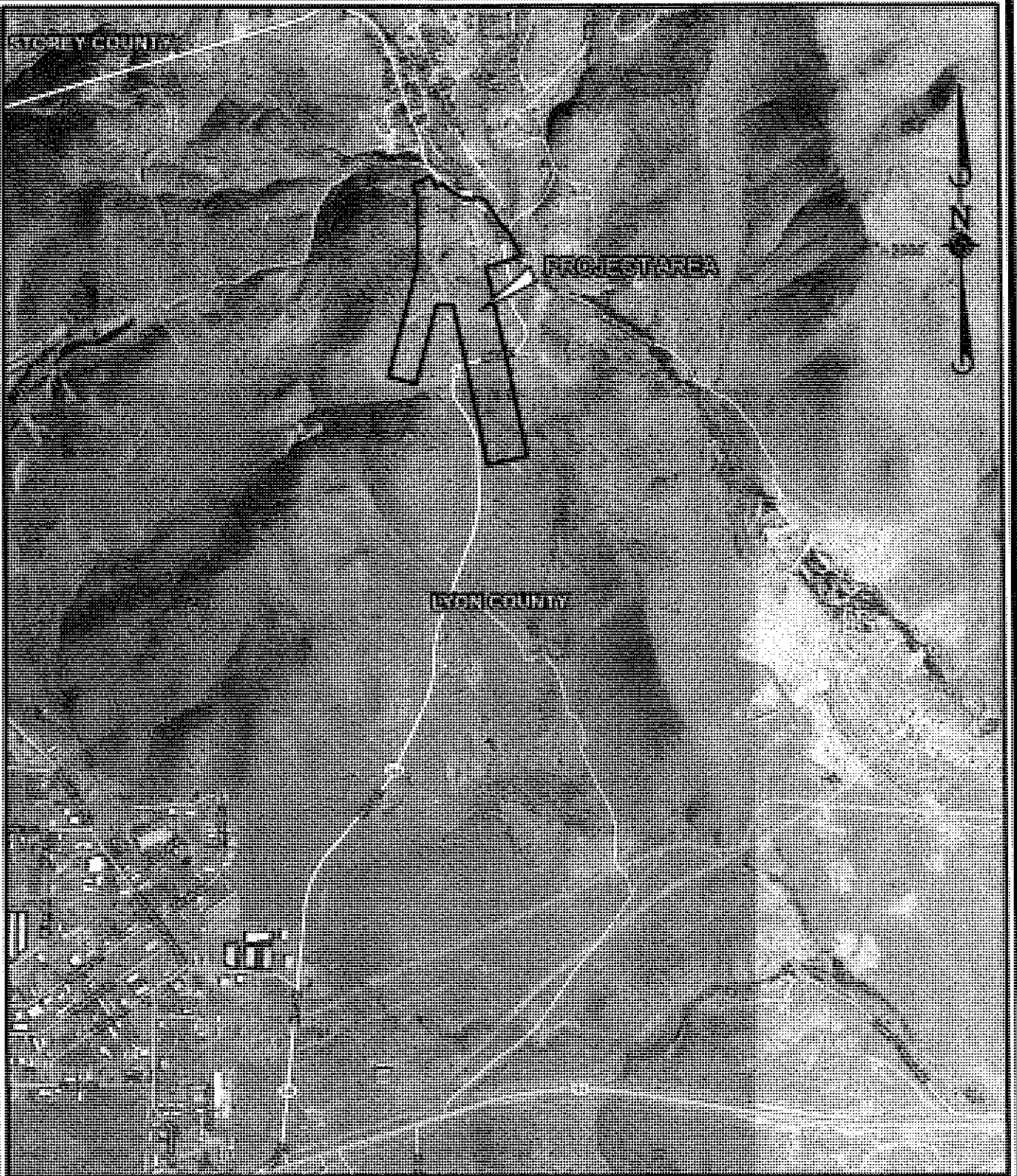
The proposed zoning map amendment is consistent with the current and future development character of Silver City. The current NR1 designation promotes high density residential on a property that is constrained by topography and infrastructure availability.

7. *No detrimental impacts to other properties in the vicinity.*

The proposed zoning map amendment is sensitive to and compatible with the current and future development character of Silver City. The current NR1 designation promotes high density residential that is not only out of character with the rural nature of the area, but does not take into consideration the fact that the property is constrained by topography and infrastructure availability.

8. *No adverse impacts to the public health, safety and welfare.*

The proposed zone change will have no impacts to public health, safety and welfare, and although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, this will not result in any impairment to the water resources and/or other resources that are important to existing residents and businesses in the area.



2000 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED

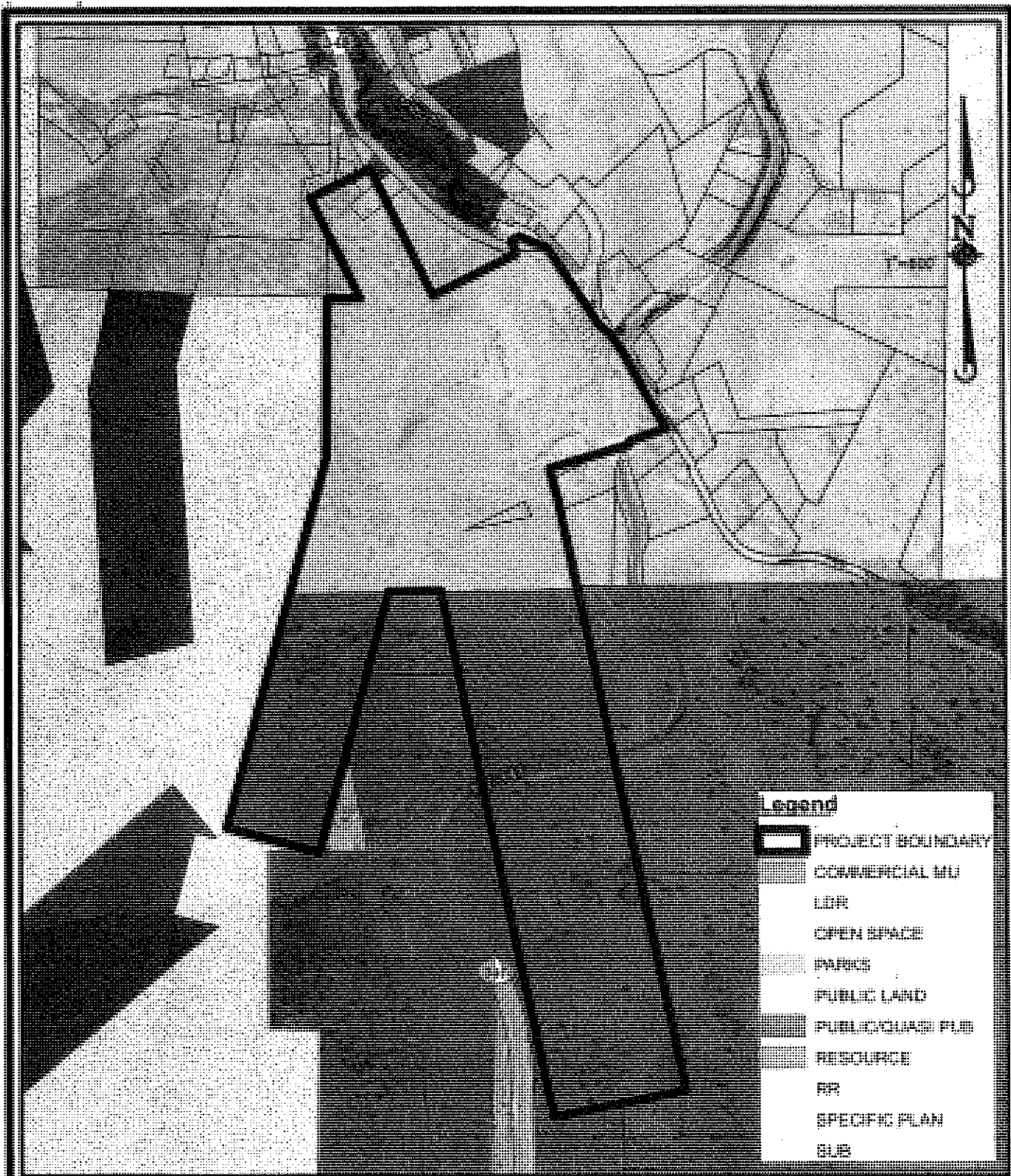
Manhard

CONSULTING

1800 South 10th Street, Suite 101, Reno, NV 89502 • Tel: (775) 784-1111 • Fax: (775) 784-1112
 Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

CONSTOCK MINING INC.	
VICINITY MAP	
FIGURE 1	
PROJECT: AM DRAWN BY: DC DATE: 7/24/2001 SCALE: 1"=1 MILE	SHEET <div style="font-size: 2em; font-weight: bold;">1</div> <div style="font-size: 2em; font-weight: bold;">of</div> <div style="font-size: 2em; font-weight: bold;">7</div> CHILCH

Map Name: Vicinity Map of Project Area, Lyon County, Oregon
 Date: 7/24/2001
 Project: AM
 Drawn by: DC
 Scale: 1"=1 Mile
 Sheet: 1 of 7
 Chilkoot



- Legend**
- PROJECT BOUNDARY
 - COMMERCIAL MD
 - LDR
 - OPEN SPACE
 - PARKS
 - PUBLIC LAND
 - PUBLIC/QUASI PUB
 - RESOURCE
 - RR
 - SPECIFIC PLAN
 - SUB

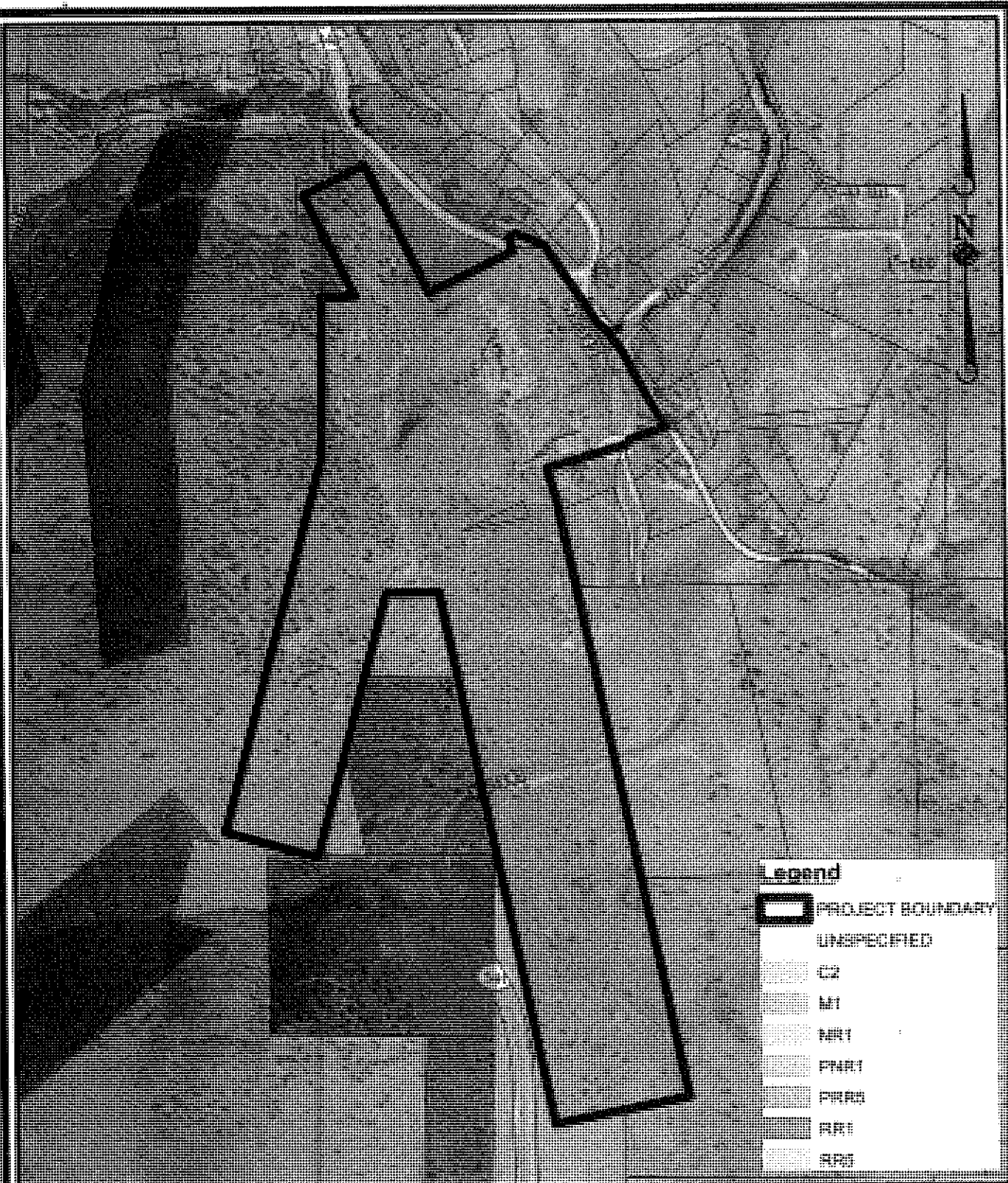
MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED

Manhard
CONSULTING

MANHARD CONSULTING, LTD. 1000 10TH AVENUE, SUITE 1000, DENVER, CO 80202
 Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.			
EXISTING MASTER PLAN MAP			
FIGURE 3			
PROJ. NO.	1000	SHEET	
DATE	1/10/00	3	7
SCALE	1"=100'	CHILCH	

C:\Users\jmanhard\Documents\Projects\Comstock\Map\Map3.mxd
 1/10/00
 14 CV 00128 - 002312
 LYON COUNTY

[illegible][illegible]

姓名	性别	年龄	职业	住址	联系电话	备注
张三	男	35	教师	北京市海淀区中关村大街100号	13910123456	
李四	女	28	医生	北京市朝阳区建国路123号	13801012345	
王五	男	42	工程师	上海市浦东新区世纪大道100号	13621012345	
赵六	女	31	会计	广州市天河区珠江新城123号	13530123456	
孙七	男	25	程序员	深圳市南山区科技园123号	13440123456	
周八	女	38	律师	北京市东城区东直门大街100号	13350123456	
吴九	男	45	经理	武汉市武昌区中南路123号	13260123456	
郑十	女	22	学生	成都市高新区天府大道123号	13170123456	
冯十一	男	33	销售	南京市鼓楼区长江路123号	13080123456	
陈十二	女	40	作家	杭州市西湖区西湖路123号	12990123456	
林十三	男	27	设计师	青岛市市南区江苏路123号	12800123456	
周十四	女	36	护士	郑州市金水区经三路123号	12710123456	
吴十五	男	41	研究员	西安市雁塔区雁塔路123号	12620123456	
郑十六	女	29	翻译	昆明市五华区人民路123号	12530123456	
冯十七	男	34	记者	海口市琼山区琼州路123号	12440123456	
陈十八	女	43	教授	贵阳市南明区中华南路123号	12350123456	
林十九	男	26	工程师	银川市西夏区北京西路123号	12260123456	
周二十	女	37	律师	拉萨市城关区北京中路123号	12170123456	
吴二十一	男	46	经理	乌鲁木齐市天山区新华南路123号	12080123456	
郑二十二	女	23	学生	海口市龙华区南海大道123号	11990123456	
冯二十三	男	32	销售	南宁市青秀区民族大道123号	11800123456	
陈二十四	女	44	作家	海口市秀英区秀英大道123号	11710123456	
林二十五	男	28	设计师	海口市美兰区美兰大道123号	11620123456	
周二十六	女	39	护士	海口市琼山区琼州路123号	11530123456	
吴二十七	男	47	研究员	海口市龙华区南海大道123号	11440123456	
郑二十八	女	24	翻译	海口市秀英区秀英大道123号	11350123456	
冯二十九	男	35	记者	海口市美兰区美兰大道123号	11260123456	
陈三十	女	48	教授	海口市琼山区琼州路123号	11170123456	
林三十一	男	29	工程师	海口市龙华区南海大道123号	11080123456	
周三十二	女	40	律师	海口市秀英区秀英大道123号	10990123456	
吴三十三	男	49	经理	海口市美兰区美兰大道123号	10800123456	
郑三十四	女	25	学生	海口市琼山区琼州路123号	10710123456	
冯三十五	男	36	销售	海口市龙华区南海大道123号	10620123456	
陈三十六	女	45	作家	海口市秀英区秀英大道123号	10530123456	
林三十七	男	30	设计师	海口市美兰区美兰大道123号	10440123456	
周三十八	女	41	护士	海口市琼山区琼州路123号	10350123456	
吴三十九	男	50	研究员	海口市龙华区南海大道123号	10260123456	
郑四十	女	26	翻译	海口市秀英区秀英大道123号	10170123456	
冯四十一	男	37	记者	海口市美兰区美兰大道123号	10080123456	
陈四十二	女	46	教授	海口市琼山区琼州路123号	09990123456	
林四十三	男	31	工程师	海口市龙华区南海大道123号	09800123456	
周四十四	女	42	律师	海口市秀英区秀英大道123号	09710123456	
吴四十五	男	51	经理	海口市美兰区美兰大道123号	09620123456	
郑四十六	女	27	学生	海口市琼山区琼州路123号	09530123456	
冯四十七	男	38	销售	海口市龙华区南海大道123号	09440123456	
陈四十八	女	47	作家	海口市秀英区秀英大道123号	09350123456	
林四十九	男	32	设计师	海口市美兰区美兰大道123号	09260123456	
周五十	女	43	护士	海口市琼山区琼州路123号	09170123456	
吴五十一	男	52	研究员	海口市龙华区南海大道123号	09080123456	
郑五十二	女	28	翻译	海口市秀英区秀英大道123号	08990123456	
冯五十三	男	39	记者	海口市美兰区美兰大道123号	08800123456	
陈五十四	女	48	教授	海口市琼山区琼州路123号	08710123456	
林五十五	男	33	工程师	海口市龙华区南海大道123号	08620123456	
周五十六	女	44	律师	海口市秀英区秀英大道123号		

[illegible]

刊例

Figure 1: A schematic diagram of a 2D lattice system. It shows a grid of sites with various labels. At the top, 'L' and 'R' are labeled. Below them, 'L' and 'R' are labeled again. In the center, 'L' and 'R' are labeled. At the bottom, 'L' and 'R' are labeled. The diagram illustrates the arrangement of sites and the movement of particles within a 2D lattice.

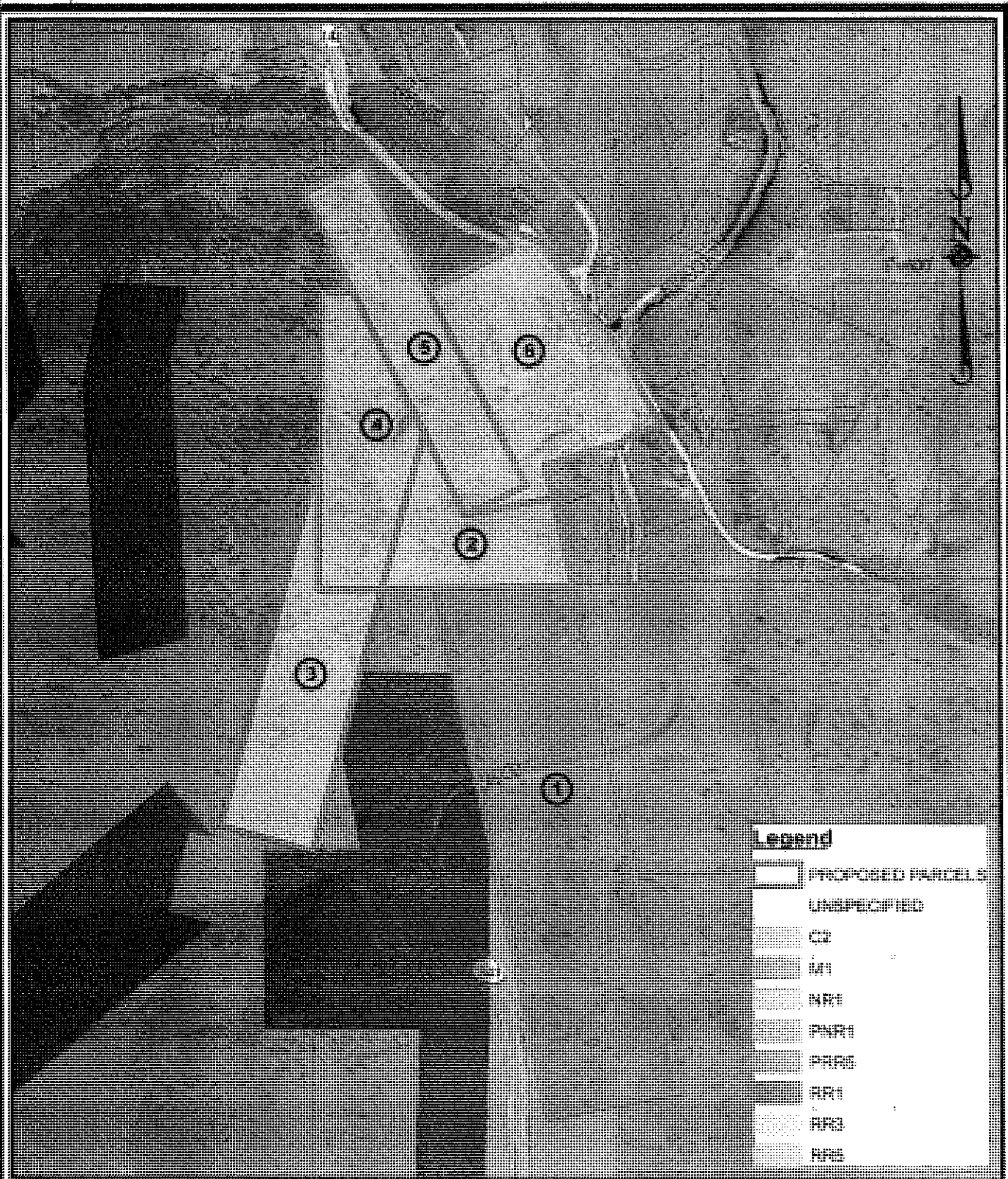
[illegible]

4

[illegible]

11

calco



Legend

[White Box]	PROPOSED PARCELS
[White Box]	UNSPECIFIED
[Light Blue Box]	C2
[Light Green Box]	M1
[Light Yellow Box]	MRF1
[Light Purple Box]	PNR1
[Light Orange Box]	PRS1
[Light Brown Box]	RR1
[Light Pink Box]	RFG
[Light Gray Box]	RFE

© 2012 MANHARD CONSULTING LTD. ALL RIGHTS RESERVED.

Manhard

CONSULTING

WE OFFER A FULL RANGE OF SERVICES INCLUDING: CIVIL ENGINEERING, ENVIRONMENTAL ENGINEERING, LANDSCAPE ARCHITECTURE, PLANNING, SURVEYING, WATER RESOURCES ENGINEERING, WASTE & WASTEWATER ENGINEERING, CONSTRUCTION MANAGEMENT, BUSINESS VALUATION, REAL ESTATE, LANDSCAPE ARCHITECTURE, PLANNING

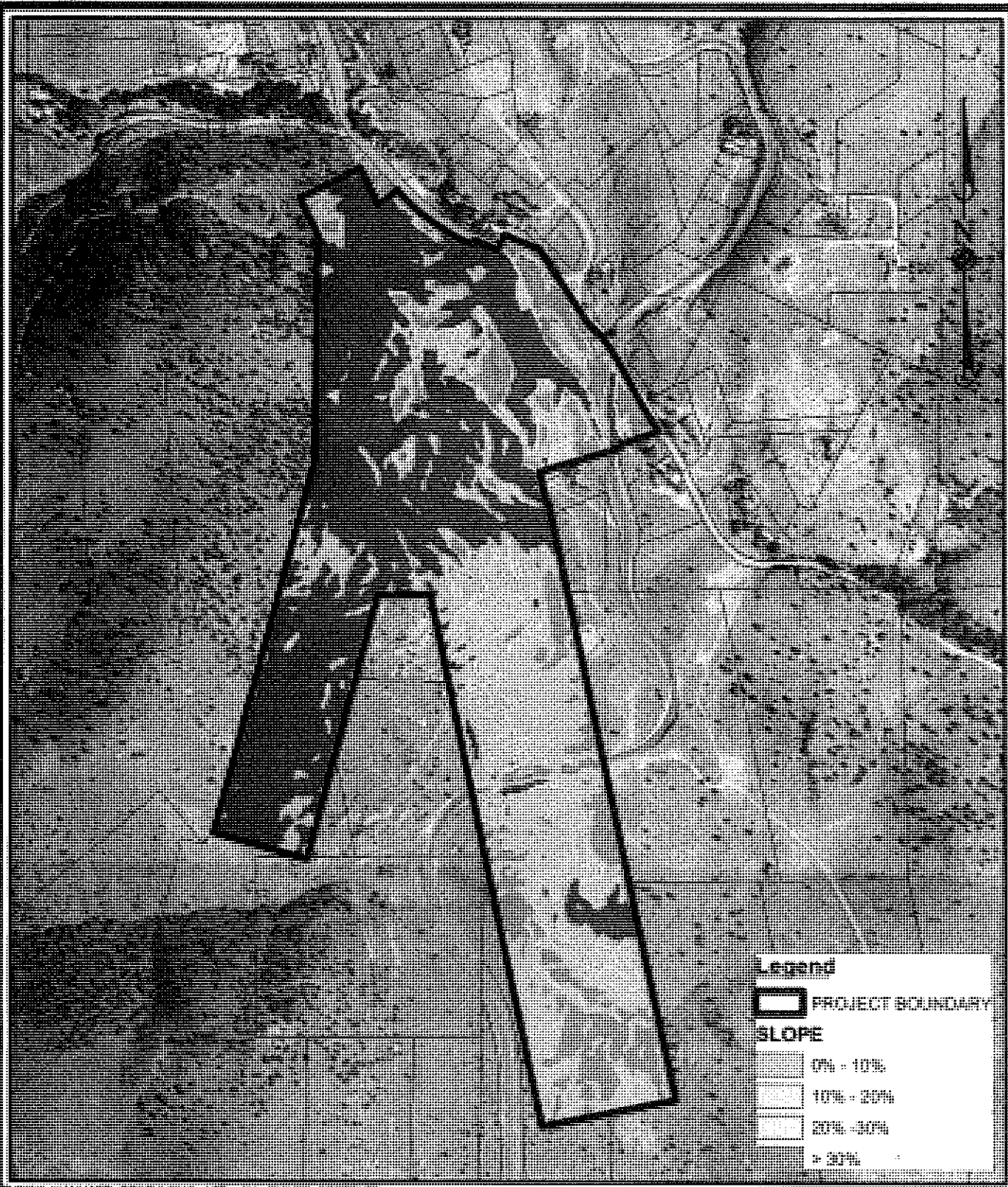
CONSTOCK MINING INC.
PROPOSED ZONING MAP

FIGURE 6

PROJECT NO.: 1000	SHEET
CLIENT NO.: 1000	6
DATE: 7/24/2012	7
SCALE: 1"=200'	CMLCH

JA2420

14 CV 00128 - 002315
LYON COUNTY



© 2000 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED

Manhard

CONSULTING

Manhard Consulting Ltd. 100, Main Street, Suite 100, Vancouver, BC V6A 1A1
 (Civil Engineers • Geotechnical Engineers • Water Resources Engineers • Water & Wastewater Engineers • Construction Management • Environmental Scientists • Landscape Architects • Planners)

COMSTOCK MINING INC.	
EXISTING SLOPE MAP	
FIGURE 7	
PROJECT: AME	SHEET
DRAWN BY: BC	7 of 7
DATE: 1/24/2003	CIVIL EN
SCALE: AS SHOWN	

Project: Comstock Mining Inc. (CMI) - Existing Slope Map
 Drawing: Existing Slope Map
 Date: 1/24/2003
 Sheet: 7 of 7
 Scale: As Shown
 Drawn By: BC
 Checked By: [Signature]
 Date: 1/24/2003
 Project: Comstock Mining Inc. (CMI) - Existing Slope Map

APPENDIX

LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
VOICE: (775) 463-6592 • FAX: (775) 463-6596

DEVELOPMENT APPLICATION

This form must be completed and all requested information incorporated, as prescribed by the application submission requirements for each application type, before the application is deemed complete and accepted for processing by Lyon County.

Application Type (check all that apply)		
<input type="checkbox"/> Abandonment <input type="checkbox"/> Amended Map <input type="checkbox"/> Appeal of Administrative Decision <input type="checkbox"/> Appeal of Planning Commission Decision <input type="checkbox"/> Approval Condition Amendment <input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Certificate of Amendment <input type="checkbox"/> Continuation of Planning Application <input type="checkbox"/> Development Agreement <input type="checkbox"/> Development Agreement, Revision <input type="checkbox"/> Division of Land into Large Parcels, Tentative Map Waiver <input type="checkbox"/> Division of Land into Large Parcels, Tentative Map <input type="checkbox"/> Division of Land into Large Parcels, Final Map	<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Hardship Exception Permit <input type="checkbox"/> Improvement Plan for Land Division <input type="checkbox"/> Improvement Standards Variance or Waiver <input checked="" type="checkbox"/> Master Plan Map Amendment <input type="checkbox"/> Master Plan Text Amendment <input type="checkbox"/> Mobile Home Park/Recreational Vehicle Park <input type="checkbox"/> Parcel Map <input type="checkbox"/> Parcel Map, Final <input type="checkbox"/> Parcel Map Waiver <input type="checkbox"/> Planned Unit Development, Final <input type="checkbox"/> Planned Unit Development, Tentative <input type="checkbox"/> Pre-Application Conference	<input type="checkbox"/> Reimbursement Agreement <input type="checkbox"/> Reversion to Acreage <input type="checkbox"/> Site Improvement Plan <input type="checkbox"/> Special Use Permit <input type="checkbox"/> Specific Plan <input type="checkbox"/> Street Name Request <input type="checkbox"/> Subdivision Map, Tentative <input type="checkbox"/> Subdivision Map, Final <input type="checkbox"/> Variance <input type="checkbox"/> Administrative <input type="checkbox"/> Wireless Communication Facility <input type="checkbox"/> Wireless Communication Facility, Modification <input type="checkbox"/> Zoning Determination <input checked="" type="checkbox"/> Zoning Map / Text Change

General Information			
Assessor's Parcel number(s)	Acreage	Assessor's Parcel number(s)	Acreage
Por. of 008-091-05	+/- 86.84 AC		
008-091-02	+/- 0.36 AC		

Applicant Name(s): ☒ Same as Owner ☐ Other (Insert name(s)):

Community: ☐ Dayton ☐ Fernley ☐ Mark Twain ☐ Mason Townsite ☐ Mason Valley ☐ Mound House
☒ Other County ☒ Silver City ☐ Silver Springs ☐ Smith Valley ☐ Stagecoach

Previous applications filed on this site:

Project Name (if applicable):

Project Information
Project or Request Description: Comstock Mining is requesting a Master Plan Amendment and Zone Change on a portion of Lyon County APN 008-091-05 and APN 008-091-02. APN 008-091-05 includes 14 legal parcels (3 patented claim parcels and 11 Silver City town lots) which are a portion of this request. The Master Plan Amendment request is to change 42.57 acres within the Silver City town limits from Suburban Residential to Rural Residential and 12.29 acres in unincorporated Lyon County from Resource to Rural Residential. The Zone Change request is to change 42.577 acre within the Silver City town limits from NR-1 zoning to RR-3 zoning and 44.63 acres in unincorporated Lyon County from NR-1 Zoning to RR-3 and RR5 Zoning.

Project Area (square feet or acres): +/- 87.20 AC Number of proposed units: Smallest parcel size:

Uses proposed (check all that apply): ☐ Single Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

Project Location
Project Street Address: State Route 341
Primary Access: State Route 341 and State Route 342 Section(s)/Township/Range: Sect. 8,9,16,17 T16N R21E
Approximately _____ feet <input type="checkbox"/> north <input type="checkbox"/> south of _____ (street name)
Approximately _____ feet <input type="checkbox"/> east <input type="checkbox"/> west of _____ (street name)
If within a Subdivision, Name: _____ Lot: _____ Block: _____
Project Location (with point of reference to primary access, major cross streets or area locator): A portion of the property is located within the Silver City Town limits adjacent to State Route 342 and a portion is in unincorporated Lyon County adjacent to State Route 341.

Other Information
Current Master Plan designation(s): Suburban Residential, Resource
Proposed Master Plan designation(s): Rural Residential
Current Zoning designation(s): NR1
Proposed Zoning designation(s): RR-3 and RR-5
Floodplain designation (from FIRM maps): Zone AE, Unshaded Zone X
Road/street surface of frontage/access: Paved highway for frontage and dirt road for access to a portion.

Applicant Information		
Applicant/Developer		
Name: Same as Property Owner		
Address:		
City:	State:	Zip:
Phone:	Fax:	
Cell:	Contact:	
Email:		
Property Owner		
Name: Comstock Mining Inc.		
Address: 1120 American Flat Rd.		
City: Virginia City	State: NV	Zip: 89440
Phone: 775-847-5272	Fax: 775-847-7118	
Cell:	Contact: Corrado DeGasperis	
Email: degasperis@comstockmining.com		
Professional Consultant/Representative		
Name: Manhard Consulting Ltd.		
Address: 9850 Double R Blvd., Suite 101		
City: Reno	State: NV	Zip: 89521
Phone: 775-746-3500	Fax: 775-746-3520	
Cell:	Contact: Andrew Motter, P.E.	
Email: amotter@manhard.com		
Other Person(s) to be Contacted		
Name: Comstock Mining Inc.		
Address: 1120 American Flat Rd.		
City: Virginia City	State: NV	Zip: 89440
Phone: 775-847-5272	Fax: 775-847-7118	
Cell:	Contact: Scott Jolcover	
Email: sjolcover@comstockmining.com		

The receipt of an application at the time of submission does not imply the application complies with all requirements of the Lyon County Code or Lyon County Planning Department, or that it is deemed complete and will be processed.

Property Tax Status:

As per Lyon County Code Title 10, Section 10.12.05, a signature is required from the Lyon County Clerk's Office showing the taxes are paid current on the subject property.

I, Nikki Bryan, hereby certify that all required property taxes are paid current on APN(s): 008-091-02, 008-091-05

By:

Deputy Clerk

Date

Applicant's Affidavit (Complete if different from Property Owner):

I, _____, being duly sworn, depose and say that I am the applicant
(Printed name)

of the described project and/or request, and all the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Lyon County Planning Department staff.

Signature of Applicant

Subscribed and sworn to before me this
_____ day of _____, _____

Notary Public in and for said county.

Date

(Notary stamp)

Property Owner's Affidavit:

I, Corrado De Gasperis, being duly sworn, depose and say that I am an owner* in
(Printed name)

fee of the described property involved in this application, that I have knowledge of, and agree to, the filing of this application, and that the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I acknowledge that I am aware of the "right to farm" policy of the county and have been provided with a copy of a statement (attached to this application form) containing substantially the disclosure set forth in Chapter 10.15 of the Lyon County Code. I understand that no assurance or guarantee can be given by members of the Lyon County Planning Department staff.

(*A separate Affidavit must be provided by each property owner)

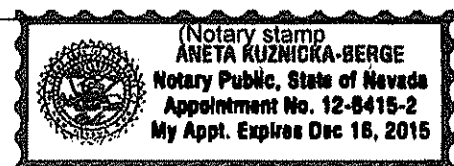
Signature of Property Owner

Subscribed and sworn to before me this
7th day of AUGUST, 2013

BY CORRADO DE GASPERIS ***

Notary Public in and for said county.

Date



JA2424

14 CV 00128 - 002319

LYON COUNTY



Land Information Solutions

TRI STATE SURVEYING, LTD.

1925 E. Prater Way, Sparks, Nevada 89434
Telephone (775) 358-9491 ♦ FAX (775) 358-3664
Toll Free: 1-800-411-3752

October 18, 2013
Project No. 10055.01.CC

Parcel Descriptions

All those certain parcel situate within portions of Sections Eight (8), Nine (9), Sixteen (16) and Seventeen (17), Township Sixteen (16) North, Range Twenty-One (21) East, Mount Diablo Meridian, Lyon County, Nevada, being more particularly described as follows:

Parcel 1:

All that portion of Mineral Survey 63, Kossuth Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 63 (Office No. 186), Kossuth Lode (Kossuth Mining Co's.), Devils Gate Mining District, by Don H. Barker, January 1874, lying southerly and outside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876.

Parcel 2:

All that All that portion of Mineral Survey 63, Kossuth Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 63 (Office No. 186), Kossuth Lode (Kossuth Mining Co's.), Devils Gate Mining District, by Don H. Barker, January 1874, lying northerly and inside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, together with all of Lot 275 as shown on said Official Map of the TOWNSITE of SILVER CITY.

Parcel 3:

All that portion of Mineral Survey 56, Alhambra Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 56 (Office No. 183), Alhambra Lode (Alhambra Co's), Devils Gate Mining District, by Hugo Hochholzer, September 1872, lying southerly, westerly and outside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876.

Parcel 4:

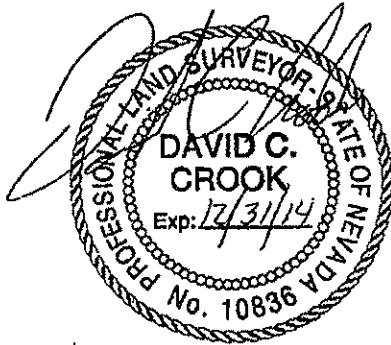
All that portion of Mineral Survey 56, Alhambra Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 56 (Office No. 183), Alhambra Lode (Alhambra Co's), Devils Gate Mining District, by Hugo Hochholzer, September 1872, lying northerly, easterly and inside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, together with all of Lot 274 as shown on said Official Map of the TOWNSITE of SILVER CITY.

Parcel 5:

All of Mineral Survey 66, Marble Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 66 (Office No. 189), Marble Lode (Dayton Silver Mining Co's). Devils Gate Mining District, by J. H. Eaton, March 1873, together with that portion of Lot 129 of the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, lying inside of said Marble Lode.

Parcel 6:

All of Lots 101, 102, 103, 133, 276, 277, 278 and 279, said Lots being as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876 and a portion of Lot 104 of said Official Map of the TOWNSITE of SILVER CITY, being shown on Record of Survey Map No. 291213, recorded in the office of the County Recorder of Lyon County on February 21, 2003.



Date 10/18/2013
David C. Crook, P.L.S.
Nevada Certificate No. 10836

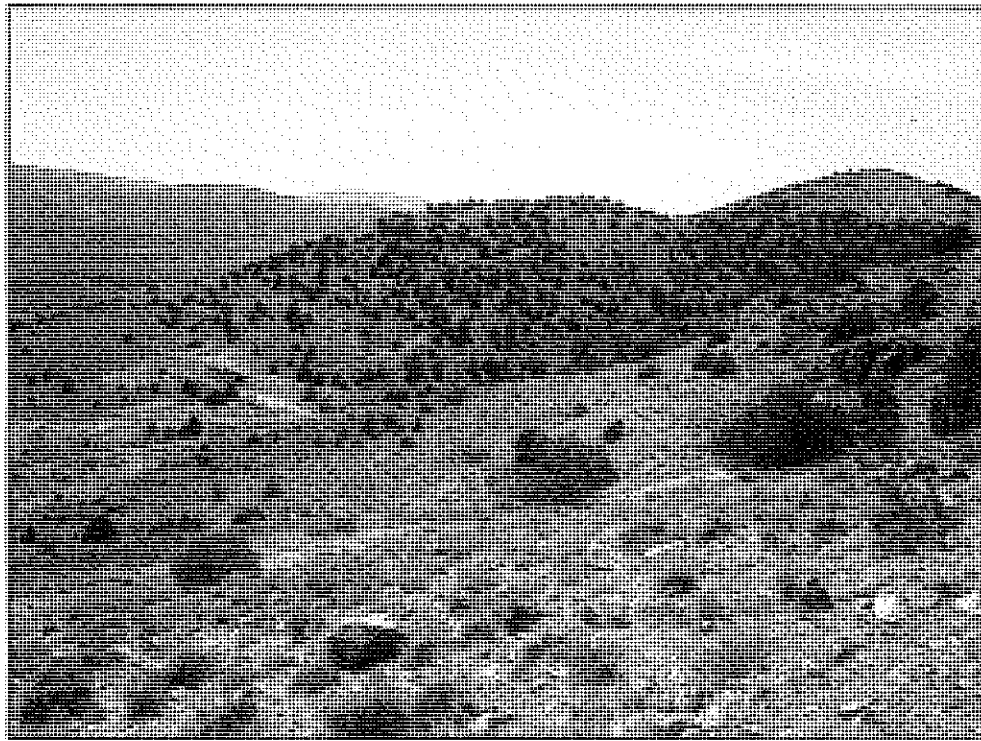


PHOTO P1

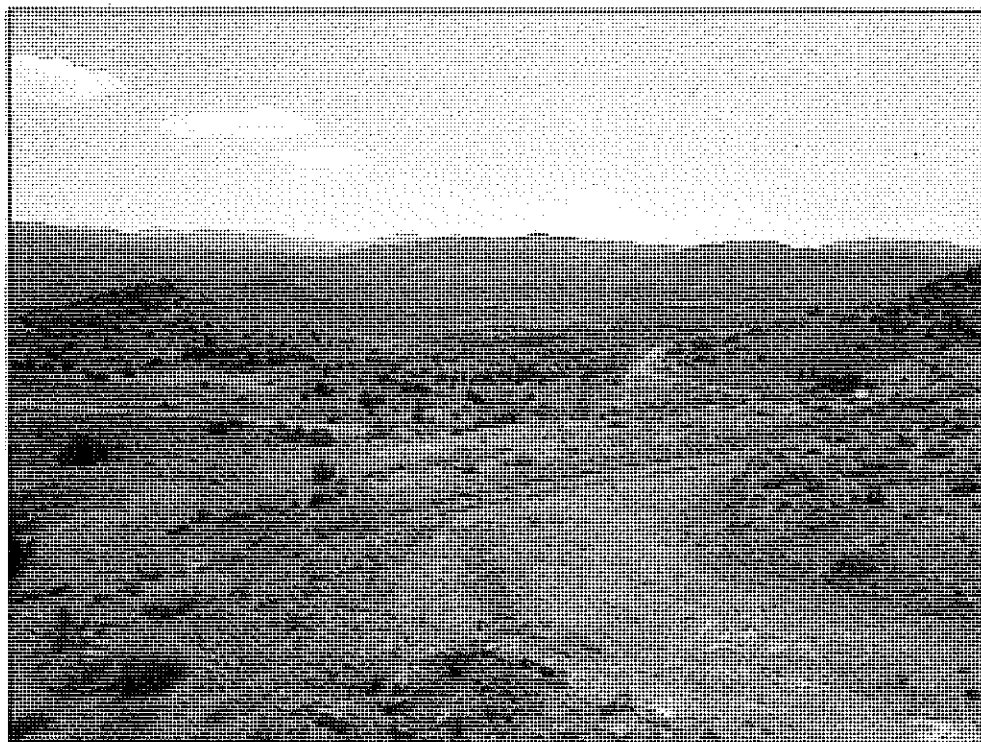


PHOTO P2

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING

8850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 748-3500 fax: (775) 748-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET
1 OF **1**
CMILCN

17:30 Dwg Name: \\mcl_corsoncity\CC_Projects\Cmilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter

JA2428

14 CV 00128 - 002323
LYON COUNTY

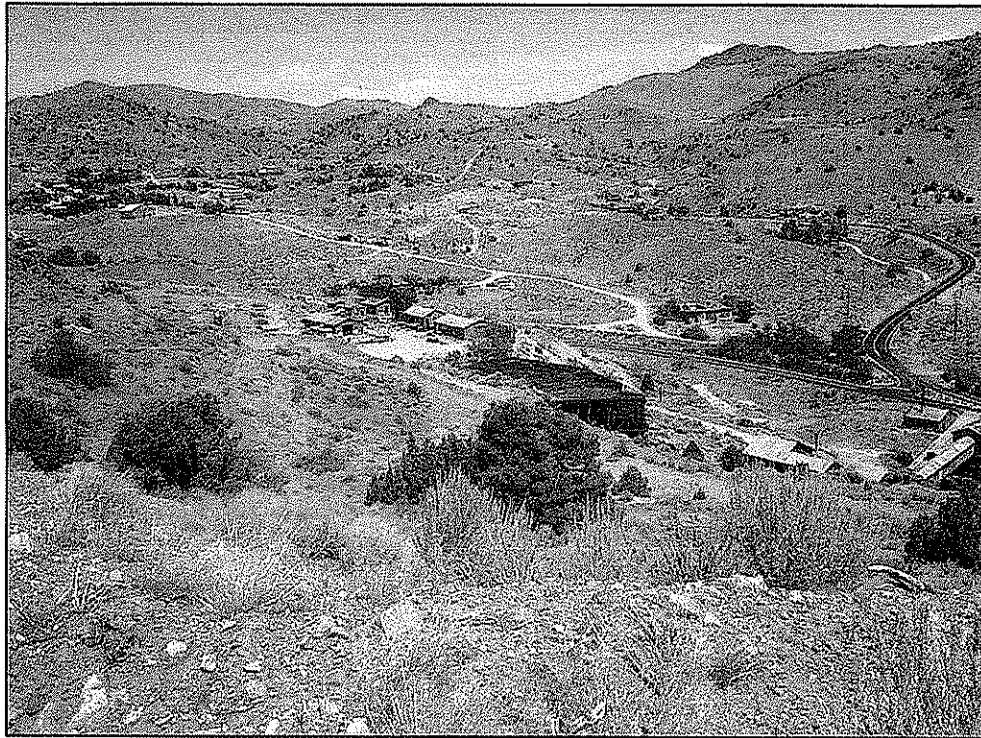


PHOTO P3



PHOTO P4

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



8850 Double R Blvd, Suite 101, Reno, NV 89521 tel : (775) 746-3500 fax : (775) 746-3520 www.manhard.com
 Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
 SITE PHOTOS

PROJ. MGR.: AWM
 DRAWN BY: AWM
 DATE: 9/8/2013
 SCALE:

SHEET
1 OF **1**
 CMILCN

Dwg Name: \\md_carsoncity\CC_Projects\CMilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter 17: 30

JA2429

14 CV 00128 - 002324
 LYON COUNTY



PHOTO P5

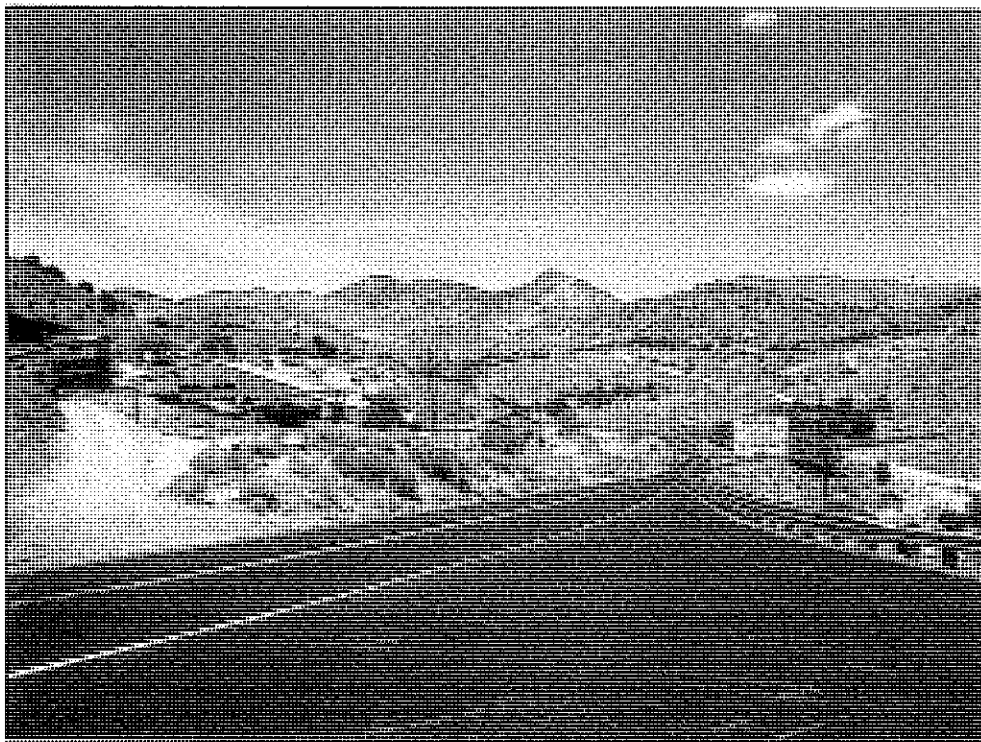


PHOTO P6

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



8850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 748-3800 fax: (775) 748-3320 www.manhard.com
 Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
 SITE PHOTOS

PROJ. MGR.: AWM
 DRAWN BY: AWM
 DATE: 8/8/2013
 SCALE:

SHEET
 1 OF 1
 CMILCN

17: 30 Dwg Name: \\md_carsoncity\CC_Projects\Cmilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter

JA2430

14 CV 00128 - 002325
 LYON COUNTY

11/1/13

Lyon-county.org Mail - a few more important thoughts



Rob Loveberg <rloveberg@lyon-county.org>

a few more important thoughts

1 message

Corrado DeGasperis <DeGasperis@comstockmining.com>
To: "rloveberg@lyon-county.org" <rloveberg@lyon-county.org>

Fri, Nov 1, 2013 at 6:07 AM

Rob, I was just reflecting on all the dialogue that has gone on since the application was filed and wanted to follow up with a brief discussion, thank you for scheduling the time and I look forward to discussing it today at 8:30 am PST. I appreciate all of the County and staffs support and I wanted to highlight some of the more salient points that would support staff recommending the accepting the changes proposed in our application.

1. Property currently conforms with zoning and MCP changes applied for and reflects an appropriate, zone and MPC consistent with historic mineral and rural residential character currently in place. Critical, is that this MP designation and zoning change would be the right zoning even if no minerals were ever approved for extraction. The topography and current SC character are rural and rural is most protective of any slow growth, sustaining rural community profile.
2. Proposed changes are consistent with historic land use and character. Cultural studies have recently been completed by Kaux, on our properties on the Comstock, for the BLM, confirming mineral uses are consistent with the Historic District uses, both in type and scale. This is key.
3. Enables immediate investments without any disturbances, hugely benefiting the County. These investments include exploration, engineering and development studies for all practical and possible land uses and post uses. No impact on land or community would occur until these assessments were completed.
4. Provides County with deep intelligence regarding all possible uses of our land and the economic benefits.
5. Enables studies that the SC community has long been demanding. This could provide that intelligence and the opportunity for unprecedented, practical and positive opportunity, in collaboration with the community, which the SUP process fully provides for, so real progress, regardless of the conclusion, can occur.
5. Avoids possible denser residential developments, by down zoning, that would most certainly burden the County and seems inconsistent with the COmmunities desired pace of residential development. Without it, the community will likely stagnate and deteriorate, like much of the historic district rather than sustain, with positive rural development.

I have attached some additional thoughts, consistent with our application but extracted and summarized. I look forward to speaking with you this morning.

Kind regards, Corrado

11/1/13

Lyon-county.org Mail - a few more important thoughts



SupportingThoughts.docx
23K

Rob, I was just reflecting on all the dialogue that has gone on since the application was filed and felt compelled to summarize some of the most salient points supporting why staff should recommend the proposed changes.

Throughout the initial stages of the public process, as expected, the public's focus has been mired with speculation, misrepresentations and almost exclusively based on the fear of irresponsible mining operations impact on the subject property. The number of flawed assumptions heard in public hearings frankly overwhelms the dialogue and distracts from the applicants request.

Regardless of the ultimate, actual uses of the applicants current land holdings, the proposed zoning provides a more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure. The modified Zoning and MP would immediately:

- Conform with existing parcels, property lots and boundaries:
- Leverage the existing, diligent county processes for only "appropriate" zone changes and conforming Master Plan Changes that are consistent with (and accelerating of) current master plan implementations.
- Enable significant investments into practical, responsible planning and development, that is, millions of dollars of investment, to determine/validate existence of precious metal reserves and develop responsible mining and restorations plans that could provide significant, sustained economic benefit to the County at large:
- Enable significant assessment and investments into post-mining, practical residential development plans in a manner that does not "burden the county";
- If none of those investments and planning result in approved productive uses, the proposed zoning still results in the best, most practical and productive current and long range land uses and zoning strategy based on topography, actual development potential and proximity to infrastructure.

The intent of this memo is to refocus all parties involved that these application requests, if approved, do not in any way authorize or allow mining activities to occur on the subject property. Rather the application request is based on, and supported by, basic traditional planning principles that are consistent with Lyon County's Master Plan. Please refer to the following excerpts, primarily drawn from the application submittal:

- The application is requesting a "down zone" at both the master plan and zoning levels. These amendments modify the residential development potential of the property from its current allowed density of 655 total dwelling units to a maximum yield of a more rurally representative 10 dwelling units. If approved, these proposed requests change the master plan and zoning designations from "Suburban Residential and NR1" to "Rural Residential, RR3 and RR5."
- The requested reduction in development supports a much more practical (and fiscally feasible), orderly and responsible growth as compared to the current high density NR1 designation. It allows for responsible investment to develop responsible, economically and socially responsible plans for future land uses, including mineral development and/or residential development.
- The current designation of NR1 in no way suggests a demand base zoning strategy nor is it based on any current population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability. This is the desired zoning for the County and the applicant, regardless of ultimately approved land uses.
- A change in the master plan and zoning designations from Suburban Residential and NR1 to Rural Residential, RR3 and RR5 will not only support the productive evaluation of existing mineral potential but will, more importantly, also bring the property into conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure

and services, while helping to further promote the goals, policies, and strategies of the Lyon County Master Plan.

- Suburban Residential master plan designation and NR1 zoning designation are inconsistent with the following goals, policies and strategies of the current Lyon County Master Plan and conversely, these of goals, policies and strategies actually promote the proposed master plan and zone change requests from Suburban Residential and NR1 to Rural Residential, RR5 and RR3.

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU 2.1 *Residential Development in Areas with Services*

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

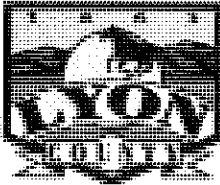
Policy FS 1.1: *Location of New Development*

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

As expressed in the above excerpts, the basis for the application is supported by the basic planning principles of location, topography, density, and the availability of infrastructure and services as they relate to the subject property should be used to determine a property's highest and best use. These principles combined with consistency with the Lyon County Master Plan have us confident that these requested modifications, reducing the overall density, will provide a more appropriate long range plan and orderly growth of the subject property.

We understand and respect the public's position relating to mining on the subject property, but we also are aware that these application requests, if approved, in no way entitle us to engage in any mining activities. Furthermore, we fully understand that the special use permit process, not these applications will ultimately determine if mining is an appropriate use for the subject property. What we fear is that public outcry directed towards a potential future special use permit application request will unfairly influence the master plan and zone change process. We request that basic planning principles, rather than public outcry, are used in determining staff's recommendation regarding these applications.



LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
(775) 463-6592 (775) 463-5305 FAX

ROBERT G. LOVEBERG
PLANNING DIRECTOR

STAFF REPORT

Lyon County Planning Commission

PLZ-13-0051 Zone Change from NR-1, Single-Family Nonrural Residential, to RR-3, Third Rural Residential, and RR-5, Fifth Rural Residential

Meeting Date: November 12, 2013

Owners: Comstock Mining, Inc.

Applicant: Same

Area Location: Silver City

Parcel Number(s): (APNs) 08-091-02 & 08-091-05

Current Master

Plan Designation: Resource and Suburban Residential

Proposed Master

Plan Designation: Rural Residential

Existing Zoning: NR-1, Single-Family Nonrural Residential (6,000 square foot minimum)

Proposed Zoning: RR-3, Third Rural Residential (5 acre minimum), and RR-5, Fifth Rural Residential (20 acre minimum)

Case Planner: Rob Loveberg

Planning Director Approval: RGL

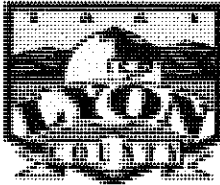
Request

The applicants are requesting a change of zoning from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum) and RR-5, Fifth Rural Residential (20 acre minimum). The applicant is requesting to change 42.57 acres of NR-1 zoning within the Silver City town site to RR-3, and to change 44.63 acres of NR-1 zoned land outside of the town site to RR-3 and RR-5 zoning. See the enclosed applicant's revised submittal for more detailed information and the applicant's justification.

An application for a master plan amendment from Resource to Rural Residential and Suburban Residential to Rural Residential was submitted concurrently with this request. A request for a reversion to acreage involving property included in the requested zone change and master plan amendment was also submitted concurrently and has been heard by the Planning Commission.

Current and Proposed Zoning:

Zoning District	Current		Proposed	
	Acreage	Percentage	Acreage	Percentage
NR-1, Single-Family Nonrural Residential	87.2±	100%	0	0%
RR-3, Third Rural Residential	0	0%	54.86±	62.91%
RR-5, Fifth Rural Residential	0	0%	32.34±	37.09%
TOTAL	87.2±	100%	87.2±	100%



LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
(775) 463-6592 (775) 463-5305 FAX

ROBERT G. LOVEBERG
PLANNING DIRECTOR

STAFF REPORT

Lyon County Planning Commission

PLZ-13-0050 Master Plan Amendment from Resource to Rural Residential and Suburban Residential to Rural Residential

Meeting Date: November 12, 2013

Owners: Comstock Mining, Inc.

Applicant: Same

Area Location: Silver City

Parcel Number(s): (APNs) 08-091-02 & 08-091-05

Current Master

Plan Designation: Resource and Suburban Residential

Proposed Master

Plan Designation: Rural Residential

Existing Zoning: NR-1, Single-Family Nonrural Residential (6,000 square foot minimum)

Proposed Zoning: RR-3, Third Rural Residential (5 acre minimum), and RR-5, Fifth Rural Residential (20 acre minimum)

Case Planner: Rob Loveberg

Planning Director Approval: RGL

Request

The applicant is requesting a master plan amendment from Resource to Rural Residential on approximately 12.29 acres outside of the Silver City town site and an amendment from Suburban Residential to Rural Residential on approximately 42.57 acres within the Silver City town site. See the enclosed applicant's revised submittal for more detailed information and the applicant's justification.

A zone change from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum), and to RR-5, Fifth Rural Residential (20 acre minimum), was submitted concurrently with this request. A request for a reversion to acreage involving property included in the requested master plan amendment and zone change was also submitted concurrently and has been heard by the Planning Commission.

Current and Proposed Master Plan Designations:

Master Plan Designation	Current		Proposed	
	Acreage	Percentage	Acreage	Percentage
Resource	12.29±	22.4%	0	0%
Rural Residential	0	0%	54.86±	100%
Suburban Residential	42.57±	77.6%	0	0%
TOTAL	54.86±	100%	54.86±	100%

T: 775-246-0232

FROM THE DESK OF
STEVEN SAYLOR

F: 775-246-0266

November 11, 2013
LYON COUNTY
PLANNING COMMISSION
27 South Main Street
Yerington, NV 89447

RE: Special Use Permit / Comstock Mining

Dear Planning Commissioners,

We are writing in regards to the Special Use Application being considered for Comstock Mining.

It is our understanding that the zoning for mining in the proposed area is not inconsistent with their application. Further it gives property owners their inherent right to the highest and best use of their property.

I have taken advantage of their offer to have the public come and tour their mining site and processing center in Storey County. I have found they have gone above and beyond the existing requirements and regulations currently in place for the BLM, NDER, NDOT, and MSHA.


We have also attended several of their public awareness meetings for the public in Dayton and have found them very forth coming with their plans and intentions. The public record shows that what they say they are doing and have done is supported in documentation and their actions.

They are also actively restoring and preserving the historic structures in our area. They are also offering funding for our local historic preservation efforts and others.

In closing, the economic impact in our county will be enhanced through jobs creating payroll and taxes to the county.

Thank you all for your time and consideration.

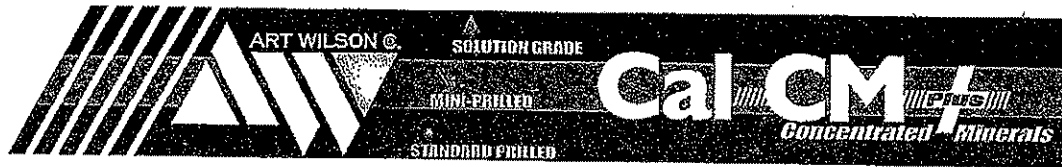
Sincerely yours,


Steven & Johnye Saylor

400 MAIN STREET DAYTON NV 89403

JA2437

14 CV 00128 - 002332
LYON COUNTY



#5 + #6

November 8, 2013

Lyon County Planning Commission
27 South Main Street
Yerington, Nevada 89447
Via: planning@lyon-county.org

Re: Comstock Mining Inc.

Dear Commissioners:

I am writing as a former long-time resident of Silver City and current property owner in Silver City, as well as a Lyon County business owner and former owner of the Dayton Consolidated Mine, in order to show my support of Comstock Mining Inc. and what they are proposing for the Master Plan.

I strongly urge the Commission to support the Master Plan amendment and Zone Change application filed by Comstock Mining Inc. in order to properly align the zoning of the parcels submitted before you so that planning will be consistent with the area and with the property's former use.

Respectfully submitted,

Art Wilson
President

ART WILSON CO.
Art Wilson, President
P.O. Box 20160 ~ Carson City, Nevada, 89721 ~ Ph. (775) 882-0700, ext. 105 ~ Fax (775) 882-0790



Kerry Page <kpage@lyon-county.org>

Affected Property Owner

1 message

SJolcover@aol.com <SJolcover@aol.com>

Mon, Nov 11, 2013 at 3:23 PM

To: planning@lyon-county.org

Cc: jpage@lyon-county.org

Our Property, Donovan Mill, LLC APN's 08-091-05 and 08-091-02, is directly across SR 342 from the North End of the applicants property. This area has been stagnant of business or resource development for over 30 years that I know of. As land and building owners directly affected by this application I can not emphasize enough our support of the applicants legal right to be heard on this application, and our support of the Lyon County Planning Commissioners voting in favor of both the Master Plan Amendment and the Zone Change so the applicant may attempt to determine the highest and best use of their land within their legal property rights. There is nothing in the approval of the applicants wishes that creates a condition of negatively impacting health, safety and welfare of the land owners in the area.

Kind regards,

Scott Jolcover and Paul Thompson,
Managing Members,
Donovan Mill LLC

November. 11, 2013

To the Lyon County Planning Commission:

I am submitting the following for your examination and consideration with respect to Items 5 and 6 on the Planning Commission meeting agenda for November 12, 2013. These agenda items include a request for a Master Plan Amendment and Zone Change for property owned by Comstock Mining, Inc. within and adjacent to Silver City.

The following is based on research conducted by Erich Obermayr at the Nevada State Library and Archives and University of Nevada Special Collection between October 28 and November 8, 2013. This research addressed the oft-repeated statement from the above application that:

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940s and 1960s, while some form of active exploration and development activity has continued from the 1970s through today.

The conclusion from the above mentioned research is that the last significant "active mining and development" at the Dayton property occurred in the late 1940s and ended by 1950. This is based on an examination of reports by the State of Nevada documenting mining and milling operations in the state. These reports include *Nevada Mines, Mills, and Smelters* and *Report of the State Inspector of Mines*, both compiled by the State Inspector of Mines (prior to 1972); and *Nevada Industrial Commission Directory of Active Mining Operations by Counties* and *State of Nevada Department of Industrial Relations Directory of Nevada Mine Operations Active During [the] Calendar Year (1973-2007)*. Reports from the years 1973, 1995, 1996, and 1998 were not available.

The original Dayton Mine was one of the first in the Silver City area, with substantial production from 1870 to 1875. The mine was then idle from 1880 until it was reopened in the 1930s. The Dayton Mill was built in 1934, and the Dayton Consolidated Mines Company processed ore from their numerous properties in the area as well as the Dayton Mine. The Dayton Mine was closed by war regulations in 1942. The Dayton Consolidated Mines Company then resumed operations in 1948 (*Mineral Resources of Storey and Lyon Counties, Nevada*. University of Nevada Bulletin, Geology and Mining Series No. 49. March 1950).

The 1949 *Nevada Mines, Mills, and Smelters* (p 10) lists the Dayton Consolidated Mine Company as operating a flotation and cyanide mill in Lyon County, and conducting underground mining at the Keystone Mine in Storey County (p 13). The report does not specifically mention activity at the Dayton Mine, however the mill is listed as "producing." The combined 1949-50 *Mines, Mills, and Smelters in Operation* repeats the same information. A November 1950 draft Dayton Consolidated Mines Company letter to stockholders (UNR Special Collections 88-47/3) and a general production report from the Dayton Mill from December 1948 (UNR Special Collections 88-47/3) indicate there was production during this time from the Dayton property. The

production report lists tonnage from the Dayton Cut, the "Wedge" (noted as "Dayton Surface"), as well as the Oest Mine (located south of the Dayton property but controlled by the company [See Comstock Notes, a Dayton Consolidated Mines Company prospectus, UNR Special Collections TN 433 N3 D3]). The stockholders letter recounts activity from 1948 through 1950, which included the blocking out and development of ore bodies at depth in company properties. It does not specify whether this refers to the Dayton Mine or the Keystone Mine in Storey County. The letter concludes with the point that the company has exhausted its working capital and without additional financing current bondholders will take over the property. It is not known whether this effort was successful.

The 1951-52 *Report of the State Inspector of Mines* has no activity listed for the Dayton Consolidated Mines Company. Subsequent reports, as referred to above, covering the period from 1952 to 2007, make no mention of mining or milling on the Dayton property. The statement in the application that "active mining and development" occurred on the Dayton property in the 1960s is not supported by the state reports as, again, there is no mention of mining activity on the property during that time.

It should be noted that the reports referenced above may not include mines operated solely by the owner or leasee, without any additional employees. It is possible that individual owners may have mined somewhere on the property at some time during the last sixty-plus years. There was also apparently exploratory drilling on the Dayton property in conjunction with the Nevex Mining Co. project in 1986, as well as the more recent Comstock Mining Inc. exploratory drilling in 2011 and 2012.

The very general statements about the property's use in the application are not necessarily inaccurate. However, since they lack any supporting documentation, it is impossible to assess their veracity. For example, the reference to "active mining" during the 1960s is contradicted by the state agency reports. And while the owners themselves may have occasionally undertaken small scale mining activity on the property, this is impossible to confirm without documentation.

The statements are not accurate in their implication that mining activity has been more or less continuous since the 1940s. It would be more correct to say there has been no verified mining activity, aside from two exploration projects and possibly other sporadic, abbreviated efforts, since productive mining on the property ceased in 1950.

Thankyou for your consideration.

Erich Obermayr
Box 249
Silver City, NV 89428
eober@historicinsight.com



LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET
YERINGTON, NEVADA 89447
(775) 463-6592 (775) 463-5305 FAX

ROBERT G. LOVEBERG
PLANNING DIRECTOR

NOTICE OF APPLICATION AND PUBLIC HEARING

PLZ-13-0051 Zone Change
Meeting Date: November 12, 2013
Applicant: Comstock Mining, Inc.
Property Owner: Same
Area Location: Silver City
Parcel Number: (APN's) 08-091-05 & 08-091-02
Existing Zoning: NR-1 (Non-Rural Residential-6,000 sq. ft. minimum)
Proposed Zoning: RR-3 (Rural Residential-5 acre minimum) and RR-5 (Rural Residential - 20 acre minimum)
Existing Master Plan: Suburban Residential
Request: To change the Zoning Designation from NR-1 (Non-Rural Residential - 6,000 sq. ft. minimum) to RR-3 (Rural Residential-5 acre minimum) on 54.86 acres and RR-5 (Rural Residential - 20 acre minimum) on 32.34 acres
Location: Off of Highway 341, Silver City, NV

Dear Affected Property Owner:

An application for the above referenced project is on file at the Lyon County Planning Department offices at 27 South Main Street, Yerington, NV. This file may be reviewed at this location during regular office hours (8:00 a.m. to 5:00 p.m.), Monday through Friday, except legal holidays, or upon request, a copy can be delivered via electronic mail. To request a copy of the supporting materials for this agenda item please contact Kerry Page at kpage@lyon-county.org or by calling 775-463-6592.

Planning Commission Hearing:

Date: Tuesday, November 12, 2013 *(this matter may be continued to another meeting date without additional notice)*
Time: 9:00 a.m.
Location: Board of Commissioners Chambers
 27 South Main Street, Yerington, Nevada

Interested persons may appear at the meeting to present oral comments to the Planning Commission. Written comments may be submitted by mail to Lyon County Planning Department, 27 South Main Street, Yerington, NV 89447, by fax to (775) 463-6596, or send an e-mail to: planning@lyon-county.org. Written comments must be received before the date of the meeting to be considered by the Planning Commission. For further information, please contact the Lyon County Planning Department at (775) 463-6592.

Comments (additional comments may be provided separately):

FRANK PEDLAR

SEE OTHER SHEETS.

My name is Frank Pedlar.

My family moved to Silver City in the early 1930's to mine.

My wife, daughter and I currently live in Silver City.

We have 5 houses and 57 acres. My daughter's house ajoin the Dayton Consolidated on Dayton Toll Road. My property joins the mine further North. We are not just close to the mine, but own some of the same property as the mine. A portion of nine town lots that we own, overlay the Dayton Consolidated patents.

It appears we are dealing more with amotion and fear rather than facts. A lot of the roomers going around are unjustified and designed to scare. An example of this is the picture of the North side of Grizzly Hill with a large open pit. There is no pit here and this property does not belong to the mine, but myself. (See picture by the Comstock Residence Association)

The town of Silver City is patent #433. The rights of the residents and the mine are clear. The patent was put into effect by the president of the United States [Ulysses S. Grant]. Remember there are 9 (nine) patented lode mining claims [MS# 44, 45, 46, 56, 63, 66, 75, 77, 96.] that were issued with no mineral reservations and no U. S. reservations. Where as the Silver City townsite patent was issued with mineral reservations and U. S. reservations to protect the inhabltance.

Comstock Mining has and is restoring several Historic buildings that were about to fall down.

I have no problem with this change to the master plan.

Thank you.



This is what we have now



This is what we'll have if CMI mines here

Mining in Silver City

Comstock Mining has submitted a master plan and zoning change to Lyon County, which if approved, would open the way for mining operations within the Silver City town limits. The application covers more than 55 acres surrounding the Dayton Consolidated mill site, literally across the highway from residents in the southern portion of Silver City. Imagine the current Comstock Mining operation north of Devil's Gate transplanted to the Dayton Consolidated mill site. If you are troubled by the damage done to the historic viewshed along Highway 342 in Gold Hill, and dismayed by the noise, blasting and dust we already experience in Silver City, think what life will be like with mining in Silver City's "front yard." Unless we take action, Silver City residents will be wedged between a northern and a southern mining project with dust and noise from blasting and haul trucks times two. It is easy to understand the devastating effects mining in Silver City would have on our quality of life, health, environment and property values, not to mention the historic landscape of the Virginia City National Historic Landmark.

The coming months will be a critical period in the history of Silver City. We will either remain a quiet, residential community or our town will be transformed into an industrial site. The good news is that Lyon County decision-makers have supported Silver City residents under similar circumstances in the past. In 1986, Nevex Mining proposed master plan and zoning changes in an attempt to pit mine the very same location. Because everyday folks like you worked hard, spoke up and showed up at meetings, the Lyon County Commissioners denied the mining company's request. However, that was 27 years ago. This time it will take an even higher level of commitment and action on the part of all of us in the Silver City community who care about preserving our quality of life.

What You Can Do

On September 3, 2013, the Silver City Advisory Board has the master plan and zoning change for the Dayton Consolidated on the agenda. The meeting is at 7PM at the Silver City Schoolhouse. Your attendance at this meeting is extremely important for providing input to the members of the Town Board.

On September 10, 2013, the Lyon County Planning Commissioners will hear a request from Comstock Mining to consolidate acreage at the Dayton Consolidated Mill Site to pave the way for their upcoming master plan/zoning change. The meeting will be held in Yerington, Nevada at 27 S. Main Street and will begin at 6am. It is important that residents of our community concerned about mining in Silver City attend this meeting and clearly communicate their opinions regarding this issue.

In November of 2013, the Lyon County Planning Commissioners will hear Comstock Mining's master plan and zoning change request. Residents of Silver City have begun work on a presentation to inform, educate and present a counter point-of-view to the members of the Planning Commission. In December of 2013, the Lyon County Commissioners will consider the Planning Commissioners' recommendation on the master plan and zoning change and their decision will be final. The dates of these important meetings will be made available once they are scheduled. Your attendance at both of these meetings will be critical.

The Lyon County Commissioners need to hear from you regarding mining in Silver City. Here are their addresses, phone numbers and e-mail. Please contact them and tell them how mining in Silver City would affect your quality of life.

Bob Hastings POB 686 Dayton, NV 89403 775-246-4350 bhastings@lyon-county.org	Vida Keller POB 201 Silver Springs, NV 89402 775-5773200 vkeller@lyon-county.org	Ray Fierro 409 Keystone Drive Dayton, NV 89403 775-246-0930 rfierro@lyon-county.org
Virgil Arellano 38 Nadel Lane Yerington, NV 89444 775-246-0930 varellano@lyon-county.org	Joe Mortensen 680 Miller Lane Fernley, NV 89408 775-575-4778 jmortensen@lyon-county.org	

If you need a ride to the meeting on September 10, 2013, would like to make a donation or volunteer to support our community, or if you need more information, please call Gayle Sherman at 847-0651.

November 7, 2013

To the Lyon County Planning Commission

I am Allison Woodman and I live on Main Street in Silver City NV, USA. I sought out to live in a small, quiet, rural community and found, then purchased my historical home using our life savings. It is the biggest investment we have made in our lives and was our dream to own our home. Alan and I have poured all we had and so much work into the property to make it more comfortable and increase the value of our investment. Alan did much of the very hard work himself and I will never forget him saying, "I don't care if I have to dig it out with a spoon; it's ours." We have raised our Granddaughter in the home. It's her home, the only home she has ever known. All of our hand prints are in the repaired foundation. The bottom dropped out of the housing market and times got hard but we've tenaciously hung on. The value to us, having our own home and living in and being part of the Community in Silver City is about so much more than money.

We and many of our neighbors live directly across the road from where Comstock Mining proposes to open pit mine. The impact on all of us of open pit mining in our community and so close to our homes would be devastating. For my family, the value in our investment we have worked so hard for would be a total loss. We would be financially ruined. At 58 and 52 years old, Alan and I cannot just start over somewhere else. We would not be able to remain in a home where our child would be breathing in dirt from a superfund site on a daily basis and we would not be able to sell it. We would have to disrupt our lives, pull our child out of her school in Dayton and walk away from our home and our dream. We don't have the time left or resources to recover from such a loss. This is not an outcome that is out of anyone's control. We have invested within a historically protected, residential community. We have all been contributing citizens of Lyon County before Comstock Mining became. We are asking the Commission to maintain the residential zoning for our community and protect our rights and the integrity of the historical town and landscape.

In 2010 Comstock Mining came to our little town meeting and announced how much acreage they had newly acquired, how much money their out of town investors had, and of their intent to open pit mine within our community. I was alarmed and dismayed when Comstock Mining began moving bulldozing dirt around on the hill across the street. I was assured that testing on the soil would be made. I still have not received the information regarding the results of those tests over 3 years later, although I have asked repeatedly. The last I saw were men in hazmat suits on that hillside. Our quality of life and possibly our health has been negatively impacted by the drilling activity. Several months into the pushing around dirt to make roads and drilling pads, with the disturbed soil blowing down upon us, I developed a swollen lymph node in my neck that cannot be explained after multiple tests and much expense and my child had and sometimes still has a chronic cough. I am angry and afraid.

I am more than just saddened and dismayed by the open pit mine just outside the gates of our town. The activity has had a negative impact on us from the dirt, the noise, the ruining of a newly paved road, the presence of industrial traffic, and most of all the ruined landscape replaced by a growing gaping hole. The area they have destroyed is about the size of our town. I cannot imagine having that within

our town and living directly across from another growing, gapping, hole and constant noise, blastings, lights, industrial traffic, and especially so much dirt blowing onto and into us.

Lyon County can find a way to develop sustainable economy without the gamble of open pit mining within the small historical and residential community of Silver City.

Mining can be a good and productive part of Nevada economy but it should not be, should never be within very close proximity to any community.

Sincerely,

A handwritten signature in black ink, appearing to read "Allison Woodman". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Allison Woodman



Kerry Page <kpage@lyon-county.org>

Staff reports for Comstock Mining, Inc

1 message

Kerry Page <kpage@lyon-county.org>

Fri, Nov 8, 2013 at 2:38 PM

To: Andrew Motter <amotter@manhard.com>, Mark Rotter <mrotter@manhard.com>

Cc: Jeff Page <jpage@lyon-county.org>

Please find attached the staff reports for the Comstock Mining Master Plan Amendment and Zone Change applications.

--
*Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305*

2 attachments



PILZ 13-0000 COMSTOCK MINING MPA 11-12-2013 1.pdf
190K



PILZ 13-0000 COMSTOCK MINING ZC 11-12-2013 1.pdf
53K

JA2448

14 CV 00128 - 002343



Kerry Page <kpage@lyon-county.org>

Staff reports for Comstock Mining, Inc

2 messages

Kerry Page <kpage@lyon-county.org>

Fri, Nov 8, 2013 at 2:26 PM

To: Betty Retzer <blretzer@yahoo.com>, Chuck Davies <ced302@att.net>, George Mortensen <gpfgeorge@aol.com>, Harold Ritter <hk3m@aol.com>, Larry Wahrenbrock <NevadaBead@aol.com>, Mike Hardcastle <mike@fermleylodge34.org>, Paul Lanning <paul4527@aol.com>, Bob Hastings <ninergold3@gmail.com>, Virgil Arellano <tdhvaquero@tele-net.net>, Gayle Sherman <gales@gbis.com>, John Marshall <johnmarshall@charter.net>, Joe McCarthy <1200paydirt@gmail.com>, "SilverCityResistance ." <rgelston@gmail.com>, Erich Obermayr <eober@historicsinsight.com>, Bonnie Brown <bbrown@gbis.com>, elaine@barkdullspenceragency.com

Good afternoon,

Please find attached the staff report for both the Master Plan Amendment and the Zone Change for Comstock Mining, Inc.

Thank you all for your patience.

--

Kerry Page

Lyon County Planning Assistant

27 South Main Street

Yerington, NV 89447

ph: 775-463-6592

fax: 775-463-5305

2 attachments



PILZ 13-0000 COMSTOCK MINING MPA 11-12-2013 1.pdf
190K



PILZ 13-0000 COMSTOCK MINING ZC 11-12-2013 1.pdf
53K

Bonnie Brown <bbrown@gbis.com>

Fri, Nov 8, 2013 at 6:00 PM

To: Kerry Page <kpage@lyon-county.org>

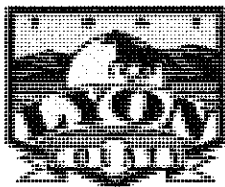
Thank you Kerry.

bonnie

[Quoted text hidden]

JA2449

14 CV 00128 - 002344



LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
(775) 463-6592 (775) 463-5305 FAX

ROBERT G. LOVEBERG
PLANNING DIRECTOR

STAFF REPORT

Lyon County Planning Commission

PLZ-13-0050 Master Plan Amendment from Resource to Rural Residential and Suburban Residential to Rural Residential
Meeting Date: November 12, 2013
Owners: Comstock Mining, Inc.
Applicant: Same
Area Location: Silver City
Parcel Number(s): (APNs) 08-091-02 & 08-091-05
Current Master Plan Designation: Resource and Suburban Residential
Proposed Master Plan Designation: Rural Residential
Existing Zoning: NR-1, Single-Family Nonrural Residential (6,000 square foot minimum)
Proposed Zoning: RR-3, Third Rural Residential (5 acre minimum), and RR-5, Fifth Rural Residential (20 acre minimum)
Case Planner: Rob Loveberg
Planning Director Approval: RGL

Request

The applicant is requesting a master plan amendment from Resource to Rural Residential on approximately 12.29 acres outside of the Silver City town site and an amendment from Suburban Residential to Rural Residential on approximately 42.57 acres within the Silver City town site. See the enclosed applicant's revised submittal for more detailed information and the applicant's justification.

A zone change from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum), and to RR-5, Fifth Rural Residential (20 acre minimum), was submitted concurrently with this request. A request for a reversion to acreage involving property included in the requested master plan amendment and zone change was also submitted concurrently and has been heard by the Planning Commission.

Current and Proposed Master Plan Designations:

Master Plan Designation	Current		Proposed	
	Acreage	Percentage	Acreage	Percentage
Resource	12.29±	22.4%	0	0%
Rural Residential	0	0%	54.86±	100%
Suburban Residential	42.57±	77.6%	0	0%
TOTAL	54.86±	100%	54.86±	100%

Background:

The applicant submitted requests for a master plan amendment, a zone change and a reversion to acreage in August 2013 in accordance with the requirements of Title 10.12.09 of the Lyon County Code. Subsequent to the submittal, Lyon County Planning staff discovered that certain zoning information provided to the applicant was incorrect. The applicant revised the requests for the master plan amendment, zone change and reversion to acreage to reflect the corrected information. This report is based on the revised application information.

The Lyon County Comprehensive Master Plan, County-wide Component, was adopted by the Board of Commissioners on December 23, 2010. The residential densities for the following Comprehensive Master Plan land use designations are:

- Resource – 1 dwelling per 40 acres,
- Rural Residential – 1 dwelling per 20 acres to 1 dwelling per 5 acres, and
- Suburban Residential – 1 dwelling per acre to 18 dwellings per acre

The characteristics used to describe the three pertinent land use designations are as follows:

- Resource – Private property, generally inholdings or located in very remote or rural parts of the County (outside of community boundaries). Within communities may be private property used for resource uses. Examples of uses: Open range and dispersed grazing, mining and large scale energy, general rural residential development at very low densities. Within communities uses such as mining, borrow pit or gravel pit operations, energy projects; may include limited employment/industrial uses complementary to and compatible with surrounding uses.
- Rural Residential – Typically in rural districts and on the edge of suburbanizing areas. Lot sizes vary. Typically not served by municipal utilities. Examples of uses: Single-family residences, ranches, and "farmettes".
- Suburban – Typically in suburbanizing areas. Neighborhoods should contain a mix of housing types and lot sizes in a neighborhood setting with a recognizable center (with a park, school, or other public use) and connected, useable open space within the neighborhood. Will be served by municipal utilities. High density residential must be located near major roads and near commercial uses. Examples of uses: Single-family residences, duplexes and attached housing.

The Lyon County Master Plan, County-wide Component, land use designation "Rural Residential" is consistent with the following Lyon County residential zoning districts: RR-3, Third Rural Residential District (5 acre minimum), RR-4, Fourth Rural Residential District (10 acre minimum) and RR-5, Fifth Rural Residential (20 acre minimum) land uses. The "Resource" land use designation is consistent with the following Lyon County zoning district: RR-5, Fifth Rural Residential (20 acre minimum) land uses. The "Suburban Residential" land use designation is consistent with the following Lyon County zoning districts: E-1, First Estates Residential (12,000 square foot minimum), E-2, Second Estates Residential (one-half acre minimum), NR-1, Single-Family Nonrural Residential (6,000 square foot minimum), NR-2, Multiple Residence Nonrural Residential (8,000 square foot minimum) and NR-3, Single-Family Nonrural Residential (9,000 square foot minimum).

Property Information:**Location:**

The parcels are located westerly of State Route 341 and 342, in the area of the southwesterly corner of the Silver City town site.

Size:

The subject properties total approximately 87.2 acres according to the Lyon County Assessor's files. The requested master plan amendment involves 56.86 acres of the total.

Land Use

The subject properties are generally undeveloped, with a historic mill site and buildings on a portion of the property near and visible from State Route 341 and 342 as well as a large portion of Silver City.

Subject Property and Surrounding Area Land Use

	<i>Current Master Plan</i>	<i>Zoning</i>	<i>Current Land Use</i>
<i>Subject Property</i>	Resource Suburban Residential	NR-1	Undeveloped and Historic Mill
<i>North</i>	Commercial Mixed Use Suburban Residential	M-1 NR-1	Historic Residential and Undeveloped
<i>South</i>	Public Lands Resource	RR-5	Undeveloped
<i>East</i>	Resource Suburban Residential	NR-1 RR-5	Historic Residential and Undeveloped
<i>West</i>	Public Lands Suburban Residential Resource	NR-1 RR-5	Historic Residential and Undeveloped

It should be noted that not all zoning districts are consistent with their respective master plan land use designations. A master plan designation is an expression of the county's long-term expectations for development within a particular area.

Physical and Topographic Attributes:

According to information submitted by the applicant, the subject parcels vary from 0% - 10% slopes to slopes greater than 30%. A portion of APN 08-091-05 along State Route 342 has an area of AE flood zone.

Access:

Current access to the subject properties is via State Route 341 and State Route 342.

Historic District:

The parcels are within the Comstock Historic District.

Public Facilities and Services:

The portion of subject properties within the Silver City town site are within the service area of the Storey County Public Works Department, Virginia City Water System. The parcels are not currently served by the municipal water system and significant improvements will be necessary to bring water services to the subject properties.

No municipal sewer system currently serves the Silver City area. Immediate development would require the installation of individual sewer disposal systems (ISDS) for residential development, or on-site sewer disposal systems (OSDS) or package sewer treatment plant for non-residential development. The Silver City area is not generally well suited for ISDS or OSDS, and a long term solution for waste water treatment would be the extension of a municipal sewer system. Densities as contemplated in the County's Comprehensive Master Plan would contribute to the cost effectiveness of a sewer system.

The Central Lyon County Fire Protection District provides fire and emergency medical service from the volunteer fire station located at 745 High Street, Silver City, approximately 455 feet to the northeast of the site and career station at 231 Coral Drive, Dayton, approximately 3.5 miles easterly of the site. The Lyon County Sheriff's Department maintains a substation at 801 Overland Loop, Dayton, approximately 6 miles northeast of the site.

Water Rights:

Water rights information has not been provided. It is anticipated that potential development will bring necessary water rights for the portions of the parcels outside of the water system service area when required for development.

Summary of Applicant's Justification:

The applicant includes the following arguments in support of the requested master plan amendments:

- A reduction in the potential residential development density provides a "more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure and also clean up and align certain parcels that currently have "split" master plan designations."
- "For more than a century the subject property has been used for mining, mine exploration and/or mine development."
- "The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles."
- "In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning."
- The "zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts."

The applicant believes that "the community Character District of Suburbanizing, the Community Plan Land Use Designation of High Density, Density of 5 to 18 dwelling units per acre, the

Examples of Uses and the Description/ Characteristics and the current Suburban Residential master plan designation" are inconsistent with the following Comprehensive Master Plan goals, and as detailed in the applicant's justification, some related policies and strategies:

- Goal LU1: Orderly Growth Patterns – Direct and manage development in the county that it is orderly and fiscally responsible.
- Goal LU2: Services Coordinated with Growth – Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

The applicant believes that the requested master plan amendments are consistent with and supported by the following Comprehensive Master Plan goals, and as detailed in the applicant's justification, some related policies and strategies:

- Goal LU3: Diverse Economy – The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.
- Goal NR9: Mining and Resource Extraction – Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

The revised application submittal, dated October 11, 2013, contains the applicant's detailed request and justification. One must examine the revised information for the complete justification and a full understanding of the applicant's views.

Staff Review and Comments:

Applicant's Request

As specified in the applicant's justification statement "[t]he application is requesting a "down zone" at both the master plan and zoning levels." If approved, the applicant's master plan amendment requests would result in a decrease in planned residential density. The current master plan designation and zoning allow development at densities that are less than the maximum density permitted by the master plan land use designation and the zoning district.

The applicant's justification states that "[t]he applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property." If approved, the amendments set the stage for zone change requests that may permit uses, such as mining, not currently permitted on the subject parcels.

Access:

Access to the subject properties would be from State Route 341 and 342. Specific access would need to be created based on the type and density/intensity of development. No plan for development of access, intersections and/or ingress and egress points from the subject parcels has been provided.

Comstock Historic District:

Silver City and the subject parcels are within the boundaries of the Comstock Historic District. The District comprises an effort to maintain the historic character and integrity of the Comstock.

The State Historic Preservation Office describes the Comstock Historic Commission as follows:

The Comstock Historic District Commission was created by Nevada Revised Statute 384 and dates to 1969. The state agency encourages the preservation and promotion of historic resources with the Virginia City National Landmark District, which the state refers to as the Comstock Historic District. The Commission provides permits for projects dealing with the exteriors of all buildings within the district, the construction of new structures, and work affecting pavement or fencing. The Commission also takes a proactive role in encouraging archaeological investigations and cemetery restoration within the district.

The District has authority over the exteriors of existing and new structures located on the subject parcels. The visual aspects of the built environment is one very important aspect of efforts to maintain the integrity and historic context of the Comstock. Another important aspect is the visual landscape of the Historic District.

The historic nature of the Comstock and Silver City was identified by the community as being very important during the preparation of the Comprehensive Master Plan. The importance of the community's historic component has remained consistently important during community meetings and discussions regarding land use issues.

Land Use:

The subject parcels are generally undeveloped with an area containing a historic mill site and multiple historic structures. The property appears to have had periodic mineral exploration within the past approximately 40 or more years, and intermittent mining activities in the more distant past.

The current Resource land use designation, which applies to 12.29 acres of the subject parcels, has the following attributes as described in Chapter 3 of the Comprehensive Master Plan, County-wide Component:

- Community Plan Land Use Categories – Resource (private)
- Density range – 1 du per 40 acres or one-sixteenth of a section as described by a government land office survey, or per existing parcel if less than 40 acres or one-sixteenth of a section
- Characteristics – Private property, generally inholdings or located in very remote or rural parts of the County (outside of community boundaries). Within communities may be private property used for resource uses. Examples of uses: Open range and dispersed grazing, mining and large scale energy, general rural residential development at very low densities. Within communities, uses such as mining, borrow pit or gravel pit operations, energy projects; may include limited employment/industrial uses complementary to and compatible with surrounding uses.

The current Suburban Residential land use designation, which applies to 42.57 acres of the subject parcels, has the following attributes as described in Chapter 3 of the Comprehensive Master Plan, County-wide Component:

- Community Plan Land Use Categories – Medium Density Residential, High Density Residential and Residential Mixed-Use.
- Density range – 1 du per acre to 18 du per acre.
- Characteristics –
 - Medium Density Residential, High Density Residential - Typically in suburbanizing areas. Neighborhoods should contain a mix of housing types and

lot sizes in a neighborhood setting with a recognizable center (with a park, school, or other public use) and connected, useable open space within the neighborhood. Will be served by municipal utilities. High density residential must be located near major roads and near commercial uses. Examples of uses: Single-family residences, duplexes and attached housing.

- *Residential Mixed-Use – This category is designed to create opportunities for higher-density neighborhoods in a suburban-setting to promote neighborhoods with a mix of types and intensities in close proximity to commercial and commercial mixed-use districts. Examples of uses: A range of medium to high-density residential housing types with open space, parks, schools, and other public uses.*

The proposed Rural Residential land use designation, which is proposed to apply to 54.86 acres of the subject parcels, has the following attributes as described in Chapter 3 of the Comprehensive Master Plan, County-wide Component:

- **Community Plan Land Use Categories – *General Rural and Rural Residential***
- **Density range – *1 du per 20 acres to 1 du per 5 acres***
- **Characteristics – *Characteristics: Typically in rural districts and on the edge of suburbanizing areas. Lot sizes vary. Typically not served by municipal utilities. Examples of uses: Single-family residences, ranches, and “farmettes”.***

The principal purpose of land-use regulation and zoning is to limit conflicts between incompatible land-uses. As a general rule, commercial and industrial uses are more compatible with higher density residential uses, particularly if they back up to them or if they are separated by a street. All master plan land use designations, zone changes, and special uses should be reviewed to ensure that existing and proposed land uses are compatible.

Past Lyon County Master Plans

Information regarding past master plan land use designations, goals and actions provide some context and insight for the current Comprehensive Master Plan provisions that pertain the subject parcels. From Planning staff's review of past documents, including the 1970s Lyon County Master Plan, zoning map circa the 1970s, the 1990 Lyon County Master Plan and the 2002 West Central Lyon County Final Land Use Plan, it appears that the County has been consistent in its planning approach, intended land use and zoning application.

Below is information, goals and actions from past master plans that illustrate the County's and community's planning desires for Silver City.

1971 Lyon County General Plan

On the 1971 General Plan Map, Silver City is shown as an Urbanizing Area and the Mining Industry land use is not depicted in the Silver City area.

1990 Lyon County Master Plan – Silver City

Goal #1 To maintain, promote, and secure the historic character of the community and to prevent the destruction or degradation of the historic character.

2002 West Central Lyon County Final Land Use Plan – Silver City Master Plan Goals

Goal 1: To recognize, enhance, and protect the unique character of Silver City.

Actions:

- To maintain that scale and primary residential character by retaining the existing Master Plan designation and zoning categories.

Goal 8: To limit any earth disturbance or above ground mining activities that create visual scaring or that disrupt the fabric of the community.

Actions:

- Lyon County shall establish a land use policy that minimizes the impact of mining and other significant earth disturbing activities that degrade quality of life.

Goal 10: To maintain the primary focus of the community as residential.

Actions:

- To urge the Board of Commissioners to carefully consider all zone changes or Master Plan amendments that would substantially alter the character and identity of Silver City.

2010 Comprehensive Master Plan, County-wide Component

A consideration of the various and often competing provisions of the County's Comprehensive Master Plan is an essential aspect of the consideration of any master plan amendment request.

The applicant has provided information in the submitted, revised application materials regarding their opinions on the compatibility and importance of their master plan amendment request with the current County Comprehensive Master Plan, County-wide Component. The information includes discussions of the relevance of various goals, policies, strategies and land use designations. Please refer to the enclosed applicant's revised submittal for the complete text of the applicant's information.

Lyon County Planning staff compiled a listing of County Comprehensive Master Plan County-wide Component information that it considered relevant for background and for the analysis of the applicant's request. This list is enclosed with this report as Attachment 1.

Below are the Comprehensive Master Plan goals, policies and strategies identified by the County Planning staff with brief discussions.

Goal LU 1: Orderly Growth Patterns: Direct and manage development in the county so that it is orderly and fiscally responsible.

Policy LU 1.1: Follow Development Patterns as Established on Countywide Land Use Plan or a More Specific Community Plan

Future development of Lyon County will be consistent with the Countywide Land Use Plan or a more specific Community Plan, if one has been adopted. The Countywide Land Use Plan will guide future growth and development by defining appropriate land use types, densities, and character in different locations including cities and towns, suburbanizing areas, rural areas, farm and ranch land, hillsides, and public lands. The county's future urban and suburban growth will develop largely around existing communities.

Strategies:

- ♦ *Use the Countywide Land Use Plan and adopted Community Plans as a guide for decision-making on development approvals.*

- ♦ *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.*

The current County-wide Land Use Plan should be used to guide the decision regarding the applicant's requested master plan amendment. The current Land Use Plan is consistent with the identified long term development goals for Silver City and consistent with approximately 40 years of County master planning efforts and community input.

The applicant believes that the requested reduction in residential development potential provides for more orderly and fiscally responsible growth, and is more aligned with potential-to-actual development ratio and infrastructure availability.

The existing land use designation includes densities starting from one acre per dwelling unit and provides for density that could improve the potential for the expansion of infrastructure within Silver City.

Policy LU 1.4: Locate industrial development as designated on County-wide Land Use Plan or determined by criteria.

Industrial uses, including extractive industries, will occur in areas that are designated on the County-wide Land Use Plan. New industrial uses should only be located in areas that do not adversely impact existing residential settlements.

Strategies:

- ♦ *Consider developing a set of siting criteria to be used in determining the suitability of sites for industrial and extraction uses.*
- ♦ *Establish performance standards in areas of noise, odor, dust, traffic generation, etc.*

The potential for the location of a mining use within Silver City, where it was not identified in the Comprehensive Master Plan Land Use Plan, should be carefully considered. The County has not yet developed a set of siting criteria. The Comprehensive Master Plan policy discussion states that new industrial uses, which would include extractive industries, should only be located in areas that do not adversely impact existing residential settlements.

Goal LU 3: Diverse Economy: The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economic Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near to population centers.

The county will support economic diversification throughout the county to more fully utilize the broad range of skills, knowledge and abilities inherent in our workforce.

The requested master plan amendment would provide the basis for a zone change that could allow for the expansion of mining. Such a use has the potential for expanding employment opportunities. A mining use that adversely impacts existing Silver City businesses or tourism could also have an adverse impact on the economy and employment within the community.

The applicant states that: "The master plan change would allow for continued mineral exploration on the subject property helping to identify economic assets while employing local residents in primary jobs."

Policy LU 3.2: Business and Industry Locations that are Consistent with Future Land Use Plan

Encourage commercial and industrial development to locate in designated locations shown on the Future Land Use Plan, where public facilities exist or are planned to accommodate such development cost-effectively. The County-wide Land Use Plan will reserve adequate lands for jobs and industry.

Strategies:

- ◆ *Use the Countywide Land Use plan and Community Plans as a guide to determine appropriate locations for business and industry.*

The County-wide Land Use Plan should be used as a guide to determine appropriate locations for business and industry, including mining. The current County-wide Land Use Plan designations for the Silver City community do not identify lands for industry or mining within the community boundaries.

Goal CC 1: Quality Design: New development in Lyon County will improve the appearance and function of our communities.

Policy CC 1.1: Quality New Development

New development in the communities of Lyon County should create inviting places for locals and visitors to live, shop, eat, visit, and do business.

Policy CC 1.3: Design Tailored to Communities

New development in Lyon County should address and respect the unique character of communities within the county.

Consideration should be made to whether or not the proposed master plan amendment would improve the appearance and function of the Smith Valley community, and address and respect the community's unique character. The existing community development pattern is not inconsistent with the current master plan designation. The proposed decreased residential density does not follow the original town lot development pattern, but would not be inconsistent with the development pattern of parcels outside of the original town map area.

The establishment of uses that would be permitted through the concurrent zone change request may not be consistent with this goal and its policies.

Goal CC 3: Heritage: Historic places, structures, and landmarks in the county will be preserved and will provide an opportunity for resident and visitors to learn about and celebrate our heritage.

Policy CC 3.1: Maintain and Restore Historic Resources

Lyon County will encourage and support efforts to preserve and restore registered historic structures, and landmarks, and districts.

Strategies:

- ◆ *Revise zoning to encourage historic use and development patterns including mixed-use structures and districts.*
- ◆ *Support organizations in the county that apply for historic designation or grant funding for inventory or rehabilitation of historic structures, efforts to identify receiving sites for historic structures that cannot be maintained in their original locations, and similar historic preservation purposes and efforts.*

- ◆ *Work with knowledgeable organizations and individuals to ensure that building and development standards allow for adaptive reuse of valued historic structures, including those without official historic designation.*
- ◆ *Within historic districts, promote historic design elements, features and context, and prohibit building design that compromises the integrity of the historic community character.*
- ◆ *Within historic districts, limit new land uses that would pose a risk to historic structures or the historic character of the district.*
- ◆ *Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.*

Staff is concerned that the requested master plan amendment, concurrent zone change request and the applicant's stated purpose for both could result in development directly contrary to this goal, policy and strategies. Silver City is a unique, historic community within Lyon County that lies within a historic district which contributes to its character and quality of life.

The following strategies are particularly relevant to the requested master plan amendment:

- ◆ *Within historic districts, promote historic design elements, features and context, and prohibit building design that compromises the integrity of the historic community character.*
- ◆ *Within historic districts, limit new land uses that would pose a risk to historic structures or the historic character of the district.*
- ◆ *Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.*

Goal NR 3: Adequate, Clean Water: Adequate water supply will be available for current and future needs in Lyon County, including safe, healthy drinking water for all Lyon County residents.

Policy NR 3.1: Water Supply and Quality

Recognizing that clean water is a precious resource necessary to maintain our health, economy, and quality of life, Lyon County will protect the water supply and encourage efficient use of water resources.

Strategies:

- ◆ *Maintain and expand the piped municipal water and sewer systems within community core and urbanizing areas of the County as designated on the Future Land Use map.*

Consideration should be given to whether or not the change in development potential and pattern would have a positive or negative impact on the future expansion of the Silver City water system.

Goal NR 9: Mining and Resource Extraction: Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR 9.1: Guide Development

Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Strategies:

- ◆ *Consider the location of known resources when reviewing new development.*

Policy NR 9.3: Mitigate Operations

To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, etc.

Strategies:

- ◆ *Promote "limited impact"/environmentally safe resource extraction practices to protect the natural environment, enhance the quality of life of residents, and limit impacts on present and future public facilities and services.*

Policy NR 9.4: Mitigate long-term impacts

To the extent possible, Lyon County will promote long-term reclamation and rehabilitation of extractive sites.

Strategies:

- ◆ *Require resource extraction projects to submit detailed long-term reclamation and reuse plans and to provide adequate funding mechanisms to implement plans*

The future potential for mineral exploration and extraction operations should be considered for the requested master plan amendment and concurrent zone change requests.

Staff does not believe that the existing master plan land use designation or planned residential development within the Silver City community boundaries should be considered as development that should be guided away from mineralized areas. The Comprehensive Master Plan was created based on the concept of recognizing and developing the existing community core areas. Silver City is one of those areas.

The applicant believes that the existing Suburban Residential land use designation is inconsistent with the mining claims associated with the subject parcels and not appropriate with traditional land planning principles.

Goal FS 1: Provision of Services: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

Strategies:

- ◆ *Develop a Capital Improvements Plan and budget for Lyon County utility system expansion that is consistent with the Land Use Map in this Plan.*
- ◆ *Revise the County's development regulations in order to create incentives to build according to the Land Use map in this Plan.*
- ◆ *Require the developer to pay the full cost of utility system extension, in order to discourage inefficient utility system development, and provide for reimbursement mechanisms where appropriate.*

Silver City has an existing municipal water system. In keeping with this goal and strategies, the future improvement and expansion of the water system has been envisioned by Lyon County Public Works Department for some time.

Silver City has extensive limitations for individual and on-site sewer disposal systems. Additional large lot residential parcels requiring septic systems may be contrary to long term water quality and may reduce the opportunity for a future connection to a municipal sewer system.

Water system improvements are needed for the community and a sewer system may be necessary in the future. Cost effective improvement and expansion will be influenced by Silver City's the long term development potential.

Goal CP 1: Support Diversity: Lyon County will celebrate and support the diversity of character among communities in the county.

Policy CP 1.1: Recognize Diversity of Communities

Lyon County planning efforts and regulations will consider the unique aspects of communities in the county, and will allow for variation and exceptions to address key aspects of their diversity.

In considering the requested master plan amendment, Silver City's unique character, development pattern, historic location and dependence on the historic landscape should be recognized and supported.

Goal CP 3: Community Plans: Lyon County will support community-based planning efforts that elaborate community-specific goals and that are developed with strong public consensus.

Policy CP 3.1: Support Community Planning Efforts

Lyon County will encourage and offer guidance for community-based planning efforts, with the goal of ensuring that such an effort will result in a document that identifies the unique needs and values of the community in a manner that can be integrated with county-wide planning, regulations, and policies.

Over the past approximately 40 years, the Silver City community has actively participated in several master plan efforts, the results of which appear to be very consistent. During the development of the Comprehensive Master Plan, County-wide Component, the community was very active. Goals, policies, strategies and land use designations affecting Silver City were developed with strong public consensus.

Goal CP 4: Advisory Councils: County staff will confer with the applicable Community Advisory Council when developing programs or policies to address community-specific issues.

Policy CP 4.1: Confer with Community Advisory Councils

When developing a program or policy intended to address a community-specific issue, such as those listed in this Comprehensive Master Plan and in adopted community plans, county staff will confer with the applicable Community Advisory Council before finalizing a decision.

The Silver City Advisory Board has been very active in discussing, reviewing and commenting on the requested master plan amendment and zone change applications. The Advisory Board's comments should be considered in the review and deliberation regarding the requested master plan amendment.

Zoning:

The subject parcels are currently zoned NR-1, Single-Family Nonrural Residential District. A review of the County's zoning maps and zoning information for the subject parcels shows that the current zoning is consistent with zoning dating back to the 1970s.

The NR-1 zoning permits:

- Parcel size of 6,000 square feet or larger;
- Permitted uses consisting of single-family dwellings, detached guest building and accessory uses, garden houses, playhouses, tennis courts and "home occupations;"
- Special uses consisting of child care facilities, churches, group care facilities, parks, public utility serving centers, recreational areas, residential industry, schools, sanitariums and other like uses; and
- Special uses on parcels having a minimum area of 21,000 square feet consisting of private golf, swimming, tennis and similar clubs.

If the Planning Commission adopts the applicant's request for master plan amendments to the Rural Residential land use designation, the applicant's requested zone changes, contained in the concurrent zone change application, would become consistent with the County's Comprehensive Master Plan. If the Planning Commission does not adopt the requested master plan amendments, the applicant's requested zone changes will not be consistent with the County's Comprehensive Master Plan.

Guidance for Reviewing and Granting a Master Plan Amendment

The Lyon County Comprehensive Master Plan, County-wide Component, Chapter 11, Implementation, provides the following guidance for reviewing and granting a master plan amendment:

The public and the County may initiate Plan Amendments in accordance with the provisions of Lyon County Code. All Plan Amendments shall be considered by the Planning Commission and Board of County Commissioners pursuant to their respective powers. Based on its consideration of the recommendations from staff, advisory councils, boards and commissions, and evidence from public hearings, the Planning Commission could then adopt the Plan Amendment (with or without further revisions) or deny the Amendment. Any action on a Plan Amendment by the Planning Commission would be followed by County Commissioners action including, if applicable, its approval of the Plan Amendment. When considering a plan amendment, the County should consider whether:

1. *The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;*
2. *The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;*
3. *The proposed amendment will have no major negative impacts on transportation, services, and facilities;*
4. *The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*
5. *Strict adherence to the Comprehensive Master Plan would result in a situation, neither intended nor in keeping with other key elements and policies of the Plan; and*
6. *The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.*

Requirements for Granting a Master Plan Amendment:

Chapter 10.12.09(F) of the Lyon County Code requires that:

When making an approval, modification or denial of an amendment to the Master Plan, land use map or text, the Commission and the Board shall, at a minimum, make one of the following findings of fact:

A. Consistency with the Master Plan.

- 1. Approval: The applicant has demonstrated that the amendment is in substantial compliance with and promotes the Master Plan goals, objectives and actions.*
- 2. Denial: The proposed amendment is not in substantial compliance with, nor does it promote the Master Plan goals, objectives and actions.*

B. Compatible Land Uses.

- 1. Approval: The proposed amendment is compatible with the actual and planned adjacent land uses, and reflects a logical change in land uses.*
- 2. Denial: The proposed amendment would result in land uses which are incompatible with the actual and planned adjacent land uses, and does not reflect a logical change in land uses.*

C. Response to Change Conditions.

- 1. Approval: The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment represents a more desirable utilization of land.*
- 2. Denial: The proposed amendment does not identify and respond to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment does not represent a more desirable utilization of land.*

D. No Adverse Affects.

- 1. Approval: The proposed amendment will not adversely affect the implementation of the Master Plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.*
- 2. Denial: The proposed amendment will adversely affect the implementation of the Master Plan goals, objectives and actions, and would adversely impact the public health, safety or welfare.*

E. Desired Pattern of Growth.

- 1. Approval: The proposed amendment will promote the desired pattern for the orderly physical growth of the County, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the County based on the least amount of natural resource impairment and the efficient expenditure of funds for public services.*
- 2. Denial: The proposed amendment does not promote the desired pattern for the orderly physical growth of the County. The proposed amendment does not allow infrastructure to be extended in efficient increments and patterns, does not maintain relatively compact development patterns, and does not guide development of the County based on the least amount of natural resource impairment and the efficient expenditure of funds for public services.*

Summary:

A master plan amendment is the most discretionary decision that the Planning Commission and Board of Commissioners can make regarding land use. After master plan decisions, the Planning Commission's and Board of Commissioners' breadth of discretion becomes more and more constrained until there is relatively little discretion in the matter of conditional and permitted uses.

The County's Comprehensive Master Plan is a long term plan for the development of the County and its individual communities. Decisions on master plan land use designations should be made with deliberate consideration of long term needs, opportunities, community aspirations, community stability, compatibility, and community character. To be most effective, master plans should be amended infrequently when there are compelling justifications which reflect long term community goals and interests.

In short, the prime considerations the Planning Commission needs to determine are whether the proposed master plan amendments:

- ✓ Are needed,
- ✓ Are compatible with the area and Comprehensive Master Plan,
- ✓ Will have no major negative impacts,
- ✓ Will have minimal effect on and will be compatible with services,
- ✓ Will promote the public welfare, and
- ✓ Are consistent with the Comprehensive Master Plan goals and policies.

Staff Recommendation:

Staff would generally recommend that the most appropriate process for making a land use designation decision would be as part of the preparation of a Community Plan for Silver City as envisioned in the Comprehensive Master Plan. However, the Comprehensive Master Plan and County Code provide a process for the master plan amendment now before the County.

Staff recommends denial of the requested master plan amendments based on the guidance provided by the Comprehensive Master Plan, County-wide Component, including the adopted Land Use Plan, the majority of applicable goals, policies and strategies, Silver City's unique and historic character, and the County's lengthy, consistent master plan record of land use planning for Silver City.

Alternative Findings and Motions:

The alternative motions suggested below are offered for Planning Commission consideration.

Alternative for Denial:

If the Commission determines that the request for a Master Plan Amendment should be denied, the Commission must make findings supporting a denial. The Planning Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. The proposed amendment is not in substantial compliance with, nor promotes the Master Plan goals, objectives and actions in that it is not in keeping with the majority of applicable guiding principles, goals, policies, strategies and community description contained in the 2010 Lyon County Comprehensive Master Plan, County-wide Component.
- B. The proposed amendment would result in land uses which are incompatible with the actual and planned adjacent land uses, and does not reflect a logical change in land use in that the amendment would change the planned character and intensity of residential development and enables the potential development of a land use incompatible with the actual and planned adjacent and predominant residential land uses.
- C. The proposed amendment fails to identify or respond to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment does not represent a more desirable utilization of land.
- D. The proposed amendment will not adversely affect the implementation of the Master Plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.
- E. The proposed amendment does not promote the desired pattern for the orderly physical growth of the County as set forth for the Silver Springs community in the 2010 Lyon County Comprehensive Master Plan, County-wide Component.
- F. The existing Comprehensive Master Plan and/or any related element thereof is not in need of the proposed amendment.
- G. The proposed amendment is not compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan, particularly those related to Silver City.
- H. The proposed amendment will have effects on service provision, including adequacy or availability of facilities and services, and is not compatible with existing and planned service provision.
- I. Deviation from the strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan.
- J. The proposed Plan amendment will not promote the public welfare and will be inconsistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.

Based on the above findings, the Lyon County Planning Commission denies the Master Plan Amendments from Resource to Rural Residential on 12.29 acres and from Suburban Residential to Rural Residential on 42.57 acres for Comstock Mining, Inc. as set forth in the written and graphic information contained in the revised master plan amendment application and supporting documents, received by the Lyon County Planning Department on October 18, 2013 (APNs 08-091-02 and 08-091-05) (PLZ-13-0050).

Alternative for Approval:

If the Commission desires to approve the requested Master Plan amendment from Low Density Residential to Commercial, the Commission must make findings supporting the proposed expansion of the Commercial Master Plan Classification on the subject parcels. The Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. The applicant has demonstrated that the amendment is in substantial compliance with and promotes the Master Plan goals, objectives and actions in that it is in keeping with applicable guiding principles, goals, policies, strategies.
- B. The proposed amendment is compatible with the actual and planned adjacent land uses, and reflects a logical change in land uses in that the amendment would decrease the intensity of residential development.
- C. The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment represents a more desirable utilization of land.
- D. The proposed amendment will adversely affect the implementation of the Master Plan goals, objectives and actions, and will adversely impact the public health, safety or welfare in that it reduces the long term economic viability of providing the Silver City community with existing and future community infrastructure, thereby increasing the cost of services and unfavorably effecting the efficient and cost effective development of infrastructure, and enables a potential land use which would adversely affect the implementation of the majority of applicable guiding principles, goals, policies, strategies and community description contained in the 2010 Lyon County Comprehensive Master Plan, County-wide Component.
- E. The proposed amendment will promote the desired pattern for the orderly physical growth of the County, maintains relatively compact development patterns, and guides development of the County based on the least amount of natural resource impairment and the efficient expenditure of funds for public services.
- F. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan.
- G. The proposed amendment will have no major negative impacts on transportation, services, and facilities.
- H. The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision.
- I. Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan.

Based on the aforementioned findings, the Lyon County Planning Commission approves the Master Plan Amendments from Resource to Rural Residential on 12.29 acres and from Suburban Residential to Rural Residential on 42.57 acres for Comstock Mining, Inc. as set forth in the written and graphic information contained in the revised master plan amendment application and supporting documents, received by the Lyon County Planning Department on October 18, 2013 (APNs 08-091-02 and 08-091-05) (PLZ-13-0050).

Alternative for Continuance:

If the Commission determines that additional information, discussion and public review are necessary for a more thorough review of the proposed Master Plan Amendment, the Commission should make appropriate findings and move to **continue** the Public Hearing with a specific time period for the applicant to provide additional specific information necessary for the analysis of the request. The Planning Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. Additional information, discussion and public review are necessary for a more thorough review of the proposed Master Plan Amendment.

Based on the above findings and with the applicant's concurrence, the Lyon County Planning Commission continues the hearing for the Master Plan Amendments from Resource to Rural Residential on 12.29 acres and from Suburban Residential to Rural Residential on 42.57 acres for Comstock Mining, Inc. as set forth in the written and graphic information contained in the revised master plan amendment application and supporting documents, received by the Lyon County Planning Department on October 18, 2013 (APNs 08-091-02 and 08-091-05) (PLZ-13-0050). for ___ days.

Attachment 1

Lyon County Comprehensive Master Plan, County-wide Component Excerpts and Relevant Information

Chapter 1: Introduction

Plan Use

The Comprehensive Master Plan will be used as a decision-making tool by residents, landowners, developers, the County Planning Department, Planning Commission, and Board of Commissioners. The Plan does not change existing zoning or solve all of the county's problems; instead, it serves as a handbook for implementing the county vision. It specifies policy guidelines that respect the individual, reinforce community values, support healthy functioning communities, and advocate quality of life.

The Plan is a catalyst and guide to the establishment, or revision, of mechanisms to implement the selected goals and policies. These mechanisms include development codes and other planning tools such as zoning and subdivision codes, zoning maps, capital improvements programs, Community Plans for the eight identified communities within the County, and other specific "action items."

About Master Plans Generally

The Comprehensive Master Plan is an official public document adopted by the Lyon County Planning Commission and Board of Commissioners. The Plan is a general, long-range, policy and implementation guide for elected and appointed officials in making choices concerning the overall needs, growth and development of the county and its communities. It outlines Lyon County's vision and goals for the future.

The Plan is comprehensive because the elements cover a broad range of development and growth issues which can be influenced significantly by the County Planning Commission, Board of Commissioners and other governing authorities and agencies. The Plan is general because the recommendations are broad. The plan is long-range because consideration is given to the problems and opportunities which may arise over the next twenty or so years. The Plan is dynamic because there will be amendments to adapt to new situations and meet new challenges over time.

The written guiding principles, goals, policies and strategies, in combination with the Land Use Map, provide guidance for decisions affecting growth, the use and development of land, preservation of open space and the expansion of public facilities and services. The Comprehensive Master Plan written policy recommendations and maps should be used together when making decisions. It is also recognized that this document should be reviewed annually at a public hearing and revised as needed to reflect the availability of new implementation tools, changes in State and Federal law, changes in funding sources, the results of monitoring the effectiveness of existing policies and the impacts of past decisions, as well to reflect changes in the community's vision for the future.

How Does Zoning Relate to The Master Plan?

County zoning regulations consist of both a zoning map and a written ordinance that divides the county into zoning districts, including various residential, commercial, and industrial districts. The zoning regulations describe what type of land use and specific activities are permitted in each district, and also regulate how buildings, signs, parking, and other construction may be placed on a lot. The zoning regulations also provide procedures for re-zoning and other planning applications.

The zoning map and zoning regulations provide specific requirements for development of property, while the Master Plan provides a guide for the future development of the property. When changing the zoning of a particular property, it must be consistent with the Master Plan Land Use Map. That is to say, the Land Use Map contained in this Master Plan should guide future re-zoning decisions.

Consistency Between the Master Plan And Zoning

Master plan land use category designations shown on a Land Use Map are not the same as zoning. The adoption of a master plan and Land Use Map does not change a property's zoning.

Master plans are advisory in nature, serving to guide the community at a policy level and to guide future development decisions. Zoning is regulatory in nature, generally serving to implement the master plan and specify permitted uses, allowed densities and development standards.

In many instances, land use category designations on a Land Use Map may not directly correspond to a property's underlying zoning. Unless the County chooses to pro-actively re-zone properties that are not consistent with the Land Use Map, properties retain their underlying zoning. If a property owner desires to change zoning to be consistent with the Land Use Map, the property owner will be required to request re-zoning of the property as part of the development process to bring it into compliance with the Master Plan. There is no requirement in Nevada State law requiring that the zoning of properties be brought into compliance with the Master Plan and its Land Use Map.

Underlying zoning was reviewed and considered throughout the development of this Master Plan to ensure that consistency between planned land uses and zoning could be maintained to the maximum extent feasible. In some instances, land use designations do differ, however, as was necessary to meet the broader objectives of the Master Plan. Re-zoning may be required should the properties develop or redevelop in the future. It should be noted that in many of the cases where inconsistencies do exist, planned land use categories (e.g., mixed-use land use designations) and zoning that would subsequently be required, would allow a much broader range of uses than are allowed today.

Process for Plan Development and Adoption

This County-wide Component of the Comprehensive Master Plan is the culmination of four years of dialogue and analysis that has included a wide array of participants including the Board of Commissioners, the Planning Commission, community advisory councils, County staff and the community at large. A series of community meetings, open house events and workshops were held throughout the county to obtain citizen input and recommendations, including eight meetings on issues identification in March 2007, eight community meetings and 2 joint Planning Commission/Board of Commissioners sessions on

Chapter 2: Vision and Guiding Principals

The Vision, Guiding Principles, and Goals, Policies and Strategies of the Lyon County Comprehensive Master Plan will guide the County in its decisions, and as new development or changes occur, help to maintain and enhance the qualities that make Lyon County a great place in which to live, work, and play.

- ♦ *The Lyon County Vision Statement sets out a desired picture of the future of Lyon County. It represents a future toward which the County will strive.*

- ♦ *Guiding Principles represent the broad values and ideals for the County.*
- ♦ *Goals are statements about what the County aims to achieve over the life of the Comprehensive Plan. Goals are intended to give decision-makers and citizens a clear idea about the County's intended direction.*
- ♦ *Policies provide ongoing guidance for elected and appointed officials, staff, and administrators as these community leaders make decisions about specific development, programs, and capital investments in the County.*
- ♦ *Strategies list detailed actions and methods for implementing the plan. We have listed a range of possible strategies to be considered. Some strategies will be possible to accomplish in the near term, while others will be on-going, or will take place later in the life of the Comprehensive Master Plan.*

How Did We Get Here?

The Vision, Guiding Principles, Goals, Policies, and Strategies in this document are based on public comments gathered in a series of open houses and workshops held in communities throughout Lyon County, in meetings with community advisory councils, and on comments and direction provided by the Planning Commission and Board of County Commissioners. Feedback from these meetings was first distilled into a draft Vision, Guiding Principles, and Goals document that was reviewed by the Planning Board and Board of County Commissioners in September, 2007. Subsequently, comments and concerns and detailed policy direction, in the form of policies and strategies, have been addressed in numerous drafts and updates during 2008, 2009 and 2010.

Overall Vision for Lyon County

A Vision statement is an overall image of what the community wants to be and how it wants to look in the future. It describes the kind of community that residents, business owners, and leaders want their county to become. The Vision for Lyon County describes the community's collective values and aspirations and creates an image of the County based upon what it is today and what residents would like it to be in the future. The Vision is founded on the premise that the health of the County and the quality of life of its residents depend on the balancing of multiple factors, including environmental, economic and community/social considerations. These components are interrelated and essential to the continued health and sustainability of the community. Addressing these factors in a comprehensive manner provides a balanced and flexible basis for formulating the County's Comprehensive Master Plan.

Lyon County Vision

Lyon County will guide growth and change to meet the needs of current and future residents, building on its heritage, and exploring new and innovative techniques to address challenges. The diverse communities within Lyon County will work together to meet shared goals while respecting and promoting the individual character of each community. Residents will enjoy an excellent quality of life characterized by: diverse lifestyle opportunities, quality housing choices, plenty of clean air and water, access to open lands, recreation and wildlife, outstanding public schools, an efficient transportation network, a safe community, and a range of employment and occupational choices. Our rural character, and agricultural and mining heritage, will continue to be a strong part of Lyon County's identity.

Guiding Principals

Eight broad "Guiding Principles" have been identified as the basic beliefs behind the overall County Vision and this Comprehensive Master Plan. The Principles reflect the community's vision at a broad policy level and describe the community's aspirations; highlighting areas where the County has opportunities to build on its strengths—as well as those areas where a change in policy direction is needed to improve a condition that is not consistent with the Vision.

Chapter 3: Land Use, Economy and Growth

Land use patterns in Lyon County have not only been shaped by County regulations and development decisions, but also by physical factors such as topography and water availability. Throughout most of its history, Lyon County has been characterized by a number of compact communities and rural settlements spread over a landscape of valleys and mountains, farm/ranch lands, rivers, and extensive undisturbed areas. For years, the County has been noted for its rural character and image, its historical heritage, and its slow-paced rural way of life.

The rapid growth in the region has brought changes to the County: changes welcomed by many, lamented by others, but of concern to all. Inevitably, in such a process, Lyon County and its communities have been affected by development, increased traffic volumes, encroachment into floodplains, services stretched to meet needs, and a declining agricultural land base.

Future development will be influenced by factors such as population trends, employment growth, and water availability. Lyon County desires to be able to provide employment opportunities for its residents as well as a diverse choice of housing types, commercial services, recreational opportunities and community character.

The County's purpose is not to restrict future growth but to direct it in a way that minimizes negative impacts while offering residents a range of choices and promoting job creation. The County seeks to successfully accommodate growth and consciously decide how development should occur to achieve a more efficient pattern for future development. Lyon County intends to ensure the county's long-term viability by using methods to guide new development to locations where adequate public infrastructure such as roads, water, sewer, schools, and related facilities, is available or can be provided most efficiently and cost effectively, promoting infill development, and providing incentives for quality development.

Lyon County sees more growth and development occurring in and around the existing community cores (its towns and established settlement areas) with more focus on balancing residential, employment, and retail land uses. Less growth is desired in the remote unincorporated areas (outside of community cores). The County also desires to continue agricultural production and the retention of agricultural lands, but allow residential development especially in alternative rural patterns such as clustering, through incentives and density transfer mechanisms. Incentives and density transfer mechanisms are also desired to promote alternative development patterns and the conservation of areas of environmental significance or hazardous features.

Guiding Principal: Lyon County will grow in an orderly fashion concentrating development within designated community cores, maintaining the diversity characterized by its settlement patterns and landscapes, providing jobs as well as housing, and sustaining quality public services and facilities.

Goal LU 1: Orderly Growth Patterns: Direct and manage development in the county so that it is orderly and fiscally responsible.

Policy LU 1.1: Follow Development Patterns as Established on Countywide Land Use Plan or a More Specific Community Plan

Future development of Lyon County will be consistent with the Countywide Land Use Plan or a more specific Community Plan, if one has been adopted. The Countywide Land Use Plan will guide future growth and development by defining appropriate land use types, densities, and character in different locations including cities and towns, suburbanizing areas, rural areas, farm and ranch land, hillsides, and public lands. The county's future urban and suburban growth will develop largely around existing communities.

Strategies:

- ◆ *Use the Countywide Land Use Plan and adopted Community Plans as a guide for decision-making on development approvals.*
- ◆ *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.*

Policy LU 1.4: Locate industrial development as designated on County-wide Land Use Plan or determined by criteria.

Industrial uses, including extractive industries, will occur in areas that are designated on the County-wide Land Use Plan. New industrial uses should only be located in areas that do not adversely impact existing residential settlements.

Strategies:

- ◆ *Consider developing a set of siting criteria to be used in determining the suitability of sites for industrial and extraction uses.*
- ◆ *Establish performance standards in areas of noise, odor, dust, traffic generation, etc.*

Goal LU 3: Diverse Economy: The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economic Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near to population centers.

The county will support economic diversification throughout the county to more fully utilize the broad range of skills, knowledge and abilities inherent in our workforce.

Policy LU 3.2: Business and Industry Locations that are Consistent with Future Land Use Plan

Encourage commercial and industrial development to locate in designated locations shown on the Future Land Use Plan, where public facilities exist or are planned to, accommodate such development cost-effectively. The County-wide Land Use Plan will reserve adequate lands for jobs and industry.

Strategies:

- ◆ *Use the Countywide Land Use plan and Community Plans as a guide to determine appropriate locations for business and industry.*

Goal LU 5: Encourage Resource Sensitive Growth: Development will be designed to reduce energy use and minimize environmental impacts.

Overall Land Use Plan Approach – Community Core Concept

Early in the process of developing this Master Plan and based on input from the community and county leadership, an overall approach for future growth and development in the county was identified and is referred to as the Community Core Concept. Under this approach, Lyon County would see more growth and development occurring in and around the existing community cores (its towns and established settlement areas) with more focus on balancing residential, employment, and retail land uses. The concept encourages less growth in the remote unincorporated areas (outside of community cores). The agricultural areas around Smith and Mason Valleys would primarily continue for agricultural production, but would allow residential development especially in alternative rural patterns such as clustering, through such mechanisms as transfer of development rights and non-contiguous density transfers. In addition, the concept promotes alternative development and conservation approaches for areas of environmental significance or hazardous features, such as steep slopes, wetlands, or floodplains.

Community Description

Chapter 3, Land Use, states that "community descriptions should serve as a general guide when considering the implications of the Master Plan County-wide Component on individual communities." The description of Silver City is as follows:

Silver City

Silver City, situated in lower Gold Canyon, represents the first settlement in Nevada based on mining activity. The town is located about 4 miles northwest of Dayton, the site of Nevada's first gold discovery, and 3 miles south of Virginia City along Highways 341 and 342. Approximately 200 home-sites and 100 houses, along with some historic commercial and industrial buildings, comprise the historic town site which is an integral part of the Comstock Historic District – a National Landmark Historic District.

Over the past 30 years residential infill and limited commercial endeavors have occurred on existing historic properties in Silver City. The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims. The existing water service infrastructure dates to the late nineteenth century, when a water system to supply the mining operations and settlement demands of the Comstock communities was constructed. This aging water system and a lack of a sewer system limit growth in Silver City. Additionally, title issues due to the historic nature of the town site and complications based in local zoning and building codes, have limited development.

Silver City has a strong sense of identity and prides itself on its cohesive small town atmosphere. The community treasures its historic buildings and landscape features, as evidenced by the preservation and rehabilitation of many original structures. New construction is regulated for exterior architectural features by the Comstock Historic District Commission.

Character Districts

Character District Map Description

"Character" can generally be thought of as the look or feel of a place, including: the built environment, land use patterns, street patterns, open lands, and general density or

intensity and type of uses. The purpose of the Character Districts Map is to help define, maintain, or enhance desired character of development or intensity in particular areas of the county.

Five Character Districts

Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries. They control and modify the land use designations to achieve the type and character of development desired in communities. These Districts are defined areas within communities. A community may have one or more Character Districts within its boundary. The following character districts are described in the sections that follow:

- Rural districts,
- Suburbanizing districts,
- Historic districts,
- Future Plan Areas, and
- General County.

Rural Districts

Rural Districts include those areas that are predominately low density residential development with limited neighborhood commercial uses. They may or may not have agricultural land uses or grazing lands. Improvement standards will reflect the "rural" character of the area. Rural districts are not likely to have municipal water and sewer. Roads are likely to have dirt shoulders, some equestrian paths as well as bike facilities within road rights-of-way.

Suburbanizing Districts

Suburbanizing Districts include those areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses. Improvement standards will reflect the "suburban" character of these areas and will include requirements for municipal water and sewer, roadway design appropriate to the planned land uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths). Roads are likely to have some bike and pedestrian facilities within road rights-of-way or separate paths.

Historic Districts

Historic Districts include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Future historic districts could also be designated where the intent is to promote new compatible development that is in keeping with the "historic" development patterns and architectural design elements to create more vitality. Tools might include mixed-use, design guidelines and conservation easements.

General County

Lands outside the boundaries of defined community boundaries are classified as General County. These lands are rural or resource lands or public lands, and are intended to remain largely undeveloped or with very low intensity development within the Master Plan's planning horizon. The development standards applicable to General County lands are the same as those for Rural Character Districts.

County-wide Land Use Plan Map(s)

The intent of the County-Wide Land Use Plan Map(s) is to show the generalized land use patterns for the entire County and the land use designations for lands outside of defined communities. This Plan map(s) provides an overall view of the County's desired development pattern. The county-wide categories, which are very general and the broadest categories to be mapped, encompass the more specific community plan land use designations, as shown in the land use categories table in this section. The County-wide Land Use Plan map(s) provides broad direction for the land uses intended within communities and the County. (Note: The Land Use Plan designations are shown in the blue column in the master table beginning on page 3.28.) Until a Community Plan is adopted, the County-wide Land Use Plan will be the guide.

Land Use Categories shown are generally consistent with Lyon County zoning and do not remove or vastly change owner entitlements to properties. However, some categories suggest a slight refocus of future development patterns to better achieve Comprehensive Plan Goals. For example, the intent for lands designated as "Highway Corridor Mixed-Use" is to gradually transition away from the strip commercial pattern along the county's highways to become a more cohesive mix of uses with offices, residential, and commercial that is focused in centers. Likewise, some of the lands in Smith Valley that are zoned for Rural Residential are shown as Agriculture, because the intent is that they are part of a larger agricultural area where options for landowners to conserve lands, do clustered development, or transfer density to more concentrated rural development areas is desirable. The Agriculture designation does not imply a change in potential development units from current zoning.

Proposals for development must be consistent with the categories and centers shown on the County-wide Land Use Plan or applicable Community Land Use Plan, or be consistent with locational criteria for centers described later in this chapter. The plan amendment procedures section of this plan describes what developers must do when a proposal is not consistent with the land uses defined herein.

County-wide Land Use Categories Table [Excerpts]

Countywide Land Use Category	Community Plan Land Use Categories	Density Range	Description/ Characteristics and Examples of Uses
AGRICULTURE AND RESOURCE LANDS			
Resource	✓ Resource (private)	1 du per 40 acres or one-sixteenth of a section as described by a government land office survey, or per existing parcel if less than 40 acres or one-sixteenth of a section	Characteristics: Private property, generally inholdings or located in very remote or rural parts of the County (outside of community boundaries). Within communities may be private property used for resource uses. Examples of uses: Open range and dispersed grazing, mining and large scale energy, general rural residential development at very low densities. Within communities uses such as mining, borrow pit or gravel pit operations, energy projects; may include limited employment/industrial uses complementary to and compatible with surrounding uses.
RESIDENTIAL			
Rural Residential	✓ General Rural ✓ Rural Residential	1 du per 20 acres to 1 du per 5 acres	Characteristics: Typically in rural districts and on the edge of suburbanizing areas. Lot sizes vary. Typically not served by

Countywide Land Use Category	Community Plan Land Use Categories	Density Range	Description/ Characteristics and Examples of Uses
			municipal utilities. Examples of uses: Single-family residences, ranches, and "farmettes".
Suburban Residential	<ul style="list-style-type: none"> ✓ Medium Density Residential ✓ High Density Residential 	1 du per acre to 18 du per acre.	Characteristics: Typically in suburbanizing areas. Neighborhoods should contain a mix of housing types and lot sizes in a neighborhood setting with a recognizable center (with a park, school, or other public use) and connected, useable open space within the neighborhood. Will be served by municipal utilities. High density residential must be located near major roads and near commercial uses. Examples of uses: Single-family residences, duplexes and attached housing.
	<ul style="list-style-type: none"> ✓ Residential Mixed-Use 	3 du per acre to 18 du per acre.	Characteristics: This category is designed to create opportunities for higher-density neighborhoods in a suburban-setting to promote neighborhoods with a mix of types and intensities in close proximity to commercial and commercial mixed-use districts. Examples of uses: A range of medium to high-density residential housing types with open space, parks, schools, and other public uses.

Chapter 5: Community Character and Design

Lyon County features a rich mosaic of communities, residents, and physical attributes. Residents and property owners have expressed considerable interest in maintaining their many diverse communities and improving community aesthetics. A community's character is defined by its design, its viewsheds, its gathering places, and its historic and cultural resources, as well as by environmental characteristics such as natural quiet and dark night skies. Maintaining this character is important—not only for promoting economic development and diversification, but also for protecting our living spaces, quality of life and open lands. In addition, preserving rural character is a core value of a majority of Lyon County residents.

This Chapter describes the factors that combine to create community character in our county. It also discusses the Guiding Principle, goals, policies and other mechanisms that help us to protect the community characteristics we value. This Community Character and Design Chapter seeks to define, preserve, and enhance the quality of the places where we live, work, and enjoy our leisure time. Its goals include protecting the unique characteristics of our communities.

Each community has distinct features that contribute to its physical character. Many of these features reflect common values for preserving a community's rural character, appearance, natural resources, open spaces, recreation areas, scenic views, vegetation, historic architecture, development patterns, and activity centers. These features promote quality of life and economic well-being. Preserving them should not prohibit

development; however, the County needs to consider them to ensure that new development fits into the existing community fabric.

Guiding Principal: Lyon County will respect and promote the distinct character and heritage of its communities, strive to retain its rural and agricultural culture and promote cohesive and high quality development to improve the overall image and function of its communities.

Goal CC 1: Quality Design: New development in Lyon County will improve the appearance and function of our communities.

Policy CC 1.1: Quality New Development

New development in the communities of Lyon County should create inviting places for locals and visitors to live, shop, eat, visit, and do business.

Policy CC 1.3: Design Tailored to Communities

New development in Lyon County should address and respect the unique character of communities within the county.

Goal CC 3: Heritage: Historic places, structures, and landmarks in the county will be preserved and will provide an opportunity for resident and visitors to learn about and celebrate our heritage.

Policy CC 3.1: Maintain and Restore Historic Resources

Lyon County will encourage and support efforts to preserve and restore registered historic structures, and landmarks, and districts.

Strategies:

- ◆ *Revise zoning to encourage historic use and development patterns including mixed-use structures and districts.*
- ◆ *Support organizations in the county that apply for historic designation or grant funding for inventory or rehabilitation of historic structures, efforts to identify receiving sites for historic structures that cannot be maintained in their original locations, and similar historic preservation purposes and efforts.*
- ◆ *Work with knowledgeable organizations and individuals to ensure that building and development standards allow for adaptive reuse of valued historic structures, including those without official historic designation.*
- ◆ *Within historic districts, promote historic design elements, features and context, and prohibit building design that compromises the integrity of the historic community character.*
- ◆ *Within historic districts, limit new land uses that would pose a risk to historic structures or the historic character of the district.*
- ◆ *Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.*

Chapter 6: Natural Resources and Environment

Guiding Principal: The proximity of the natural environment will continue to be an important part of life in Lyon County, where residents will enjoy sustainable supplies of clean water for drinking and agriculture; clean air; wildlife; access to rivers, lakes

and public lands; scenic views, and dark night skies. Lyon County will work to reduce or mitigate natural hazards such as wildfire, flooding, earthquakes and dust.

Goal NR 3: Adequate, Clean Water: Adequate water supply will be available for current and future needs in Lyon County, including safe, healthy drinking water for all Lyon County residents.

Policy NR 3.1: Water Supply and Quality

Recognizing that clean water is a precious resource necessary to maintain our health, economy, and quality of life, Lyon County will protect the water supply and encourage efficient use of water resources.

Strategies:

- ◆ *Maintain and expand the piped municipal water and sewer systems within community core and urbanizing areas of the County as designated on the Future Land Use map.*

Goal NR 9: Mining and Resource Extraction: Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR 9.1: Guide Development

Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Strategies:

- ◆ *Consider the location of known resources when reviewing new development.*

Policy NR 9.3: Mitigate Operations

To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, etc.

Strategies:

- ◆ *Promote "limited impact"/environmentally safe resource extraction practices to protect the natural environment, enhance the quality of life of residents, and limit impacts on present and future public facilities and services.*

Policy NR 9.4: Mitigate long-term impacts

To the extent possible, Lyon County will promote long-term reclamation and rehabilitation of extractive sites.

Strategies:

- ◆ *Require resource extraction projects to submit detailed long-term reclamation and reuse plans and to provide adequate funding mechanisms to implement plans*

Chapter 8: Public Facilities and Services

Lyon County desires to have adequate public facilities and services to support desirable land use and development patterns, to contribute to the quality of life and to encourage economic development. Ensuring that the provision of community facilities and services is phased with the demand or need is a major component of managing the future development and growth of communities.

Public facilities and services are those minimum facilities and services the County and other entities provide for the common good. Many entities provide community facilities, and services — the County, state and federal agencies, special districts, and the private sector. Maintaining a high degree of coordination between these providers helps ensure that adequate facilities are available and improvements keep pace with development.

Generally, public facilities include land, buildings, equipment and whole systems of activity provided by the County on the behalf of the public. This Chapter addresses public facilities and services related to water and sewer systems, public safety, schools and libraries. The goals and policies are designed to ensure that we plan for adequate services and facilities, either during the land development process or through appropriate government programs.

Guiding Principal: Lyon County residents will have access to excellent schools and libraries, and effective response from well-equipped emergency services. The timing and location of future development will be coordinated with improvements to services and infrastructure to provide cost-effective services to existing and future residents.

Goal FS 1: Provision of Services: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

Strategies:

- ◆ *Develop a Capital Improvements Plan and budget for Lyon County utility system expansion that is consistent with the Land Use Map in this Plan.*
- ◆ *Revise the County's development regulations in order to create incentives to build according to the Land Use map in this Plan.*
- ◆ *Require the developer to pay the full cost of utility system extension, in order to discourage inefficient utility system development, and provide for reimbursement mechanisms where appropriate.*

Chapter 10: Communities and Planning

Lyon County consists of several distinct and diverse communities. The diversity of these communities is reflected in their different growth patterns, character and personality. It is essential that the distinctive character of each identified community is established, maintained, and enhanced.

The Comprehensive Master Plan must address issues that are unique to each community, establish policies that apply strictly to the affected community and deal with issues that are special concerns to that community. The successful implementation of this Comprehensive Master Plan will require that community differences be respected and integrated into the Plan.

Guiding Principal: Through its Community Planning process, Lyon County will address individual community needs and desires while implementing county-wide policies and actions.

Goal CP 1: Support Diversity: Lyon County will celebrate and support the diversity of character among communities in the county.

Policy CP 1.1: Recognize Diversity of Communities

Lyon County planning efforts and regulations will consider the unique aspects of communities in the county, and will allow for variation and exceptions to address key aspects of their diversity.

Goal CP 3: Community Plans: Lyon County will support community-based planning efforts that elaborate community-specific goals and that are developed with strong public consensus.

Policy CP 3.1: Support Community Planning Efforts

Lyon County will encourage and offer guidance for community-based planning efforts, with the goal of ensuring that such an effort will result in a document that identifies the unique needs and values of the community in a manner that can be integrated with county-wide planning, regulations, and policies.

Goal CP 4: Advisory Councils: County staff will confer with the applicable Community Advisory Council when developing programs or policies to address community-specific issues.

Policy CP 4.1: Confer with Community Advisory Councils

When developing a program or policy intended to address a community-specific issue, such as those listed in this Comprehensive Master Plan and in adopted community plans, county staff will confer with the applicable Community Advisory Council before finalizing a decision.

Community Plans

Community Plans comprise the second major component of the Lyon County Comprehensive Master Plan. These plans are essential in carrying out one of the Comprehensive Master Plan's fundamental goals – to recognize and promote the diversity and individual characters of the County's various communities.

Based on the framework established in the County-wide Component, the Community Plans address issues that are unique to each community. The Community Plans provide the specific vision, goals, policies, strategies and land use pattern for each identified community as determined through a community planning process. The Plans and maps contain the detailed information about each community and the views of the community's desired development for the future. They are intended to ensure that the distinctive character of each community is established, maintained, and enhanced.

Policies are established in the Community Plan that apply strictly to the defined community and deal with issues that are of special concern to that community. These may include policies that contain more detailed requirements for land use, development,

or public improvements than are identified in the chapters of the County-wide Component. The Community Plans may also contain detailed implementation measures. These action measures can address issues such as design standards and special use provisions. The goals and policies contained in the Master Plan's County-wide Component also apply to the areas covered by a Community Plan.

Community Plans are designated for the existing, established communities identified during development of the Comprehensive Master Plan. The County will work with the communities to complete Community Plans, including Community Land Use Plans, in each community.

Chapter 11: Implementation

Plan Amendment Process

For the Comprehensive Plan to function over time, Lyon County must be able to periodically review and update it to respond to significant trends or changes in the economic, physical, social, or political conditions.

Plan Amendment Process and Procedures

The public and the County may initiate Plan Amendments in accordance with the provisions of Lyon County Code. All Plan Amendments shall be considered by the Planning Commission and Board of County Commissioners pursuant to their respective powers. Based on its consideration of the recommendations from staff, advisory councils, boards and commissions, and evidence from public hearings, the Planning Commission could then adopt the Plan Amendment (with or without further revisions) or deny the Amendment. Any action on a Plan Amendment by the Planning Commission would be followed by County Commissioners action including, if applicable, its approval of the Plan Amendment. When considering a plan amendment, the County should consider whether:

- 1. The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;*
- 2. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;*
- 3. The proposed amendment will have no major negative impacts on transportation, services, and facilities;*
- 4. The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*
- 5. Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and*
- 6. The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.*

Summary of Priority Actions

To focus the County's efforts on actions that should be taken as soon as possible to ensure that future development decisions are consistent with the goals and policies

contained in this Plan and with the designations on the Land Use Map. Several priority actions are highlighted below. These are already underway or are anticipated to be underway shortly following the adoption of the Plan. The Priority Actions should be reviewed and updated periodically to reflect the County's accomplishments, available resources, and potential shifts in policy direction.

The priority actions listed below are recommended.

Prepare Community Plans

The implementation of the Comprehensive Master Plan framework requires the creation of Community Plans for each of the identified communities. These Plans are to be prepared through a community planning process directed by the County Planning Department. The Community Plans are intended to show the specific land use pattern for each identified community. The Plans will provide detailed views of the community's desired development pattern for the future.

Attachment 2

Past Lyon County Master Plans Excerpts and Relevant Information

1971 Lyon County General Plan

On the 1971 General Plan Map, Silver City is shown as an Urbanizing Area and the Mining Industry land use is not depicted in the Silver City area.

1990 Lyon County Master Plan – Silver City

Goal #1: To maintain, promote, and secure the historic character of the community and to prevent the destruction or degradation of the historic character.

2002 West Central Lyon County Final Land Use Plan – Silver City Master Plan Goals

Goal 1: To recognize, enhance, and protect the unique character of Silver City.

Actions:

- To maintain that scale and primary residential character by retaining the existing Master Plan designation and zoning categories.

Goal 8: To limit any earth disturbance or above ground mining activities that create visual scaring or that disrupt the fabric of the community.

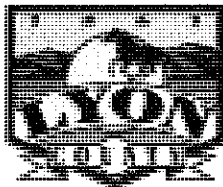
Actions:

- Lyon County shall establish a land use policy that minimizes the impact of mining and other significant earth disturbing activities that degrade quality of life.

Goal 10: To maintain the primary focus of the community as residential.

Actions:

- To urge the Board of Commissioners to carefully consider all zone changes or Master Plan amendments that would substantially alter the character and identity of Silver City.



LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
(775) 463-6592 (775) 463-5305 FAX

ROBERT G. LOVEBERG
PLANNING DIRECTOR

STAFF REPORT

Lyon County Planning Commission

PLZ-13-0051 Zone Change from NR-1, Single-Family Nonrural Residential, to RR-3, Third Rural Residential, and RR-5, Fifth Rural Residential

Meeting Date: November 12, 2013

Owners: Comstock Mining, Inc.

Applicant: Same

Area Location: Silver City

Parcel Number(s): (APNs) 08-091-02 & 08-091-05

Current Master
Plan Designation: Resource and Suburban Residential

Proposed Master
Plan Designation: Rural Residential

Existing Zoning: NR-1, Single-Family Nonrural Residential (6,000 square foot minimum)

Proposed Zoning: RR-3, Third Rural Residential (5 acre minimum), and RR-5, Fifth Rural Residential (20 acre minimum)

Case Planner: Rob Loveberg

Planning Director Approval: RGL

Request

The applicants are requesting a change of zoning from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum) and RR-5, Fifth Rural Residential (20 acre minimum). The applicant is requesting to change 42.57 acres of NR-1 zoning within the Silver City town site to RR-3, and to change 44.63 acres of NR-1 zoned land outside of the town site to RR-3 and RR-5 zoning. See the enclosed applicant's revised submittal for more detailed information and the applicant's justification.

An application for a master plan amendment from Resource to Rural Residential and Suburban Residential to Rural Residential was submitted concurrently with this request. A request for a reversion to acreage involving property included in the requested zone change and master plan amendment was also submitted concurrently and has been heard by the Planning Commission.

Current and Proposed Zoning:

Zoning District	Current		Proposed	
	Acreage	Percentage	Acreage	Percentage
NR-1, Single-Family Nonrural Residential	87.2±	100%	0	0%
RR-3, Third Rural Residential	0	0%	54.86±	62.91%
RR-5, Fifth Rural Residential	0	0%	32.34±	37.09%
TOTAL	87.2±	100%	87.2±	100%

Background:

The applicant submitted requests for a master plan amendment, a zone change and a reversion to acreage in August 2013 in accordance with the requirements of Title 10.12.09 of the Lyon County Code. Subsequent to the submittal, Lyon County Planning staff discovered that certain zoning information provided to the applicant was incorrect. The applicant revised the requests for the master plan amendment, zone change and reversion to acreage to reflect the corrected information. This report is based on the revised application information.

Chapter 10.12.07C of the Lyon County Code requires the Planning Commission to consider a request for a zone change within 45 days after the application is filed. In its application materials, the applicant has acknowledged that the zone change request would not be considered within the 45 day period since the master plan amendment and zone change applications were submitted simultaneously and Lyon County Code request that the master Plan amendment be heard at the November Planning Commission meeting.

The Lyon County Master Plan, County-wide Component, land use designation "Rural Residential" is consistent with the following Lyon County residential zoning districts: RR-3, Third Rural Residential District (5 acre minimum), RR-4, Fourth Rural Residential District (10 acre minimum) and RR-5, Fifth Rural Residential (20 acre minimum) land uses. The "Resource" land use designation is consistent with the following Lyon County zoning district: RR-5, Fifth Rural Residential (20 acre minimum) land uses. The "Suburban Residential" land use designation is consistent with the following Lyon County zoning districts: E-1, First Estates Residential (12,000 square foot minimum), E-2, Second Estates Residential (one-half acre minimum), NR-1, Single-Family Nonrural Residential (6,000 square foot minimum), NR-2, Multiple Residence Nonrural Residential (8,000 square foot minimum) and NR-3, Single-Family Nonrural Residential (9,000 square foot minimum).

Property Information:**Location:**

The parcels are located westerly of State Route 341 and 342, in the area of the southwesterly corner of the Silver City town site.

Size:

The subject properties total approximately 87.2 acres according to the Lyon County Assessor's files.

Land Use

The subject properties are generally undeveloped, with a historic mill site and buildings on a portion of the property near and visible from State Route 341 and 342 as well as a large portion of Silver City.

Subject Property and Surrounding Area Land Use

	<i>Current Master Plan</i>	<i>Zoning</i>	<i>Current Land Use</i>
<i>Subject Property</i>	Resource Suburban Residential	NR-1	Undeveloped and Historic Mill
<i>North</i>	Commercial Mixed Use Suburban Residential	M-1 NR-1	Historic Residential and Undeveloped
<i>South</i>	Public Lands Resource	RR-5	Undeveloped
<i>East</i>	Resource Suburban Residential	NR-1 RR-5	Historic Residential and Undeveloped
<i>West</i>	Public Lands Suburban Residential Resource	NR-1 RR-5	Historic Residential and Undeveloped

It should be noted that not all of the zoning districts listed in the above table are consistent with their respective master plan land use designations. A master plan designation is an expression of the county's long-term expectations for development within a particular area. It does not necessarily mandate that zoning be changed concurrent with the master plan designation (see Nevada Attorney General Opinion No. 84-6).

Physical and Topographic Attributes:

According to information submitted by the applicant, the subject parcels vary from 0% - 10% slopes to slopes greater than 30%. A portion of APN 08-091-05 along State Route 342 has an area of AE flood zone.

Access:

Current access to the subject properties is via State Routes 341 and 342.

Historic District:

The parcels are within the Comstock Historic District.

Public Facilities and Services:

The portion of subject properties within the Silver City town site are within the service area of the Storey County Public Works Department, Virginia City Water System. The parcels are not currently served by the municipal water system and significant improvements will be necessary to bring water services to the subject properties.

No municipal sewer system currently serves the Silver City area. Immediate development would require the installation of individual sewer disposal systems (ISDS) for residential development, or on-site sewer disposal systems (OSDS) or package sewer treatment plant for non-residential development. The Silver City area is not generally well suited for ISDS or OSDS, and a long term solution for waste water treatment would be the extension of a municipal sewer system. Densities as contemplated in the County's Comprehensive Master Plan would contribute to the cost effectiveness of a sewer system.

The Central Lyon County Fire Protection District provides fire and emergency medical service from the volunteer fire station located at 745 High Street, Silver City, approximately 455 feet to the northeast of the site and career station at 231 Coral Drive, Dayton, approximately 3.5 miles

easterly of the site. The Lyon County Sheriff's Department maintains a substation at 801 Overland Loop, Dayton, approximately 6 miles northeast of the site.

Water Rights:

Water rights information has not been provided. It is anticipated that potential development will bring necessary water rights for the portions of the parcels outside of the water system service area when required for development.

Summary of Applicant's Justification:

The applicant includes the following arguments in support of the requested zone change:

- A reduction in the potential residential development density provides a "more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure."
- "For more than a century the subject property has been used for mining, mine exploration and/or mine development."
- The "NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles."
- The "zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning."
- The "zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts."

The applicant believes that the existing NR-1 zoning is inconsistent with the following Comprehensive Master Plan goals, and as detailed in the applicant's justification, some related policies and strategies:

- Goal LU1: Orderly Growth Patterns – Direct and manage development in the county that it is orderly and fiscally responsible.
- Goal LU2: Services Coordinated with Growth – Future residential development will be coordinated with development of schools, parks, libraries, and other public services.
- Goal LU3: Diverse Economy –

The applicant believes that the requested zone change is consistent with and supported by the following Comprehensive Master Plan goals, and as detailed in the applicant's justification, some related policies and strategies:

- Goal LU3: Diverse Economy – The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.
- Goal NR9: Mining and Resource Extraction – Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

The revised application submittal, dated October 11, 2013, contains the applicant's detailed request and justification. One must examine the revised information for the complete justification and a full understanding of the applicant's views.

Staff Review and Comments:

Consistency with the Master Plan

If the Planning Commission adopts the applicant's concurrent application for master plan amendments to the Rural Residential land use designation, the applicant's requested zone changes would be consistent with the County's master plan. If the Planning Commission does not adopt the applicant's concurrent master plan amendment application, the applicant's requested zone changes would not be consistent with the County's master plan.

Applicant's Request

As specified in the applicant's justification statement "[t]he application is requesting a "down zone" at both the master plan and zoning levels." If approved, the applicant's zone change requests would result in a decrease in allowed residential density. The current zoning allows development at densities that are less than the maximum density permitted by the zoning district.

The applicant's justification states that "[t]he applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property." If approved, the zone changes set the stage for possible special use permit requests that may permit mining, not currently permitted on the subject parcels.

Access:

Access to the subject properties would be from State Route 341 and 342. Specific access would need to be created based on the type and density/intensity of development. No plan for development of access, intersections and/or ingress and egress points from the subject parcels has been provided.

Land Use:

The current NR-1 zoning permits single family residential development at densities up to 7.26 dwellings per acre. Uses allowed with the issuance of a special use permit include: child care facilities, churches, group care facilities, parks, public utility serving centers, recreational areas, residential industry, schools, and other like uses. Also allowed with a special use permit on parcels a minimum of twenty one thousand (21,000) square feet in size are private golf, swimming, tennis and similar clubs, and sanitariums. The majority of the Silver City town site is zoned NR-1.

The requested RR-3 and RR-5 zoning permit single family detached dwellings at densities up to 0.2 and 0.05 dwellings per acre respectively. These zoning districts also permit farms, the raising of barnyard animals, the sale of products grown on the property, and hunting and fishing lodges, wildlife refuges and game farms. Uses allowed with the issuance of a special use permit include mining; airports; breeder's kennels, cemeteries; churches; dude or guest ranches; racetracks and commercial stables; recreational and educational uses; residential industry; rest home, convalescent home, nursing home, group care facilities, home for the aged and sanitariums; tennis, golf, civic or country clubs; utility and public uses and serving centers; rifle

and archery ranges; trapshoots; campgrounds; and commercial farrowing pens and feedlots. The RR-5 zoning district also permits commercial wind energy conversion systems with the issuance of a special use permit.

Several of the uses permitted in the RR-3 and RR-5 zoning districts, by right or special use permit, would appear to be out of keeping with the existing and planned residential densities and commercial uses of Silver City.

RR-3 zoning is not found in Silver City. A small area of RR-1 zoning exists within the town site. RR-5 zoning exists generally outside of the town site, with a small area of a patented claim shown on the County's GIS as overlapping NR-1 zoning and extending into the town site near the subject parcels.

The NR-1 zoning reflects Silver City's historic development density and pattern. The NR-1 zoning has been in place since the 1970s when zoning was adopted in Lyon County. NR-1 zoning has been consistent with the master plan designation for the subject properties and Silver City through the various County master plan efforts.

The applicant proposes to rezone the steepest areas of the parcels to RR-3, one dwelling per five acres, and the majority of the lowest sloped areas to RR-5, one dwelling per 20 acres. If topography was a determining factor in the justification of the zone change request, it would seem to be more logical that the steepest and most difficult land to develop would be zoned RR-5.

The current residential use and density of parcels north and east of the subject parcels have the potential to be negatively impacted by mining activities conducted on the subject parcels, or portions thereof, and consideration should be given to the compatibility of potential mining development. Should uses such as mining be approved in the future, increasing the intensity of use on the subject parcels, adverse effects on current residents may be expected by increasing traffic, noise, a change in the character of this residential area, and impacts to the visual character and integrity of the Historic District.

Land use regulations and zoning are community master plan implementation measures intended to help promote and produce the community envisioned by its citizens. The principal purpose of land-use regulation and zoning is to limit conflicts between incompatible land-uses. As a general rule, lower density and rural residential uses can be compatible with higher density residential uses if properly arranged, particularly if they back up to them or if they are separated by a street. However, higher intensity industrial and mining uses are generally incompatible with residential uses.

The Lyon County Comprehensive Master Plan and Lyon County Code include the compatibility of proposed land uses with their surrounding areas as a consideration for master plan amendments. All developments, special uses, and/or zone changes should be similarly reviewed to ensure that existing and proposed land uses are compatible.

Requirements for Granting a Zone Change Request:

NRS 278.250 grants authority to the County to establish zoning districts, and to regulate the use of land within those zoning districts provided the districts and uses are adopted in accordance with the Master Plan and are designed to achieve specific goals.

When making an approval, modification or denial of a zoning map or text, the Commission and the Board should, at a minimum, make one of the following findings of fact:

1. *Consistency with the Master Plan.*
 - a. *Approval: The applicant has demonstrated that the zone change is in substantial compliance with and promotes the Master Plan goals, objectives and actions.*
 - b. *Denial: The proposed zone change is not in substantial compliance with, nor does it promote the Master Plan goals, objectives and actions.*
2. *Contributes to the timely, orderly and efficient arrangement of transportation and other public facilities and services.*
 - a. *Approval: The proposed zoning is timely and contributes to the orderly and efficient arrangement of transportation and other public facilities and services.*
 - b. *Denial: The proposed amendment would result in land uses which do not contribute to the timely, orderly and efficient arrangement of transportation and other public facilities and services.*
3. *Promotes development that is commensurate with the character and physical limitations of the land.*
 - a. *Approval: The proposed zoning will promote development that is commensurate with the character and physical limitations of the land.*
 - b. *Denial: The proposed zoning will not promote development that is commensurate with the character and physical limitations of the land.*
4. *Promotes the protection of existing neighborhoods and communities.*
 - a. *Approval: The proposed zoning promotes the protection of existing neighborhoods and communities.*
 - b. *Denial: The proposed zoning does not promote the protection of existing neighborhoods and communities.*

Staff Recommendation:

Staff recommends that, to the greatest extent practical, zoning be consistent with the Lyon County Comprehensive Master Plan.

Alternative Findings and Motions:

The alternative motions suggested below are offered for Planning Commission consideration.

Alternative for Denial where the Concurrent Master Plan Amendment was Denied

If the Planning Commission denied the concurrent request for a Master Plan amendment, the Planning Commission may take the following action:

The Lyon County Planning Commission finds that:

- A. The proposed zoning is not in substantial compliance with the adopted Lyon County Comprehensive Master Plan, County-wide Component land use map.
- B. The proposed zoning is not in substantial compliance with, nor does it sufficiently promote the Lyon County Comprehensive Master Plan, County-wide Component goals, policies and strategies.

Based on the above findings, the Lyon County Planning Commission recommends denial of the Zone Change request from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum) on approximately 54.86 acres and to RR-5, Fifth Rural Residential District (20 acre minimum) on approximately 32.34 acres for Comstock Mining, Inc. as set forth in the revised zoning map amendment application and supporting documents, received by the Planning Department October 11, 2013 (APNs 08-091-02 & 08-091-05) (PLZ-13-0051).

Alternative for Approval

If the Planning Commission approved a Master Plan Amendment to the Rural Residential land use designation and the Commission desires to recommend approval of the requested Zone Change, the Commission must make findings that support the proposed zoning districts on the subject parcels. The Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. The applicant has demonstrated that the zone change is in substantial compliance with and promotes the Lyon County Comprehensive Master Plan, County-wide Component goals, policies and strategies.
- B. The applicant has demonstrated that the proposed zoning will promote development that is commensurate with the character and physical limitations of the land.

Based on the aforementioned findings, the Lyon County Planning Commission recommends approval of the Zone Change request from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum) on approximately 54.86 acres and to RR-5, Fifth Rural Residential District (20 acre minimum) on approximately 32.34 acres for Comstock Mining, Inc. as set forth in the revised zoning map amendment application and supporting documents, received by the Planning Department October 11, 2013 (APNs 08-091-02 & 08-091-05) (PLZ-13-0051).

Alternative for Continuance

If the Commission determines that additional information, discussion and public review are necessary for a more thorough review of the proposed Zone Change, the Commission should make appropriate findings and move to **continue** the Public Hearing with a specific time period for the applicant to provide additional specific information necessary for the analysis of the request. The Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. Additional information, discussion and public review are necessary for a more thorough review of the proposed Zone Change.

Based on the above findings and with the applicant's concurrence, the Planning Commission continues the Zone Change request from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum) on approximately 54.86 acres and to RR-5, Fifth Rural Residential District (20 acre minimum) on approximately 32.34 acres for Comstock Mining, Inc. as set forth in the revised zoning map amendment application and supporting documents, received by the Planning Department October 11, 2013 (APNs 08-091-02 & 08-091-05) (PLZ-13-0051) for ___ days.



Kerry Page <kpage@lyon-county.org>

Re: Comstock Mining staff report

1 message

Mark Rotter <MRotter@manhard.com>

Thu, Nov 7, 2013 at 8:45 AM

To: Kerry Page <kpage@lyon-county.org>, rloveberg@lyon-county.org

Rob and Kerry,
Could you give me an estimate on when you think I can receive the staff report for Comstock Mining? Thank-you - Mark

>>> Kerry Page <kpage@lyon-county.org> 11/5/2013 12:45 PM >>>

No, Rob is not back from Louisiana yet and will be in meetings all day tomorrow so I'm not expecting it until Thursday - sorry.

On Tue, Nov 5, 2013 at 12:19 PM, Mark Rotter <MRotter@manhard.com> wrote:

Thanks Kerry. Is there a Comstock Mining staff report yet?

-----Original Message-----

From: Kerry Page <kpage@lyon-county.org>

To: Mark Rotter <MRotter@manhard.com>

To: Rebecca Bernier <RBernier@manhard.com>

Sent: 11/4/2013 5:20:15 PM

Subject: Woodbridge staff report

Here it is! Rob, although in Louisiana, will be available via email or will be back in the office on Thursday.

--

*Kerry Page Lyon County Planning Assistant 27 South Main Street Yerington, NV 89447 ph: 775-463-6592 fax: 775-463-5305 *

Manhard Consulting, Ltd.
9850 Double R Boulevard
Suite 101
Reno, NV 89521
p: 775.746.3500 f: 775.746.3520

This electronic message and any files or attachments are confidential and may be privileged information. The information is solely for the use of the individual(s) or entity to which it was addressed. If you are not the intended recipient(s), you are hereby notified that distributing, copying, or in any way disclosing any of the information in this e-mail is strictly prohibited. Receipt by anyone other than the named recipient(s) is not a waiver of any work product, or other applicable privilege. If you have received this e-mail in error, please notify sender immediately, and destroy the material in its entirety, whether in electronic or hard copy format. Since data stored on electronic media can deteriorate, be translated or modified, Manhard Consulting Ltd. will not be liable for the completeness, correctness or readability of the electronic data. The electronic data should be verified against the hard copy.

JA2494

14 CV 00128 - 002389

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305



Manhard

CONSULTING LTD
9850 Double R Boulevard
Suite 101
Reno, NV 89521
p: 775.746.3500 f: 775.746.3520

This electronic message and any files or attachments are confidential and may be privileged information. The information is solely for the use of the individual(s) or entity to which it was addressed. If you are not the intended recipient(s), you are hereby notified that distributing, copying, or in any way disclosing any of the information in this e-mail is strictly prohibited. Receipt by anyone other than the named recipient(s) is not a waiver of any work product, or other applicable privilege. If you have received this e-mail in error, please notify sender immediately, and destroy the material in its entirety, whether in electronic or hard copy format. Since data stored on electronic media can deteriorate, be translated or modified, Manhard Consulting Ltd. will not be liable for the completeness, correctness or readability of the electronic data. The electronic data should be verified against the hard copy.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>



Kerry Page <kpage@lyon-county.org>

SC Real Estate Analysis

1 message

Gayle Sherman <gales@gbis.com>

Wed, Nov 6, 2013 at 3:50 PM

To: Kerry Page <kpage@lyon-county.org>

Hello Kerry,

Here is the Real Estate Analysis for Silver City.

Gayle



SC Real Estate Report.pdf

1331K

JA2496

14 CV 00128 - 002391

JOHNSON~PERKINS & ASSOCIATES, INC.
REAL ESTATE APPRAISERS & CONSULTANTS

Main Office: 295 Holcomb Avenue, Suite 1 ■ Reno, Nevada 89502 ■ Telephone (775) 322-1155
Lake Tahoe Office: P.O. Box 11430 ■ Zephyr Cove, Nevada 89448 ■ Telephone (775) 588-4787
FAX: Main Office (775) 322-1156 ■ Lake Tahoe Office (775) 588-8295
E-mail: jpareno@johnsonperkins.com ■ jpatahoe@johnsonperkins.com

Stephen R. Johnson, MAI, SREA
Reese Perkins, MAI, SRA
Cynthia Johnson, SRA
Cindy Lund Fogel, MAI
Scott Q. Griffin, MAI
Daniel B. Oaks, MAI
Benjamin Q. Johnson, MAI

Karen K. Sanders
Gregory D. Ruzzine
Chad Gerken

November 1, 2013

Gayle Sherman
P.O. Box 425
Silver City, Nevada 88428

RE: Comstock Mining, Inc.'s Zoning Change Request

Dear Mr. McCarthy,

This letter is in response to your request that we address the likely impact on the local real estate market as a result of Comstock Mining, Inc.'s request to rezone 89± acres in Silver City, Nevada to zoning classifications which will allow mining activities, including Open Pit Mines. This letter will set forth some preliminary research conducted to assist me in determining if there could be an adverse impact to the local real estate market as a result of the proposed zoning change.

The clients for this consulting assignment are Gayle Sherman and Joe McCarthy on the behalf of the citizens of Silver City, Nevada. The intended users of this consulting report include the clients, their representatives, the Lyon County Planning Commission and the Lyon County Board of Commissioners. The intended use of this consultation report is to assist the Lyon County Planning Commission and the Lyon County Board of Commissioners in determining that the proposed zoning change request will have an impact on the adjacent

Reno ■ Lake Tahoe

property owners in Silver City. This consultation report involves an effective date of October 18, 2013, which is the date that this consultant conducted a physical inspection of Silver City and the surrounding areas.

The scope of work completed for this preliminary consultation report involved the inspection described above of the Silver City area, meetings and interviews with Silver City residents and property owners, interviews with brokers familiar with the local real estate market and interviews with other knowledgeable parties. Based upon these investigations and further being based upon my experience, I have concluded that the proposed mining zone change request could have a material impact on the Silver City property values. As this initial scope of work was limited to the investigation set forth above, I have not completed an in-depth data investigation and analysis which would allow me to form a more precise estimate of the potential percentage impact on property values as a result of the zoning change and possibility of an Open Pit Mine on the property across the highway.

Silver City is located north of Moundhouse and south of Virginia City and Gold Hill. Silver City is generally located north of the intersections of State Routes 342 and 341 and south and east of Devil's Gate. Based upon the best information available to these consultants, Silver City had an estimated population of 180 people in 2011. In 2000, the population was reported to be 170 and in 2010 the population was reported to be 179 people. Silver City is essentially a historic mining town which has evolved into a permanent residential community. Many of the homes are older which have been renovated, while there are a number of newer homes which have been constructed over the past decade. Residents consist of retirees, professionals and others who typically work in the Carson City or Reno areas and commute to their residence. The residents are drawn to this area due to its rural, peaceful location which is within reasonable commuting distance of major metropolitan areas.

Silver City has a Community Hall, a Community Park and a very active Citizen's Group. The citizens have monthly dinners in which all citizens are invited to attend. In

addition, they have a number of special events. As a result, Silver City is a tight knit community in which everyone seems to know everyone else.

Comstock Mining, Incorporated is currently petitioning Lyon County to change the zoning on 89± acres from NR-1 to RR-3 and RR-5. It is our understanding that under the new zoning classifications, the property owner would be allowed to conduct mining operations on the property. It is further our understanding that the allowed mining operations would include Open-Pit Mining. The property in question is located on the west side of State Route 342 (Main Street) across from the junction with State Route 341 (Truck Route), north to Peddler Road.

As Silver City and the requested zone change property are on facing walls of a canyon area, a mine on the requested property would be highly visible from Silver City. Furthermore, Silver City could experience considerable noise and disruption from truck traffic, drilling, mining, dust and night lighting. In order to determine how the market would perceive a mining operation in this real estate market, this consultant has conducted interviews with a number of property owners, knowledgeable parties in the area, and local Realtors. Set out following are summary discussions of the interviews with each of the parties interviewed.

Chris and Bonnie Brown have lived on their property in Silver City since 1975. It was originally the French Mill. They indicated that they have experienced very intense noise from the drilling rigs which reportedly operate from 6 a.m. to 6 p.m. They pointed out that the canyon reflects the noise in their direction. They also had experienced truck traffic noise including the Jake Breaks, back-up horns on heavy equipment, and the trucks moving equipment 24 hours a day. They also reported that they can hear the steel tracks on the heavy tractors. These homeowners also reported that they had heard that Comstock Mining had found good minerals at a depth of 800 feet. They felt that this would result in a fairly large pit being developed across the street from their property. They were also concerned that the mining activity upstream could result in contamination of the stream which passes through

their property. These property owners stated that they were very uncertain about the future because of the proposed mine. They felt that it would result in a loss in value to their property and would reduce the overall quality of life in Silver City. They stated that, at this point in time, they are reluctant to make additional investments in their property due to the uncertainty of the zoning request.

Darlene Cobbey has owned her 6 acre property in Silver City since 1981. She stated that she has experienced dust from the mining operations, and heavy truck traffic noise. At one point, Ms. Cobbey stated that trucks from Coons Construction Company, Cruz Construction Company and Cinderlite in Carson City were hauling material for the mine with trucks passing her property every 20 seconds. Darlene was also concerned that Comstock Mining may be utilizing water from Marlette Lake. She felt that due to the conditions which she has experienced and the pending zoning change request, that it would be very difficult to sell her property.

I next spoke with Robin Cobbey of Gold Hill. She indicated that she had lived in Gold Hill for over 30 years and that David Toll had lived on the property for in excess of 50 years. They are located across the street from Comstock Mining's existing operation. Robin indicated that they do experience truck noise, dust, and have also been kept awake at night due to the flashing lights on equipment. Robin indicated that they own a pink house across from the turnoff to the mine and that she has had a hard time renting it due to the adjacency to the mine. She had at one time rented the house for \$800 per month and has now had to reduce the rent to \$700 per month (a 12.50% reduction), which she attributes to the mining activity. She also stated that they had another residence which they rented for \$600 per month and have now had to reduce the rent to \$500 per month (a 16.67% reduction). Robin indicated that they were planning to install solar panels on their home and to rebuild their kitchen. Due to the uncertainty of the mining activity, they have put their plans on hold. In closing, Robin stated that due to the uncertainties involved, they could not sell their home at the present time

1 Pursuant to NRS 239B.030, the undersigned
2 affirms that the following document does not
3 contain the social security number of any person.

4 JOHN L. MARSHALL
5 SBN 6733
6 570 Marsh Avenue
7 Reno, Nevada 89509
8 Telephone: (775) 303-4882
9 Attorney for Petitioners Comstock
10 Residents Association & Joe McCarthy

Electronically Filed
Dec 09 2015 08:45 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

11
12 IN THE SUPREME COURT OF THE STATE OF NEVADA

13 COMSTOCK RESIDENTS ASSOCIATION,
14 JOE McCARTHY

15 Appellants,
16 00128

No. 68433
District Court Case No. 14-CV-

17 v.

18 LYON COUNTY BOARD OF
19 COMMISSIONERS; COMSTOCK
20 MINING INCORPORATED

21 Respondents,
22 _____/

23 **JOINT APPENDIX**

24 **VOLUME 12**

25 **PAGES 2001-2250**
26
27
28

ALPHABETICAL INDEX TO JOINT APPENDIX

<u>Document (date filed)</u>	<u>Volume:Page</u>
Complaint for Declaratory and Injunctive Relief/Petition for Writ of Mandate or Judicial Review (1/31/2014)	1:0001
Comstock Mining Incorporated's Answer to Complaint (3/28/2014)	1:0053
Comstock Residents Association's Opening Brief on Petition for Judicial Review (12/16/2014)	28:3837
Comstock Residents Association's Opposition Brief in Support of Petition for Judicial Review (1/9/2015)	28:3894
Comstock Residents Association's Reply Brief in Support of Motion to Augment Record (1/9/2015)	28:3888
Comstock Residents Association's Reply Brief in Support of Petition for Judicial Review (1/20/2015)	28:3926
CRA's Notice of Supplemental Authority re Motion to Amend (10/14/2014)	28:3754
CRA's Reply to Lyon County and CMI's Oppositions to Motion to Amend Complaint/Petition (8/5/2014)	27:3746
Joinder to Defendant Lyon County Board of Commissioners' Motion to Dismiss (6/13/2014)	27:3648
Joint Opposition of Respondents Lyon County Board of Commissioners and Comstock Mining Incorporated to Motion to Augment Record (1/2/2015)	28:3881
Lyon County Board of Commissioners' Answer to Complaint (3/27/2014)	1:0038
Lyon County Board of Commissioners' Motion to Dismiss or, in the Alternative, Motion for Partial Summary Judgment (6/10/2014) ...	1:0082

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Document (date filed)</u>	<u>Volume:Page</u>
Lyon County Board of Commissioners’ Opposition to Motion to Amend Complaint/Petition (7/29/2014)	27:3721
Lyon County Board of Commissioners’ Reply to Opposition to Motion to Dismiss (7/29/2014).....	27:3730
Lyon County’s Objection to Court’s Consideration of CRA’s Supplemental Authority (10/16/2014)	28:3757
Memorandum of Points and Authorities in Opposition to Comstock Residents Association’s Opening Brief in Support of Petition for Judicial Review (1/12/2015).....	28:3905
Memorandum of Points and Authorities in Opposition to Petition for Judicial Review (12/15/2014).....	28:3785
Memorandum of Points and Authorities in Reply to Comstock Residents Association’s Opposition Brief in Support of Petition for Judicial Review (1/16/2015).....	28:3917
Motion to Amend Complaint/Petition (7/3/2014)	27:3651
Motion to Augment Record and/or Request for Judicial Notice (12/16/2014)	28:3812
Notice of Assignment by Clerk [Senior Judge Estes] (6/10/2014).....	1:0079
Notice of Entry of Order [Denying Motion to Amend Complaint/Petition] (12/8/2014).....	28:3772
Notice of Entry of Order [Granting in Part and Denying in Part Motion to Dismiss] (12/8/2014)	28:3777
Notice of Entry of Order [Granting in Part and Denying in Part Plaintiffs’ Motion to Augment Record] (6/10/2015)	28:3944
Notice of Entry of Order [Denying Petition for	

1	Judicial Review] (6/15/2015).....	28:3949
2	<u>Document (date filed)</u>	<u>Volume:Page</u>
3		
4	Objection to Court’s Consideration of CRA’s Supplemental	
5	Authority (10/21/2014)	28:3760
6	Opposition to Motion to Dismiss (7/3/2014)	27:3695
7	Opposition to Plaintiffs/Petitioners’ Motion to Amend	
8	Complaint/Petition (7/25/2014)	27:3712
9	Order Denying Petition for Judicial Review (6/5/2015).....	28:3937
10	Order Denying Plaintiffs [sic] Motion to Amend (12/3/2014)	28:3793
11		
12	Order Granting in Part and Denying in Part Motion to	
13	Augment Record (6/5/2015)	28:3941
14	Order Granting in Part and Denying in Part Motion to Dismiss (12/3/2014)	28:3766
15	Order of Recusal [Judge Rogers] (4/1/2014)	1:0071
16	Order of Recusal [Judge Aberasturi] (5/2/2014)	1:0076
17		
18	Petitioners Comstock Residents Association and Joe McCarthy’s	
19	Notice of Appeal (7/14/2015)	28:3955
20	Record on Appeal (6/10/2014)	1:0102
21	Supplement to Record on Appeal (1/2/2015)	28:3877

"Dayton Surface"), as well as the Oest Mine (located south of the Dayton property but controlled by the company [See Comstock Notes, a Dayton Consolidated Mines Company prospectus, UNR Special Collections TN 433 N3 D3]). The stockholders letter recounts activity from 1948 through 1950, which included the blocking out and development of ore bodies at depth in company properties. It does not specify whether this refers to the Dayton Mine or the Keystone Mine in Storey County. The letter concludes with the point that the company has exhausted its working capital and without additional financing current bondholders will take over the property. This effort was apparently unsuccessful, as the Dayton Consolidated Mines Company ceased operation after 1950.

The 1951-52 Report of the State Inspector of Mines listed no further activity for the Dayton Consolidated Mines Company. There is no mention of mining or milling on the Dayton property in any subsequent reports dating from 1952 to 2007. The CMI Reclamation Permit application repeats this point on page 5:

Operations [at the Dayton Mine] resumed on a limited basis using surface mining practices to develop an open pit in the late 1940s, by 1950 the mining and processing ended.

The state records cited above comprise a year by year listing of mining and milling operations in Nevada. They are, however, focused on operations with at least one employee, and they do not necessarily include small-scale, owner operated mines. With this in mind, the Silver City resident referred to above recalled that some mining did continue at the Dayton for a number of years after Dayton Consolidated shut down. These activities ceased by 1955. He also recalled that during the 1960s the owners did engage in limited work on the property.

The Behre-Dolbear report (page 30) also mentions that some time during the 1960s the Consolidated Eldorado Company excavated the "Dayton adit." The report does not explain whether the Dayton adit was newly excavated or a reworking or extension of an existing adit. There is no mention of this work, or the Consolidated Eldorado, in any state documents.

The Behre-Dolbear report (page 42) goes on to describe a number of exploratory drilling programs at the Dayton during subsequent decades. These were conducted in 1974-75 and 1978-79. There was also drilling on the Kossuth and Alhambra claims in 1994, however these claims lie for the most part outside the current Suburban Residential NR1 area within the Silver City town limits. In addition, CMI conducted exploratory drilling on the Dayton property in 2011.

There have been, over a period of more than sixty years, two examples of mining activity at the Dayton, one sometime between 1950 and 1955, and one during the 1960s. The scope and duration of the former is unknown, while the later consisted of excavation in a single adit. Neither rose to the level of being noted by or reported to

any state agency. Over the same six decades, there were three or possibly four drilling projects on the Dayton property. Calling these mining is problematic because their ultimate objective—mining—has not been permitted on the property since 1971. In fact, as noted previously, mining at the Dayton was specifically rejected by the Lyon County Planning Commission and Board of Commissioners in 1986. This action was taken despite the fact that—according to the Silver City resident I interviewed—one of the preceding drilling projects had located a proven reserve of ore.

In summary, there is no doubt that some mining activity took place on the Dayton property since the demise of the Dayton Consolidated Mines Company. And there is no doubt the current and past owners consider it to be a mining property. But contrary to the application's assertion, this does not invalidate or even call into question the planning and zoning—including the specific rejection of mining on the property in 1986—that has been in place for more than forty years. There were no errors or confusion involved. There were simply other factors that took precedence over the Dayton's minimal mining activity in determining what kinds of land use were appropriate for this particular part of Silver City.

Thank you very much for your time.

Erich Obermayr
Box 249
Silver City, NV 89428
847-7563
eober@historicinsight.com


maureenwilliss@lyon-county.org

Fwd: Rock Art Site in Silver City

Virgil Arellano <varellano@lyon-county.org>

Wed, Jan 1, 2014 at 9:00 AM

To: Jeff Page <jpage@lyon-county.org>, Maureen Williss <mwilliss@lyon-county.org>

----- Forwarded message -----

From: "Laura Fillmore" <laurafillmore@gmail.com>

Date: Jan 1, 2014 8:57 AM

Subject: Rock Art Site in Silver City

To: <varellano@lyon-county.org>

Laura Smith Fillmore

1634 Mendewee Run, Gardnerville, NV 89460 775.450.8727

email: lsmith-fillmore@lyon.k12.nv.us; laurafillmore@gmail.com

January 1, 2014

Honorable Virgil Arellano, Lyon County Commissioner:

I am a school teacher in Lyon County and live on the Dresslerville Indian Reservation, and I respectfully request that Lyon County Commissioners reject the proposal by Comstock Mining Inc. to change the zoning and Master Plan in Silver City. Changing zoning from residential to industrial in an area that has had the same town site since the 1860's sets a bad precedent for the rest of Lyon County. It has come to my attention that there is indigenous rock art in the area Comstock Mining wants to develop. You must know that these sites are protected, and I intend to alert Nevada cultural authorities at the State Museum of this site for consideration for preservation. You must know that this heritage is unlawful to develop for commercial purposes.

Comstock Mining Inc has been framing their request for a zoning and Master Planning change in Silver City as pro-mining vs. anti-mining. However, the changes they propose would not only create possibilities for surface mining within and adjacent to Silver City's long-established town site, but would also open the door for other possible industrial uses of the land in and adjacent to Silver City houses. Now the changes also mean that cultural sites would be jeopardized. Presently Lyon County doesn't appear on the Nevada Rock Art Foundation mapping for sites in the state, and that is about to change. There are petroglyphs in Smith Valley and there is rock art in Silver City. This fight has just gone way beyond the simple rezoning changes proposed by a corporation in a National Historic Landmark District. I know that the ancestors of the Washoe tribe once frequented the hills of Silver City, and tribal officials from both the Washoe and Paiute tribes will be notified of this site along with officers from the state museum.

Luckily, Lyon County officials have a long record of upholding the Master Plan in Silver City.

Other counties have similarly protected Nevadans from commercial development adjacent to their homes that would affect their air quality and the value of their homes and businesses. The Oil Dri Corporation lost a bid to create an open pit mine adjacent to homes in Hungry Valley in the valleys north of Reno, Nevada. Factors to consider include the compromise of the water supplies to the region, and--key in any consideration of open pit mining--the considerable compromise of air quality for residents. Please remember that corporations can afford to "buy scientists" who will make findings and speak in favor of them, and that it can take fortitude to do the right thing in the face of their considerable legal persuasion. Please do not be moved, and please do the right thing: smart land use planning that does not harm the health, and safety of the residents is immediately important. Preservation of the pre-history of Nevada is paramount to our future generations, and all of our concern as residents in this great state.

1/2/14

Lyon-county.org Mail - Fwd: Rock Art Site in Silver City

- . Sincerely,

Laura Fillmore

Jeff Page <jpage@lyon-county.org>
To: Maureen Willis <mwilliss@lyon-county.org>

Wed, Jan 1, 2014 at 9:06 AM

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531 Office
(775) 302-7088 Cell

[Quoted text hidden]

12/7/13

To: Lyon County Planning Commissioners

My name is Sherie Rosevear, a resident & business owner in Silver City. I am very opposed to any changes to the Lyon County Master Plan that change the zoning of lots from residential to usable for mining. Isn't it enough that the citizens ~~voted~~ voiced their opinions in dozens of meetings to get what we have now? Please protect the citizens of Silver City. Storey County has already taken away our fresh, clean air with the approval of mining just outside (for now!) our city limit (feet not miles from it!). Please deny Comstock Mining or any other

group that tries to undo all
yours and our hard work -
especially since it could
shorten all our life spans
due to pollution, traffic, noise
and blasting. Please think
of us and imagine you lived
here.

Sincerely,
Sheree Rosewear
Sheree Rosewear
PO BX 496
Silver City, NV
89428

October 4, 2013

Lyon County Planning Commissioners
27 South Main Street
Yerington, Nevada, 89447

Re: Comstock Mining Inc. Application for Reversion to Acreage (PLZ-13-0044)

Dear Commissioners:

Attached, please find a petition from the residents of Silver City and adjacent areas, directed to yourselves and the Lyon County Commissioners. The purpose of the petition is to inform you of the opinions of the signers regarding the above referenced application.

On August 12, 2013 Comstock Mining Inc., submitted the above application and a master plan and zoning change application to the Lyon County Planning Department. Copies were also provided to the Silver City Advisory Board. The applications were placed on the agenda for the September 3, 2013 town meeting. Copies of the applications were obtained and reviewed by residents of Silver City during the week of August 18, 2013.

From August 31st to September 3rd, the residents of Silver City signed the attached petition. The petition currently contains 104 signatures. As a point of reference, according to the Lyon County website, Silver City has a total of 146 registered voters. As one of the residents who walked the town, informing citizens of the applications for both the reversion to acreage and the master plan and zoning change, I can state that the people I spoke to were eager to sign and thus communicate their feelings to you.

The signers presented the petition to the Silver City Advisory Board at the town meeting of September 3, 2013, requesting that the Board convey this petition to the Planning and County Commissioners.

As Comstock Mining was not prepared to share their plans with the approximately 80 attendees at the town meeting, both applications were agendaized for the October 1st Silver City Town Advisory Board meeting. Once again, the Silver City Community Center was packed with attendees, anxious to hear from Comstock Mining what their intentions are for the Dayton Consolidated. For the residents who live less than 250 feet away from the area that is to be reverted, this was an important chance to communicate to Mr. DeGasperis, CEO of Comstock Mining, that his plans could result in making their residences unlivable. Unfortunately Comstock Mining's total presentation was less than five minutes in duration and provided no information regarding the plans for the reverted acreage.

The Silver City Town Board then voted to reaffirm the town's recommendation to the Planning Commission and the County Commissioners i.e., that this application for a reversion to acreage at the Dayton Consolidated is a detriment to the quality of life, health and the historic integrity of Silver City.

As you deliberate, please keep in mind that the Reversion to Acreage application is designed to pave the way for mining within Silver City Town limits. I am requesting on behalf of the signers of the petition that you deny Comstock Mining's application.

Alternatively, please consider a continuance of this application until after the decision has been made on the master plan and zoning change. There is so much at stake for all of us who live in Silver City. Surely there is no harm to Comstock Mining if this decision is delayed until after the master plan and zoning change has been decided.

Sincerely,

A handwritten signature in cursive script that reads "Gayle Sherman".

Gayle Sherman
100 Grant Street
Silver City, Nevada 89428

9-9-13

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	CASHION CALLAWAY	500 HIGH STREET SILVER CITY, NV 89428	<i>Cashion Callaway</i>	8.31.13
2	Michelle Busk	245 4th St. Silver City NV 89428	<i>Michelle Busk</i>	8/31/13
3	William Rosevear	145 High St. Silver City NV 89428	<i>William Rosevear</i>	9/3/13
4	SHEREE ROSEVEAR	145 High St Silver City NV 89428	<i>Sherree Rosevear</i>	8/31/13
5	Allen McCabe	320 First St Silver City NV 89428	<i>Allen McCabe</i>	8/31/13
6	SUSAN MCCABE	320 first St Silver City, NV 89428	<i>Susan McCabe</i>	8/31/13
7	Wayne Bachand	420 High St Silver City, NV 89428	<i>W. Bachand</i>	8-31-13
8	Catherine Bachand	420 High St. Silver City, NV 89428	<i>Catherine Bachand</i>	8-31-13
9	MOLLY AUANDER	750 HIGH ST " " " "	<i>Molly Auander</i>	8/31/13
10	Allison Woodman	1150 Main St, Silver City NV 89428	<i>Allison Woodman</i>	8/31/13
11	Alan Jackson	1150 Main " " " "	<i>Alan Jackson</i>	8-31-13
12	Tom Byron	4 HIGH ST. SILVER CITY 89428	<i>Tom Byron</i>	9/1/13
13	LILA LINDSAY	250 High St. Silver City, NV 89428	<i>Lila Lindsay</i>	9/1/13
14	Linda Hicks	1300 HIGH ST Silver City, NV	<i>Linda Hicks</i>	9-1-13
15	Todd Hicks	" " " "	<i>Todd Hicks</i>	9-1-13
16	RENATE VICTOR	230 Second Street Silver City, NV	<i>Renate Victor</i>	9.1.13
17	Rachel Berry	265 4th St Silver City NV	<i>Rachel Berry</i>	9.1.13
18	Ron Victor	230 2nd St Silver City	<i>Ron Victor</i>	9-1-13
19	Dougene Honesco	550 Buckner St. Silver City, NV	<i>Dougene Honesco</i>	7-2-13
20	Dorothy Nichols	550 Buckner St. Silver City, NV	<i>Dorothy Nichols</i>	9-2-13
21	Joann Shea	#2 PRADERE RD. DAYTON	<i>Joann Shea</i>	7-2-13

24
26
50 67

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Ken Kerner	345 4th St Silver City NV	[Signature]	9/2/13
2	Steve Brown	1530 Dayton Road SC	[Signature]	9-10-13
3	Fred Swanson	450 1st St. Silver City, NV	[Signature]	9-4-13
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Kirk Gomez	480 High St. Silver City	[Signature]	8-29-13
2	Terrri Gomez	480 High St. Silver City	Terrri Gomez	8-29-13
3	ROBERT EUSTON	500 High St. SILVER CITY	[Signature]	8/29/13
4	Alex Marten	50 Croner St Silver City	[Signature]	8/29/13
5	Mary MacDonell	50 Croner St. Silver City	Mary MacDonell	8/31/13
6	Carmen Erisman	50 Croner St Silver City	Carmen Erisman	8/31/13
7	RON RENO	375 CRONER, SILVER CITY	Ron Reno	8/31/13
8	Mona Reno	375 Croner, Silver City	Mona Reno	8-31-13
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	DONNIE BROWN	1530 DAYTON TOLL RD. SILVER CITY	<i>Donnie Brown</i>	8-31-13
2	CHRIS BROWN	" " "	<i>Chris Brown</i>	"
3	LORRAINE RICHMOND	27 THE GOLDEN RD. SILVER CITY	<i>Lorraine Richmond</i>	8/31/13
4	LORRAINE RICHMOND	" " "	<i>Lorraine Richmond</i>	"
5	Maile Bradley	387 Buckeye St Silver City	<i>Maile Bradley</i>	8-31-13
6	Robert Royce Bradley	387 Buckeye St, Silver City	<i>Robert Royce Bradley</i>	8/31/13
7	KAREN WEST	575 Buckeye St, Silver City	<i>Karen West</i>	8/31/13
8	KIP ALLANER	200 Grant St, Silver City NV	<i>Kip Allener</i>	8/31/13
9	CLEO ROSS	275 MAIN SILVER CITY, NV	<i>Cleo Ross</i>	8-31-13
10	MARGARET COBBEN	1000 MAIN ST. SILVER CITY, NV	<i>Margaret Cobben</i>	8/31/13
11	Emily Cobben	1000 Main St, Silver City	<i>Emily Cobben</i>	8/31/13
12	Bruce Brown	1560 Dayton Toll Rd Silver City	<i>Bruce Brown</i>	9/1/13
13	Kelly Kotik	305 Main St #2, Silver City	<i>Kelly Kotik</i>	9/2/13
14				
15				
16				
17				
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Carol Brown	900 SR 341, Silver City, NV	Carol Brown	8-31-13
2	DOUG BROWN	" " " "	DOUG BROWN	8-31-13
3	Stephen Crawford	1045 Highway 341 Silver City, NV	Stephen Crawford	8-31-13
4	LOUISE CRAWFORD	1045 Highway 341 Silver City, NV	Louise Crawford	8-31-13
5	DEBORAH M. SONES	1465 DAYTON TOLL RD Silver City, NV	Deborah M. Sones	8/31/13
6	HERNAN H. MESONES	1465 Dayton Toll Rd Silver City, NV	Hernan H. Mesones	8/31/13
7	Carol Gordon	1410 Dayton Toll Rd Silver City, NV 89428	Carol Gordon	8/31/13
8	Judie Wysocki	1000 Hwy 341 Silver City, NV 89428	Judie Wysocki	8/31/13
9	Kris Costan	1275 Bonham Trl Silver City, NV 89428	Kris Costan	8/31/13
10	Laura Costan	1275 Bonham Trl Silver City, NV 89428	Laura Costan	8/31/13
11	Joe McCarthy	1200 Highway 341 Silver City, NV 89428	Joe McCarthy	8-31-13
12	Ann McCarthy	1200 Highway 341 Silver City, NV 89428	Ann McCarthy	8-31-13
13	Diane Kotik	1500 Dayton Toll Silver City, NV 89428	Diane Kotik	8-31-13
14	Larry Kotik	1500 Dayton Toll Silver City, NV 89428	Larry Kotik	8-31-13
15	Chad Olson	386 Hwy 341 Silver City, NV 89428	Chad Olson	9-1-13
16	JUDI OLSON	386 Hwy 341 Silver City, NV 89428	Judi Olson	9-1-13
17	WILLIAM GORDWIN	1410 DAYTON TOLL RD SILVER CITY, NV 89428	William Gordon	9-2-13
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Shari Fletcher	180 2nd St	Shari Fletcher	8/31/13
2	645 S ZORREY	205 GAY ST	Shari Fletcher	8/31/13
3	LISA COOKE	150 GAY ST	Lisa Cooke	8-31-13
4	Patricia Allander	30 Third St	Patricia Allander	8/31/13
5	Jelena Hoshel	425 Main St Silver City, NV 89428	Jelena Hoshel	8/31/13
6	JAMES BRANSTETTER	575 GAY ST SILVER CITY NV 89428	James Branstetter	8/31/13
7	DON WOBLES	#3 PEDLAR, SILVER CITY NV 89428	Don Wobles	8/31/13
8	DARLENE COOPER	1000 MAIN ST SILVER CITY NV 89428	Darlene Cooper	8/31/13
9	John Colby	1000 Main St. SILVER CITY NV 89428	John Colby	8/31/13
10	Gayle Sherman	100 Grant St Silver City, NV	Gayle Sherman	8/31/13
11	Donald Swann	#3 Pedlar Rd Silver City, Nev.	Donald Swann	8/31/13
12	SUSAN STORME	680 American Flat Rd Silver City NV	Susan Storme	8-31-13
13	Thomas Ross	250 Main St S.C.	Thomas Ross	8-31-13
14	Susan Shields	107 Grant St	Susan Shields	8-31-13
15	ROBERT SHIELDS	107 GRANT ST SC	Robert Shields	8-31-13
16	Janet Hess Ross	30 VIVIAN ST - SC	Janet Hess Ross	8/31/13
17	DANIEL ROSE	" " " "	Daniel Rose	8/31/13
19	Margaret Burns	480 Buckeye St. Silver City, NV	Margaret Burns	8/1/13
20	SANDRA BUNKER	351 GAY ST SILVER CITY	Sandra Bunker	9/1/13
21	Gabriel Sosa	30 Third St SC NV 89428	Gabriel Sosa	9/1/13

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Suzanne M. Cassidy	50 Main St. Silver City, NV 89428	Suzanne M. Cassidy	08/31/13
2	Caren Cassidy	50 main st. Silver City, NV 89428	Caren Cassidy	08/31/13
3	Kyle Baker	305 #2 Main Street Silver City, NV 89428	Kyle Baker	08/31/13
4	ALISHA BRILIN	272 MAIN ST SILVER CITY NV 89428	Alisha Brilin	08/31/13
5	Patty Marshall	20 main St Silver City, NV 89428	Patty Marshall	8/31/13
6	Kris Anderton	55 Main St. Dayton, NV 89403	Kris Anderton	8/31/13
7	PROCTOR STICOW	70 MAIN ST SILVER CITY, NV	Proctor Sticow	8/31/13
8	Cynthia Eliseo	50 Vivian St. Silver City, NV 89428	Cynthia Eliseo	8.31.13
9	BEAU GUTHRIE	160 GRANT ST. SILVER CITY 89428	Beau Guthrie	9/1/13
10	Peter Rose	1 Rose's Rd Silver City, NV	Peter Rose	9/1/13
11	Niki de Leon	1 Rose's Rd. SILVER CITY, NV	Niki de Leon	9/1/13
12	D. Patrick	40 main st S.ilver City	D. Patrick	9/1/13
13	Ther McCarroll	142 High St. Silver City, NV 89428	Ther McCarroll	9/1/13
14	Natalie Isaac	142 High St Silver City NV 89428	Natalie Isaac	9/1/13
15	Karen Kreyeski	490 Vivian Silver City NV 89428	Karen Kreyeski	9/1/13
16	Daniel Hammett	305 #1 main st silver city NV 89428	Daniel Hammett	9/1/13
17	SCOTT MOUNT	490 VIVIAN ST SILVER CITY NV 89428	Scott Mount	9/2/13
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents have contributed to, actively participated in the development of, and fully agree with the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the preservation of the character of Silver City.

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change. We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	Cathy Wahrendorck	75 Gay St, Silver City, NV	Cathy Wahrendorck	8/31/13
2	Mariah Mena	75 Gay St, Silver City, NV	Mariah Mena	8-30-13
3	Ken Ferguson	5109 Azalea Dr Grant Pass OR	Ken Ferguson	8-31-13
4	Shelly Klepper	220 Holiday Ln. Talent Oregon	Shelly Klepper	8/31/13
5				
6	note: these signers do not live in Silver City			
7	and were not counted as a part of the			
8	104 signers			
9	gus			
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

**Petition from
Silver City and Adjacent Lyon County Residents
To the Lyon County Planning Commission and Board of Commissioners**

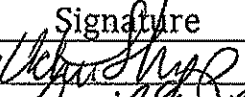
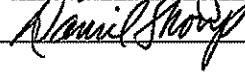
Whereas the residents of Silver City, Lyon County, Nevada and its environs value the quality of life of their community,

And, whereas Silver City residents have worked hard for decades to foster and protect that quality of life in ways that allow sustainable growth, protect the integrity of historic resources, increase property values, encourage community spirit, and provide for a stable economic base.

And, whereas Silver City residents contributed to and actively participated in the development of the present Lyon County Master Plan and zoning ordinances which promote a balance of residential and commercial land uses appropriate for the character of Silver City,

We the undersigned, petition the Lyon County Planning Commission and the Lyon County Board of Commissioners to deny Comstock Mining Inc.'s August 7, 2013 Reversion to Acreage Application and Comstock Mining Inc.'s August 12, 2013 application for a Master Plan Amendment and Zone Change.

We the undersigned believe the approval of these applications is detrimental to the quality of life, health, and the historic integrity of the Town Site of Silver City and its vicinity.

	Printed Name	Physical Address	Signature	Date
1	VICKIE SHOUP	1450 DAYTON TOLL RD. SILVER CITY NV 89428		9/4/13
2	DAN SHOUP	1450 DAYTON TOLL RD SILVER CITY NV 89428		9/4/13
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

12/7/13

My name is William Rosevear. I am a resident and business owner in Silver City. I am a native Nevadan, as were my parents. My grandfather came over from Cornwall to work the mines. He later became the Mayor of Ely.

During the summer, my friends and I used to explore the mines in the hills surrounding Ely. I remember tunnels with the ore cars still on the tracks. There were chambers with tools, jackets, helmets with carbide lights, and boxes of blasting caps. They were left just like everyone walked off the job and never came back. We were just crazy kids and were all lucky we didn't get killed. But Ely was a "company" town and these were just some of the dangers.

But unlike Ruth, McGill, Round Mountain, Weed Heights, Silver City is not a company town. A master plan was made to protect the residents of Silver City. Please don't change it!

Mining makes bad neighbors!

William Rosevear
William Rosevear

EXCERPT OF MINUTES FROM THE NOVEMBER 12, 2013 PLANNING COMMISSION MEETING

1. **COMSTOCK MINING, INC. – MASTER PLAN AMENDMENT** – Request to change the Master Plan from Resource land use designation and Suburban Residential land use designation to Resource land use designation on approximately 32.34 acres and Rural Residential land use designation on approximately 54.86 acres of a 94.27 total acre parcel; located off of Highway 341, Silver City (a portion of APN 08-091-05 & 08-091-02) PLZ-13-0050

Larry Wahrenbrock made a motion to hear the Master Plan Amendment and the Zone Change for Comstock Mining, Inc., together as one item and vote on each separately. Betty Retzer seconded. Before the vote, Larry Wahrenbrock disclosed that he is a resident and property owner in Silver City and is also an advocate for historic preservation in the community but doesn't feel that this will cause a conflict of interest and will review the application and submitted materials reasonably and without prejudice. The motion passed unanimously (6 ayes; 0 nays; 1 Absent - Mike Hardcastle).

2. **COMSTOCK MINING, INC. – ZONE CHANGE** - Request to change the zoning from NR-1 (Non-Rural Residential - 6,000 sq. ft. lot size) and RR-5 (Fifth Rural Residential - 20 acre minimum) to RR-3 (Third Rural Residential-5 acre minimum) on approximately 54.86 acres and RR-5 (Fifth Rural Residential - 20 acre minimum) on approximately 32.34 acres, of a 94.27 total acre parcel; located off of Highway 341, Silver City (a portion of APN 08-091-05 & 08-091-02) PLZ-13-0051

Mark Rotter, Manhard Consulting, represented the applicant. He stated that because the staff report was received so late that they have not had time to present an adequate response to the issues included in that report and requested a 30 day continuance. Jeff Page, County Manager, stated that he has discussed the possibility for a 30 day continuance with the applicant and staff and agrees that this would be the most appropriate road to take at this time. He stated that because the staff report was so late, and this being one of the most controversial items that have come before the Planning Commission for some time, he would prefer that everyone have adequate time to address the issues raised.

Cynthia Etchegoin, Silver City resident, requested that the next hearing for this item be heard in Dayton which would make it easier for Silver City residents to attend that meeting. Chuck Davies said that it has been requested before but the County Manager has decided that it is best to hold the meeting at the regular location.

Theo McCormick, Silver City resident, said he had to miss work to attend the meeting today and wants the item to go forward as scheduled because he shouldn't need to take more time off of work to attend another meeting due to the requested continuance.

Gayle Sherman, representing the Comstock Residents Association, said that the citizens of Silver City are ready today to present their objections to this proposal. They have presented a very comprehensive compilation of their research and opinions and stated her preference for the item being heard today although she said they will all be back next month. Chairman Davies responded that if they so choose, the attendees can make their presentation today although if the continuance is granted, no decision will be made until next month.

Allison Woodman, Silver City resident, said they have had a couple of years to prepare for the possibility for mining in their neighborhood and she doesn't understand why the applicant needs additional time to prepare because the facts of the application are the same today as they will be next month.

John Marshall, representing the Comstock Residents Association, requested that if the continuance is approved, that the item be heard at a specific time on the agenda for the convenience of the residents that want to attend. Jeff Page, County Manager, favored the time specific request.

Janet Hess-Rose, former District Attorney for Storey County, said they used to conduct meetings every year outside of the regular meeting place. She understands that it can be a difficult task but it can be done.

Larry Wahrenbrock said he feels a continuance is appropriate when applicants receive their staff report so late without sufficient time for an adequate response however, he feels it is the applicant's responsibility to present the best and most complete case that they have, at the time they make the application. He added that if there is opportunity for additional or different material not presented in the original submittal, there would be room for consideration of a continuance, but if the reason for the continuation is merely that the applicant doesn't like the information contained in the staff report and they want additional time to rebut the report, then the burden should fall back on the applicant to have presented a solid case in the first place. He is concerned that so many people attended this meeting ready to present their side of the discussion only for it to be continued for another month and it appears they are being manipulated by an applicant based on an opinion rather than a change in the facts of the application. He questions what additional information will be presented by the applicant that will materially change the facts of the application. Chuck Davies said that we won't know that until they make their presentation although he understands the frustration caused by the continuance. He added that with the staff report being 35 pages long and being received so late, he is reluctant to deny a continuance when the applicant was not given sufficient time to respond to the issues presented. Mr. Davies said that today's attendees have been given the opportunity to present their case today and they have chosen to wait.

Paul Lanning said that numerous applicants have been granted continuances in the past, based on an applicant's request and without supporting evidence of why they need that continuance and feels that in all fairness this board should be consistent in its practices and that this applicant should not be treated any differently.

Mr. Marshall asked that if the applicant does present additional information they do it at least 2 weeks before the hearing so that everyone, including staff, has sufficient time to review and respond to it.

Betty Retzer made a motion to continue the two items, at the applicant's request, for 30 days or until the December 10th, 2013 Planning Commission meeting. Paul Lanning seconded and the motion passed unanimously (6 ayes; 0 nays; 1 Absent - Mike Hardcastle).

EXCERPT OF DRAFT MINUTES FROM THE DECEMBER 10, 2013 PLANNING COMMISSION MEETING

1. **9:05 A.M. TIME SPECIFIC - COMSTOCK MINING, INC – MASTER PLAN AMENDMENT** (for possible action) - Request to change the Master Plan from Resource land use designation and Suburban Residential land use designation to Resource land use designation on approximately 32.34 acres and Rural Residential land use designation on approximately 54.86 acres of a 94.27 total acre parcel; located off of Highway 341, Silver City (a portion of APN 08-091-05 & 08-091-02) PLZ-13-0050

Larry Wahrenbrock made a motion to hear the Master Plan Amendment and the Zone Change for Comstock Mining, Inc., together as one item and vote on each separately. Betty Retzer seconded

Before the vote, Larry Wahrenbrock disclosed that he is a resident and property owner in Silver City and is also an advocate for historic preservation in the community. He said he has engaged in many public hearings and conversations involving this applicant and as a result of those conversations can objectively review all aspects of these applications to arrive at a balanced and unbiased conclusion, nor does he feel that his property ownership or advocacy for historic preservation constitutes any substantial conflict of interest sufficient to cause him to recuse himself from deliberating and voting on these applications. Additionally, Mr. Wahrenbrock said he has no pecuniary interest, nor has he received any gifts or loans from the applicant or anyone else with an interest in the company and will review the application and submitted materials reasonably and without prejudice.

Chairman Chuck Davies disclosed that he had contacted the applicant a few months ago to request a tour of the mine in Storey County. He did tour the facility so he could understand their processes and be able to speak more intelligently about the application. He also met with residents of Silver City to discuss their items of interest.

Harold Ritter, George Mortensen and Betty Retzer each disclosed that they too attended the same tour referenced by Mr. Davies. Mike Hardcastle said he did not attend the tour but did attend a luncheon presentation hosted by the applicant.

There being no further discussion the motion passed by a unanimous vote of those members present (6 ayes; 0 nays; 1 Absent – Paul Lanning).

2. **9:05 A.M. TIME SPECIFIC - COMSTOCK MINING, INC – ZONE CHANGE** (for possible action) - Request to change the zoning from NR-1 (Non-Rural Residential - 6,000 sq. ft. lot size) and RR-5 (Fifth Rural Residential - 20 acre minimum) to RR-3 (Third Rural Residential-5 acre minimum) on approximately 54.86 acres and RR-5 (Fifth Rural Residential - 20 acre minimum) on approximately 32.34 acres, of a 94.27 total acre parcel; located off of Highway 341, Silver City (a portion of APN 08-091-05 & 08-091-02) PLZ-13-0051

Chairman Davies stated that he will first ask the applicant to present his application then staff will present their report. The floor will then be opened for public comment starting with a presentation provided by Silver City residents and then any general public comment will be taken. He asked that each person who wants to speak to please sign the sheet at the podium as they come up.

John Marshall, representing Comstock Residents Association (CRA), stated he had earlier picked up a printed copy of the upcoming presentation to be made by the applicant. Mr. Marshall said they had specifically asked at the last meeting, that if the applicant has any new information to present regarding the application that it be provided with sufficient time for staff and public review and response. The presentation being provided today offers a major new argument which has to do with the alleged misrepresentation by Lyon County and staff, of the town site boundaries. This argument has never been presented in any of the submitted materials and to do so now presents a due process problem of whether the public and staff has had sufficient opportunity to respond to this argument. Mr. Marshall asked that the information be excluded from consideration or the items be continued so that a proper review can be done. Chairman Davies asked counsel to comment on the introduction of new information without opportunity for staff review. Mr. Steve Rye, Chief Deputy District Attorney, responded that there is no statutory prohibition of the applicants making a presentation and providing new information nor is it unusual for an applicant to provide additional information at their hearing. The Planning Commission will have to evaluate that information and if it is material to their decision, then they must decide if staff and the public should have additional time to present for or against that new information before a final decision is made. Mr. Rye mentioned that staff just received the information too so they are unable to comment on it. Mr. Marshall said it is not his intent to prohibit the applicant from making a presentation here today; it is the presentation of the new information that they object to but will abide by the recommendation of the county's counsel. He thinks it is notable that the applicant wanted a continuance at the last meeting due to the staff report being received a mere 4 days prior to the hearing and now they are doing the same thing. Rob Loveberg, Planning Director, said he will listen to the presentation this morning, but will not be able to discuss those issues because staff has not reviewed the material. Betty Retzer expressed her displeasure at having received the new information with such little time for review, with Mike Hardcastle stating that he feels they should disregard the document. Mr. Wahrenbrock agreed, and made a similar statement. George Mortensen said the presentation should proceed and they should all try to make the best decision possible. Harold Ritter said he is not adverse to either side presenting whatever information they think might be relevant, new or old, and it will be up to the Planning Commission to decide how to use that information in their deliberations.

Corrado DeGasperis, president of Comstock Mining, Inc. (CMI) stepped to the podium. Mr. DeGasperis said it was not their intent to change the foundational basis or revise their application, and that their fundamental argument remains the same. He added that there are other presentations that will be made here today where no one has knowledge of their content. Mr. DeGasperis said that in 2010, during the Master Plan hearings, he spoke of the same town site boundary issues, as well issues with some of the mineral claims, before the Board of Commissioners and he was hopeful that that information would have come out over time. He continued that they have taken a lot of time and effort in preparing the presentation for today and in fact-checking the information. He said he is happy to make the presentation today but if the commission decides to disregard it, that they make sure, with the complexity of the issue at hand, that they are thorough in understanding all the points. Chuck Davies said they have no choice but to make their decision on the submitted materials and the oral presentation being made today and asked Mr. DeGasperis to proceed.

Mr. DeGasperis gave a brief introduction of the Comstock Mining Company and its parent company.

Mr. DeGasperis stated that this presentation represents only the most salient points that he hopes it satisfies and allows for positive consideration. He said the justifications for the information provided today are identical to the information submitted with the initial application. Mr. DeGasperis provided a printed copy of the PowerPoint presentation for each of the Planning Commissioners and staff. He said that he doesn't feel that this application is an unresolvable, win-lose conflict. He said that the feelings being reflected today stem from some deep assumptions about the potential land use, being mining, when there are other potential land uses involved as well. Today he hopes to clarify some points that weren't clarified well enough in advance. He said that with Silver City's complex history the issue fundamentally comes down to property rights but mostly the importance of real community planning and real collaboration of property owners in a community that can be complimentary.

Mr. DeGasperis He is not asking for a special use permit today and is fully committed to collaborative planning in advance of any such request. He explained that the request today is actually a down-zoning of the property. Currently the property is zoned NR-1 which would allow 6,000 sq. ft. lots. It is not practical to expect development of that size lots due to a lack of services and infrastructure, and the topography in that location and for those same reasons he feels this request is not irrational at all. The company is still conducting mineral exploration and assessing the economic potential of the subject parcels but they don't have specific plans for the ultimate use of the property which could be mining or another type of development, including residential. This request will clean up some of the existing inconsistencies between master planning and zoning on the property. Mr. DeGasperis continued to explain the request and justification for the particular master planning and zoning they are requesting. He discussed the surrounding land uses and explained the difficult topography which does not currently support the existing master plan of suburban residential and zoning nor would such development under those designations be a productive use of the land. He said they are not sure if those particular designations were intentionally assigned or how they came to be.

Mr. DeGasperis discussed some items within the staff report which they felt were discrepancies and explained that they feel the county has very broad discretion in terms of conditional uses. He said that discussion today is about getting the right designations, to open up the right possibilities, to open up the best and most productive uses. The presumption of a specific use and the planning of that use is not appropriate discussion for today. He continued with a discussion regarding the research into the history of this property and the some historic documents, which are of public record and have been presented as what has been deemed "new information". These property rights need to be understood. His discussion followed regarding some of the discrepancies surrounding the townsite boundaries. Chuck Davies asked if the most appropriate forum to address and resolve these issues would be within a "community plan". Mr. DeGasperis said this could be this forum or there could be a more formal and specific forum in the future. Larry Wahrenbrock asked of what factual consequence is it to today's request, where those boundary lines are drawn because from a Planning Commission standpoint they deal with all areas of Lyon County and are not bound by defined townsite boundaries. Discussion followed. Mr. DeGasperis responded that he didn't see anything while reviewing all of the minutes or all of the procedures relating to these boundaries where it was highlighted that these mineral surveys were ever excluded from the townsite boundaries. Mr. Wahrenbrock doesn't feel that the issue of the townsite boundaries has any bearing on the request here today. Mr. DeGasperis said it does to the extent that it appears the county is expanding the townsite boundary beyond its legal boundary and feels it is important to make that information known when it stands to essentially change someone's property rights. He said he is not trying to argue any point but is merely sharing some historic information. Mr. DeGasperis continued to review some of the original land patents recorded in the 1800's. Discussion followed regarding how the master planning and zoning processes have evolved over time and how they relate to this request.

Larry Wahrenbrock asked if the applicant had, during their extensive research, read the similar application from Nevex Gold, on the same property, that was denied due to being inappropriate on that particular land and because of the impacts it would have on the community. Mr. DeGasperis responded that he had read those proceedings and feels that the situation today, with the stringent permitting requirements for such uses and reclamation requirements in place, is very different from then. During those hearings, the master plan and zoning request was discussed with a specific land use assumption, being mining and their request today is being judged on those same assumptions when their ultimate use has not yet been determined or stated due to the multiple possibilities available for this land. He said that there are three solid options for the use of this land; one is mining; another being residential development and the other is the historic

restoration of the existing facilities. A lengthy discussion followed regarding the intentions, contents and implications included in the applicant's submittal and Mr. DeGasperis concluded his presentation.

Rob Loveberg reminded the Planning Commission that adoption of a Master Plan Amendment requires a two-thirds majority (super majority) of the Planning Commission as a whole not just of those members present, therefore 5 members must vote to adopt a Master Plan Amendment. Mr. Loveberg said that the MPA is the most discretionary decision that the PC and the county can make in land use issues. You have the greatest leeway to consider information and the appropriateness of an action — it is at a policy level rather than at a regulatory level. Your discretion narrows once you get past the MPA level and into the zoning and land use issues because those applications are more specific in what they allow. He said that the PC must make their decision based on whether or not they feel that what is being requested is appropriate policy or blueprint for the future for a community and at that level the commission can decide if the existing master plan is preferable for the future development of a community, or if the applicant's request is a more preferable direction for its future. Mr. Loveberg said that staff reviewed this submittal based on the policy direction we are provided within the goals, policies, guidance and strategies of the 2010 master plan however this is dynamic document which can change over time through decisions made by the community. He said that Silver City has had fairly consistent master planning and zoning in its most recent history. Ultimately it boils down to what is the preferable land uses for future development within the community which must be weighed based on the considerations, guidance and findings contained in the master plan. Discussion followed.

Erich Obermeyr, Chairman of the Silver City Advisory Board, read the vote in favor of denial of the request from that advisory board. He stated that it is ultimately about mining. He said that the findings presented by the applicant stand to alter the vision of Silver City. The ultimate intended land use will inject a heavy industrial use into a quiet residential community causing dust, noise, traffic and unwanted activity. This will discourage potential buyers of property and reinvent Silver City. The existing master plan and zoning has protected the community and has been just fine with Silver City for many years and feels that this proposal is not conducive to the residents' goals for their future. He said that there are numerous other locations that are more suited to an open pit mining operation but this area of Silver City is not one of them. He concluded by asking for a vote of denial from the Planning Commission.

John Marshall, representing CRA, introduced a multi-part presentation, including a video made by Robert Elston, resident of Silver City, which shows several residents within the community each stating their reasons for wanting denial of this request. Mr. Marshall said that John Singlaub, AICP, will discuss certain planning issues, and an economic report prepared by Steve Johnson, Real Estate Appraiser.

Mr. Marshall stated that his primary objection to CMI's presentation of "new" materials is that he feels they have shifted their grounds away from what they initially tried to present here and that was the consistency and, is this a good planning decision. He feels that ultimately, their application is inconsistent with multiple provisions contained within the existing master plan and they failed to go through that with the Planning Commission. Mr. Marshall added that the applicant openly states within their materials that the purpose for this request is mining. He said this is not about mining vs. anti-mining. It is more about the appropriateness of locating heavy industrial, open-pit mining in such close proximity of a well-established, residential community. Mr. Marshall said that the existing designations have been in place for decades because that is what the community wants to retain. He added that the applicant does not need a master plan amendment and a zone change to assess the potential uses of the property, as they have stated is their intent at this time.

Chuck Davies also asked Mr. Marshall if he thought a Community Plan would be a good forum for the applicant to achieve their goals. Mr. Marshall said yes, in that that is what a community planning process is for, and no, because it is an issue that the community has already decided on. Mr. Davies asked if there is an appropriate place for mining within this community as the applicant owns numerous properties in Silver City. Mr. Marshall said that the community is not against mining — only in this particular location and the community should be involved in that decision.

Robert Elston stated his opposition to the request and presented a video that he and a few others produced where they interviewed residents of Silver City. The video featured comments from Gayle Sherman, Robert Elston, Cashion Callaway, Carol Godwin, Allison Woodman and Will and Sheree Rosevear among others. Those people interviewed gave their reasons for why they oppose this request, such as noise, air quality, visual impact and traffic. A copy of the video was entered into the record.

John Singlaub, Ascent Environmental, offered a video presentation which showed a map depicting the historic townsite boundaries of Silver City, consisting of 332 acres, which has never changed and was done under a townsite act. Mr. Singlaub proceeded with a history of the Silver City townsite and how it has evolved. He said the townsite was created there were two purposes; one was to recognize the existing mines that were there and if you were gain title to a piece of townsite property you would also retain the mineral rights. This was done to protect those townsite parcels from being mined on and underneath. This was the beginning of the residential areas within the townsite limits so that people didn't need to live in tents anymore. He said it appears that over time, community plan boundaries have expanded to include those portions outside the original townsite boundary. The actual townsite boundary hasn't been changed and it doesn't exclude patented mine sites from the town it just recognizes that they exist. He continued to explain the maps and diagrams included in his presentation and gave his reasons for supporting a denial of this request. Mr. Singlaub gave an

extensive discussion on the environmental negatives that can come from mining, including air quality, noise, water quality, reclamation, which has specific requirements in the Comstock Mining District per Lyon County Code, and concerns of being named within the Carson River Mercury Superfund Site. A digital copy of the presentation was entered into the record.

Larry Wahrenbrock said if land is included in the superfund site area, clean-up is critical even if it is developed for residential purposes. John Singlaub said that is correct – the mercury contamination would either have to be cleaned up or stabilized somehow and that depends on what the EPA decides.

Steve Johnson, Real Estate Appraiser, said he was requested by Silver City residents to appraise the impact of the proposed master plan amendment and zone change. It is his understanding that approval of this request would pave the way for an open-pit mine to operate in close proximity to several residential properties. He said his research concluded that property values would be greatly impacted if this type of development were to come to fruition. This impact would be directly caused by noise from truck traffic, drilling and explosions, night time lighting, loss of dark night skies, visual impact and air quality, among other things. Mr. Johnson provided a copy of his study and it was entered into the record.

Chuck Davies announced that he will open the floor to public comments relating to this agenda item.

The following attendees spoke at the podium:

John Bennetts, professional engineer and long-time resident of Silver City, spoke in favor of this request.

Tom Cartwright, Mason Valley resident, read a prepared statement regarding the definition of private property rights. He is in favor of this request.

Lee Bonner, Douglas County Commissioner, here today representing the Northern Nevada Development Authority, spoke in favor of this request and the applicant.

Paul Eades, long-time resident of Dayton, spoke in favor of the request saying that Nevada was built on the legacy of mining.

Randy Harris, Silver City resident, spoke in favor of the request saying this is an economic issue for Lyon County. Mr. Harris mentioned that people stated earlier that they interviewed the residents of Silver City but no one came to interview him.

Serge Marchale, Executive Chef for Gold Hill Hotel, spoke in favor of the applicant. He said the CMI is to be commended for their historic preservation efforts so far. He also mentioned the number of people that are now and will be employed by CMI if they are allowed to proceed.

Carol Godwin, Silver City resident, spoke in opposition of this request. She said that rentals in the area remain vacant and properties unsaleable. There is also a high risk for soil contamination. Her son was employed by CMI and had to leave due to breathing problems caused by the dust.

Rita Wheeler, Silver City resident, spoke in favor of the applicant. She also mentioned that there are numerous residents of Silver City that were never approached by the CRA and although she no longer works for CMI, she remains committed to them as being a valuable, compassionate company. She added that laws are now in place to mediate potential environmental impacts. Ms. Wheeler asked that everyone keep an open mind regarding what the applicant's request can do for the development of Silver City, in bringing jobs and stability to the community.

Dee Westmoreland, Dayton resident, stated that the master plan in any area should be changed from time to time and that it cannot stay the same forever. He reminded everyone that Nevada is a dusty place and it is not just caused by mining. He said he is employed by CMI and is in favor of this request.

Janet Hess Rose, Silver City resident, is opposed to this request stating that when they were doing core samples close to her home the noise was unbearable. She feels the applicants are not good neighbors and they don't listen to resident's concerns.

Mandy Manyose, employee of Gold Hill Hotel, spoke in favor of the applicant. She said it was in a state of decay when CMI first bought the building. CMI has proven to be good stewards of the history of the community and have kept all of their promises and more.

Olivia Amos, Environmental Coordinator for CMI, spoke in favor of the applicant. She said that CMI has brought a lot of opportunity to the community where there is a long history of mining. She said that the existing land use designations on the subject property that were imposed in the 1970's are simply not appropriate today. She urged the Planning Commission to consider approval of the requests. 3:05:04

Wayne Bachand, Lyon County resident and business owner, spoke in opposition of this request.

Austin Crouch, Silver City resident, spoke in opposition of the request and said that it appears that the residents of Silver City don't want what this applicant claims will be provided to the community. He stated that the exhaust from the idling trucks cause breathing problems to his direct family and that is just one issue.

Mary MacDonald, resident of Silver City and owner of an organic farm in the area. Her property is not in direct view of the site but is still affected by the noise that penetrates her home. She reminded the Planning Commission that previous requests for the same thing have been denied and they should consider that.

Sheree Rosevear, Silver City resident and business owner, spoke in opposition. She said that the noise and disturbance caused by truck traffic and blasting activities, her business has been negatively impacted because visitors are wary of that activity. Mrs. Rosevear presented a written letter for entry into the record.

Will Rosevear, Silver City resident and business owner, also spoke in opposition of these requests. He said he has had to discontinue giving music lessons due to the noise from the facility. He also presented a written letter for entry into the record.

Christy McGill, resident of Dayton and local business owner, asked that the Planning Commission uphold the existing master plan. She stated that she was directly involved in the creation of the master plan and feels it was adopted that way because that was what the individual communities wanted.

Darlene Cobbey, Silver City resident, spoke in opposition of this request. She said that her and her husband have always played by the rules of Lyon County and have invested vast amounts of money into their home. They felt they were protected by the current zoning laws and master plan because it was their understanding that mining was not allowed within the townsite. They feel that life as they know it is now in jeopardy because their home will be devalued and their health will be diminished.

Ann Price McCarthy, resident of Lyon County and retired attorney, commended county staff and asked that the Planning Commission uphold the existing master plan and zoning because that is what the residents of Silver City have fought to uphold.

Chad Olsen, resident of Silver City, business owner and employer, read a prepared statement which was in opposition of the requests. Their property is sloped very similar to the applicant's property. The topography caused additional struggles in development for residential purposes. They were made aware that they would have to rely on a well for water because they were not eligible for municipal water from the Virginia City Water System. He learned that "anyone interested in developing land, whether it be residential or mining, would now claim to not be within the townsite limits and that would exclude them from getting water service to those properties". 3:27:55

Judi Olsen, Silver City resident, provided a schedule showing how much Silver City residents are each paying in property taxes compared to how much Comstock Mining is paying. Mrs. Olsen proceeded to explain her research. A copy of the document was entered into the record. She urged the Planning Commission not to change the existing Master Plan.

Cynthia Etchegoin, Silver City homeowner, spoke about layoffs throughout other mining companies in Nevada due to mining not being as viable as it once was.

Susan McCabe, Silver City homeowner, stated she feels tortured having to live here now due to the noise and dust. She urged the Planning Commission to deny the requests. A copy of her written correspondence was entered into the record.

Steve Litsinger, Stagecoach resident, recommended denial of these requests.

Steve Parrish, long time Land Surveyor, stated his objection to presumptions that mining will destroy the community of Silver City. He said that Comstock Mining has succeeded in cleaning up an inherited mining mess left behind by previous companies. He said that due to strict new regulations that are in effect today, mining is a different world compared to past practices when it comes to reclamation of those lands. Mr. Parrish said that, as a registered surveyor, and having worked for the BLM and three Nevada counties, he has vast experience in defining boundaries. He said that property rights are key to everyone's constitutional rights. He recommended that the Planning Commission vote to approve Comstock Mining's requests.

Roger Drum, resident of Silver City and employee of Comstock Mining, said that he believes strongly in what the applicant is doing in Silver City and urged approval of the applicant's requests.

Grahame Ross said he was born and raised in Silver City and currently works as a Surveyor for Comstock Mining. He said he wouldn't work for the company if he didn't feel they had a larger plan for the benefit of the entire community. He said he doesn't want an open pit mine in Silver City and that there are more options available other than the ugly picture being presented by opponents. He stated his support for the applicant's requests.

Scott Jolcover, employee of Comstock Mining, and owner of several properties throughout northern Nevada, stated his support for the applications. He said it doesn't matter what decision is made today as he thinks this will end up at the State Supreme Court based on the various issues he is hearing today. He stated that the Planning Commission is required to uphold the law when it comes to property rights issues and it is impossible to please everyone. Mr. Jolcover said that he has already seen this happen in Storey County and explained that situation. He added that Comstock Mining is not asking for a special use permit and has not yet said that their goal is for open pit mining.

Theo McCormick, Silver City resident, read a prepared statement. He said that while it is true that Silver City grew out of the mining boom of the 1800's this is not reason enough to allow industrial mining operations within such close proximity to the clearly, residential town. He said this is why the existing land use planning practices and master planning exists, so that compatible uses are grouped together and incompatible uses are kept separate. Mr. McCormick and his wife were of the belief that by participating in the recent master plan development process and due to the existing zoning, they would be protected from incompatible uses being located next door. Mr. McCormick said that there is a lot of perceived anger throughout the community stemming from the applicant's early conversations with them regarding the proposed revitalization of their town through mining. The residents read the materials that the applicant was using to sell stock in the company. The materials stated that the project will involve realigning state route 342, developing a mine and infrastructure using cyanide & heap leaching methods, among other things, on historic lands and relocating of certain landowners. He said the applicant offered the residents one rosy story and offered their potential investors a totally different story. He feels the applicant did not expect the residents to actually read the materials presented and was shocked at the level of opposition from the community. Mr. McCormick recommended denial of these requests.

Allison Woodman, Silver City resident, said she sought out a quiet home to retire in and she doesn't want it to change, especially to something like this. She said she is concerned for the health of her family and other residents, due to the harsh chemicals and processes involved with open pit mining and those concerns have not been addressed by the applicant. Ms. Woodman said the applicant has appeared at many community meetings and has said that the ultimate goal is to mine but now, at this hearing, she feels they are trying to hide that intention, although it is clear to everyone what they intend to do with the land. In addition, Ms. Woodman does not feel that mining is a long term, sustainable economic benefit to the community. She urged the Planning Commission to deny the requests.

Chairman Davies reminded the attendees that conditions cannot be imposed upon a zone change, nor is an applicant required to prove what he plans to do once a zone change is approved. The Planning Commission cannot consider what may or may not occur on any given land. Assumptions can be made about the ultimate use of the land but the applicant is under no obligation to state the future plans for the land.

Ron Reno, Silver City resident, presented a statement of opposition and a copy was entered into the record. Mr. Reno said he was aware of the previous Nevex Gold decision before he purchased property in the Comstock and thought that with that denial, Silver City would not become a mining community. He said that he operates his business in Silver City and has had to add an expensive air conditioning system to his home office due to the high levels of particulate currently generated by Comstock Mining. He added he does not oppose Comstock Mining or mining in general but he does oppose it in this particular location. Mr. Reno stated that reclamation does not restore the land to 100% of its original, historic condition and is not enough to offset major landscape changes that occur with open pit mining.

Mark Rotter, Manhard Consulting representing Comstock Mining, Inc., said there is no question that the zone change, if approved, will be more conducive to mining but specifically, before mining activities can commence, a special use permit must be obtained and that by public process. He said that the question here today is whether a Master Plan designation of Suburban Residential is more appropriate than Rural Residential. Currently the existing zoning district on the property is NR-1. As it is, the land could be divided into 6,000 sq. ft. residential lots. The topography of the land simply wouldn't support that high of a density. Whether or not the mining occurs, the long term goal of the applicant is to have a lower density because of the topography, adjacency and availability to services and infrastructure. He said that Rural Residential just makes more sense. He reminded the Planning Commission that today, they are only considering whether Suburban Residential is better than Rural Residential for this property regardless of previous applications and regardless of the history of the site. Mr. Rotter wants to bring the focus back on this question as most of the conversation today has been about open pit mines, etc. If they were applying for a special use permit the applicant would be presenting a full set of specifications for whatever type of development he was requesting. Mr. Rotter said the applicant has not yet decided if mining is even an appropriate use for this land. He offered the answer any questions.

Rob Loveberg, Planning Director, closed discussion by reminding the Planning Commission that they are required to have a two thirds majority (5 members) of the membership not just of the quorum present, for adoption of a Master Plan Amendment but only a simple majority (4 members) is required for a Zone Change.

Larry Wahrenbrock made a motion to **deny** the application for a Master Plan Amendment for Comstock Mining, Inc. based on the following findings:

- A. The proposed amendment is not in substantial compliance with, nor promotes the Master Plan goals, objectives and actions in that it is not in keeping with the majority of applicable guiding principles, goals, policies, strategies and community description contained in the 2010 Lyon County Comprehensive Master Plan, County-wide Component.
- B. The proposed amendment would result in land uses which are incompatible with the actual and planned adjacent land uses, and does not reflect a logical change in land use in that the amendment would change the planned character and intensity of residential development and enables the potential development of a land use incompatible with the actual and planned adjacent and predominant residential land uses.

- C. The proposed amendment fails to identify or respond to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment does not represent a more desirable utilization of land.
- D. The proposed amendment will adversely affect the implementation of the Master Plan goals, objectives and actions, and will adversely impact the public health, safety or welfare.
- E. The proposed amendment does not promote the desired pattern for the orderly physical growth of the County as set forth for the Silver City community in the 2010 Lyon County Comprehensive Master Plan, County-wide Component.
- F. The existing Comprehensive Master Plan and/or any related element thereof is not in need of the proposed amendment.
- G. The proposed amendment is not compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan, particularly those related to Silver City.
- H. The proposed amendment will have effects on service provision, including adequacy or availability of facilities and services, and is not compatible with existing and planned service provision.
- I. Deviation from the strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan.
- J. The proposed Plan amendment will not promote the public welfare and will be inconsistent with the goals and policies of the Comprehensive Master Plan and the elements thereof, and
- K. The burden of proof has not been met by the applicant in their application to warrant a change in the Master Plan at this time.

Mike Hardcastle seconded and the motion passed by a majority vote of those members present: (5 ayes; 1 nay – George Mortensen; 1 absent – Paul Lanning)

Larry Wahrenbrock made a motion to recommend **denial** of the Zone Change presented based on the following findings:

- A. The proposed zoning is not in substantial compliance with the adopted Lyon County Comprehensive Master Plan, County-wide Component land use map.
- B. The proposed zoning is not in substantial compliance with, nor does it sufficiently promote the Lyon County Comprehensive Master Plan, County-wide Component goals, policies and strategies.

Mike Hardcastle seconded and the motion passed by a unanimous vote of those members present: (6 ayes; 0 nays; 1 absent – Paul Lanning)



LYON COUNTY PLANNING COMMISSION PUBLIC COMMENT SIGN IN SHEET

Date: DECEMBER 10, 2013

Name (Please Print)
or leave a business card

Address and Telephone No.
or email address if preferred

Sheree Rosevear

145 High St, Silver City

Shereerose@att.net

William Rosevear

Same as above.

Cynthia Etcheoin

PO BOX

Silver City, NV

89408

STEPHEN R. JOHNSON

795 HOLCOMB AVE, SUITE I

RENO, NEVADA 89502

JPARB@JONKERKIND.COM

Erich Obermayer

John Bennett's

Scott Jacobson

Box 1298

ccnv 89702

Lt. BONNIE

Mandy Manjoe



LYON COUNTY PLANNING COMMISSION PUBLIC COMMENT SIGN IN SHEET

Date: DECEMBER 10, 2013

Name (Please Print)
or leave a business card

Address and Telephone No.
or email address if preferred

BONNIE BROWN

1530 DAYTON TOLL RD,
SILVER CITY, NV 89428

Please

Print



LYON COUNTY PLANNING COMMISSION PUBLIC COMMENT SIGN IN SHEET

Date: DECEMBER 10, 2013

Name (Please Print)
or leave a business card

Address and Telephone No.
or email address if preferred

Margaret Burns

480 Buckeye Rd - P.O. Box 249
Silver City, NV
89428

Erin Obermayer

"

Susan McCabe

Please

320 1st Street P.O. Box 534
Silver City, NV
89428

Allen McCabe

Joann Shea

Prin

#2 Pradere Rd.
DAYTON 89403

MARCIA LITSINGER

11625 STALLION SPRINGS CIRCLE
STAGECOACH, NV 89429

Stephen E. Litsinger

11625 Stallion Springs Circle
Stagecoach NV 89429
stevechurchillbute@gmail.com

Christy McGill

125 Hillcrest, Dayton NV 89403

Canyon Cassidy

50 main st., Silver City NV 89429



LYON COUNTY PLANNING COMMISSION
PUBLIC COMMENT SIGN IN SHEET

Date: DECEMBER 10, 2013

Name (Please Print)
or leave a business card

Address and Telephone No.
or email address if preferred

Suzanne Cassidy

info@neveacassidys.com

CATHY WAHRENBROCK

P.O. Box 369
Silver City, NV 89428
847-7302

Clay Mitchell

P.O. Box 115
Virginia City, NV 89440
clay@crowpointmill.com

Mark Joseph Phillips

PO BOX 1092
Virginia City NV 89440

JANET McFALL

1347 Creekside Dr
DAYTON NV 89403
775-848-3555

William McFall

137 Creekside Dr
DAYTON, NV 89403
775-224-2480

Roger Drum

PO Box 125
Silver City NV 89428
775-636-5238

Olivia J Amos

395 Dayton Valley Rd.
Dayton NV 89403

Dillon Jones

676 Teakwood Rd.
Dayton, NV 89403
775-884-3905



LYON COUNTY PLANNING COMMISSION
PUBLIC COMMENT SIGN IN SHEET

Date: DECEMBER 10, 2013

Name (Please Print)
or leave a business card

Address and Telephone No.
or email address if preferred

Dee Westmoreland

674 Teakwood Rd Dayton 89403
(775) 297-5730
westy4890@yahoo.com

Paul G. Eades

P.O. Box 572 Dayton 89403
(775) 246-3187
paul.eades9@gmail.com

DAVID TOLL

PO Drawer F Virginia City NV 89446
775-847-0222

GERALDINE H. ROSS

275 MAIN ST. SILVER CITY NV. 89428
775-847-0215

Rubin Cobbey

PO BOX 675 VC 89440
PO BOX 351 Silver City, NV 89428

Joe McCarthy

775-720-0331 1200paydirt@gmail.com

Ann Price McCarthy

P.O. Box 351 SC NV 89428
annpricemccarthy@gmail.com

David Moore/Barbara Peck

Box 532, Dayton NV 89403
775-246-9653 bpecknv@yahoo.com

DARLENE COBBEY

PO Box 135, 100 MAIN ST.
SILVER CITY
dcobbey@gmail.com



LYON COUNTY PLANNING COMMISSION PUBLIC COMMENT SIGN IN SHEET

Date: DECEMBER 10, 2013

Name (Please Print)
or leave a business card

Address and Telephone No.
or email address if preferred

Alexis Dillon

PO Box 423 Silver City 89428

Lila Lindsay

P.O. Box 248, Silver City, NV
89428

Cynthia Etcheberry

PO Box 203
Silver City NV 89428

Walter J Miller

PO Box 319 DAYTON NV

Kick Gomez

Please
Print

Box 43 580 High St Silver City

RONALD L. RENO, PH.D. RPA

Box 550
Silver City, NV
89428 775 847-0577

Mary C. MacDonald
Beautiful Food Farm

Box 36
Silver City NV 89428
(775) 847-7159

Janet Hess Rose

P.O. 156
Silver City NV 89428
775. 847. 0772

MOLLY ALLANDER

Bx 85
SILVER CITY



LYON COUNTY PLANNING COMMISSION PUBLIC COMMENT SIGN IN SHEET

Date: DECEMBER 10, 2013

Name (Please Print)
or leave a business card

Address and Telephone No.
or email address if preferred

Erangeline Elston

PO Box 500
Silver City, NV 89428
530-632-3798

Callaway

POB 580
89428

Alyson Woodman
Woodman

Please

PO Box 354
Silver City NV 89428

Chad Olson

PO Box 214
Silver City, NV 89428
287-2999

Judi Olson

Print

POB 214
SILVER CITY, NV 89428
220-5777

Wayne Bachand

PO Box 552
Silver City, NV 89428

Keri DeHart

P.O. Box 142
YERINGTON, NV, 89447
was until 11-13 PO Box 825 Virginia City
89440

Madison Woodman

1150 Main St.
Silver City NV 89428

Tim Wheeler

Nevada State Assemblyman



LYON COUNTY PLANNING COMMISSION PUBLIC COMMENT SIGN IN SHEET

Date: DECEMBER 10, 2013

Name (Please Print)
or leave a business card

Address and Telephone No.
or email address if preferred

John L. Marshall

johnmarshall@charter.net

John Singlaub

singlaub@gmail.com

Robert Elston

rgelston@gmail.com

Steve Parrish

445gjb5@att.net

Randy Harris

485 MAIN ST. SILVER CITY

Thomas Demolske

#41 Hwy 341 Roundhouse NV

Carolee A. Gasparis

1475 MAIN ST. GOLD HILL NV
89440

S. SUMMERS

3235 Fair Lake Blvd
Winter Valley NV

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~



October 31, 2013

Mr. Rob Loveberg
Planning Director
Lyon County Planning Department
27 S. Main Street
Yerington, Nevada 89447

Re: Comstock Mining Master Plan Amendment & Zone Change Request

Mr. Loveberg:

On behalf of Comstock Mining, Manhard Consulting is submitting a revision to the Comstock Mining Master Plan Amendment and Zone Change Request (Lyon County Planning Case PLZ-13-0050 and PLZ-13-0051 respectively). A revision to the application is being requested due to inaccurate zoning information that was received from the Lyon County Assessor and Douglas County GIS Department, which distributes Lyon County's GIS data. The Assessor data and GIS data that we gathered showed the entire APN 008-091-05 as having NR-1 zoning. In actuality, APN 008-091-05 is made up of 21 legal parcels, 7 of which have an existing zoning of M1 – General Industrial. The zoning conflict was brought to Comstock Mining's attention during the Reversion to Acreage process, which was just completed on one of the Master Plan Amendment and Zone Change parcels. The area of these 7 parcels was removed from the reversion parcel, thus changing Parcel 6 in the Master Plan Amendment and Zone Change Request. With the Reversion to Acreage process completed on the effected parcel, we are now submitting a revision to update the acreage listed in the application and update the exhibits to properly depict the parcels that are a part of the Master Plan Amendment and Zone Change Request. Following is a summary of the changes to the Master Plan Amendment and Zone Change Request:

- The acreage referenced in the Cover Letter was updated.
- Pages 1 and 2 of the Narrative were revised to show the proper acreage.
- Page 1 of the Lyon County Development Application was revised to show the proper acreage of the request.
- Exhibits 2, 3, 4, 5, and 6 have been updated to reflect the proper parcel shape for Parcel 6 (the reversion parcel).
- The legal description for parcel 6 (the reversion parcel) has been updated to reflect the proper description.

If you have any questions or require additional information, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Motter'.

Andrew Motter, P.E.
Senior Project Manager



October 11, 2013

Mr. Rob Loveberg
Planning Director
Lyon County Planning Department
27 S. Main Street
Yerington, Nevada 89447

Re: Comstock Mining Master Plan Amendment & Zone Change Request

Mr. Loveberg:

On behalf of Comstock Mining, we appreciate your consideration of the enclosed application. The property included with this application request is generally located north and west of State Highway 341 adjacent to and within the town site of Silver City.

This application includes the following requests:

1. A Master Plan Amendment request from Suburban Residential to Rural Residential on 42.57 acres.
2. A Master Plan Amendment request from Resource to Rural Residential on 12.29 acres.
3. A Zoning Map Amendment request from NR1 to RR3 on 54.86 acres.
4. A Zoning Map Amendment request from NR1 to RR5 on 32.34 acres.

Due to the fact that the zone change and master plan amendment requests are being submitted simultaneously, we understand that the zone change request will not be considered by the commission within forty five (45) days after the application is filed with the administrator in accordance with Lyon County Code (10.12.07c).

If you have any questions or require additional information, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Motter'.

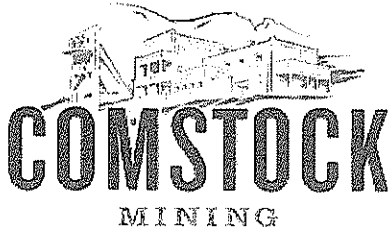
Andrew Motter, P.E.
Senior Project Manager

MASTER PLAN AMENDMENT AND ZONE CHANGE APPLICATION FOR COMSTOCK MINING PROPERTY

SILVER CITY, LYON COUNTY, NEVADA



PREPARED FOR:



Comstock Mining Inc.
P.O. Box 1118
Virginia City, Nevada 89440

PREPARED BY:



Manhard
CONSULTING LTD

Manhard Consulting Inc.
9850 Double R Blvd.
Reno, NV 89521

AUGUST 2013

JA2037

14 CV 00128 - 001932
LYON COUNTY

Table of Contents

Project Location	1
Master Plan & Zoning Designation	1
Application Request	2
Justification	2
Master Plan Amendment Findings	7
Master Plan Amendment Process and Procedure Findings	10
Zone Change Findings	12

Tables:

Table 1: Current Land Use Designations	1
Table 2: Proposed Land Use Designations	1
Table 3: Surrounding Property Designations	2
Table 3: Lyon County Land Use Categories	4

List of Figures:

Figure 1: Vicinity Map
Figure 2: Parcel Exhibit
Figure 3: Existing Master Plan Map
Figure 4: Existing Zoning Map
Figure 5: Proposed Master Plan Map
Figure 6: Proposed Zoning Map
Figure 7: Existing Slope Map

Appendix:

Development Application
Owners Affidavit
Legal Descriptions
Site Photographs

Project Location

The property included with this application request is generally located north and west of State Highway 341 adjacent to the town site of Silver City. See Figure 1 Vicinity Map and Figure 2 Parcel Exhibit for additional detail.

Master Plan Land Use & Zoning Designations

Table 1: Current Land Use Designations (Ref. Figure 3 and Figure 4)

Parcel	Master Plan	Zoning	Land Use
1	Resource	NR1	Vacant
2	Suburban Residential	NR1	Vacant
3	Resource	NR1	Vacant
4	Suburban Residential	NR1	Vacant
5	Suburban Residential	NR1	Vacant
6	Suburban Residential	NR1	Vacant / Abandoned Mining Facilities

Table 2: -- Proposed Land Use Designations (Ref. Figure 5 and Figure 6)

Parcel	Master Plan	Zoning	Area
1	Resource	RR-5	32.34 AC
2	Rural Residential	RR-3	7.20 AC
3	Rural Residential	RR-3	12.29 AC
4	Rural Residential	RR-3	10.28 AC
5	Rural Residential	RR-3	11.01 AC
6	Rural Residential	RR-3	14.08 AC

Master Plan & Zoning Map Amendment

Table 3: Surrounding Property Designations

Location	Master Plan	Zoning	Land Use
North	Suburban Residential & Commercial Mixed Use	M1 & NR1	Vacant / Silver City Town Site
South	Resource, Open Space & Future Planning Area	RR5 & C2	Vacant
East	Resource & Suburban Residential	RR5 & NR1	Vacant / Silver City Town Site
West	Open Space & Suburban Residential	RR5 & NR1	Vacant

Application Request

This application includes the following requests:

1. A Master Plan Amendment request from Suburban Residential to Rural Residential on 42.57 acres.
2. A Master Plan Amendment request from Resource to Rural Residential on 12.29 acres.
3. A Zoning Map Amendment request from NR1 to RR3 on 54.86 acres.
4. A Zoning Map Amendment request from NR1 to RR5 on 32.34 acres.

Justification

The application is requesting a "down zone" at both the master plan and zoning levels. These amendments modify the residential development potential of the property from its current allowed density of 655 total dwelling units to a maximum yield of a more rurally representative 10 dwelling units. If approved, these proposed requests change the master plan and zoning designations from "Suburban Residential and NR1" to "Rural Residential, RR3 and RR5." This would provide a more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure and also clean up and align certain parcels that currently have "split" master plan designations.

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. Regardless of the

rationale, the designations have rendered the subject property unproductive for any activity other than mineral exploration for the last 40 years.

The applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property. Prior to proceeding with actual mining activities, the applicant would be required to obtain a special use permit from Lyon County. Such a permit would then address all manners of land use and include relevant conditions to limit the impacts and effects of potential or proposed mining activities. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

A change in the master plan and zoning designations from Suburban Residential and NR1 to Rural Residential, RR3 and RR5 will not only support the productive evaluation of existing mineral potential but will, more importantly, also bring the property into conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services, while helping to further promote the goals, policies, and strategies of the Lyon County Master Plan.

The Lyon County Master Plan Community Description for Silver City states, "The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims. The existing water service infrastructure dates back to the late nineteenth century, when a water system to supply the mining operations and settlement demands of the Comstock communities was constructed. This aging water system and a lack of sewer system limit growth in Silver City."

The Lyon County Master Plan includes five types of Character Districts, Rural, Suburbanizing, Historic, Future Plan Areas and General County. These Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries.

As defined in the Master Plan, Suburbanizing Districts, "include areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses. Improvement standards will reflect the "suburban" character of these areas and will include requirements for municipal water and sewer, roadway design appropriate to the planned uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths). Roads are likely to have some bike and pedestrian facilities within the rights-of-way or separate paths."

As defined in the Master Plan, Rural Districts, "include those areas that are predominately low density residential development with limited neighborhood commercial uses. They may or may not have agricultural land uses or grazing lands. Improvement standards will reflect the "rural" character of the area. Rural districts are not likely to have municipal water and sewer. Roads are likely to have dirt shoulders, some equestrian paths as well as bike facilities within the road rights-of-way."

Master Plan & Zoning Map Amendment

As defined by the Master Plan, Historic Districts, "include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Future historic districts could also be designated where the intent is to promote new compatible development that is in keeping with the "historic" development patterns and architectural design elements to create more vitality."

As defined by the Master Plan, General County includes, "Lands outside the boundaries of defined community boundaries are classified as General County. These lands are rural or resource lands or public lands, and are intended to remain largely undeveloped or with very low intensity development within the Master Plan's planning horizon."

Table 4: Lyon County Land Use Categories

Land Use Category	Community Plan Land Use Designation	Density Range/ Size	Examples of Uses	Description/ Characteristics	Current Zoning Districts
Suburban Residential	High Density Residential	5 to 18 Dwelling Units per acre	Apartments, duplexes, fourplexes, condominiums and townhomes. Single Family Residential detached units at 5 to 10 dwelling units per acre.	High density residential is typically found in suburbanizing districts. High density residential should be located near major transportation facilities, near commercial uses, or civic centers and near parks	NR1 NR2 NR3 MHP
Rural Residential	Rural Residential	1 du per 5 to <20 acres	Single-family residences, "farmettes" and "ranchettes", etc.	Typically found in rural districts and on the suburbanizing fringe. Lot size and layout varies. Typically not served by municipal utilities, depending on location in suburbanizing district.	RR3 RR4

According to the Lyon County Character Districts Map, the subject property appears to reside within both the Historic and General County Districts. Despite this apparent inconsistency of Character Districts, the land use and zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts. Clearly, the proposed land use and zoning designation are much more compatible and consistent with the Historic and General County Districts than the master plan designation of Suburban Residential which is currently assigned to the majority of the subject property.

Provided is the Silver City Community Description from the Lyon County Master Plan and the Master Plan's definitions for the types of residential Character Districts, also provided in Table 3: Lyon County Land Use Categories, is an excerpt from the Lyon County Master Plan comparing the current Land Use Category, Suburban Residential to the requested Land Use Category Rural Residential.

The community Character District of Suburbanizing, the Community Plan Land Use Designation of High Density, Density of 5 to 18 dwelling units per acre, the Examples of Uses and the Description/ Characteristics and the current Suburban Residential master plan designation and NR1 zoning designation are inconsistent with the following goals, policies and strategies of the current Lyon County Master Plan and conversely, these of goals, policies and strategies actually promote the proposed master plan and zoning modification requests from Suburban Residential and NR1 to Rural Residential, RR5 and RR3.

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand base zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

Policy LU1.2: *Residential development Patterns in Neighborhoods*

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Development of the property at its current NR1 density would be out of character with the existing "neighborhood" of Silver City. A reduction in development potential is a more appropriate development pattern and more compatible with existing and historic uses.

Goal LU2: *Services Coordinated with Growth*

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

According to the master plan "Suburban Residential" areas should be located near major transportation facilities, near commercial uses, or civic centers and near parks. The subject property is rural in nature and adequate facilities to accommodate such high density residential would be impractical to develop and completely out of character with the existing community. Therefore a reduction in development potential is warranted and appropriate.

Policy LU 2.1 *Residential Development in Areas with Services*

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: *Ensure that plans are in place for required services to occur concurrently with all proposed development.*

Goal FS1: *Municipal water and sewer systems will be expanded only in areas where they are cost effective.*

Policy FS 1.1: *Location of New Development*

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

The subject property, although designated Suburban Residential, does not have adequate municipal water or sewer in close proximity and facility plans are not currently in place to allow for development to occur concurrently. A reduction in allowable units would be more consistent with the current and future services of the area.

Goal LU3: *Diverse Economy*

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: *Diverse Economy Base*

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: *Work with Economic development agencies and community groups to identify economic assets and development opportunities.*

The master plan change would allow for continued mineral exploration on the subject property helping to identify economic assets while employing local residents in primary jobs.

Goal NR9: *Mining and Resource Extraction*

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 *Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.*

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning.

Master Plan Amendment Findings:

1. Consistency with the Master Plan:

The proposed amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: *Orderly Growth Patterns*

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods
New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth
Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy
The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base
The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal NR9: Mining and Resource Extraction
Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

2. Compatible Land Uses:

The proposed amendment is compatible with the actual and planned adjacent uses, and reflects a logical change in land uses.

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has resulted in little to no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe."

3. Response to Change Conditions:

The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the board, and the requested amendment represents a more desirable use of the land.

A change in the master plan designation from Suburban Residential to Rural Residential represents a more desirable use of land because it will bring the property in conformance with basic land planning principles relating to location, topography, density, and the availability of infrastructure and services. In addition, the proposed changes will allow for the exploration and evaluation of existing patented mining claims with potential for significant benefit to the County and community, while consistently promoting the goals, policies, and strategies of the Lyon County Master Plan.

4. No Adverse Effects:

The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.

The amendment request will not adversely affect the implementation of the master plan or negatively impact public health, safety and welfare. The

amendment proposes a significant enhancement in nature and type of development potentials of the property while continuing to maintain the goals, objectives and actions of the current master plan and will have no foreseeable impact on public health, safety or welfare.

5. Desired Pattern of Growth:

The proposed amendment will promote the desired pattern for the orderly physical growth of the county, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the county based on the least amount of natural resource impairment and efficient expenditure of the funds for public services.

The proposed request to change the master plan designation from Suburban Residential to Rural Residential represents a desired pattern of growth by providing a realistic current and long range land use strategy based on actual development potential, considering factors like topography and proximity to adequate infrastructure. Although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, we do not believe this would result in any impairment to the water resources and other resources that are important to existing residents and businesses in the area, and, we believe existing constraints or negative impacts would be reduced by the proposed amendments. The proposed Master Plan Amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

Master Plan Amendment Process and Procedures Findings:

1. The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles. It is unknown whether the existing designations were applied with an erroneous or impractical consideration of dense dwelling development or as an exclusionary attempt to prevent any future mining developments. In the event that mining activities are ultimately not pursued on the subject property, or even if they are pursued, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land

uses and post-mining land opportunities, than the current master plan designation.

2. *The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;*

The proposed amendment to Rural Residential is consistent with the current and future development character of Silver City. The current Suburban Residential designation promotes high-density residential development on a property that is constrained by topography and infrastructure availability; and accordingly, has been put to little or no productive use. The proposed Rural Residential designation according to the master plan is a more logical fit defined as, "Typically found in rural districts and on the suburbanizing fringe" and is supportive of the goals and policies identified above.

3. *The proposed amendment will have no major negative impacts on transportation, services, and facilities;*

The proposed amendment will help provide orderly physical growth of the county and allow development to be adequately planned based on the preservation of natural resources and efficient expenditure of funds for public services.

4. *The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*

The proposed request to change the master plan designation from Suburban Residential to Rural Residential will actually have a positive effect on service provision by providing a realistic, more flexible, current and long range land use strategy based on actual development potential, considering factors like topography, surrounding uses and proximity to adequate infrastructure.

5. *Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and*

The requested reduction in development potential provides for more orderly and fiscally responsible growth as compared to the current high density NR1 designation. The current designation of NR1 in no way suggests a demand based zoning strategy nor is it based on any current or realistic population projection. The reduction in development potential is more in line with potential-to-actual development ratio and infrastructure availability.

6. *The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.*

The amendment proposes a significant increase in consistency between the actual and potential use of the subject property and the land use designation.

The proposed land use designation is consistent with the realistic development potential of the subject property while supporting the goals, objectives and actions of the current master plan. The requested designation will have no negative impact on public health, safety or welfare.

Zone Change Findings:

1. Consistency with the Master Plan Land Use Map.

The proposed zone change is not only in substantial conformance with the proposed master plan amendment request but the requested modifications will actually help correct existing conformance issues between the Lyon County Master Plan and Zoning Code.

2. Consistency with the Master Plan goals, policies and strategies.

The proposed zoning map amendment is in substantial compliance with and promotes the following master plan goals, objectives and actions:

Goal LU1: Orderly Growth Patterns

Direct and manage development in the county so that it is orderly and fiscally responsible.

Strategies: Establish a demand based zoning strategy based on realistic population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.

Policy LU1.2: Residential development Patterns in Neighborhoods

New residential development, particularly in suburbanizing areas, will be designed to reinforce "neighborhoods" as the primary building blocks of the county's residential areas.

Goal LU2: Services Coordinated with Growth

Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

Policy LU 2.1 Residential Development in Areas with Services

Urban and suburban development will only locate in Suburbanizing Districts where municipal water and sewer can serve it and that are close to other municipal services and not "leapfrog" into rural areas. Conversely, low density rural development should not occur in existing or planned suburbanizing areas.

Strategies: Ensure that plans are in place for required services to occur concurrently with all proposed development.

Goal LU3: Diverse Economy

The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economy Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near population centers.

Strategies: Work with Economic development agencies and community groups to identify economic assets and development opportunities.

Goal LU5: Encourage Resource Sensitive Growth

Development will be designed to reduce energy use and minimize environmental impacts.

Goal NR9: Mining and Resource Extraction

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR9.1 Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Goal FS1: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions

3. *Consistency with the desired pattern for the orderly physical growth of the County and maintains compact development patterns.*

The proposed request to change the zoning designation from NR1 to RR3 and RR5 represents a desired pattern of growth by providing a realistic, current and long range zoning strategy based on actual development potential considering factors like topography, existing uses and proximity to adequate infrastructure.

4. *Contributes to the timely, orderly and efficient arrangement of transportation and other public facilities and services.*

The proposed zoning will help provide orderly physical growth of the county and allow development to be adequately planned based on the least amount of natural resource impairment and efficient expenditure of funds for public services.

5. *Promotes development that is commensurate with the character and physical limitations of the land.*

The proposed RR5 and RR3 designations will significantly reduce the development potential of the property not only taking into consideration the character and physical limitations of the land (i.e. topography and surrounding densities) but also reducing the need for additional infrastructure.

6. *Promotes the protection and/or enhancement of existing neighborhoods and communities.*

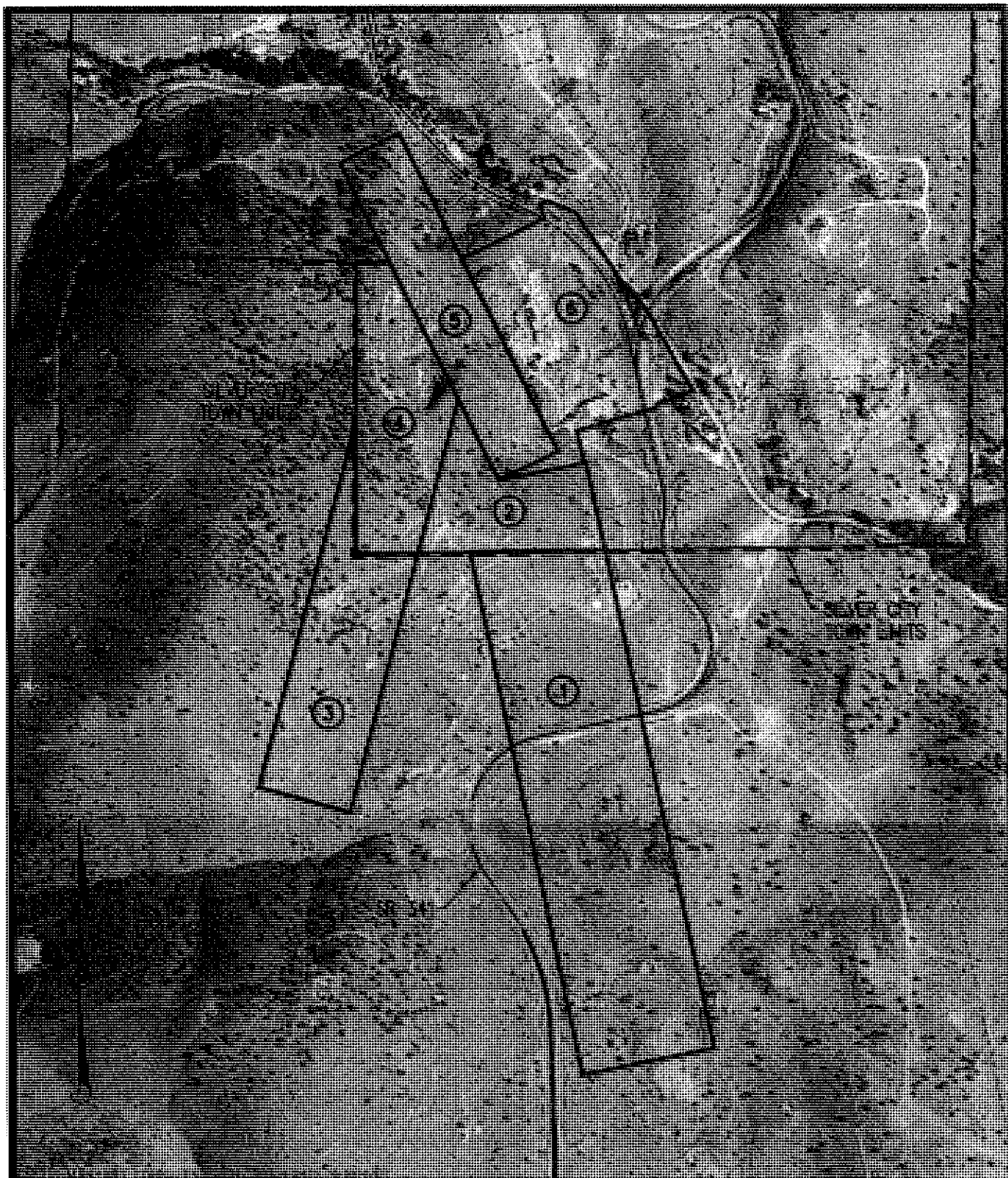
The proposed zoning map amendment is consistent with the current and future development character of Silver City. The current NR1 designation promotes high density residential on a property that is constrained by topography and infrastructure availability.

7. *No detrimental impacts to other properties in the vicinity.*

The proposed zoning map amendment is sensitive to and compatible with the current and future development character of Silver City. The current NR1 designation promotes high density residential that is not only out of character with the rural nature of the area, but does not take into consideration the fact that the property is constrained by topography and infrastructure availability.

8. *No adverse impacts to the public health, safety and welfare.*

The proposed zone change will have no impacts to public health, safety and welfare, and although the potential use of the subject property for mining activities would necessarily involve the extraction of natural resources, this will not result in any impairment to the water resources and/or other resources that are important to existing residents and businesses in the area.

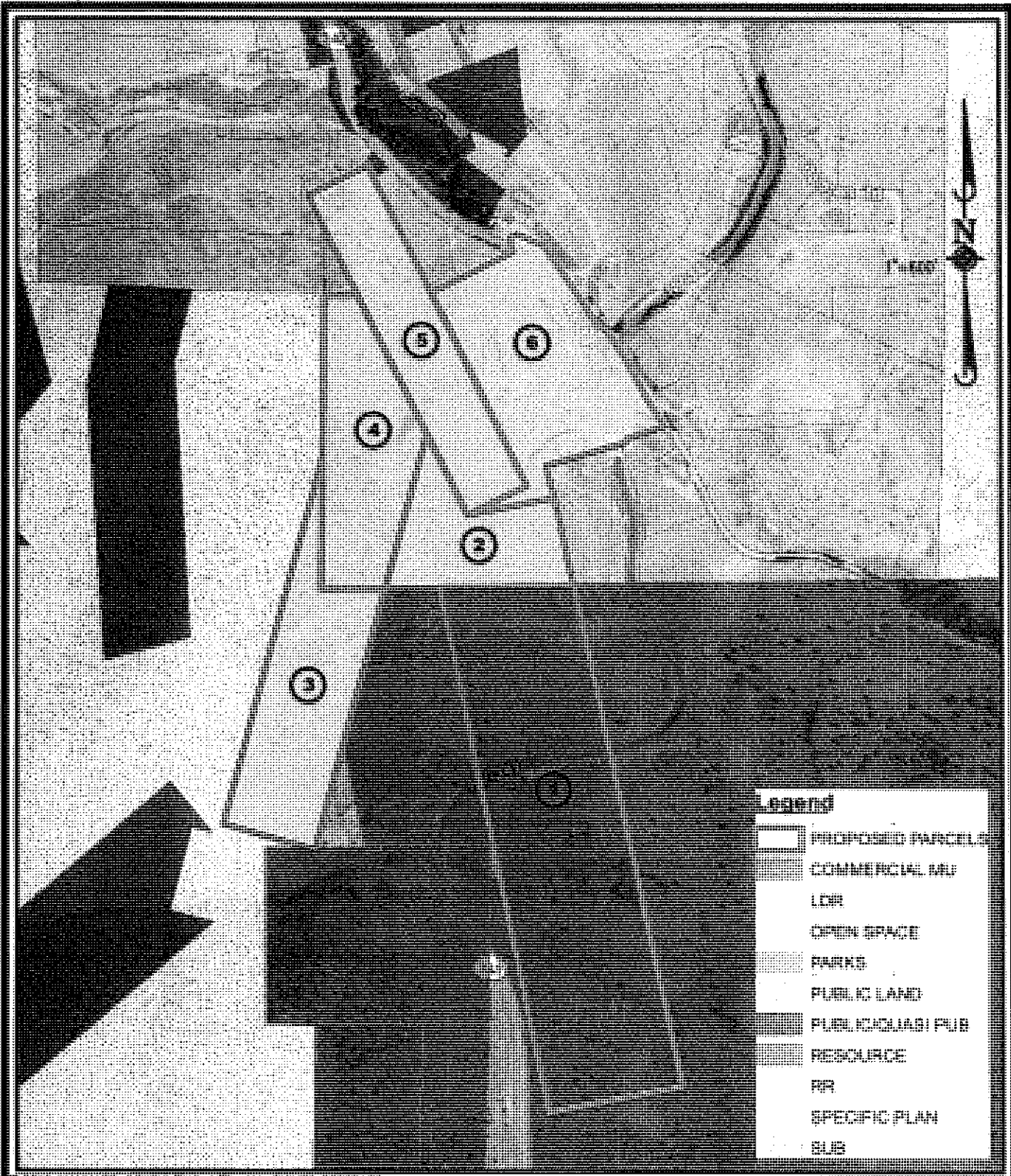


Manhard
CONSULTING

MANHARD CONSULTING INC. 1000 WEST 10TH AVENUE SUITE 100 DENVER, CO 80202
 Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

CONSTOCK MINING INC.	
PARCEL EXHIBIT	
FIGURE 2	
PROJECT NO.: <u>1000</u>	SHEET
DRAWN BY: <u>AW</u>	2 OF 7
DATE: <u>04/25/2002</u>	CHECK
SCALE: <u>1"=100'</u>	

This document is the property of Manhard Consulting Inc. and is not to be distributed outside the project without the written consent of Manhard Consulting Inc.



LEGEND	
	PROPOSED PARCELS
	COMMERCIAL MU
	LDR
	OPEN SPACE
	PARKS
	PUBLIC LAND
	PUBLIC/QUASI PUB
	RESOURCE
	RR
	SPECIFIC PLAN
	SUB

THIS DRAWING IS THE PROPERTY OF MANHARD CONSULTING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC PURPOSES.



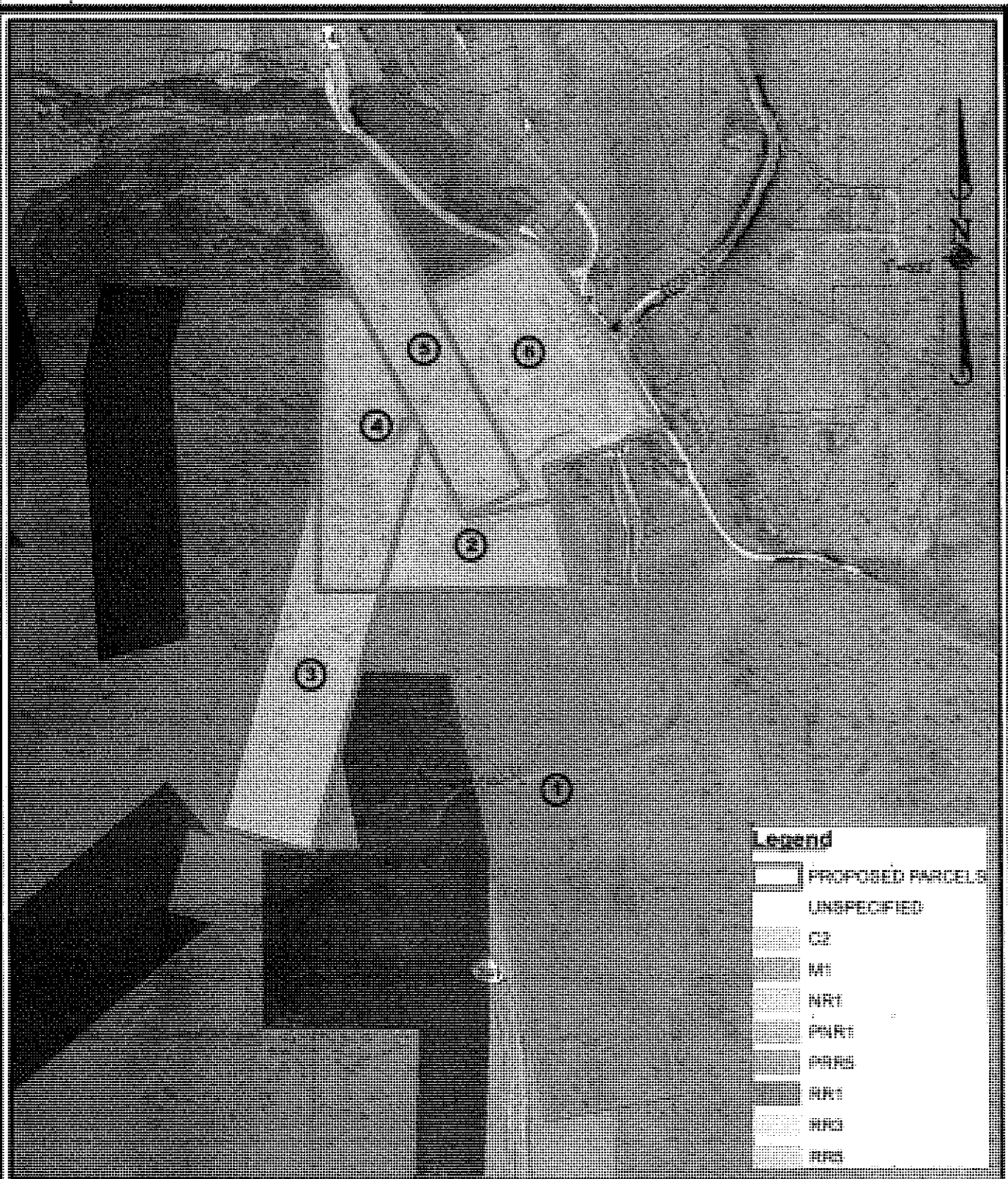
Manhard

CONSULTING

Civil Engineering • Surveying • Water Resources Engineering • Water & Wastewater Engineering
 Construction Management • Environmental Science • Landscape Architecture • Planning

COMSTOCK MINING INC.	
PROPOSED MASTER PLAN MAP	
FIGURE 5	
PROJECT NO.: 1001 DRAWING NO.: 1001 DATE: 7/24/2013 SCALE: 1"=1/2 MI	SHEET 5 of 7 CIVIL/EN

Drawing Name: Lyon County 14 CV 00128 - 001952 Master Plan Map - Figure 5 - 5 of 7
 Project No: 1001
 Drawing No: 1001
 Date: 7/24/2013
 Scale: 1"=1/2 MI
 Sheet: 5 of 7
 Civil/En



© 2012 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED

Manhard
CONSULTING

MANHARD CONSULTING, LTD. IS AN EQUAL OPPORTUNITY FIRM. WE EMPLOY AND CONTRACT WITH PEOPLE OF ALL RACES, ETHNICITIES, GENDERS, AGES, RELIGIONS, AND NATIONALITIES. WE ARE COMMITTED TO DIVERSITY AND INCLUSION IN OUR WORKPLACE AND COMMUNITY. WE ARE COMMITTED TO THE WELL-BEING OF OUR EMPLOYEES AND THE COMMUNITIES WE SERVE. WE ARE COMMITTED TO THE PROTECTION OF THE ENVIRONMENT AND THE WELL-BEING OF OUR PLANET. WE ARE COMMITTED TO THE PROTECTION OF OUR REPUTATION AND THE WELL-BEING OF OUR CLIENTS. WE ARE COMMITTED TO THE PROTECTION OF OUR DATA AND THE WELL-BEING OF OUR INFORMATION. WE ARE COMMITTED TO THE PROTECTION OF OUR ASSETS AND THE WELL-BEING OF OUR INVESTORS. WE ARE COMMITTED TO THE PROTECTION OF OUR INTERESTS AND THE WELL-BEING OF OUR STOCKHOLDERS. WE ARE COMMITTED TO THE PROTECTION OF OUR FUTURE AND THE WELL-BEING OF OUR GENERATIONS. WE ARE COMMITTED TO THE PROTECTION OF OUR LEGACY AND THE WELL-BEING OF OUR HISTORY. WE ARE COMMITTED TO THE PROTECTION OF OUR VALUES AND THE WELL-BEING OF OUR CULTURE. WE ARE COMMITTED TO THE PROTECTION OF OUR PRINCIPLES AND THE WELL-BEING OF OUR ETHICS. WE ARE COMMITTED TO THE PROTECTION OF OUR STANDARDS AND THE WELL-BEING OF OUR QUALITY. WE ARE COMMITTED TO THE PROTECTION OF OUR EXCELLENCE AND THE WELL-BEING OF OUR PERFORMANCES. WE ARE COMMITTED TO THE PROTECTION OF OUR SUCCESS AND THE WELL-BEING OF OUR FUTURE.

COMSTOCK MINING INC.
PROPOSED ZONING MAP

FIGURE 6

SCALE: 1"=100'
DATE: 7/24/2012
BY: J. W. WILSON

SHEET
6 OF 7
CMLCN

JA2058

14 CV 00128 - 001953
LYON COUNTY



© 2003 MANHARD CONSULTING LTD. ALL RIGHTS RESERVED

Manhard
CONSULTING

2000 South 33rd Suite 100, Reno, NV 89502 TEL: (775) 784-2000 FAX: (775) 784-2003 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

CONSTOCK MINING INC.

EXISTING SLOPE MAP

FIGURE 7

PROJECT: AM
DRAWN BY: DB
DATE: 7/24/2003
SCALE: 1"=100'

SHEET

7 of **7**

CIVIL CH

JA2059

14 CV 00128 - 001954
LYON COUNTY

APPENDIX

LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
VOICE: (775) 463-6592 • FAX: (775) 463-6596

DEVELOPMENT APPLICATION

This form must be completed and all requested information incorporated, as prescribed by the application submission requirements for each application type, before the application is deemed complete and accepted for processing by Lyon County.

Application Type (check all that apply)		
<input type="checkbox"/> Abandonment <input type="checkbox"/> Amended Map <input type="checkbox"/> Appeal of Administrative Decision <input type="checkbox"/> Appeal of Planning Commission Decision <input type="checkbox"/> Approval Condition Amendment <input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Certificate of Amendment <input type="checkbox"/> Continuation of Planning Application <input type="checkbox"/> Development Agreement <input type="checkbox"/> Development Agreement, Revision <input type="checkbox"/> Division of Land into Large Parcels, Tentative Map Waiver <input type="checkbox"/> Division of Land into Large Parcels, Tentative Map <input type="checkbox"/> Division of Land into Large Parcels, Final Map	<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Hardship Exception Permit <input type="checkbox"/> Improvement Plan for Land Division <input type="checkbox"/> Improvement Standards Variance or Waiver <input checked="" type="checkbox"/> Master Plan Map Amendment <input type="checkbox"/> Master Plan Text Amendment <input type="checkbox"/> Mobile Home Park/Recreational Vehicle Park <input type="checkbox"/> Parcel Map <input type="checkbox"/> Parcel Map, Final <input type="checkbox"/> Parcel Map Waiver <input type="checkbox"/> Planned Unit Development, Final <input type="checkbox"/> Planned Unit Development, Tentative <input type="checkbox"/> Pre-Application Conference	<input type="checkbox"/> Reimbursement Agreement <input type="checkbox"/> Reversion to Acreage <input type="checkbox"/> Site Improvement Plan <input type="checkbox"/> Special Use Permit <input type="checkbox"/> Specific Plan <input type="checkbox"/> Street Name Request <input type="checkbox"/> Subdivision Map, Tentative <input type="checkbox"/> Subdivision Map, Final <input type="checkbox"/> Variance <input type="checkbox"/> Administrative <input type="checkbox"/> Wireless Communication Facility <input type="checkbox"/> Wireless Communication Facility, Modification <input type="checkbox"/> Zoning Determination <input checked="" type="checkbox"/> Zoning Map / Text Change

General Information			
Assessor's Parcel number(s)	Acreage	Assessor's Parcel number(s)	Acreage
Por. of 008-091-05	+/- 86.84 AC		
008-091-02	+/- 0.36 AC		
Applicant Name(s): <input checked="" type="checkbox"/> Same as Owner <input type="checkbox"/> Other (Insert name(s)):			
Community: <input type="checkbox"/> Dayton <input type="checkbox"/> Fernley <input type="checkbox"/> Mark Twain <input type="checkbox"/> Mason Townsite <input type="checkbox"/> Mason Valley <input type="checkbox"/> Mound House <input checked="" type="checkbox"/> Other County <input checked="" type="checkbox"/> Silver City <input type="checkbox"/> Silver Springs <input type="checkbox"/> Smith Valley <input type="checkbox"/> Stagecoach			
Previous applications filed on this site:			

Project Name (if applicable):

Project Information
Project or Request Description: Comstock Mining is requesting a Master Plan Amendment and Zone Change on a portion of Lyon County APN 008-091-05 and APN 008-091-02. APN 008-091-05 includes 14 legal parcels (3 patented claim parcels and 11 Silver City town lots) which are a portion of this request. The Master Plan Amendment request is to change 42.57 acres within the Silver City town limits from Suburban Residential to Rural Residential and 12.29 acres in unincorporated Lyon County from Resource to Rural Residential. The Zone Change request is to change 42.577 acre within the Silver City town limits from NR-1 zoning to RR-3 zoning and 44.63 acres in unincorporated Lyon County from NR-1 Zoning to RR-3 and RR5 Zoning.

Project Area (square feet or acres): +/- 87.20 AC	Number of proposed units:	Smallest parcel size:
Uses proposed (check all that apply): <input type="checkbox"/> Single Family Residential <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial		

Project Location
Project Street Address: State Route 341
Primary Access: State Route 341 and State Route 342
Section(s)/Township/Range: Sect. 8,9,16,17 T16N R21E
Approximately _____ feet <input type="checkbox"/> north <input type="checkbox"/> south of _____ (street name)
Approximately _____ feet <input type="checkbox"/> east <input type="checkbox"/> west of _____ (street name)
If within a Subdivision, Name: _____ Lot: _____ Block: _____
Project Location (with point of reference to primary access, major cross streets or area locator): A portion of the property is located within the Silver City Town limits adjacent to State Route 342 and a portion is in unincorporated Lyon County adjacent to State Route 341.

Other Information
Current Master Plan designation(s): Suburban Residential, Resource
Proposed Master Plan designation(s): Rural Residential
Current Zoning designation(s): NR1
Proposed Zoning designation(s): RR-3 and RR-5
Floodplain designation (from FIRM maps): Zone AE, Unshaded Zone X
Road/street surface of frontage/access: Paved highway for frontage and dirt road for access to a portion.

Applicant Information		
Applicant/Developer		
Name: Same as Property Owner		
Address:		
City:	State:	Zip:
City: Reno	State: NV	Zip: 89521
Phone:	Fax:	
Phone: 775-746-3500	Fax: 775-746-3520	
Cell:	Contact:	
Cell:	Contact: Andrew Motter, P.E.	
Email: amotter@manhard.com		
Property Owner		
Name: Comstock Mining Inc.		
Address: 1120 American Flat Rd.		
City: Virginia City	State: NV	Zip: 89440
Phone: 775-847-5272	Fax: 775-847-7118	
Cell:	Contact: Corrado DeGasperi	
Cell:	Contact: Scott Jolcover	
Email: degasperis@comstockmining.com		
Email: sjolcover@comstockmining.com		

The receipt of an application at the time of submission does not imply the application complies with all requirements of the Lyon County Code or Lyon County Planning Department, or that it is deemed complete and will be processed.

Property Tax Status:

As per Lyon County Code Title 10, Section 10.12.05, a signature is required from the Lyon County Clerk's Office showing the taxes are paid current on the subject property.

I, Nikki Bryan, hereby certify that all required property taxes are paid current on APN(s): 008-091-02, 008-091-05

By:

Deputy Clerk

Date

Applicant's Affidavit (Complete if different from Property Owner):

I, _____, being duly sworn, depose and say that I am the applicant
(Printed name)

of the described project and/or request, and all the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Lyon County Planning Department staff.

Signature of Applicant

Subscribed and sworn to before me this _____ day of _____

Notary Public in and for said county.

Date

(Notary stamp)

Property Owner's Affidavit:

I, Corrado De Gasperi, being duly sworn, depose and say that I am an owner* in
(Printed name)

fee of the described property involved in this application, that I have knowledge of, and agree to, the filing of this application, and that the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I acknowledge that I am aware of the "right to farm" policy of the county and have been provided with a copy of a statement (attached to this application form) containing substantially the disclosure set forth in Chapter 10.15 of the Lyon County Code. I understand that no assurance or guarantee can be given by members of the Lyon County Planning Department staff.

(*A separate Affidavit must be provided by each property owner)

Signature of Property Owner

Subscribed and sworn to before me this 7th day of AUGUST 2013

BY CORRADO DE GASPERIS ***

Notary Public in and for said county.

Date



JA2062

14 CV 00128 - 001957

LYON COUNTY



Land Information Solutions

TRI STATE SURVEYING, LTD.

1925 E. Prater Way, Sparks, Nevada 89434
Telephone (775) 358-9491 ♦ FAX (775) 358-3664
Toll Free: 1-800-411-3752

October 18, 2013
Project No. 10055.01.CC

Parcel Descriptions

All those certain parcel situate within portions of Sections Eight (8), Nine (9), Sixteen (16) and Seventeen (17), Township Sixteen (16) North, Range Twenty-One (21) East, Mount Diablo Meridian, Lyon County, Nevada, being more particularly described as follows:

Parcel 1:

All that portion of Mineral Survey 63, Kossuth Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 63 (Office No. 186), Kossuth Lode (Kossuth Mining Co's.), Devils Gate Mining District, by Don H. Barker, January 1874, lying southerly and outside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876.

Parcel 2:

All that All that portion of Mineral Survey 63, Kossuth Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 63 (Office No. 186), Kossuth Lode (Kossuth Mining Co's.), Devils Gate Mining District, by Don H. Barker, January 1874, lying northerly and inside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, together with all of Lot 275 as shown on said Official Map of the TOWNSITE of SILVER CITY.

Parcel 3:

All that portion of Mineral Survey 56, Alhambra Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 56 (Office No. 183), Alhambra Lode (Alhambra Co's), Devils Gate Mining District, by Hugo Hochholzer, September 1872, lying southerly, westerly and outside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876.

Parcel 4:

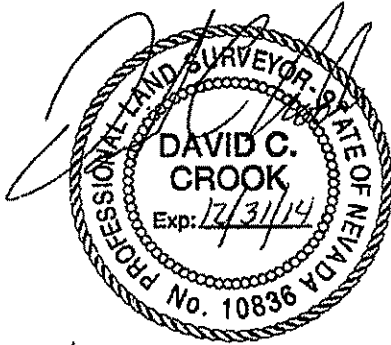
All that portion of Mineral Survey 56, Alhambra Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 56 (Office No. 183), Alhambra Lode (Alhambra Co's), Devils Gate Mining District, by Hugo Hochholzer, September 1872, lying northerly, easterly and inside of the Town Site boundary as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, together with all of Lot 274 as shown on said Official Map of the TOWNSITE of SILVER CITY.

Parcel 5:

All of Mineral Survey 66, Marble Lode, as shown on the General Land Office Survey of (Mineral) Survey No. 66 (Office No. 189), Marble Lode (Dayton Silver Mining Co's). Devils Gate Mining District, by J. H. Eaton, March 1873, together with that portion of Lot 129 of the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876, lying inside of said Marble Lode.

Parcel 6:

All of Lots 101, 102, 103, 133, 276, 277, 278 and 279, said Lots being as shown on the Official Map of the TOWNSITE of SILVER CITY, Lyon County, Nevada, Maps A & B, by Ross E. Browne, June 1874, recorded in the office of the County Recorder of Lyon County, Nevada on May 9, 1876 and a portion of Lot 104 of said Official Map of the TOWNSITE of SILVER CITY, being shown on Record of Survey Map No. 291213, recorded in the office of the County Recorder of Lyon County on February 21, 2003.



Date 10/18/2013
David C. Crook, P.L.S.
Nevada Certificate No. 10836



Manhard
CONSULTING

2000 Chas. E. Hill, Suite 101, Reno, NV 89501 Tel: (775) 784-0000 Fax: (775) 784-0001
 Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
PHOTO LOCATIONS

FIELD NO.: AM
 DRAWN BY: AM
 DATE: 8/8/2001
 SCALE: 1"=500'

SHEET
1 of **1**
 CHILCH

1:24 Dig Name: V:\nd_carsen\1000\proj\chilch\chilch.dwg Plot Date: 8/8/2001 10:00 AM Plot By: J. L. C. 1:24

JA2065

14 CV 00128 - 001960
LYON COUNTY

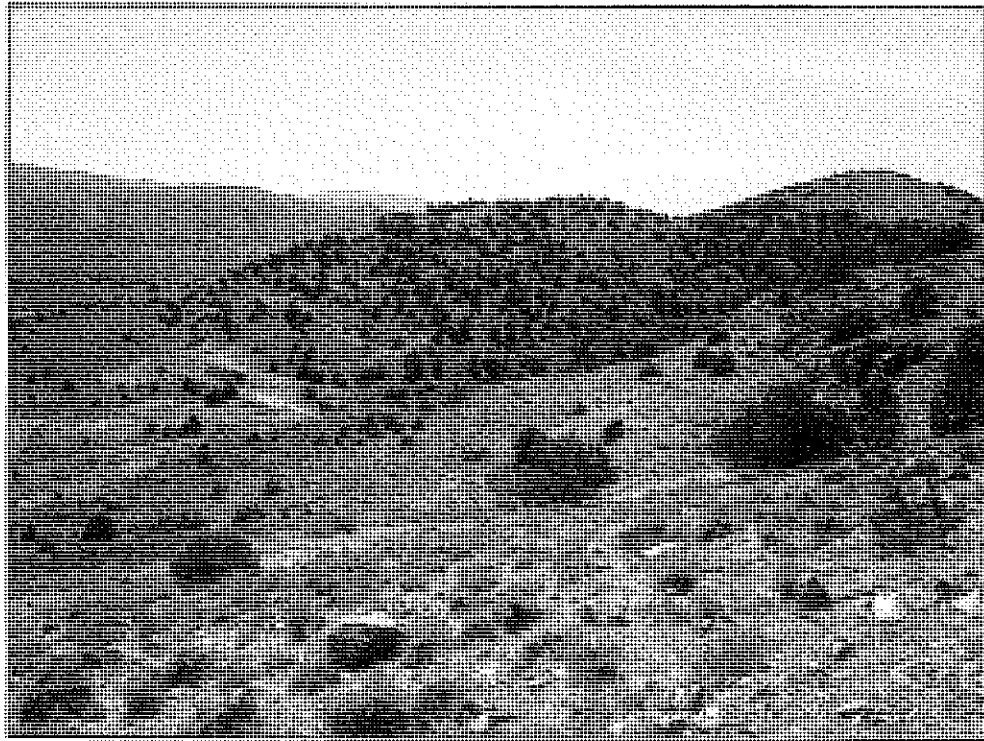


PHOTO P1

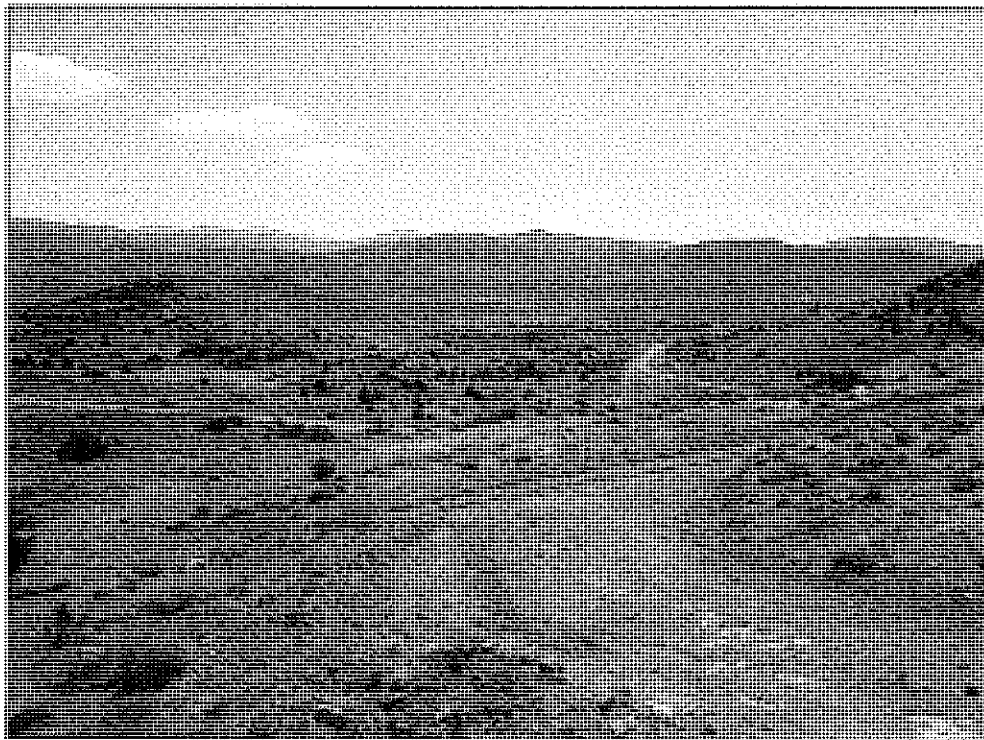


PHOTO P2

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING

6950 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 748-3500 fax: (775) 748-3520 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET
1 OF **1**
CMILCN

Dwg Name: \\mcl_carsoncity\CC_Projects\CMilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter 17:30

JA2066

14 CV 00128 - 001961
LYON COUNTY

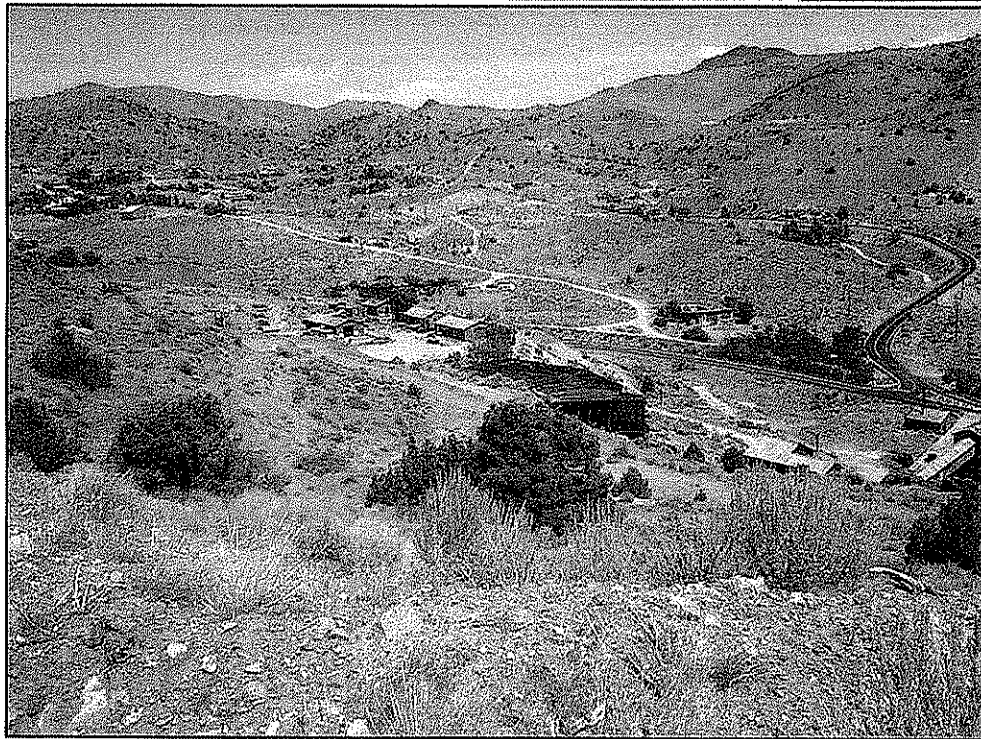


PHOTO P3



PHOTO P4

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



8850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 748-3500 fax: (775) 748-3520 www.manhard.com
 Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.
 SITE PHOTOS

PROJ. MGR.: AWM
 DRAWN BY: AWM
 DATE: 9/8/2013
 SCALE:

SHEET
1 OF **1**
 CMILCN

Dwg Name: \\vmd_carsoncity\CC_Projects\Cmilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter 17: 30

JA2067

14 CV 00128 - 001962
 LYON COUNTY

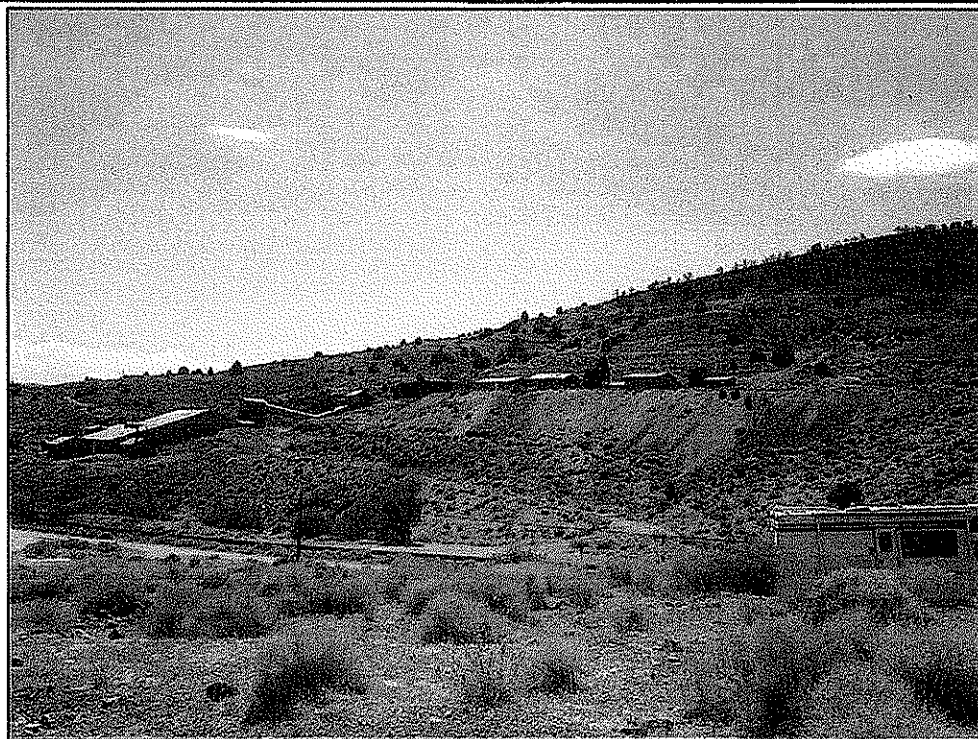


PHOTO P5



PHOTO P6

© 2010 MANHARD CONSULTING, LTD. ALL RIGHTS RESERVED



Manhard
CONSULTING

9850 Double R Blvd, Suite 101, Reno, NV 89521 tel: (775) 748-3900 fax: (775) 748-3920 www.manhard.com
Civil Engineers • Surveyors • Water Resources Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COMSTOCK MINING INC.

SITE PHOTOS

PROJ. MGR.: AWM
DRAWN BY: AWM
DATE: 8/8/2013
SCALE:

SHEET
1 OF **1**
CMILCN

Dwg Name: \\md_carsoncity\CC_Projects\CMilcn\dwg\Eng\Final Drawings\Master Plan Zone Change\Photo-Locations.dwg Updated By: amotter 17:30

JA2068

14 CV 00128 - 001963
LYON COUNTY



COMSTOCK MINING INC

December 13, 2010

RECEIVED

DEC 13 2010

LYON CO. COMM.

Chairman Joe Mortensen
Lyon County Board of Commissioners
Lyon County Administrative Complex
27 South Main St.
Yerington, NV 89447

RE: Final Draft - County Wide Component of the Comprehensive Master Plan
Request for Resource Land Use Designation for Specific Mining Properties

Dear Chairman Mortensen,

Comstock Mining, Inc., (the Company) in conjunction with Mr. and Mrs. Allan G. Fiegehen and Ida Consolidated Mines Inc., respectfully request that the following parcel be re-designated into the "Resource" category for the purpose of its Land Use Designation in the County Wide Component of the Comprehensive Master Plan. This parcel is a portion of a contiguous, 182 acre block of private property in Lyon County (together with surrounding unpatented mining claims, collectively the "Dayton Resource Area") that was acquired by the Company for its mineral resource potential. The approximate location of the property is highlighted on the attached copy of your "County-Wide Land Use Map - Silver City".

The specific parcel number requested to be re-designated in the "Resource" category is:
APN 008-091-01 (portion north of Silver City town line)

The following adjacent parcels appear on this map to be already categorized as "Resource" in your draft document. The Company respectfully agrees with this designation, but we would like to make sure that the entirety of these parcels is categorized as "Resource".

APN 008-091-01 (portion south of Silver City town line)
APN 016-121-01
APN 016-101-08
APN 016-111-02
APN 016-111-03

APN 016-121-10
APN 016-121-11
APN 016-121-12
APN 016-121-22
APN 016-121-23
APN 016-121-24
APN 016-121-25

The Company's request for re-designation of the parcel is based on the presence of valuable mineral resources on this property. To quote from Chapter 6, "Natural Resources and Environment" of the Master Plan Final Draft, Policy NR 9.1, "Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist."

These properties demonstrably contain significant mineral resources. Most of this property gained the status of "Patented Mining Claim" and was transferred from federal ownership to private land ownership after proving the presence of valuable minerals to the satisfaction of the federal government. On August 31, 2010, Behre Dolbear, a respected, independent Mineral Industry Advisor hired by the Company, issued a technical report on the Company's mining projects (see the full Technical Report as Appendix A, attached). Among other findings, the report validated a measured, indicated, and inferred resource in the Dayton Resource Area containing 199,000 ounces of gold and containing 1,570,000 ounces of silver. The Company believes the potential of the Dayton Resource Area far exceeds the aforementioned resource and that the completion of our exploration, resource planning, and ultimate implementation of the Company's mine plans will not only create meaningful, long-term jobs in Lyon County but result in millions of dollars in direct tax revenue for the county during the life of the mine.

Comstock Mining Inc. acquired this package of property through a lease agreement in November 2008, and two separate exploration licenses in July and August 2010, all with definitive options to purchase the patented and unpatented mining claims and patented town site lots. The agreement between the Company and the current owners was based on the presence of valuable minerals, and the expectation that the Company would be able to profitably mine the valuable minerals contained on the property.. We believe the Resource category is the proper designation for these properties, and that any designation of this property that hinders the ability to extract

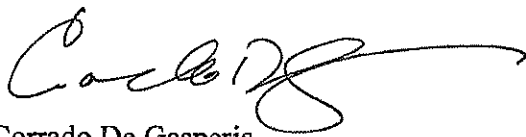
the minerals will result in a significant loss of value for both the Company and the current owners.

We recognize the time, energy and effort expended in bringing the Draft - County Wide Component of the Comprehensive Master Plan to its current stage. We recently acquired the rights to these properties and regret that our request is being made in the latter stages of the draft approval process.

On December 7, 2010 our Senior Engineer, Dennis Anderson, P.E. and I attended the Silver City Advisory Council meeting for the purpose of introducing the Company and ourselves and advising the Council that we planned on submitting this request for Resource Categorization into your process. We also discussed our current mineral exploration drill program with the council members and all others in attendance. We are on their agenda for an introductory presentation of the Company on January 4, 2011, at 7 pm. We appreciate the Silver City Advisory Council's openness and willingness to engage in dialog about mineral resource exploration and development in northern Lyon County, the Silver City area and Storey County.

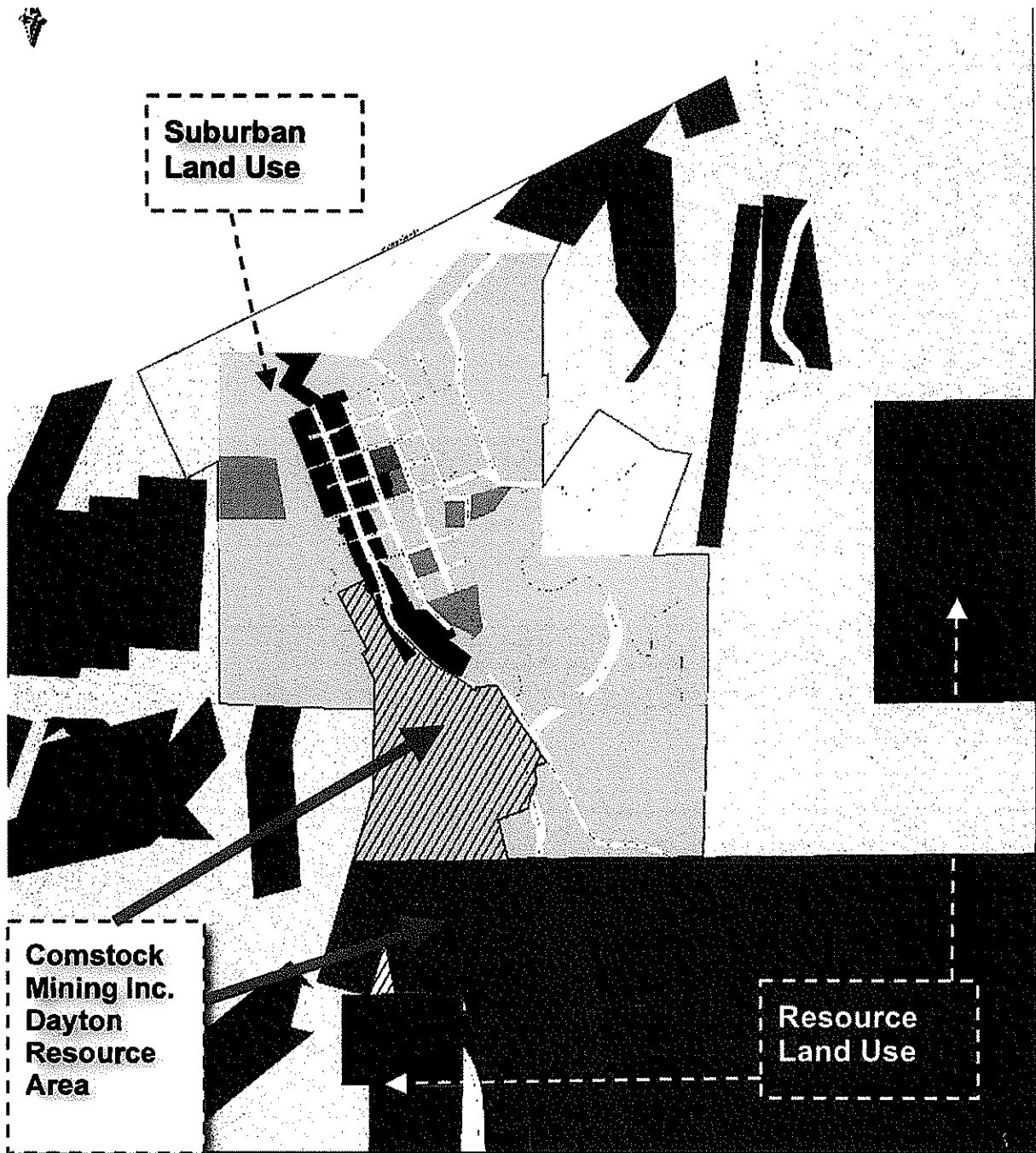
Please feel free to call me with any questions or clarifications needed regarding our reasonable request for an appropriate land use designation as "Resource" on mineral lands, which is consistent with the historic and present use of the properties. Thank you for your consideration of our request and we look forward to business opportunities and continued open communication with and in Lyon County over the coming years.

Sincerely yours,



Corrado De Gasperis
President and Chief Executive Officer
Comstock Mining Inc.

cc: Silver City Advisory Council
Chairman Virgil Arellano, Lyon County Planning Commission
Mr. Bill Nance, Comstock Mining Inc. Board Chairman



COUNTY-WIDE LAND USE MAP - SILVER CITY





Kerry Page <kpage@lyon-county.org>

Comstock Mining, Inc. Master Plan Amendment & Zone Change Mapping

1 message

Rob Loveberg <rloveberg@lyon-county.org>

Fri, Jan 3, 2014 at 7:10 AM

To: Mark Rotter <mrotter@manhard.com>, Andrew Motter <amotter@manhard.com>

Cc: Jeff Page <jpage@lyon-county.org>, Kerry Page <kpage@lyon-county.org>

Mark & Andrew,

Please provide a shape file, revised maps, revised acreage summaries and revised legal descriptions of the January 1, 2014 Comstock Mining, Inc. revised Master Plan Amendment and Zone Change requests (as approved by the Board of Commissioners yesterday) so that we can update the application files, and accurately update our GIS and Assessor's data. Please provide the information by January 10, 2014.

Thank you for your assistance. Please contact me if you have any questions.

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

JA2073

14 CV 00128 - 001968



Rob Loveberg <rloveberg@lyon-county.org>

Don't forget

1 message

Chuck Roberts <c30232@gmail.com>

Tue, Dec 31, 2013 at 4:07 PM

To: Jeff Page <jpage@lyon-county.org>

Cc: rloveberg@lyon-county.org

Jeff,

The ability of the government to regulate land use comes from the police powers.

As you know police powers allow the government to impose upon that which would otherwise be a seemingly inalienable right. There exist a gaggle of Court opinions supporting this well know doctrine.

While one may perceive a given right as unencumbered, one must first learn whether or not the Court agrees with such a conclusion.

This, CMI, is indeed a property rights issue and it is not just about the property rights of CMI. It is also about my property rights. Property is not just dirt either. Poor land use policies consume money . . . my money.

Enjoy Thursday, pack a lunch, pack a heater, wear a vest ;-)

Dear Elected Officials:

I respectfully request that you sidestep the generated emotion, much of the misinformation and media and consider this for what it is, a request for modified zoning correcting a mistake, where much of the property already sits in a resource designation and was zoned over federally granted patents that have always been legally outside the Silver City Townsite. The request IS NOT for an SUP, where you have broad discretion on conditions. It is a request rooted in Property Rights that is backed by the laws and Constitution of the State of Nevada and the Constitution of the United States of America that we all uphold and that you have also sworn to uphold. A positive vote only allows CMI to assess the possibilities, jobs, economics, historic restoration etc. It's hard to imagine voting against knowing what those possibilities could be and voting against the laws of Property Rights you are sworn to uphold. The Company is willing to invest in this State, County and community collaboratively. This should never be a win-lose, it can only be a win win.

Respectfully,

Scott Jolcover,

Lyon County Land Owner, Moundhouse and Silver City (Donovan Mill)



Kerry Page <kpage@lyon-county.org>

Request for Additional Zoning Info and Maps for Comstock Mining, Inc. MPA & ZC

2 messages

Rob Loveberg <rloveberg@lyon-county.org>

Tue, Dec 31, 2013 at 4:00 PM

To: Ray Fierro <rferro@lyon-county.org>

Cc: Bob Hastings <ninergold3@gmail.com>, Joe Mortensen <joe@rno.com>, Vida Keller <pricelessrealtyinc@yahoo.com>, Virgil Arellano <tdhvaquero@tele-net.net>, Jeff Page <jpage@lyon-county.org>, Kerry Page <kpage@lyon-county.org>, Corrado De Gasperis <degasperis@comstockmining.com>, Mark Rotter <mrotter@manhard.com>, Andrew Motter <amotter@manhard.com>, John Marshall <johnmarshall@charter.net>, Gayle Sherman <gales@gbis.com>, Joe McCarthy <1200paydirt@gmail.com>, Maureen Willis <mwillis@lyon-county.org>

Commissioner Fierro,

In response to your request for additional zoning district information and maps for the Comstock Mining, Inc. applications, I am providing the following:

Attached is information regarding the minimum lot size, permitted uses and uses allowed by special use permit for the NR-1, RR-3 and RR-5 zoning districts.

Additional maps of the current and requested master plan land use designations and zoning are accessible by clicking the following link and viewing or downloading the PDF

file: <http://douglasnvgis.info/douglas/resources/ComstockZoningAndMasterPlanProposals.pdf>

Please contact me if you have any questions, or have any problems accessing the maps.

--
Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

Selected Zoning Districts Use Provisions.pdf
122K

Jeff Page <jpage@lyon-county.org>

Wed, Jan 1, 2014 at 9:11 AM

To: Rob Loveberg <rloveberg@lyon-county.org>

Cc: Commissioner Joe Mortnesen <joe@rno.com>, Corrado DeGasperis <degasperis@comstockmining.com>, Joe McCarthy <1200paydirt@gmail.com>, John Marshall <johnmarshall@charter.net>, Vida Keller <pricelessrealtyinc@yahoo.com>, Virgil Arellano <tdhvaquero@tele-net.net>, Bob Hastings <ninergold3@gmail.com>,

JA2075

14 CV 00128 - 001970

Gayle Sherman <gales@gbis.com>, Maureen Williss <mwilliss@lyon-county.org>, Andrew Motter <amotter@manhard.com>, Mark Rotter <mrotter@manhard.com>, Kerry Page <kpage@lyon-county.org>, Ray Fierro <rferro@lyon-county.org>

I will have the attached maps available on the big screen tomorrow mornong

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531 Office
(775) 302-7088 Cell

[Quoted text hidden]

NR-1, Single-Family Nonrural Residential District**Minimum Lot Area:**

Six thousand (6,000) square feet excluding road rights of way

Permitted Uses (Uses permitted on a lot or parcel having the required area and width):

Garden houses, playhouses, tennis courts.

Single-family dwelling, one detached guest building and accessory uses customarily incident to the uses in this subsection and located on the same lot or parcel, including a private garage with capacity of not more than four (4) cars.

"Home occupations" as defined in this Title and subject to provisions set forth.

Special Uses (Uses requiring a special use permit):

Child care facilities, other than home occupation child care for hire as defined in this Title not required to have a special use permit.

Churches.

Group care facilities.

Parks.

Public utility serving centers.

Recreational areas.

Residential industry.

Schools.

When on a lot or parcel of land having a minimum of twenty one thousand (21,000) square feet, the following:

Private golf, swimming, tennis and similar clubs.

Sanitariums.

Other like uses.

Source: Chapter 10.03.09 of the Lyon County Code

RR-3, Third Rural Residential District**Minimum Lot Area:**

Five (5) Acres

Permitted Uses (Uses permitted on a lot or parcel having the required area and width):

Barnyard animals, buildings, coops, pens or other structures used for the raising of rabbits, chinchillas, poultry, pigs, sheep, goats or other similar animals; provided that they are located not closer than the setback requirements. Corrals for horses are exempt from this requirement, and farrowing pens and feedlots are excluded.

Buildings for the sale and display of products grown or raised on premises; provided, no such buildings are situated closer than fifty feet (50') to any property classified as a nonrural residential district¹.

Farms for the raising or growing and marketing on a commercial scale of poultry, rabbits, livestock, tree and bush crops and field crops but not including commercial slaughtering.

Home occupations as defined in this Title and subject to provisions set forth.

Single-family dwellings of a permanent nature, and accessory buildings and uses thereto, including dwelling quarters for guests and/or servants, providing same have no separate kitchen facilities or equipment suitable for such use.

Hunting and fishing lodges, wildlife refuges and game farms.

Special Uses (Uses requiring a special use permit):

Airports.

Breeder's kennels.

Cemeteries.

Churches, temples or other structures used exclusively for religious worship.

Dude or guest ranches.

Racetracks, commercial stables.

Recreational and educational uses and buildings.

Residential industry, etc., providing:

1. Off-street parking of at least one space per three hundred (300) square feet of total floor area plus one space for each five (5) seating capacity.
2. Compliance with setback requirements of this Title for the district where the premises are located.

Rest home, convalescent home, nursing home, group care facilities, home for the aged, sanitariums.

Tennis, golf, civic or country clubs.

Utility and public uses and serving centers.

Mining, including extraction and/or processing of rock, sand, gravel, asphalt and like earth products including topsoil stripping.

Rifle and archery ranges.

Trapshoots.

Campgrounds.

Commercial farrowing pens and feedlots.

Source: Chapter 10.03.04 of the Lyon County Code

RR-5, Fifth Rural Residential District

Minimum Lot Area:

Twenty (20) Acres

Permitted Uses (Uses permitted on a lot or parcel having the required area and width):

Barnyard animals, buildings, coops, pens or other structures used for the raising of rabbits, chinchillas, poultry, pigs, sheep, goats or other similar animals; provided that they are located not closer than the setback requirements. Corrals for horses are exempt from this requirement, and farrowing pens and feedlots are excluded.

Buildings for the sale and display of products grown or raised on premises; provided, no such buildings are situated closer than fifty feet (50') to any property classified as a nonrural residential district¹.

Farms for the raising or growing and marketing on a commercial scale of poultry, rabbits, livestock, tree and bush crops and field crops but not including commercial slaughtering.

Home occupations as defined in this Title and subject to provisions set forth.

Single-family dwellings of a permanent nature, and accessory buildings and uses thereto, including dwelling quarters for guests and/or servants, providing same have no separate kitchen facilities or equipment suitable for such use.

Hunting and fishing lodges, wildlife refuges and game farms.

Special Uses (Uses requiring a special use permit):

Airports.

Breeder's kennels.

Cemeteries.

Churches, temples or other structures used exclusively for religious worship.

Dude or guest ranches.

Racetracks, commercial stables.

Recreational and educational uses and buildings.

Residential industry, etc., providing:

1. Off-street parking of at least one space per three hundred (300) square feet of total floor area plus one space for each five (5) seating capacity.
2. Compliance with setback requirements of this Title for the district where the premises are located.

Rest home, convalescent home, nursing home, group care facilities, home for the aged, sanitariums.

Tennis, golf, civic or country clubs.

Utility and public uses and serving centers.

Mining, including extraction and/or processing of rock, sand, gravel, asphalt and like earth products including topsoil stripping

Rifle and archery ranges

Trapshoots

Campgrounds

Commercial farrowing pens and feedlots

Commercial wind energy conversion systems

On land designated by the assessor as agricultural, landowners may provide buildings for use as farm labor housing for seasonal or temporary employees of the landowner. Such housing units may include cooking facilities and must comply with United States department of labor standards per title 20, chapter V of the code of federal regulations.

Source: Chapter 10.03.06 of the Lyon County Code

12/31/2013

3



Kerry Page <kpage@lyon-county.org>

zoning on APN 16-111-01

1 message

Kerry Page <kpage@lyon-county.org>

Tue, Dec 31, 2013 at 3:35 PM

To: Andrew Motter <amotter@manhard.com>

Well, there is no clear zoning trail in Silver City!

From what I see, the darker blue areas, specifically APN 16-111-01, is a patented mining claim zoned PRR-5, which is Rural Residential-20 acre minimum with patented mining claim overlay. The legal description on the last deed for this parcel identifies only mining claim numbers and I don't completely understand if that makes it a legal parcel or not.

This APN appears to overlay several, non-mining claim parcels, i.e.: 08-051-15, 18, 21, 22 & 26 all of which are zoned NR-1 and are included in the townsite on the Silver City Townsite map, Map B, June 1874.

The other lighter blue parcel to the north (MS 45), shown as APN 08-061-06, is zoned PNR-1 (Non-Rural Residential-6000 sq ft lots) and the parcels that have been overlaid on top of that same mining claim are zoned NR-1.

I have no idea how the Treasurer separates out the property taxes for those parcels that overlay each other. That is about as much clarification as I can provide right now - sorry I couldn't be more helpful.

--

Kerry Page**Lyon County Planning Assistant****27 South Main Street****Yerington, NV 89447****ph: 775-463-6592****fax: 775-463-5305**

*In response to a phone call
from Andrew Motter on 12/30/2013 @ 9:31 AM*

JA2080

14 CV 00128 - 001975



Kerry Page <kpage@lyon-county.org>

CMI Master Plan/Zoning Letter From Ron James and Silver City Comments to the Letter

1 message

Gayle Sherman <gales@gbis.com>

Mon, Dec 30, 2013 at 8:11 PM

To: varellano@lyon-county.org, Ray Fierro <rfierro@lyon-county.org>, Joe Mortensen <jmortensen@lyon-county.org>, Vida Keller <vkeller@lyon-county.org>, bhastings@lyon-county.org

Cc: John Marshall <johnmarshall@charter.net>, Robert Elston <rgelston@gmail.com>, Joe & Ann McCarthy <1200paydirt@gmail.com>, planning@lyon-county.org, jpage@lyon-county.org

Commissioners,

Please find the attached letter from Dr. Pat Barker in response to CMI employee Ron James' letter of December 9, 2013 concerning Dr. Barker's letter of November 4, 2013 that was presented to the Lyon County Planning Commission on behalf of the citizens of Silver City. Also included are credentials for Dr. Robert Elston who will present Dr. Barker's letter as he is unable to attend the January 2, 2014 meeting regarding CMI's request for a Master Plan and Zoning change.

Thank you

Gayle Sherman
Secretary/Treasurer
Comstock Residents Association
POB 425
Silver City, Nevada 89428
775-847-0651

3 attachments

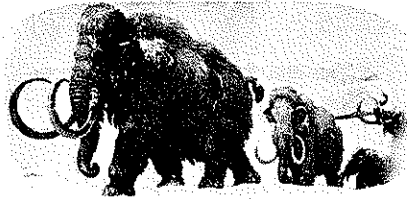
 **Barker marshall letter .doc**
1447K

 **Robert Elston 2013 Bio.doc**
23K

 **RGE Short CV 2013.doc**
67K

JA2081

14 CV 00128 - 001976



Adapt or Die

PROGRESSIVE ADAPTATIONS SUBCONSULTANCY

Pat Barker, Ph.D.

Archaeologist

John L. Marshall
570 Marsh Avenue
Reno, Nevada 89509

December 30, 2103

Dear Mr. Marshall:

Per your request to provide comments on historic landmark issues and the potential effects of mining within the Silver City Town boundaries at the Dayton Consolidated Mill Site, I am providing the following information for your review.

In a letter to the Lyon County Planning Commission dated December 9, 2013 Mr. Ron James, Executive Director of the Comstock Foundation for History and Culture, asserted the planning issues I raised in my November 4, 2013 letter were "valid for a planning activity to consider, [but] are largely separate from concerns that effect the management of the historic district."

These issues are not separate because both planning and management seek to identify, assess and mitigate potential impacts to sensitive historic resources. The major difference is that management concerns are raised only after an impact, that has been previously found to be a compatible use, is imminent and can only be avoided by appropriate mitigation. Planning avoids such dire situations by limiting incompatible activities *before* there is an imminent threat. In the face of development pressure, the historic management process often sacrifices sensitive resources that could have been saved by better planning. Mr. James is for mitigation through management and "the preservation of some aspects of the land alteration associated with current mining . . .", while I am advocating good planning to separate incompatible uses without sacrificing valuable resources.

Further, Mr. James asserts that, "certain development, particularly involving private real estate, is to be expected when dealing with a healthy economy



Adapt or Die

PROGRESSIVE ADAPTATIONS SUBCONSULTANCY

Pat Barker, Ph.D.

Archaeologist

Page 2 of 3

and with a living, functioning historic district.” I agree that historic landscapes are evolving over time - some in ways that lead to a better future and others in ways that lead to extinction. That is, some developments, like the revitalization of the V&T Railroad; the Piper Opera House; or the Fourth Ward School are compatible with a thriving historic landscape. Other developments, such as post-1942 open pit mining are not. As noted in my previous letter, in 1988, Ron James, then Deputy State Historic Preservation Officer, argued that “The Virginia City Historic Landmark District is endangered because of previous open pit mining which has limited the visual integrity of the District and which destroyed and continues to threaten contributing cultural resources within the District.” Now as executive director of a foundation funded in whole or in part by Comstock Mining, he seems to be arguing that post-1942 open pit mining will not endanger Silver City.

I agree with Mr. James 1988 opinion that modern open pit mining is threatening the Comstock Historic District in Storey County where Comstock is actively mining. However, this is not the case in Lyon County where over the last forty years, various master plans have regularly defined industrial mining as incompatible with residential use and historic districts. Over the last forty years, the existing zoning has preserved the nature and pace of development in Silver City in ways that are compatible with the historic landscape. Comstock offers no evidence to support the compatibility of their proposed project with the existing historic landscape nor do they address adverse impacts to the landscape, view shed, historic integrity, and community values in Silver City implicit in the change. On this basis alone, the amendment should be rejected.



Adapt or Die

PROGRESSIVE ADAPTATIONS
SUBCONSULTANCY

Pat Barker, Ph.D.

Archaeologist

Page 3 of 3

In 1986, the Lyon County Board of Commissioners denied an application to mine on the same property, on which Comstock Mining is seeking a zoning change that could allow mining, among other uses. If as they assert, Comstock is simply exploring options, then there is no need for the amendment and it should be rejected until they have concrete development plans. If on the other hand, as suggested in their application, they seek mining exploration and post-mining residential development, then Lyon County should continue to separate mining and residential uses and deny the application.

I hope this information meets your needs. If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pat Barker".

Pat Barker Ph.D.

Robert G. Elston Bio

Robert G. Elston is an archaeologist who works in the Great Basin of North America and western China, and has published numerous papers, monographs and reports on Sierran, Great Basin and northern Chinese prehistory. He received a BA (1965) in Anthropology from San Francisco State University, and MA (1971) and PhD (1986) degrees from Washington State University.

Elston directed the Nevada Archeological Survey (1972-1979). He was Principal and Research Director for the private consulting firm Intermountain Research (1980-1997), and Visiting Lecturer in the Anthropology Department at the University of California, Davis (1998-2001). He has designed and directed numerous cultural resource protection and mitigation projects, many on behalf of large mining companies such as Newmont Mining Corporation, and smaller ones such as Ivanhoe Gold Company.

In 2004, Elston received a Research Fellowship from the Fulbright Foundation to conduct archaeological research in the Center for Arid Environment & Paleoclimate Research, Lanzhou University, Gansu, China. In 2008 he was elected a Fellow of the American Association for the Advancement of Science. He is currently Adjunct Professor in the Anthropology Department at UNR, and continues to do research in the Great Basin and western China.

Curriculum Vitae 2013

ROBERT G. ELSTON

P.O. Box 500
Silver City, Nevada 89428
775-847-9404
elston@pyramid.net

Present Position

2008-Present Professor (Adjunct), Department of Anthropology, University of Nevada

Education

B.A. Anthropology, 1965, San Francisco State College, San Francisco, California
M.A. Anthropology, 1970, Washington State University, Pullman, Washington
Ph. D. Anthropology, 1986, Washington State University, Pullman, Washington

Professional Positions

2004-2006 Visiting Professor, Center for Arid Environment & Paleoclimate Research, Lanzhou University, Gansu, China
2005-2007 Adjunct Research Professor, Desert Research Institute, Reno
2001-present Independent Consultant
1998-2001 Visiting Lecturer, Anthropology Department, U. of California, Davis
1980-1997 Principal, Research Director, Intermountain Research, Silver City, Nevada.
1986-2006 Adjunct Associate Professor, Department of Anthropology, U. of Nevada, Reno.
1978-1980 Curator, Department of Anthropology Museum, U. of Nevada, Reno
1972-1979 Director, Nevada Archaeological Survey, U. of Nevada, Reno
1970-1972 Staff Archaeologist, Nevada State Museum, Carson City, Nevada

Areas of Interest, Special Fields

Prehistory of Northeast Asia (especially Late Paleolithic-early Neolithic of northern China); prehistory of western North America (esp. Sierra Nevada and Great Basin); lithic technology; geoarchaeology; behavioral ecology of prehistoric hunter-gatherers.

Grants

2004-2005 Fulbright Scholar Research Award: Establishing the Chronology of Human Occupation on the Eastern Margin of the Tengger Desert, NW China (04-05838).
2002-2004 (Senior Researcher) High Risk Research Grant, National Science Foundation: Survey for the Earliest Agriculture in North China (SBR0222742)
2000 Collections Study Grant, American Museum of Natural History: "Study of Archaeological Collections of the Central Asiatic Expeditions of 1925 and 1928."
1996 - 2000 Research Grant, National Science Foundation: "Defining Hunter-Gatherer Antecedents in North China," (SBR-9729929).
1994 - 1995 Research Grant, National Science Foundation: "Hunter-Gather Adaptive Strategies During the Later Paleolithic-Neolithic Transition in North-Central China," (SBR-941092323)
1994 - 1995 Research Grant, National Geographic Society: "Surface Archaeology of the Helan Shan, Inner Mongolia and Ningxia, China."
1994 Cultural Enrichment Grant, Nevada Humanities Committee: "Great Basin Archaeology Exhibit - Amuseum (children's museum) of Northern Nevada."

Professional Memberships

Society for American Archaeology, Great Basin Anthropological Conference, Paleoanthropology Society, American Association for the Advancement of Science

Honors and Professional Activities

- 2008 Fellow, American Association for the Advancement of Science
2004-2005 Fulbright Research Scholar, Lanzhou University, Gansu, China
2000-2002 Member, Consulting Archaeology Committee, Society for American Archaeology
1997-2000 Chair, Consulting Archaeology Committee, Society for American Archaeology
1996-1997 Chair, Task Force on Consulting Archaeology, Society for American Archaeology
1996-1998 Member, Arkansas Novaculite Quarry Study Team, Ouachita National Forest
1996-1998 Member, Dissertation Award Committee, Society for American Archaeology
1996-1997 Member, Nominations Committee, Society for American Archaeology
1995-1998 Member, Sierra Front-NW Great Basin Resource Advisory Council, Nevada BLM.
1995-1997 Member, Certification Committee, Society of Professional Archaeologists

Selected Publications

- 2013 Elston, Robert G.
Selection, Convenience and Planning in Lithic Procurement. *North American Archaeologist* 34: 433-450.
- 2012 Minmin Ma, Guanghui Dong, Fahu Chen, Xingmin Meng, Zongli Wang, Robert Elston, Guoqiang Li
Process of plaeofloods in Guanting basin, Qinghai Province, China and possible relation to monsoon strength during the mid-Holocene. *Quaternary International*, In Press, Corrected Proof, Available online 30 May 2012.
- 2011 Elston, Robert G., Dong Guanghui and Zhang Dongju
Late Pleistocene Intensification Technologies in Northern China. *Quaternary International* 242:401-415.
- 2011 Elston, Robert G.
Archaeological Research at Tosawih Quarries, Nevada. *The Quarry* 7:3-12
- 2011 Elston, Robert G.
The Shovel is a Simple Machine (A commemoration of Adan Treganza). *California Archaeology* 3(2):316-317.
- 2009 Elston, Robert G. and P. J. Brantingham
Microlithic Technology in Northern Asia: A Risk Minimizing Strategy of the Late Pleistocene and Holocene. In *Thinking Small: Global Perspectives on Microlithization*, edited by Robert G. Elston and Stephen L. Kuhn. Archaeological Papers of the American Anthropological Association 12:103-116. Washington, D.C. Reprinted in *Evolutionary Ecology and Archaeology: Applications to Problems in Human Evolution and Prehistory*, edited by Jack M. Broughton and Michael D. Cannon, pp. 320-330. University of Utah Press, Salt Lake City.
- 2009 Dong Guanghui, Xia Zhengkai, Elston, Robert, Sun Xiongwei and Chen Fahu
Response of geochemical records in lacustrine sediments to climate change and human impact during middle Holocene in Meng, Henan Province, China. *Frontiers of Earth Science in China* 3 (3): 279-285.
- 2009 Janz, Lisa, Robert G. Elston and George S. Burr
Dating North Asian surface assemblages with ostrich eggshell: implications for paleoecology and extirpation. *Journal of Archaeological Science* 36:1982-1989
- 2008 Tosawih Quarries and Sacred Sites. In *The Great Basin. People and Place in Ancient Times*, edited by Catherine S. Fowler and Don D. Fowler. SAR Press, Santa Fe.
- 2007 Madsen, D. B. and R. G. Elston

Variation in Late Quaternary Central Asian Climates and the Nature of Human Response. In *Late Quaternary Climate Change and Human Adaptation in Arid China*, edited by D. B. Madsen, Chen F.H and Gao X.:69-82. Elsevier, Amsterdam.

- 2006 Elston, Robert G, (compiler)
Tosawihl Quarries: Archaeological Investigations and Ethnographic Studies in Nevada (on CD), compiled by Robert G. Elston. Bureau of Land Management Cultural Resources Series No. 16, Nevada State Office, Reno.
- 2006 Elston, Robert G.
Preface: A Guide to the Tosawihl Quarries Reports. In *Tosawihl Quarries: Archaeological Investigations and Ethnographic Studies in Nevada* (on CD), compiled by Robert G. Elston. Bureau of Land Management Cultural Resources Series No. 16, Nevada State Office, Reno
- 2004 Brantingham, P. J., Gao X, D. B. Madsen, R. L. Bettinger, and R. G. Elston
The Initial Upper Paleolithic at Shuidonggou, Northwestern China. In *The Early Upper Paleolithic Beyond Western Europe*, edited by P. J. Brantingham, S. L. Kuhn, and K. W. Kerry. University of California Press, Berkeley.
- 2004 Zeanah, David W., Eric E. Ingbar, Robert G. Elston and Charles D. Zeier
Archaeological Predictive Model, Management Plan, and Treatment Plans for Northern Railroad Valley, Nevada. Bureau of Land Management Cultural Resources Series No. 15, Reno.
- 2004 Elston, Robert G.
Model Variation: Regional Paleoenvironmental Context, Geoforms and Geoform Chronology, Paleoenvironmental Reconstruction. In *Archaeological Predictive Model, Management Plan, and Treatment Plans for Northern Railroad Valley, Nevada*, pp. 61-73. Bureau of Land Management Cultural Resources Series No. 15, Reno
- 2003 Madsen, D.B., Chen F.H., C. G. Oviatt, Zhu Y., P. J. Brantingham, R. G. Elston, and R. L. Bettinger.
Late Pleistocene/Holocene Wetland Events Recorded in Southwest Tengger Desert Lake Sediments, NW China. *Chinese Science Bulletin* (Abrupt Holocene Environmental Changes in Arid Central Asia – History and Mechanisms) 48(14):1423-1429.
- 2002 Gao Xing, Li Jingzen, David B. Madsen, P. Jeffrey Brantingham, Robert G. Elston, and Robert L. Bettinger.
New 14C dates for Shuidonggou and Related Discussions. *Acta Anthropologica Sinica* (Ren Lei Xue Bao) 21: 211-218 (in Chinese)
- 2002 Elston, Robert G. and D. Zeanah
Thinking Outside the Box: A New Perspective on Diet Breadth and Sexual Division of Labor in the Prearchaic Great Basin. *World Archaeology* 34(1):103-130.
- 2002 Robert G. Elston and Stephen L. Kuhn (eds)
Thinking Small: Global Perspectives on Microlithization. Archaeological Papers of the American Anthropological Association 12, Washington, D.C.
- 2002 Stephen L. Kuhn and Robert G. Elston
Introduction: Thinking Small Globally. In *Thinking Small: Global Perspectives on Microlithization*, edited by Robert G. Elston and Stephen L. Kuhn . Archaeological Papers of the American Anthropological Association 12:1-8.
Washington, D.C.
- 2002 Elston, Robert G. and P. J. Brantingham
Microlithic Technology in Northern Asia: A Risk Minimizing Strategy of the Late Pleistocene and Holocene. In *Thinking Small: Global Perspectives on Microlithization*, edited by Robert G. Elston and

- Stephen L. Kuhn . Archaeological Papers of the American Anthropological Association 12:103-116. Washington, D.C.
- 2001 Madsen, D. B, Li J, P. J. Brantingham, Gao X., R. G. Elston, and R. L. Bettinger. Dating Shuidonggou and the Upper Paleolithic Blade Industry in North China. *Antiquity* 75:706-716.
- 2001 Elston, Robert G., Robert L. Bettinger, P. Jeffrey Brantingham, and An Chengbang
Late Pleistocene and Holocene Archaeology of the Tengger Desert and Surrounding Regions. Paper presented at the International Symposium on Abrupt Holocene Environmental Changes in Arid Asia - History and Mechanisms, Lanzhou, China (RACHAD 2001), September 26-28. 2001.
- 2001 David W. Zeanah and Robert G. Elston
Testing a Simple Hypothesis Concerning the Resilience of Dart Point Styles to Hafting Element Repair. *Journal of California and Great Basin Anthropology* 23 (1): 95-126.
- 2000 Rhode, D., K. D. Adams, and Robert G. Elston
Geoarchaeology and Holocene Landscape History of the Carson Desert, Western Nevada. *Geological Society of America, Field Guide* 2:45-74.
- 2000 Elston, Robert G.
Stillwater Marsh. In Geoarchaeology and Holocene Landscape History of the Carson Desert, Western Nevada, by D. Rhode, K.D. Adams, and Robert G. Elston *Geological Society of America, Field Guide* 2:58-73.
- 1999 O'Connell, J. F. and Robert G. Elston
History, Theory, Archaeology, and the Management of Cultural Resources; Commentary. In *Models for the Millennium: Great Basin Anthropology Today*, edited by C. Beck, pp. 261-265. University of Utah Press. Salt Lake City.
- 1998 Madsen, D. B., R. G. Elston, X. Chen, R. L. Bettinger, Z Kan, J. Brantingham, and A.L. Jingjen
The Loess Paleosol Record and the Nature of the Younger Dryas Climate in Central China. *Geoarchaeology* 13(8):847-869.
- 1997 Elston, Robert G., Xu C., D. B Madsen, Zhong K., R. L. Bettinger, Li J., P. J. Brantingham, Wang H. and Yu J.
New Dates for the North China Mesolithic. *Antiquity*, 71: 985-993.
- 1996 Madsen, D. B, Robert G. Elston, R. L. Bettinger, Xu C., and Zhong K.
Settlement Patterns Reflected in Assemblages from the Pleistocene/Holocene Transition of North Central China. *Journal of Archaeological Science* 23: 217-231.
- 1995 Madsen, D. B, Robert G. Elston, R. L. Bettinger, Xu C., and Zhong K.
Late Paleolithic-Early Neolithic Settlement Assemblage Changes in North Central China (in Chinese). *Kaogu* 7:1013-1027). Beijing.
- 1995 Dugas D. P., Rg. Elston,, J. A. Carter, K. Ataman and M. Bullock
An Archaeological and Stratigraphic Assessment of the Stubblefield Lookout Tower Site (35Ha53), Malheur National Wildlife Refuge. U.S.Fish and Wildlife Service Cultural Resource Series, Number 11. Portland, Oregon.
- 1994 Bettinger, R. L., D. B. Madsen and Robert G. Elston
Prehistoric Settlement Categories and Settlement Systems in the Alashan Desert of Inner Mongolia. *Journal of Anthropological Archaeology* 13:74-101.
- 1994 Elston, Robert G.

- How Will I Know You? Archaeological Visibility of the Numic Spread in the Western Great Basin. In *Across the West: Human Population Movement and the Expansion of the Numa*, edited by David B. Madsen and David Rhode, pp.150-151. University of Utah Press. Salt Lake City.
- 1993 Elston, Robert G. and D. P. Dugas (eds.)
Dune Islands and the Archaeological Record in Malheur Lake. U.S. Fish and Wildlife Service Cultural Resources Series No. 7. Portland, Oregon.
- 1992 Elston, Robert G.
Archaeological Research in the Context of CRM: Pushing Back in the 1990s. *Journal of California and Great Basin Anthropology* 14(1): pp. 37-48.
- 1992 C. D. Zeier and Robert G. Elston (eds.)
Changes in Washoe Land Use Patterns: An Archaeological Study. Monographs in World Archaeology No. 5. Prehistory Press, Madison, Wisconsin.
- 1990 Bettinger, R. L., Robert G. Elston, D. B. Madsen, Li Z. and You Y.
Transitional Paleolithic-Neolithic Settlement and Subsistence in Alashan League, Western Inner Mongolia, People's Republic of China. *Current Research in the Pleistocene* 7:1-3.
- 1990 Elston, Robert G. and Elizabeth Budy (eds.)
The Archaeology of James Creek Shelter. University of Utah Anthropological Papers, No. 15. University of Utah Press, Salt Lake City.
- 1990 Elston, Robert G.
A Cost-Benefit Model of Lithic Assemblage Variability. In *The Archaeology of James Creek Shelter*, edited by Robert G. Elston and Elizabeth Budy, pp. 154-164. University of Utah Anthropological Papers, No. 15. University of Utah Press, Salt Lake City.
- 1990 Elston, Robert G.
Lithic Raw Materials: Sources and Utility. In *The Archaeology of James Creek Shelter*, edited by Robert G. Elston and Elizabeth Budy, pp. 165-174. University of Utah Anthropological Papers, No. 15. University of Utah Press, Salt Lake City.
- 1989 Raven, Christopher and Robert G. Elston (eds.)
Prehistoric Human Geography in the Carson Desert. Part I: A Predictive Model of Land-Use in the Stillwater Wildlife Management Area. U.S. Fish and Wildlife Service Cultural Resources Series No. 3. Portland, Oregon.
- 1988 Raven, Christopher and Robert G. Elston (eds.)
Preliminary Investigations in Stillwater Marsh: Human Prehistory and Geoarchaeology, Volumes 1 & 2. U.S. Fish and Wildlife Service Cultural Resources Series No. 1. Portland, Oregon.
- 1988 Elston, Robert G., Keith L. Katzer and Donald R. Currey
Chronological Summary. In *Preliminary Investigations in Stillwater Marsh: Human Prehistory and Geoarchaeology, Volumes 1 & 2*, edited by Christopher Raven and Robert G., pp. 367-378. U.S. Fish and Wildlife Service Cultural Resources Series No. 1. Portland, Oregon.
- 1987 Elston, Robert G. and Kenneth E. Juell
Archaeological Investigations at Panaca Summit. Nevada Bureau of Land Management, Cultural Resource Series, Monograph No. 10, Reno.
- 1986 Elston, Robert G.
Prehistory of the Western Area. In *The Handbook of North American Indians*, Volume 11: The Great Basin, pp. 135-148, edited by Warren L. d'Azevedo. Smithsonian Institution.

- 1986 Elston, Robert G.
The Structural Analysis of Lithic Production Systems. Ph.D. dissertation, Department of Anthropology, Washington State University.
- 1984 Elston, Robert G. and Charles D. Zeier
The Sugarloaf Obsidian Quarry. Naval Weapons Center Administrative Publication 313. Naval Weapons Center, China Lake, California.
- 1982 Elston, Robert G.
Good Times, Hard Times: Prehistoric Culture Change in the Western Great Basin. In *Man and Environment in the Great Basin*, edited by James F. O'Connell and David B. Madsen. Society for American Archaeology Paper No. 2., pp 186-206.
- 1976 Davis, Jonathan O., Robert G. Elston and Gail Townsend
Coastal Geomorphology of the South Shore of Lake Tahoe: Suggestion of an Altithermal Low stand. In *Holocene Environmental Change In the Great Basin*, edited by Robert Elston. Nevada Archaeological Survey Research Paper, No. 6, 214 pp. Nevada Archaeological Survey, University of Nevada/Reno.



Kerry Page <kpage@lyon-county.org>

CMI Master Plan/Zoning Amendments - Silver City Comments2 messages

John Marshall <johnmarshall@charter.net>

Mon, Dec 30, 2013 at 1:29 PM

To: bhastings@lyon-county.org, vkeller@lyon-county.org, jmortensen@lyon-county.org, rfierro@lyon-county.org, varellano@lyon-county.org

Cc: kpage@lyon-county.org, planning@lyon-county.org, Gayle Sherman <gales@gbis.com>, Joe McCarthy <1200paydirt@gmail.com>

Commissioners,

Please find attached additional comments on the above referenced applications by Comstock Mining Inc. on behalf of the Comstock Residents Association.

John L. Marshall

570 Marsh Ave

Reno, NV 89509

775.303.4882

 Lyon County Com'nrs 12.30.13.pdf
520K

Kerry Page <kpage@lyon-county.org>

Mon, Dec 30, 2013 at 2:33 PM

To: Maureen Williss <mwilliss@lyon-county.org>

For Thursday's meeting.

[Quoted text hidden]

--

Kerry Page**Lyon County Planning Assistant****27 South Main Street****Yerington, NV 89447****ph: 775-463-6592****fax: 775-463-5305**

 Lyon County Com'nrs 12.30.13.pdf
520K

JA2092

14 CV 00128 - 001987

John L. Marshall
ATTORNEY AT LAW

570 Marsh Avenue
RENO, NV 89509

Telephone:
(775) 303-4882

johnmarshall@charter.net

December 30, 2013

VIA U.S. & Electronic Mail

Lyon County Commissioners
27 South Main Street
Yerington, Nevada 89447

Re: Comstock Mining Inc. Application for Master Plan Amendment and Zoning
Change (PLZ-13-0050, 0051)

Dear Commissioners:

Citizens of Silver City request that you uphold the recommendation of your Planning Commission and professional planning staff and deny Comstock Mining Incorporated's ("CMI") application for a Master Plan Amendment and Zone Change. CMI filed these applications for "the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property" (Application at p. 3). The area CMI seeks to mine lies principally within the Silver City town site.

As described in your professional staff's report and the materials provided to you by the Citizens, Lyon County has addressed the exact same planning issue before you today: whether the land should remain suburban residentially zoned, or whether master plan and zoning amendments should be allowed to facilitate mining and a host of other incompatible industrial uses within the town site. When answering these and similar questions, Lyon County consistently protects its existing communities from locating such incompatible uses adjacent to its recognized neighborhoods. It therefore denied such a use request for Nevex Gold in 1986, and has consistently decided – in the 1970's, 1990s, 2000s and 2010 – to keep Silver City in its present form. The same considerations to protect Lyon County communities were at work when the County recently denied a request to locate a less-impactful solar array siting in a residential area (the Sunergy matter).

Despite Lyon County's consistent, longstanding and common sense approach, CMI advances a number of spurious arguments in their application and in recent advocacy pieces. The Citizens' responses are summarized here and set forth in more detail in their comprehensive submissions and staff's report and recommendation.

1. Contrary to CMI's Contentions, Lyon County's Consistent Land Use Decisions Were Intelligent, Logical And Legal Planning

Lyon County has consistently determined that the location of mining and other intensive industrial-type use within Silver City is inappropriate and inconsistent with its Master Plan. Comstock Mining Inc. ignores these prior precedents and requests a less dense **residential** designation – because it allows mining and other industrial uses – and argues that all prior Lyon County decisions were misguided because some of the adjacent lands are more rural than the town. However, the higher density classification of XX is actually the only designation of the two consistent with Master Plan as it (1) recognizes the existence of Silver City, (2) avoids placing incompatible uses adjacent to each other, (3) maximizes potential return from residential development, and (4) promotes needed town infrastructure through greater density. On the other hand, CMI's proposal is contrary to a host of Master Plan policies (see your own staff report), contemplates placing incompatible uses in close proximity to each other, is uneconomic for both parcel residential development and needed infrastructure and finally sets an awful precedent for protecting other Lyon County communities and will be difficult to distinguish in the future.

2. CMI Presents No Evidence Of Any Actual Economic Benefit to the County

CMI and its supporters contend that granting CMI its requested Master Plan and zoning change will be economically beneficial to Lyon County. However, no evidence submitted by anybody supports these claims. In fact, CMI assiduously avoids presenting any actual evidence of alleged economic benefit and instead flashes utopian pictures of leafy green centers and vague words of a better future. Indeed, it may be just the opposite: allowing CMI to mine may only extend the life of an existing operation not its expansion (i.e., no job creation); no economic benefit the County – CMI has been mining in Story County without yet paying any significant mining tax revenue.

In direct contrast, the record is replete with the adverse economic affects of mining and other incompatible uses on Silver City: from depressing home values to disruption of local businesses, lives and families.

3. Maintaining Current Land Use Does Not Infringe CMI's Property Interests

CMI represents that it has property rights to mine in Silver City and suggests that not approving its applications will infringe on those. CMI is wrong. CMI purchased its property with the current land use designations in place and its predecessor in fact applied for and was denied the same designation changes. Under these circumstances, CMI cannot claim any infringement on mining claims if Lyon County maintaining those same longstanding restrictions. See e.g. Vacation Village, Inc. v. Clark County, 497 F.3d 902, 918-

919 (9th Cir. 2007)(no taking where, *inter alia*, land use restriction in place prior to land purchase).

4. Should The Comstock Historic Monument Be Destroyed In Order to Save It?

According to the National Park Service, open pit mining is one of the principal causes of degradation of the Comstock Historic District: "The cumulative effect of contemporary surface mines within the central corridor of the [Comstock Historic] district has been a gradual destruction and disintegration of the historic landscape that constitute the visual heart of the historic district." <http://www.tps.cr.nps.gov/nhl>. Even former State Historic Preservation Officer Ron James – before he was employed by a CMI foundation – stated the Comstock Historic District "is endangered because of previous open pit mining which has limited the visual integrity of the District and which destroyed and continues to threaten contributing cultural resources within the District. The proposed mining activity [at the Nevex Gold mine (the same site as CMI's property)] has the potential of destroying additional portions of the District." See Ronald James March 3, 1988 Letter to Secretary Donald Hodel.

In an attempt to shift focus away from the known adverse consequences of surface mining in the Comstock Historic District, CMI touts the restoration of structures performed by it and its foundation (and its contractor Keller Reconstruction). CMI says it finances this restoration with revenue from its mining activities. Thus the coercion is patent: facilitate CMI mining and it will restore buildings; deny its applications and it will not. Since even its own paid historic consultant agrees that the mining CMI desires to do degrades the Comstock Historic District, Lyon County should not accept CMI's Faustian bargain.

5. Lyon County Should Reject CMI's Brand Of Influence Money

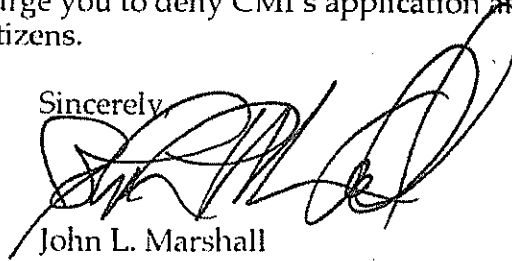
CMI's brings into the Comstock a particular style of influence. When it was seeking permits from Story County, it employed the father of the principal planner in Story County. When CMI looked toward its future plans for mining in Lyon County, it funded the election campaign of Commissioner Hastings, made contributions to his chosen charities and hired Commissioner Keller's husband and possibly their jointly-owned construction company. Whether Commissioners Hastings and Keller perceives their judgment as biased as result of the influx of CMI cash is beside the point. The Lyon County Commission should ask itself whether it should set a precedent of how to overturn years of consistent planning. The citizens of Silver City realize they cannot compete with CMI's wealth, nor can other Lyon County communities. The citizens of Silver City are also savvy enough to realize their elected Commissioner won his seat despite the citizens' vote for his opponent and that CMI and its supporters disparage Silver City as a Carson City "bedroom" community as a thinly veiled reference to the citizens' unique mixture of

learnings that might differ from Commissioner Hastings' political beliefs. Money and raw politics might be against the citizens, but Lyon County has consistently recognized the value of all of its communities. The citizens hope that that sentiment prevails over CMI's brand of influence.

Conclusion

Silver City represents a unique and vibrant part of Lyon County. For more than 40 years, Lyon County has sought to enhance and protect the Silver City community from incompatible uses in order to foster its growth. CMI's application threatens to undermine Silver City's progress for the company's short-term, speculative profit without concern for the larger community. We therefore urge you to deny CMI's application and maintain Lyon County and Silver City for its citizens.

Sincerely,



John L. Marshall
Attorney for Comstock Residents Association

cc: Jeff Page, County Manager (email)
Rob Loveberg, Planning Director (email)

John L. Marshall

ATTORNEY AT LAW

570 Marsh Avenue
RENO, NV 89509

Telephone:
(775) 303-4882

johnmarshall@charter.net

December 30, 2013

VIA U.S. & Electronic Mail

Lyon County Commissioners
27 South Main Street
Yerington, Nevada 89447

Re: Comstock Mining Inc. Application for Master Plan Amendment and Zoning Change (PLZ-13-0050, 0051)

Dear Commissioners:

Citizens of Silver City request that you uphold the recommendation of your Planning Commission and professional planning staff and deny Comstock Mining Incorporated's ("CMI") application for a Master Plan Amendment and Zone Change. CMI filed these applications for "the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property" (Application at p. 3). The area CMI seeks to mine lies principally within the Silver City town site.

As described in your professional staff's report and the materials provided to you by the Citizens, Lyon County has addressed the exact same planning issue before you today: whether the land should remain suburban residentially zoned, or whether master plan and zoning amendments should be allowed to facilitate mining and a host of other incompatible industrial uses within the town site. When answering these and similar questions, Lyon County consistently protects its existing communities from locating such incompatible uses adjacent to its recognized neighborhoods. It therefore denied such a use request for Nevex Gold in 1986, and has consistently decided – in the 1970's, 1990s, 2000s and 2010 – to keep Silver City in its present form. The same considerations to protect Lyon County communities were at work when the County recently denied a request to locate a less-impactful solar array siting in a residential area (the Sunergy matter).

Despite Lyon County's consistent, longstanding and common sense approach, CMI advances a number of spurious arguments in their application and in recent advocacy pieces. The Citizens' responses are summarized here and set forth in more detail in their comprehensive submissions and staff's report and recommendation.

1. **Contrary to CMI's Contentions, Lyon County's Consistent Land Use Decisions Were Intelligent, Logical And Legal Planning**

Lyon County has consistently determined that the location of mining and other intensive industrial-type use within Silver City is inappropriate and inconsistent with its Master Plan. Comstock Mining Inc. ignores these prior precedents and requests a less dense **residential** designation – because it allows mining and other industrial uses – and argues that all prior Lyon County decisions were misguided because some of the adjacent lands are more rural than the town. However, the higher density classification of XX is actually the only designation of the two consistent with Master Plan as it (1) recognizes the existence of Silver City, (2) avoids placing incompatible uses adjacent to each other, (3) maximizes potential return from residential development, and (4) promotes needed town infrastructure through greater density. On the other hand, CMI's proposal is contrary to a host of Master Plan policies (see your own staff report), contemplates placing incompatible uses in close proximity to each other, is uneconomic for both parcel residential development and needed infrastructure and finally sets an awful precedent for protecting other Lyon County communities and will be difficult to distinguish in the future.

2. **CMI Presents No Evidence Of Any Actual Economic Benefit to the County**

CMI and its supporters contend that granting CMI its requested Master Plan and zoning change will be economically beneficial to Lyon County. However, no evidence submitted by anybody supports these claims. In fact, CMI assiduously avoids presenting any actual evidence of alleged economic benefit and instead flashes utopian pictures of leafy green centers and vague words of a better future. Indeed, it may be just the opposite: allowing CMI to mine may only extend the life of an existing operation not its expansion (i.e., no job creation); no economic benefit the County – CMI has been mining in Story County without yet paying any significant mining tax revenue.

In direct contrast, the record is replete with the adverse economic affects of mining and other incompatible uses on Silver City: from depressing home values to disruption of local businesses, lives and families.

3. **Maintaining Current Land Use Does Not Infringe CMI's Property Interests**

CMI represents that it has property rights to mine in Silver City and suggests that not approving its applications will infringe on those. CMI is wrong. CMI purchased its property with the current land use designations in place and its predecessor in fact applied for and was denied the same designation changes. Under these circumstances, CMI cannot claim any infringement on mining claims if Lyon County maintaining those same longstanding restrictions. See e.g. Vacation Village, Inc. v. Clark County, 497 F.3d 902, 918-

919 (9th Cir. 2007)(no taking where, *inter alia*, land use restriction in place prior to land purchase).

4. Should The Comstock Historic Monument Be Destroyed In Order to Save It?

According to the National Park Service, open pit mining is one of the principal causes of degradation of the Comstock Historic District: "The cumulative effect of contemporary surface mines within the central corridor of the [Comstock Historic] district has been a gradual destruction and disintegration of the historic landscape that constitute the visual heart of the historic district." <http://www.tps.cr.nps.gov/nhl>. Even former State Historic Preservation Officer Ron James – before he was employed by a CMI foundation – stated the Comstock Historic District "is endangered because of previous open pit mining which has limited the visual integrity of the District and which destroyed and continues to threaten contributing cultural resources within the District. The proposed mining activity [at the Nevex Gold mine (the same site as CMI's property)] has the potential of destroying additional portions of the District." See Ronald James March 3, 1988 Letter to Secretary Donald Hodel.

In an attempt to shift focus away from the known adverse consequences of surface mining in the Comstock Historic District, CMI touts the restoration of structures performed by it and its foundation (and its contractor Keller Reconstruction). CMI says it finances this restoration with revenue from its mining activities. Thus the coercion is patent: facilitate CMI mining and it will restore buildings; deny its applications and it will not. Since even its own paid historic consultant agrees that the mining CMI desires to do degrades the Comstock Historic District, Lyon County should not accept CMI's Faustian bargain.

5. Lyon County Should Reject CMI's Brand Of Influence Money

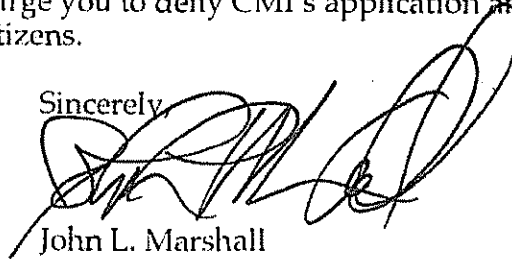
CMI's brings into the Comstock a particular style of influence. When it was seeking permits from Story County, it employed the father of the principal planner in Story County. When CMI looked toward its future plans for mining in Lyon County, it funded the election campaign of Commissioner Hastings, made contributions to his chosen charities and hired Commissioner Keller's husband and possibly their jointly-owned construction company. Whether Commissioners Hastings and Keller perceives their judgment as biased as result of the influx of CMI cash is beside the point. The Lyon County Commission should ask itself whether it should set a precedent of how to overturn years of consistent planning. The citizens of Silver City realize they cannot compete with CMI's wealth, nor can other Lyon County communities. The citizens of Silver City are also savvy enough to realize their elected Commissioner won his seat despite the citizens' vote for his opponent and that CMI and its supporters disparage Silver City as a Carson City "bedroom" community as a thinly veiled reference to the citizens' unique mixture of

leanings that might differ from Commissioner Hastings' political beliefs. Money and raw politics might be against the citizens, but Lyon County has consistently recognized the value of all of its communities. The citizens hope that that sentiment prevails over CMI's brand of influence.

Conclusion

Silver City represents a unique and vibrant part of Lyon County. For more than 40 years, Lyon County has sought to enhance and protect the Silver City community from incompatible uses in order to foster its growth. CMI's application threatens to undermine Silver City's progress for the company's short-term, speculative profit without concern for the larger community. We therefore urge you to deny CMI's application and maintain Lyon County and Silver City for its citizens.

Sincerely,



John L. Marshall
Attorney for Comstock Residents Association

cc: Jeff Page, County Manager (email)
Rob Loveberg, Planning Director (email)



Kerry Page <kpage@lyon-county.org>

December 10th PC meeting

3 messages

Kerry Page <kpage@lyon-county.org>

Mon, Dec 30, 2013 at 9:42 AM

To: lbonner@nnda.org

Good morning Lee,

I am attaching audio recordings of the December PlanComm meeting. I can only send a certain amount at any one time so I will be sending you 3 or 4 separate emails, each with a portion(s) of the meeting. Do you only need the Silver City (CMI) portion or do you want the entire meeting? We do not transcribe our meetings but I do have the draft minutes ready if you would like to review those. Let me know and I can send those too.

--
Kerry Page

*Lyon County Planning Assistant**27 South Main Street**Yerington, NV 89447**ph: 775-463-6592**fax: 775-463-5305*#1 PC.wav
19669K

Lee Bonner <lbonner@nnda.org>

Mon, Dec 30, 2013 at 9:47 AM

To: Kerry Page <kpage@lyon-county.org>

Thanks Kerry

Just the CMI Portion

From: Kerry Page [mailto:kpage@lyon-county.org]**Sent:** Monday, December 30, 2013 9:42 AM**To:** Lee Bonner**Subject:** December 10th PC meeting

[Quoted text hidden]

Kerry Page <kpage@lyon-county.org>

Mon, Dec 30, 2013 at 9:48 AM

To: Lee Bonner <lbonner@nnda.org>

Okay. You should have all of the audio by now and the draft minutes are attached.

[Quoted text hidden]

12.10.13 DRAFT PC MINUTES - CMI MPA & ZON.docx
33K

JA2101

14 CV 00128 - 001996

1. **9:05 A.M. TIME SPECIFIC - COMSTOCK MINING, INC – MASTER PLAN AMENDMENT** (for possible action) - Request to change the Master Plan from Resource land use designation and Suburban Residential land use designation to Resource land use designation on approximately 32.34 acres and Rural Residential land use designation on approximately 54.86 acres of a 94.27 total acre parcel; located off of Highway 341, Silver City (a portion of APN 08-091-05 & 08-091-02) PLZ-13-0050

Larry Wahrenbrock made a motion to hear the Master Plan Amendment and the Zone Change for Comstock Mining, Inc., together as one item and vote on each separately. Betty Retzer seconded.

Before the vote, Larry Wahrenbrock disclosed that he is a resident and property owner in Silver City and is also an advocate for historic preservation in the community. He said he has engaged in many public hearings and conversations involving this applicant and as a result of those conversations can objectively review all aspects of these applications to arrive at a balanced and unbiased conclusion, nor does he feel that his property ownership or advocacy for historic preservation constitutes any substantial conflict of interest sufficient to cause him to recuse himself from deliberating and voting on these applications. Additionally, Mr. Wahrenbrock said he has no pecuniary interest, nor has he received any gifts or loans from the applicant or anyone else with an interest in the company and will review the application and submitted materials reasonably and without prejudice.

Chairman Chuck Davies disclosed that he had contacted the applicant a few months ago to request a tour of the mine in Storey County. He did tour the facility so he could understand their processes and be able to speak more intelligently about the application. He also met with residents of Silver City to discuss their items of interest.

Harold Ritter, George Mortensen and Betty Retzer each disclosed that they too attended the same tour referenced by Mr. Davies. Mike Hardcastle said he did not attend the tour but did attend a luncheon presentation hosted by the applicant.

There being no further discussion the motion passed by a unanimous vote of those members present (6 ayes; 0 nays; 1 Absent – Paul Lanning).

2. **9:05 A.M. TIME SPECIFIC - COMSTOCK MINING, INC – ZONE CHANGE** (for possible action) - Request to change the zoning from NR-1 (Non-Rural Residential - 6,000 sq. ft. lot size) and RR-5 (Fifth Rural Residential - 20 acre minimum) to RR-3 (Third Rural Residential-5 acre minimum) on approximately 54.86 acres and RR-5 (Fifth Rural Residential - 20 acre minimum) on approximately 32.34 acres, of a 94.27 total acre parcel; located off of Highway 341, Silver City (a portion of APN 08-091-05 & 08-091-02) PLZ-13-0051

Chairman Davies stated that he will first ask the applicant to present his application then staff will present their report. The floor will then be opened for public comment starting with a presentation provided by Silver City residents and then any general public comment will be taken. He asked that each person who wants to speak to please sign the sheet at the podium as they come up.

John Marshall, representing Comstock Residents Association (CRA), stated he had earlier picked up a printed copy of the upcoming presentation to be made by the applicant. Mr. Marshall said they had specifically asked at the last meeting, that if the applicant has any new information to present regarding the application that it be provided with sufficient time for staff and public review and response. The presentation being provided today offers a major new argument which has to do with the alleged misrepresentation by Lyon County and staff, of the town site boundaries. This argument has never been presented in any of the submitted materials and to do so now presents a due process problem of whether the public and staff has had sufficient opportunity to respond to this argument. Mr. Marshall asked that the information be excluded from consideration or the items be continued so that a proper review can be done. Chairman Davies asked counsel to comment on the introduction of new information without opportunity for staff review. Mr. Steve Rye, Chief Deputy District Attorney, responded that there is no statutory prohibition of the applicants making a presentation and providing new information nor is it unusual for an applicant to provide additional information at their hearing. The Planning Commission will have to evaluate that information and if it is material to their decision, then they must decide if staff and the public should have additional time to present for or against that new information before a final decision is made. Mr. Rye mentioned that staff just received the information too so they are unable to comment on it. Mr. Marshall said it is not his intent to prohibit the applicant from making a presentation here today; it is the presentation of the new information that they object to but will abide by the recommendation of the county's counsel. He thinks it is notable that the applicant wanted a continuance at the last meeting due to

the staff report being received a mere 4 days prior to the hearing and now they are doing the same thing. Rob Loveberg, Planning Director, said he will listen to the presentation this morning, but will not be able to discuss those issues because staff has not reviewed the material. Betty Retzer expressed her displeasure at having received the new information with such little time for review, with Mike Hardcastle stating that he feels they should disregard the document. Mr. Wahrenbrock agreed, and made a similar statement. George Mortensen said the presentation should proceed and they should all try to make the best decision possible. Harold Ritter said he is not adverse to either side presenting whatever information they think might be relevant, new or old, and it will be up to the Planning Commission to decide how to use that information in their deliberations.

Corrado DeGasperis, president of Comstock Mining, Inc. (CMI) stepped to the podium. Mr. DeGasperis said it was not their intent to change the foundational basis or revise their application, and that their fundamental argument remains the same. He added that there are other presentations that will be made here today where no one has knowledge of their content. Mr. DeGasperis said that in 2010, during the Master Plan hearings, he spoke of the same town site boundary issues, as well issues with some of the mineral claims, before the Board of Commissioners and he was hopeful that that information would have come out over time. He continued that they have taken a lot of time and effort in preparing the presentation for today and in fact-checking the information. He said he is happy to make the presentation today but if the commission decides to disregard it, that they make sure, with the complexity of the issue at hand, that they are thorough in understanding all the points. Chuck Davies said they have no choice but to make their decision on the submitted materials and the oral presentation being made today and asked Mr. DeGasperis to proceed.

Mr. DeGasperis gave a brief introduction of the Comstock Mining Company and its parent company.

Mr. DeGasperis stated that this presentation represents only the most salient points that he hopes it satisfies and allows for positive consideration. He said the justifications for the information provided today are identical to the information submitted with the initial application. Mr. DeGasperis provided a printed copy of the PowerPoint presentation for each of the Planning Commissioners and staff. He said that he doesn't feel that this application is an unresolvable, win-lose conflict. He said that the feelings being reflected today stem from some deep assumptions about the potential land use, being mining, when there are other potential land uses involved as well. Today he hopes to clarify some points that weren't clarified well enough in advance. He said that with Silver City's complex history the issue fundamentally comes down to property rights but mostly the importance of real community planning and real collaboration of property owners in a community that can be complimentary.

Mr. DeGasperis He is not asking for a special use permit today and is fully committed to collaborative planning in advance of any such request. He explained that the request today is actually a down-zoning of the property. Currently the property is zoned NR-1 which would allow 6,000 sq. ft. lots. It is not practical to expect development of that size lots due to a lack of services and infrastructure, and the topography in that location and for those same reasons he feels this request is not irrational at all. The company is still conducting mineral exploration and assessing the economic potential of the subject parcels but they don't have specific plans for the ultimate use of the property which could be mining or another type of development, including residential. This request will clean up some of the existing inconsistencies between master planning and zoning on the property. Mr. DeGasperis continued to explain the request and justification for the particular master planning and zoning they are requesting. He discussed the surrounding land uses and explained the difficult topography which does not currently support the existing master plan of suburban residential and zoning nor would such development under those designations be a productive use of the land. He said they are not sure if those particular designations were intentionally assigned or how they came to be.

Mr. DeGasperis discussed some items within the staff report which they felt were discrepancies and explained that they feel the county has very broad discretion in terms of conditional uses. He said that discussion today is about getting the right designations, to open up the right possibilities, to open up the best and most productive uses. The presumption of a specific use and the planning of that use is not appropriate discussion for today. He continued with a discussion regarding the research into the history of this property and the some historic documents, which are of public record and have been presented as what has been deemed "new information". These property rights need to be understood. His discussion followed regarding some of the discrepancies surrounding the townsite boundaries. Chuck Davies asked if the most appropriate forum to address and resolve these issues would be within a "community plan". Mr. DeGasperis said this could be this forum or there could be a more formal and specific forum in the future. Larry Wahrenbrock asked of what factual consequence is it to today's request, where those boundary lines are drawn because from a Planning

Commission standpoint they deal with all areas of Lyon County and are not bound by defined townsite boundaries. Discussion followed. Mr. DeGasperis responded that he didn't see anything while reviewing all of the minutes or all of the procedures relating to these boundaries where it was highlighted that these mineral surveys were ever excluded from the townsite boundaries. Mr. Wahrenbrock doesn't feel that the issue of the townsite boundaries has any bearing on the request here today. Mr. DeGasperis said it does to the extent that it appears the county is expanding the townsite boundary beyond its legal boundary and feels it is important to make that information known when it stands to essentially change someone's property rights. He said he is not trying to argue any point but is merely sharing some historic information. Mr. DeGasperis continued to review some of the original land patents recorded in the 1800's. Discussion followed regarding how the master planning and zoning processes have evolved over time and how they relate to this request.

Larry Wahrenbrock asked if the applicant had, during their extensive research, read the similar application from Nevex Gold, on the same property, that was denied due to being inappropriate on that particular land and because of the impacts it would have on the community. Mr. DeGasperis responded that he had read those proceedings and feels that the situation today, with the stringent permitting requirements for such uses and reclamation requirements in place, is very different from then. During those hearings, the master plan and zoning request was discussed with a specific land use assumption, being mining and their request today is being judged on those same assumptions when their ultimate use has not yet been determined or stated due to the multiple possibilities available for this land. He said that there are three solid options for the use of this land; one is mining; another being residential development and the other is the historic restoration of the existing facilities. A lengthy discussion followed regarding the intentions, contents and implications included in the applicant's submittal and Mr. DeGasperis concluded his presentation.

Rob Loveberg reminded the Planning Commission that adoption of a Master Plan Amendment requires a two-thirds majority (super majority) of the Planning Commission as a whole not just of those members present, therefore 5 members must vote to adopt a Master Plan Amendment. Mr. Loveberg said that the MPA is the most discretionary decision that the PC and the county can make in land use issues. You have the greatest leeway to consider information and the appropriateness of an action – it is at a policy level rather than at a regulatory level. Your discretion narrows once you get past the MPA level and into the zoning and land use issues because those applications are more specific in what they allow. He said that the PC must make their decision based on whether or not they feel that what is being requested is appropriate policy or blueprint for the future for a community and at that level the commission can decide if the existing master plan is preferable for the future development of a community, or if the applicant's request is a more preferable direction for its future. Mr. Loveberg said that staff reviewed this submittal based on the policy direction we are provided within the goals, policies, guidance and strategies of the 2010 master plan however this is dynamic document which can change over time through decisions made by the community. He said that Silver City has had fairly consistent master planning and zoning in its most recent history. Ultimately it boils down to what is the preferable land uses for future development within the community which must be weighed based on the considerations, guidance and findings contained in the master plan. Discussion followed.

Erich Obermeyr, Chairman of the Silver City Advisory Board, read the vote in favor of denial of the request from that advisory board. He stated that it is ultimately about mining. He said that the findings presented by the applicant stand to alter the vision of Silver City. The ultimate intended land use will inject a heavy industrial use into a quiet residential community causing dust, noise, traffic and unwanted activity. This will discourage potential buyers of property and reinvent Silver City. The existing master plan and zoning has protected the community and has been just fine with Silver City for many years and feels that this proposal is not conducive to the residents' goals for their future. He said that there are numerous other locations that are more suited to an open pit mining operation but this area of Silver City is not one of them. He concluded by asking for a vote of denial from the Planning Commission.

John Marshall, representing CRA, introduced a multi-part presentation, including a video made by Robert Elston, resident of Silver City, which shows several residents within the community each stating their reasons for wanting denial of this request. Mr. Marshall said that John Singlaub, AICP, will discuss certain planning issues, and an economic report prepared by Steve Johnson, Real Estate Appraiser.

Mr. Marshall stated that his primary objection to CMI's presentation of "new" materials is that he feels they have shifted their grounds away from what they initially tried to present here and that was the consistency and, is this a good planning decision. He feels that ultimately, their application is inconsistent with multiple provisions contained within the existing master plan and they failed to go through that with the Planning

Commission. Mr. Marshall added that the applicant openly states within their materials that the purpose for this request is mining. He said this is not about mining vs. anti-mining. It is more about the appropriateness of locating heavy industrial, open-pit mining in such close proximity of a well-established, residential community. Mr. Marshall said that the existing designations have been in place for decades because that is what the community wants to retain. He added that the applicant does not need a master plan amendment and a zone change to assess the potential uses of the property, as they have stated is their intent at this time.

Chuck Davies also asked Mr. Marshall if he thought a Community Plan would be a good forum for the applicant to achieve their goals. Mr. Marshall said yes, in that that is what a community planning process is for, and no, because it is an issue that the community has already decided on. Mr. Davies asked if there is an appropriate place for mining within this community as the applicant owns numerous properties in Silver City. Mr. Marshall said that the community is not against mining – only in this particular location and the community should be involved in that decision.

Robert Elston stated his opposition to the request and presented a video that he and a few others produced where they interviewed residents of Silver City. The video featured comments from Gayle Sherman, Robert Elston, Cashion Callaway, Carol Godwin, Allison Woodman and Will and Sheree Rosevear among others. Those people interviewed gave their reasons for why they oppose this request, such as noise, air quality, visual impact and traffic. A copy of the video was entered into the record.

John Singlaub, Ascent Environmental, offered a video presentation which showed a map depicting the historic townsite boundaries of Silver City, consisting of 332 acres, which has never changed and was done under a townsite act. Mr. Singlaub proceeded with a history of the Silver City townsite and how it has evolved. He said the townsite was created there were two purposes; one was to recognize the existing mines that were there and if you were gain title to a piece of townsite property you would also retain the mineral rights. This was done to protect those townsite parcels from being mined on and underneath. This was the beginning of the residential areas within the townsite limits so that people didn't need to live in tents anymore. He said it appears that over time, community plan boundaries have expanded to include those portions outside the original townsite boundary. The actual townsite boundary hasn't been changed and it doesn't exclude patented mine sites from the town it just recognizes that they exist. He continued to explain the maps and diagrams included in his presentation and gave his reasons for supporting a denial of this request. Mr. Singlaub gave an extensive discussion on the environmental negatives that can come from mining, including air quality, noise, water quality, reclamation, which has specific requirements in the Comstock Mining District per Lyon County Code, and concerns of being named within the Carson River Mercury Superfund Site. A digital copy of the presentation was entered into the record.

Larry Wahrenbrock said if land is included in the superfund site area, clean-up is critical even if it is developed for residential purposes. John Singlaub said that is correct – the mercury contamination would either have to be cleaned up or stabilized somehow and that depends on what the EPA decides.

Steve Johnson, Real Estate Appraiser, said he was requested by Silver City residents to appraise the impact of the proposed master plan amendment and zone change. It is his understanding that approval of this request would pave the way for an open-pit mine to operate in close proximity to several residential properties. He said his research concluded that property values would be greatly impacted if this type of development were to come to fruition. This impact would be directly caused by noise from truck traffic, drilling and explosions, night time lighting, loss of dark night skies, visual impact and air quality, among other things. Mr. Johnson provided a copy of his study and it was entered into the record.

Chuck Davies announced that he will open the floor to public comments relating to this agenda item.

The following attendees spoke at the podium:

John Bennetts, professional engineer and long-time resident of Silver City, spoke in favor of this request.

Tom Cartwright, Mason Valley resident, read a prepared statement regarding the definition of private property rights. He is in favor of this request.

Lee Bonner, Douglas County Commissioner, here today representing the Northern Nevada Development Authority, spoke in favor of this request and the applicant.

Paul Eades, long-time resident of Dayton, spoke in favor of the request saying that Nevada was built on the legacy of mining.

Randy Harris, Silver City resident, spoke in favor of the request saying this is an economic issue for Lyon County. Mr. Harris mentioned that people stated earlier that they interviewed the residents of Silver City but no one came to interview him.

Serge Marchale, Executive Chef for Gold Hill Hotel, spoke in favor of the applicant. He said the CMI is to be commended for their historic preservation efforts so far. He also mentioned the number of people that are now and will be employed by CMI if they are allowed to proceed.

Carol Godwin, Silver City resident, spoke in opposition of this request. She said that rentals in the area remain vacant and properties unsaleable. There is also a high risk for soil contamination. Her son was employed by CMI and had to leave due to breathing problems caused by the dust.

Rita Wheeler, Silver City resident, spoke in favor of the applicant. She also mentioned that there are numerous residents of Silver City that were never approached by the CRA and although she no longer works for CMI, she remains committed to them as being a valuable, compassionate company. She added that laws are now in place to mediate potential environmental impacts. Ms. Wheeler asked that everyone keep an open mind regarding what the applicant's request can do for the development of Silver City, in bringing jobs and stability to the community.

Dee Westmoreland, Dayton resident, stated that the master plan in any area should be changed from time to time and that it cannot stay the same forever. He reminded everyone that Nevada is a dusty place and it is not just caused by mining. He said he is employed by CMI and is in favor of this request.

Janet Hess Rose, Silver City resident, is opposed to this request stating that when they were doing core samples close to her home the noise was unbearable. She feels the applicants are not good neighbors and they don't listen to resident's concerns.

Mandy Manyose, employee of Gold Hill Hotel, spoke in favor of the applicant. She said it was in a state of decay when CMI first bought the building. CMI has proven to be good stewards of the history of the community and have kept all of their promises and more.

Olivia Amos, Environmental Coordinator for CMI, spoke in favor of the applicant. She said that CMI has brought a lot of opportunity to the community where there is a long history of mining. She said that the existing land use designations on the subject property that were imposed in the 1970's are simply not appropriate today. She urged the Planning Commission to consider approval of the requests. **3:05:04**

Wayne Bachand, Lyon County resident and business owner, spoke in opposition of this request.

Austin Crouch, Silver City resident, spoke in opposition of the request and said that it appears that the residents of Silver City don't want what this applicant claims will be provided to the community. He stated that the exhaust from the idling trucks cause breathing problems to his direct family and that is just one issue.

Mary MacDonald, resident of Silver City and owner of an organic farm in the area. Her property is not in direct view of the site but is still affected by the noise that penetrates her home. She reminded the Planning Commission that previous requests for the same thing have been denied and they should consider that.

Sheree Rosevear, Silver City resident and business owner, spoke in opposition. She said that the noise and disturbance caused by truck traffic and blasting activities, her business has been negatively impacted because visitors are wary of that activity. Mrs. Rosevear presented a written letter for entry into the record.

Will Rosevear, Silver City resident and business owner, also spoke in opposition of these requests. He said he has had to discontinue giving music lessons due to the noise from the facility. He also presented a written letter for entry into the record.

Christy McGill, resident of Dayton and local business owner, asked that the Planning Commission uphold the existing master plan. She stated that she was directly involved in the creation of the master plan and feels it was adopted that way because that was what the individual communities wanted.

Darlene Cobbey, Silver City resident, spoke in opposition of this request. She said that her and her husband have always played by the rules of Lyon County and have invested vast amounts of money into their home. They felt they were protected by the current zoning laws and master plan because it was their understanding that mining was not allowed within the townsite. They feel that life as they know it is now in jeopardy because their home will be devalued and their health will be diminished.

Ann Price McCarthy, resident of Lyon County and retired attorney, commended county staff and asked that the Planning Commission uphold the existing master plan and zoning because that is what the residents of Silver City have fought to uphold.

Chad Olsen, resident of Silver City, business owner and employer, read a prepared statement which was in opposition of the requests. Their property is sloped very similar to the applicant's property. The topography caused additional struggles in development for residential purposes. They were made aware that they would have to rely on a well for water because they were not eligible for municipal water from the Virginia City Water System. He learned that " anyone interested in developing land, whether it be residential or mining, would now claim to not be within the townsite limits and that would exclude them from getting water service to those properties". **3:27:55**

Judi Olsen, Silver City resident, provided a schedule showing how much Silver City residents are each paying in property taxes compared to how much Comstock Mining is paying. Mrs. Olsen proceeded to explain her research. A copy of the document was entered into the record. She urged the Planning Commission not to change the existing Master Plan.

Cynthia Etchegoin, Silver City homeowner, spoke about layoffs throughout other mining companies in Nevada due to mining not being as viable as it once was.

Susan McCabe, Silver City homeowner, stated she feels tortured having to live here now due to the noise and dust. She urged the Planning Commission to deny the requests. A copy of her written correspondence was entered into the record.

Steve Litsinger, Stagecoach resident, recommended denial of these requests.

Steve Parrish, long time Land Surveyor, stated his objection to presumptions that mining will destroy the community of Silver City. He said that Comstock Mining has succeeded in cleaning up an inherited mining mess left behind by previous companies. He said that due to strict new regulations that are in effect today, mining is a different world compared to past practices when it comes to reclamation of those lands. Mr. Parrish said that, as a registered surveyor, and having worked for the BLM and three Nevada counties, he has vast experience in defining boundaries. He said that property rights are key to everyone's constitutional rights. He recommended that the Planning Commission vote to approve Comstock Mining's requests.

Roger Drum, resident of Silver City and employee of Comstock Mining, said that he believes strongly in what the applicant is doing in Silver City and urged approval of the applicant's requests.

Grahame Ross said he was born and raised in Silver City and currently works as a Surveyor for Comstock Mining. He said he wouldn't work for the company if he didn't feel they had a larger plan for the benefit of the entire community. He said he doesn't want an open pit mine in Silver City and that there are more options available other than the ugly picture being presented by opponents. He stated his support for the applicant's requests.

Scott Jolcover, employee of Comstock Mining, and owner of several properties throughout northern Nevada, stated his support for the applications. He said it doesn't matter what decision is made today as he thinks this will end up at the State Supreme Court based on the various issues he is hearing today. He stated that the Planning Commission is required to uphold the law when it comes to property rights issues and it is impossible to please everyone. Mr. Jolcover said that he has already seen this happen in Storey County and explained that situation. He added that Comstock Mining is not asking for a special use permit and has not yet said that their goal is for open pit mining.

Theo McCormick, Silver City resident, read a prepared statement. He said that while it is true that Silver City grew out of the mining boom of the 1800's this is not reason enough to allow industrial mining operations within such close proximity to the clearly, residential town. He said this is why the existing land use planning practices and master planning exists, so that compatible uses are grouped together and incompatible uses are kept separate. Mr. McCormick and his wife were of the belief that by participating in the recent master plan development process and due to the existing zoning, they would be protected from incompatible uses being located next door. Mr. McCormick said that there is a lot of perceived anger throughout the community stemming from the applicant's early conversations with them regarding the proposed revitalization of their town through mining. The residents read the materials that the applicant was using to sell stock in the company. The materials stated that the project will involve realigning state route 342, developing a mine and infrastructure using cyanide & heap leaching methods, among other things, on historic lands and relocating of

certain landowners. He said the applicant offered the residents one rosy story and offered their potential investors a totally different story. He feels the applicant did not expect the residents to actually read the materials presented and was shocked at the level of opposition from the community. Mr. McCormick recommended denial of these requests.

Allison Woodman, Silver City resident, said she sought out a quiet home to retire in and she doesn't want it to change, especially to something like this. She said she is concerned for the health of her family and other residents, due to the harsh chemicals and processes involved with open pit mining and those concerns have not been addressed by the applicant. Ms. Woodman said the applicant has appeared at many community meetings and has said that the ultimate goal is to mine but now, at this hearing, she feels they are trying to hide that intention, although it is clear to everyone what they intend to do with the land. In addition, Ms. Woodman does not feel that mining is a long term, sustainable economic benefit to the community. She urged the Planning Commission to deny the requests.

Chairman Davies reminded the attendees that conditions cannot be imposed upon a zone change, nor is an applicant required to prove what he plans to do once a zone change is approved. The Planning Commission cannot consider what may or may not occur on any given land. Assumptions can be made about the ultimate use of the land but the applicant is under no obligation to state the future plans for the land.

Ron Reno, Silver City resident, presented a statement of opposition and a copy was entered into the record. Mr. Reno said he was aware of the previous Nevex Gold decision before he purchased property in the Comstock and thought that with that denial, Silver City would not become a mining community. He said that he operates his business in Silver City and has had to add an expensive air conditioning system to his home office due to the high levels of particulate currently generated by Comstock Mining. He added he does not oppose Comstock Mining or mining in general but he does oppose it in this particular location. Mr. Reno stated that reclamation does not restore the land to 100% of its original, historic condition and is not enough to offset major landscape changes that occur with open pit mining.

Mark Rotter, Manhard Consulting representing Comstock Mining, Inc., said there is no question that the zone change, if approved, will be more conducive to mining but specifically, before mining activities can commence, a special use permit must be obtained and that by public process. He said that the question here today is whether a Master Plan designation of Suburban Residential is more appropriate than Rural Residential. Currently the existing zoning district on the property is NR-1. As it is, the land could be divided into 6,000 sq. ft. residential lots. The topography of the land simply wouldn't support that high of a density. Whether or not the mining occurs, the long term goal of the applicant is to have a lower density because of the topography, adjacency and availability to services and infrastructure. He said that Rural Residential just makes more sense. He reminded the Planning Commission that today, they are only considering whether Suburban Residential is better than Rural Residential for this property regardless of previous applications and regardless of the history of the site. Mr. Rotter wants to bring the focus back on this question as most of the conversation today has been about open pit mines, etc. If they were applying for a special use permit the applicant would be presenting a full set of specifications for whatever type of development he was requesting. Mr. Rotter said the applicant has not yet decided if mining is even an appropriate use for this land. He offered the answer any questions.

Rob Loveberg, Planning Director, closed discussion by reminding the Planning Commission that they are required to have a two thirds majority (5 members) of the membership not just of the quorum present, for adoption of a Master Plan Amendment but only a simple majority (4 members) is required for a Zone Change.

Larry Wahrenbrock made a motion to **deny** the application for a Master Plan Amendment for Comstock Mining, Inc. based on the following findings:

- A. The proposed amendment is not in substantial compliance with, nor promotes the Master Plan goals, objectives and actions in that it is not in keeping with the majority of applicable guiding principles, goals, policies, strategies and community description contained in the 2010 Lyon County Comprehensive Master Plan, County-wide Component.
- B. The proposed amendment would result in land uses which are incompatible with the actual and planned adjacent land uses, and does not reflect a logical change in land use in that the amendment would change the planned character and intensity of residential development and enables the potential development of a land use incompatible with the actual and planned adjacent and predominant residential land uses.

- C. The proposed amendment fails to identify or respond to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment does not represent a more desirable utilization of land.
- D. The proposed amendment will adversely affect the implementation of the Master Plan goals, objectives and actions, and will adversely impact the public health, safety or welfare.
- E. The proposed amendment does not promote the desired pattern for the orderly physical growth of the County as set forth for the Silver City community in the 2010 Lyon County Comprehensive Master Plan, County-wide Component.
- F. The existing Comprehensive Master Plan and/or any related element thereof is not in need of the proposed amendment.
- G. The proposed amendment is not compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan, particularly those related to Silver City.
- H. The proposed amendment will have effects on service provision, including adequacy or availability of facilities and services, and is not compatible with existing and planned service provision.
- I. Deviation from the strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan.
- J. The proposed Plan amendment will not promote the public welfare and will be inconsistent with the goals and policies of the Comprehensive Master Plan and the elements thereof, and
- K. The burden of proof has not been met by the applicant in their application to warrant a change in the Master Plan at this time.

Mike Hardcastle seconded and the motion passed by a majority vote of those members present: (5 ayes; 1 nay – George Mortensen; 1 absent – Paul Lanning)

Larry Wahrenbrock made a motion to recommend **denial** of the Zone Change presented based on the following findings:

- A. The proposed zoning is not in substantial compliance with the adopted Lyon County Comprehensive Master Plan, County-wide Component land use map.
- B. The proposed zoning is not in substantial compliance with, nor does it sufficiently promote the Lyon County Comprehensive Master Plan, County-wide Component goals, policies and strategies.

Mike Hardcastle seconded and the motion passed by a unanimous vote of those members present: (6 ayes; 0 nays; 1 absent – Paul Lanning)



Rob Loveberg <rloveberg@lyon-county.org>

Fwd: NNDA's official response to Lyon County Planning Commission meeting...
1 message

Jeff Page <jpage@lyon-county.org>

Thu, Dec 26, 2013 at 4:26 PM

To: boccc@lyon-county.org, Rob Loveberg <rloveberg@lyon-county.org>

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531 Office
(775) 302-7088 Cell

----- Forwarded message -----

From: "Rob Hooper" <rhooper@nnda.org>

Date: Dec 26, 2013 4:21 PM

Subject: NNDA's official response to Lyon County Planning Commission meeting ...

To: "DeGasperis@comstockmining.com" <DeGasperis@comstockmining.com>

Cc: "Maurice Washington" <MWashington@nnda.org>, "elaine@barkdullspenceragency.com" <elaine@barkdullspenceragency.com>, "sjolcover@aol.com" <sjolcover@aol.com>

Corrado,

I am sorry you read more into this letter than what is intended. In no fashion did I state opposition to your petition, the Comstock project in general or in specificity. I saw our involvement in your case as detrimental to the case itself. The entire county structure was up in arms over Lee, as a Douglas County Commissioner, testifying at this planning meeting, opposing a staff recommendation in Lyon County and muddying the waters with his dual representation. My intent here was to clear this argument from the table with Theo and not let him attack you through us. Let's get on the phone and talk it through.

The policies I state are the ones that NNDA has lived by for many years. We simply won't go against staff at planning or county commission meetings. Neither will we get involved in land use issues. Never have and we don't believe that is our case. We are happy to testify about the economic impact, the great things Comstock is doing for the county and more. But zoning issues have never been our bailiwick, particularly when it goes against the staff.

I hope you understand that you do have my personal support for the project and want to help in any way possible. This right now is not one of them. There is enough bad sentiment stirred up right now that anything we say in support will become a negative for the project... not what you or I want. Let's talk.

12/26/13

Lyon-county.org Mail - Fwd: NNDA's official response to Lyon County Planning Commission meeting ...

Rob

From: Maurice Washington

Sent: Thursday, December 26, 2013 12:42 PM

To: Rob Hooper

Subject: Fwd: NNDA's official response to Lyon County Planning Commission meeting ...

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Corrado DeGasperis

Date: 12/26/2013 11:10 AM (GMT-08:00)

To: Scott Jolcover , elaine@barkdullspenceragency.com

Cc: Maurice Washington , mendy@capitolpartners.us, Scott Jolcover

Subject: Re: NNDA's official response to Lyon County Planning Commission meeting ...

Elaine, this is beyond outrageous. Can you please set up a call with Rob Hooper and me for either tomorrow AM or Monday PM. I am stunned, hurt and frankly, feel totally betrayed.

Just because Lée did a bad job, that swings NNDA against us? Why would he say all that he said in this letter? I am stunned. Someone at NNDA needs to show up and support economic development, especially economic development, regardless of Rob's personally feelings. Again, I am stunned, hurt and feel betrayed. I wasn't even copied on the letter?

Please let me know.

From: Scott Jolcover <

Date: Thursday, December 26, 2013 10:33 AM

To: Corrado DeGasperis <DeGasperis@comstockmining.com>, "elaine@barkdullspenceragency.com" <elaine@barkdullspenceragency.com>

Subject: Fwd: FW: NNDA's official response to Lyon County Planning Commission meeting ...

Read this crap and who it went to. Can't believe Rob Hooper put his personal comments on NNDA Letterhead

!!!!!!!

Did someone from CMI ask Lee Bonner to speak ? If so who ?

Can you believe Hooper would want a known drug abuser to be on an education committee ???

From: Diane Herron [mailto:Dherron@nnda.org]

Sent: Tuesday, December 24, 2013 1:02 PM

To: Jeff Page (jpage@lyon-county.org); Steve Mokrohisky (smokrohisky@co.douglas.nv.us); Michael Skaggs (mskaggs@diversifynevada.com); Tom Grady (tom.patgrady@gmail.com); wdmiles@milesconst.com; Maurice Washington; Alan Jurkonis (jurkonis.aj@avkus.com); Elieen Webb (ewebb@streamline-consulting.biz); Greg Dye (Gregdye@briggselectric.com); Michael Jackson (jackson@micromanipulator.com); Mike Enos (enos.me@avkus.com); Teresa Shouppe (Teresa.shouppe@nsbank.com); Mike Riggs (mike@monarch-direct.com); Sandy Haslem; Star Anderson (sanderson@ccnugget.com); Tina Iftiger; Andie Wilson (Brandie.llc@prodigy.net); Bob McCann (coachbob@palmsandpines.com); Brian Wallace (bwallace@nsdc.com); Dana Dean (Dana.dean@kellyservices.com); Ed Epperson (ed.epperson@ctrh.org); Lynn Hettrick (lhettrick@dairy.state.nv.us); Mark Turner (mark@silveroakhomes.com); Richard Kale (r-kale@nvdetr.org); Tonya Champa; Barry Penzel (wpenzel@co.douglas.nv.us); Brad Bonkowski; vidakeller@gmail.com; Pat Whitten; Rob Beltramo (rob.beltramo@washoetribe.us); Ron Radil (rjradil@wndd.org); Ronele; Betty Retzer; Chuck Davies (ced302@att.net); George Mortensen; Harold Ritter; Larry Wahrenbrock; Mike Hardcastle; Paul Lanning; Bob Hastings; Joe Mortensen; Ray Fierro; Virgil Arellano; Charles Shirley; Donald W. Parsons; Jason Sanderson; John Stevens; Maureen Williss; Neal McIntyre; Theo McCormick; Jim Shirk; John McKenna; KAbowd@carson.org; Mayor Robert Crowell
Subject: NNDA's official response to Lyon County Planning Commission meeting 12-10-13

Sent on behalf of Rob Hooper

Have a great day,

Diane Herron

Office Administrator

Northern Nevada Development Authority

Edherron@nnda.org

O 775.883.4413

www.nnda.org

www.improvethestateofyourbusiness.com

JA2112



**Improve The State
Of Your Business™**



ialresponse to Lyon County Planning Commission meeting 12-10-13[2].pdf

202K

Dec 24, 2013

Theo McCormick
P.O. Box 123
Silver City, NV 89428

Dear Theo,

Thank you for your interest in economic development and your letter regarding the recent planning commission meeting in Yerington regarding the zoning change request proffered by Comstock Mining. Truly, I understand your views and want you to know that this letter shows that you have great concern for your neighborhood. I have great sympathy for your perspective and believe that if I lived in Silver City, I would not only agree with you, but would surely be on the "front line" of your personal cause.

Even though I am a bit confused as to what actually happened at the planning commission I want to state and confirm NNDA's position and policies on this matter.

First of all, NNDA's policy is not to involve itself in planning commission meetings regarding land use issues, (unless asked to by the County Manager.) The fact that Mr. Bonner appeared at this one was a mistake and should not have occurred. For this I am deeply sorry. Our practice and again, our policy, is to provide our input to the County Manager, appropriate county staff and to the commissioners (if asked by the County Manager) on any land use issues prior to any planning commission meeting, not at it. Frankly, we believe that land use issues are a matter best left to developers and the commission itself.

Secondly, NNDA's policy is to never, I repeat, never, oppose the County Manager or his staff on their recommendations. This is unacceptable and was a mistake made by Mr. Bonner who apparently was unaware of the staff recommendation.

Third, I believe that Mr. Bonner's "dual" testimony in which he identified himself as both NNDA Communications Director and as a Douglas County Commissioner was inappropriate. He should have testified for one or the other, not both. This blurring of representation, I believe, was the biggest part of the problem as it did not clearly represent NNDA's views or policies regarding the two items mentioned above, or others.

This incident has brought to focus an HR issue for me and is one we are currently addressing. Secondly, it has allowed me to reassert our policies as described above to all the staff at NNDA to prevent such an incident from reoccurring in the future.



Improve The State Of Your Business™

JA2114

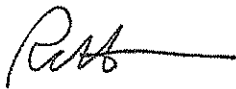
14 CV 00128 - 002009
LYON COUNTY

I appreciate your comments that you support mining, again we find agreement amongst ourselves. NNDA is in favor of any legal and appropriate mining or reclamation operation. It is not our business to approve or to evaluate the operations or it's allow ability under state or county laws. This is the work of commissions and lawyers, not us.

So with that said, please accept my apology for any confusion or stress this has caused you and your fellow Silver City residents. NNDA continues its unique and successful activities in economic development and will welcome your continued support. In fact Theo, we miss you on our Workforce Education Committee and would love to have you get re-engaged.

Please feel free to call me directly if you wish to discuss this any further.

Best regards and Merry Christmas,



Robert C. Hooper
Executive Director

CC:

NNDA Board of Directors
Lyon County Manager, Jeff Page
Lyon County Planning Commission
Lyon County Board of Commissioner
Lyon County School Board
Carson City Board of Supervisors
Douglas County Manager, Steve Mokrohisky
Mike Skaggs, GOED
Representative Tom Grady
Bill Miles, President/CEO

Northern Nevada Development Authority
704 West Nye Lane, Suite 201
Carson City, Nevada 89703
Office 775.883.4413 / Fax 775.883.0494

December 14, 2013

Dear Board of Directors,

I am writing you in shock after Mr. Lee Bonner's presentation on December 10th 2013 in front of the Lyon County Planning Commission in which he testified AGAINST the planning department staff recommendations and FOR Comstock Mining's request for a Master Plan Amendment.

I understand that NNDA represents Lyon County in economic development, but Mr. Bonner's comments were against planned development and implied that the NNDA has a policy of supporting industrial mining in and adjacent to residential areas. He even went so far as to state that Douglas County would welcome surface mining in their residential neighborhoods and that he as a County Commissioner would support such master plan changes as needed to promote industrial surface mining activities in Douglas County. (You can request the tapes of the meeting if you doubt this).

His arguments for changing the Master Plan were the "red headed stepchild" arguments from the economic development days of old. Are we back to promoting any industry we can attract, no matter the long term community impacts, the cost to the health and welfare of the residents just for a few jobs?

Tapes of the meeting are available from Lyon County and I would encourage you to listen to your representative to determine if he was really relaying a message that supports long term economic development.

Mr Bonner presented his arguments after identifying himself as representing the NNDA. I would like a formal response to my questions.

Is it the policy of the NNDA to testify for master-plan amendments that rezone residential areas for industrial surface mining against the wishes of the resident's and the advice of the planning commission staff?

Is it the policy of the NNDA to testify that mining companies are exempt from land use planning and that there is a federal law that protects miners' property rights above those of the community planning process? If so, could your lawyers and Mr. Bonner please identify the federal law or statute you are referring to?

Is it the policy of the NNDA to support federal lawsuits against community planning efforts in order to allow mining in any residential areas? Will you or Mr. Bonner be testifying in court on behalf of the mining companies?

Page 1

Is it the policy of the NNDA to give legal advice and opinions on planning law as testimony to planning departments or county commissioners? Is Mr. Bonner an attorney qualified in planning law?

Is it the belief or policy of the NNDA to encourage citizens to 'take what they can get' from mining companies because they will lose any land use argument in federal court anyway? Are you aware of any law or regulation that requires a mining company to give anything to a community they are mining within?

If Mr. Bonner was out of line during his testimony, as I believe, I would request that the NNDA board write a letter to the Lyon County Planning Commissioners and the Lyon County Commissioners clearing up any confusion about these issues. If you are supportive of Mr. Bonner's testimony then please let me know so I can encourage our county officials to review our agreements and support of the NNDA.

I am a proud native Nevadan born in Reno Nevada. My family moved to Silver City in 1972. I am a Computer Programmer by trade. I also hold a contractor's license in the State of Nevada. I served for 4 years on the Silver City Town Advisory Board. I am currently serving as an elected Lyon County School Board member as well as a Director on the Nevada Associations of School Boards. I am currently a Governor-appointed member of the State of Nevada Teacher and Leaders Council.

I served on the NNDA Workforce and Education Committee with Mr. Campos representing the Lyon County School District for some time.

I am not anti-mining and I support mining in Nevada. I am against surface mining in and adjacent to residential areas.

Sincerely,

Theo McCormick
P.O. Box 123
Silver City, NV 89428
775 291 2468

cc
NNDA Board Of Directors
NNDA Members
Lyon County Commissioners
Lyon County Planning Commissioners
Lyon County Manager



Kerry Page <kpage@lyon-county.org>

Request3 messages

Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Mon, Dec 23, 2013 at 5:27 PM

To: "kpage@lyon-county.org" <kpage@lyon-county.org>

Hi Kerry,

I know you must be busy, but when you have a chance could you please email me a recorded copy of the Lyon County Planning Commission meeting on Dec. 10th. I know it was a long one, but if you have transcripts I would take those instead. Please let me know if this is possible.

Warm Regards, Elaine

Elaine Barkdull-Spencer*Director of External Relations*

Comstock Mining Inc.



775-847-7376 (o)

775-340-2045 (c)

775-847-7128 (f)

1200 American Flat Road

P.O. Box 1118

Virginia City, NV 89440

NYSE MKT: LODE

JA2118

14 CV 00128 - 002013



Kerry Page <kpage@lyon-county.org>

Mon, Dec 30, 2013 at 8:28 AM

To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Good morning Elaine,

Sorry, I was out all of last week. I know Kyle spoke with Rob on Friday requesting the recordings. We do not do transcribe meetings but I can email an audio. I can only send a certain amount at one time so I will have to send separate emails for each portion. Let me know if you still need them and I will send them right away.

[Quoted text hidden]

--

Kerry Page

Lyon County Planning Assistant

27 South Main Street

Yerington, NV 89447

ph: 775-463-6592

fax: 775-463-5305

Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Mon, Dec 30, 2013 at 10:00 AM

To: Kerry Page <kpage@lyon-county.org>

Hi Kerry, We did get a copy and I was able to convert the recording to a MP3 program.

Thanks again for all you do,

Elaine

From: Kerry Page [mailto:kpage@lyon-county.org]

Sent: Monday, December 30, 2013 8:29 AM

To: Elaine Barkdull-Spencer

Subject: Re: Request

[Quoted text hidden]



Kerry Page <kpage@lyon-county.org>

Presentation

3 messages

Kyle Jones <Jones@comstockmining.com>
To: "kpage@lyon-county.org" <kpage@lyon-county.org>

Thu, Dec 19, 2013 at 4:16 PM

Hi Kerry,

I will have the presentation to you tomorrow. I am in contact with Corrado to find out what version it is.

Kyle Jones
External Relations



M 775-304-2545
F 775-847-7118

Comstock Mining Inc.
P.O. Box 1118
1200 American Flat Road
Virginia City, NV 89440

Kyle Jones <Jones@comstockmining.com>
To: "kpage@lyon-county.org" <kpage@lyon-county.org>

Thu, Dec 19, 2013 at 4:18 PM

How many will you be needing?

Kyle Jones
External Relations



M 775-304-2545
F 775-847-7118

Comstock Mining Inc.
P.O. Box 1118

JA2120

14 CV 00128 - 002015

1200 American Flat Road
Virginia City, NV 89440

From: Kyle Jones <Jones@comstockmining.com>
Date: Thursday, December 19, 2013 4:16 PM
To: "kpage@lyon-county.org" <kpage@lyon-county.org>
Subject: Presentation

[Quoted text hidden]

Kerry Page <kpage@lyon-county.org>
To: Kyle Jones <Jones@comstockmining.com>

Thu, Dec 19, 2013 at 4:23 PM

Thanks Kyle,
If I could get at least 8 that would be great. Everyone keeps telling me they also want an entire set - the list keeps growing!
[Quoted text hidden]

--
Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305



Kerry Page <kpage@lyon-county.org>

copies of presentation

1 message

Kerry Page <kpage@lyon-county.org>

Thu, Dec 19, 2013 at 4:12 PM

To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>, Kyle Jones <kjonesy2008@gmail.com>

Hi Elaine and Kyle,

Can I expect to receive the bound presentations tomorrow? Will it be the version that Corrado showed at the meeting because he said it differed a little from the bound copy that was handed out at the meeting.

I'm only rushing because I want to take next week off and don't want to have to come in to insert these into the packets.

Thanks!

--

Kerry Page

Lyon County Planning Assistant

27 South Main Street

Yerington, NV 89447

ph: 775-463-6592

fax: 775-463-5305



Kerry Page <kpage@lyon-county.org>

Fwd: To Lyon County Board of Commissioners re Silver City

2 messages

Jeff Page <jpage@lyon-county.org>

Thu, Dec 19, 2013 at 1:05 PM

To: ECC <ecc@lyon-county.org>, Maureen Williss <mwilliss@lyon-county.org>

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531 Office
(775) 302-7088 Cell

----- Forwarded message -----

From: "Virgil Arellano" <varellano@lyon-county.org>
Date: Dec 19, 2013 12:09 PM
Subject: Fwd: To Lyon County Board of Commissioners re Silver City
To: "Jeff Page" <jpage@lyon-county.org>
Cc:

----- Forwarded message -----

From: "Susie Glaze" <hilonesome@aol.com>
Date: Dec 19, 2013 11:49 AM
Subject: To Lyon County Board of Commissioners re Silver City
To: <jmortensen@lyon-county.org>, <bhastings@lyon-county.org>, <Irfierro@lyon-county.org>, <varellano@lyon-county.org>, <vkeller@lyon-county.org>
Cc: <evangelineelston@yahoo.com>

September 19, 2013

Dear Lyon County Board of Commissioners:

I support Silver City residents and the Lyon County Planning Commission in opposing Comstock Mining Inc.'s application for a change in the Master Plan and Zoning, and I urge you to do the same.

Changing the Master Plan and zoning from Suburban Residential to Rural Residential would open a Pandora's box, not only allowing mining, but a host of other inharmonious uses (feed lot, race track, etc.) with residential life that would remain in place indefinitely, whether or not CMI ever mines there.

The language in the current County Master Plan (CMP) reflects inputs from and values of Silver City residents regarding preservation and enhancement of quality of life, environment, historic values and community.

In 1986 the Lyon County Planning Commission and Board of Commissioners denied an application by Nevex Gold to change the Master Plan and zoning of the same property because the change does not comply with the Master Plan. The 1986 BOC found that the

JA2123

14 CV 00128 - 002018

requested change of CMP and zoning: Did not conserve open space or protect natural/scenic resources; Would have immediate and long-term adverse economic effects to Silver City and Historic Landmark; Did not promote health and general welfare of Silver City; Was not compatible with Silver City Area – didn't encourage most appropriate land use; Present zoning predominately residential in nature; Rezoning would significantly harm the integrity of the Historic District & Landmark; Would violate goals of responsible management of national resources, improvement of neighborhood stability, and increased property values.

For these reasons, please vote to deny Comstock Mining Inc.'s application to change the County Master Plan and zoning and preserve the health and well-being of the residents of Silver City, the town and the environment.

Thank you for your time and attention.

Sincerely,
Susie Glaze, Los Angeles

P.S. I request that my letter be read into the minutes of the January 2, 2014 meeting of the Board of Commissioners.

Rob Loveberg <rloveberg@lyon-county.org>
To: Kerry Page <kpage@lyon-county.org>

Thu, Dec 19, 2013 at 2:57 PM

FYI and for the file

----- Forwarded message -----

From: **Jeff Page** <jpage@lyon-county.org>
Date: Thu, Dec 19, 2013 at 1:05 PM
Subject: Fwd: To Lyon County Board of Commissioners re Silver City
[Quoted text hidden]

--
Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

JA2124

14 CV 00128 - 002019



Kerry Page <kpage@lyon-county.org>

Comstock Mining, Inc. Master Plan Amendment and Zone Change1 message

Rob Loveberg <rloveberg@lyon-county.org>

Thu, Dec 19, 2013 at 2:42 PM

To: Andrew Motter <amotter@manhard.com>, Mark Rotter <mrotter@manhard.com>

Cc: Jeff Page <jpage@lyon-county.org>, Kerry Page <kpage@lyon-county.org>

Drew and Mark,

The Planning Department has received a request from a County Commissioner for some additional mapping regarding the requested master plan amendment and zone change. In order for our GIS folks to prepare the maps expeditiously, we would greatly appreciate the shape files for the maps you provided in the application materials.

Please let me know if this will be possible, or if you have any questions. Thank you in advance for your assistance.

--

Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

JA2125

14 CV 00128 - 002020



Kerry Page <kpage@lyon-county.org>

List of correspondence2 messages

Kerry Page <kpage@lyon-county.org>

Mon, Dec 16, 2013 at 3:06 PM

To: Kyle Jones <jones@comstockmining.com>

Hi Kyle,

Yes, you did leave a voice mail. I was not in the office on Friday and it took a while to process all the messages etc. - I swear, I will never take another day off - at least not until the week of Christmas!

I have attached the letters in favor of the requests, as requested. I have everything scanned so if there is anything else you need I can send those too - just let me know.

Merry Christmas.


--

Kerry Page*Lyon County Planning Assistant**27 South Main Street**Yerington, NV 89447**ph: 775-463-6592**fax: 775-463-5305*

15 attachments **ART WILSON 11.8.2013 IN FAVOR.pdf**
26K **DANIEL HOWERTON 12.9.2013 IN FAVOR.pdf**
274K **DAYTON CHAMBER OF COMMERCE 12.9.2013 IN FAVOR.pdf**
155K **FRANK PEDLAR 11.12.2013 IN FAVOR.pdf**
474K **JANET MCFALL 12.9.2013 IN FAVOR.pdf**
443K **JANINE MCMAHON 12.9.2013 IN FAVOR.pdf**
211K **JEANNE BROUGHTON 12.9.2013 IN FAVOR.pdf**
255K **JIM PAGE LETTER 12.9.2013 - FOR.pdf**
301K **KARI RANDLE 12.9.2013 IN FAVOR.docx**
149K **LAS SWANSON 12.10.2013 IN FAVOR.docx**
21K **LYN PATMOR 12.9.2013 IN FAVOR.pdf**
547K **PHIL SEARLES 12.10.2013 IN FAVOR.docx**
14K**JA2126****14 CV 00128 - 002021**

 **RON JAMES LETTER 12.9.2013 - IN FAVOR.pdf**
499K

 **SCOTT JOLCOVER-DONOVAN MILL 11.11.2013 IN FAVOR.pdf**
237K

 **STEVEN SAYLOR 11.11.2013 IN FAVOR.pdf**
22K

Kyle Jones <Jones@comstockmining.com>
To: Kerry Page <kpage@lyon-county.org>

Mon, Dec 16, 2013 at 3:14 PM

Awesome!! Thank you Kerry. Well, when you do take a day off, I hope you enjoy it. Stay warm!

All the Best,

Kyle Jones
External Relations



M 775-304-2545
F 775-847-7118

Comstock Mining Inc.
P.O. Box 1118
1200 American Flat Road
Virginia City, NV 89440

From: Kerry Page <kpage@lyon-county.org>
Date: Monday, December 16, 2013 3:06 PM
To: Kyle Jones <Jones@comstockmining.com>
Subject: List of correspondence

[Quoted text hidden]

JA2127

14 CV 00128 - 002022



Kerry Page <kpage@lyon-county.org>

Copies of Powerpoint

2 messages

Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Fri, Dec 13, 2013 at 11:17 AM

Reply-To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

To: "kpage@lyon-county.org" <kpage@lyon-county.org>, Kyle Jones <Jones@comstockmining.com>

Hello Kerry,

Kyle Jones will be making bound copies of the powerpoint we provided to the planning commission and will send them to you Fed Ex.

He will need to get the electronic file from Corrado on Monday, so you can expect the copies at your office Wednesday. If that is too late I will have Kyle drive the copies to Yerington on Tuesday.

Warm regards, Elaine

Sent from my Verizon Wireless 4G LTE Smartphone

Kerry Page <kpage@lyon-county.org>

Mon, Dec 16, 2013 at 8:08 AM

To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Thanks Elaine, Wednesday will be just fine.

[Quoted text hidden]

--

Kerry Page**Lyon County Planning Assistant****27 South Main Street****Yerington, NV 89447****ph: 775-463-6592****fax: 775-463-5305**



Kerry Page <kpage@lyon-county.org>

John Singlaub

2 messages

Kerry Page <kpage@lyon-county.org>

Thu, Dec 12, 2013 at 5:04 PM

To: ROB LOVEBERG <rloveberg@lyon-county.org>

Did you say you had a digital copy of John's presentation? Could you please send it to me?

Thanks.

Don't forget that I won't be here tomorrow but I am fairly caught up so I don't think I am leaving anyone without!

Thanks again for the day off - I'll see you next week.

--

Kerry Page*Lyon County Planning Assistant**27 South Main Street**Yerington, NV 89447**ph: 775-463-6592**fax: 775-463-5305***Rob Loveberg** <rloveberg@lyon-county.org>

Thu, Dec 12, 2013 at 5:09 PM

To: Kerry Page <kpage@lyon-county.org>

Kerry,

John's presentation is attached.

[Quoted text hidden]

--

Rob Loveberg

Planning Director/Emergency Management Coordinator

Lyon County

27 South Main Street

Yerington, Nevada 89447

775.463.6592 office

775.302.6051 cell

775.463.5305 fax

rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

**Singlaub Silver City Presentation.ppt**

5741K

JA2129

14 CV 00128 - 002024

PROPOSED MASTER PLAN AND ZONING CHANGE COMSTOCK MINING, INC. SILVER CITY, NEVADA

ASCENT
ENVIRONMENTAL

PRESENTED BY:

**JOHN SINGLAUB
ASCENT ENVIRONMENTAL, INC.**

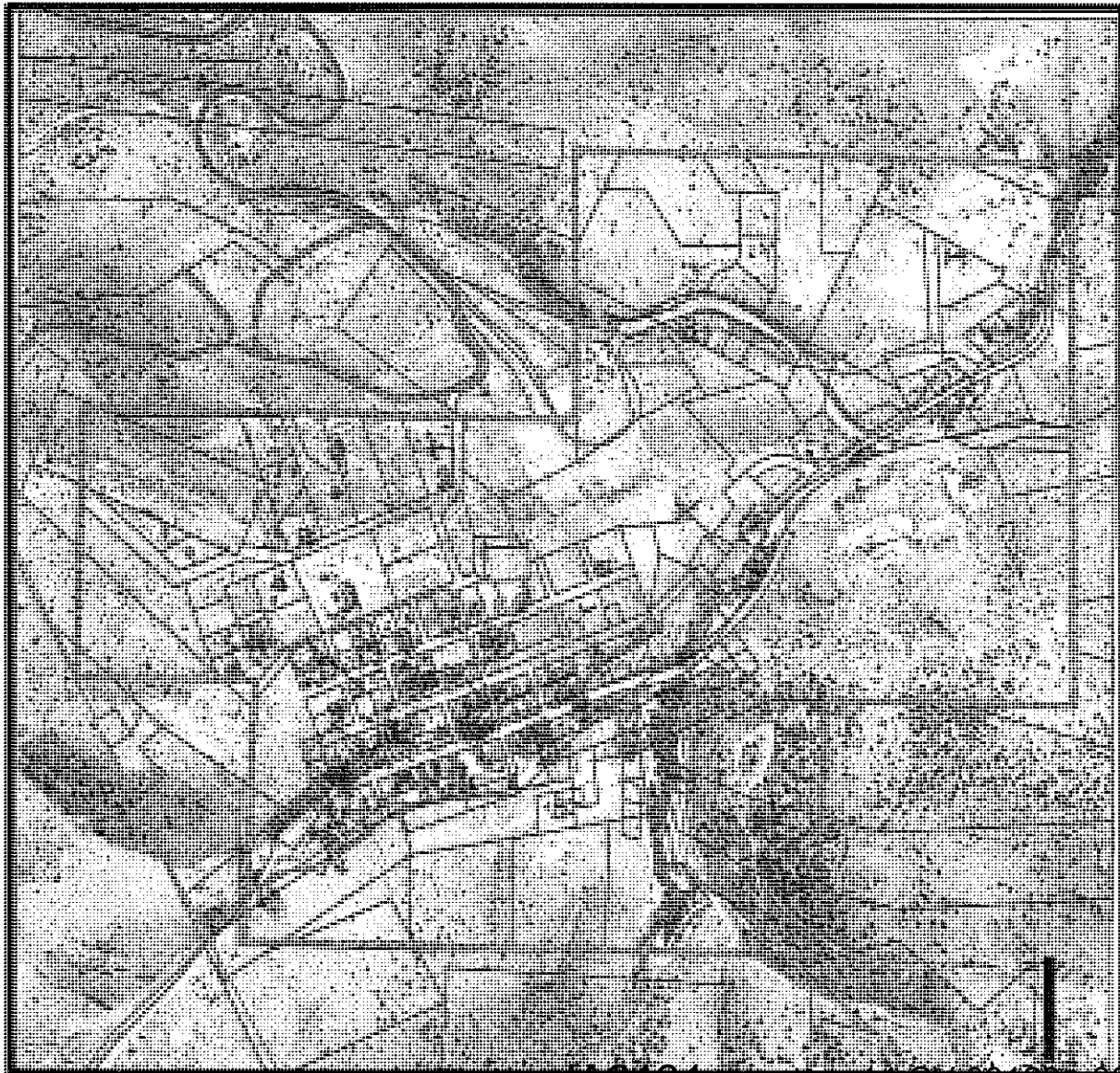
LYON COUNTY PLANNING COMMISSION

DECEMBER 2013

JA2130

**14 CV 00128 - 002025
LYON COUNTY**

SILVER CITY TOWN SITE



ASCENT

JA2131

14 CV 00128 - 002025

LYON COUNTY

HISTORY OF PLANNING FOR SILVER CITY

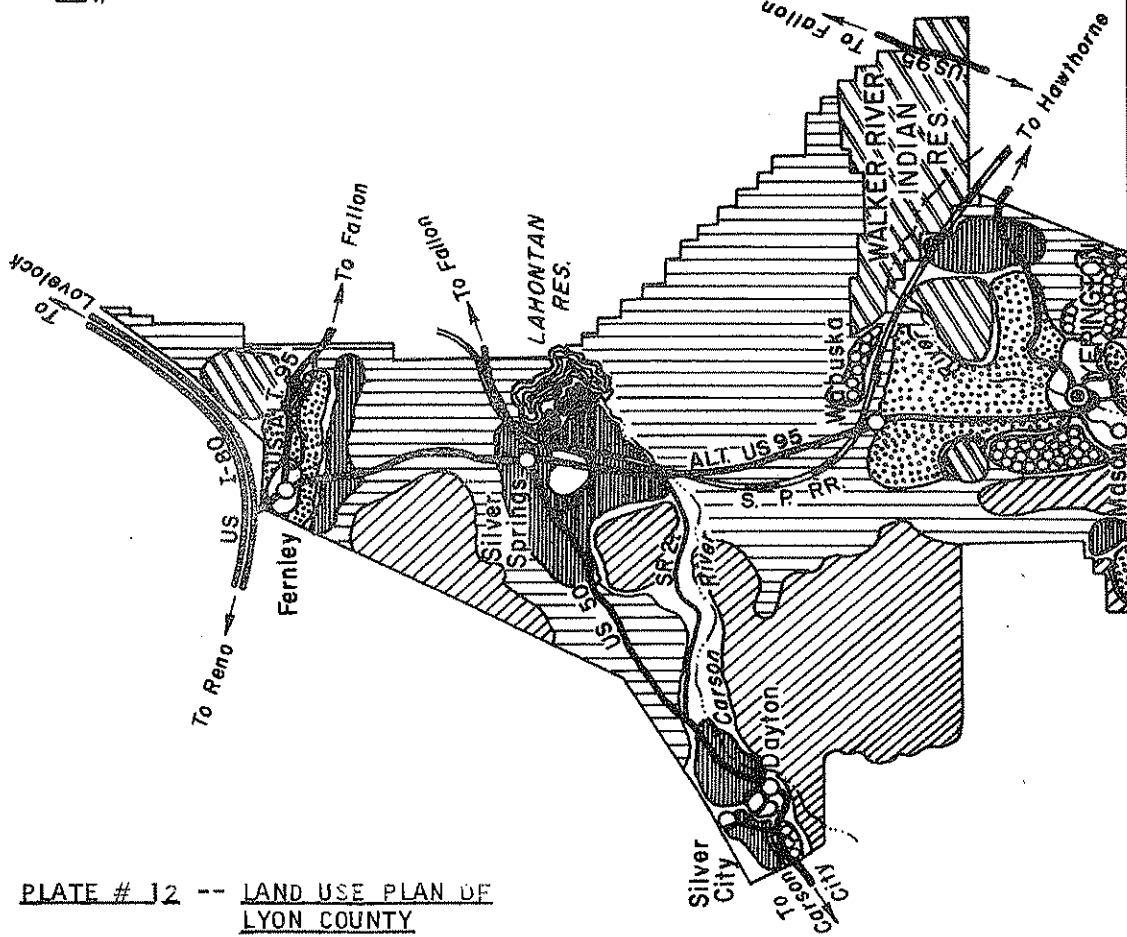
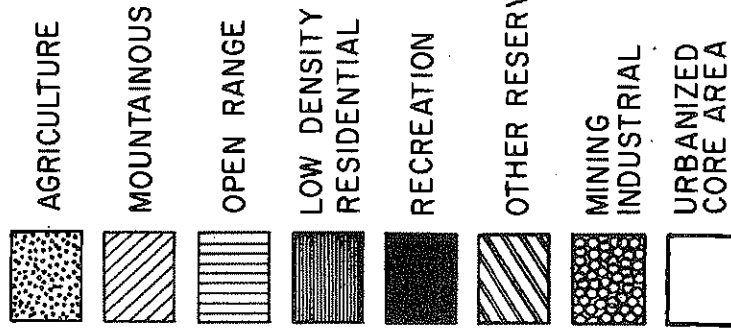
Plan Name	Inside Town Site	Outside Town Site
1971 General Plan	Urbanizing area with light commercial and residential uses	Mountainous areas: Open Space; gentle terrain: Low Density Residential
1990 Master Plan	Medium Density Residential with Commercial core	Open Space
2002 West Central Lyon County Land Use Plan	Medium Density Residential with Commercial Core	Open Space
2010 Comprehensive Master Plan	Suburban Residential with Commercial Core	Resource

1971 LAND USE PLAN MAP (EXCERPT)

JA2133

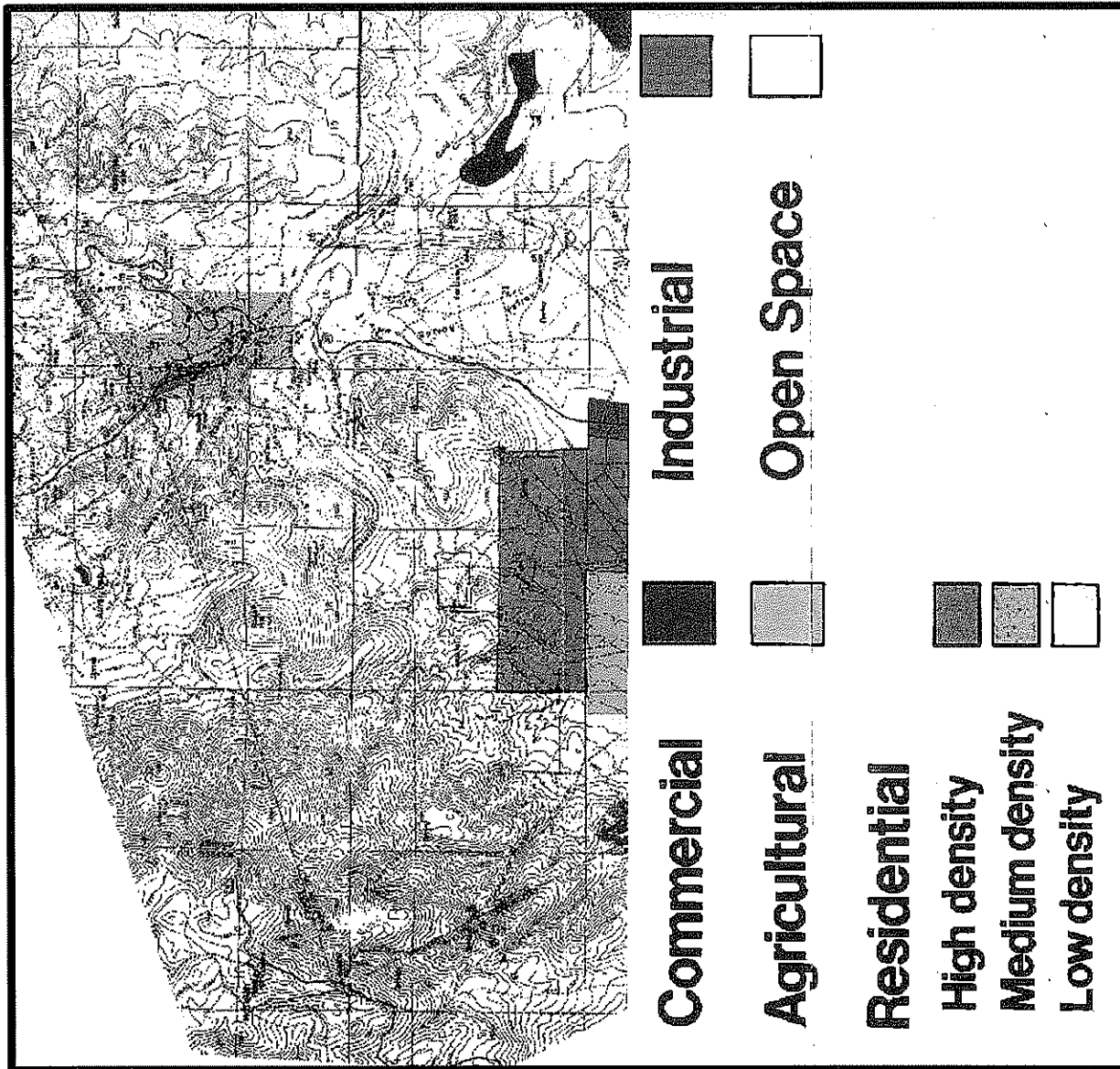
14 CV 00128 - 002023
LYON COUNTY

LAND USE PLAN:



ASCENT

1990 LAND USE PLAN MAP (EXCERPT)



JA2134

14 CV 00128 - 00202

LYON COUNTY

ASCENT

2002 LAND USE PLAN MAP (EXCERPT)

LEGEND

COUNTY LAND

RESIDENTIAL (H.D., A.D.M. - 6400 SQ FT LOTS)

RESIDENTIAL (S.D., 12,000 SQ FT TO 1/2 ACRE LOTS)

RESIDENTIAL (H.D., 1-10 ACRE LOTS)

VERY LOW DENSITY RESIDENTIAL

LOW TO MEDIUM DENSITY

COMMERCIAL

INDUSTRIAL

SEASONAL RESIDENCES

HISTORICAL OVERLAY

BUSINESS OFFICE

RECREATION OFFICE OR TRAILER PARK

ARCH SPACE (PUBLIC & PRIVATE) / PARK / GOLF

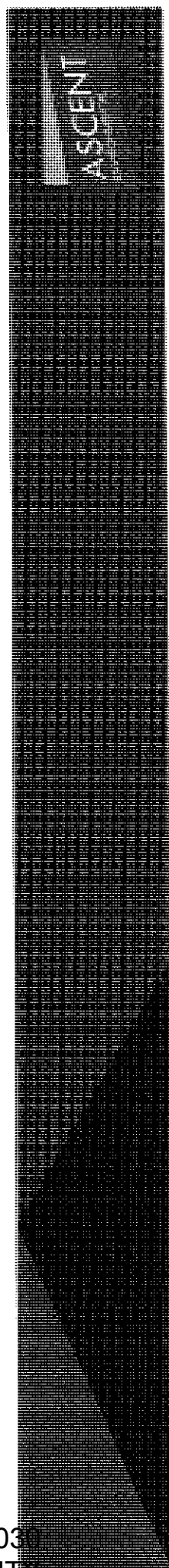
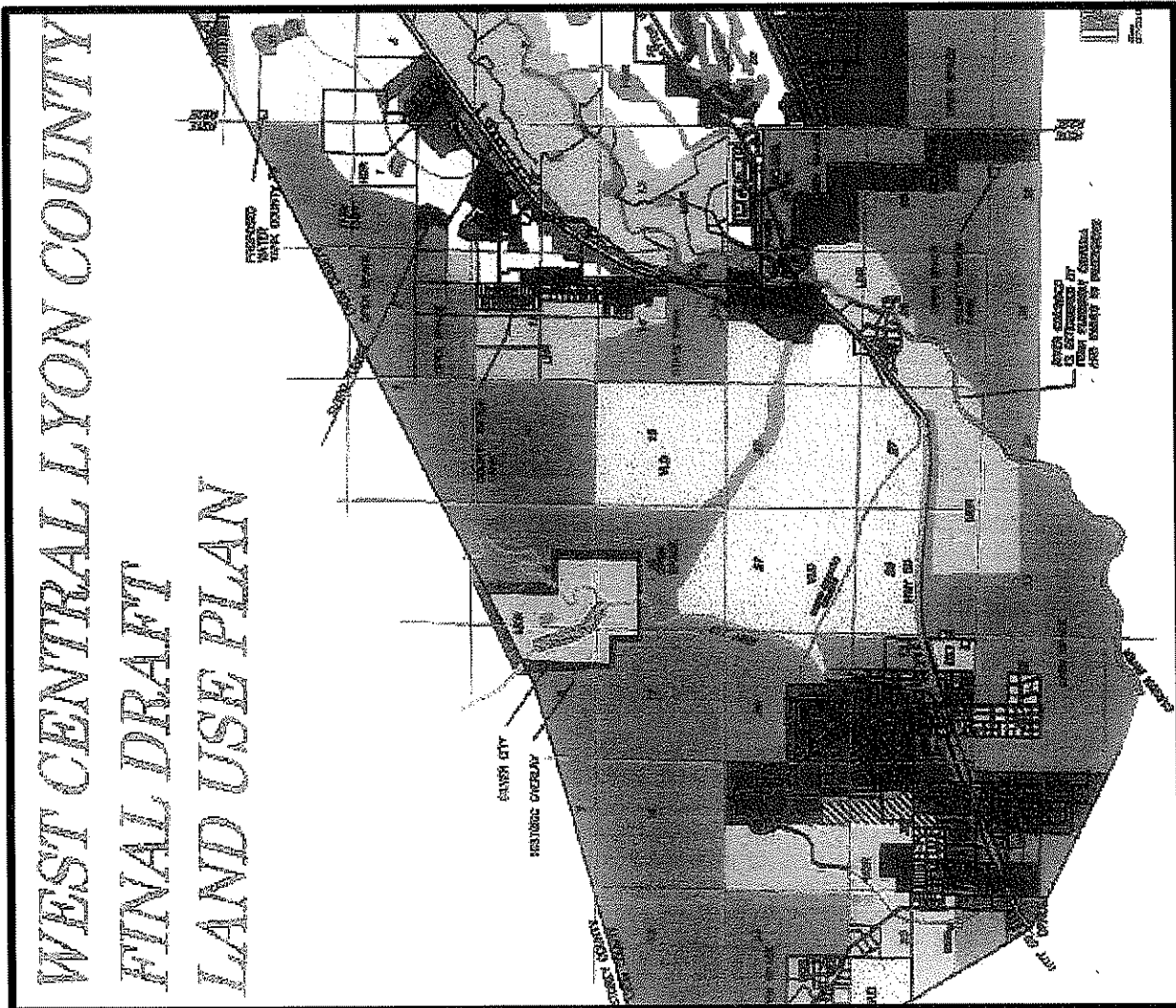
TEMPORARY ROAD

PROPOSED BRIDGE

SITE AREA

POTENTIAL INTERSECTION

POTENTIAL TRAIN STATION



COUNTY-WIDE LAND USE MAP - SILVER CITY

Legend:

- City of Silver City
- County of Grant
- County of Lincoln
- County of McIntosh
- County of Pecos
- County of Sandoval
- County of Sierra
- County of Socorro
- County of Taos
- County of Valencia
- County of Yuma
- County of Dona Ana
- County of El Paso
- County of Huerfano
- County of La Brea
- County of Mora
- County of Otero
- County of Quay
- County of San Juan
- County of San Mateo
- County of Santa Fe
- County of Teller
- County of Weld
- County of Adams
- County of Alameda
- County of Arapaho
- County of Box Elder
- County of Butte
- County of Chouteau
- County of Carbonate
- County of Converse
- County of Crook
- County of Custer
- County of DeWitt
- County of Fergus
- County of Golden
- County of Hill
- County of Jackson
- County of Johnson
- County of Keith
- County of Kimball
- County of Lake
- County of Lawrence
- County of LeFlore
- County of Logan
- County of Lyon
- County of Madison
- County of Mahan
- County of Marshall
- County of Mayes
- County of McClain
- County of Meeker
- County of Mercer
- County of Mitchell
- County of Morrison
- County of Murray
- County of Nemaha
- County of Newton
- County of Norman
- County of Nowata
- County of Okfuskee
- County of Oklahoma
- County of Osage
- County of Ottawa
- County of Pawnee
- County of Perkins
- County of Pittsburg
- County of Polk
- County of Pottawatomie
- County of Pratt
- County of Rawlins
- County of Red
- County of Rock
- County of Rowley
- County of Russell
- County of Saline
- County of Scott
- County of Sevier
- County of Shawnee
- County of Sherman
- County of Shoshone
- County of Sioux
- County of Stillman
- County of Stevens
- County of Sumner
- County of Tarrant
- County of Taylor
- County of Terry
- County of Thayer
- County of Thomas
- County of Thompson
- County of Todd
- County of Tongue River
- County of Turner
- County of Union
- County of Upson
- County of Van Wert
- County of Warren
- County of Washington
- County of Wayne
- County of Wheeler
- County of Wilcox
- County of Willamette
- County of Williamson
- County of Windsor
- County of Wood
- County of Woodward
- County of Wright
- County of York
- County of Zieglar

Scale: 0 to 10 miles

Inset Map: Shows the location of Silver City within the state of New Mexico.

PROVISIONS OF 2010 PLAN FOR SILVER CITY

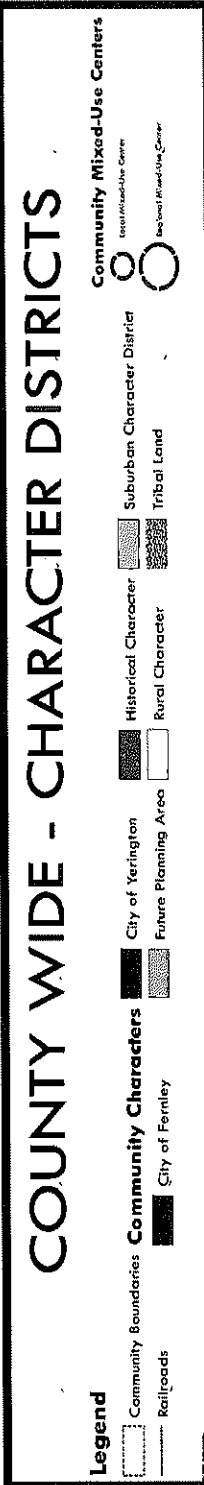
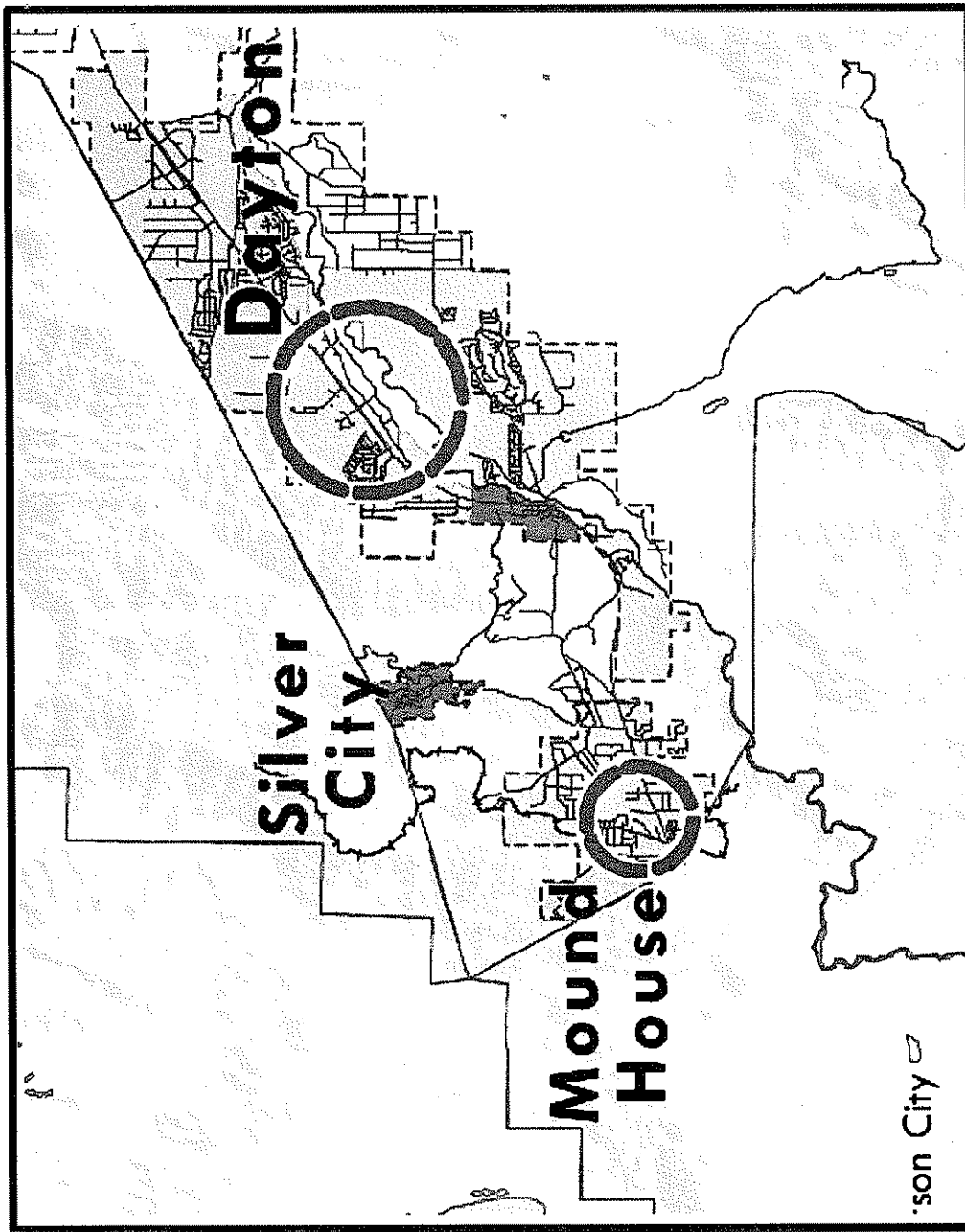
- ▶ One of 8 Communities designated for future Community Plan; all CML lands within Community Boundary. Celebrate diversity of character among communities in Lyon County.
- ▶ Designated as Historic Character District; preserve historic character and context.
- ▶ Suburban Residential designation to be fine-tuned in Community Plan.
- ▶ Resource designation outside Town Site may include rural residential or open lands.
- ▶ Opportunity for “Clustering” of parcels with incentives. Possibility of mixed-use center.

JA2137

14 CV 00128 - 00203
LYON COUNTY

ASCENT

2010 COUNTY-WIDE CHARACTER DISTRICTS MAP (EXCERPT)



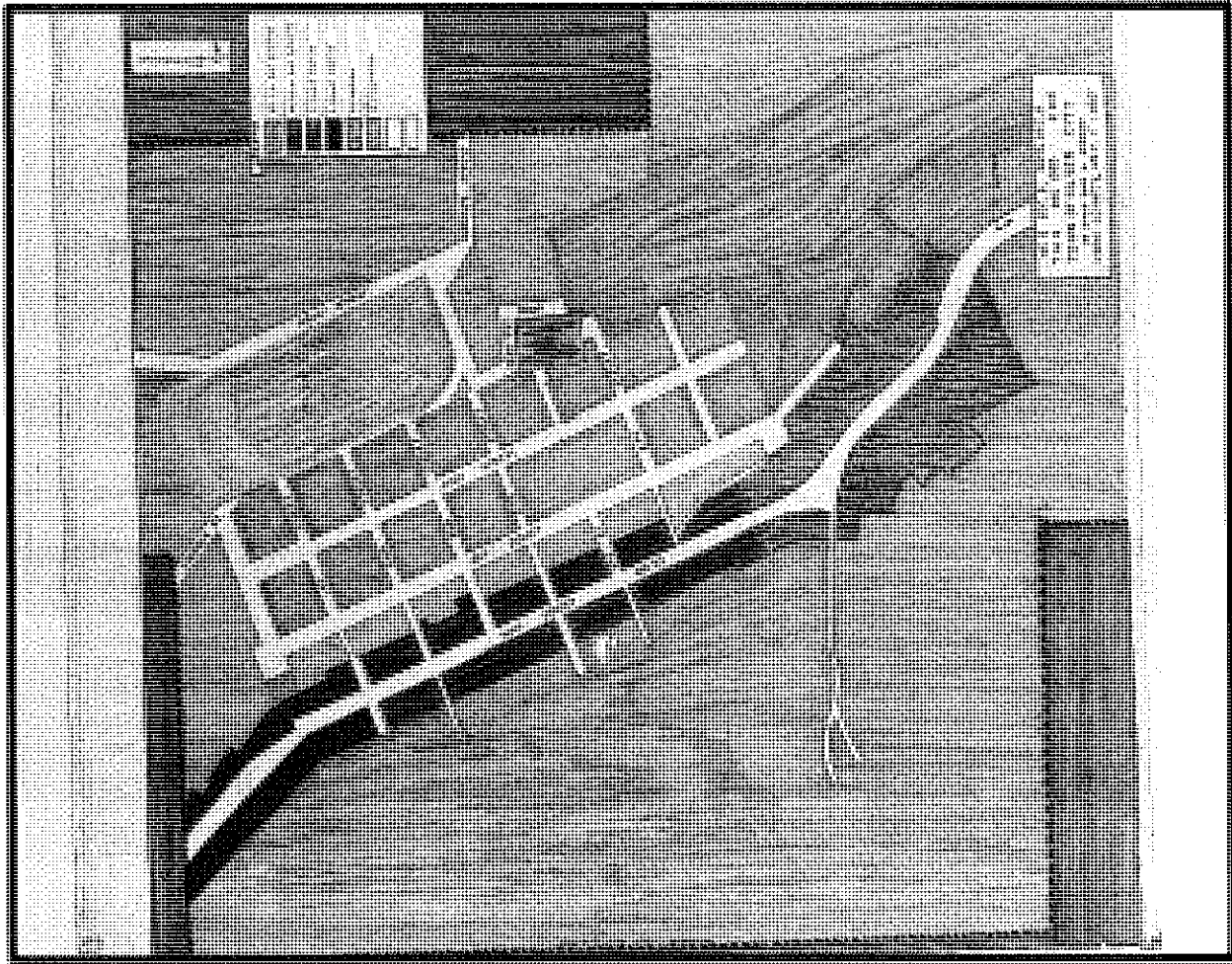
ZONING

- ▶ **NR-1, Single-family, Non-rural Residential with 6,000 sq. ft. min. lot size within Town Site and on CMI lands that extend outside Town Site. Mining not permitted.**
- ▶ **M-1 General Industrial District on northern edge of CMI lands. Mining by Special Use Permit.**
- ▶ **RR-5 Fifth Rural Residential, 20 acre nominal min. lot size outside Town Site. Mining by Special Use Permit.**

1970s ZONING MAP OF SILVER CITY

JA2140

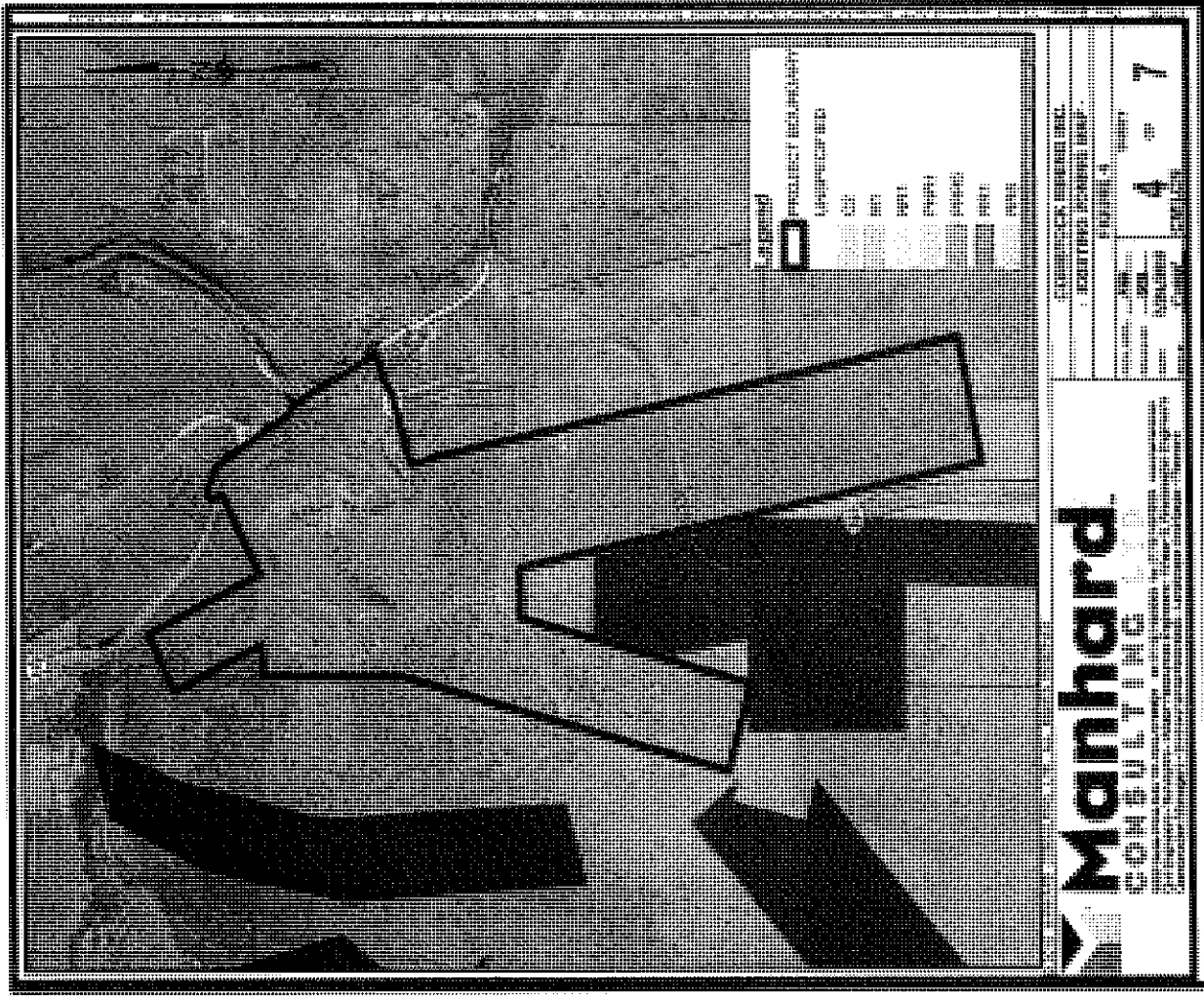
14 CV 00128 - 002035
LYON COUNTY



ASCENT

CURRENT ZONING

(AS COMPILED BY MANHARD
CONSULTING FOR COMSTOCK
MINING, INC.)



ENVIRONMENTAL CONSIDERATIONS

SHOULD MINING BE PERMITTED

- ▶ Carson River Mercury Superfund Site Operable Unit 1: known mercury contamination at former mill sites, including Dayton Con.
- ▶ Air Quality: Mining operations can generate dust and truck traffic releasing particulates, nitrous oxide, sulfur dioxide, carbon monoxide.
- ▶ Noise: Drilling, blasting, crushing ore, heavy equipment, hauling of ore and waste near residences.
- ▶ Water quality: Acid mine drainage, concentration of toxic metals, pollution of surface and groundwater.
- ▶ Reclamation: Special considerations in place in Lyon County for Comstock Historic District.

CONCLUSIONS

- ▶ Lyon County has consistently planned and zoned for medium density residential uses within Silver City, surrounding a commercial core. Also consistently planned and zoned for resource or open space outside the Town Site.
- ▶ Maintaining historic character and context in Comstock Historic District has always been Lyon County priority.
- ▶ Lyon County already denied master plan amendment, zoning change and mining special use permit for these same lands in 1986, citing inconsistency with land Use plan and zoning.

THANK YOU



JOHN SINGLAUB
SENIOR ANALYST/PROJECT MANAGER
ASCENT ENVIRONMENTAL, INC.
STATELINE, NEVADA

JOHN.SINGLAUB@ASCENTENVIRONMENTAL.COM

(775) 721-5694



Kerry Page <kpage@lyon-county.org>

Letter to Planning commission from Great Basin Resource Watch

2 messages

GBRW Reno <john@gbrw.org>

Tue, Dec 10, 2013 at 8:12 AM

To: planning@lyon-county.org

Toi whom it may concern,

Attached is a letter for public comment to the Lyon County Planning Commission for this morning's meeting.
Please forward this letter to the planning commissioners.

thank you
John Hadder

John Hadder
Great Basin Resource Watch
236 Keystone Ave.
Reno, NV 89503

775-348-1986
775-722-4056 (c)
775-345-3575 (f)

john@gbrw.org
www.gbrw.org

**GBRW-Lyon county letter-12-10-13.pdf**

485K

Kerry Page <kpage@lyon-county.org>

Tue, Dec 10, 2013 at 8:24 AM

To: GBRW Reno <john@gbrw.org>

Got it - thank you.

[Quoted text hidden]

[Quoted text hidden]

John Hadder
Great Basin Resource Watch
236 Keystone Ave.
Reno, NV 89503

775-348-1986
775-722-4056 (c)
775-345-3575 (f)

JA2145

14 CV 00128 - 002040

LYON COUNTY

john@gbw.org
www.gbrw.org

--
Kerry Page

Lyon County Planning Assistant

27 South Main Street

Yerington, NV 89447

ph: 775-463-6592

fax: 775-463-5305

JA2146

14 CV 00128 - 002041



Working with Communities to Protect Their Land Air and Water

236 Keystone Ave. Reno, NV 89503
775-348-1986, www.gbrw.org

December 10, 2013

Lyon County Planning Commission
Lyon County Administrative Complex
27 South Main Street
Yerington, Nevada 89447

Re: Comstock Mining, Inc. – Master Plan Amendment and Comstock Mining, Inc. – Zone Change

Dear Commissioners,

Great Basin Resource Watch (GBRW) is a non-profit organization founded in 1994 by a coalition of environmental, Native American, and scientific community representatives. We are a regional organization working with communities of the Great Basin to protect their land, air, and water from the adverse effects of resource extraction and use, and other industrial development.

GBRW has been following and been engaged with the Comstock community for the past four years. The situation in the Comstock is somewhat unique with the appearance of large-scale mining in a rural residential area, and whether this kind of mining can coexist with the existing lifestyle and other aspects of the area such as the historical significance of the Comstock is at stake here. Decisions that are made here in Lyon County has the potential of setting a precedent to be carried to other places throughout the United States.

There are a couple considerations that GBRW would like to forward that may not be within the comments of other individuals and organizations. To date there has not been an overall environmental analysis of the impacts of the actions Comstock Mining Inc. (CMI) and future actions under its mine plan. Normally the federal government will require a full environmental impact statement when an action such as that being conducted by CMI is proposed on federal land. Since, CMI has carefully avoided federal land there has been no such analysis. Without this kind of analysis it is not clear how CMI's mining activity will impact the region and thus whether it is consistent with the goals of the master plan.

A comprehensive environmental review includes a cumulative impact analysis. One aspects of the cumulative analysis is how the project under consideration combines with other projects in the region for an overall impact. In addition this analysis recognizes how impacts to one resource could affect other resources, so there is a cross or interdependent analysis. To our knowledge this kind of analysis has not been done.

Another very important aspect of the cumulative analysis is an examination of foreseeable future actions or projects that can result in an additive impact. This component of cumulative analysis is critical to the planning process. To

Great Basin Resource Watch is a tax-exempt (501(c)3) organization

JA2147

14 CV 00128 - 002042
LYON COUNTY

our knowledge CMI has not been required to submit foreseeable actions, or even a specific Plan of Operations, since no environmental impact statement has been required.

Therefore, any changes to the master plan without a comprehensive environmental review on the CMI mine plan seems premature. In our view CMI appears to be putting this commission in an untenable position of making a very important decision with incomplete information – near blind decision making.

One of the stated goals in the 2010 Master Plan:

Goal CP 3: Community Plans: Lyon County will support community-based planning efforts that elaborate community-specific goals and that are developed with strong public consensus.

This goal clearly articulates the need for a high level of community engagement to create a supermajority community agreement on any changes to the master plan. It is our view that neither of these has been realized. Meaningful community engagement requires access to information. In this situation there remains incomplete public information regarding CMI's mine plan. If CMI wishes a significant master plan change, then to satisfy the community agreement goal, CMI needs to submit to a complete environmental review, which would include the mine Plan of Operations that the federal government requires for an environmental impact statement. At this time there is clearly nothing close to consensus on the proposed amendment.

Lyon County does have the authority to require a complete environmental review or impact statement. Existing federal law does not undermine this authority. GBRW most strongly urges the county to require something similar to an environmental impact statement before making any changes to the master plan. The process of completing the environmental review will also help considerably to satisfy the community engagement goal and allow the community to find some consensus on any master plan changes as they relate to the activities of CMI. CMI will most likely view such a requirement as unreasonable, but it is CMI that is "opening the door" to the need for an environmental impact review in the request for amending the master plan.

In our work for the past 19 years on mining activities in the Great Basin it is very clear that an environmental impact statement is vital and quite common. In general, the federal government sees that the environmental review as set forth by the National Environmental Policy Act (NEPA) as necessary for any large-scale mine project. Not only are modern mining operations such as CMI's activities of regional significance but typically involve multiple expansions over the years, and thus eventually have a very large footprint. The community needs to be fully aware of the future plans for mining so that appropriate planning is possible.

GBRW wishes the county and community well in this process.

Sincerely,

John Hadder, Director

A handwritten signature in black ink that reads "John Hadder". The signature is stylized with a large, looping "J" and a cursive "Hadder".

Great Basin Resource Watch

Great Basin Resource Watch is a tax-exempt (501(c)3) organization

JA2148

14 CV 00128 - 002043
LYON COUNTY



Kerry Page <kpage@lyon-county.org>

Planning commission letter

1 message

Phill Searles <Searles@comstockmining.com>

Tue, Dec 10, 2013 at 5:37 AM

To: "kpage@lyon-county.org" <kpage@lyon-county.org>

Cc: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Kelly,

Could you please give this letter to the commissioners please. I apologize that I will not be able to attend today.

Kindest thanks,

Phill

Phill Searles

Logistics and Supply Manager

Comstock Mining Inc.



775-847-5272 ext 115 (o)

775-622-7616 (c)

775-847-4762 (f)

1200 American Flat Road

PO Box 1118

Virginia City, NV 89440

NYSE MKT: LODE



JA2149

14 CV 00128 - 002044



Dear Planning Commission.docx

14K

JA2150

14 CV 00128 - 002045

Dear Planning Commission,

Attachment

I have been a resident of Gold Hill for only 15 months, but in that time I have fallen in love with the community and surroundings. I am honored to call this area home. I work for Comstock Mining Inc and I have observed how Comstock has interacted with the community and has done everything in its power to be good responsible neighbors. I have worked at other mines where that is not the case. I have seen "Big" mines move a community to their own gain. Comstock Mining Inc has not been like that. The Management team has gone out into the community and asked for their input, and has tirelessly worked on solutions that would benefit both parties. I am in favor of the zoning change as it will be a win-win for both sides. Comstock Mining Inc is dedicated to responsible mining, and reclaiming the land that has been mined. I intend to live here in Gold Hill for the rest of my life, and I am proud to have Comstock Mining Inc as my neighbor. My sincerest hope is that you will approve the zoning change that Comstock Mining Inc has requested.

Sincerely,

Phill Searles



Kerry Page <kpage@lyon-county.org>

Planning Comm. Meeting Tomorrow

1 message

karenk.5@netzero.com <karenk.5@netzero.com>

Mon, Dec 9, 2013 at 12:10 PM

To: kpage@lyon-county.org

Carrie would you please pass this email on to all the Commissioners regarding their meeting tomorrow.

My name is Karen West. I have lived in Silver City since 1978 and have owned property in Silver City since 1980.

My home over looks the south end of town.

I strongly urge you to turn down the requests of Comstock Mining for zoning and master plan changes which are on the agenda of your meeting.

I, along with so many others do not want mining within the city limits along with traffic, noise, pollution, destruction of natural land etc.

I have had the Consolidated Mine as part of the scenery from my home since 1980 and think it is wonderful.

A pit is certainly not scenery and will not help my property value.

I would be at the meeting, but have to work.

Please don't let Comstock Mining ruin our town.

Sincerely,

Karen West

P.O. Box 74
Silver City, NV 89428

775-847-0207

NetZero now offers 4G mobile broadband. Sign up now.

JA2152

14 CV 00128 - 002047



Kerry Page <kpage@lyon-county.org>

Supplemental information

1 message

Erich Obermayr <historicinsight@gbis.com>

Mon, Dec 9, 2013 at 8:56 PM

To: Kerry Page <kpage@lyon-county.org>

Cc: Chuck Davies <ced302@att.net>, Larry Wahrenbrock <nevadabead@aol.com>

Kerry,

Sorry for last minute (literally) but could you please distribute this to the Planning Commission tomorrow?

Thanks very much,

Erich

Erich Obermayr

Historic Insight

Box 249

Silver City, NV 89428

775-847-0344



Dayton Mine supplemental notes.doc

28K

December 8, 2013

To the Lyon County Planning Commission:

The following includes some supplementary information to my November 11, 2013 submittal to the Planning Commission regarding Comstock Mining's Master Plan Amendment and Zone Change application for their property in Silver City.

This supplementary information is based on re-examination of documents at the Nevada State Library and Archives cited on the November 11 submittal, an interview with Mr. John Bennetts of Silver City, and the September 22, 2011 Reclamation Permit for exploration on the Dayton property, filed by Comstock Mining Inc. with the Nevada Department of Conservation.

The purpose of this supplemental work was to further examine the repeated statement in the application that:

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940s and 1960s, while some form of active exploration and development activity has continued from the 1970s through today.

The re-examination of the reports by the State of Nevada documenting mining and milling operations in the state focused on the Alhambra, Oest, and Kossuth claims which are included in the application but which lie for the most part south of the Silver City town limits. The only reference found to any of the three claims was an entry for 1982, I.D. # 1828, Oest Corporation, Billy Varga President, Oest Mine; underground gold and silver mine with four employees. The Oest Mine is well removed from the Dayton Mine proper, approximately 0.15 miles southwest of the Silver City town limits.

Mr. Bennetts is a lifelong Silver City resident, and his family has been involved in mining in the Silver City area for generations. Mr. Bennetts is very knowledgeable on the subject. In the interview, Mr. Bennetts recalled that mining did continue at the Dayton for a number of years after Dayton Consolidated shut down in 1950. These activities ceased by 1955. Mr. Bennetts pointed out that the subsequent owners did maintain a continuous presence on the property until the early 1980s, in the form of taxes paid and occasional assessment work. A hired watchman has been on the property ever since. He also recalled that during the 1960s the owners did engage in limited work on the property. According to Mr. Bennetts, the most significant event during this time was the leasing of the Dayton property to Kenneco Minerals and Union Pacific Minerals, in the early 1980s. Their exploratory drilling project established proven reserves which then became the basis for the proposed Nevex open pit mine.

Comstock Mining's Reclamation Permit, also addressed previous work on the Dayton

property. To quote from page 5 of the report:

Operations [at the Dayton Mine] resumed on a limited basis using surface mining practices to develop an open pit in the late 1940s, by 1950 the mining and processing ended.

The report does not mention any further mining on the property, but does refer to an exploratory drilling program in 1976 which is apparently the same drilling mentioned by Mr. Bennetts.

This supplemental information adds detail to my submittal of Nov. 11, but does not change my basic point, although I would say the sporadic, abbreviated efforts of the 1960s were apparently done by the owners of the property themselves.

Thanks for your time and consideration.

Erich Obermayr
Box 249
Silver City, NV 89428
eoher@historicinsight.com



Kerry Page <kpage@lyon-county.org>

Fwd: Needs to be sent kpage@lyon-county.org

1 message

Daniel Howerton <ctr.constr@gmail.com>

Mon, Dec 9, 2013 at 7:50 PM

To: kpage@lyon-county.org

Comstock Mining Zoning Application

To whom it may concern,

It has come to my attention that Comstock Mining has applied for a zoning and master plan change for its property in Lyon County. The parcels that Comstock Mining is requesting be changed are in an area that would be troublesome for high density housing development and for that matter any residential housing. The property has mainly vacant and is surrounded by public lands or land that is reserved for mining. It is a hilly area and has no available utilities. If there are other uses for this property it should be explored.

I believe the company is in its rights to request a zoning change in order to utilize their property to its fullest. As a business owner I would hope that Lyon County would see that beneficial land use is a high priority and that all private landowners can use their property to its fullest. Comstock Mining is asking for a zoning that could help promote growth in our county and could result in a great opportunity for jobs, which are needed.

Please consider approving Comstock Mining's applications for a zoning and master plan change.

Daniel J Howerton CE
CTR Construction Co.
Dayton, NV
775/241-2099

JA2156

14 CV 00128 - 002051

LYON COUNTY



Kerry Page <kpage@lyon-county.org>

Comstock mining support letter

1 message

Kari Randle <Randle@comstockmining.com>

Mon, Dec 9, 2013 at 7:31 PM

To: "kpage@lyon-county.org" <kpage@lyon-county.org>

Hello

Attached is a letter I have written since I could not be present tomorrow.

Thank you

Kari Randle

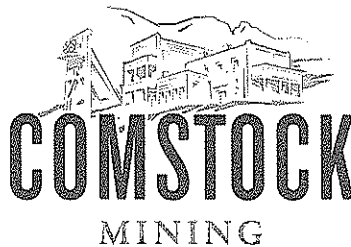


Letttter for .docx

149K

JA2157

14 CV 00128 - 002052



12/9/13

To whom it may concern:

My name is Kari Randle. I am the Laboratory Team Lead for Comstock Mining. I want to take a moment to share my experience while working here with you.

First of all I was working a job before Comstock Mining that did not allow me any financial freedom and was my motivation for changing my job of 8yrs. As a single mother this was very challenging and sometimes impossible to pay my bills and child care with my former income. Since working at Comstock I am able to make a livable wage that allows me to pay my bills and give back to my community. I am able to contribute to our local economy and try to support our local small business. I have been given some great opportunities as an employee of Comstock Mining that I would not have received anywhere else. I have had great mentors from within the industry and the opportunities to work with several other laboratories. I have been given training and advancement opportunities from the day I walked in the door. I have been given opportunities to work on project management, environmental training, RICRA training, opacity training, SPC training, Montor Pro training, site training, safety training, and the list goes on.

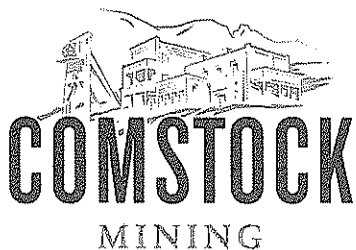
I also believe that our company cares and is concerned for the environment and the community. I have seen Comstock Mining do more than say they want to make a difference for the community and environment. They live it. I feel that Comstock mining does live out these values every day. I feel we always continue to improve and have a bright future in this area. I'm very proud to work for a company that has values I believe in and does its best to be honorable and ethical in a time many companies choose not too.

Sincerely,
Kari Randle
Comstock Lab
Team Lead
Comstock Mining Inc.



775-847-5272 x191 (o)
775-230-5381 (c)
775-847-4762 (f)
1200 American Flat Road
PO Box 1118
Virginia City, NV 89440

NYSE MKT: LODE





Kerry Page <kpage@lyon-county.org>

Letter

1 message

Jen <McMahon1971@aol.com>

Mon, Dec 9, 2013 at 4:59 PM

To: "kpage@lyon-county.org" <kpage@lyon-county.org>

Dear Mr. Loveberg,

I am a Dayton business owner, and I am in support of Comstock Mining's zone and master plan applications that will be heard Tuesday, December 10th at the Lyon County Planning Commission. Comstock Mining impresses me as a business because they hold a strong vision for a sustainable Lyon County. I am in favor of attracting more businesses to Lyon County, and attracting opportunities that will offer primary jobs that will meet the needs of our local residents. This county needs to promote diversification and not limit industries based upon assumptions. Thank you for your time and consideration upon this matter.

Respectfully submitted,

Janine S. McMahon
ProprietorBloomers Florist
Where Floral Dreams Come True!



Kerry Page <kpage@lyon-county.org>

Lyon County Planning Commission Letter

1 message

Jojo Myers <jlm@matrixleadership.net>
To: Kerry Page <kpage@lyon-county.org>

Mon, Dec 9, 2013 at 4:29 PM

Here is a letter from the Dayton Area Chamber of Commerce.
thank you

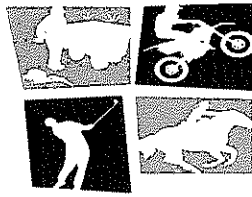
--

Jojo L. Myers, CEO
Matrix Leadership, LLC
775.230.9007

 **Lyon County Planning Commission.pdf**
152K

JA2161

14 CV 00128 - 002056



DAYTON
CHAMBER OF COMMERCE
MAKING A DIFFERENCE SINCE 1983

Lyon County Planning Commission
27 S. Main Street
Yerington, NV 89447
Cc: Larry Wahrenbrock, Chairman

December 9, 2013

Subject: Lyon County Master Plan and Zoning Change Request

The Dayton Area Chamber of Commerce fully supports Comstock Mining in their efforts and commitment to strengthen economic development opportunities through their investment in Lyon County.

This area has very high unemployment and has been hit harder than most counties in the region. Comstock Mining has generated jobs and will continue being responsible for adding jobs and helping close the unemployment gaps and reducing county deficits. But this cannot be done if the Lyon County Planning Commission does not seriously consider the change in the Master Plan from the current Suburban Residential and NR1 Zoning Designation to Rural Residential and RR3 and RR5 Zoning Designations. This type of disconnect, not only effects the financial burden for Comstock Mining, but it also effects the residents of Lyon County.

The Dayton Chamber works very closely with economic development initiatives and realizes that in today's economic downturns, we (Lyon County) must evaluate, re-evaluate, modify, or eliminate antiquated means of business to embrace more realistic and viable business strategies. Lyon County must align with economic values, meet short and long term goals, recognize existing infrastructure opportunities and threats, and create a plan for a long lasting, sustainable economy.

Every organization should be key components to a stronger, healthier region, so the Dayton Area Chamber of Commerce, sincerely ask the Lyon County Planning Commission to give serious consideration to both the change from Suburban to Rural Residential and the Zoning Request. These changes are positive, necessary, good business, and great for community development.

Sincerely,

*The Board of Directors
The Dayton Area Chamber of Commerce*



Kerry Page <kpage@lyon-county.org>

Letter of Support for Comstock Mining

1 message

Jeanne Broughton <jeanne@niia.org>

Mon, Dec 9, 2013 at 4:14 PM

To: "kpage@lyon-county.org" <kpage@lyon-county.org>

Dear Planning Commissioner,

I am a longtime Lyon County resident of Dayton and I am writing in support of Comstock Mining's application for a Master Plan and Zoning request for change. I have toured the area the company is wanting to have changed. The lots have topography issues and are in an area of historical mining. I cannot understand why it was zoned for suburban residential. I would like to recommend this be changed to a more appropriate zoning that will allow Comstock Mining to use it to its full potential.

I would like to see them be able to proceed with development of the property for mining as it is clearly not a residential area. Comstock Mining is an active community member and employs many people from Lyon County. I would like to see them continue to employ more residents from Lyon County and this could help further that goal.

Sincerely,

Jeanne Broughton

NIIA Membership Services

jeanne@niia.org

775-882-1366

775-883-0524

Home Email & Phone

jeannemariedayton@charter.net

775-846-3408

JA2163

14 CV 00128 - 002058



Kerry Page <kpage@lyon-county.org>

Comstock Mining Zoning Change for 12-10-13 hearing

1 message

LYN L PATMOR <l.patmor@sbcglobal.net>

Mon, Dec 9, 2013 at 2:43 PM

Reply-To: LYN L PATMOR <l.patmor@sbcglobal.net>

To: "kpage@lyon-county.org" <kpage@lyon-county.org>

Lynette L. Patmor
409 Armstrong Court
Dayton, NV 89403

December 9, 2013

Lyon County Commissioner Chuck Davies
27 S. Main Street
Yerington, Nevada

Dear Commissioner Davies:

I am a resident of Dayton in Lyon County and have decided to live here for the rest of my life. What attracted me to the area is its rich Comstock and emigrant trail history, the Pony Express, wild horses, the people, options to find gold or silver and the balance between nature and commerce.

I'm asking you to recommend that the planning commissioners approve Comstock Mining's applications today. I am favorably impressed with the management and operations of Comstock Mining and I am certain they will greatly benefit Lyon County. As you know, Nevada has the reputation of being a business friendly state and many businesses across the country are downsizing or closing due to factors outside of their control. It seems the Lyon County Commissioners have control over the decision to allow Comstock Mining's request to change zoning. Please make it happen. Approving Comstock Mining's request to change the zoning from NR-1 and RR-5 to RR-3 and other requests seem to be a step in the right direction for Lyon County, Nevada. I want to see my local area prosper and fully recover from the previous economic depression.

My home is parcel number 029-221-05, a single family residence on a privately owned airport and across the runway from commercial property. It is also my desire that in the near future, many of the vacant commercial properties will sell to businesses that will prosper here in Dayton and Lyon County.

JA2164

14 CV 00128 - 002059

We invest our tax dollars for the education of our children. When these children graduate, they typically must leave Dayton to find work. We are losing our greatest resource due to the lack of businesses and jobs. In Dayton, there are so few job opportunities for our community members. I want money created in Lyon County to stay in Lyon County. You can help make it happen.

Please approve Comstock Mining's applications today.

Sincerely,

Lynette L. Patmor (approved by electronic email sent via l.patmor@sbcglobal.net)



Kerry Page <kpage@lyon-county.org>

Comstock Mining Inc before Planning Commission

1 message

Ron James <ron@comstockfoundation.org>

Mon, Dec 9, 2013 at 7:35 AM

To: kpage@lyon-county.org

Kerry Page:

Attached is a letter I am submitting for your consideration in the planning process. Please let me know if you have any questions.

Best wishes,

Ron

Ronald M. James

Executive Director

Comstock Foundation for History and Culture



Lyon County Planning December 9 2013.docx

16K

JA2166

14 CV 00128 - 002061

December 9, 2013

Lyon County Planning Commission
c/o Kerry Page

Dear Commissioners:

When evaluating development in historic districts a number of questions are often asked, and many of these grow out of assumptions about what historic designation means or implies. Historic designation can cloud the planning process with an emotionally-charged atmosphere, too often based on what historic designation seems to be about rather than what it actually involves.

As Dr. Pat Barker pointed out in his November 4, 2013 letter to John L. Marshall, the Lyon County "Master Plan argues that a community's unique character 'is defined by its design, its viewsheds, its gathering places, and its historic and cultural resources, as well as by environmental characteristics such as natural quiet and dark night skies.' The plan further notes that 'maintaining this character is important – not only for promoting economic development and diversification, but also for protecting our living spaces, quality of life and open lands.'" It is important to note, as Dr. Barker and the Master Plan do, that issues associated with historic resources stands apart from other aspects of the community's character. "Viewsheds" and "design" do, in fact, tie back to the management of historic resources, but the other issues are better regarded as general quality of life issues that can be part of the planning process for any community, new or old. Subjects not evoked necessarily by history designation include consideration of "its gathering places, ..., as well as by environmental characteristics such as natural quiet and dark night skies." These issues, while valid for a planning activity to consider, are largely separate from the concerns that affect the management of the historic district.

Issues that are directly associated with the management of the historic district include the effect of an undertaking on structures and archaeology and the long-term effect of an undertaking on the landscape. The Comstock Foundation for History and Culture can support undertakings that 1. Avoid or preserve historic structures (or have long-range plans to address the preservation of historic structures); 2. Fully-document or mitigate archaeological or surface resources that may be affected by an undertaking; and 3. Have long-range plans for the reclamation of the landscape. This could be taken to condemn residential development, because the construction of new housing typically destroys archaeological resources, causes an effect on the historic landscape that will never be reversed, and reduces the percentage of historic structures in relation to new construction. Nevertheless, certain development, particularly involving private real estate, is to be expected when dealing with a healthy economy and with a living, functioning historic district.

With this in mind, the Comstock Foundation for History and Culture looks to the local planning process to support development projects – including mining – that feature positive answers to the following questions:

1. Are historic structures being avoided or sensitively moved and preserved in the face of development?
2. Are archaeological and surface resources being recorded and collected before surface disturbance?
3. Are changes to the landscape being mitigated through a reclamation program?

This last point is problematic from the point of view of managing the historic district that coincides with the Comstock Mining District: the landscape of the district (whether considered as a mining district or a historic district) shows the effects of extensive land modification throughout its history. This includes open-pit mining, which has been a common practice on the Comstock since 1859. A comprehensive reclamation program following any proposed mining venture may obliterate an important, recent phase of mining-related landscape modification. For this reason, the Comstock Foundation requests consideration for the preservation of some aspects of the land alteration associated with current mining as part of the documentation of the industry's effect during each decade.

If there is a fourth consideration here, it would be for the development of a healthy economy. While parts of the Comstock Historic District function as bedroom communities with residents employed outside the district, the district is at its healthiest when it supports its own businesses and means for employment. Development that can support high-paying jobs within the district directly and indirectly enhance the preservation of historic resources. Coincidentally, while working with the tourism industry of the Comstock Historic District for three decades, I have found that visitors to the district are overwhelmingly excited and intrigued by the idea of current mining projects. The lure of bullion, which attracted tourists in the 1860s and 1870s, has the same effect in the twenty-first century, and its positive effect on the economy is not to be discounted. A healthy economy – based on tourism or something else – is the best means to maintain the historic resources of the Comstock.

Please let me know if you have any questions,

Ronald M. James
Executive Director
Comstock Foundation for History and Culture
ron@comstockfoundation.org



Kerry Page <kpage@lyon-county.org>

Comstock Mining application1 message

Janet McFall <janet.mcfall@gmail.com>

Mon, Dec 9, 2013 at 6:45 AM

To: kpage@lyon-county.org, Janet McFall <janet.mcfall@gmail.com>

To: Chairman Chuck Davies and Lyon County Planning Commissioners
27 South Main Street
Yerington, Nevada 89447

We raised our children in Spring Creek, NV. Mining helped Spring Creek grow from a rural, dirt road, no services area to a community. Mining built the Spring Creek schools and Mining funded school sports. Mining helped the community add a new grocery, restaurant, post office and small shops. Mining filled the existing homes and created more building, and gave us jobs.

I bought my home in Dayton 7 years ago and my two children now have their homes and families in Dayton as well. I support the proposal that Comstock mining has before the Commissioners and hope to see mining help Dayton and surrounding areas prosper as we watched it prosper in Spring Creek, NV.

Here are points that I agree with:

For more than a century the subject property has been used almost exclusively for mining, mine exploration and/or mine development. Active mining and development was ongoing in the 1940's and 1960's, while some form of active exploration and development activity has continued from the 1970's through today. The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles.

Lyon County should promote the continued development of mineral and aggregate resources as a primary industry for the county.

Lyon County should guide development away from areas where minerals and aggregate extraction where significant resources are known to exist. Suburban residential zoning makes no sense for this large parcel with a history of mining.

Urban development should occur in areas that are served by existing utility systems to avoid distant and costly extensions. Again, high density zoning is not feasible for this large parcel located in a rural setting.

In summary, mining in Silver City/Dayton Nevada areas will benefit the people, the community, the schools and the businesses. Let's help this rural community grow!

Thank you,
Janet McFall
775-848-3555
137 Creekside Drive
Dayton, Nv 89403

JA2169

14 CV 00128 - 002064



Kerry Page <kpage@lyon-county.org>

Planning Commission Meeting

1 message

Gayle Sherman <gales@gbis.com>

Sun, Dec 8, 2013 at 7:10 PM

To: Rob Loveberg <rloveberg@lyon-county.org>, Chuck Davies <ced302@att.net>, Kerry Page <kpage@lyon-county.org>, jpage@lyon-county.org

Hello Everyone,

Just wanted to pass along the following message that was sent out by CMI recently.

Gayle Sherman

Hello,

We are inviting our supporters to attend the Lyon County Planning Commission meeting next Tuesday, December 10th. Comstock Mining will be submitting its Lyon County Master Plan and Zoning Change Request to the Lyon County Planning Commissioners, and we are hoping for your attendance to display to the Lyon County Planning Commission that not all Lyon County residents are anti-mining.

We hope to hear from you with your desire to attend. We are going to provide transportation for those supporters that would like to ride with us to the meeting.

Transportation pick up will be at 7 a.m. at the Dayton Starbucks parking lot on Hwy. 50. For those that would rather drive their own vehicles please drop by and we can drive as a group to Yerington.

- Tuesday, December 10, 2010
- Lyon County Administrative Building
- Gather at 8:30 a.m. - Meeting begins at 9:00 a.m. and our item will be the first on the agenda.

Your support would be greatly appreciated, and I will speak with you soon. My contact information is below.

Have a great weekend,

Kyle Jones*External Relations*

JA2170

14 CV 00128 - 002065



Kerry Page <kpage@lyon-county.org>

Letter to Commissioner. Meeting, Dec.10,2013 agenda items: 1-2

1 message

Bonnie Brown <bbrown@gbis.com>

Sat, Dec 7, 2013 at 8:58 AM

To: Chuck Davies <ced302@att.net>, Betty Retzer <bretzer@yahoo.com>, Mike Hardcastle <mike@fernleymill34.org>, George Mortensen <gpfgeorge@aol.com>, Paul Lanning <paul4527@aol.com>, Harold Ritter <hk3m@aol.com>, Larry Wahrenbrock <nevadabead@aol.com>, Kerry Page <kpage@lyon-county.org>, Rob Loveberg <rloveberg@lyon-county.org>, Jeff Page <jpage@lyon-county.org>

P.O. Box 102 1530 Old Dayton Toll Road, Silver City NV, 89428-0102

December 5, 2013

Lyon County Planning Commissioners

27 South Main Street

Yerington, NV 89447

Re: December 10, 2013 Planning Commission Meeting: Agenda Items: #1-2: **Request:** Comstock Mining Inc. (CMI), Master Plan and zoning change within Silver City town site.

Dear Commission Members:

We request that the Commission deny the mining company request that will essentially allow a proposed, undefined, open pit mine to be dug within the Silver City town site. Silver City is an historic town that is also an integral part of the Virginia City National Historic Landmark and Nevada State Comstock Historic District.

This is a letter from the hearts of two 40-year Silver City residents. We live less than 600 feet from the requested Master Plan and zoning change properties. We are considered 'Affected Property Owners' by Lyon County.

Our property is located in Gold Canyon, a small canyon adjacent to Nevada Highway 341, on the Old Dayton Toll Road. We are the last customers on the historic Virginia City water syphon water line.

We built our family home and raised our children on the old Phoenix/French Mill site, one of the first mills on the Comstock. The mill, which burned down in 1900, was powered by huge water wheel. We bought the property from Roland and Bernice Bonham, a Comstock miner who worked small digs with his brother, and worked at the Dayton Consolidated Mill, and his wife, a teacher. They were the direct descendants of the Greely French family. When the mines played out, the family moved on.

When we moved here Silver City was, and still is, a small town that afforded us a chance to have a good life for our family in a nurturing community that was quiet and safe. We both come from large industrial areas, and in Silver City we experienced for the first time, **Community**. A sense of community is extremely rare, and is something some of the small rural towns in Nevada continue to have. It is precious. We live in a community of folks who may not agree on many things, but if anyone is in need, folks will help. The modern spirit of the town was built upon the reconstruction of the fire department, with training and equipment acquisition through community fundraising, and the school house. Today these are still the essential foundations of our town, our community.

Silver City was historically, a working man's mill town. Small, modest houses, businesses and mills typified town buildings, in contrast to the wealthier towns of Gold Hill and Virginia City. As part of the Historic District, all town construction must comply with building and land use constraints characterized by the original buildings. The zoning

JA2171

14 CV 00128 - 002066

determines what may transpire in the businesses. When we first built our house, we had to get a 'Certificate of Appropriateness' for even our chicken house. To comply with historical visual architecture, the houses continue to be modest in appearance. Inside our houses one will find rich, culturally interesting décor and well as a truly diverse, intelligent, creative and nurturing population. It is home.

The residents of the town have been very actively involved in the development of the County Master Plan. Since the modern zoning was established, land use designations haven't changed. The town's character and economic values have remained constant with non-industrial, residential zoning. We all have jobs (e.g. federal, state, teaching, history/geology, archaeology, masonry, mining, truck driving, artistic/creative, bartending, consulting, landscaping, mental and handicapped services, construction). We vote and pay our taxes as good citizens.

As the County seal shows, historical Lyon County economy was based primarily upon agriculture, ranching and mining with discrete residential and commerce, railroad communities. Those same strong economic foundations hold true today with more recent, global commerce of warehousing, transportation, small manufacturing, subdivision development, energy production and recreation to name a few.

In 1986, when the Nevex Mining Company applied for zoning change and SUP for mining within Silver City, the Lyon county Planning Commission and County Commissioners found the in-town Dayton Consolidated Mill site inappropriate for modern mining; lawfully guided by the established Master Plan. Lyon County then went on to facilitate that company to work in adjacent properties, which were found appropriate within the county.

The current disruption of our lives by the exploration of the Dayton Properties by CMI has overwhelmed our community. We have been constantly impacted by the sound and vibration caused the drilling, blasting, 24 hour heavy equipment movement, dust and road closures for the past two years. This disruption is written off as just 'exploration.' Many residents have lost heart, yes 'heart.'

The land use changes applied for will allow uses totally unsuitable for property within a town. Our health, economic well-being, is at stake. We and some of our neighbors will no longer be able to live on our property if the zoning changes allow an open pit or other massive industrial uses to the property. We honestly don't have the means to easily move.

We ask ourselves, will this entire town be sacrificed for the latest of many opportunists who have been sold this property over the last years.....sacrificed for a newly fabricated entity that wants to make money, even if it is just on paper?

We respectfully request that today your reasonable, lawful, far thinking judgment be applied to these unsuitable and inappropriate applications. We trust that an honest, balanced equitable decision will be made.

We thank you for your service to our communities.

Sincerely,

Christopher Brown Bonnie Brown

775-847-0431

bancbrown@gbis.com



Planning Commission Letter 12-05-13.docx

41K

JA2172

14 CV 00128 - 002067

P.O. Box 102 1530 Old Dayton Toll Road, Silver City NV, 89428-0102

December 5, 2013

Lyon County Planning Commissioners
27 South Main Street
Yerington, NV 89447

Re: December 10, 2013 Planning Commission Meeting: Agenda Items: #1-2: **Request:**
Comstock Mining Inc. (CMI), Master Plan and zoning change within Silver City town site.

Dear Commission Members:

We request that the Commission deny the mining company request that will essentially allow a proposed, undefined, open pit mine to be dug within the Silver City town site. Silver City is an historic town, that is also an integral part of the Virginia City National Historic Landmark and Nevada State Comstock Historic District.

This is a letter from the hearts of two 40-year Silver City residents. We live less than 600 feet from the requested Master Plan and zoning change properties. We are considered 'Affected Property Owners' by Lyon County.

Our property is located in Gold Canyon, a small canyon adjacent to Nevada Highway 341, on the Old Dayton Toll Road. We are the last customers on the historic Virginia City water syphon water line. We built our family home and raised our children on the old Phoenix/French Mill site, one of the first mills on the Comstock. The mill, which burned down in 1900, was powered by huge water wheel. We bought the property from Roland and Bernice Bonham, a Comstock miner who worked small digs with his brother, and worked at the Dayton Consolidated Mill, and his wife, a teacher. They were the direct descendants of the Greely French family. When the mines played out, the family moved on.

When we moved here Silver City was, and still is, a small town that afforded us a chance to have a good life for our family in a nurturing community that was quiet and safe. We both come from large industrial areas, and in Silver City we experienced for the first time, **Community**. A sense of community is extremely rare, and is something some of the small rural towns in Nevada continue to have. It is precious. We live in a community of folks who may not agree on many things, but if anyone is in need, folks will help. The modern spirit of the town was built upon the reconstruction of the fire department, with training and equipment acquisition through community fundraising, and the school house. Today these are still the essential foundations of our town, our community.

Silver City was historically, a working man's mill town. Small, modest houses, businesses and mills typified town buildings, in contrast to the wealthier towns of Gold Hill and Virginia City. As part of the Historic District, all town construction must comply with building and land use constraints characterized by the original buildings. The zoning determines what may transpire in the businesses. When we first built our house, we had to get a 'Certificate of Appropriateness' for even our chicken house. To comply with historical visual architecture, the houses continue to be modest in appearance. Inside our houses one will find rich, culturally interesting décor and well as a truly diverse, intelligent, creative and nurturing population. It is home.

The residents of the town have been very actively involved in the development of the County Master Plan. Since the modern zoning was established, land use designations haven't changed. The town's character and economic values have remained constant with non-industrial, residential zoning. We all have jobs (e.g. federal, state, teaching, history/geology, archaeology, masonry, mining, truck driving, artistic/creative, bartending, consulting, landscaping, mental and handicapped services, construction). We vote and pay our taxes as good citizens.

As the County seal shows, historical Lyon County economy was based primarily upon agriculture, ranching and mining with discrete residential and commerce, railroad communities. Those same strong economic foundations hold true today with more recent, global commerce of warehousing, transportation, small manufacturing, subdivision development, energy production and recreation to name a few.

In 1986, when the Nevex Mining Company applied for zoning change and SUP for mining within Silver City, the Lyon county Planning Commission and County Commissioners found the in-town Dayton Consolidated Mill site inappropriate for modern mining; lawfully guided by the established Master Plan. Lyon County then went on to facilitate that company to work in adjacent properties, which were found appropriate within the county.

The current disruption of our lives by the exploration of the Dayton Properties by CMI has overwhelmed our community. We have been constantly impacted by the sound and vibration caused the drilling, blasting, 24 hour heavy equipment movement, dust and road closures for the past two years. This disruption is written off as just 'exploration.' Many residents have lost heart, yes 'heart.'

The land use changes applied for will allow uses totally unsuitable for property within a town. Our health, economic well-being, is at stake. We and some of our neighbors will no longer be able to live on our property if the zoning changes allow an open pit or other massive industrial uses to the property. We honestly don't have the means to easily move.

We ask ourselves, will this entire town be sacrificed for the latest of many opportunists who have been sold this property over the last years.....sacrificed for a newly fabricated entity that wants to make money, even if it is just on paper?

We respectfully request that today your reasonable, lawful, far thinking judgment be applied to these unsuitable and inappropriate applications. We trust that an honest, balanced equitable decision will be made.

We thank you for your service to our communities.

Sincerely,

Christopher Brown

Bonnie Brown

775-847-0431

bandcbrown@gbis.com



Kerry Page < kpage@lyon-county.org >

CMI Master Plan & Zoning Change3 messages

Chad Olson < amotostuff@gmail.com >

Fri, Dec 6, 2013 at 11:43 AM

To: kpage@lyon-county.org

Dear Kerry & Planning Commission,

Please include this information for the Planning Commissioners consideration for the upcoming hearing on CMI Master Plan & Zoning Change - Tuesday, Dec 10th, 2013.

Attached are two spread sheets containing property and tax information that Judi compiled from the Lyon County website. The first, LCPropertyTaxes1314.xls, contains information about each parcel in the Silver City area that would be affected by the zoning changes Comstock Mining wants. It shows how much each parcel is valued at (land and improvements/homes) and how much property taxes each pays and what year homes were built.

For the 2013-14 year, Lyon County will collect over \$76,000 in property taxes from these parcels. We'd also like to note that even though our land valuations were halved this year, our improvement valuations have increased. We have been bucking the trend of declining property valuations of our neighbors in Dayton.

By evaluating the year built data, you can see the slow but steady growth of homes in the area. This growth is consistent with the goals of the Master Plan. We also noticed that during the period of 1985-1988 there were no houses built. This was the time when Nevex was proposing to mine this same parcel. Also note that since CMI has started exploratory drilling on this parcel there have been no new homes built. We feel that changing the Master Plan and therefore allowing CMI to proceed will continue to have a negative effect on the growth of the Silver City area.

The second spread sheet, CMI_Taxes_Paid1314.xls, shows all 20 parcels that CMI owns in Lyon county and how much they have paid this year in property taxes, please note that all 20 total \$2,383.54. Judi & I built our home here in 2008. We as property owners just for our one 2.8 acre parcel paid \$2,562.95 this year, we paid \$179.41 more that all 20 of CMI's parcels put together. If you look at the other houses built over the last 10 years, you will recognize significant value being added to the county's tax roles.

Please, we urge you not to change the Master Plan and allow CMI's plans to proceed and devalue our investments in the community and our contributions to the county.

Thank you,

Chad & Judi Olson

386 Hwy 341

JA2175

14 CV 00128 - 002070

Silver City, NV 89428

(775)287-2999

2 attachments



LCPropertyTaxes1314.xls

58K



CMI_Taxes_Paid1314.xls

20K

Kerry Page <kpage@lyon-county.org>
To: Chad Olson <amotostuff@gmail.com>

Fri, Dec 6, 2013 at 12:02 PM

Good morning Chad,
I have made copies and will distribute to the Planning Commissioners via email today and hard copies on Tuesday.
[Quoted text hidden]

--

Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305

Kerry Page <kpage@lyon-county.org>

Fri, Dec 6, 2013 at 12:03 PM

To: Betty Retzer <blretzer@yahoo.com>, Chuck Davies <ced302@att.net>, George Mortensen <gpfgeorge@aol.com>, Harold Ritter <hk3m@aol.com>, Larry Wahrenbrock <NevadaBead@aol.com>, Mike Hardcastle <mike@fernleylodge34.org>, Paul Lanning <paull4527@aol.com>

Mr. Olsen asked that I forward these attachments to each of you. I will also be providing hard copies on Tuesday.
[Quoted text hidden]

--

Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305

2 attachments



LCPropertyTaxes1314.xls

58K



CMI_Taxes_Paid1314.xls

20K

JA2176

14 CV 00128 - 002071

Parcel	Name	Address	Year Built	2013-14 Tax Valuation-Land	2013-14 Tax Valuation-Improvements	2013-14 Tax Total Valuation	2013-14 Tax Taxes Paid
008-023-07	ACOSTA, ANTHONY A	370 THIRD ST	1989	7,086	89,314	96400	970.55
008-081-16	ALAHAN, DURVASA & ISANI			11,257		11257	121.4
008-013-04	ALLANDER, KIP K			12,829		12829	137.73
008-071-15	ALLANDER, KIP K ET AL	200 GRANT ST	1999	24,429	152,326	176755	1,895.15
008-071-04	ALLANDER, KIP O			25,114		25114	237.98
008-051-02	ALVAREZ, MARTA L	50 MAIN ST	1920	5,743	42,057	47800	501.27
008-051-06	ALVAREZ, MARTA L			17,343		17343	186.63
008-061-04	ALVAREZ, MARTA L			2,029	3,451	5480	34.77
008-024-03	ATAMAN, KATHRYN	380 HIGH ST	1956	4,514	31,457	35971	378.93
008-031-01	BACHAND, WAYNE A & MARIE	430 HIGH ST	1956	7,886	56,477	64363	690.57
008-017-02	BENNETT, KATHRYN NOEL			10,143		10143	109.06
008-041-04	BENNETTS, HARRY ET AL			1,514		1514	16.98
008-071-08	BENNETTS, HARRY R	145 MAIN ST	1940	1,429		1429	0
008-017-03	BENNETTS, HARRY R			8,114	6,191	14305	138.52
008-041-02	BENNETTS, HARRY R ET AL			743	2,997	3740	40.83
016-101-13	BENNETTS, JOHN & JO RITA	415 HWY 341 MS#4573		48,537		48537	0
008-042-05	BENNETTS, JOHN & JO RITA			3,000	3,189	6189	67.08
008-042-07	BENNETTS, JOHN & JO RITA			10,114	5,380	15494	158.11
008-041-01	BENNETTS, JOHN ET AL	440 MAIN ST	1900	9,057	80,920	89977	932.83
008-042-01	BENNETTS, JOHN P			4,743		4743	51.39
016-101-04	BENNETTS, JOHN P & JO RITA			1,429		1429	16
008-037-01	BENNETTS, JOHN P ET AL	GAY ST		5,571		5571	60.46
008-025-03	BENNETTS, JOHN PALSGROVE			1,886		1886	20.96
008-041-05	BENNETTS, JOHN PALSGROVE ET AL	180 FIFTH ST	1935	4,514	20,271	24785	266.4
008-041-06	BENNETTS, JOHN PALSGROVE ET AL			5,257		5257	56.88
008-042-02	BENNETTS, JOHN PALSGROVE ET AL			3,371	2,106	5477	59.45
008-081-03	BENNETTS, JOHN ROBERT & JO RITA		1950	20,829		20829	223.98
016-101-01	BENNETTS, JOHN/BENNETTS, HARRY			1,429		1429	16
008-101-27	BONHAM, ROBERT C ET AL	1505 DAYTON TOLL RD PAR A		9,857		9857	106.4
008-101-28	BONHAM, ROBERT C ET AL			1,771		1771	19.74
008-081-08	BOTTRELL, STEVE	HWY 341 PAR 1		6,743		6743	73.02
008-081-09	BOTTRELL, STEVE	HWY 341 PAR 2		3,943		3943	43.01
016-101-17	BRADLEY, ROBERT ROYCE & GAIL	387 HWY 341	2006	17,257	137,671	154928	1,608.80
008-101-02	BRIGHT, MELVILLE K ET AL			2,457		2457	27.08
008-081-26	BROWN, BRANDON D & STACY L			13,629		13629	146.82
008-101-19	BROWN, CHRIS & BONITA TRS	1560 DAYTON TOLL RD PAR A	1940	11,371	14,471	25842	277.73

Parcel	Name	Address	Year Built	2013-14 Tax Valuation-Land	2013-14 Tax Valuation-Improvements	2013-14 Tax Total Valuation	2013-14 Tax Taxes Paid
008-101-21	BROWN, CHRIS & BONITA TRS	1480 DAYTON TOLL RD PAR 2	1968	8200		8200	88.64
008-101-20	BROWN, CHRIS & BONITA TRS	1530 DAYTON TOLL RD PAR B	1982	11657	92,854	104511	1,101.38
008-081-25	BROWN, RICHARD D & CAROLL	900 HWY 341		17,657	109,389	127046	1,362.39
008-081-27	BROWN, RICHARD D & CAROLL			9,486		9486	102.42
008-022-04	BUNCH, RICKE	160 HIGH ST	1900	4,514	24,434	28948	311.01
008-037-06	BUSK, MICHELE TR	265 FOURTH ST	1930	6,743	32,386	39129	419.37
008-072-21	BYRON, GEORGE T	4 HIGH ST	2008	1,543	45,971	47514	353.08
008-072-22	BYRON, GEORGE T			5,143		5143	55.66
008-081-21	CARPENTER-COSTON, KRISTOPHER S			11,257		11257	121.4
008-081-23	CARPENTER-COSTON, NATHAN AARON			11,257		11257	121.4
016-101-06	CARRINGTON, ROBERT G			1429		1429	16
008-051-07	CASSIDY, THOMAS K & SUZANNE M	50 FIRST ST	1920	3,829	20,997	24826	266.82
008-051-08	CASSIDY, THOMAS K & SUZANNE M			5,514	749	6263	67.87
008-018-01	CASSIDY, THOMAS K & SUZANNE M			2,257	1,366	3623	39.58
008-035-02	CENTRAL LYON COUNTY FIRE DIST	745 HIGH ST		7,829		7829	
008-036-01	CENTRAL LYON COUNTY FIRE DIST	675 HIGH ST	1991	20,229	103,820	124049	
008-027-02	CHRISTY, REBECCA K	FIRST ST		943		943	10.86
008-111-03	COBBEY, JOHN E & DARLENE A TRS			1,114		1114	12.69
008-111-05	COBBEY, JOHN E & DARLENE A TRS			11,714		11714	125.83
008-111-06	COBBEY, JOHN E & DARLENE A TRS	HWY 342		1,371		1371	15.39
008-111-07	COBBEY, JOHN E & DARLENE A TRS	1000 MAIN ST	1900	10,086	58,580	68666	736.69
008-081-29	COBBEY, JOHN TRS ET AL	1175 HIGH ST PAR 1		5,829		5629	61.08
008-081-30	COBBEY, JOHN TRS ET AL	1150 HIGH ST PAR 2		10,371		10371	111.91
016-101-08	COMSTOCK MINING INC			3,814		3814	41.46
008-081-20	COMSTOCK MINING INC			19,686		19686	211.74
008-042-06	COMSTOCK MINING INC			8,371		8371	90.14
008-043-01	COMSTOCK MINING INC			5,800		5800	62.69
008-043-02	COMSTOCK MINING INC			4,629		4629	50.36
008-091-02	COMSTOCK MINING INC			1,343		1343	15.14
008-091-06	COMSTOCK MINING INC			886		886	10.24
008-091-05	COMSTOCK MINING INC			43,286	7,729	51015	547.51
008-061-08	COMSTOCK MINING INC			8,886		8886	95.63
008-027-01	COOKE, LISA	GAY ST LOTS	1999	5,629	139,700	145329	1,339.62
008-101-03	COSTON, KRISTOPHER & LAURA			3,114		3114	34.13
008-081-22	COSTON, KRISTOPHER & LAURA	1275 BONHAM TR PAR 1C	1940	11,257	25,777	37034	397.67
008-081-28	CRAWFORD, LOUISE M & STEPHEN E	PAR 3		5,886		5886	63.83
008-081-10	CRAWFORD, STEPHEN E & LOUISE M	HWY 341 PAR 3		4,514		4514	49.13

Parcel	Name	Address	Year Built	2013-14 Tax Valuation-Land	2013-14 Tax Valuation-Improvements	2013-14 Tax Total Valuation	2013-14 Taxes Paid
008-081-11	CRAWFORD, STEPHEN E ET AL	1105 HWY 341 PAR 4	1940	6,086	44,123	50209	538.87
008-015-04	CROUCH, MERTON / MARSHALL, PAT	305 MAIN ST	1900	6,771	23,177	29948	321.73
008-051-01	CROUCH, MERTON E			4,857		4857	52.81
008-015-03	CROUCH, MERTON E	70 FOURTH ST	1900	4,857	10,094	14951	160.99
008-091-04	CUTTS, THOMAS	1425 HWY 341		7,943		7943	85.88
008-043-06	DONOVAN MILL LLC			16,343		16343	175.25
008-111-11	DONOVAN MILL LLC			13,657		13657	146.58
008-111-12	DONOVAN MILL LLC	C/O SCOTT JOLCOVER		22,343		22343	239.32
008-043-03	DRESSLER, CHAD	655 GAY ST	1956	3,743	10,443	14186	152.79
008-032-01	ELSTON, ROBERT G ET AL	520 HIGH ST	1940	7,600	60,926	68526	735.19
016-101-15	ENLOE, JIM V & MURIEL A	390 HWY 341		22,971		22971	246.95
016-101-16	ENLOE, JIM V & MURIEL A			26,029		26029	279.72
008-071-09	ETCHEGOIN, CYNTHIA C	50 VIVIAN ST	1982	9,714	108,917	118631	1,246.27
008-012-04	FLETCHER, SHERID ET AL	180 SECOND ST	1953	5,629	36,183	41812	448.87
008-025-01	GANNON, GORDON J	320 GAY ST	1940	4,514	22,006	26520	284.98
008-071-01	GARCIA, KAREN C	575 BUCKEYE ST	1982	11,286	137,060	148346	1,529.03
008-101-11	GODWIN, WILLIAM H & CAROL A	1410 DAYTON TOLL RD PAR 3	1945	9,057	30,626	39683	426.06
008-045-04	GOLD HILL HOTEL INC	445 MAIN ST	1930	4,514	38,294	42808	439.37
008-031-02	GOMEZ, KIRK R / ELMORE, TERRI L	480 HIGH ST	2004	8,657	265,086	273743	2,518.32
008-071-17	GUTHRIE, PRICE E	160 GRANT ST	2001	16,514	60,729	77243	828.62
008-045-03	HERRON, CHARLES W & CORINE	435 MAIN ST	1900	3,000	40,943	43943	439.34
008-018-02	HERRON, CHARLES W & MARY CORINE	75 MAIN ST	1900	12,229	1,020	13249	140.94
008-101-01	HICKS, GEORGE T ET AL	1300 HWY 341	1981	10,543	121,237	131780	1,374.42
008-072-24	HOLLERBACH, MARK			21,629		21629	231.7
016-101-02	IDA CONSOLIDATED MINES		1981	1600	3,940	5540	60.13
008-051-05	IDA CONSOLIDATED MINES			4,171	4,894	9065	92.82
008-043-05	IDA CONSOLIDATED MINES			4,514		4514	49.13
008-111-02	JOHNSON, RICHARD & LINDA			6,229		6229	67.51
008-101-23	KNAPP, WILLIAM M ET AL			7,571		7571	81.90
008-101-22	KOTIK, LARRY L & DIANE L	1500 DAYTON TOLL RD PAR 3	1981	13,286	79,631	92917	996.61
008-037-07	KRAMER, KENNETH ET AL TRS	245 FOURTH ST	1997	8,886	112,951	121837	1,200.35
008-037-08	KRAMER, KENNETH ET AL TRS			4,714		4714	50.53
008-021-01	LA CROIX, JULIE/MILES, GEORGE M	40 HIGH ST	1950	5,771	52,346	58117	620.45
008-023-01	LAUFER, PETER & SHEILA SWAN	230 HIGH ST	1952	3,743	1,594	5337	57.95
008-072-23	LAUGHLIN, CHANDLER ATCHISON TR			2,086		2086	23.1
008-014-02	LAUGHLIN, CHANDLER ATCHISON TR	175 THIRD ST	1935	4,514	23,400	27914	299.93
008-014-03	LAUGHLIN, CHANDLER ATCHISON TR	370 GAY ST	1938	3,743	37,554	41297	415.11

2013-14 Tax			2013-14 Tax			2013-14 Tax			2013-14 Tax						
Parcel	Name	Address	Year Built	Valuation-Land	Valuation-Improvements	Total Valuation	Taxes Paid	Parcel	Name	Address	Year Built	Valuation-Land	Valuation-Improvements	Total Valuation	Taxes Paid
008-014-05	LAUGHLIN, CHANDLER ATCHISON TR	MAIN ST	1900	3,743		37,191	40934	407.46	008-014-04	LAUGHLIN, SEAN		4,686		4686	50.79
008-014-01	LAUGHLIN, SEAN CURTIS	300 MAIN ST		11,543	5,286		16829	171.63	008-023-06	LINDSAY, LILA JEAN TR	1900	3,743	22,071	25814	277.42
016-101-12	LIVINGSTON, PAUL & BECCA	400 HWY 341 MS#4573	2004	25,914	84,720		110634	1,095.55	008-027-04	LOGG, JOHN / PEARSON, EDWIN O		943		943	10.86
008-041-03	LUND, LA VERNE ET AL			686			686	8.1	008-025-04	LUND, LA VERNE ET AL		1,886		1886	58.38
008-081-01	LYON COUNTY			14,457			14457		008-072-07	MAC DONALD, MARY C	1974	13,114	43,414	56528	568.94
008-028-02	MAIN, STEVE R	270 FIRST ST	1900	8,571	48,437		57008	611.75	008-028-03	MAIN, STEVE R		7,171		7171	77.61
008-051-03	MARSHALL, PATRICIA C	20 MAIN ST	1900	5,943	52,060		58003	595.31	008-045-02	MARTIN, LEONARD J ET AL	1858	3,000	18,223	21223	226.27
008-017-04	MASONIC HALL	175 MAIN ST	1910	6,771	32,540		39311	0	008-022-02	MAYER, MARIE L		5,629		5629	61.08
008-072-01	MAYER, MARIE LOUISE TR			16,943			16943	182.34	008-021-03	MC CABE, ALLEN M & SUSAN J	2001	6,486	93,391	99877	999.98
008-101-24	MC CARTHY, JOSEPH S & ANN P TRS	320 FIRST ST		22,800			22800	245.11	008-101-29	MC CARTHY, JOSEPH S & ANN P TRS		12,543		12543	135.18
008-081-18	MC CARTHY, JOSEPH S & ANN P TRS	1300 HWY 341 PAR 3	2006	24,600	211,071		235671	2,333.94	008-081-17	MC CARTHY, JOSEPH S & ANN P TRS		18,743		18743	201.63
008-072-02	MC CORMICK, KRISTEN			13,629			13629	146.82	008-072-06	MC CORMICK, THEO MICHAEL	1972	7,229	42,774	50003	459.19
008-072-05	MC CORMICK, THEO/ISAAC, NATALIE	45 FIRST ST		8,286			8286	89.55	008-072-04	MC KEE, MARY SELDON		7,886		7886	85.27
008-101-26	MESONES, DEBORAH VACCA ET AL	470 FIRST ST	1950	15,429	94,651		110080	1,180.55	008-071-18	MILES, JOHN D & ANN M	2001	13,686	60,803	74489	799.1
008-072-15	MOUNT, FELIX SCOTT ET AL	130 GRANT ST	1976	13,571	105,751		119322	1,271.85	008-071-02	NICHOLSON, ADA DEBORAH	1950	11,286	48,077	59363	636.98
008-022-03	NICHOLSON, JAMES J ET AL	550 BUCKEYE ST	1984	5,629	79,291		84920	872.57	008-072-18	OBERMAYR, ERICH A ET AL	1998	18,743	108,943	127686	1,366.47
016-101-14	OLSON, CHAD M & JUDITH L	480 BUCKEYE ST	2007	18,400	238,437		256837	2,562.95	008-017-01	ONLY LAND LLC		2,343		2343	25.86
008-072-16	PAGE, DANIEL E	410 FIRST ST		14,371			14371	154.78	008-072-25	PAGE, JAMES E & ANGIE B	1975	27,229	164,683	191912	2,057.60
008-072-26	PAGE, JAMES E & ANGIE B	420 BUCKEYE ST ADJ E		24,371			24371	261.96							

Parcel	Name	Address	Year Built	2013-14 Tax		2013-14 Tax		2013-14 Tax		2013-14 Tax	
				Valuation-Land	Valuation-Improvements	Total Valuation	Taxes Paid	Valuation-Land	Valuation-Improvements	Total Valuation	Taxes Paid
008-022-01	PARRISH, HAROLD D TR	130 HIGH ST	2004	4,514	123,514	128,028	1,147.45	8,000	16,017	24,017	258.16
008-011-07	PATRICK, JOHN RANDOLPH ET AL	90 MAIN ST	1900	12,114		12,114	130.59	6,771		6,771	73.05
008-073-01	PEDLAR, FRANK & CORAL	MAIN ST		1,371		1,371	15.39	7,000		7,000	75.49
008-111-09	PEDLAR, FRANK & CORAL	MAIN ST		8,514		8,514	91.66	14,229		14,229	0
008-111-10	PEDLAR, FRANK & CORAL	MAIN ST		2,257		2,257	24.94	10,657	36,946	47,603	510.94
008-111-13	PEDLAR, FRANK & CORAL	MAIN ST		4,400		4,400	47.91	6,486		6,486	70.26
008-111-14	PEDLAR, FRANK & CORAL	MAIN ST		3,600		3,600	174.84	14,600	12,643	27,243	157.23
008-061-06	PEDLAR, FRANK & CORAL			1,886		1,886	20.96	1,886		1,886	20.96
008-051-11	PEDLAR, FRANK WALTER & CORAL E	100 PEDLAR RD	1915	2,086		2,086	23.10	6,914	21,669	28,583	307.09
008-051-12	PEDLAR, FRANK WALTER & CORAL E			2,543		2,543	28	5,629	20,640	26,269	282.29
008-051-14	PEDLAR, FRANK WALTER & CORAL E			2,857		2,857	31.37	1,343		1,343	15.14
008-051-15	PEDLAR, FRANK WALTER & CORAL E			9,629		9,629	623.14	5,771	48,443	54,214	1,149.62
008-051-17	PEDLAR, FRANK WALTER & CORAL E	120 PEDLAR RD	1920	22,286		22,286	1,091.54	11,457	79,489	90,946	1,195.95
008-051-21	PEDLAR, FRANK WALTER & CORAL E			8,829		8,829	614.94	6,143	48,477	54,626	316.92
008-051-22	PEDLAR, FRANK WALTER & CORAL E			1,886		1,886	20.96	3,743	52,723	56,466	600.58
008-051-26	PEDLAR, FRANK WALTER & CORAL E			7,200		7,200	83.62	2,257	637	2,887	24.94
008-051-27	PEDLAR, FRANK WALTER & CORAL E			5,057		5,057	139.5	19,800	7,889	27,689	1,140.47
008-044-01	PEDLAR, FRANK WALTER & CORAL E	400 AMERICAN RAVINE	1920	19,800		19,800	130.71	12,171	94,729	106,900	691.03
008-044-03	PEDLAR, FRANK WALTER & CORAL E			6,057		6,057	513.76	13,114	60,357	66,414	691.03
008-045-01	PEDLAR, FRANK WALTER & CORAL E	675 MAIN ST	1942	13,114		13,114	513.76		34,751	47,865	513.76
008-045-08	PEDLAR, FRANK WALTER & CORAL E										
008-101-25	PEDLAR, WALTER FRANK & CORAL	1445 DAYTON TOLL RD PAR 1 ADJ	1950								
008-021-02	RENO, RONALD L & RAMONA L	375 CRONER	1989								
008-071-12	RICHMOND, JOHN L & LORRAINE	27 THE GOLDEN RD	1999								
008-071-19	ROSE, DANIEL GEORGE & JANET P	30 VIVIAN ST	1997								
008-011-09	ROSE, PETER A TR	GAY ST	1900								
008-027-03	ROSEVEAR, WILLIAM E & SHEREE L	145 HIGH ST	1949								
008-016-01	ROSS, CLEO										
008-016-02	ROSS, CLEO	215 MAIN ST	1958								
008-017-05	ROSS, CLEO										
008-017-06	ROSS, CLEO										
008-016-04	ROSS, GRAHAME & SARA	285 MAIN ST	1940								
008-013-03	ROSS, GRAHAME A TR	230 MAIN ST	1952								
008-016-03	ROSS, GRAHAME A TR										
008-011-06	SATYACHETANA INTERNATIONAL	70 MAIN ST	1920								
008-071-13	SHERMAN, GAYLE	100 GRANT ST	1948								

Parcel	Name	Address	Year Built	2013-14 Tax Valuation-Land	2013-14 Tax Valuation-Improvements	2013-14 Tax Total Valuation	2013-14 Tax Taxes Paid
008-071-07	SHIELDS, ROBERT E ET AL	90 GRANT ST	1944	10,171	33,720	43891	471.17
008-101-10	SHOUP, DANIEL L & VICKIE JO	1450 DAYTON TOLL RD PAR 4	1945	8,743	29,114	37857	406.49
008-061-03	SMITH, FRANK D & BEVERLY L			1,429		1429	16
008-011-02	SNELL, WILLIAM A & MARGARET			5,057		5057	54.95
008-051-16	STEIN, BARBARA L ET AL	80 PEDLAR RD	1945	4,857	11,751	16608	178.76
008-051-13	STEIN, THOMAS			3,657		3657	39.95
008-035-03	STEINBERG, LARRY SETH ET AL			1,314		1314	14.84
008-043-04	STEINBERG, LARRY SETH ET AL	705 GAY ST	1930	5,686	18,843	24529	263.64
008-071-16	STORNETTA, SUSAN / ALLANDER, J	200 GRANT ST	1981	13,000	89,171	102171	1,095.79
008-072-08	SWANSON, FREDERICK O	440 FIRST ST	1983	9,971	98,669	108640	1,004.74
008-042-03	SWANSON, FREDERICK OSCAR TR			571		571	6.87
008-042-04	SWANSON, FREDERICK OSCAR TR	575 GAY ST	1940	3,743	15,386	19129	205.76
008-043-08	SWOBE, JANET Q ET AL			1,971		1971	21.8
008-013-01	SZEKELY, GUS J	225 GAY ST	1957	3,743	44,211	47954	502.11
016-101-07	UNITED MINING CORPORATION			1429		1429	16
016-101-09	UNITED MINING CORPORATION			4,286		4286	46.51
008-072-10	UNITED MINING CORPORATION			1,429		1429	16
008-091-03	UNITED MINING CORPORATION			7,000		7000	75.77
008-061-05	UNITED MINING CORPORATION			13,714		13714	147.17
008-018-04	UNKNOWN OWNER			3,171		3171	34.62
016-101-11	USA-BUREAU OF LAND MANAGEMENT			6,086		6086	0
016-101-10	V & T MANAGEMENT LLC			1,429		1429	16
008-027-05	VICTOR, RON & RENATE	230 SECOND ST	1960	5,629	18,311	23940	257.33
008-011-01	WAHRENBROCK, LAWRENCE A	75 GAY ST & FR 209	1940	6,143	25,486	31629	339.74
008-101-17	WALTS, ANN ET AL			3,229		3229	35.35
008-101-18	WALTS, ANN ET AL			17,086		17086	183.87
008-018-03	WARE, SUSAN B TR	95 MAIN ST		13,571		13571	145.67
008-023-02	WARREN, MARK / WARREN MARK R	375 SECOND ST	2003	5,629	76,660	82289	882.69
008-071-03	WELBORN, TOBY/GARCIA, C AMANDA			24,629		24629	228.61
008-015-02	WILLIAMSON, BEATRICE E TR ET AL			12,743		12743	136.81
008-045-07	WILLIAMSON, ELDON KENNETH ET AL TR	485 MAIN ST	1940	4,514	27,383	31897	340.83
008-012-05	WILLIAMSON, ELDON KENNETH ET AL TR	170 MAIN ST	1900	16,543	3,834	20377	212.32
008-033-01	WILSON, ART			5,257		5257	57.09
008-034-01	WILSON, ART	750 HIGH ST	1940	6,943	11,354	18297	196.85
008-044-02	WILSON, ART & MARIA C TRS			16,229	703	16932	180.81
008-051-18	WORKS, DONALD SWAN SR			1,886		1886	20.96
008-051-19	WORKS, DONALD SWAN SR	150 PEDLAR RD	1920	5,486	25,369	30855	256.11

Parcel	Name	Address	Year Built	2013-14 Tax Valuation-Land	2013-14 Tax Valuation-Improvements	2013-14 Tax Total Valuation	2013-14 Tax Taxes Paid
008-051-20	WORKS, DONALD SWAN SR			3,657		3,657	39.95
008-051-23	WORKS, DONALD SWAN SR			3,771		3,771	41.17
008-072-11	WURGAF, ROBERT L			1,429		1,429	16
008-061-09	WURGAF, ROBERT L			1,429		1,429	16
008-081-14	WYSOCKI, JUDIE L			2,743		2,743	30.15
008-081-24	WYSOCKI, JUDIE LYNN	1000 HWY 341 PAR 1A	1996	23,029	121,591	144,620	1,550.74
008-024-02	YOUNG, R A			4,514		4,514	49.13
008-024-01	YOUNG, W A			7,886		7,886	85.27
				2013-14 Tax Valuation-Land	2013-14 Tax Valuation-Improvements	2013-14 Tax Total Valuation	2013-14 Taxes Paid
				1,948,617	5,781,720	7,730,337	76,928

Comstock Mining Parcels in Lyon County

Parcel Number	Taxes paid
008-042-06	90.14
008-043-01	62.69
008-043-02	50.36
008-061-08	95.63
008-081-20	211.74
008-091-02	15.14
008-091-05	547.51
008-091-06	10.24
016-101-08	41.46
016-111-02	61.77
016-111-03	16
016-121-01	16
016-121-02	250.84
016-121-10	31.07
016-121-11	8.71
016-121-12	1.36
016-121-22	242.36
016-121-23	242.05
016-121-24	242.05
016-121-25	242.05
Total	2383.54



Kerry Page <kpage@lyon-county.org>

BOC recording part II

2 messages

Kerry Page <kpage@lyon-county.org>

Fri, Dec 6, 2013 at 9:09 AM

To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Hi Elaine,
Here is the 12-23 portion that wouldn't fit on the previous email.

--

*Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305*



BOC 12.23.wav
5621K

Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Fri, Dec 6, 2013 at 3:55 PM

To: Kerry Page <kpage@lyon-county.org>

Kerry,

Thank you so very much.

Again... I truly appreciate all the work you have put into my requests. I know you must be busy and this is added work for you.

Have a great weekend, Elaine

From: Kerry Page [mailto:kpage@lyon-county.org]**Sent:** Friday, December 06, 2013 9:09 AM**To:** Elaine Barkdull-Spencer**Subject:** BOC recording part II

[Quoted text hidden]

JA2185

14 CV 00128 - 002080



Kerry Page <kpage@lyon-county.org>

Stmt for 12-9-13 Lyon County Meeting

1 message

Anne Onomus <lasincal@gmail.com>

Mon, Dec 9, 2013 at 11:27 PM

To: kpage@lyon-county.org, barkdull-spencer@comstockmining.com, degasperis@comstockmining.com, thomas@comstockmining.com

Hi Kelly. Elaine Barkdull-Spencer said if I emailed this statement, you would print and give it to the commissioners. My statement is pasted below as well as attached so you may have access to it either way. Thank you.

12-9-13

My name is Las Swanson. My father has resided in Silver City for the past 35 years. During most of that time, my involvement with the town was as a visitor from Carson. About three years ago, I moved to Silver myself and became a resident. It is, without question, one of the most charming and unique places I've ever known. Most of Silver's residents are very protective and, if they perceive a threat, can react with rabid ferocity and bared teeth. I am no different and offer no apologies. We are just protecting the home we love.

I do NOT support mining. I do, however, support the right of a landowner to utilize their property as they desire. One of Silver's finest qualities is the diversity of its citizenry and the level of tolerance afforded towards one another. Live and let live seems to be an underlying principal. It seemed unfair to apply that principal across the board to all of my neighbors with the exception of Comstock Mining so, with an open mind, I sought my own information in order to assess, for myself, the perceived threat to my community.

To date, aside from that annoying beeping noise that sometimes comes from their equipment, I can find no justified objection to the operations of Comstock Mining. The blast lasts all of about 2 seconds and unless I stop what I'm doing and go outside to listen, I don't hear a thing. Blast dust, I've observed, goes up or the other way. I've never experienced any dust problem at my house from mining operations. Instead of irresponsibly exposing us to toxins as I was told, my inquiries have revealed how Comstock consistently goes above and beyond what may be required by any regulatory agency despite any additional time and/or expense which may be incurred. Based on my observations, "above and beyond" is the corporate philosophy that pervades and underlies most company actions and decisions. Rigid and scrupulous compliance, responsible mining and service to community are core values.

How do I know so much about this company? I watch them from the inside. I was so impressed by their ethics and integrity that I accepted a position within the company. I have total access and can still find nothing which poses a threat to me, my father, our home or the future of Silver. When I look beyond the misinformation that is spread and base my decisions on facts, my only remaining objection is the beeping. And honestly, that noise is less annoying than some of our other neighborhood noises.

This is historically a mining district. That's what they do here-scoot the dirt around for mining. Whether we're cutting pads for homes, constructing railroad routes, cutting roads or riding dirt bikes and quads, we're moving dirt around and changing the landscape. Comstock does that same thing although on a

JA2186

14 CV 00128 - 002081

larger scale. And, while the rest of us do what we want with reckless abandon, Comstock carefully considers the effect of their actions on the environment and the community and actively engages in steps to restore areas they have disturbed.

I have no objection to the change Comstock Mining is requesting. Their actions and operations have demonstrated a commitment to responsible mining with respect for historical and community considerations. I have no reason to believe they will behave or operate any differently in the future. They have an affection for this area and look for the best possible long term beneficial property outcomes.....future land use after reclamation is tied into improving the community thus insuring property values, etc.

Since this is a mining district and we've been poorly abused by other mining companies in the past, I actually prefer to see Comstock Mining Company develop this resource area because of their demonstrated commitment to preserving and protecting historical dignity and community values.

Comstock Mining Company has gone to great lengths to be a good neighbor. Through the creation of jobs, economic revitalization, community outreach, historic restoration, community service and continued operation of the Gold Hill Hotel, they have single-handedly done more for our community than any other group or organization that I'm aware of. In return for all they've done and their commitment to environment and community, I'm willing to listen to the beeping and support them in this requested change of land use. I encourage others to do so as well.

Thank you.

Las Swanson
Silver City resident



Stmt for Lyon Co.docx

22K

12-9-13

My name is Las Swanson. My father has resided in Silver City for the past 35 years. During most of that time, my involvement with the town was as a visitor from Carson. About three years ago, I moved to Silver myself and became a resident. It is, without question, one of the most charming and unique places I've ever known. Most of Silver's residents are very protective and, if they perceive a threat, can react with rabid ferocity and bared teeth. I am no different and offer no apologies. We are just protecting the home we love.

I do NOT support mining. I do, however, support the right of a landowner to utilize their property as they desire. One of Silver's finest qualities is the diversity of its citizenry and the level of tolerance afforded towards one another. Live and let live seems to be an underlying principal. It seemed unfair to apply that principal across the board to all of my neighbors with the exception of Comstock Mining so, with an open mind, I sought my own information in order to assess, for myself, the perceived threat to my community.

To date, aside from that annoying beeping noise that sometimes comes from their equipment, I can find no justified objection to the operations of Comstock Mining. The blast lasts all of about 2 seconds and unless I stop what I'm doing and go outside to listen, I don't hear a thing. Blast dust, I've observed, goes up or the other way. I've never experienced any dust problem at my house from mining operations. Instead of irresponsibly exposing us to toxins as I was told, my inquiries have revealed how Comstock consistently goes above and beyond what may be required by any regulatory agency despite any additional time and/or expense which may be incurred. Based on my observations, "above and beyond" is the corporate philosophy that pervades and underlies most company actions and decisions. Rigid and scrupulous compliance, responsible mining and service to community are core values.

How do I know so much about this company? I watch them from the inside. I was so impressed by their ethics and integrity that I accepted a position within the company. I have total access and can still find nothing which poses a threat to me, my father, our home or the future of Silver. When I look beyond the misinformation that is spread and base my decisions on facts, my only remaining objection is the beeping. And honestly, that noise is less annoying than some of our other neighborhood noises.

This is historically a mining district. That's what they do here-scoot the dirt around for mining. Whether we're cutting pads for homes, constructing railroad routes, cutting roads or riding dirt bikes and quads, we're moving dirt around and changing the landscape. Comstock does that same thing although on a larger scale. And, while the rest of us do what we want with reckless abandon, Comstock carefully considers the effect of their actions on the environment and the community and actively engages in steps to restore areas they have disturbed.

I have no objection to the change Comstock Mining is requesting. Their actions and operations have demonstrated a commitment to responsible mining with respect for historical and community considerations. I have no reason to believe they will behave or operate any

differently in the future. They have an affection for this area and look for the best possible long term beneficial property outcomes.....future land use after reclamation is tied into improving the community thus insuring property values, etc.

Since this is a mining district and we've been poorly abused by other mining companies in the past, I actually prefer to see Comstock Mining Company develop this resource area because of their demonstrated commitment to preserving and protecting historical dignity and community values.

Comstock Mining Company has gone to great lengths to be a good neighbor. Through the creation of jobs, economic revitalization, community outreach, historic restoration, community service and continued operation of the Gold Hill Hotel, they have single-handedly done more for our community than any other group or organization that I'm aware of. In return for all they've done and their commitment to environment and community, I'm willing to listen to the beeping and support them in this requested change of land use. I encourage others to do so as well.

Thank you.

Las Swanson
Silver City resident



Kerry Page <kpage@lyon-county.org>

Commissioner meeting recordings

1 message

Kerry Page <kpage@lyon-county.org>

Fri, Dec 6, 2013 at 9:08 AM

To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Good morning Elaine,



I have attached copies of the original CD's from the 12-16-2010 and 12-23-2010 Board of Commissioner meetings.

I have only copied the portions relating to the Master Plan and one portion of Public Participation where Erich Obermayr spoke on 12-16. I didn't listen to the entire recording so I'm not sure if Corrado is on there or not. You shouldn't have any problem hearing them but if you do let me know and I can send a CD.

I will be sending the recording for 12-23 in a separate email due to size allowances.

--

Kerry Page*Lyon County Planning Assistant**27 South Main Street**Yerington, NV 89447**ph: 775-463-6592**fax: 775-463-5305*

2 attachments **BOC 12.16.wav**
1121K **BOC 12-16.wav**
19961K



Kerry Page <kpage@lyon-county.org>

staff report with track changes

1 message

Kerry Page <kpage@lyon-county.org>

Thu, Dec 5, 2013 at 11:39 AM

To: Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Hi Elaine,
Rob said you wanted this staff report so here you go...

--

*Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305*

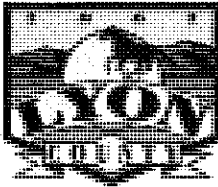


PILZ 13-0000 COMSTOCK MINING MPA 11-12-2013 1 corrected tc.pdf
195K

JA2191

14 CV 00128 - 002086

LYON COUNTY



LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
(775) 463-6592 (775) 463-5305 FAX

ROBERT G. LOVEBERG
PLANNING DIRECTOR

CORRECTED **STAFF REPORT**

Lyon County Planning Commission

PLZ-13-0050 Master Plan Amendment from Resource to Rural Residential and Suburban Residential to Rural Residential

Meeting Date: November 12, 2013

Owners: Comstock Mining, Inc.

Applicant: Same

Area Location: Silver City

Parcel Number(s): (APNs) 08-091-02 & 08-091-05

Current Master

Plan Designation: Resource and Suburban Residential

Proposed Master

Plan Designation: Rural Residential

Existing Zoning: NR-1, Single-Family Nonrural Residential (6,000 square foot minimum).

Proposed Zoning: RR-3, Third Rural Residential (5 acre minimum), and RR-5, Fifth Rural Residential (20 acre minimum)

Case Planner: Rob Loveberg

Planning Director Approval: RGL

Request

The applicant is requesting a master plan amendment from Resource to Rural Residential on approximately 12.29 acres outside of the Silver City town site and an amendment from Suburban Residential to Rural Residential on approximately 42.57 acres within the Silver City town site. See the enclosed applicant's revised submittal for more detailed information and the applicant's justification.

A zone change from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum), and to RR-5, Fifth Rural Residential (20 acre minimum), was submitted concurrently with this request. A request for a reversion to acreage involving property included in the requested master plan amendment and zone change was also submitted concurrently and has been heard by the Planning Commission.

Current and Proposed Master Plan Designations:

Master Plan Designation	Current		Proposed	
	Acreage	Percentage	Acreage	Percentage
Resource	12.29±	22.4%	0	0%
Rural Residential	0	0%	54.86±	100%
Suburban Residential	42.57±	77.6%	0	0%
TOTAL	54.86±	100%	54.86±	100%

Corrected 11/11/2013

Page 1 of 35
Public Hearing for COMSTOCK MINING, LLC MPA
Planning Commission-November.12, 2013
Planning-rgl

JA2192

14 CV 00128 - 002087
LYON COUNTY

Background:

The applicant submitted requests for a master plan amendment, a zone change and a reversion to acreage in August 2013 in accordance with the requirements of Title 10.12.09 of the Lyon County Code. Subsequent to the submittal, Lyon County Planning staff discovered that certain zoning information provided to the applicant was incorrect. The applicant revised the requests for the master plan amendment, zone change and reversion to acreage to reflect the corrected information. This report is based on the revised application information.

The Lyon County Comprehensive Master Plan, County-wide Component, was adopted by the Board of Commissioners on December 23, 2010. The residential densities for the following Comprehensive Master Plan land use designations are:

- Resource – 1 dwelling per 40 acres,
- Rural Residential – 1 dwelling per 20 acres to 1 dwelling per 5 acres, and
- Suburban Residential – 1 dwelling per acre to 18 dwellings per acre

The characteristics used to describe the three pertinent land use designations are as follows:

- Resource – Private property, generally inholdings or located in very remote or rural parts of the County (outside of community boundaries). Within communities may be private property used for resource uses. Examples of uses: Open range and dispersed grazing, mining and large scale energy, general rural residential development at very low densities. Within communities uses such as mining, borrow pit or gravel pit operations, energy projects; may include limited employment/industrial uses complementary to and compatible with surrounding uses.
- Rural Residential – Typically in rural districts and on the edge of suburbanizing areas. Lot sizes vary. Typically not served by municipal utilities. Examples of uses: Single-family residences, ranches, and "farmettes".
- Suburban – Typically in suburbanizing areas. Neighborhoods should contain a mix of housing types and lot sizes in a neighborhood setting with a recognizable center (with a park, school, or other public use) and connected, useable open space within the neighborhood. Will be served by municipal utilities. High density residential must be located near major roads and near commercial uses. Examples of uses: Single-family residences, duplexes and attached housing.

The Lyon County Master Plan, County-wide Component, land use designation "Rural Residential" is consistent with the following Lyon County residential zoning districts: RR-3, Third Rural Residential District (5 acre minimum), RR-4, Fourth Rural Residential District (10 acre minimum) and RR-5, Fifth Rural Residential (20 acre minimum) land uses. The "Resource" land use designation is consistent with the following Lyon County zoning district: RR-5, Fifth Rural Residential (20 acre minimum) land uses. The "Suburban Residential" land use designation is consistent with the following Lyon County zoning districts: E-1, First Estates Residential (12,000 square foot minimum), E-2, Second Estates Residential (one-half acre minimum), NR-1, Single-Family Nonrural Residential (6,000 square foot minimum), NR-2, Multiple Residence Nonrural Residential (8,000 square foot minimum) and NR-3, Single-Family Nonrural Residential (9,000 square foot minimum).

Property Information:**Location:**

The parcels are located westerly of State Route 341 and 342, in the area of the southwesterly corner of the Silver City town site.

Size:

The subject properties total approximately 87.2 acres according to the Lyon County Assessor's files. The requested master plan amendment involves 56.86 acres of the total.

Land Use

The subject properties are generally undeveloped, with a historic mill site and buildings on a portion of the property near and visible from State Route 341 and 342 as well as a large portion of Silver City.

Subject Property and Surrounding Area Land Use

	<i>Current Master Plan</i>	<i>Zoning</i>	<i>Current Land Use</i>
<i>Subject Property</i>	Resource Suburban Residential	NR-1	Undeveloped and Historic Mill
<i>North</i>	Commercial Mixed Use Suburban Residential	M-1 NR-1	Historic Residential and Undeveloped
<i>South</i>	Public Lands Resource	RR-5	Undeveloped
<i>East</i>	Resource Suburban Residential	NR-1 RR-5	Historic Residential and Undeveloped
<i>West</i>	Public Lands Suburban Residential Resource	NR-1 RR-5	Historic Residential and Undeveloped

It should be noted that not all zoning districts are consistent with their respective master plan land use designations. A master plan designation is an expression of the county's long-term expectations for development within a particular area.

Physical and Topographic Attributes:

According to information submitted by the applicant, the subject parcels vary from 0% - 10% slopes to slopes greater than 30%. A portion of APN 08-091-05 along State Route 342 has an area of AE flood zone.

Access:

Current access to the subject properties is via State Route 341 and State Route 342.

Historic District:

The parcels are within the Comstock Historic District.

Public Facilities and Services:

The portion of subject properties within the Silver City town site are within the service area of the Storey County Public Works Department, Virginia City Water System. The parcels are not currently served by the municipal water system and significant improvements will be necessary to bring water services to the subject properties.

No municipal sewer system currently serves the Silver City area. Immediate development would require the installation of individual sewer disposal systems (ISDS) for residential development, or on-site sewer disposal systems (OSDS) or package sewer treatment plant for non-residential development. The Silver City area is not generally well suited for ISDS or OSDS, and a long term solution for waste water treatment would be the extension of a municipal sewer system. Densities as contemplated in the County's Comprehensive Master Plan would contribute to the cost effectiveness of a sewer system.

The Central Lyon County Fire Protection District provides fire and emergency medical service from the volunteer fire station located at 745 High Street, Silver City, approximately 455 feet to the northeast of the site and career station at 231 Coral Drive, Dayton, approximately 3.5 miles easterly of the site. The Lyon County Sheriff's Department maintains a substation at 801 Overland Loop, Dayton, approximately 6 miles northeast of the site.

Water Rights:

Water rights information has not been provided. It is anticipated that potential development will bring necessary water rights for the portions of the parcels outside of the water system service area when required for development.

Summary of Applicant's Justification:

The applicant includes the following arguments in support of the requested master plan amendments:

- A reduction in the potential residential development density provides a "more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure and also clean up and align certain parcels that currently have "split" master plan designations."
- "For more than a century the subject property has been used for mining, mine exploration and/or mine development."
- "The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles."
- "In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning."
- The "zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts."

The applicant believes that "the community Character District of Suburbanizing, the Community Plan Land Use Designation of High Density, Density of 5 to 18 dwelling units per acre, the

Corrected 11/11/2013

Page 4 of 35
Public Hearing for COMSTOCK MINING, LLC MPA
Planning Commission-November 12, 2013
Planning-rgl

JA2195

14 CV 00128 - 002090
LYON COUNTY

Examples of Uses and the Description/ Characteristics and the current Suburban Residential master plan designation" are inconsistent with the following Comprehensive Master Plan goals, and as detailed in the applicant's justification, some related policies and strategies:

- Goal LU1: Orderly Growth Patterns – Direct and manage development in the county that it is orderly and fiscally responsible.
- Goal LU2: Services Coordinated with Growth – Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

The applicant believes that the requested master plan amendments are consistent with and supported by the following Comprehensive Master Plan goals, and as detailed in the applicant's justification, some related policies and strategies:

- Goal LU3: Diverse Economy – The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.
- Goal NR9: Mining and Resource Extraction – Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

The revised application submittal, dated October 11, 2013, contains the applicant's detailed request and justification. One must examine the revised information for the complete justification and a full understanding of the applicant's views.

Staff Review and Comments:

Applicant's Request

As specified in the applicant's justification statement "[t]he application is requesting a "down zone" at both the master plan and zoning levels." If approved, the applicant's master plan amendment requests would result in a decrease in planned residential density. The current master plan designation and zoning allow development at densities that are less than the maximum density permitted by the master plan land use designation and the zoning district.

The applicant's justification states that "[t]he applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property." If approved, the amendments set the stage for zone change requests that may permit uses, such as mining, not currently permitted on the subject parcels.

Access:

Access to the subject properties would be from State Route 341 and 342. Specific access would need to be created based on the type and density/intensity of development. No plan for development of access, intersections and/or ingress and egress points from the subject parcels has been provided.

Comstock Historic District:

Silver City and the subject parcels are within the boundaries of the Comstock Historic District. The District comprises an effort to maintain the historic character and integrity of the Comstock.

The State Historic Preservation Office describes the Comstock Historic Commission as follows:

Corrected 11/11/2013

Page 5 of 35
Public Hearing for COMSTOCK MINING, LLC MPA
Planning Commission-November 12, 2013
Planning-rgl

JA2196

14 CV 00128 - 002091
LYON COUNTY

The Comstock Historic District Commission was created by Nevada Revised Statute 384 and dates to 1969. The state agency encourages the preservation and promotion of historic resources with the Virginia City National Landmark District, which the state refers to as the Comstock Historic District. The Commission provides permits for projects dealing with the exteriors of all buildings within the district, the construction of new structures, and work affecting pavement or fencing. The Commission also takes a proactive role in encouraging archaeological investigations and cemetery restoration within the district.

The District has authority over the exteriors of existing and new structures located on the subject parcels. The visual aspects of the built environment is one very important aspect of efforts to maintain the integrity and historic context of the Comstock. Another important aspect is the visual landscape of the Historic District.

The historic nature of the Comstock and Silver City was identified by the community as being very important during the preparation of the Comprehensive Master Plan. The importance of the community's historic component has remained consistently important during community meetings and discussions regarding land use issues.

Land Use:

The subject parcels are generally undeveloped with an area containing a historic mill site and multiple historic structures. The property appears to have had periodic mineral exploration within the past approximately 40 or more years, and intermittent mining activities in the more distant past.

The current Resource land use designation, which applies to 12.29 acres of the subject parcels, has the following attributes as described in Chapter 3 of the Comprehensive Master Plan, County-wide Component:

- Community Plan Land Use Categories – Resource (private)
- Density range – 1 du per 40 acres or one-sixteenth of a section as described by a government land office survey, or per existing parcel if less than 40 acres or one-sixteenth of a section
- Characteristics – Private property, generally inholdings or located in very remote or rural parts of the County (outside of community boundaries). Within communities may be private property used for resource uses. Examples of uses: Open range and dispersed grazing, mining and large scale energy, general rural residential development at very low densities. Within communities, uses such as mining, borrow pit or gravel pit operations, energy projects; may include limited employment/industrial uses complementary to and compatible with surrounding uses.

The current Suburban Residential land use designation, which applies to 42.57 acres of the subject parcels, has the following attributes as described in Chapter 3 of the Comprehensive Master Plan, County-wide Component:

- Community Plan Land Use Categories – Medium Density Residential, High Density Residential and Residential Mixed-Use.
- Density range – 1 du per acre to 18 du per acre.
- Characteristics –
 - Medium Density Residential, High Density Residential - Typically in suburbanizing areas. Neighborhoods should contain a mix of housing types and

Corrected 11/11/2013

Page 6 of 35
Public Hearing for COMSTOCK MINING, LLC MPA
Planning Commission-November 12, 2013
Planning-rgl

JA2197

14 CV 00128 - 002092
LYON COUNTY

lot sizes in a neighborhood setting with a recognizable center (with a park, school, or other public use) and connected, useable open space within the neighborhood. Will be served by municipal utilities. High density residential must be located near major roads and near commercial uses. Examples of uses: Single-family residences, duplexes and attached housing.

- *Residential Mixed-Use – This category is designed to create opportunities for higher-density neighborhoods in a suburban-setting to promote neighborhoods with a mix of types and intensities in close proximity to commercial and commercial mixed-use districts. Examples of uses: A range of medium to high-density residential housing types with open space, parks, schools, and other public uses.*

The proposed Rural Residential land use designation, which is proposed to apply to 54.86 acres of the subject parcels, has the following attributes as described in Chapter_3 of the Comprehensive Master Plan, County-wide Component:

- Community Plan Land Use Categories – *General Rural and Rural Residential*
- Density range – *1 du per 20 acres to 1 du per 5 acres*
- Characteristics – *Characteristics: Typically in rural districts and on the edge of suburbanizing areas. Lot sizes vary. Typically not served by municipal utilities. Examples of uses: Single-family residences, ranches, and “farmettes”.*

The principal purpose of land-use regulation and zoning is to limit conflicts between incompatible land-uses. As a general rule, commercial and industrial uses are more compatible with higher density residential uses, particularly if they back up to them or if they are separated by a street. All master plan land use designations, zone changes, and special uses should be reviewed to ensure that existing and proposed land uses are compatible.

Past Lyon County Master Plans

Information regarding past master plan land use designations, goals and actions provide some context and insight for the current Comprehensive Master Plan provisions that pertain the subject parcels. From Planning staff's review of past documents, including the 1970s Lyon County Master Plan, zoning map circa the 1970s, the 1990 Lyon County Master Plan and the 2002 West Central Lyon County Final Land Use Plan, it appears that the County has been consistent in its planning approach, intended land use and zoning application.

Below ~~is~~ are information, goals and actions from past master plans that illustrate the County's and Community's planning desires for Silver City.

1971 Lyon County General Plan

On the 1971 General Plan Map, Silver City is shown as an Urbanizing Area and the Mining Industry land use is not depicted in the Silver City area.

1990 Lyon County Master Plan – Silver City

Goal #1 To maintain, promote, and secure the historic character of the community and to prevent the destruction or degradation of the historic character.

2002 West Central Lyon County Final Land Use Plan – Silver City Master Plan Goals

Goal 1: To recognize, enhance, and protect the unique character of Silver City.

Actions:

- To maintain that scale and primary residential character by retaining the existing Master Plan designation and zoning categories.

Goal 8: To limit any earth disturbance or above ground mining activities that create visual scarring or that disrupt the fabric of the community.

Actions:

- Lyon County shall establish a land use policy that minimizes the impact of mining and other significant earth disturbing activities that degrade quality of life.

Goal 10: To maintain the primary focus of the community as residential.

Actions:

- To urge the Board of Commissioners to carefully consider all zone changes or Master Plan amendments that would substantially alter the character and identity of Silver City.

2010 Comprehensive Master Plan, County-wide Component

A consideration of the various and often competing provisions of the County's Comprehensive Master Plan is an essential aspect of the consideration of any master plan amendment request.

The applicant has provided information in the submitted, revised application materials regarding their opinions on the compatibility and importance of their master plan amendment request with the current County Comprehensive Master Plan, County-wide Component. The information includes discussions of the relevance of various goals, policies, strategies and land use designations. Please refer to the enclosed applicant's revised submittal for the complete text of the applicant's information.

Lyon County Planning staff compiled a listing of County Comprehensive Master Plan County-wide Component information that it considered relevant for background and for the analysis of the applicant's request. This list is enclosed with this report as Attachment 1.

Below are the Comprehensive Master Plan goals, policies and strategies identified by the County Planning staff with brief discussions.

Goal LU 1: Orderly Growth Patterns: Direct and manage development in the county so that it is orderly and fiscally responsible.

Policy LU 1.1: Follow Development Patterns as Established on Countywide Land Use Plan or a More Specific Community Plan

Future development of Lyon County will be consistent with the Countywide Land Use Plan or a more specific Community Plan, if one has been adopted. The Countywide Land Use Plan will guide future growth and development by defining appropriate land use types, densities, and character in different locations including cities and towns, suburbanizing areas, rural areas, farm and ranch land, hillsides, and public lands. The county's future urban and suburban growth will develop largely around existing communities.

Strategies:

- ♦ *Use the Countywide Land Use Plan and adopted Community Plans as a guide for decision-making on development approvals.*

- ♦ *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.*

The current County-wide Land Use Plan should be used to guide the decision regarding the applicant's requested master plan amendment. The current Land Use Plan is consistent with the identified long term development goals for Silver City and consistent with approximately 40 years of County master planning efforts and community input.

The applicant believes that the requested reduction in residential development potential provides for more orderly and fiscally responsible growth, and is more aligned with potential-to-actual development ratio and infrastructure availability.

The existing land use designation includes densities starting from one acre per dwelling unit and provides for density that could improve the potential for the expansion of infrastructure within Silver City.

Policy LU 1.4: Locate industrial development as designated on County-wide Land Use Plan or determined by criteria.

Industrial uses, including extractive industries, will occur in areas that are designated on the County-wide Land Use Plan. New industrial uses should only be located in areas that do not adversely impact existing residential settlements.

Strategies:

- ♦ *Consider developing a set of siting criteria to be used in determining the suitability of sites for industrial and extraction uses.*
- ♦ *Establish performance standards in areas of noise, odor, dust, traffic generation, etc.*

The potential for the location of a mining use within Silver City, where it was not identified in the Comprehensive Master Plan Land Use Plan, should be carefully considered. The County has not yet developed a set of siting criteria. The Comprehensive Master Plan policy discussion states that new industrial uses, which would include extractive industries, should only be located in areas that do not adversely impact existing residential settlements.

Goal LU 3: Diverse Economy: The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economic Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near to population centers.

The county will support economic diversification throughout the county to more fully utilize the broad range of skills, knowledge and abilities inherent in our workforce.

The requested master plan amendment would provide the basis for a zone change that could allow for the expansion of mining. Such a use has the potential for expanding employment opportunities. A mining use that adversely impacts existing Silver City businesses or tourism could also have an adverse impact on the economy and employment within the community.

The applicant states that: "The master plan change would allow for continued mineral exploration on the subject property helping to identify economic assets while employing local residents in primary jobs."

Policy LU 3.2: Business and Industry Locations that are Consistent with Future Land Use Plan

Encourage commercial and industrial development to locate in designated locations shown on the Future Land Use Plan, where public facilities exist or are planned to accommodate such development cost-effectively. The County-wide Land Use Plan will reserve adequate lands for jobs and industry.

Strategies:

- ◆ *Use the Countywide Land Use plan and Community Plans as a guide to determine appropriate locations for business and industry.*

The County-wide Land Use Plan should be used as a guide to determine appropriate locations for business and industry, including mining. The current County-wide Land Use Plan designations for the Silver City community do not identify lands for industry or mining within the community boundaries.

Goal CC 1: Quality Design: New development in Lyon County will improve the appearance and function of our communities.

Policy CC 1.1: Quality New Development

New development in the communities of Lyon County should create inviting places for locals and visitors to live, shop, eat, visit, and do business.

Policy CC 1.3: Design Tailored to Communities

New development in Lyon County should address and respect the unique character of communities within the county.

Consideration should be made to whether or not the proposed master plan amendment would improve the appearance and function of the ~~Smith Valley~~ Silver City community, and address and respect the community's unique character. The existing community development pattern is not inconsistent with the current master plan designation. The proposed decreased residential density does not follow the original town lot development pattern, but would not be inconsistent with the development pattern of parcels outside of the original town map area.

The establishment of uses that would be permitted through the concurrent zone change request may not be consistent with this goal and its policies.

Goal CC 3: Heritage: Historic places, structures, and landmarks in the county will be preserved and will provide an opportunity for resident and visitors to learn about and celebrate our heritage.

Policy CC 3.1: Maintain and Restore Historic Resources

Lyon County will encourage and support efforts to preserve and restore registered historic structures, and landmarks, and districts.

Strategies:

- ◆ *Revise zoning to encourage historic use and development patterns including mixed-use structures and districts.*
- ◆ *Support organizations in the county that apply for historic designation or grant funding for inventory or rehabilitation of historic structures, efforts to identify receiving sites for historic structures that cannot be maintained in their original locations, and similar historic preservation purposes and efforts.*

- ♦ *Work with knowledgeable organizations and individuals to ensure that building and development standards allow for adaptive reuse of valued historic structures, including those without official historic designation.*
- ♦ *Within historic districts, promote historic design elements, features and context, and prohibit building design that compromises the integrity of the historic community character.*
- ♦ *Within historic districts, limit new land uses that would pose a risk to historic structures or the historic character of the district.*
- ♦ *Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.*

Staff is concerned that the requested master plan amendment, concurrent zone change request and the applicant's stated purpose for both could result in development directly contrary to this goal, policy and strategies. Silver City is a unique, historic community within Lyon County that lies within a historic district which contributes to its character and quality of life.

The following strategies are particularly relevant to the requested master plan amendment:

- ♦ *Within historic districts, promote historic design elements, features and context, and prohibit building design that compromises the integrity of the historic community character.*
- ♦ *Within historic districts, limit new land uses that would pose a risk to historic structures or the historic character of the district.*
- ♦ *Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.*

Goal NR 3: Adequate, Clean Water: Adequate water supply will be available for current and future needs in Lyon County, including safe, healthy drinking water for all Lyon County residents.

Policy NR 3.1: Water Supply and Quality

Recognizing that clean water is a precious resource necessary to maintain our health, economy, and quality of life, Lyon County will protect the water supply and encourage efficient use of water resources.

Strategies:

- ♦ *Maintain and expand the piped municipal water and sewer systems within community core and urbanizing areas of the County as designated on the Future Land Use map.*

Consideration should be given to whether or not the change in development potential and pattern would have a positive or negative impact on the future expansion of the Silver City water system.

Goal NR 9: Mining and Resource Extraction: Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR 9.1: Guide Development

Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Strategies:

- ◆ *Consider the location of known resources when reviewing new development.*

Policy NR 9.3: Mitigate Operations

To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, etc.

Strategies:

- ◆ *Promote "limited impact"/environmentally safe resource extraction practices to protect the natural environment, enhance the quality of life of residents, and limit impacts on present and future public facilities and services.*

Policy NR 9.4: Mitigate long-term impacts

To the extent possible, Lyon County will promote long-term reclamation and rehabilitation of extractive sites.

Strategies:

- ◆ *Require resource extraction projects to submit detailed long-term reclamation and reuse plans and to provide adequate funding mechanisms to implement plans*

The future potential for mineral exploration and extraction operations should be considered for the requested master plan amendment and concurrent zone change requests.

Staff does not believe that the existing master plan land use designation or planned residential development within the Silver City community boundaries should be considered as development that should be guided away from mineralized areas. The Comprehensive Master Plan was created based on the concept of recognizing and developing the existing community core areas. Silver City is one of those areas.

The applicant believes that the existing Suburban Residential land use designation is inconsistent with the mining claims associated with the subject parcels and not appropriate with traditional land planning principles.

Goal FS 1: Provision of Services: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

Strategies:

- ◆ *Develop a Capital Improvements Plan and budget for Lyon County utility system expansion that is consistent with the Land Use Map in this Plan.*
- ◆ *Revise the County's development regulations in order to create incentives to build according to the Land Use map in this Plan.*
- ◆ *Require the developer to pay the full cost of utility system extension, in order to discourage inefficient utility system development, and provide for reimbursement mechanisms where appropriate.*

Silver City has an existing municipal water system. In keeping with this goal and strategies, the future improvement and expansion of the water system has been envisioned by Lyon County Public Works Department for some time.

Silver City has extensive limitations for individual and on-site sewer disposal systems. Additional large lot residential parcels requiring septic systems may be contrary to long term water quality and may reduce the opportunity for a future connection to a municipal sewer system.

Water system improvements are needed for the community and a sewer system may be necessary in the future. Cost effective improvement and expansion will be influenced by Silver City's the long term development potential.

Goal CP 1: Support Diversity: Lyon County will celebrate and support the diversity of character among communities in the county.

Policy CP 1.1: Recognize Diversity of Communities

Lyon County planning efforts and regulations will consider the unique aspects of communities in the county, and will allow for variation and exceptions to address key aspects of their diversity.

In considering the requested master plan amendment, Silver City's unique character, development pattern, historic location and dependence on the historic landscape should be recognized and supported.

Goal CP 3: Community Plans: Lyon County will support community-based planning efforts that elaborate community-specific goals and that are developed with strong public consensus.

Policy CP 3.1: Support Community Planning Efforts

Lyon County will encourage and offer guidance for community-based planning efforts, with the goal of ensuring that such an effort will result in a document that identifies the unique needs and values of the community in a manner that can be integrated with county-wide planning, regulations, and policies.

Over the past approximately 40 years, the Silver City community has actively participated in several master plan efforts, the results of which appear to be very consistent. During the development of the Comprehensive Master Plan, County-wide Component, the community was very active. Goals, policies, strategies and land use designations affecting Silver City were developed with strong public consensus.

Goal CP 4: Advisory Councils: County staff will confer with the applicable Community Advisory Council when developing programs or policies to address community-specific issues.

Policy CP 4.1: Confer with Community Advisory Councils

When developing a program or policy intended to address a community-specific issue, such as those listed in this Comprehensive Master Plan and in adopted community plans, county staff will confer with the applicable Community Advisory Council before finalizing a decision.

The Silver City Advisory Board has been very active in discussing, reviewing and commenting on the requested master plan amendment and zone change applications. The Advisory Board's comments should be considered in the review and deliberation regarding the requested master plan amendment.

Zoning:

The subject parcels are currently zoned NR-1, Single-Family Nonrural Residential District. A review of the County's zoning maps and zoning information for the subject parcels shows that the current zoning is consistent with zoning dating back to the 1970s.

The NR-1 zoning permits:

- Parcel size of 6,000 square feet or larger;
- Permitted uses consisting of single-family dwellings, detached guest building and accessory uses, garden houses, playhouses, tennis courts and "home occupations;"
- Special uses consisting of child care facilities, churches, group care facilities, parks, public utility serving centers, recreational areas, residential industry, schools, sanitariums and other like uses; and
- Special uses on parcels having a minimum area of 21,000 square feet consisting of private golf, swimming, tennis and similar clubs.

If the Planning Commission adopts the applicant's request for master plan amendments to the Rural Residential land use designation, the applicant's requested zone changes, contained in the concurrent zone change application, would become consistent with the County's Comprehensive Master Plan. If the Planning Commission does not adopt the requested master plan amendments, the applicant's requested zone changes will not be consistent with the County's Comprehensive Master Plan.

Guidance for Reviewing and Granting a Master Plan Amendment

The Lyon County Comprehensive Master Plan, County-wide Component, Chapter 11, Implementation, provides the following guidance for reviewing and granting a master plan amendment:

The public and the County may initiate Plan Amendments in accordance with the provisions of Lyon County Code. All Plan Amendments shall be considered by the Planning Commission and Board of County Commissioners pursuant to their respective powers. Based on its consideration of the recommendations from staff, advisory councils, boards and commissions, and evidence from public hearings, the Planning Commission could then adopt the Plan Amendment (with or without further revisions) or deny the Amendment. Any action on a Plan Amendment by the Planning Commission would be followed by County Commissioners action including, if applicable, its approval of the Plan Amendment. When considering a plan amendment, the County should consider whether:

- 1. The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;*
- 2. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;*
- 3. The proposed amendment will have no major negative impacts on transportation, services, and facilities;*
- 4. The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*
- 5. Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and*
- 6. The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.*

Requirements for Granting a Master Plan Amendment:

Chapter 10.12.09(F) of the Lyon County Code requires that:

When making an approval, modification or denial of an amendment to the Master Plan land use map or text, the Commission and the Board shall, at a minimum, make one of the following findings of fact:

A. Consistency with the Master Plan.

- 1. Approval: The applicant has demonstrated that the amendment is in substantial compliance with and promotes the Master Plan goals, objectives and actions.*
- 2. Denial: The proposed amendment is not in substantial compliance with, nor does it promote the Master Plan goals, objectives and actions.*

B. Compatible Land Uses.

- 1. Approval: The proposed amendment is compatible with the actual and planned adjacent land uses, and reflects a logical change in land uses.*
- 2. Denial: The proposed amendment would result in land uses which are incompatible with the actual and planned adjacent land uses, and does not reflect a logical change in land uses.*

C. Response to Change Conditions.

- 1. Approval: The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment represents a more desirable utilization of land.*
- 2. Denial: The proposed amendment does not identify and respond to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment does not represent a more desirable utilization of land.*

D. No Adverse Affects.

- 1. Approval: The proposed amendment will not adversely affect the implementation of the Master Plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.*
- 2. Denial: The proposed amendment will adversely affect the implementation of the Master Plan goals, objectives and actions, and would adversely impact the public health, safety or welfare.*

E. Desired Pattern of Growth.

- 1. Approval: The proposed amendment will promote the desired pattern for the orderly physical growth of the County, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the County based on the least amount of natural resource impairment and the efficient expenditure of funds for public services.*
- 2. Denial: The proposed amendment does not promote the desired pattern for the orderly physical growth of the County. The proposed amendment does not allow infrastructure to be extended in efficient increments and patterns, does not maintain relatively compact development patterns, and does not guide development of the County based on the least amount of natural resource impairment and the efficient expenditure of funds for public services.*

Summary:

A master plan amendment is the most discretionary decision that the Planning Commission and Board of Commissioners can make regarding land use. After master plan decisions, the Planning Commission's and Board of Commissioners' breadth of discretion becomes more and more constrained until there is relatively little discretion in the matter of conditional and permitted uses.

The County's Comprehensive Master Plan is a long term plan for the development of the County and its individual communities. Decisions on master plan land use designations should be made with deliberate consideration of long term needs, opportunities, community aspirations, community stability, compatibility, and community character. To be most effective, master plans should be amended infrequently when there are compelling justifications which reflect long term community goals and interests.

In short, the prime considerations the Planning Commission needs to determine are whether the proposed master plan amendments:

- ✓ Are needed,
- ✓ Are compatible with the area and Comprehensive Master Plan,
- ✓ Will have no major negative impacts,
- ✓ Will have minimal effect on and will be compatible with services,
- ✓ Will promote the public welfare, and
- ✓ Are consistent with the Comprehensive Master Plan goals and policies.

Staff Recommendation:

Staff would generally recommend that the most appropriate process for making a land use designation decision would be as part of the preparation of a Community Plan for Silver City as envisioned in the Comprehensive Master Plan. However, the Comprehensive Master Plan and County Code provide a process for the master plan amendment now before the County.

Staff recommends denial of the requested master plan amendments based on the guidance provided by the Comprehensive Master Plan, County-wide Component, including the adopted Land Use Plan, the majority of applicable goals, policies and strategies, Silver City's unique and historic character, and the County's lengthy, consistent master plan record of land use planning for Silver City.

Alternative Findings and Motions:

The alternative motions suggested below are offered for Planning Commission consideration.

Alternative for Denial:

If the Commission determines that the request for a Master Plan Amendment should be denied, the Commission must make findings supporting a denial. The Planning Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. The proposed amendment is not in substantial compliance with, nor promotes the Master Plan goals, objectives and actions in that it is not in keeping with the majority of applicable guiding principles, goals, policies, strategies and community description contained in the 2010 Lyon County Comprehensive Master Plan, County-wide Component.
- B. The proposed amendment would result in land uses which are incompatible with the actual and planned adjacent land uses, and does not reflect a logical change in land use in that the amendment would change the planned character and intensity of residential development and enables the potential development of a land use incompatible with the actual and planned adjacent and predominant residential land uses.
- C. The proposed amendment fails to identify or respond to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment does not represent a more desirable utilization of land.
- D. The proposed amendment will not adversely affect the implementation of the Master Plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.
- E. The proposed amendment does not promote the desired pattern for the orderly physical growth of the County as set forth for the Silver Springs City community in the 2010 Lyon County Comprehensive Master Plan, County-wide Component.
- F. The existing Comprehensive Master Plan and/or any related element thereof is not in need of the proposed amendment.
- G. The proposed amendment is not compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan, particularly those related to Silver City.
- H. The proposed amendment will have effects on service provision, including adequacy or availability of facilities and services, and is not compatible with existing and planned service provision.
- I. Deviation from the strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan.
- J. The proposed Plan amendment will not promote the public welfare and will be inconsistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.

Based on the above findings, the Lyon County Planning Commission denies the Master Plan Amendments from Resource to Rural Residential on 12.29 acres and from Suburban Residential to Rural Residential on 42.57 acres for Comstock Mining, Inc. as set forth in the written and graphic information contained in the revised master plan amendment application and supporting documents, received by the Lyon County Planning Department on October 18, 2013 (APNs 08-091-02 and 08-091-05) (PLZ-13-0050).

Alternative for Approval:

If the Commission desires to approve the requested Master Plan amendment from Low Density Residential to Commercial, the Commission must make findings supporting the proposed expansion of the Commercial Master Plan Classification on the subject parcels. The Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. The applicant has demonstrated that the amendment is in substantial compliance with and promotes the Master Plan goals, objectives and actions in that it is in keeping with applicable guiding principles, goals, policies, strategies.
- B. The proposed amendment is compatible with the actual and planned adjacent land uses, and reflects a logical change in land uses in that the amendment would decrease the intensity of residential development.
- C. The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the Master Plan was adopted by the Board, and the requested amendment represents a more desirable utilization of land.
- D. The proposed amendment will not adversely affect the implementation of the Master Plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare in that it ~~reduces the long term economic viability of providing the Silver City community with existing and future community infrastructure, thereby increasing the cost of services and unfavorably effecting the efficient and cost effective development of infrastructure, and enables a potential land use which would adversely affect the implementation of the majority of applicable guiding principles, goals, policies, strategies and community description contained in the 2010 Lyon County Comprehensive Master Plan, County-wide Component.~~
- E. The proposed amendment will promote the desired pattern for the orderly physical growth of the County, maintains relatively compact development patterns; and guides development of the County based on the least amount of natural resource impairment and the efficient expenditure of funds for public services.
- F. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan.
- G. The proposed amendment will have no major negative impacts on transportation, services, and facilities.
- H. The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision.
- I. Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan.

Based on the aforementioned findings, the Lyon County Planning Commission approves the Master Plan Amendments from Resource to Rural Residential on 12.29 acres and from Suburban Residential to Rural Residential on 42.57 acres for Comstock Mining, Inc. as set forth in the written and graphic information contained in the revised master plan amendment application and supporting documents, received by the Lyon County Planning Department on October 18, 2013 (APNs 08-091-02 and 08-091-05) (PLZ-13-0050).

Alternative for Continuance:

If the Commission determines that additional information, discussion and public review are necessary for a more thorough review of the proposed Master Plan Amendment, the Commission should make appropriate findings and move to **continue** the Public Hearing with a specific time period for the applicant to provide additional specific information necessary for the analysis of the request. The Planning Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. Additional information, discussion and public review are necessary for a more thorough review of the proposed Master Plan Amendment.

Based on the above findings and with the applicant's concurrence, the Lyon County Planning Commission continues the hearing for the Master Plan Amendments from Resource to Rural Residential on 12.29 acres and from Suburban Residential to Rural Residential on 42.57 acres for Comstock Mining, Inc. as set forth in the written and graphic information contained in the revised master plan amendment application and supporting documents, received by the Lyon County Planning Department on October 18, 2013 (APNs 08-091-02 and 08-091-05) (PLZ-13-0050) ~~for~~ for ___ days.

Attachment 1

Lyon County Comprehensive Master Plan, County-wide Component Excerpts and Relevant Information

Chapter 1: Introduction

Plan Use

The Comprehensive Master Plan will be used as a decision-making tool by residents, landowners, developers, the County Planning Department, Planning Commission, and Board of Commissioners. The Plan does not change existing zoning or solve all of the county's problems; instead, it serves as a handbook for implementing the county vision. It specifies policy guidelines that respect the individual, reinforce community values, support healthy functioning communities, and advocate quality of life.

The Plan is a catalyst and guide to the establishment, or revision, of mechanisms to implement the selected goals and policies. These mechanisms include development codes and other planning tools such as zoning and subdivision codes, zoning maps, capital improvements programs, Community Plans for the eight identified communities within the County, and other specific "action items."

About Master Plans Generally

The Comprehensive Master Plan is an official public document adopted by the Lyon County Planning Commission and Board of Commissioners. The Plan is a general, long-range, policy and implementation guide for elected and appointed officials in making choices concerning the overall needs, growth and development of the county and its communities. It outlines Lyon County's vision and goals for the future.

The Plan is comprehensive because the elements cover a broad range of development and growth issues which can be influenced significantly by the County Planning Commission, Board of Commissioners and other governing authorities and agencies. The Plan is general because the recommendations are broad. The plan is long-range because consideration is given to the problems and opportunities which may arise over the next twenty or so years. The Plan is dynamic because there will be amendments to adapt to new situations and meet new challenges over time.

The written guiding principles, goals, policies and strategies, in combination with the Land Use Map, provide guidance for decisions affecting growth, the use and development of land, preservation of open space and the expansion of public facilities and services. The Comprehensive Master Plan written policy recommendations and maps should be used together when making decisions. It is also recognized that this document should be reviewed annually at a public hearing and revised as needed to reflect the availability of new implementation tools, changes in State and Federal law, changes in funding sources, the results of monitoring the effectiveness of existing policies and the impacts of past decisions, as well to reflect changes in the community's vision for the future.

How Does Zoning Relate to The Master Plan?

County zoning regulations consist of both a zoning map and a written ordinance that divides the county into zoning districts, including various residential, commercial, and industrial districts. The zoning regulations describe what type of land use and specific activities are permitted in each district, and also regulate how buildings, signs, parking, and other construction may be placed on a lot. The zoning regulations also provide procedures for re-zoning and other planning applications.

The zoning map and zoning regulations provide specific requirements for development of property, while the Master Plan provides a guide for the future development of the property. When changing the zoning of a particular property, it must be consistent with the Master Plan Land Use Map. That is to say, the Land Use Map contained in this Master Plan should guide future re-zoning decisions.

Consistency Between the Master Plan And Zoning

Master plan land use category designations shown on a Land Use Map are not the same as zoning. The adoption of a master plan and Land Use Map does not change a property's zoning.

Master plans are advisory in nature, serving to guide the community at a policy level and to guide future development decisions. Zoning is regulatory in nature, generally serving to implement the master plan and specify permitted uses, allowed densities and development standards.

In many instances, land use category designations on a Land Use Map may not directly correspond to a property's underlying zoning. Unless the County chooses to pro-actively re-zone properties that are not consistent with the Land Use Map, properties retain their underlying zoning. If a property owner desires to change zoning to be consistent with the Land Use Map, the property owner will be required to request re-zoning of the property as part of the development process to bring it into compliance with the Master Plan. There is no requirement in Nevada State law requiring that the zoning of properties be brought into compliance with the Master Plan and its Land Use Map.

Underlying zoning was reviewed and considered throughout the development of this Master Plan to ensure that consistency between planned land uses and zoning could be maintained to the maximum extent feasible. In some instances, land use designations do differ, however, as was necessary to meet the broader objectives of the Master Plan. Re-zoning may be required should the properties develop or redevelop in the future. It should be noted that in many of the cases where inconsistencies do exist, planned land use categories (e.g., mixed-use land use designations) and zoning that would subsequently be required, would allow a much broader range of uses than are allowed today.

Process for Plan Development and Adoption

This County-wide Component of the Comprehensive Master Plan is the culmination of four years of dialogue and analysis that has included a wide array of participants including the Board of Commissioners, the Planning Commission, community advisory councils, County staff and the community at large. A series of community meetings, open house events and workshops were held throughout the county to obtain citizen input and recommendations, including eight meetings on issues identification in March 2007, eight community meetings and 2 joint Planning Commission/Board of Commissioners sessions on

Chapter 2: Vision and Guiding Principals

The Vision, Guiding Principles, and Goals, Policies and Strategies of the Lyon County, Comprehensive Master Plan will guide the County in its decisions, and as new development or changes occur, help to maintain and enhance the qualities that make Lyon County a great place in which to live, work, and play.

- ♦ *The Lyon County Vision Statement sets out a desired picture of the future of Lyon County. It represents a future toward which the County will strive.*

- ♦ *Guiding Principles represent the broad values and ideals for the County.*
- ♦ *Goals are statements about what the County aims to achieve over the life of the Comprehensive Plan. Goals are intended to give decision-makers and citizens a clear idea about the County's intended direction.*
- ♦ *Policies provide ongoing guidance for elected and appointed officials, staff, and administrators as these community leaders make decisions about specific development, programs, and capital investments in the County.*
- ♦ *Strategies list detailed actions and methods for implementing the plan. We have listed a range of possible strategies to be considered. Some strategies will be possible to accomplish in the near term, while others will be on-going, or will take place later in the life of the Comprehensive Master Plan.*

How Did We Get Here?

The Vision, Guiding Principles, Goals, Policies, and Strategies in this document are based on public comments gathered in a series of open houses and workshops held in communities throughout Lyon County, in meetings with community advisory councils, and on comments and direction provided by the Planning Commission and Board of County Commissioners. Feedback from these meetings was first distilled into a draft Vision, Guiding Principles, and Goals document that was reviewed by the Planning Board and Board of County Commissioners in September, 2007. Subsequently, comments and concerns and detailed policy direction, in the form of policies and strategies, have been addressed in numerous drafts and updates during 2008, 2009 and 2010.

Overall Vision for Lyon County

A Vision statement is an overall image of what the community wants to be and how it wants to look in the future. It describes the kind of community that residents, business owners, and leaders want their county to become. The Vision for Lyon County describes the community's collective values and aspirations and creates an image of the County based upon what it is today and what residents would like it to be in the future. The Vision is founded on the premise that the health of the County and the quality of life of its residents depend on the balancing of multiple factors, including environmental, economic and community/social considerations. These components are interrelated and essential to the continued health and sustainability of the community. Addressing these factors in a comprehensive manner provides a balanced and flexible basis for formulating the County's Comprehensive Master Plan.

Lyon County Vision

Lyon County will guide growth and change to meet the needs of current and future residents, building on its heritage, and exploring new and innovative techniques to address challenges. The diverse communities within Lyon County will work together to meet shared goals while respecting and promoting the individual character of each community. Residents will enjoy an excellent quality of life characterized by: diverse lifestyle opportunities, quality housing choices, plenty of clean air and water, access to open lands, recreation and wildlife, outstanding public schools, an efficient transportation network, a safe community, and a range of employment and occupational choices. Our rural character, and agricultural and mining heritage, will continue to be a strong part of Lyon County's identity.

Guiding Principals

Eight broad "Guiding Principles" have been identified as the basic beliefs behind the overall County Vision and this Comprehensive Master Plan. The Principles reflect the community's vision at a broad policy level and describe the community's aspirations; highlighting areas where the County has opportunities to build on its strengths—as well as those areas where a change in policy direction is needed to improve a condition that is not consistent with the Vision.

Chapter 3: Land Use, Economy and Growth

Land use patterns in Lyon County have not only been shaped by County regulations and development decisions, but also by physical factors such as topography and water availability. Throughout most of its history, Lyon County has been characterized by a number of compact communities and rural settlements spread over a landscape of valleys and mountains, farm/ranch lands, rivers, and extensive undisturbed areas. For years, the County has been noted for its rural character and image, its historical heritage, and its slow-paced rural way of life.

The rapid growth in the region has brought changes to the County: changes welcomed by many, lamented by others, but of concern to all. Inevitably, in such a process, Lyon County and its communities have been affected by development, increased traffic volumes, encroachment into floodplains, services stretched to meet needs, and a declining agricultural land base.

Future development will be influenced by factors such as population trends, employment growth, and water availability. Lyon County desires to be able to provide employment opportunities for its residents as well as a diverse choice of housing types, commercial services, recreational opportunities and community character.

The County's purpose is not to restrict future growth but to direct it in a way that minimizes negative impacts while offering residents a range of choices and promoting job creation. The County seeks to successfully accommodate growth and consciously decide how development should occur to achieve a more efficient pattern for future development. Lyon County intends to ensure the county's long-term viability by using methods to guide new development to locations where adequate public infrastructure such as roads, water, sewer, schools, and related facilities, is available or can be provided most efficiently and cost effectively, promoting infill development, and providing incentives for quality development.

Lyon County sees more growth and development occurring in and around the existing community cores (its towns and established settlement areas) with more focus on balancing residential, employment, and retail land uses. Less growth is desired in the remote unincorporated areas (outside of community cores). The County also desires to continue agricultural production and the retention of agricultural lands, but allow residential development especially in alternative rural patterns such as clustering, through incentives and density transfer mechanisms. Incentives and density transfer mechanisms are also desired to promote alternative development patterns and the conservation of areas of environmental significance or hazardous features.

Guiding Principal: Lyon County will grow in an orderly fashion concentrating development within designated community cores, maintaining the diversity characterized by its settlement patterns and landscapes, providing jobs as well as housing, and sustaining quality public services and facilities.

Goal LU 1: Orderly Growth Patterns: Direct and manage development in the county so that it is orderly and fiscally responsible.

Policy LU 1.1: Follow Development Patterns as Established on Countywide Land Use Plan or a More Specific Community Plan

Future development of Lyon County will be consistent with the Countywide Land Use Plan or a more specific Community Plan, if one has been adopted. The Countywide Land Use Plan will guide future growth and development by defining appropriate land use types, densities, and character in different locations including cities and towns, suburbanizing areas, rural areas, farm and ranch land, hillsides, and public lands. The county's future urban and suburban growth will develop largely around existing communities.

Strategies:

- ◆ *Use the Countywide Land Use Plan and adopted Community Plans as a guide for decision-making on development approvals.*
- ◆ *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.*

Policy LU 1.4: Locate industrial development as designated on County-wide Land Use Plan or determined by criteria.

Industrial uses, including extractive industries, will occur in areas that are designated on the County-wide Land Use Plan. New industrial uses should only be located in areas that do not adversely impact existing residential settlements.

Strategies:

- ◆ *Consider developing a set of siting criteria to be used in determining the suitability of sites for industrial and extraction uses.*
- ◆ *Establish performance standards in areas of noise, odor, dust, traffic generation, etc.*

Goal LU 3: Diverse Economy: The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economic Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near to population centers.

The county will support economic diversification throughout the county to more fully utilize the broad range of skills, knowledge and abilities inherent in our workforce.

Policy LU 3.2: Business and Industry Locations that are Consistent with Future Land Use Plan

Encourage commercial and industrial development to locate in designated locations shown on the Future Land Use Plan, where public facilities exist or are planned to accommodate such development cost-effectively. The County-wide Land Use Plan will reserve adequate lands for jobs and industry.

Strategies:

- ◆ *Use the Countywide Land Use plan and Community Plans as a guide to determine appropriate locations for business and industry.*

Goal LU 5: Encourage Resource Sensitive Growth: Development will be designed to reduce energy use and minimize environmental impacts.

Overall Land Use Plan Approach – Community Core Concept

Early in the process of developing this Master Plan and based on input from the community and county leadership, an overall approach for future growth and development in the county was identified and is referred to as the Community Core Concept. Under this approach, Lyon County would see more growth and development occurring in and around the existing community cores (its towns and established settlement areas) with more focus on balancing residential, employment, and retail land uses. The concept encourages less growth in the remote unincorporated areas (outside of community cores). The agricultural areas around Smith and Mason Valleys would primarily continue for agricultural production, but would allow residential development especially in alternative rural patterns such as clustering, through such mechanisms as transfer of development rights and non-contiguous density transfers. In addition, the concept promotes alternative development and conservation approaches for areas of environmental significance or hazardous features, such as steep slopes, wetlands, or floodplains.

Community Description

Chapter 3, Land Use, states that "community descriptions should serve as a general guide when considering the implications of the Master Plan County-wide Component on individual communities." The description of Silver City is as follows:

Silver City

Silver City, situated in lower Gold Canyon, represents the first settlement in Nevada based on mining activity. The town is located about 4 miles northwest of Dayton, the site of Nevada's first gold discovery, and 3 miles south of Virginia City along Highways 341 and 342. Approximately 200 home-sites and 100 houses, along with some historic commercial and industrial buildings, comprise the historic town site which is an integral part of the Comstock Historic District – a National Landmark Historic District.

Over the past 30 years residential infill and limited commercial endeavors have occurred on existing historic properties in Silver City. The pace of development has been slow for a variety of reasons, including challenging topography, limited water and sewer infrastructure, and an array of patented and unpatented mining claims. The existing water service infrastructure dates to the late nineteenth century, when a water system to supply the mining operations and settlement demands of the Comstock communities was constructed. This aging water system and a lack of a sewer system limit growth in Silver City. Additionally, title issues due to the historic nature of the town site and complications based in local zoning and building codes, have limited development.

Silver City has a strong sense of identity and prides itself on its cohesive small town atmosphere. The community treasures its historic buildings and landscape features, as evidenced by the preservation and rehabilitation of many original structures. New construction is regulated for exterior architectural features by the Comstock Historic District Commission.

Character Districts

Character District Map Description

"Character" can generally be thought of as the look or feel of a place, including: the built environment, land use patterns, street patterns, open lands, and general density or

intensity and type of uses. The purpose of the Character Districts Map is to help define, maintain, or enhance desired character of development or intensity in particular areas of the county.

Five Character Districts

Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries. They control and modify the land use designations to achieve the type and character of development desired in communities. These Districts are defined areas within communities. A community may have one or more Character Districts within its boundary. The following character districts are described in the sections that follow:

- Rural districts,
- Suburbanizing districts,
- Historic districts,
- Future Plan Areas, and
- General County.

Rural Districts

Rural Districts include those areas that are predominately low density residential development with limited neighborhood commercial uses. They may or may not have agricultural land uses or grazing lands. Improvement standards will reflect the "rural" character of the area. Rural districts are not likely to have municipal water and sewer. Roads are likely to have dirt shoulders, some equestrian paths as well as bike facilities within road rights-of-way.

Suburbanizing Districts

Suburbanizing Districts include those areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses. Improvement standards will reflect the "suburban" character of these areas and will include requirements for municipal water and sewer, roadway design appropriate to the planned land uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths). Roads are likely to have some bike and pedestrian facilities within road rights-of-way or separate paths.

Historic Districts

Historic Districts include those areas in and around lands included in the Comstock Historic District and Silver City or other future historic designations to preserve existing historic character or to promote "historic" architectural design elements. Future historic districts could also be designated where the intent is to promote new compatible development that is in keeping with the "historic" development patterns and architectural design elements to create more vitality. Tools might include mixed-use, design guidelines and conservation easements.

General County

Lands outside the boundaries of defined community boundaries are classified as General County. These lands are rural or resource lands or public lands, and are intended to remain largely undeveloped or with very low intensity development within the Master Plan's planning horizon. The development standards applicable to General County lands are the same as those for Rural Character Districts.

County-wide Land Use Plan Map(s)

The intent of the County-Wide Land Use Plan Map(s) is to show the generalized land use patterns for the entire County and the land use designations for lands outside of defined communities. This Plan map(s) provides an overall view of the County's desired development pattern. The county-wide categories, which are very general and the broadest categories to be mapped, encompass the more specific community plan land use designations, as shown in the land use categories table in this section. The County-wide Land Use Plan map(s) provides broad direction for the land uses intended within communities and the County. (Note: The Land Use Plan designations are shown in the blue column in the master table beginning on page 3.28.) Until a Community Plan is adopted, the County-wide Land Use Plan will be the guide.

Land Use Categories shown are generally consistent with Lyon County zoning and do not remove or vastly change owner entitlements to properties. However, some categories suggest a slight refocus of future development patterns to better achieve Comprehensive Plan Goals. For example, the intent for lands designated as "Highway Corridor Mixed-Use" is to gradually transition away from the strip commercial pattern along the county's highways to become a more cohesive mix of uses with offices, residential, and commercial that is focused in centers. Likewise, some of the lands in Smith Valley that are zoned for Rural Residential are shown as Agriculture, because the intent is that they are part of a larger agricultural area where options for landowners to conserve lands, do clustered development, or transfer density to more concentrated rural development areas is desirable. The Agriculture designation does not imply a change in potential development units from current zoning.

Proposals for development must be consistent with the categories and centers shown on the County-wide Land Use Plan or applicable Community Land Use Plan, or be consistent with locational criteria for centers described later in this chapter. The plan amendment procedures section of this plan describes what developers must do when a proposal is not consistent with the land uses defined herein.

County-wide Land Use Categories Table [Excerpts]

Countywide Land Use Category	Community Plan Land Use Categories	Density Range	Description/ Characteristics and Examples of Uses
AGRICULTURE AND RESOURCE LANDS			
Resource	✓ Resource (private)	1 du per 40 acres or one-sixteenth of a section as described by a government land office survey, or per existing parcel if less than 40 acres or one-sixteenth of a section	Characteristics: Private property, generally inholdings or located in very remote or rural parts of the County (outside of community boundaries). Within communities may be private property used for resource uses. Examples of uses: Open range and dispersed grazing, mining and large scale energy, general rural residential development at very low densities. Within communities uses such as mining, borrow pit or gravel pit operations, energy projects; may include limited employment/industrial uses complementary to and compatible with surrounding uses.
RESIDENTIAL			
Rural Residential	✓ General Rural ✓ Rural Residential	1 du per 20 acres to 1 du per 5 acres	Characteristics: Typically in rural districts and on the edge of suburbanizing areas. Lot sizes vary. Typically not served by

Corrected 11/11/2013

Page 27 of 35
Public Hearing for COMSTOCK MINING, LLC MPA
Planning Commission-November 12, 2013
Planning-rgl

JA2218

14 CV 00128 - 002113
LYON COUNTY

Countywide Land Use Category	Community Plan Land Use Categories	Density Range	Description/ Characteristics and Examples of Uses
			municipal utilities. Examples of uses: Single-family residences, ranches, and "farmettes".
Suburban Residential	<ul style="list-style-type: none"> ✓ Medium Density Residential ✓ High Density Residential 	1 du per acre to 18 du per acre.	Characteristics: Typically in suburbanizing areas. Neighborhoods should contain a mix of housing types and lot sizes in a neighborhood setting with a recognizable center (with a park, school, or other public use) and connected, useable open space within the neighborhood. Will be served by municipal utilities. High density residential must be located near major roads and near commercial uses. Examples of uses: Single-family residences, duplexes and attached housing.
	<ul style="list-style-type: none"> ✓ Residential Mixed-Use 	3 du per acre to 18 du per acre.	Characteristics: This category is designed to create opportunities for higher-density neighborhoods in a suburban-setting to promote neighborhoods with a mix of types and intensities in close proximity to commercial and commercial mixed-use districts. Examples of uses: A range of medium to high-density residential housing types with open space, parks, schools, and other public uses.

Chapter 5: Community Character and Design

Lyon County features a rich mosaic of communities, residents, and physical attributes. Residents and property owners have expressed considerable interest in maintaining their many diverse communities and improving community aesthetics. A community's character is defined by its design, its viewsheds, its gathering places, and its historic and cultural resources, as well as by environmental characteristics such as natural quiet and dark night skies. Maintaining this character is important—not only for promoting economic development and diversification, but also for protecting our living spaces, quality of life and open lands. In addition, preserving rural character is a core value of a majority of Lyon County residents.

This Chapter describes the factors that combine to create community character in our county. It also discusses the Guiding Principle, goals, policies and other mechanisms that help us to protect the community characteristics we value. This Community Character and Design Chapter seeks to define, preserve, and enhance the quality of the places where we live, work, and enjoy our leisure time. Its goals include protecting the unique characteristics of our communities.

Each community has distinct features that contribute to its physical character. Many of these features reflect common values for preserving a community's rural character, appearance, natural resources, open spaces, recreation areas, scenic views, vegetation, historic architecture, development patterns, and activity centers. These features promote quality of life and economic well-being. Preserving them should not prohibit

development; however, the County needs to consider them to ensure that new development fits into the existing community fabric.

Guiding Principal: Lyon County will respect and promote the distinct character and heritage of its communities, strive to retain its rural and agricultural culture and promote cohesive and high quality development to improve the overall image and function of its communities.

Goal CC 1: Quality Design: New development in Lyon County will improve the appearance and function of our communities.

Policy CC 1.1: Quality New Development

New development in the communities of Lyon County should create inviting places for locals and visitors to live, shop, eat, visit, and do business.

Policy CC 1.3: Design Tailored to Communities

New development in Lyon County should address and respect the unique character of communities within the county.

Goal CC 3: Heritage: Historic places, structures, and landmarks in the county will be preserved and will provide an opportunity for resident and visitors to learn about and celebrate our heritage.

Policy CC 3.1: Maintain and Restore Historic Resources

Lyon County will encourage and support efforts to preserve and restore registered historic structures, and landmarks, and districts.

Strategies:

- ◆ *Revise zoning to encourage historic use and development patterns including mixed-use structures and districts.*
- ◆ *Support organizations in the county that apply for historic designation or grant funding for inventory or rehabilitation of historic structures, efforts to identify receiving sites for historic structures that cannot be maintained in their original locations, and similar historic preservation purposes and efforts.*
- ◆ *Work with knowledgeable organizations and individuals to ensure that building and development standards allow for adaptive reuse of valued historic structures, including those without official historic designation.*
- ◆ *Within historic districts, promote historic design elements, features and context, and prohibit building design that compromises the integrity of the historic community character.*
- ◆ *Within historic districts, limit new land uses that would pose a risk to historic structures or the historic character of the district.*
- ◆ *Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.*

Chapter 6: Natural Resources and Environment

Guiding Principal: The proximity of the natural environment will continue to be an important part of life in Lyon County, where residents will enjoy sustainable supplies of clean water for drinking and agriculture; clean air; wildlife; access to rivers, lakes

and public lands; scenic views, and dark night skies. Lyon County will work to reduce or mitigate natural hazards such as wildfire, flooding, earthquakes and dust.

Goal NR 3: Adequate, Clean Water: Adequate water supply will be available for current and future needs in Lyon County, including safe, healthy drinking water for all Lyon County residents.

Policy NR 3.1: Water Supply and Quality

Recognizing that clean water is a precious resource necessary to maintain our health, economy, and quality of life, Lyon County will protect the water supply and encourage efficient use of water resources.

Strategies:

- ◆ *Maintain and expand the piped municipal water and sewer systems within community core and urbanizing areas of the County as designated on the Future Land Use map.*

Goal NR 9: Mining and Resource Extraction: Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR 9.1: Guide Development

Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Strategies:

- ◆ *Consider the location of known resources when reviewing new development.*

Policy NR 9.3: Mitigate Operations

To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, etc.

Strategies:

- ◆ *Promote "limited impact"/environmentally safe resource extraction practices to protect the natural environment, enhance the quality of life of residents, and limit impacts on present and future public facilities and services.*

Policy NR 9.4: Mitigate long-term impacts

To the extent possible, Lyon County will promote long-term reclamation and rehabilitation of extractive sites.

Strategies:

- ◆ *Require resource extraction projects to submit detailed long-term reclamation and reuse plans and to provide adequate funding mechanisms to implement plans*

Chapter 8: Public Facilities and Services

Lyon County desires to have adequate public facilities and services to support desirable land use and development patterns, to contribute to the quality of life and to encourage economic development. Ensuring that the provision of community facilities and services is phased with the demand or need is a major component of managing the future development and growth of communities.

Public facilities and services are those minimum facilities and services the County and other entities provide for the common good. Many entities provide community facilities and services — the County, state and federal agencies, special districts, and the private sector. Maintaining a high degree of coordination between these providers helps ensure that adequate facilities are available and improvements keep pace with development.

Generally, public facilities include land, buildings, equipment and whole systems of activity provided by the County on the behalf of the public. This Chapter addresses public facilities and services related to water and sewer systems, public safety, schools and libraries. The goals and policies are designed to ensure that we plan for adequate services and facilities, either during the land development process or through appropriate government programs.

Guiding Principal: Lyon County residents will have access to excellent schools and libraries, and effective response from well-equipped emergency services. The timing and location of future development will be coordinated with improvements to services and infrastructure to provide cost-effective services to existing and future residents.

Goal FS 1: Provision of Services: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

Strategies:

- ◆ *Develop a Capital Improvements Plan and budget for Lyon County utility system expansion that is consistent with the Land Use Map in this Plan.*
- ◆ *Revise the County's development regulations in order to create incentives to build according to the Land Use map in this Plan.*
- ◆ *Require the developer to pay the full cost of utility system extension, in order to discourage inefficient utility system development, and provide for reimbursement mechanisms where appropriate.*

Chapter 10: Communities and Planning

Lyon County consists of several distinct and diverse communities. The diversity of these communities is reflected in their different growth patterns, character and personality. It is essential that the distinctive character of each identified community is established, maintained, and enhanced.

The Comprehensive Master Plan must address issues that are unique to each community, establish policies that apply strictly to the affected community and deal with issues that are special concerns to that community. The successful implementation of this Comprehensive Master Plan will require that community differences be respected and integrated into the Plan.

Guiding Principal: Through its Community Planning process, Lyon County will address individual community needs and desires while implementing county-wide policies and actions.

Goal CP 1: Support Diversity: Lyon County will celebrate and support the diversity of character among communities in the county.

Policy CP 1.1: Recognize Diversity of Communities

Lyon County planning efforts and regulations will consider the unique aspects of communities in the county, and will allow for variation and exceptions to address key aspects of their diversity.

Goal CP 3: Community Plans: Lyon County will support community-based planning efforts that elaborate community-specific goals and that are developed with strong public consensus.

Policy CP 3.1: Support Community Planning Efforts

Lyon County will encourage and offer guidance for community-based planning efforts, with the goal of ensuring that such an effort will result in a document that identifies the unique needs and values of the community in a manner that can be integrated with county-wide planning, regulations, and policies.

Goal CP 4: Advisory Councils: County staff will confer with the applicable Community Advisory Council when developing programs or policies to address community-specific issues.

Policy CP 4.1: Confer with Community Advisory Councils

When developing a program or policy intended to address a community-specific issue, such as those listed in this Comprehensive Master Plan and in adopted community plans, county staff will confer with the applicable Community Advisory Council before finalizing a decision.

Community Plans

Community Plans comprise the second major component of the Lyon County Comprehensive Master Plan. These plans are essential in carrying out one of the Comprehensive Master Plan's fundamental goals – to recognize and promote the diversity and individual characters of the County's various communities.

Based on the framework established in the County-wide Component, the Community Plans address issues that are unique to each community. The Community Plans provide the specific vision, goals, policies, strategies and land use pattern for each identified community as determined through a community planning process. The Plans and maps contain the detailed information about each community and the views of the community's desired development for the future. They are intended to ensure that the distinctive character of each community is established, maintained, and enhanced.

Policies are established in the Community Plan that apply strictly to the defined community and deal with issues that are of special concern to that community. These may include policies that contain more detailed requirements for land use, development,

or public improvements than are identified in the chapters of the County-wide Component. The Community Plans may also contain detailed implementation measures. These action measures can address issues such as design standards and special use provisions. The goals and policies contained in the Master Plan's County-wide Component also apply to the areas covered by a Community Plan.

Community Plans are designated for the existing, established communities identified during development of the Comprehensive Master Plan. The County will work with the communities to complete Community Plans, including Community Land Use Plans, in each community.

Chapter 11: Implementation

Plan Amendment Process

For the Comprehensive Plan to function over time, Lyon County must be able to periodically review and update it to respond to significant trends or changes in the economic, physical, social, or political conditions.

Plan Amendment Process and Procedures

The public and the County may initiate Plan Amendments in accordance with the provisions of Lyon County Code. All Plan Amendments shall be considered by the Planning Commission and Board of County Commissioners pursuant to their respective powers. Based on its consideration of the recommendations from staff, advisory councils, boards and commissions, and evidence from public hearings, the Planning Commission could then adopt the Plan Amendment (with or without further revisions) or deny the Amendment. Any action on a Plan Amendment by the Planning Commission would be followed by County Commissioners action including, if applicable, its approval of the Plan Amendment. When considering a plan amendment, the County should consider whether:

1. The existing Comprehensive Master Plan and/or any related element thereof is in need of the proposed amendment;
2. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Master Plan;
3. The proposed amendment will have no major negative impacts on transportation, services, and facilities;
4. The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;
5. Strict adherence to the Comprehensive Master Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and
6. The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Master Plan and the elements thereof.

Summary of Priority Actions

To focus the County's efforts on actions that should be taken as soon as possible to ensure that future development decisions are consistent with the goals and policies

Corrected 11/11/2013

Page 33 of 35
Public Hearing for COMSTOCK MINING, LLC MPA
Planning Commission-November 12, 2013
Planning-rgl

JA2224

14 CV 00128 - 002119
LYON COUNTY

contained in this Plan and with the designations on the Land Use Map. Several priority actions are highlighted below. These are already underway or are anticipated to be underway shortly following the adoption of the Plan. The Priority Actions should be reviewed and updated periodically to reflect the County's accomplishments, available resources, and potential shifts in policy direction.

The priority actions listed below are recommended.

Prepare Community Plans

The implementation of the Comprehensive Master Plan framework requires the creation of Community Plans for each of the identified communities. These Plans are to be prepared through a community planning process directed by the County Planning Department. The Community Plans are intended to show the specific land use pattern for each identified community. The Plans will provide detailed views of the community's desired development pattern for the future.

Attachment 2

Past Lyon County Master Plans Excerpts and Relevant Information

1971 Lyon County General Plan

On the 1971 General Plan Map, Silver City is shown as an Urbanizing Area and the Mining Industry land use is not depicted in the Silver City area.

1990 Lyon County Master Plan – Silver City

Goal #1: To maintain, promote, and secure the historic character of the community and to prevent the destruction or degradation of the historic character.

2002 West Central Lyon County Final Land Use Plan – Silver City Master Plan Goals

Goal 1: To recognize, enhance, and protect the unique character of Silver City.

Actions:

- To maintain that scale and primary residential character by retaining the existing Master Plan designation and zoning categories.

Goal 8: To limit any earth disturbance or above ground mining activities that create visual scaring or that disrupt the fabric of the community.

Actions:

- Lyon County shall establish a land use policy that minimizes the impact of mining and other significant earth disturbing activities that degrade quality of life.

Goal 10: To maintain the primary focus of the community as residential.

Actions:

- To urge the Board of Commissioners to carefully consider all zone changes or Master Plan amendments that would substantially alter the character and identity of Silver City.



Kerry Page <kpage@lyon-county.org>

Read: Staff reports

1 message

Wed, Dec 4, 2013 at 10:35 PM

Corrado DeGasperis <DeGasperis@comstockmining.com>
To: "kpage@lyon-county.org" <kpage@lyon-county.org>

Your message

To: Corrado DeGasperis
Subject: Staff reports
Sent: Wednesday, December 04, 2013 4:15:53 PM (UTC-08:00) Pacific Time (US & Canada)
was read on Wednesday, December 04, 2013 10:35:38 PM (UTC-08:00) Pacific Time (US & Canada).

 **ATT00001**
1K



Kerry Page <kpage@lyon-county.org>

Staff reports2 messages

Kerry Page <kpage@lyon-county.org>

Wed, Dec 4, 2013 at 4:15 PM

To: degasperis@comstockmining.com, Mark Rotter <mrotter@manhard.com>, Andrew Motter <amotter@manhard.com>, Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com>

Good afternoon,

I have attached a copy of the staff report for the Master Plan Amendment and the Zone Change which is exactly the same as the one provided last month.

If you would prefer that I send you hard copies of the document please let me know as soon as possible and I will put them in the mail right away, otherwise I will consider this email satisfactory for the delivery of these staff reports.

Kerry Page
Lyon County Planning Assistant
27 South Main Street
Yerington, NV 89447
ph: 775-463-6592
fax: 775-463-5305

2 attachments **PILZ 13-0000 COMSTOCK MINING ZC 11-12-2013 1.pdf**
53K **PILZ 13-0000 COMSTOCK MINING MPA 11-12-2013 1 corrected.pdf**
191K

Andrew Motter <amotter@manhard.com>

Thu, Dec 5, 2013 at 2:07 PM

To: Kerry Page <kpage@lyon-county.org>

Thanks Kerry. This will be fine.

Andrew Motter, P.E.
Senior Project Manager
Manhard Consulting, Ltd.
9850 Double R Blvd., Suite 101
Reno, NV 89521
office: 775.746.3500 ext. 4711
cell: 775.745.3826
fax: 775.746.3520

>>> Kerry Page <kpage@lyon-county.org> 12/4/2013 4:15 PM >>>

[Quoted text hidden]

JA2228

14 CV 00128 - 002123

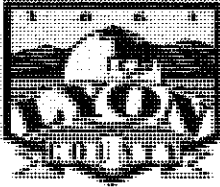


This electronic message and any files or attachments are confidential and may be privileged information. The information is solely for the use of the individual(s) or entity to which it was addressed. If you are not the intended recipient(s), you are hereby notified that distributing, copying, or in any way disclosing any of the information in this e-mail is strictly prohibited. Receipt by anyone other than the named recipient(s) is not a waiver of any work product, or other applicable privilege. If you have received this e-mail in error, please notify sender immediately, and destroy the material in its entirety, whether in electronic or hard copy format. Since data stored on electronic media can deteriorate, be translated or modified, Manhard Consulting Ltd. will not be liable for the completeness, correctness or readability of the electronic data. The electronic data should be verified against the hard copy.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

JA2229

14 CV 00128 - 002124



LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
(775) 463-6592 (775) 463-5305 FAX

ROBERT G. LOVEBERG
PLANNING DIRECTOR

STAFF REPORT

Lyon County Planning Commission

PLZ-13-0051 Zone Change from NR-1, Single-Family Nonrural Residential, to RR-3, Third Rural Residential, and RR-5, Fifth Rural Residential

Meeting Date: November 12, 2013

Owners: Comstock Mining, Inc.

Applicant: Same

Area Location: Silver City

Parcel Number(s): (APNs) 08-091-02 & 08-091-05

Current Master

Plan Designation: Resource and Suburban Residential

Proposed Master

Plan Designation: Rural Residential

Existing Zoning: NR-1, Single-Family Nonrural Residential (6,000 square foot minimum)

Proposed Zoning: RR-3, Third Rural Residential (5 acre minimum), and RR-5, Fifth Rural Residential (20 acre minimum)

Case Planner: Rob Loveberg

Planning Director Approval: RGL

Request

The applicants are requesting a change of zoning from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum) and RR-5, Fifth Rural Residential (20 acre minimum). The applicant is requesting to change 42.57 acres of NR-1 zoning within the Silver City town site to RR-3, and to change 44.63 acres of NR-1 zoned land outside of the town site to RR-3 and RR-5 zoning. See the enclosed applicant's revised submittal for more detailed information and the applicant's justification.

An application for a master plan amendment from Resource to Rural Residential and Suburban Residential to Rural Residential was submitted concurrently with this request. A request for a reversion to acreage involving property included in the requested zone change and master plan amendment was also submitted concurrently and has been heard by the Planning Commission.

Current and Proposed Zoning:

Zoning District	Current		Proposed	
	Acreage	Percentage	Acreage	Percentage
NR-1, Single-Family Nonrural Residential	87.2±	100%	0	0%
RR-3, Third Rural Residential	0	0%	54.86±	62.91%
RR-5, Fifth Rural Residential	0	0%	32.34±	37.09%
TOTAL	87.2±	100%	87.2±	100%

Background:

The applicant submitted requests for a master plan amendment, a zone change and a reversion to acreage in August 2013 in accordance with the requirements of Title 10.12.09 of the Lyon County Code. Subsequent to the submittal, Lyon County Planning staff discovered that certain zoning information provided to the applicant was incorrect. The applicant revised the requests for the master plan amendment, zone change and reversion to acreage to reflect the corrected information. This report is based on the revised application information.

Chapter 10.12.07C of the Lyon County Code requires the Planning Commission to consider a request for a zone change within 45 days after the application is filed. In its application materials, the applicant has acknowledged that the zone change request would not be considered within the 45 day period since the master plan amendment and zone change applications were submitted simultaneously and Lyon County Code request that the master Plan amendment be heard at the November Planning Commission meeting.

The Lyon County Master Plan, County-wide Component, land use designation "Rural Residential" is consistent with the following Lyon County residential zoning districts: RR-3, Third Rural Residential District (5 acre minimum), RR-4, Fourth Rural Residential District (10 acre minimum) and RR-5, Fifth Rural Residential (20 acre minimum) land uses. The "Resource" land use designation is consistent with the following Lyon County zoning district: RR-5, Fifth Rural Residential (20 acre minimum) land uses. The "Suburban Residential" land use designation is consistent with the following Lyon County zoning districts: E-1, First Estates Residential (12,000 square foot minimum), E-2, Second Estates Residential (one-half acre minimum), NR-1, Single-Family Nonrural Residential (6,000 square foot minimum), NR-2, Multiple Residence Nonrural Residential (8,000 square foot minimum) and NR-3, Single-Family Nonrural Residential (9,000 square foot minimum).

Property Information:***Location:***

The parcels are located westerly of State Route 341 and 342, in the area of the southwesterly corner of the Silver City town site.

Size:

The subject properties total approximately 87.2 acres according to the Lyon County Assessor's files.

Land Use

The subject properties are generally undeveloped, with a historic mill site and buildings on a portion of the property near and visible from State Route 341 and 342 as well as a large portion of Silver City.

Subject Property and Surrounding Area Land Use

	<i>Current Master Plan</i>	<i>Zoning</i>	<i>Current Land Use</i>
<i>Subject Property</i>	Resource Suburban Residential	NR-1	Undeveloped and Historic Mill
<i>North</i>	Commercial Mixed Use Suburban Residential	M-1 NR-1	Historic Residential and Undeveloped
<i>South</i>	Public Lands Resource	RR-5	Undeveloped
<i>East</i>	Resource Suburban Residential	NR-1 RR-5	Historic Residential and Undeveloped
<i>West</i>	Public Lands Suburban Residential Resource	NR-1 RR-5	Historic Residential and Undeveloped

It should be noted that not all of the zoning districts listed in the above table are consistent with their respective master plan land use designations. A master plan designation is an expression of the county's long-term expectations for development within a particular area. It does not necessarily mandate that zoning be changed concurrent with the master plan designation (see Nevada Attorney General Opinion No. 84-6).

Physical and Topographic Attributes:

According to information submitted by the applicant, the subject parcels vary from 0% - 10% slopes to slopes greater than 30%. A portion of APN 08-091-05 along State Route 342 has an area of AE flood zone.

Access:

Current access to the subject properties is via State Routes 341 and 342.

Historic District:

The parcels are within the Comstock Historic District.

Public Facilities and Services:

The portion of subject properties within the Silver City town site are within the service area of the Storey County Public Works Department, Virginia City Water System. The parcels are not currently served by the municipal water system and significant improvements will be necessary to bring water services to the subject properties.

No municipal sewer system currently serves the Silver City area. Immediate development would require the installation of individual sewer disposal systems (ISDS) for residential development, or on-site sewer disposal systems (OSDS) or package sewer treatment plant for non-residential development. The Silver City area is not generally well suited for ISDS or OSDS, and a long term solution for waste water treatment would be the extension of a municipal sewer system. Densities as contemplated in the County's Comprehensive Master Plan would contribute to the cost effectiveness of a sewer system.

The Central Lyon County Fire Protection District provides fire and emergency medical service from the volunteer fire station located at 745 High Street, Silver City, approximately 455 feet to the northeast of the site and career station at 231 Coral Drive, Dayton, approximately 3.5 miles

easterly of the site. The Lyon County Sheriff's Department maintains a substation at 801 Overland Loop, Dayton, approximately 6 miles northeast of the site.

Water Rights:

Water rights information has not been provided. It is anticipated that potential development will bring necessary water rights for the portions of the parcels outside of the water system service area when required for development.

Summary of Applicant's Justification:

The applicant includes the following arguments in support of the requested zone change:

- A reduction in the potential residential development density provides a "more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure."
- "For more than a century the subject property has been used for mining, mine exploration and/or mine development."
- The "NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles."
- The "zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning."
- The "zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts."

The applicant believes that the existing NR-1 zoning is inconsistent with the following Comprehensive Master Plan goals, and as detailed in the applicant's justification, some related policies and strategies:

- Goal LU1: Orderly Growth Patterns – Direct and manage development in the county that it is orderly and fiscally responsible.
- Goal LU2: Services Coordinated with Growth – Future residential development will be coordinated with development of schools, parks, libraries, and other public services.
- Goal LU3: Diverse Economy –

The applicant believes that the requested zone change is consistent with and supported by the following Comprehensive Master Plan goals, and as detailed in the applicant's justification, some related policies and strategies:

- Goal LU3: Diverse Economy – The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.
- Goal NR9: Mining and Resource Extraction – Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

The revised application submittal, dated October 11, 2013, contains the applicant's detailed request and justification. One must examine the revised information for the complete justification and a full understanding of the applicant's views.

Staff Review and Comments:

Consistency with the Master Plan

If the Planning Commission adopts the applicant's concurrent application for master plan amendments to the Rural Residential land use designation, the applicant's requested zone changes would be consistent with the County's master plan. If the Planning Commission does not adopt the applicant's concurrent master plan amendment application, the applicant's requested zone changes would not be consistent with the County's master plan.

Applicant's Request

As specified in the applicant's justification statement "[t]he application is requesting a "down zone" at both the master plan and zoning levels." If approved, the applicant's zone change requests would result in a decrease in allowed residential density. The current zoning allows development at densities that are less than the maximum density permitted by the zoning district.

The applicant's justification states that "[t]he applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property." If approved, the zone changes set the stage for possible special use permit requests that may permit mining, not currently permitted on the subject parcels.

Access:

Access to the subject properties would be from State Route 341 and 342. Specific access would need to be created based on the type and density/intensity of development. No plan for development of access, intersections and/or ingress and egress points from the subject parcels has been provided.

Land Use:

The current NR-1 zoning permits single family residential development at densities up to 7.26 dwellings per acre. Uses allowed with the issuance of a special use permit include: child care facilities, churches, group care facilities, parks, public utility serving centers, recreational areas, residential industry, schools, and other like uses. Also allowed with a special use permit on parcels a minimum of twenty one thousand (21,000) square feet in size are private golf, swimming, tennis and similar clubs, and sanitariums. The majority of the Silver City town site is zoned NR-1.

The requested RR-3 and RR-5 zoning permit single family detached dwellings at densities up to 0.2 and 0.05 dwellings per acre respectively. These zoning districts also permit farms, the raising of barnyard animals, the sale of products grown on the property, and hunting and fishing lodges, wildlife refuges and game farms. Uses allowed with the issuance of a special use permit include mining; airports; breeder's kennels, cemeteries; churches; day or guest ranches; racetracks and commercial stables; recreational and educational uses; residential industry; rest home, convalescent home, nursing home, group care facilities, home for the aged and sanitariums; tennis, golf, civic or country clubs; utility and public uses and serving centers; rifle

and archery ranges; trapshoots; campgrounds; and commercial farrowing pens and feedlots. The RR-5 zoning district also permits commercial wind energy conversion systems with the issuance of a special use permit.

Several of the uses permitted in the RR-3 and RR-5 zoning districts, by right or special use permit, would appear to be out of keeping with the existing and planned residential densities and commercial uses of Silver City.

RR-3 zoning is not found in Silver City. A small area of RR-1 zoning exists within the town site. RR-5 zoning exists generally outside of the town site, with a small area of a patented claim shown on the County's GIS as overlapping NR-1 zoning and extending into the town site near the subject parcels.

The NR-1 zoning reflects Silver City's historic development density and pattern. The NR-1 zoning has been in place since the 1970s when zoning was adopted in Lyon County. NR-1 zoning has been consistent with the master plan designation for the subject properties and Silver City through the various County master plan efforts.

The applicant proposes to rezone the steepest areas of the parcels to RR-3, one dwelling per five acres, and the majority of the lowest sloped areas to RR-5, one dwelling per 20 acres. If topography was a determining factor in the justification of the zone change request, it would seem to be more logical that the steepest and most difficult land to develop would be zoned RR-5.

The current residential use and density of parcels north and east of the subject parcels have the potential to be negatively impacted by mining activities conducted on the subject parcels, or portions thereof, and consideration should be given to the compatibility of potential mining development. Should uses such as mining be approved in the future, increasing the intensity of use on the subject parcels, adverse effects on current residents may be expected by increasing traffic, noise, a change in the character of this residential area, and impacts to the visual character and integrity of the Historic District.

Land use regulations and zoning are community master plan implementation measures intended to help promote and produce the community envisioned by its citizens. The principal purpose of land-use regulation and zoning is to limit conflicts between incompatible land-uses. As a general rule, lower density and rural residential uses can be compatible with higher density residential uses if properly arranged, particularly if they back up to them or if they are separated by a street. However, higher intensity industrial and mining uses are generally incompatible with residential uses.

The Lyon County Comprehensive Master Plan and Lyon County Code include the compatibility of proposed land uses with their surrounding areas as a consideration for master plan amendments. All developments, special uses, and/or zone changes should be similarly reviewed to ensure that existing and proposed land uses are compatible.

Requirements for Granting a Zone Change Request:

NRS 278.250 grants authority to the County to establish zoning districts, and to regulate the use of land within those zoning districts provided the districts and uses are adopted in accordance with the Master Plan and are designed to achieve specific goals.

When making an approval, modification or denial of a zoning map or text, the Commission and the Board should, at a minimum, make one of the following findings of fact:

1. *Consistency with the Master Plan.*
 - a. *Approval: The applicant has demonstrated that the zone change is in substantial compliance with and promotes the Master Plan goals, objectives and actions.*
 - b. *Denial: The proposed zone change is not in substantial compliance with, nor does it promote the Master Plan goals, objectives and actions.*
2. *Contributes to the timely, orderly and efficient arrangement of transportation and other public facilities and services.*
 - a. *Approval: The proposed zoning is timely and contributes to the orderly and efficient arrangement of transportation and other public facilities and services.*
 - b. *Denial: The proposed amendment would result in land uses which do not contribute to the timely, orderly and efficient arrangement of transportation and other public facilities and services.*
3. *Promotes development that is commensurate with the character and physical limitations of the land.*
 - a. *Approval: The proposed zoning will promote development that is commensurate with the character and physical limitations of the land.*
 - b. *Denial: The proposed zoning will not promote development that is commensurate with the character and physical limitations of the land.*
4. *Promotes the protection of existing neighborhoods and communities.*
 - a. *Approval: The proposed zoning promotes the protection of existing neighborhoods and communities.*
 - b. *Denial: The proposed zoning does not promote the protection of existing neighborhoods and communities.*

Staff Recommendation:

Staff recommends that, to the greatest extent practical, zoning be consistent with the Lyon County Comprehensive Master Plan.

Alternative Findings and Motions:

The alternative motions suggested below are offered for Planning Commission consideration.

Alternative for Denial where the Concurrent Master Plan Amendment was Denied

If the Planning Commission denied the concurrent request for a Master Plan amendment, the Planning Commission may take the following action:

The Lyon County Planning Commission finds that:

- A. The proposed zoning is not in substantial compliance with the adopted Lyon County Comprehensive Master Plan, County-wide Component land use map.
- B. The proposed zoning is not in substantial compliance with, nor does it sufficiently promote the Lyon County Comprehensive Master Plan, County-wide Component goals, policies and strategies.

Based on the above findings, the Lyon County Planning Commission recommends denial of the Zone Change request from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum) on approximately 54.86 acres and to RR-5, Fifth Rural Residential District (20 acre minimum) on approximately 32.34 acres for Comstock Mining, Inc. as set forth in the revised zoning map amendment application and supporting documents, received by the Planning Department October 11, 2013 (APNs 08-091-02 & 08-091-05) (PLZ-13-0051).

Alternative for Approval

If the Planning Commission approved a Master Plan Amendment to the Rural Residential land use designation and the Commission desires to recommend approval of the requested Zone Change, the Commission must make findings that support the proposed zoning districts on the subject parcels. The Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. The applicant has demonstrated that the zone change is in substantial compliance with and promotes the Lyon County Comprehensive Master Plan, County-wide Component goals, policies and strategies.
- B. The applicant has demonstrated that the proposed zoning will promote development that is commensurate with the character and physical limitations of the land.

Based on the aforementioned findings, the Lyon County Planning Commission recommends approval of the Zone Change request from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum) on approximately 54.86 acres and to RR-5, Fifth Rural Residential District (20 acre minimum) on approximately 32.34 acres for Comstock Mining, Inc. as set forth in the revised zoning map amendment application and supporting documents, received by the Planning Department October 11, 2013 (APNs 08-091-02 & 08-091-05) (PLZ-13-0051).

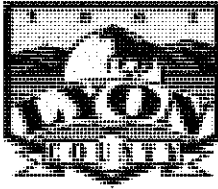
Alternative for Continuance

If the Commission determines that additional information, discussion and public review are necessary for a more thorough review of the proposed Zone Change, the Commission should make appropriate findings and move to **continue** the Public Hearing with a specific time period for the applicant to provide additional specific information necessary for the analysis of the request. The Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

- A. Additional information, discussion and public review are necessary for a more thorough review of the proposed Zone Change.

Based on the above findings and with the applicant's concurrence, the Planning Commission continues the Zone Change request from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum) on approximately 54.86 acres and to RR-5, Fifth Rural Residential District (20 acre minimum) on approximately 32.34 acres for Comstock Mining, Inc. as set forth in the revised zoning map amendment application and supporting documents, received by the Planning Department October 11, 2013 (APNs 08-091-02 & 08-091-05) (PLZ-13-0051) for ___ days.



LYON COUNTY PLANNING DEPARTMENT

27 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
(775) 463-6592 (775) 463-5305 FAX

ROBERT G. LOVEBERG
PLANNING DIRECTOR

CORRECTED STAFF REPORT

Lyon County Planning Commission

PLZ-13-0050 Master Plan Amendment from Resource to Rural Residential and Suburban Residential to Rural Residential
Meeting Date: November 12, 2013
Owners: Comstock Mining, Inc.
Applicant: Same
Area Location: Silver City
Parcel Number(s): (APNs) 08-091-02 & 08-091-05
Current Master Plan Designation: Resource and Suburban Residential
Proposed Master Plan Designation: Rural Residential
Existing Zoning: NR-1, Single-Family Nonrural Residential (6,000 square foot minimum)
Proposed Zoning: RR-3, Third Rural Residential (5 acre minimum), and RR-5, Fifth Rural Residential (20 acre minimum)
Case Planner: Rob Loveberg
Planning Director Approval: RGL

Request

The applicant is requesting a master plan amendment from Resource to Rural Residential on approximately 12.29 acres outside of the Silver City town site and an amendment from Suburban Residential to Rural Residential on approximately 42.57 acres within the Silver City town site. See the enclosed applicant's revised submittal for more detailed information and the applicant's justification.

A zone change from NR-1, Single-Family Nonrural Residential (6,000 square foot minimum) to RR-3, Third Rural Residential District (5 acre minimum), and to RR-5, Fifth Rural Residential (20 acre minimum), was submitted concurrently with this request. A request for a reversion to acreage involving property included in the requested master plan amendment and zone change was also submitted concurrently and has been heard by the Planning Commission.

Current and Proposed Master Plan Designations:

Master Plan Designation	Current		Proposed	
	Acreage	Percentage	Acreage	Percentage
Resource	12.29±	22.4%	0	0%
Rural Residential	0	0%	54.86±	100%
Suburban Residential	42.57±	77.6%	0	0%
TOTAL	54.86±	100%	54.86±	100%

Corrected 11/11/2013

Page 1 of 35
Public Hearing for COMSTOCK MINING, LLC MPA
Planning Commission-November 12, 2013
Planning-rgi

JA2239

14 CV 00128 - 002134
LYON COUNTY

Background:

The applicant submitted requests for a master plan amendment, a zone change and a reversion to acreage in August 2013 in accordance with the requirements of Title 10.12.09 of the Lyon County Code. Subsequent to the submittal, Lyon County Planning staff discovered that certain zoning information provided to the applicant was incorrect. The applicant revised the requests for the master plan amendment, zone change and reversion to acreage to reflect the corrected information. This report is based on the revised application information.

The Lyon County Comprehensive Master Plan, County-wide Component, was adopted by the Board of Commissioners on December 23, 2010. The residential densities for the following Comprehensive Master Plan land use designations are:

- Resource – 1 dwelling per 40 acres,
- Rural Residential – 1 dwelling per 20 acres to 1 dwelling per 5 acres, and
- Suburban Residential – 1 dwelling per acre to 18 dwellings per acre

The characteristics used to describe the three pertinent land use designations are as follows:

- Resource – Private property, generally inholdings or located in very remote or rural parts of the County (outside of community boundaries). Within communities may be private property used for resource uses. Examples of uses: Open range and dispersed grazing, mining and large scale energy, general rural residential development at very low densities. Within communities uses such as mining, borrow pit or gravel pit operations, energy projects; may include limited employment/industrial uses complementary to and compatible with surrounding uses.
- Rural Residential – Typically in rural districts and on the edge of suburbanizing areas. Lot sizes vary. Typically not served by municipal utilities. Examples of uses: Single-family residences, ranches, and "farmettes".
- Suburban – Typically in suburbanizing areas. Neighborhoods should contain a mix of housing types and lot sizes in a neighborhood setting with a recognizable center (with a park, school, or other public use) and connected, useable open space within the neighborhood. Will be served by municipal utilities. High density residential must be located near major roads and near commercial uses. Examples of uses: Single-family residences, duplexes and attached housing.

The Lyon County Master Plan, County-wide Component, land use designation "Rural Residential" is consistent with the following Lyon County residential zoning districts: RR-3, Third Rural Residential District (5 acre minimum), RR-4, Fourth Rural Residential District (10 acre minimum) and RR-5, Fifth Rural Residential (20 acre minimum) land uses. The "Resource" land use designation is consistent with the following Lyon County zoning district: RR-5, Fifth Rural Residential (20 acre minimum) land uses. The "Suburban Residential" land use designation is consistent with the following Lyon County zoning districts: E-1, First Estates Residential (12,000 square foot minimum), E-2, Second Estates Residential (one-half acre minimum), NR-1, Single-Family Nonrural Residential (6,000 square foot minimum), NR-2, Multiple Residence Nonrural Residential (8,000 square foot minimum) and NR-3, Single-Family Nonrural Residential (9,000 square foot minimum).

Property Information:**Location:**

The parcels are located westerly of State Route 341 and 342, in the area of the southwesterly corner of the Silver City town site.

Size:

The subject properties total approximately 87.2 acres according to the Lyon County Assessor's files. The requested master plan amendment involves 56.86 acres of the total.

Land Use

The subject properties are generally undeveloped, with a historic mill site and buildings on a portion of the property near and visible from State Route 341 and 342 as well as a large portion of Silver City.

Subject Property and Surrounding Area Land Use

	<i>Current Master Plan</i>	<i>Zoning</i>	<i>Current Land Use</i>
<i>Subject Property</i>	Resource Suburban Residential	NR-1	Undeveloped and Historic Mill
<i>North</i>	Commercial Mixed Use Suburban Residential	M-1 NR-1	Historic Residential and Undeveloped
<i>South</i>	Public Lands Resource	RR-5	Undeveloped
<i>East</i>	Resource Suburban Residential	NR-1 RR-5	Historic Residential and Undeveloped
<i>West</i>	Public Lands Suburban Residential Resource	NR-1 RR-5	Historic Residential and Undeveloped

It should be noted that not all zoning districts are consistent with their respective master plan land use designations. A master plan designation is an expression of the county's long-term expectations for development within a particular area.

Physical and Topographic Attributes:

According to information submitted by the applicant, the subject parcels vary from 0% - 10% slopes to slopes greater than 30%. A portion of APN 08-091-05 along State Route 342 has an area of AE flood zone.

Access:

Current access to the subject properties is via State Route 341 and State Route 342.

Historic District:

The parcels are within the Comstock Historic District.

Public Facilities and Services:

The portion of subject properties within the Silver City town site are within the service area of the Storey County Public Works Department, Virginia City Water System. The parcels are not currently served by the municipal water system and significant improvements will be necessary to bring water services to the subject properties.

No municipal sewer system currently serves the Silver City area. Immediate development would require the installation of individual sewer disposal systems (ISDS) for residential development, or on-site sewer disposal systems (OSDS) or package sewer treatment plant for non-residential development. The Silver City area is not generally well suited for ISDS or OSDS, and a long term solution for waste water treatment would be the extension of a municipal sewer system. Densities as contemplated in the County's Comprehensive Master Plan would contribute to the cost effectiveness of a sewer system.

The Central Lyon County Fire Protection District provides fire and emergency medical service from the volunteer fire station located at 745 High Street, Silver City, approximately 455 feet to the northeast of the site and career station at 231 Coral Drive, Dayton, approximately 3.5 miles easterly of the site. The Lyon County Sheriff's Department maintains a substation at 801 Overland Loop, Dayton, approximately 6 miles northeast of the site.

Water Rights:

Water rights information has not been provided. It is anticipated that potential development will bring necessary water rights for the portions of the parcels outside of the water system service area when required for development.

Summary of Applicant's Justification:

The applicant includes the following arguments in support of the requested master plan amendments:

- A reduction in the potential residential development density provides a "more practical and productive current and long range land use and zoning strategy based on topography, actual development potential and proximity to infrastructure and also clean up and align certain parcels that currently have "split" master plan designations."
- "For more than a century the subject property has been used for mining, mine exploration and/or mine development."
- "The current Suburban Residential master plan and NR1 zoning designations that were adopted in the mid 1970's are inconsistent with the long existing patented and unpatented mining claims associated with the property and simply not appropriate based upon traditional land planning principles."
- "In the event that mining activities are ultimately not pursued on the subject property, the proposed master plan designation of Rural Residential and zoning of RR3 and RR5 are more appropriate and more compatible with existing land uses than the current master plan designation and zoning."
- The "zoning designations proposed in this application as well as the long-term planned use of the property owner are compatible with each of the applicable Character Districts."

The applicant believes that "the community Character District of Suburbanizing, the Community Plan Land Use Designation of High Density, Density of 5 to 18 dwelling units per acre, the

Corrected 11/11/2013

Page 4 of 35
Public Hearing for COMSTOCK MINING, LLC MPA
Planning Commission-November 12, 2013
Planning-rgl

JA2242

14 CV 00128 - 002137
LYON COUNTY

Examples of Uses and the Description/ Characteristics and the current Suburban Residential master plan designation" are inconsistent with the following Comprehensive Master Plan goals, and as detailed in the applicant's justification, some related policies and strategies:

- Goal LU1: Orderly Growth Patterns – Direct and manage development in the county that it is orderly and fiscally responsible.
- Goal LU2: Services Coordinated with Growth – Future residential development will be coordinated with development of schools, parks, libraries, and other public services.

The applicant believes that the requested master plan amendments are consistent with and supported by the following Comprehensive Master Plan goals, and as detailed in the applicant's justification, some related policies and strategies:

- Goal LU3: Diverse Economy – The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.
- Goal NR9: Mining and Resource Extraction – Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

The revised application submittal, dated October 11, 2013, contains the applicant's detailed request and justification. One must examine the revised information for the complete justification and a full understanding of the applicant's views.

Staff Review and Comments:

Applicant's Request

As specified in the applicant's justification statement "[t]he application is requesting a "down zone" at both the master plan and zoning levels." If approved, the applicant's master plan amendment requests would result in a decrease in planned residential density. The current master plan designation and zoning allow development at densities that are less than the maximum density permitted by the master plan land use designation and the zoning district.

The applicant's justification states that "[t]he applicant seeks the amendments for the purpose of pursuing continued mineral exploration, development and the economic mining potential of the subject property." If approved, the amendments set the stage for zone change requests that may permit uses, such as mining, not currently permitted on the subject parcels.

Access:

Access to the subject properties would be from State Route 341 and 342. Specific access would need to be created based on the type and density/intensity of development. No plan for development of access, intersections and/or ingress and egress points from the subject parcels has been provided.

Comstock Historic District:

Silver City and the subject parcels are within the boundaries of the Comstock Historic District. The District comprises an effort to maintain the historic character and integrity of the Comstock.

The State Historic Preservation Office describes the Comstock Historic Commission as follows:

The Comstock Historic District Commission was created by Nevada Revised Statute 384 and dates to 1969. The state agency encourages the preservation and promotion of historic resources with the Virginia City National Landmark District, which the state refers to as the Comstock Historic District. The Commission provides permits for projects dealing with the exteriors of all buildings within the district, the construction of new structures, and work affecting pavement or fencing. The Commission also takes a proactive role in encouraging archaeological investigations and cemetery restoration within the district.

The District has authority over the exteriors of existing and new structures located on the subject parcels. The visual aspects of the built environment is one very important aspect of efforts to maintain the integrity and historic context of the Comstock. Another important aspect is the visual landscape of the Historic District.

The historic nature of the Comstock and Silver City was identified by the community as being very important during the preparation of the Comprehensive Master Plan. The importance of the community's historic component has remained consistently important during community meetings and discussions regarding land use issues.

Land Use:

The subject parcels are generally undeveloped with an area containing a historic mill site and multiple historic structures. The property appears to have had periodic mineral exploration within the past approximately 40 or more years, and intermittent mining activities in the more distant past.

The current Resource land use designation, which applies to 12.29 acres of the subject parcels, has the following attributes as described in Chapter3 of the Comprehensive Master Plan, County-wide Component:

- Community Plan Land Use Categories – Resource (private)
- Density range – 1 du per 40 acres or one-sixteenth of a section as described by a government land office survey, or per existing parcel if less than 40 acres or one-sixteenth of a section
- Characteristics – Private property, generally inholdings or located in very remote or rural parts of the County (outside of community boundaries). Within communities may be private property used for resource uses. Examples of uses: Open range and dispersed grazing, mining and large scale energy, general rural residential development at very low densities. Within communities, uses such as mining, borrow pit or gravel pit operations, energy projects; may include limited employment/industrial uses complementary to and compatible with surrounding uses.

The current Suburban Residential land use designation, which applies to 42.57 acres of the subject parcels, has the following attributes as described in Chapter3 of the Comprehensive Master Plan, County-wide Component:

- Community Plan Land Use Categories – Medium Density Residential, High Density Residential and Residential Mixed-Use.
- Density range – 1 du per acre to 18 du per acre.
- Characteristics –
 - Medium Density Residential, High Density Residential - Typically in suburbanizing areas. Neighborhoods should contain a mix of housing types and

lot sizes in a neighborhood setting with a recognizable center (with a park, school, or other public use) and connected, useable open space within the neighborhood. Will be served by municipal utilities. High density residential must be located near major roads and near commercial uses. Examples of uses: Single-family residences, duplexes and attached housing.

- *Residential Mixed-Use – This category is designed to create opportunities for higher-density neighborhoods in a suburban-setting to promote neighborhoods with a mix of types and intensities in close proximity to commercial and commercial mixed-use districts. Examples of uses: A range of medium to high-density residential housing types with open space, parks, schools, and other public uses.*

The proposed Rural Residential land use designation, which is proposed to apply to 54.86 acres of the subject parcels, has the following attributes as described in Chapter 3 of the Comprehensive Master Plan, County-wide Component:

- Community Plan Land Use Categories – *General Rural and Rural Residential*
- Density range – *1 du per 20 acres to 1 du per 5 acres*
- Characteristics – *Characteristics: Typically in rural districts and on the edge of suburbanizing areas. Lot sizes vary. Typically not served by municipal utilities. Examples of uses: Single-family residences, ranches, and “farmettes”.*

The principal purpose of land-use regulation and zoning is to limit conflicts between incompatible land-uses. As a general rule, commercial and industrial uses are more compatible with higher density residential uses, particularly if they back up to them or if they are separated by a street. All master plan land use designations, zone changes, and special uses should be reviewed to ensure that existing and proposed land uses are compatible.

Past Lyon County Master Plans

Information regarding past master plan land use designations, goals and actions provide some context and insight for the current Comprehensive Master Plan provisions that pertain the subject parcels. From Planning staff's review of past documents, including the 1970s Lyon County Master Plan, zoning map circa the 1970s, the 1990 Lyon County Master Plan and the 2002 West Central Lyon County Final Land Use Plan, it appears that the County has been consistent in its planning approach, intended land use and zoning application.

Below are information, goals and actions from past master plans that illustrate the County's and Community's planning desires for Silver City.

1971 Lyon County General Plan

On the 1971 General Plan Map, Silver City is shown as an Urbanizing Area and the Mining Industry land use is not depicted in the Silver City area.

1990 Lyon County Master Plan – Silver City

Goal #1 To maintain, promote, and secure the historic character of the community and to prevent the destruction or degradation of the historic character.

2002 West Central Lyon County Final Land Use Plan – Silver City Master Plan Goals

Goal 1: To recognize, enhance, and protect the unique character of Silver City.

Actions:

- To maintain that scale and primary residential character by retaining the existing Master Plan designation and zoning categories.

Goal 8: To limit any earth disturbance or above ground mining activities that create visual scarring or that disrupt the fabric of the community.

Actions:

- Lyon County shall establish a land use policy that minimizes the impact of mining and other significant earth disturbing activities that degrade quality of life.

Goal 10: To maintain the primary focus of the community as residential.

Actions:

- To urge the Board of Commissioners to carefully consider all zone changes or Master Plan amendments that would substantially alter the character and identity of Silver City.

2010 Comprehensive Master Plan, County-wide Component

A consideration of the various and often competing provisions of the County's Comprehensive Master Plan is an essential aspect of the consideration of any master plan amendment request.

The applicant has provided information in the submitted, revised application materials regarding their opinions on the compatibility and importance of their master plan amendment request with the current County Comprehensive Master Plan, County-wide Component. The information includes discussions of the relevance of various goals, policies, strategies and land use designations. Please refer to the enclosed applicant's revised submittal for the complete text of the applicant's information.

Lyon County Planning staff compiled a listing of County Comprehensive Master Plan County-wide Component information that it considered relevant for background and for the analysis of the applicant's request. This list is enclosed with this report as Attachment 1.

Below are the Comprehensive Master Plan goals, policies and strategies identified by the County Planning staff with brief discussions.

Goal LU 1: Orderly Growth Patterns: Direct and manage development in the county so that it is orderly and fiscally responsible.

Policy LU 1.1: Follow Development Patterns as Established on Countywide Land Use Plan or a More Specific Community Plan

Future development of Lyon County will be consistent with the Countywide Land Use Plan or a more specific Community Plan, if one has been adopted. The Countywide Land Use Plan will guide future growth and development by defining appropriate land use types, densities, and character in different locations including cities and towns, suburbanizing areas, rural areas, farm and ranch land, hillsides, and public lands. The county's future urban and suburban growth will develop largely around existing communities.

Strategies:

- ◆ *Use the Countywide Land Use Plan and adopted Community Plans as a guide for decision-making on development approvals.*

- ♦ *Establish a demand based zoning strategy based on population projections and potential-to-actual development ratio, infrastructure capacity and distance to services.*

The current County-wide Land Use Plan should be used to guide the decision regarding the applicant's requested master plan amendment. The current Land Use Plan is consistent with the identified long term development goals for Silver City and consistent with approximately 40 years of County master planning efforts and community input.

The applicant believes that the requested reduction in residential development potential provides for more orderly and fiscally responsible growth, and is more aligned with potential-to-actual development ratio and infrastructure availability.

The existing land use designation includes densities starting from one acre per dwelling unit and provides for density that could improve the potential for the expansion of infrastructure within Silver City.

Policy LU 1.4: Locate industrial development as designated on County-wide Land Use Plan or determined by criteria.

Industrial uses, including extractive industries, will occur in areas that are designated on the County-wide Land Use Plan. New industrial uses should only be located in areas that do not adversely impact existing residential settlements.

Strategies:

- ♦ *Consider developing a set of siting criteria to be used in determining the suitability of sites for industrial and extraction uses.*
- ♦ *Establish performance standards in areas of noise, odor, dust, traffic generation, etc.*

The potential for the location of a mining use within Silver City, where it was not identified in the Comprehensive Master Plan Land Use Plan, should be carefully considered. The County has not yet developed a set of siting criteria. The Comprehensive Master Plan policy discussion states that new industrial uses, which would include extractive industries, should only be located in areas that do not adversely impact existing residential settlements.

Goal LU 3: Diverse Economy: The economy will continue to be strong and diverse; attracting businesses that employ residents in primary jobs, as well as service jobs that meet the needs of local residents.

Policy LU 3.1: Diverse Economic Base

The county will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near to population centers.

The county will support economic diversification throughout the county to more fully utilize the broad range of skills, knowledge and abilities inherent in our workforce.

The requested master plan amendment would provide the basis for a zone change that could allow for the expansion of mining. Such a use has the potential for expanding employment opportunities. A mining use that adversely impacts existing Silver City businesses or tourism could also have an adverse impact on the economy and employment within the community.

The applicant states that: "The master plan change would allow for continued mineral exploration on the subject property helping to identify economic assets while employing local residents in primary jobs."

Policy LU 3.2: Business and Industry Locations that are Consistent with Future Land Use Plan

Encourage commercial and industrial development to locate in designated locations shown on the Future Land Use Plan, where public facilities exist or are planned to accommodate such development cost-effectively. The County-wide Land Use Plan will reserve adequate lands for jobs and industry.

Strategies:

- ◆ *Use the Countywide Land Use plan and Community Plans as a guide to determine appropriate locations for business and industry.*

The County-wide Land Use Plan should be used as a guide to determine appropriate locations for business and industry, including mining. The current County-wide Land Use Plan designations for the Silver City community do not identify lands for industry or mining within the community boundaries.

Goal CC 1: Quality Design: New development in Lyon County will improve the appearance and function of our communities.

Policy CC 1.1: Quality New Development

New development in the communities of Lyon County should create inviting places for locals and visitors to live, shop, eat, visit, and do business.

Policy CC 1.3: Design Tailored to Communities

New development in Lyon County should address and respect the unique character of communities within the county.

Consideration should be made to whether or not the proposed master plan amendment would improve the appearance and function of the Silver City community, and address and respect the community's unique character. The existing community development pattern is not inconsistent with the current master plan designation. The proposed decreased residential density does not follow the original town lot development pattern, but would not be inconsistent with the development pattern of parcels outside of the original town map area.

The establishment of uses that would be permitted through the concurrent zone change request may not be consistent with this goal and its policies.

Goal CC 3: Heritage: Historic places, structures, and landmarks in the county will be preserved and will provide an opportunity for resident and visitors to learn about and celebrate our heritage.

Policy CC 3.1: Maintain and Restore Historic Resources

Lyon County will encourage and support efforts to preserve and restore registered historic structures, and landmarks, and districts.

Strategies:

- ◆ *Revise zoning to encourage historic use and development patterns including mixed-use structures and districts.*
- ◆ *Support organizations in the county that apply for historic designation or grant funding for inventory or rehabilitation of historic structures, efforts to identify receiving sites for historic structures that cannot be maintained in their original locations, and similar historic preservation purposes and efforts.*

- ◆ *Work with knowledgeable organizations and individuals to ensure that building and development standards allow for adaptive reuse of valued historic structures, including those without official historic designation.*
- ◆ *Within historic districts, promote historic design elements, features and context, and prohibit building design that compromises the integrity of the historic community character.*
- ◆ *Within historic districts, limit new land uses that would pose a risk to historic structures or the historic character of the district.*
- ◆ *Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.*

Staff is concerned that the requested master plan amendment, concurrent zone change request and the applicant's stated purpose for both could result in development directly contrary to this goal, policy and strategies. Silver City is a unique, historic community within Lyon County that lies within a historic district which contributes to its character and quality of life.

The following strategies are particularly relevant to the requested master plan amendment:

- ◆ *Within historic districts, promote historic design elements, features and context, and prohibit building design that compromises the integrity of the historic community character.*
- ◆ *Within historic districts, limit new land uses that would pose a risk to historic structures or the historic character of the district.*
- ◆ *Promote the preservation of historic landscape features to maintain historic settings and the integrity of historic resources within historic districts.*

Goal NR 3: Adequate, Clean Water: Adequate water supply will be available for current and future needs in Lyon County, including safe, healthy drinking water for all Lyon County residents.

Policy NR 3.1: Water Supply and Quality

Recognizing that clean water is a precious resource necessary to maintain our health, economy, and quality of life, Lyon County will protect the water supply and encourage efficient use of water resources.

Strategies:

- ◆ *Maintain and expand the piped municipal water and sewer systems within community core and urbanizing areas of the County as designated on the Future Land Use map.*

Consideration should be given to whether or not the change in development potential and pattern would have a positive or negative impact on the future expansion of the Silver City water system.

Goal NR 9: Mining and Resource Extraction: Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Policy NR 9.1: Guide Development

Lyon County will endeavor to guide development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Strategies:

- ◆ *Consider the location of known resources when reviewing new development.*

Policy NR 9.3: Mitigate Operations

To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, etc.

Strategies:

- ◆ *Promote "limited impact"/environmentally safe resource extraction practices to protect the natural environment, enhance the quality of life of residents, and limit impacts on present and future public facilities and services.*

Policy NR 9.4: Mitigate long-term impacts

To the extent possible, Lyon County will promote long-term reclamation and rehabilitation of extractive sites.

Strategies:

- ◆ *Require resource extraction projects to submit detailed long-term reclamation and reuse plans and to provide adequate funding mechanisms to implement plans*

The future potential for mineral exploration and extraction operations should be considered for the requested master plan amendment and concurrent zone change requests.

Staff does not believe that the existing master plan land use designation or planned residential development within the Silver City community boundaries should be considered as development that should be guided away from mineralized areas. The Comprehensive Master Plan was created based on the concept of recognizing and developing the existing community core areas. Silver City is one of those areas.

The applicant believes that the existing Suburban Residential land use designation is inconsistent with the mining claims associated with the subject parcels and not appropriate with traditional land planning principles.

Goal FS 1: Provision of Services: Municipal water and sewer systems will be expanded only in areas where they are cost effective.

Policy FS 1.1: Location of New Development

New urban development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

Strategies:

- ◆ *Develop a Capital Improvements Plan and budget for Lyon County utility system expansion that is consistent with the Land Use Map in this Plan.*
- ◆ *Revise the County's development regulations in order to create incentives to build according to the Land Use map in this Plan.*
- ◆ *Require the developer to pay the full cost of utility system extension, in order to discourage inefficient utility system development, and provide for reimbursement mechanisms where appropriate.*

Silver City has an existing municipal water system. In keeping with this goal and strategies, the future improvement and expansion of the water system has been envisioned by Lyon County Public Works Department for some time.