

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Aug 13 2021 02:15 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MARY LOU MCSWEENEY WILSON,

Appellant,

v.

STOREY COUNTY COMMISSIONERS;

and **STERICYCLE, INC.,**

Respondents.

CASE NO. 82806

**Appeal from Decision of the
First Judicial District Court**

RESPONDENT STOREY COUNTY COMMISSIONER'S APPENDIX

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**Storey County
Planning Department**

Storey County Courthouse
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Phone 775-847-1144 – Fax 775-847-0949
planning@storeycounty.org



To: Storey County Board of County Commissioners

From: Storey County Planning Department

Meeting Date: August 18, 2020

Meeting Location: Storey County Courthouse, 26 S. B Street, Virginia City, Nevada, via Zoom

Staff Contact: Kathy Canfield

File: Special Use Permit File 2020-021

Applicant: Stericycle, Inc.

Property Owner: Tahoe-Reno Industrial Center, LLC

Property Location: 1655 Milan Drive, McCarran, Storey County, Nevada, APN 005-111-73

Request: Special Use Permit 2020-021 request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

Planning Commission Hearing: This application was heard at the August 6, 2020 Planning Commission meeting after a continuance from the July 16, 2020 meeting. At the July 16, 2020 meeting, a request was made by the Planning Commissioners to respond in writing to questions raised at the meeting. Stericycle provided a written response prior to the meeting and this was provided to the Planning Commissioners separately and posted on the Storey County website. During the time between Planning Commission meetings, additional correspondence was received in opposition to the project. The opposition correspondence was also forwarded separately to the Planning Commissioners, along with being provided to the applicant and being posted on the Storey County website.

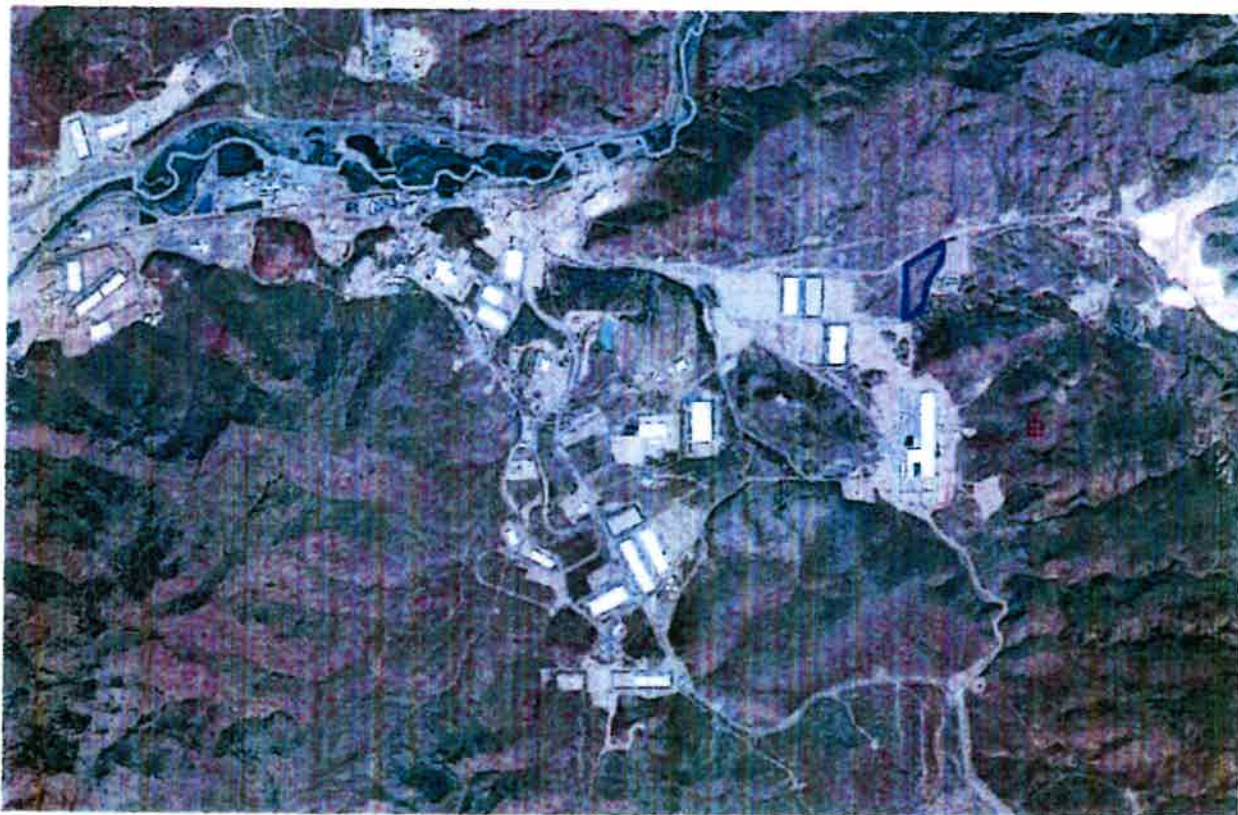
Discussion of the project continued, with questions related to Stericycle's industry practices, the land use proposed and the compatibility of the land use for the proposed location and other jurisdictional agencies and permitting

requirements. There were several public comments from interested public members regarding the land use, impacts on surrounding properties, wild horses and the overall impact of such a project to Storey County. The Planning Commission voted 5-1 (with one recusal) in favor of forwarding a recommendation for approval of the project to the Board of County Commissioners.

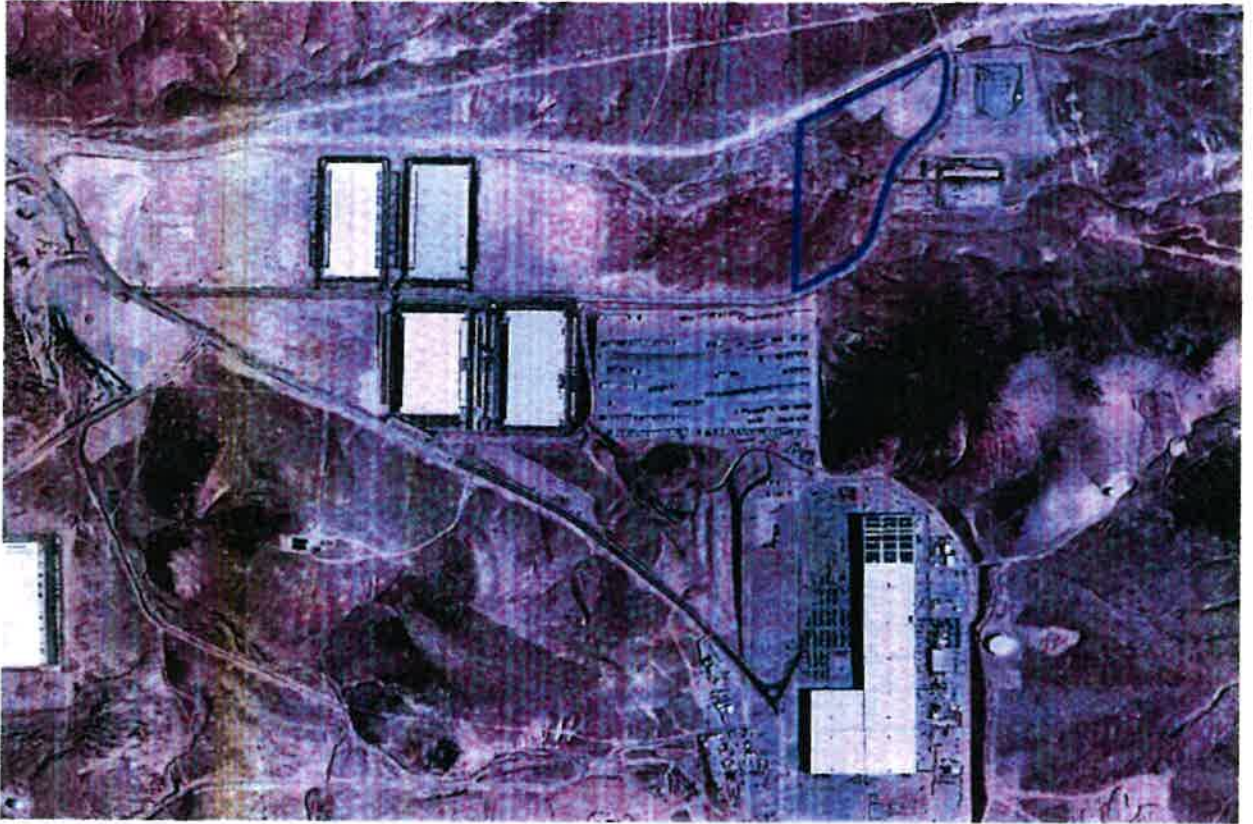
An additional Finding of Fact for Approval was added to the staff report as approved by the Planning Commission and is documented as 3.A(8) in this staff report.

1. Background & Analysis

- A. **Site Location and Characteristics.** The property is located within the Tahoe-Reno Industrial Center in McCarran, Storey County, Nevada. The property is located at the southwest corner of Milan Drive and Clark Station Road. The site is zoned I-2, Heavy Industrial with the I-S (Special Industrial Zone) overlay and is an undeveloped parcel. The parcel is approximately 45 acres in size and is proposed to be divided so that the facility will occupy approximately 20 acres of the parcel. Surrounding land uses include vacant land to the north and west, NV Energy substation and AZZ Incorporated (a galvanizing facility) to the east, and a mixture of vacant land and warehousing to the south.



Vicinity Map



Property Location

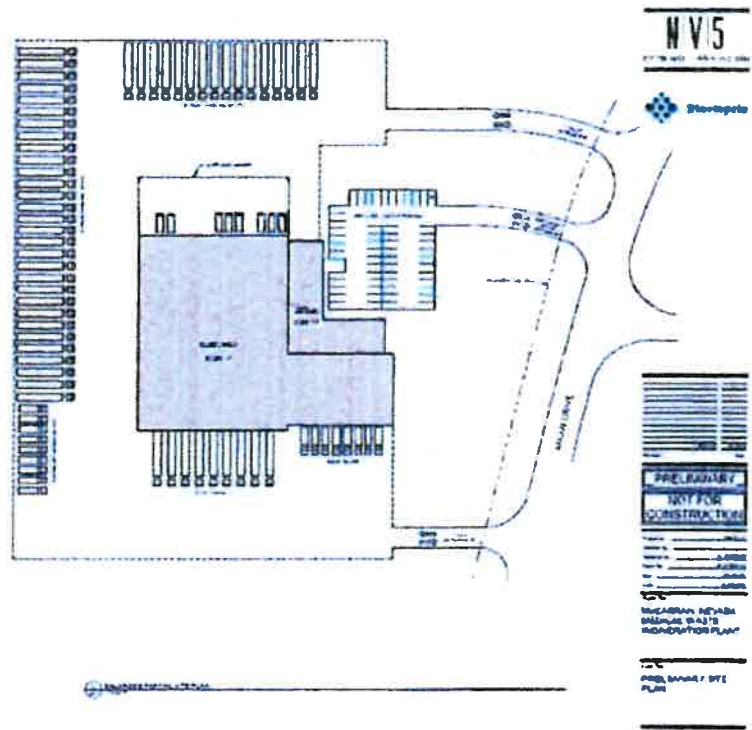
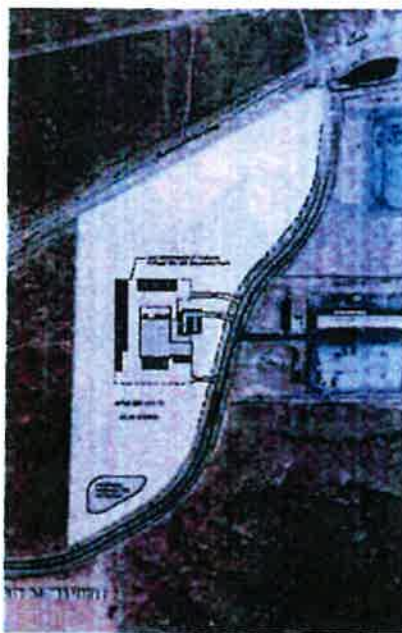


Existing Development

- B. **Proposed Use.** The applicant, Stericycle Inc., is proposing to construct and operate a medical waste and other specialty waste incinerator facility. The construction is anticipated to consist of a single 50,000+ square foot building which includes both the incinerator/processing activities, warehousing, and office space. The site will include parking for the approximate 30+ onsite employees along with truck parking. The Stericycle company has a document destruction subsidiary which may also be included at the site. The site has been designed to allow for expansion in the future. With the construction of the proposed facility, Stericycle will be able to service a large regional area processing waste from Nevada, the Western United States and Canada. An average of 10-15 trailers per day will generally be received at this facility. All loading, unloading storage and processing areas are housed inside of the building. The facility will operate 7 days a week, 24 hours a day.

It should be noted that the submitted site plan design is conceptual only. This Special Use Permit addresses the use on the property. The applicant has provided a site plan to convey their current ideas for the site, but the overall layout, parking, access and building(s) pattern may change upon submittal of construction permits.

The site will contain two rotary Kiln Thermal Reduction/Destruction units (incinerators) which allows for not only future expansion, but for operations to continue while maintenance work occurs on one or the other of the devices. Stericycle is also focused on innovative ways to reuse energy that is generated at the site. As part of the on-going design, Stericycle is evaluating the use of self-generated steam to power internal operations, as well as future potential for commercial sale to neighboring properties.



Conceptual Site Layout

- C. **Special Use Permit.** This property is subject to the provisions of the 1999 Zoning Ordinance of Storey County. The property is zoned I-2, Heavy Industrial and as stated in Section 17.37.040, "Recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes" and "incinerators, of any type and used for any purpose". The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit.
- D. **Biohazardous Waste.** The waste streams that the facility will process are considered biohazardous as they potentially can be contaminated with infectious agents that may be a threat to public health if not handled and disposed of properly. These wastes include:
- Regulated Medical Waste as a special category of solid waste as defined by the State of Nevada, the County, OSHA or USDOT, sharps waste, APHIS waster or Regulated Garbage as regulated under USDA
 - Other healthcare products (used, unused or expired specified by manufacture for destruction
 - Partially used or unused pharmaceuticals (hazardous or nonhazardous) for destruction
 - Other special solid wastes for destruction as requested by generator for incineration (for witness destruction)
 - Document or product destruction (i.e. for HIPAA or other privacy related matters)
 - Special wastes from law enforcement (as requested such as controlled witness destruction) or DEA related controlled substances and waste from healthcare facilities
 - Outdated, off-specification or unused consumer commodities
 - Recalled or outdated disposable medical equipment or supplies
 - Confidential records/proprietary packaging and products

All other RCRA (Resource Conservation and Recovery Act) defined hazardous wastes or radioactive wastes will not be treated at this facility. Stericycle has a waste acceptance protocol (WAP) as part of all contracts with customers for which customers are responsible to adhere to, for which Stericycle periodically monitors; specifically, all wastes are monitored for radioactivity prior to processing.

Waste material is delivered to the facility by truck in Department of Transportation (DOT) compliant single-use fiberboard and plastic containers, and reusable containers, which are unloaded and either placed in a designated storage area for later processing, transfer or are staged for immediate processing. All trailers containing waste will be unloaded at a dock. Most single use and reusable bins are opened, the contents emptied into the feed apron loading bin for processing. The reusable containers are rinsed out, recovered and placed in the return load-out area.

All of the above referenced medical wastes are not considered or regulated by the U.S. Environmental Protection Agency (EPA) Resource and Conservation Recovery Act (RCRA)

as hazardous waste and under Nevada Division of Environmental Protection (NDEP) regulations can be disposed of in a standard landfill without treatment. Some jurisdictions have adopted more stringent requirements for disposal, including the State of California and both Washoe and Clark Counties in Nevada. Regardless of where a waste is ultimately disposed, the local regulations at the point of generation apply to the disposal.

- E. **Facility Process Overview.** The medical waste arrives at the site by truck in single use fiberboard or plastic containers, or reusable containers. The trucks unload directly into the facility at the loading docks. At no time are the boxes or containers exposed or stored outdoors. Once inside the facility, the boxes or the reusable container content are emptied into a feed apron loading bin for processing.

In some instances, storage of the medical waste in the delivery trucks may be required due to adverse weather conditions, facility breakdowns or maintenance, or high receipt volume. All trailers will remain closed and locked and all waste will be secure.

A two-stage process first thermally sanitizes and reduces the waste in a Controlled Air Rotary Kiln, Primary Combustion Chamber, which is followed by a Secondary Combustion Chamber, to fully combust the resulting off-gas containing volatile organic compounds at temperatures of approximately 1800 to 2000 degrees Fahrenheit. This thermal reduction/destruction process reduces the waste volume by over 80% on a weight basis (over 95% on a volume basis) to ash residual. Resultant ash residual generated at the site is collected and secured and taken to the landfill.

- F. **Safety Issues.** In the event of a spill or release of the medical waste, properly trained facility personnel will clean up the released materials. The wastes do not represent an airborne threat. A "portal of entry" (a site where an infectious agent enters the body such as ingestion, break in the skin, etc.) is needed for the waste to represent a threat to humans. The medical waste is a solid product and cannot "flow" out of the facility. A cleanup of any released materials is essentially the same as cleaning up garbage that has spilled with the difference being the training and personal protective equipment (gloves, face shields, protective garments) is required to ensure no direct body contact with the medical waste occurs. Similarly, if one of the delivery trucks is involved in an accident the vehicle and waste containers would be properly labeled such that responders would be aware of the contents and proper cleanup would occur.

Stericycle employees receive training upon hiring and annually as required by all Federal and State regulations. Stericycle conducts over thirty training programs including Bloodborne Pathogens, Spill Response, Waste Acceptance Protocol, Confined Space, Emergency Action Plans, DOT Hazardous Materials, First Aid and Incinerator Specific Training. Stericycle employs specialized and trained maintenance personnel.

As stated in Section 1.D, above, all of the above referenced medical wastes are not considered or regulated by the U.S Environmental Protection Agency (EPA) Resource and Conservation Recovery Act (RCRA) as hazardous waste and under Nevada Division of Environmental Protection (NDEP) regulations can be disposed of in a standard landfill without treatment.

All permitting and reporting will be performed per federal, State of Nevada and Storey County requirements. The facility will be subject to Title 40 of Federal regulations (40 CFR Part 60 – Standards of Performance for New Stationary Sources, Subpart Ec, Standards of Performance for Hospital/Medical/infectious Waste incinerators for Which Construction is Commenced After June 20, 1996) which provides federally enforceable standards of performance for facilities of this type. These standards include limits on emitted air pollutants, air quality compliance testing and monitoring and reporting requirements. The Nevada Division of Environmental Protection – Bureau of Air Pollution Control, will be the regulatory authority responsible for issuing and enforcing the air quality operating permit for the proposed facility.

2. Compatibility and Compliance

- A. **Compatibility with surrounding uses and zones.** The following table documents land uses, zoning classifications and master plan designations for the land at and surrounding the proposed project.

	Land Use	Master Plan Designation	1999 Zoning Code for TRI Center
Applicant's Land	vacant	Industrial	I-2 Heavy Industrial
Land to the North	vacant	Industrial	I-2 Heavy Industrial
Land to the East	NV Energy Substation, Industrial Galvanizing Facility	Industrial	I-2 Heavy Industrial
Land to the South	Vacant, truck storage	Industrial	I-2 Heavy Industrial
Land to the West	Vacant, warehousing	Industrial	I-2 Heavy Industrial

This property is located within the IS Overlay (Special Industrial Zone) area within the TRI Center. This project does not require or utilize any of the incentives provided for the IS Overlay and is consistent, as conditioned, with the I2 Heavy Industrial as identified in Chapter 17.37 of the 1999 Storey County Zoning Code.

- B. **Compliance with required height limitations.** The 1999 Storey County Zoning Ordinance Section 17.37.080 states: "No building shall have a height greater than six (6) stories or seventy-five (75) feet, not including silos, stacks, or equipment." Based on the submitted application, the applicant has stated the maximum height proposed for the building will not exceed the 75-foot height limitation. It is anticipated the height for the stacks will be between 75-feet and 150-feet and will depend largely on the NDEP requirements related to air quality. The additional height for the stacks and associated equipment are exempted as stated above from the 75-foot height limitation.
- C. **Compliance with required setbacks.** The 1999 Storey County Zoning Ordinance Section 17.37.080 states: No building shall be located closer than fifty (50) feet to any property line. The property will be approximately 20 acres in size and is of such a configuration that this requirement can be met. As a condition of the building permit, the applicant will be required to demonstrate that no structure will encroach into the required 50 foot setback or demonstrate that a Waiver from the Building Official as identified in the Development Agreement for the TRI Center has been granted to allow encroachment into the setback.

- D. **General use allowances and restrictions.** The 1999 Storey County Code Section 17.62, Special Uses (which refers to Section 17.60) identifies the administration for the Board and Planning Commission for allowing special use permits. The use of “recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes”, incinerators and electric or gas power generating plants” are uses subject to a Special Use Permit. Approval of a Special Use Permit “may only be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution and under such conditions as the board may deem necessary to assure that the general purpose and intent of this ordinance will be observed, public safety and welfare secured and substantial justice done.” The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed in Section 3 of this staff report are the minimum to be cited in an approval.
- E. **Conformance with the 2016 Storey County Master Plan.** This project is located within the Tahoe-Reno Industrial Center which the Master Plan states “provides for light industrial, heavy industrial, commercial, and industrial commercial uses and zones pursuant to the Development Agreement between Storey County and the Tahoe-Reno Industrial Center, LLC.” The property and the Tahoe-Reno Industrial Center are located in the McCarran Area Plan which the Master Plan states “depicts a homogenous planned industrial center located toward the north-central part of Storey County nine miles east of Lockwood. It is home to the Tahoe-Reno Industrial Center and is dedicated solely to manufacturing, utility power production, warehousing and distribution, and other heavy- and light-industrial, and commercial uses. The industrial center has grown to become a major regional hub for distribution, alternative energy production, digital data management, and highly intensive and experimental industries.” The proposed use of “recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes” is consistent with the heavy industrial use statements for the Tahoe-Reno Industrial Center.

3. Findings of Fact

- A. **Motion for approval.** The following Findings of Fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.
- (1) This approval is for Special Use Permit 2020-021, a request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an “electric or gas power generating plant” which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor’s Parcel Number (APN) 005-111-73.
 - (2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.E of

this staff report and the contents thereof are cited in an approval of this Special Use Permit.

- (3) The subject property is located within an existing industrial neighborhood in the McCarran area of Storey County. The zoning is based on the 1999 Storey County Zoning Ordinance which identifies this property as I-2 Heavy Industrial. The proposed facility is defined as a "recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes" and has an incinerator and has the potential to provide an "electric or gas power generating plant" and requires a Special Use Permit.
- (4) Granting of the Special Use Permit, with the conditions of approval listed in Section 4 of this report, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property. The project is expected to meet the safety and health requirements for the subject area. The use will also be subject to building and fire plan review in order to ensure compliance with federal, state and other codes.
- (5) The Special Use Permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.
- (6) The conditions under the Special Use Permit do not conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial and 17.62 Special Uses.
- (7) Granting of the Special Use Permit will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons working in the neighborhood or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.
- (8) Granting of the Special Use Permit would not be incompatible with or detrimental to the surrounding area.

B. **Motion for denial.** Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.

- (1) This denial is for Special Use Permit 2020-021, a request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

- (2) The conditions under the Special Use Permit conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial, 17.62 Special Uses.
- (3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. Recommended Conditions of Approval

- A. **Special Use Permit.** This approval is for Special Use Permit 2020-021, to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.
- B. **Requirements.** The Permit Holder shall apply for all required permits and licenses, including building and fire permits, for the project within 24 months from the date of final approval of this Special Use Permit, and continuously maintain the validity of those permits/licenses, or this approval shall be null and void. This permit shall remain valid as long as the Permit Holder, its heirs, assigns, or successors remain in compliance with the terms of this permit and Storey County, Nevada State, and federal regulations.
- C. **Permit Contents.** This permit incorporates by reference the standards, objectives, conditions, terms and requirements of all plans, including the operating plan, safety plan, training plan, and closure plan, to be submitted separately from this permit. The requirements of all submitted plan, along with support material submitted with the application, become part of this Special Use Permit.
- D. **Allowed Modes of Transport.** The facility may receive and distribute medical waste and the resultant ash/paste via truck and rail. All loading and unloading of materials must occur within an enclosed structure. The structure must meet the requirements of this special use permit with regard to emergency spill and containment. The Storey County Community Development Department and Fire Protection District plan review are required for any proposed rail spur facilities.
- E. **Storage.** This permit does not authorize any outdoor storage at the site. All storage of all materials transported to the site and the byproduct created at the site shall be contained within the proposed building or within an enclosed truck trailer while awaiting unloading or delivery.
- F. **Taxes.** Before obtaining a building permit, the Permit Holder must show the building department valid evidence that all property taxes on the land are paid-to-date.
- G. **Emergency Management Plan.** The Permit Holder must submit an emergency plan to the Storey County Fire Protection District, Community Development, Emergency Management and Planning Departments for review and approval at the time of construction plan submittal. At a minimum, the elements of the plan must include

disaster management, Emergency Medical Services (EMS), and environmental protection. This plan shall include industry best practices implementation in addition to local, state and federal requirements. Specific items to be included in the plan are as follows. The following list is not exhaustive; the County may impose additional requirements as necessary. Requirements of State and federal agencies which fulfill the following may suffice when documentation thereof is submitted to the governing body and to Storey County.

- Basic company, owner, site, and emergency contact information
- Plot Plan (detailed drawings) of the site and access points
- Site evacuation, gathering points and emergency procedure
- Area evacuation and emergency procedure for each applicable emergency situation
- Initial and ongoing training and education of county and fire district emergency response personnel applicable to the subject use, and at the permit holder's expense
- Emergency contact procedures, including for the NDEP, Dispatch 9-1-1, and Storey County Emergency Services
- Facility shut-down and startup procedure
- Special training and identification of any funding for the Fire District and Emergency Management to address site specific hazards
- Emergency vehicle access, circulation, and staging
- Documenting and reporting of emergency situations, including spills and gassing-off of any product.
- Post disaster management, cleanup, and material disposal
- Documenting and reporting of NDEP and other environmental permits and notices
- Stormwater drainage and detention will be submitted for review and approval during the plan review and permitting processes
- Facility Closure Plan
- Risk Management Plan
- Industry Best Practices shall be utilized when developing any plans for the facility
- Complete index of MSDS/SDS shall be provided to the Storey County Fire Protection District, Storey County Community Development Department, Storey County Local Emergency Planning Committee, Storey County Emergency Management and Storey County Planning Department
- Community Right to Know Plan and Information shall be maintained and provided at all times within the facility.
- Copy of all Fire Marshall Permits for Hazardous Materials shall be maintained onsite and available upon request to Storey County.
- Dates, time and attendees of all drills held at facility shall be maintained on site and available upon request to Storey County

H. Transfer of Rights. This Special Use Permit shall inure to the record owner of the Subject Property and to the Permit Holder and shall run with the land defined herein. This Special Use Permit, subject to its terms and conditions, may be transferred by the

Permit Holder, its successors, heirs or assigns. Any/all transfers of Special Use Permit 2020-021 shall be advised in writing to Storey County Planning Department 180 days prior to assignee taking over operation of facility. The operators of the facility must sign and accept all stipulations and requirements of the Special Use Permit 2020-021. The operators of the facility must within 90 days of this notice contact Storey County in order to schedule a consultation with the Storey County Fire District, Emergency Management Department, and all other applicable federal, state, and local emergency response agencies, and demonstrate the ability to maintain the level of security, safety, and conformance with the requirements of this special use permit, including the codes and regulations of the applicable agencies during and after the transition to new ownership.

- I. **Abandonment.** In the event that the use authorized by this Special Use Permit is abandoned for a period of more than twenty-four (24) calendar months from the date of last producing operations, this permit shall become null and void and a new Special Use Permit shall be required. In the event of a force Majeure such as and not limited to a flood, damage or destruction of the access to the site, earthquake, or other events beyond the control of Storey County or the Permit Holder, the period of abandonment shall not be deemed to commence until such time as the permit holder may be found to once again have reasonable access to the site. In this connection, the permit holder shall reasonably attempt to establish access to the site.
- J. **Closure.** The Permit Holder shall be responsible for the cost for the closure of this facility as permitted under Special Use Permit 2020-021. Complete closure shall consist of providing reclamation that would eliminate any hazardous materials or environmental damage to the existing site or adjacent areas proven to be contaminated by the Applicant's processes.
- K. **Post-Closure Monitoring.** In the event that the permit lapses or the use is discontinued or abandoned, the Permit Holder, its heirs, assigns or successors shall remain responsible for environmental monitoring and post-closure maintenance. Under no circumstances shall Storey County, its officers, or representatives bare any cost or responsibility for the deconstruction, disassembly, or removal of equipment or environmental monitoring or clean-up.
- L. **Nuisances.** As stated in Section 17.12.100(A) of the Storey County Zoning Code, noise, smoke, odor, gases, or other noxious nuisances shall be controlled so as not to become objectionable, or adversely affect the properties in the vicinity, and shall not be detrimental to the public health, safety and welfare.
- M. **Separate Permits Required.** This Special Use Permit shall not be construed to be a permit for design or construction. A separate Storey County plan review, fire safety review, and building permit will be required. Any required state or federal air quality control permit must be obtained for the project. A copy of any NDEP (Nevada Department of Environmental Protection) approval shall be forwarded to Storey County Planning Department for inclusion with the Special Use Permit. If there is a violation of NDEP permit, Storey County shall be notified of the violation, corrective action to be

taken and date to be completed.

- N. **Legal Responsibility.** Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations.
- O. **Indemnification.** The Permit Holder warrants that the future use of land will conform to the requirements of the County of Storey, State of Nevada, and applicable federal regulatory and legal requirements for the production, refining, purification, processing, dilution, blending, distribution and use of hazardous and non-hazardous chemical products associated with the microelectronics industry; further, the Permit Holder warrants that continued and future use of the land shall so conform. The Permit Holder, its assigns, heirs or successors, agrees to hold Storey County, its officers, and representatives harmless from the costs associated with any environmental damage, environmental liability, and any/all other claims now existing or which may occur as a result of this special use permit.
- P. **Liability Insurance.** The Permit Holder, as well as its assigns, heirs or successors, shall provide proof of insurance to Storey County and maintain a satisfactory liability insurance for all aspects of this operation under Special Use Permit 2020-021 for a minimum amount of \$5,000,000.00 (five million dollars).
- Q. **Operations Safety.** The facility/site design and layout must meet all Storey County adopted model codes and amendments, as well as Federal, State and County environmental, best practices and health/safety requirements.

Emergency response plans and protocols must be established, documented and practiced prior to operations commencing on site. All operators must be trained and certified, and plant management will be trained in incident command. Drills must be practiced annually and jointly with the local emergency responders (at the discretion of the emergency responders).

All loading and unloading of materials, along with storage of materials must occur within the structure.

- R. **Safety.** The following security measures must be implemented at a minimum.
- All staff shall be trained for spill containment and cleanup. A copy of the training shall be submitted to Storey County.
 - All medical waste shall be double contained.
 - The property shall be enclosed with a minimum 6-foot high fence and entrances shall be gated.
 - The premises must be well lit in order to maintain property security. The lighting plan shall be designed to provide necessary operation, but not be over obtrusive to avoid safety hazard(s) for adjacent right-of-ways and/or light pollution, and shall comply with Chapter 8.02 of the Storey County Code.
 - No outside storage of materials is permitted or proposed with this application. All materials will be housed either in the main building or in separate accessory

buildings, or temporarily within enclosed trucks waiting for unloading into the facility, designed to meet the requirements of this special use permit and any federal, state, and local regulations.

- S. **State/Federal Taxes.** Whenever Nevada law requires the payment of a sales and/or use tax, all materials and equipment purchased or rented for this project should be received in Storey County and the value reported as 'county-of-delivery' on the Nevada Dept. of Taxation form TXR-01.01 'Sales/Use Tax Return'. Proof of appropriate reporting is required prior to a 'Certificate of Occupancy' being issued. Additionally, when applicable, the Permit Holder shall be responsible for reporting and paying all Federal Motor Fuels and Lubricants taxes.
- T. **Emergency Training.** The Permit Holder shall provide and/or pay for any and all special training and/or equipment needed for the Storey County personnel that is required due to the operation of the facility. This may include plugging, diking, air monitoring, Level A response suits or any other item required to properly and safely respond to the facility. This may also include medical equipment specifically needed for exposure to specific products, including body substance isolation (BSI) personal protective equipment (PPE) as needed when operating within the facility.
- U. **Emergency Response Training.** The facility shall be an active member of the Storey County Local Emergency Planning Committee. This includes participation as requested for drills.
- V. **Water and Sewer Connection.** The Permit Holder shall provide a 'Will Serve' letter from Tahoe-Reno Industrial Center General Improvement District to the Storey County Building Department for the necessary water and sewer to operate the facility prior to any construction permits being granted for the property.
- W. **Environmental Monitoring.** Before operations commence, the Permit Holder shall submit to Storey County a copy of the environmental monitoring requirements applicable to the facility under the environmental permits issued for the facility. The Permit Holder shall include storm water management measures on its site plan which shall be submitted to Storey County Community Development Department for approval. Community Development.
- X. **Incident Reporting.** Any uncontrolled release of hazardous materials shall be required to be reported immediately to Storey County Emergency Dispatch via 9-1-1. The incident shall be immediately reported to Storey County Community Development and Planning Departments and the Nevada Division of Environmental Protection (NDEP). The Permit Holder shall comply with the NDEP's clean-up requirements and provide Storey County Emergency Management and Fire District a copy of NDEP's completion of remediation. All hazardous materials incident clean-up and response costs shall be borne by the permit holder as part of the issuance of this special use permit. Incidents exceeding a standard first alarm response will be billed to the company. If mutual aid is warranted to suppress an incident, those costs shall also be funded by the company.

- Y. **Fluid Containment.** The Permit Holder shall construct containment systems in areas where fuels and other types of hazardous materials are being stored or processed to prevent spills, if any, from entering the environment. The containment system shall be designed and installed to the satisfaction of the Storey County Community Development Department and in accordance with model codes.
- Z. **Air Emissions.** Air emissions from the facility shall meet the Nevada Division of Environmental Protection permit requirements. Copies of the annual reports of environmental quality, necessary to comply with the requirements of the permit issued by the Bureau of Air Pollution Control, Nevada Division of Environmental Protection (NDEP) shall be submitted to Storey County Planning Department. In the event that there is an air discharge in excess of the standards approved by NDEP under the construction or operating permit, the permit holder shall provide Storey County Planning Department a copy of any notice of the event or plan to remediate the event submitted to NDEP. If the Permit Holder is required by the Bureau of Air Pollution Control, Nevada Division of Environmental Protection to prepare a report on the event, the permit holder shall submit a copy of the report to Storey County Planning Development. There shall be no obnoxious odors released into the air that are a nuisance to abutting properties. The facility will be subject to Title 40 of Federal regulations (*40 CFR Part 60 – Standards of Performance for New Stationary Sources, Subpart Ec, Standards of Performance for Hospital/Medical/infectious Waste incinerators for Which Construction is Commenced After June 20, 1996*) which provides federally enforceable standards of performance for facilities of this type. Although the proposed facility is not considered an incinerator, based on meetings with regulatory authorities, the facility will be subject to these same standards and requirements.
- AA. **Drainage Protection.** All process drains around each unit and site drainage shall be designed to prevent the discharge of oils to the sewer or septic system and or storm drain systems. All site drainage shall be designed as not to adversely impact surrounding property owners.
- BB. **Nevada Division of Environmental Protection (NDEP).** The Permit Holder shall demonstrate all required permits from the NDEP have been obtained prior to commencing the project.
- CC. **Power Generation.** This permit acknowledges the potential for generation of excess power. Any proposed power purchase agreement or connection to a power facility is a private agreement and Storey County is not a part of any discussions or negotiations between other parties. Any proposed physical connections (such as power lines) may require future Storey County review and/or permitting.
- DD. **Compliance.** The use on the subject property, along with the medical waste materials transported to the site, must comply with all applicable federal, state, and county codes and regulations and the submitted plans and reports, as approved. The Permit Holder must provide the community development department plans drawn to scale prior to obtaining a building permit. The Permit Holder shall be responsible for maintaining the premises and managing operations in accordance with all conditions and stipulations set forth by this Special Use Permit and all other federal, Nevada State, and Storey County codes and regulations. Failure to comply with the requirements herein shall elicit a

written warning to the Permit Holder by Storey County on the first and second offense. A third offense shall warrant Storey County to revoke the Special Use Permit. Storey County shall reserve the right to conduct periodic reviews of the Permit Holder's compliance with all conditions and stipulations of the Special Use Permit. In the event of a life safety issue, standard stop work orders and red tags will be issued as approved within the fire and building codes.

Storey County may refer this Special Use Permit to the Board of County Commissioners for show-cause hearing for revocation based on reasons listed in this section. The procedures for show-cause will be pursuant to Storey County Code. The continuation of uses of a revoked Special Use Permit is a violation of SCC Title 17 (Zoning) and will be punishable as provided for therein or other applicable codes. The Special Use Permit may be referred to show-cause for the following reasons:

- Failure to comply with the SUP conditions, or federal, state, and county regulations, without appropriate remedy;
- Any misrepresentation made in the application for the SUP or in other official documents, or amendments thereof, submitted to a federal, state, or local agency;
- Failure to provide notice to the county on violations, disasters, notice of decisions, and other such correspondence from federal, state, and local agencies as required in this SUP.

EE. Fire. The applicant shall meet all regulations identified by the Storey County Fire Protection District for development of this property. The project shall be evaluated to determine if there are any applicable elements of the proposed project that may require inclusion in the respiratory consortium, the hose and nozzle consortium, ladder reimbursement consortium and/or foam consortium at the time of construction plan submittal. The Fire Protection District shall have the final authority on participation.

5. Public Comment

Staff has received correspondence in opposition to the project prior to the Planning Commission meeting. This correspondence has been forwarded to the Commissioners separately as it has been received. In addition, the correspondence has been posted on the Storey County website.

6. Power of the Board

At the conclusion of the hearing, the Board of County Commissioners must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Board of County Commissioners upon which it bases its decision.

7. Proposed Motions

This section contains two motions from which to choose. The motion for approval is recommended by staff and the Planning Commission in accordance with the Findings of Fact under Section 3.A of this report. Those findings should be made part of the approval motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Planning Commission should be made part of either motion.

A. Recommended motion for approval

In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve of Special Use Permit 2020-021, to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

B. Alternative motion for denial

Against the recommendation by staff and the Planning Commission, but in accordance with the Findings of Fact under Section 3.B of this report, and other findings deemed appropriate by the Board of County Commissioners, I (*commissioner*), move to deny Special Use Permit 2020-021, to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

August 18, 2020

Storey County Commission
Attn: Chairman Marshall McBride
Storey County Courthouse, District Courtroom
26 South B St.
Virginia City, NV 89440

RE: Stericycle Supplemental Information for County Commission Meeting August 18, 2020, Agenda Item #21

Dear Chairman McBride, and County Commissioners Carmona and Gilman:

Stericycle, Inc. respectfully submits this letter in connection with Agenda Item #21 on the August 18, 2020 Board of County Commission agenda and to supplement the information and arguments being presented by Stericycle at the hearing. The purpose of this letter is to provide additional information for the record and guidance to the County Commission with respect to the special use permit entitlement being requested and to address certain legal arguments made by opponents of the application.

The application at issue is governed by the unique land use entitlements governing the TRI Center in Storey County. The TRI Center is a 107,000 acre industrial park located in the northern portion of the County the entirety of which is zoned I-2 Heavy Industrial (as described under Chapter 17.37 of the 1999 Code) with a master plan designation of Industrial (I). Pursuant to NRS 278.0201 through 278.02053, development on the property is governed by a Development Agreement and Development Handbook adopted by Storey County in February 1, 2000 and the Storey County Zoning Ordinance adopted July 1, 1999 ("1999 Code").

The Development Agreement and Development Handbook grant vested rights to develop the Property in accordance with the master site plan, 1999 Code and the agreement, and establish the permitted uses of the Property, the density and intensity of uses, and the standards for design and construction. *Development Agreement, Sec. 5.1.* The express purpose of the Development Agreement is to "provide for public services, public uses, and urban infrastructure, to promote the health, safety, and general welfare of the County and its inhabitants, and to provide the Developer with certain safeguards and rights". *Development Agreement, Sec. 2.3.*

The Development Agreement requires the County to "cooperate with and assist Developer to the fullest extent permitted by law to implement this Agreement", including "processing and checking of any and all permits . . . and the issuance of all Subsequent Development Approvals (which includes special use permits) necessary for the construction, use and occupancy of the Property. *Development Agreement, Sec. 7.1* The Development Agreement further states the Developer will be permitted to carry out and complete the entire Project on the Property", and that there are "no Existing Rules that would prohibit or prevent the full completion and occupancy of the Project in accordance with the Master Site Plan, the CIP, the Existing Development Approvals

and this Agreement”. *Id.*, Sec. 7.2. The County further agreed “it will not unreasonably withhold or unreasonably condition or delay any such Discretionary Action or Discretionary Approval”, which must be processed to develop the Project. *Id.*

As you are aware, the County is prohibited from applying any rules or standards adopted after the Development Agreement which conflict with its terms, including rules which prevent an owner from obtaining a special use permit, among other things, in the manner the Developer would otherwise be entitled to secure under the land use regulations in effect on February 1, 2000. *See Development Agreement 5.2(a) and 7.4; NRS 278.0201.* Thus, development in the TRI Center is governed by the County’s 1999 Code.

A. Special Use Permit Procedures

NRS 278.315 provides that the governing body of the County may by ordinance provide for the granting of special use permits. To preserve the validity of the zoning ordinance in its application to the community in general, special use permits “function as an ‘escape valve,’ so that when regulations which apply to all are unnecessarily burdensome to a few because of certain unique circumstances, a means of relief from the mandate is provided.” Coronet Homes, Inc. v. McKenzie, 84 Nev. 250, 256, 439 P.2d 219, 224 (1968). We note that the staff report references SUP findings that differ from those identified in the 1999 Code, so a preliminary question exists as to whether the special use permit procedures and findings in this case are governed by the 1999 Code, current code (SCC 17.03.150) or those cited by staff in the July 16th staff report. While staff has recommended approval and believes the findings under either process are easily satisfied, we believe that given the limitations of the Development Agreement and NRS 278.0201 review of this application should be limited to the findings under by the 1999 Code.

Pursuant to NRS 278.0201, the “ordinances, resolutions or regulations” in effect at the time of the Development Agreement apply, unless otherwise provided by the Development Agreement or unless the subsequent ordinances, resolutions or regulations “do not conflict with” those in effect at the time of the development agreement and do not prevent the development of the land as set forth in the agreement. The Development Agreement states that the 1999 Code shall govern, with the exception of “Subsequent Rules that are not in conflict with the Existing Rules”, defined in relevant part as rules that i) do not prevent Developer from obtaining permits under circumstances otherwise entitled under the 1999 Code; ii) do not modify the permitted land uses, intensity of use; and iii) do not impose restrictions, requirements, conditions or standards which are more burdensome, more expensive or more onerous to satisfy than those in the 1999 Code. *See Development Agreement, Sec. 5.2; Sec. 7.4 (County will process applications “in accordance with Existing Rules”).* If the special use permit findings in current code are more burdensome and more

onerous than those in the 1999 Code (as we believe they are), the procedures and standards in the 1999 Code should govern¹. *See Section 17.03.150*

In short, the County is prohibited from applying any procedures, findings, rules or standards which conflict with the 1999 Code, including findings which make it more onerous for an owner to obtain a special use permit in the manner otherwise entitled under the 1999 Code.

Section 17.12.018 of the 1999 Code states that “uses permitted subject to a special use permit” are considered “special exceptions within a zone where such use should only occur when such permit is demonstrated by the applicant to be in the best interest of the general public and would not be incompatible with or detrimental to the surrounding area.” Under Section 17.37.040 “incinerators, of any type and used for any purpose” are permitted uses in the I-2 zone subject to a special use permit. As incinerators are “uses permitted subject to a special use permit”, the findings to approve a special use permit for an incinerator in the I-2 zone appear to be established by Section 17.12.018, namely: 1) the applicant demonstrates the use is in the best interest of the general public; and 2) the use is not incompatible with or detrimental to the surrounding area.

¹ Under current code (Section 17.03.150), the following findings would otherwise apply to approve a special use permit:

1. Complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.
2. The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.
3. Will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map, or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.
4. The proposed use in the proposed area will be adequately served by and will impose no undue burden or any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county. Where improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the special use permit applicant must, as part of the application and as a condition of approval of the proposed special use permit, be responsible for establishing ability, willingness, and binding commitment to provide the improvements, facilities, utilities, infrastructure, and services in sufficient time and in a manner consistent with the county master plan, this title, and all plans, programs, maps, and ordinances adopted by the county to guide its growth and development. The approval of the special use permit must be conditioned upon the improvements, facilities, and services being provided and guaranteed by the applicant.

However, Section 17.37.040 (which identifies incinerators as uses permitted with a special use permit) also states that the special use permit required thereunder must be secured “as provided for in Chapter 17.62”. Chapter 17.62 of the 1999 Code sets forth certain criteria and procedures for “special uses” which may be permitted by the Board of County Commissioners “in zones in which they are not permitted by this ordinance where such uses are deemed essential or desirable for the public convenience or welfare.” Section 17.62.010 (emphasis added). Section 17.62.020 then sets forth a specific list of uses that “may be permitted only in in zones that allow” such uses with a special use permit, and a separate list of uses that may only be permitted with a special use permit in zones specified in Chapter 17.62. See Section 17.62.020 and 17.62.030. Chapter 17.62 creates a separate process for the Board to allow those limited, specific uses described in Chapter 17.62 (of which does not include incinerators or other I-2 Zone specific uses) to be operated in zones in which they are not otherwise permitted where deemed essential to public convenience. As incinerators (among others) are expressly permitted in the I-2 zone with a special use permit, the plain language of Chapter 17.62 as well as the separate schedule of uses identified therein is reasonably construed as creating a separate process for other types of special use permits not described in 17.12.018 or 17.37.040. *City Council of Reno v. Reno Newspapers*, 105 Nev. 886, 891, 784 P.2d 974 (1989) (When language of statute is plain and unambiguous, court should give that language its ordinary meaning).

Chapter 17.62 does not set forth specific findings for approving special use permits for “special uses”, but rather states that the process, findings and appeals for such special use permits “is the same as provided for variances in Chapter 17.60.” *Sec. 17.62.010*. Section 17.60.010 (which governs applicability) states that variances are exceptions from strict applications of the zoning regulations, that “such relief from strict application of the regulations of this title, however, may only be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution and under such conditions as the board may deem necessary to assure that the general purpose and intent of this title will be observed, public safety and welfare secured and substantial justice done.” The reference to “such relief” in Section 17.60.010 clearly applies to the “relief from strict application of the regulations” represented by variances described in the preceding sentence. Thus, a plain reading of the section would limit the subsequent “findings” (use does not substantially detriment to the public good or substantially impair intent and purpose of ordinance) to variances and special uses, as both represent deviations from code².

That being said “it is a well-recognized tenet of statutory construction that multiple legislative provisions be construed as a whole, and where possible, a statute should be read to give plain meaning to all its parts.” *Gilman v. Nevada State Bd. of Veterinary Medical Examiners*, 89 P.3d 1000, 1006 (Nev. 2004). Moreover, statutes should be construed in a manner to render them compatible and avoid absurd or unreasonable results. *Meridian Gold Co. v. State ex rel.*

² Variances are exceptions to development ordinances to authorize uses which are not otherwise allowed. By contrast, special use permits are special procedures providing for heightened review of uses allowed by ordinance

Department of Taxation, 81 P.3d 516, 518 (Nev. 2003). Based on these tenets, the 1999 Code requires findings to approve a special use permit for a use in the I-2 Zone that include both the findings in Section 17.12.018 and those “findings” in 17.60.010. Thus, the Board would be required to make the following findings under the 1999 Code to approve the incinerator special use permit:

1. The proposed use must be demonstrated by the applicant to be in the best interest of the general public.
2. The proposed use must be demonstrated by the applicant to not be incompatible with or detrimental to the surrounding area.
3. The proposed use does not substantially impair the intent and purpose of any ordinance or resolution.
4. The proposed use does not substantially detriment the public good.

In making these findings, the Board may impose such conditions “necessary to assure that the general purpose and intent of this title will be observed, public safety and welfare secured and substantial justice done.” *1999 Code, 17.60.010*. However, any conditions must be consistent with applicable law and constitutional limitations on equal protection, and the Board could not afford this application equal protection of laws by, for example, treating it differently than similar uses previously approved.

B. Blockchains Objection Letter

As a preliminary matter, all of Blockchains allegations and attacks against the manner in which Stericycle may have operated similar uses in other jurisdictions are legally irrelevant and must be disregarded by the County. Zoning decisions alter the permitted uses of land and authorize those uses to be conducted in perpetuity, whether by the applicant or a successor owner. Zoning decisions are not concerned with the operational bona fides of an applicant (such as may occur with a privileged business license), but instead focus solely on the compatibility of the use at the location proposed understanding that once the use is authorized any person may operate it at that location. In other words, a special use permit authorizes a use, not an operator. By analogy, a decision on whether land is appropriately located to be zoned for medical office uses has absolutely nothing to do with whether any given doctor that may practice there is competent.

Furthermore, regulatory bodies with jurisdictional oversight over operations will independently regulate and enforce compliance with any applicable operational laws, including air quality. In fact, County Staff has proposed conditioning the approval with a requirement that the operator (whomever it may be) separately secure and maintain NDEP permits, comply with all applicable state and local environmental and air quality regulations and incorporates into the permit all standards, objectives, terms and requirements of all operating plans, safety plans, etc., to be submitted in support of the use. *See Recommended Conditions B, C and M*. These conditions directly address and obviate all objections raised by Blockchains with respect to this finding.

Blockchains then focuses on three “findings”, only two of which exist in code. First, Blockchains alleges the proposed use will pose a substantial detriment to the public good contrary to the “finding” required under Section 17.60.010. However, the arguments Blockchains makes in this regard have nothing to do with the proposed use, instead improperly making baseless and factually unsupported arguments about the how the applicant will operate the facility. Again, the purpose of a special use permit is to determine whether the nature and intensity of the specific use is compatible with the surrounding area, not whether any particular user may or may not be qualified to operate that use. We respectfully submit that it would be arbitrary and capricious and unlawful for the County to consider such arguments, let alone rely on them in any material manner.

Second, Blockchains alleges the proposed use “substantially impairs the purpose and intent of the zoning code and master plan.” While elements of this “finding” are found in the 1999 Code, in support of the position Blockchains improperly cites and relies on SUP findings under the current code to argue the incinerator use is incompatible and will cause a substantial negative impact on adjacent land uses³. As discussed above, findings under current code are not applicable to Stericycle’s application. To the contrary, Stericycle must merely demonstrate the incinerator use will not “substantially impair the intent and purpose of” any ordinance or resolution in effect prior to adoption of the Development Agreement.

With respect to that finding, the Development Agreement (which was adopted by ordinance) is clear that development of the authorized industrial uses “will further the planning objectives contained within the Master Plan, and provide public benefits.” Chapter 17.37 of the 1999 Code expressly recognizes that by designating the project with I-2 Heavy Industrial zoning, TRI Center “is intended to provide areas for the development and operation of industrial and manufacturing uses which, by nature of their intensity, may be incompatible with other types of land use activities.” Permitted uses include petroleum products storage, gas transmission stations, electric substations, salvage yards, blast furnaces, cement and lime manufacturing, mining and milling operations, petroleum products manufacture, ammunition or explosive manufacture or storage, dumps, fertilizer manufacture, rocket fuel manufacture, testing and storage, sewer farms, “incinerators of any type and used for any purpose”, chemical manufacture, cyanide manufacture and storage, excavating, and other similar heavy industrial uses clearly compatible with the incinerator use proposed. The County further clarified by Resolution adopted May 3, 2005 that the permitted uses in the I-2 Heavy Industrial Zone are intended to be consistent and compatible with “heavy industrial” uses described as “production processes which should not be located near residential or commercial uses due to the intensive nature of the industrial activity and/or the scale of operation” such as textile dying, hazardous chemical production, petroleum refining, metal processing, production of explosives. Regarding Blockchains’ assertion that the type of incineration (medical waste) is problematic, again, Section 17.37.040 expressly authorizes incinerators “of any type and used for any purpose” rendering the type of incineration legally

³ Blockchains erroneously cites Sec. 17.62.010 of the current code, when in fact the language it quotes is from Sec. 17.03.150 of the current code.

irrelevant for purposes of compatibility with the intent of the 1999 Code and Development Agreement.

Blockchains then asserts the incinerator use is incompatible with the technology based live/work environment planned in the future by Blockchains on its adjoining property. The argument is legally irrelevant, however, compatibility with “surrounding area” is a requisite finding under the 1999 Code. Compatibility analyses focus on all land uses permitted by zoning, not anticipated plans of one owner to change the uses on adjoining land. In other words, compatibility is determined by looking at permitted land uses in the I-2 Heavy Industrial zone. If Blockchains intends to *change that zoning* at a future date to permit less intense residential uses, then Blockchains will be required to demonstrate at that time how its proposed modification to the industrial master plan and industrial base zoning is compatible with the I-2 Heavy Industrial uses already entitled. There is no legal basis to contend an applicant must demonstrate compatibility with an unauthorized potential future use that itself is incompatible with surrounding land uses. As discussed above, it is clear incinerator uses are identified as a compatible special industrial use in TRI Center.

Blockchains next asserts concerns over “nuisances” from 24/7 operations, traffic from 10-15 trucks/day, and need for increased infrastructure. The assertions are not tied to any specific finding and are incorrect. The hours of operation and truck traffic seem well within and entirely compatible with truck traffic planned and authorized for this massive industrial project. With respect to infrastructure, the Development Agreement imposes obligations on the Master Developer to construct public infrastructure to service the Project at Developer’s cost, including streets, sidewalks, flood control and drainage, storm drains, county buildings and public safety facilities and public parks, water, sewer, gas, electric and other utility infrastructure, so any concerns regarding infrastructure are already addressed on a Project wide basis through the Development Agreement.

Blockchains next asserts that air pollutants from incinerator operations would harm wild horses in the area, which somehow renders the use incompatible with the intent and purpose of the Development Agreement and 1999 Code. Blockchains offers no legal argument in support of the position, and to the contrary, nothing in the Development Agreement or the 1999 Code suggests any restrictions or limitations on industrial development in the I-2 Heavy Industrial Zone relative to wildlife. Again, focusing strictly on the 1999 Code and Development Agreement (as the findings require), the intent and purpose of those provisions is clear: that heavy industrial development anywhere with the TRI Center is appropriately located and compatible with adjacent heavy industrial uses.

In short, the express intent and purpose of the Development Agreement and designation of the entire project with I-2 Heavy Industrial Zone entitlements was to recognize that the TRI Center project is intended and entitled to be developed with the most intensive heavy industrial uses allowed by code, and that all of such uses are compatible with all adjoining land uses within the TRI Center.

Blockchains then asserts the incinerator use is incompatible with the 2016 Master Plan. As a matter of law, the 2016 Master Plan is irrelevant to this application, as only the Master Plan in effect at the time the Development Agreement was adopted applies. With respect to that Master Plan, TRI Center is master planned for industrial use and the Development Agreement expressly states that development of heavy industrial uses authorized in the I-2 Zoning district “will further the planning objectives contained within the Master Plan, and provide public benefits” and facilitate “implementation of the Master Plan”. *Development Agreement, Sec. 2.5*. Moreover, Blockchains misconstrues the purpose and effect of a master plan. A master plan is a standard that commands deference, but it is “not a legislative mandate from which no leave can be taken.” *Sustainable Growth Initiative v. Jumpers*, 122 Nev. 53 (2006). A zoning ordinance need not be in perfect conformity with every master plan policy. The relevant inquiry is not whether there is a direct conflict between a master plan's provision and an ordinance, but whether the ordinance “is compatible with, and does not frustrate, the [master] plan's goals and policies. *Id.* Blockchains does not provide substantial evidence demonstrating the proposed (and authorized) incinerator use frustrates the goals or objectives of even the 2016 master plan excerpts cited by Blockchains.

Blockchains next asserts that the incinerator use creates an unacceptable risk to the public health, safety and welfare of Storey County citizens. In support of the argument, Blockchains erroneously contends 17.62.010 requires the Planning Commission “assure that the general purpose and intent of this title will be observed, public safety and welfare secured and substantial justice done.” However, the language Blockchains cites is not a finding requirement by 17.62.010, rather, it is permissive language in 17.60.010 that gives the Board the discretion, as it “may deem necessary”, to impose conditions of approval on a special use permit to assure those elements are satisfied. In other words, these are not regulatory impediments than applicant must satisfy in order to secure a special use permit. Instead, they are enabling provisions that grant the Board broad discretionary authority to facilitate approval of special use permits by imposing conditions, where necessary, to assure that objections (such as those raised by Blockchains) are appropriately mitigated. There is no legal basis in the 1999 Code or Development Agreement to support Blockchains assertion that the Planning Commission “must determine whether risks to the public health, safety and welfare of Storey County citizens are acceptable before approving the SUP Request.”

Stericycle has provided in the record, including in its public presentations ample evidence demonstrating that the use of a medical waste incinerator will not substantially detriment the public good, and will be in the best interest of the general public, including generally why incineration of medical waste at this location is in the best interest of the general public. Based on the information provided as well as staff's recommendations, we respectfully submit there is substantial evidence supporting the approval of the special use permit application in this matter and it should be approved.

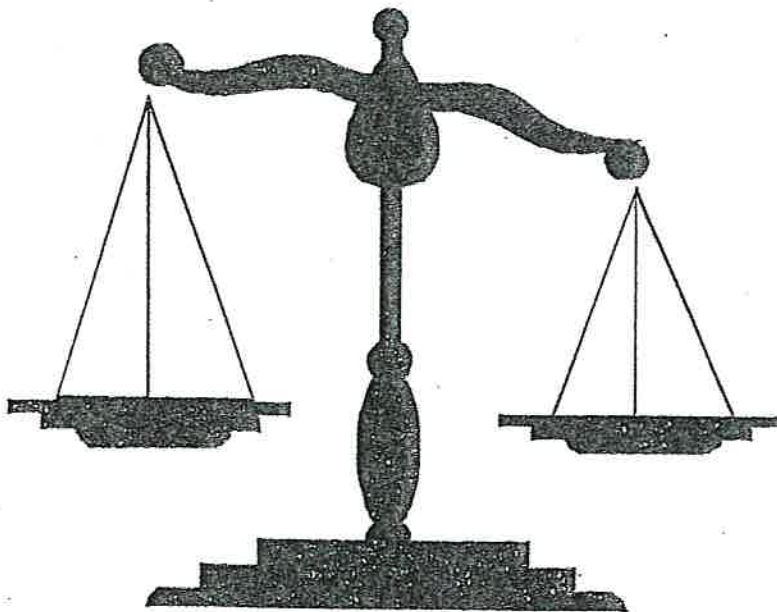
Should you have any further questions regarding this matter please contact me directly at
Michael.Faris@stericycle.com

Sincerely,



Michael J. Faris
VP & Assistant General Counsel - Litigation

CC: Vanessa Stephens – Storey County Clerk – Treasurer
Austin Osborne – Storey County Manager
Ann Langer – Storey County District Attorney
Keith Loomis – Storey County Deputy District Attorney



Truth Conquers All Things

~ Official ~

ZONING ORDINANCE

of

Storey County, Nevada

July 1, 1999

— ATTACHMENT "1" —

RSCC - 27

ORDINANCE NO. 159

SUMMARY: An Ordinance amending by repealing Title 17 Storey County Zoning Ordinance, of the Storey County Code and replacing it with a new Title 17 Zoning Ordinance of Storey County, Storey County Code, providing for zoning regulations for the county.

TITLE: AN ORDINANCE AMENDING THE STOREY COUNTY CODE BY REPEALING TITLE 17 AND; ADDING A NEW TITLE 17 OF THE STOREY COUNTY CODE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The County Commissioners of Storey County do ordain as follows:

SECTION 1:

Title 17 of the Storey County Code, is hereby repealed.

SECTION 2:

Storey County Code is amended with a new Title 17 which reads as follows:

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Title 17

ZONING ORDINANCE of STOREY COUNTY, NEVADA

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Chapter 17.02

PURPOSE of ORDINANCE

Sections:

17.02.010 Title.

17.02.020 General purpose.

17.02.030 Authority.

17.02.040 Interpretation and conflict.

17.02.010 Title. This title shall be known as and may be cited as the "Zoning Ordinance of Storey County, Nevada".

17.02.020 General purpose. An official land use zoning ordinance for the County of Storey is hereby adopted and established to serve the public health, safety, comfort, convenience and general welfare; to provide the economic and social advantages resulting from an orderly planned use of economic, natural and community resources; to encourage, guide and provide for the future growth and development of the county; and to implement the goals, objectives, policies, and proposals of the Storey County Master Plan.

17.02.030 Authority. Storey County is authorized by law to regulate the zoning of land by Section 278.250 of the Nevada Revised Statutes. This ordinance is adopted pursuant to Chapter 278 of the Nevada Revised Statutes.

17.02.040 Interpretation and conflict. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, restrictions or ordinances, the most restrictive or that imposing the higher standards shall govern.

Chapter 17.04

TRANSITION PROCESS

Sections:

17.04.010 Transition Process.

17.04.020 Parcels with land use zoning classifications not considered comparable to this title.

17.04.030 Residential density and lot size.

17.04.040 Permitted land use.

17.04.010 Transitions Process: The following provisions apply to parcels of land where the land use zoning is applicable at the time this section, Title 17. 04 becomes effective the 1st of July 1999 and is not consistent with the land use zoning of Storey County (Ordinance 54 Ch. 1 S.B, adopted in 1972.)

17.04.020 Parcels with land use zoning classifications that are not considered comparable to this title: A property owner may choose to utilize the density and allowable use provision of the existing zoning in Storey County (Ordinance 54 Ch. 1 S.B., adopted in 1972) in effect prior to the effective date of this title, July 1, 1999 for the period until June 30, 2002.

17.04.030 Residential Density and Lot size: A property owner may choose to utilize the density allowed or lot size for subdivision or town site of the existing zoning of Storey County (Ordinance 54 Ch. 1 S. B. adopted 1972) in effect prior to the effective date of this title July 1, 1999 for the period until June 30, 2002.

17.04.040 Permitted land use: The property owner may choose to utilize the land use of the existing zoning Storey County (Ordinance 54 Ch. 1 S. B. adopted 1972) in effect prior to the effective date of this title July 1, 1999 for the period until June 30, 2002 per special use approval.

Chapter 17.06

NONCONFORMING USES

Sections:

- 17.06.010 Chapter compliance.
- 17.06.020 Continuance of nonconforming use.
- 17.06.030 Expansion of nonconforming use.
- 17.06.040 Discontinuance of use.
- 17.06.050 Damaged nonconforming buildings

17.06.010 Chapter compliance: Provisions of this chapter shall apply to the uses of property or to buildings which may become nonconforming by reason of this new zoning ordinance, effective July 1, 1999.

17.06.020 Continuance of nonconforming use: A lawful use of land or buildings not in conformance with the regulations prescribed in this title but existing prior to the effective date of this title, July 1, 1999 may be a continued nonconforming use as provided in this title.

17.06.030 Expansion of nonconforming use: A nonconforming use of land or building shall not be extended or expanded except by special use permit. Minor modifications and maintenance necessary for said continuing condition is permitted.

17.06.040 Discontinuance of use: A lawful use of nonconforming land or buildings, including house trailers and/or mobile homes, which is operationally abandoned or discontinued for a period of one (1) year or more, shall not be an approved nonconforming use.

17.06.050 Damaged nonconforming buildings: Nonconforming buildings which have been damaged or destroyed by natural calamity may be repaired or reconstructed within one year from the date of damage; provided the repaired or reconstructed building is same as the previous use.

Chapter 17.08

ZONES GENERALLY

Sections:

- 17.08.010 Zones designated.
- 17.08.020 Maps.
- 17.08.030 Area zoning maps.
- 17.08.040 Changes of official and area zoning maps.
- 17.08.050 Rules for interpretation of zone boundaries.

17.08.010 Zones designated. The county is divided into the following land use zones:

- A Agricultural
- C Commercial
- CR Commercial/Residential
- E Estates (1, 2.5, 5, 10 and 40 acre parcels)
- E-1-VCH Estates 1 acre - Virginia City Highlands
- E-10-HR Estates 10 acres - Highland Ranches
- E-40-VR Estates 40 acres - Virginia Ranches
- F Forestry
- H-O Historic Overlay
- I-1 Light Industrial
- I-2 Heavy Industrial
- I-S Special Industrial
- MHO Manufactured/Mobile Home Overlay
- MHP Manufactured/Mobile Home Park
- NR Natural Resources
- P Public
- PUD Planned Unit Development and Subdivisions
- R-1 Residential
- R-2 Multiple Residential
- SPR Special Planning Review Zone

17.08.020 Map. The land use zones and boundaries thereof are established and adopted as shown on the map entitled "Official Zoning Map of Storey County " which map is made a part of this ordinance. The official zoning map shall be identified by the signature of the chairman of the Board of County Commissioners attested by the county clerk under the following words: "This is to certify that this is the Official Zoning Map of Storey County referred to in Section 17.08.020 of the Zoning Ordinance of Storey County, Nevada" together with the date of adoption.

17.08.030 Area zoning maps. For convenience and identification, the Official Zoning Map may be divided into separate maps having a scale different than the Official Zoning Map. The zones and boundaries of said zones shall be determined and delineated in accordance with the Official Zoning Map if such area map is an enlargement of the Official Zoning Map. When an area zoning map is created and not based upon the delineation's of the Official Zoning Map a public hearing will be held for each area covered as provided in Section 17.64 of this ordinance prior to adoption of the map. Upon such adoption regulations governing said zones shall become effective. Each area zoning map shall be certified in the manner specified for the Official Zoning Map in Section 17.08.020.

17.08.040 Changes of official and area zoning maps. In accordance with the provisions of this ordinance, if changes are made in zone boundaries or other matters portrayed on the official or area zoning map, such changes shall be entered on the official or area zoning map promptly after the amendment has been approved by the Board of County Commissioners with an entry on the official or area zoning map indicating the ordinance number and date adopted, which entry shall be signed by the chairman of the Board of County Commissioners and attested by the county clerk. Regardless of the existence of the purported copies of the official and area zoning maps which may from time to time be made or published, the official and true area zoning maps shall be located in the office of the County Recorder and shall be the final authority as to the current zoning status of land and water area, buildings and other structures in the county.

17.08.050 Rules for interpretation of zone boundaries. Where uncertainty exists as to the boundaries as shown on the official and area zoning maps, the following rules shall apply:

- (A). Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline;
- (B). Boundaries indicated as approximately following plotted lines, section lines, or quarter section lines shall be construed as following such lines;
- (C). In non-subdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;
- (D). In case any uncertainty exists, the Board of County Commissioners shall determine the location of boundaries, after considering a recommendation on the location by the Planning Commission.

Chapter 17.10

DEFINITIONS

Sections:

- 17.10.002 Definitions generally.
- 17.10.004 Accessory building.
- 17.10.006 Accessory use.
- 17.10.008 Assessment work.
- 17.10.010 Agriculture
- 17.10.012 Alley.
- 17.10.014 Apartment hotel.
- 17.10.016 Basement.
- 17.10.018 Bed and breakfast inn.
- 17.10.020 Billboard.
- 17.10.022 Building.
- 17.10.024 Casino.
- 17.10.026 Club.
- 17.10.028 Convalescent home.
- 17.10.030 Dwelling.
- 17.10.032 Exploration.
- 17.10.034 Family.
- 17.10.036 Gambling establishment—Gaming.
- 17.10.038 Grade.
- 17.10.040 Hazardous waste.
- 17.10.042 Hazardous material.
- 17.10.044 Historic, archaeological and cultural sites
- 17.10.046 Hospital.
- 17.10.048 Junk.
- 17.10.050 Junkyard.
- 17.10.051 Kennel
- 17.10.052 Lot.
- 17.10.054 Manufactured building.
- 17.10.056 Manufactured home.
- 17.10.058 Manufactured/Mobile home park.
- 17.10.060 Mining and/or extraction operation
- 17.10.062 Mobile home.
- 17.10.064 Motel.
- 17.10.066 Nonconforming building or structure.
- 17.10.068 Nonconforming use.
- 17.10.070 Operator.
- 17.10.072 Park.
- 17.10.074 Parking space.
- 17.10.076 Planned unit development.
- 17.10.078 Primitive area.

- 17.10.080 Project area.
- 17.10.081 Public use
- 17.10.082 Recreational vehicle.
- 17.10.084 Recreational vehicle park.
- 17.10.086 Rest home.
- 17.10.088 Sanitarium.
- 17.10.090 Scenic resource
- 17.10.092 Sign.
- 17.10.094 Story.
- 17.10.096 Street.
- 17.10.098 Structure.
- 17.10.100 Travel trailer.
- 17.10.102 Trailer.
- 17.10.104 Use.
- 17.10.106 Watershed.
- 17.10.108 Wild animal.
- 17.10.110 Yard.

17.10.002 Definitions generally. For the purpose of this ordinance certain terms and words are defined as follows in this ordinance. When consistent with the context, words used in the present tense include the future; words in the singular include those in the plural and the plural the singular; any words of gender include the opposite gender; "building" includes "structure", the word "shall" is mandatory, not directory, the word "person" includes "firm", "association", "corporation", "partnership", and "natural person"; the word "used" includes the words "arranged", "designed", or "intended to be used"; and the word "construct" includes the words "erect", "reconstruct", "alter", "move-in" and "move-upon".

17.10.004 Accessory building. A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building. Any accessory building shall be considered to be part of the main building when joined to the main building by a common wall not less than four (4) feet long, or when any accessory building and the main building are connected by a breezeway which shall be not less than ten (10) feet in width.

17.10.006 Accessory use. A use customarily incident and accessory to the principal use of the land, building or structure located on the same lot or parcel of land as the accessory use.

17.10.008 Assessment work. The minimum amount of work required annually by the Bureau of Land Management to keep an unpatented mining claim active.

17.10.010 Agriculture. The tilling of the soil, the raising of crops, horticulture and gardening, not including any agricultural industry or business such as packing plants, fur farms, animal hospitals, animal laboratories or testing facilities, or similar uses.

17.10.012 Alley. A public way permanently reserved as a secondary means of access to abutting property and not intended for general traffic circulation.

17.10.014 Apartment hotel. A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

17.10.016 Basement. A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half or more above grade.

17.10.018 Bed and breakfast inn. A facility with sleeping rooms and dining accommodations, limited to overnight guests only, designed to serve the motoring public within a single family dwelling, with required parking to be located off-street.

17.10.020 Billboard. An outdoor advertisement making a message, material or service known, such advertisement being remote from point of sale of such material or service.

17.10.022 Building. Any structure having a single or common roof supported by columns or walls. The following definitions also relate to buildings:

- (A). "Building height" means the vertical distance from the average grade level to the highest point of the structure;
- (B). "Building line" means a line between any street right-of-way, either existing or future, and any building, or parts of a building or structures which may be erected or altered on a lot, parcel or tract of land;
- (C). "Main building" means the principal building or one of the principal buildings on a lot, or a building or one of the principal buildings housing a principal use upon a lot;
- (D). "Public building" means a building owned and operated, or owned and intended to be operated, by a public agency of the United States, of the state of Nevada, or any of their subdivisions;
- (E). "Building site" means the ground area of a building or buildings, together with all open spaces which are required.

17.10.024 Casino. Any place where gaming is operated or maintained, except that "casino" shall not be construed to include any place devoted to fifteen (15) or less slot machines or video gaming devices.

17.10.026 Club. An association of persons, whether incorporated or unincorporated, for some common purpose but not including groups organized primarily to render a service carried on as a business and does not include labor union organizations or similar labor or business organizations.

17.10.028 Convalescent home. Any building used or maintained to provide nursing, dietary and other personal services to convalescents, invalids, aged or infirm persons, but excluding cases of contagious or communicable diseases, and excluding surgery or primary treatments such as those customarily provided in sanitariums and hospitals.

17.10.030 Dwelling. A building or portion thereof designed or used exclusively for residential occupancy including one-family, manufactured buildings and multiple-family dwellings, but not including hotels, motels, boardinghouses, mobile homes, manufactured homes, and trailers. The following definitions also apply to dwellings:

- (A). "Dwelling unit" means one or more rooms and a single kitchen in a dwelling or apartment hotel, designed as a unit for occupancy by not more than one family for living or sleeping purposes, and not having more than one kitchen or set of fixed cooking facilities;
- (B). "One-family dwelling" means any detached building containing only one dwelling unit;
- (C). "Multiple-family dwelling" means a building containing two or more dwelling units;

17.10.032 Exploration. Any activity which involves disturbance of the existing environment, including core drilling, construction of access roads, excavation, blasting, seismic testing or similar activities conducted while in search of mineral deposits, precious metals, gemstones, sand, gravel, stone or any other material to be mined or extracted.

17.10.034 Family. A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship proving organization and stability.

17.10.036 Gambling establishment - Gaming. "Gambling establishment" means any place where gaming is operated and maintained. "Gaming" means and includes all games of chance or devices and any slot machines played for money or for checks or tokens redeemable in money, except, for the purpose of this ordinance only, "gaming" shall not be construed to include slot machines or video gaming devices when operated incidental or accessory to the conduct of the business permitted under the provisions of this ordinance.

17.10.038 Grade. Grade (ground level) is the average of the finished ground level at the center of all walls of a building.

17.10.040 Hazardous waste. Hazardous material that is a byproduct or remnant of a operation or process involving the use of hazardous material, or may have been created through a chemical or manufacturing operation, that must be placed in a non-contaminating status.

17.10.042 Hazardous material. Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

17.10.044 Historic, archaeological and cultural sites. An area of land associated with history; tradition, archaeological findings, or the cultural heritage of the county as determined by the Office of Historic Preservation of the Nevada Department of Museums, Library and Arts.

17.10.046 Hospital. Any building or portion thereof used for the accommodation and medical care of sick, injured or infirmed persons, including sanitariums, institutions for the treatment of substance abusers and/or mental patients, rest homes, and homes for the aged.

17.10.048 Junk. Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

17.10.050 Junkyard. The use of any lot, portion of a lot or tract of land for the storage, keeping, sale or abandonment of junk, including scrap metals and other scrap material; also, that which is for the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof.

17.10.051 Kennel. An establishment for the purpose of maintaining, caretaking, breeding, raising, training, selling or boarding four (4) or more dogs over twelve (12) weeks old.

17.10.052 Lot. A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as required by this ordinance; having frontage upon a street or private easement. A lot may be land so recorded on a plat of record, or considered as a unit of property and described by metes and bounds, and which may include parts of or a combination of such lots, when adjacent to one another, providing such grounds are used for one improvement. All lots shall front on or have ingress or egress by means of officially approved public right-of-way. The following definitions also apply to lots:

- (A). "Lot area" means the total horizontal area within the lot;
- (B). "Lot, corner" means a lot abutting two intersecting streets, where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees;
- (C). "Lot, interior" means a lot other than a corner lot;
- (D). "Lot, through" means a lot having frontage on two (2) parallel or approximately parallel streets;

- (E). "Lot line, front" means the property line dividing a lot from a street. On a corner lot only one (1) street line shall be considered as a front line and the shorter street frontage shall be considered the front lot line;
- (F). "Lot line, rear" means the property line opposite the front lot line;
- (G). "Lot line, side" means any lot boundary not a front line or a rear lot line;
- (H). "lot, width of" means the horizontal distance between the side lot lines measured at right angles to the depth at the front yard setback line. The street frontage of a lot shall be at least eighty percent (80%) of the required width.

17.10.054 Manufactured building. A prefabricated structure built in one or more sections to the standards of the Uniform Building Code that is assembled on-site with a permanent foundation. Includes the terms "factory-built housing", and "modular building" but not "manufactured home" or "mobile home".

17.10.056 Manufactured home. A structure, built in 1976 or after, constructed on chassis or frame, which is designed to be used with or without a permanent foundation and, in its initial configuration, is designed to be capable in whole or part of being drawn by a motor vehicle. It is generally used as a dwelling when connected to utilities. The size is twelve (12) feet or more in body width and forty (40) feet or more in body length when transported, or when erected on site, and contains 480 square feet in area or more. The term includes the plumbing, heating, air-conditioning and electrical systems of the structure. The term, manufactured home, also includes modular homes. The term does not include a manufactured building, mobile home, or a travel trailer.

17.10.058 Manufactured/mobile home park. Manufactured/mobile parks shall be permitted only in approved zoning for mobile home parks (MHP) and shall comply with all requirements of Storey County Code, Chapter 8.24. A manufactured/mobile home park may also be called a "land lease community".

17.10.060 Mining and/or extraction operation. The extraction of minerals, precious metals, sand, gravel, or stone, whether by underground or surface methods. Materials extracted may or may not require milling or finishing on or in the proximity of the extraction site.

17.10.062 Mobile home. A vehicular structure, built before 1976, constructed on a chassis or frame, which is designed to be used with or without a permanent foundation and, in its initial configuration, is designed to be capable in whole or part of being drawn by a motor vehicle. It may be used as a dwelling when connected to utilities or may be used permanently or temporarily for the advertising, sales, display or promotion of merchandise or services. The size is eight (8) feet or more in body width or forty (40) feet or more in body length when transported, or when erected on site, and contains 320 square feet in area or more. The term includes the plumbing, heating, air-conditioning and electrical

systems of the structure. The term does not include a manufactured building, manufactured home, or a travel trailer.

17.10.064 Motel. Any group of buildings or dwellings having two or more units providing for dwelling, living or sleeping therein, with or without cooking facilities, primarily intended for transient use, and having individual on-site parking areas allocated to each unit.

17.10.066 Nonconforming building or structure. A building or structure or portion thereof, lawfully existing at the time this ordinance or amendments thereto take effect, and which does not conform to all the height, area, yard, or other regulations prescribed in the zone in which it is located.

17.10.068 Nonconforming use. Areas lawfully occupied by a building or land use at the time this ordinance or amendments thereto take effect, and which does not conform with the regulations of the zone in which it is located.

17.10.070 Operator. Any person or organization responsible for and having the legal right to operate, control or supervise a mining and/or extraction operation.

17.10.074 Parking space. A space within a building, lot or parking lot for the parking or storage of one (1) automobile. The space shall not be less than a nine (9) foot by eighteen (18) foot area, exclusive of drives, streets, alleys or aisles giving ingress and egress thereto.

17.10.076 Planned unit development. "Planned unit development" means an area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both.

17.10.078 Primitive area. An area of undisturbed natural environment which may be considered as wilderness area with limited recreational use.

17.10.080 Project area. A single tract of land, mining claim, or group of mining claims upon which an operator is, or will be, conducting operations.

17.10.081 Public use. A publicly owned structure or parcel of land.

17.10.082 Recreational vehicle. A vehicular-type structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

17.10.084 Recreational vehicle park. Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

17.10.086 Rest home. Any building used or maintained to provide nursing, dietary and other personal services to convalescents, invalids, aged or infirm persons, but excluding cases of contagious or communicable diseases, and excluding surgery or primary treatments such as those customarily provided in sanitariums and hospitals.

17.10.088 Sanitarium. A building or institution for the recuperation and treatment of persons with physical or mental disorders.

17.10.090 Scenic resource. A natural setting in combination with certain undisturbed physical qualities such as streams, rivers, rock outcroppings, vegetation, or outstanding scenic features.

17.10.092 Sign. Any device and all parts thereof which are used to advertise products, goods, services or otherwise promote the sale of objects or identify objects for sale. Maximum size shall be four feet by six feet or twenty-four square feet.

17.10.094 Story. The space within a building included between the surface of any floor and the surface of the ceiling next above.

17.10.096 Street. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare which has been made public by right of use and which affords the principal means of access to abutting property.

17.10.098 Structure. Any building, fence, tower, edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite form which requires location on the ground or is attached to something having a location on the ground.

17.10.100 Travel trailer. A portable vehicle built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses. When factory equipped for the road, it shall have a body width of not more than eight (8) feet and a body length of not more than forty-five (45) feet.

17.10.102 Trailer. An individual mobile but not self-motive structure or facility so constructed and designed as to permit occupancy for dwelling or sleeping purposes for short or long periods of time. They are usually intended for more mobile use than a mobile home.

17.10.104 Use. The purpose for which land or building is arranged, designed or intended, or for which it is or may be occupied or maintained.

17.10.106 Watershed. An area of land separated from other land by a ridge or high land and serving as a drainage area by a stream or river.

17.10.108 Wild animal. Any animal wild by nature and not customarily domesticated, including but not limited to mammals, fowl, fish or reptiles.

17.10.110 Yard. An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The following definitions also apply to yards:

- (A). "Front yard" means an open space on the same lot with a building, extending between the front line of the building and the front lot line and extending across the full width of the lot. The depth of the front yard is the minimum distance between the front lot line and the nearest exterior wall of the building, the front of a bay window or the front of a covered porch, or other similar projections, whichever is nearest the front lot line;
- (B). "Rear yard" means an open space extending across the full width of the lot between the most rear main building and rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line;
- (C). "Side yard" means an open space between the main building and the side lot line and extending from the front yard to the rear yard.

Chapter 17.12

GENERAL PROVISIONS

Sections:

- 17.12.010 Purpose and intent.
- 17.12.014 Uses permitted.
- 17.12.018 Uses permitted subject to a special use permit.
- 17.12.022 Uses prohibited.
- 17.12.024 Nonconforming buildings and uses.
- 17.12.028 Subsequent nonconformance.
- 17.12.032 Reconstruction of damaged nonconforming building.
- 17.12.036 Nonconforming uses resulting from amendments.
- 17.12.040 Modernization.
- 17.12.044 Height of buildings.
- 17.12.048 Accessory buildings.
- 17.12.050 Visibility at intersections.
- 17.12.052 Through lots.
- 17.12.056 Yard encroachments
- 17.12.060 Fences, walls and hedges.
- 17.12.064 Public utility uses.
- 17.12.068 Minimum lot area.
- 17.12.070 Off-street parking.
- 17.12.080 Open storage prohibited.
- 17.12.090 Access ways.
- 17.12.100 General provisions for C, CR, I, and I-2 zones.
- 17.12.110 Manufactured/mobile homes authorized.
- 17.12.120 Converting manufactured/mobile home to real property.

17.12.010 Purpose and intent. The regulations set forth in this chapter modify or further restrict, where applicable, the zoning regulations of this ordinance.

17.12.014 Uses permitted. The following regulations shall apply to uses permitted:

- (A). Uses listed as permitted: Buildings, structures and land shall be used, erected, maintained, altered or enlarged only for purposes listed as permitted in the zone in which such building or land is located and then only after applying for and securing all permits and licenses required by law and ordinance.
- (B). Any use already established within an area prior to the present zone regulations which is not a permitted use within such zone or is a permitted use only with a special use permit shall be allowed to continue therein as a nonconforming use subject to all conditions and restrictions relating to nonconforming uses as provided in Section 17.12.024.

- (C). Number of dogs allowed in a residential zone, per residence, is limited to three (3) dogs over 12 weeks old. All dog owners shall comply with Storey County Code, Chapter 6.04.
- (D). Uses not listed as permitted. When a use is not specifically listed as permitted, it shall be assumed that the use is expressly prohibited unless a determination is made by the Board of County Commissioners that the use is consistent with and compatible to those other uses permitted within the zone. Prior to determining whether such use is an appropriate use within the zone, the Board of County Commissioners shall consider a recommendation on the proposal by the Planning Commission.

17.12.018 Uses permitted subject to a special use permit.

- (A). Such uses are to be considered as special exceptions within a zone where such should only occur when such permit is demonstrated by the applicant to be in the best interest of the general public and would not be incompatible with or detrimental to the surrounding area.
- (B). A special use permit is required for all persons who have four (4) or more dogs over 12 weeks old at their residence. Per definition 17.10.051, this is defined as a kennel and shall comply with kennel requirements and Storey County Code, Chapter 6.04. Kennels shall be allowed only on property with a minimum of 10 acres in areas that allow residential living.

17.12.022 Uses prohibited. Wherever so enumerated, such uses are prohibited in each zone and are declared to be detrimental to the public health, safety and welfare. The enumeration of prohibited uses shall not by implication enlarge the scope of permitted uses, but is for purposes of clarity only.

17.12.024 Nonconforming buildings and uses. The following provisions shall apply to all nonconforming buildings and structures or parts thereof and uses existing at the effective date of this ordinance:

- (A). Any such nonconforming building or structure may be continued and maintained provided there is not physical change other than necessary maintenance and repair in such building or structure;
- (B). Any such nonconforming use may be maintained and continued provided there is not an increase or enlargement of the area, space or volume occupied or devoted to such nonconforming use;
- (C). Any part of a building, structure or land occupied by such a nonconforming use which is changed to or replaced by a use conforming to the provisions of this ordinance shall not thereafter be used or occupied by a nonconforming use;

- (D). Any part of a building, structure or land occupied by such a nonconforming use, which use is abandoned, shall not again be used or occupied for a nonconforming use. Any part of a building, structure or land occupied by such a nonconforming use, which use shall have ceased for a period of one (1) year or more, shall not again be used or occupied for a nonconforming use;
- (E). If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification:
- (F). All buildings and uses which were illegally existing at the time of adoption of this ordinance shall still be considered as illegal buildings and structures and shall not be considered or treated as a nonconforming building or use.

17.12.028 Subsequent nonconformance. The forgoing provisions of Section 17.12.024 shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of zones under this ordinance or any subsequent change in regulations of this ordinance; provided, however, that whenever a period of time is specified in Section 17.12.024 for the removal of nonconforming buildings, structures or uses, said period shall be computed from the date of such reclassification or change.

17.12.032 Reconstruction of damaged nonconforming building. Nothing in this ordinance shall prevent the reconstruction, repairing and rebuilding and continued use of any nonconforming building or structure partially damaged by fire, collapse, explosion or acts of God, subsequent to the effective date of this ordinance, wherein the expense of such reconstruction does not exceed one hundred and fifty percent (150%) of the assessed value of the building or structure at the time such damage occurred. All such reconstruction shall be performed under one building permit, started within a period of one (1) year from the date of damage and diligently prosecuted to completion.

17.12.036 Nonconforming uses resulting from amendments. The provisions of this ordinance shall apply to uses which become nonconforming by reason of amendments to this ordinance, as of the effective date of such amendment.

17.12.040 Modernization. Nothing in this ordinance shall be construed or applied so as to prevent the expansion, modernization, replacement, reconstruction, repair, or rebuilding and continued use of public-utility buildings, structures, equipment and facilities where there is no change of use or increase in area of the land so used.

17.12.044 Height of buildings. In the R-1, R-2, E, A, PUD, and F zones, no building, manufactured building or manufactured home shall exceed a height of three stories or thirty-five (35) feet, whichever is higher, except as may be allowed by special use permit. The requirements of this section shall not apply to church spires, belfries, cupolas, domes, chimneys or flagpoles. Radio, television and other communication masts may extend not more than forty-five (45) feet above grade level, provided that the same may be safely erected and maintained at such height in view of surrounding conditions and circumstances.

17.12.048 Accessory buildings. The following provisions shall apply to the location of accessory buildings unless otherwise provided in this ordinance:

- (A). No detached accessory buildings in the R-1, R-2 and E zones may exceed two (2) stories or thirty-five (35) feet in height;
- (B). No detached accessory buildings in the R-1, R-2 and E zones shall be located at a distance less than fifty percent (50%) of the depth of the lot from the front property line, or sixty (60) feet, whichever is less;
- (C). On a corner lot no detached accessory buildings in the R-1, R-2 and E zones shall be located at a distance less than ten (10) feet from the street side lot line;
- (D). No accessory buildings in the R-1, R-2 and E zones, if two (2) stories in height, shall be located nearer than five (5) feet to any interior property line.

17.12.050 Visibility at intersections. There shall be no planting or shrubbery, or other obstructions to vision between two (2) and eight (8) feet above the curb level within twenty-five (25) of the intersection of any two property lines of any corner lot facing a street intersection.

17.12.052 Through lots. On through lots, either line separating such lot from a public thoroughfare may be designated by the owner as the front lot line. In such cases, the minimum rear yard shall be the average of the yards on lots next adjoining. If such lots next adjoining are undeveloped, the minimum rear yard shall conform to the front yard setback for the zone in which the property is located.

17.12.056 Yard encroachments. Where yards are required in this ordinance, they shall be not less in depth or width than the minimum dimension specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as follows:

- (A). Cornices, canopies, eaves, or other similar architectural features not providing additional floor space within the building may extend into a required front, side or rear yard not to exceed three (3) feet;
- (B). Open, unenclosed, uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, may extend into any front, side, or rear yard not more than six (6) feet; provided, however, that an open work railing, not less than thirty-six (36) inches in height, may be installed or constructed on any such porch, platform or landing place;
- (C). Detached accessory buildings may occupy side and rear yards, except as provided in Section 17.12.048 of this ordinance.

17.12.060 Fences, walls and hedges.

- (A). In the R-1, R-2 and E zones no fence, wall or hedge located in the rear or side yards shall exceed a height of six (6) feet.
- (B). In the R-1, R-2 and E zones no fence, wall or hedge located in the required front yard shall exceed a height of four (4) feet.

17.12.064 Public utility uses. The provisions of this ordinance shall not be construed to apply to the construction, installation, operation and maintenance of public utility distribution and transmission lines, towers and poles and underground facilities for providing gas, water, electricity, telephone, telegraph or communication services by public utility companies under the jurisdiction of the Public Service Commission of the State of Nevada; provided, however, before any right-of-way for transmission lines is acquired, the proposed route shall be submitted to the Planning Commission for review and recommendation.

17.12.068 Minimum lot area. The minimum lot area required for any lot within a zone is based on the lot being served by both public utilities of water and sewer systems. For a lot without both public utilities of water and sewer systems, the following shall be the minimum lot area within any residential zone:

- (A). One (1) acre per dwelling unit where the lot is served by a public sewer system but not a public water system;
- (B). Ten thousand (10,000) square feet per dwelling unit where the lot is served by a public water system but not by a public sewer system;
- (C). One (1) acre per dwelling unit where the lot is served by neither a public water nor a public sewer system.

17.12.070 Off-street parking.

- (A). Off-street parking requirements shall not be less than two (2) off-street parking spaces for each residential family unit, including manufactured homes, mobile homes and duplexes, and one (1) space for each five hundred (500) square feet of gross floor area for any non-resident use permitted. Multiple residences shall have two (2) off-street parking spaces for each unit.
- (B). All of such required parking spaces shall be provided as on-site parking, and included on the parcel upon which the unit is constructed, and shall remain with the parcel so long as the use is continued.
- (C). The Planning Commission shall establish any other ratio not set forth in this section, and all parking spaces referred to in this section shall be of a sufficient size to accommodate any size of passenger automobile.

17.12.080 Open storage prohibited. No open storage, including inoperative automobiles, shall be allowed in any zone pursuant to this title.

17.12.090 Access ways.

(A). Definitions.

1. "Access ways", for the purpose of this section, are defined as ways dedicated to public use, or secured by means of an easement from the owner of a parcel or lot proposed to be built upon for the full length of said parcel or lot, extending to a dedicated graveled public way, or any other graveled access way suitable and/or acceptable to the building official, and/or the county road department.
 2. "Public ways", for the purpose of this section, include all said access ways which shall also be considered public traveled ways. It shall be understood that the term "public way" is to include and/or be the same as a public street, public road, public avenue, public lane, etc.
 3. "Required area" means, on any subdivision, parcel, tentative or informational map, the required nominal parcel or lot area per the land use zoning requirements, and shall be the net area of the parcel or lot, excluding any access ways containing the public traveled way. A nominal gross area tolerance of five percent (5%) maximum may be granted in the computation of the net area by the Planning Commission when there is a single access, and ten percent (10%) where there is a double access. Any higher percentage request shall require a variance from the Planning Commission.
 4. "Required width". The "required width" of any access way shall refer to the full dedicated or easement width, without reference to the width of the developed roadway (traveled way), within such width. No commercial or dwelling construction will be permitted on any parcel or lot not served by an access way of at least fifty (50) feet in width, with a minimum traveled way of twenty-four (24) feet. When the traveled way is less than twenty-four (24) feet, a variance shall be required. This required width shall apply to all areas subdivided, parceled, or under record of survey, on file in the County Recorder's office, existing, proposed, and future. In non-subdivided areas or areas where no official map is on file in the County Recorder's office, existing, proposed and future, an applicant for a special use permit and/or a building permit, must demonstrate by a title company report, or other acceptable means, the existence of the required improved access way before a special use permit and/or building permit will be issued.
- (B). Surface materials covering the entire length of said unimproved access way shall consist of a minimum coverage of one and one-half inches of gravel installed and adequately maintained by the owner of said lot or parcel to be developed, the developer, the home owner's association, or by a cooperative effort of the adjoining lot owners. Said surface materials installation shall be subject to the inspection and final approval of the building and/or road department officials.

- (C). County roads. This section does not in any way apply to existing roads owned and/or maintained by the county.
- (D). Single-ownership conditions. When there are not more than four (4) dwelling sites, each of at least minimum required area per the land use zoning, within a single ownership, the developed area must be served by double permanent access ways of not less than fifty (50) feet in width per the following conditions. When there are three (3) or less sites, developed area may be served by a single fifty-foot (50') access way:
1. Two (2) copies on an acceptable map, signed by a state land surveyor, showing the proposed layout together with any other supplementary information, shall be submitted to the Planning Commission for approval prior to the issuance of a special use permit and/or building permit;
 2. In the event there is a sale, trade, barter, or gift of any portion of the land covered by the provisions of this section resulting in a condition which does not meet the terms of this section, said transaction shall be considered a violation of this section, and subject to any penalties herein, and be required to provide additional access ways acceptable to the Planning Commission.
- (E). Cul-de-sacs and dead-end roads. Cul-de-sacs and dead-end roads are to be kept to a reasonable length with a maximum allowable length of one thousand (1,000) feet, terminated by a clean turnaround traveled way of not less than forty (40) feet in radius. Any requested length over one thousand (1,000) feet shall require a variance from the Planning Commission.
- (F). Road grades. Every attempt shall be made to keep road grades to a limit of ten percent (10%) except for short distances when topographic conditions make this grade impracticable. Grades in excess of ten percent (10%) shall require a variance from the Planning Commission.
- (G). Drainage. All drains, swales, ditches, etc., shall be as required and/or per the building department. All such drainage shall be cleaned and kept free of debris. All roads shall be sloped properly to prevent accumulation of water in low spots. All driveway culverts shall be a minimum of twelve (12) inches in diameter. Street crossing culverts, etc., shall be per the building department and have wings of concrete or rock.
- (H). Fire hazards. All cut and dead brush, long grass, etc., shall be kept removed by the lot owner, along the travel-way between the easement lines. Failure to comply to any notice of violation may result in removal by the county, and the cost of same shall be the obligation of the owner. Vegetation removed for a road should be removed from the area to an acceptable disposal area concurrently with the initial road construction. This vegetation shall not be left on the roadside to dry out.

- (I). Cuts and fills. All cuts and fills exceeding thirty (30) inches and that are 2:1 or steeper in slope shall be mechanically stabilized. Cuts and fills exceeding thirty (30) inches and that are flatter than 2:1 shall be revegetated with plant species having fire-retarding characteristics.
- (J). Inspection. A site inspection by the building department and the fire department shall be required prior to any actual grading work being done.
- (K). Area of disturbance. No person may disturb twenty (20) acres or more of land, or its topsoil, except for agricultural use, until a registration certificate or operating permit for said clearing, excavating, leveling, or depositing of foreign materials covering said land is obtained from the State Division of Environmental Protection, pertaining to fugitive dust.
- (L). Violations and penalties. Any violation of this section shall result in a revocation of the special use permit and be considered a misdemeanor, and may, upon conviction, be subject to a fine of not less than five hundred (500) dollars per day of violation.

17.12.100 General provisions for C, CR, I, and I-2 zones. This section applies to C, CR, I, and I-2 zones:

- (A). Noise, smoke, odor, gases, or other noxious nuisances shall be controlled so as not to become objectionable, or adversely affect the properties in the vicinity, and shall not be detrimental to the public health, safety and welfare.
- (B). All open storage, including inoperative automobiles, shall be enclosed by a suitable structure or planting strip not less than six (6) feet high. Storage of lumber, coal, or other combustibles shall be located within the lot parcel not less than ten (10) feet from the boundaries of any lot line.
- (C). No merchandise shall be displayed nor any business conducted between the street line and building line.
- (D). There shall be one (1) parking space for each guest room or unit for hotels, motels, bed and breakfast inns or other transient lodging facilities unless specifically waived by the Planning Commission in each case.
- (E). Parking spaces shall be of sufficient size to accommodate passenger automobiles and single-unit delivery trucks.
- (F). Lighting shall be so arranged as to reflect away from any residential zone.

- (G). "Access ways," for the purpose of this section, shall be defined as ways dedicated to public use, or secured by means of an easement from the owner of the parcel or lot proposed to be built upon, for the full length of said parcel or lot, and extending to a dedicated graveled public way, or any other graveled access way suitable and/or acceptable to the building official and/or the county road department. This subsection shall additionally provide the same terms and conditions as set forth in Section 17.12.090 of this chapter as if they were fully and completely recited in this section. The "building line" shall be defined as the door opening or the threshold and no merchandise or product for sale is to be hung outside or on a door that opens out onto any street.

17.12.110 Manufactured/mobile homes authorized.

- A. In those areas which have been designated as having a M-H-O, Manufactured/Mobile Home Overlay or other authority allowing the installation of mobile homes, said mobile home is authorized when installed in conformity with provisions of the Nevada Revised Statutes, the regulations adopted by the Manufactured Housing Division of the Department of Commerce and the provisions of this Title.
- B. Any manufactured/mobile home installed in Storey County must be constructed to or meet the Federal Housing and Urban Development Standards for Mobile Homes effective June 15, 1979. This requirement does not pertain to any mobile home which is already installed in any area of Storey County prior to the adoption of this Section.

17.12.120 Converting manufactured/mobile home to real property.

- A. In order to permanently affix a single or multi-sectional mobile or manufactured home to the land for the purpose of having such home assessed as real property, the mobile or manufactured home may be affixed to the real property in any manner which a lending institution would find as acceptable for treating the mobile or manufactured home as real property. In all cases, the running gear and tongue must be completely removed from the property.

Chapter 17.14

DEVELOPMENT AGREEMENTS

Sections:

- 17.14.010 Statutory authority - Conformance required.
- 17.14.020 Planning commission review.
- 17.14.030 Planned development requirement.
- 17.14.040 Administration and enforcement.
- 17.14.050 Application of Title 17 provisions.

17.14.010 Statutory authority - Conformance required: Pursuant to the provisions of NRS 278.0201 to 278.0207, inclusive, the Storey County Board of Commissioners shall enter into development agreements to regulate the development of land within the county. Such agreements and the procedures applicable thereto shall be governed by and must conform to NRS 278.0201 to 278.0207, inclusive and the provisions of this chapter.

17.14.020 Planning commission review: Before the Storey County Board of Commissioners enters into a development agreement pursuant to this chapter, the agreement shall be reviewed by the Storey County Planning Commission for consistency with the Storey County Master plan.

17.14.030 Planned development requirement: Only land zoned for planned unit developments, subdivisions, multi-family residences, light and heavy industrial, special industrial, and mobile home parks may be made subject to a development agreement.

17.14.040 Administration and enforcement: Subject to review and input from other county departments, Storey County Building and Planning Department and Storey County Public Works Department shall be responsible for applying, administering and enforcing the provisions of this chapter.

17.14.050 Application of Title 17 provisions: Except as otherwise provided in NRS 278.0201 to 278.0207, inclusive, or in a development agreement entered into pursuant to this chapter, all the procedures and requirements of Title 17 of this code shall apply to the development of property that is the subject of such a development agreement.

Chapter 17.16

R-1 RESIDENTIAL ZONE

Sections:

- 17.16.010 Applicability.
- 17.16.015 Purpose and intent.
- 17.16.020 Permitted uses.
- 17.16.030 Uses subject to permit.
- 17.16.040 Minimum floor area.
- 17.16.050 Minimum parcel area and width requirements.
- 17.16.060 Yards.
- 17.16.065 Building height.
- 17.16.070 Home occupations.
- 17.16.080 Distance between buildings on the same parcel.

17.16.010 Applicability. The R-1 single family residential zone shall be governed by the provisions set forth in this chapter.

17.16.015 Purpose and intent. The single family residential zone is established to provide for the development of single family residential use and to prohibit the development of uses which are incompatible and detrimental to the residential environment.

17.16.020 Permitted uses. In an R-1 residential zone, land may be used and buildings and structures may be erected, maintained and used if they are arranged, intended and designed for the following uses:

- (A). One (1) single family dwelling of a permanent character in a permanent location;
- (B). Accessory uses, buildings and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use;
- (C). Agricultural and horticultural uses for domestic purposes;
- (D). Child care where four (4) or less children are cared for;
- (E). Storage parking for recreational vehicles, boats, utility trailers, horse trailers and similar equipment owned by the occupant, provided that such items are stored entirely on private property.

17.16.030 Uses subject to permit. The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.62 of this ordinance:

- (A). Additional single family dwellings, provided that each additional dwelling has a separate area at, or in excess of, the minimum parcel area required for the zone in which the additional dwelling(s) will be established.
- (B). Places of religious worship such as churches, temples and synagogues, including accessory facilities and uses normally associated with such religious use;
- (C). Private clubs, lodge halls, service clubs, recreation and social clubs.
- (D). The keeping of large domestic animals such as sheep, horses and goats under the ownership of the resident occupant of the lot, provided that any combination of such animals on any one lot shall be limited to two (2) animals for the first twenty thousand (20,000) square feet of lot area. Additional animals may be allowed at the rate of one (1) animal for each additional ten thousand (10,000) square feet of lot area.
- (E). Bed and breakfast inns offering accommodations for up to eight (8) guests, subject to providing one (1) off-street parking space for each sleeping room;
- (F). Licensed child care facilities where five (5) or more but not more than fifteen (15) children will be cared for;
- (G). Public buildings, facilities and uses providing cultural, educational, administrative, fire protection or police protection to residents of the area.

17.16.040 Minimum floor area. In the R-1 residential zone, no detached single-family dwelling shall have a floor area of less than eight hundred (800) square feet for a one-bedroom residence, one thousand (1,000) square feet for a two-bedroom residence, and one thousand two hundred (1,200) square feet for a three or more bedroom residence, except where there is a MHO manufactured/mobile home overlay.

17.16.050 Minimum parcel area and width requirements. All R-1 residential zones shall have one of the following number suffixes designating minimum parcel area and minimum parcel width:

Zone and suffix	Minimum Area	Minimum Width
R-1-5	5,000 square feet	50 feet
R-1-6	6,000 square feet	50 feet
R-1-8	8,000 square feet	60 feet
R-1-10	10,000 square feet	60 feet
R-1-15	15,000 square feet	80 feet
R-1-20	20,000 square feet	100 feet

The area of any lot created after the effective date of this ordinance shall not be less than the minimum area required by the zone. Where an existing lot has less area than herein required and was recorded prior to the date of the adoption of this ordinance, said lot may be occupied by not more than one (1) dwelling.

17.16.060 Yards. Front yards shall not be less than twenty (20) feet from the building to the street in the R-1-5, R-1-6 and R-1-8 zones, not less than thirty (30) feet in the R-1-10 zone, and not less than forty (40) feet in the R-1-15 and R-1-20 zones, side yards not less than eight (8) feet from the main building to the property line, and rear yards not less than twenty (20) feet from the main building to the property line.

17.16.065 Building height. Building height is subject to the provisions of section 17.12.044 of this ordinance.

17.16.070 Home occupations.

- (A). Home occupations shall be permitted as an incidental use to the primary residential purpose provided that such occupation is confined to the inside of the residence and does not involve an addition or alteration which would change the residential nature of the property. No occupations which might produce noise, odor, dust or smoke, or other disturbance shall be allowed.
- (B). All home occupations shall be subject to the issuance of a special use permit, and there shall be no sign larger than one (1) foot by two (2) feet in connection therewith, excepting garage sales which shall be limited to two (2) such sales per year per residence.

17.16.080 Distance between buildings on the same lot. There shall be a minimum distance of ten (10) feet between a building used for dwelling purposes and an accessory building. There shall be a minimum distance of six (6) feet between accessory buildings.

Chapter 17.20

R-2 MULTIPLE RESIDENTIAL ZONE

Sections:

- 17.20.010 Applicability.
- 17.20.015 Purpose and intent.
- 17.20.020 Permitted uses
- 17.20.025 Uses subject to permit.
- 17.20.030 Minimum parcel area.
- 17.20.040 Yards.
- 17.20.050 Building height.
- 17.20.060 Signs.

17.20.010 Applicability. The R-2 multiple residential zone shall be governed by the provisions set forth in this chapter.

17.20.015 Purpose and intent. The R-2 multiple residential zone is established to provide for the development of medium or higher density residential use and to prohibit the development of incompatible uses which are detrimental to the residential environment.

17.20.020 Permitted uses . In an R-2 multiple residential zone, land may be used and buildings and structures may be erected, maintained and used if they are arranged, intended and designed for the following uses:

- (A). Single family dwelling of a permanent character in a permanent location;
- (B). Multiple-family dwellings and apartments (no trailer courts or manufactured/mobile home parks) provided not more than one (1) unit shall be allowed for every two thousand (2,000) square feet of gross lot area;
- (C). Accessory use, buildings and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use;
- (D). Child-care where four (4) or less children are cared for.

17.20.025 Uses subject to permit. The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.62 of this ordinance:

- (A). Townhouse developments at a maximum density of fourteen (14) units per gross acre;
- (B). Home occupations, as set forth in section 17.16.070 of this ordinance;
- (C). Places of religious worship such as churches, temples and synagogues, including accessory facilities and uses normally associated with such religious use;

- (D). Private clubs, lodge halls, service clubs, recreation and social clubs;
- (E). Bed and breakfast inns, subject to providing one (1) off-street parking space for each sleeping room;
- (F). Licensed child care facilities where five (5) or more but not more than fifteen (15) children will be cared for;
- (G). Public buildings, facilities and uses;
- (H). Boarding and rooming houses;
- (I). Apartment hotels;
- (J). Mobile home parks.

17.20.30 Minimum parcel area. Each lot or parcel shall have a minimum area of eight thousand (8,000) square feet. The minimum gross lot area per dwelling unit or suite shall be two thousand (2,000) square feet, and the maximum number of units allowed on any one lot or parcel shall be determined by dividing the total area by two thousand (2,000).

17.20.040 Yards. Front yards shall be not less than twenty (20) feet from the building to the street line; side yards not less than eight (8) feet from the main building to the property line, except on a street side the distance shall be a minimum of twenty (20) feet; and rear yards not less than twenty (20) feet from the main building to the rear property line.

17.20.050 Building height. Building height is subject to the provisions of section 17.12.044 of this ordinance.

17.20.060 Signs. One (1) lighted or unlighted identification sign (but not neon or other gaseous media) of not more than twenty-four (24) square feet in area attached to the face of the building will be permitted.

Chapter 17.24

A AGRICULTURAL ZONE

Sections:

- 17.24.010 Applicability.
- 17.24.015 Purpose and intent.
- 17.24.020 Permitted uses .
- 17.24.025 Uses subject to permit.
- 17.24.030 Minimum parcel area.
- 17.24.040 Yards.
- 17.24.050 Building height.

17.24.010 Applicability. The A agricultural zone shall be governed by the provisions set forth in this chapter.

17.24.015 Purpose and intent. The A agricultural zone is established to protect areas particularly suited for the raising of crops and animals and other related agricultural activities from incompatible uses.

17.24.020 Permitted uses. The following uses are permitted in the A agricultural zone:

- (A). Single-family dwelling of a permanent nature or a manufactured home built after 1979 when within the manufactured home overlay;
- (B). All agricultural uses, including the keeping of cattle, horses, sheep, hogs, or other farm stock, including supplementary feeding thereof, but not including hog ranches, commercial cattle or livestock feed yards, animal sales yards, or dairies;
- (C). Accessory agricultural buildings, structures and uses, including farm buildings, garages and implement shelters;
- (D). Animal hospitals and veterinaries;
- (E). Equestrian establishments, including stables and riding academies;
- (F). Farm machinery equipment sales and services;
- (G). Harvesting, curing, processing, packaging and storage incidental thereto and shipping of agricultural products produced on the premises;
- (H). Home occupations, subject to the provisions of section 17.16.070 of this ordinance;

- (I). Signs, not to exceed two (2) signs with a maximum area of twelve (12) square feet each, used only to advertise the products produced or sold on the premises or identifying the premises or the occupants.

17.24.025 Uses subject to permit. The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.62 of this ordinance:

- (A). Agricultural industries and processing plant;
- (B). Bed and breakfast inns;
- (C). Cemeteries;
- (D). Dude or guest ranches;
- (E). Forest industries and the production of forest products;
- (F). Golf courses and country clubs;
- (G). Places of religious worship such as churches, temples and synagogues, including accessory facilities and uses normally associated with such religious use;
- (H). Public utility or public service buildings, structures and uses;
- (I). Recreational vehicle parks and campgrounds, and recreational resorts;
- (J). Rest homes;
- (K). Temporary, (less than one year), asphaltic concrete plants and cement batch plants for construction projects.

17.24.030 Minimal parcel area. Three (3) acres; all A agricultural zone parcels shall be designated as A-3.

17.24.040 Yards. No structure or accessory building shall be located closer than fifty (50) feet to any property line.

17.24.050 Building height. Building height is subject to the provisions of section 17.12.044 of this ordinance.

Chapter 17.28

C COMMERCIAL ZONE

Sections:

17.28.10 Applicability.

17.28.11

17.28.015 Purpose and intent.

17.28.020 Permitted uses.

17.28.030 Uses subject to permit.

17.28.040 Building height and width.

17.28.050 Yards.

17.28.010 Applicability. The C commercial zone shall be governed by the provisions set forth in this chapter.

17.28.015 Purpose and intent. To provide suitable areas within Storey County where commercial uses and activities may be established and maintained, to promote efficiency by grouping compatible land uses, and to protect residential areas from the adverse impacts that may be associated with commercial uses.

17.28.020 Permitted uses. The following uses are permitted in the C commercial zone;

- (A). Retail sales, new and used, of items as such as antiques, books, appliances, bakeries, hardware, clothing, pharmacies, dry goods, fabrics, flowers, furniture, electrical and electronic equipment, animal feed, gifts, groceries, jewelry, liquor, lumber, sporting goods, pets, toys and other similar retail uses and activities, service stations and mini-marts;
- (B). Commercial offices and financial institutions, such as real estate, medical and dental, banks, accountants, insurance, employment agencies, consulting firms, manufacturer representatives, newspapers, secretarial services, credit unions, associations and other similar office uses and activities;
- (C). Personal services, such as barbers, beauticians, dry cleaning, laundromats, funeral homes, health clubs, tailors, travel agencies, wedding chapels, child care and other similar service uses and activities;
- (D). Tourist and visitor related services, such as hotels, motels, bed and breakfast inns, restaurants, cafes, souvenir sales, gift shops, fast food establishments, commercial museums, and other similar visitor related uses and activities;
- (E). Places of religious worship such as churches, temples and synagogues, including accessory facilities and uses normally associated with such religious use;

- (F). Recreational uses and activities, including bowling lanes, billiard parlors, gaming (when incidental to a primary use and limited to no more than fifteen (15) slot and/or video machines), golf driving ranges, miniature golf, health clubs, pool halls, skating rinks, theaters, and other similar recreational uses and activities;
- (G). Public facilities and uses, such as ambulance services, libraries, governmental offices, parking lots and structures, medical clinics, museums, post offices, telephone exchanges, utility company offices, and other similar public facilities and uses and activities;
- (H). General service uses and activities, such as animal hospitals, bars and taverns, car washes (coin operated), catering, private schools and academies, equipment and appliance repair, equipment rental, feed stores, manufactured home sales and service, night clubs, pawn brokers, pet sales and grooming, print shops, upholstery shops, video rentals, and other similar general services uses and activities;
- (I). Automotive related use and activities, such as automobile and light truck sales, auto and truck parts sales, automobile service and repair (except body repair and painting), automobile rentals, tire shops, gasoline service stations, recreational vehicle sales and service, and other similar uses and activities; however, auto wrecking yards, automobile paint shops and body repair shops, truck sales and service, and heavy equipment sales and service are prohibited.
- (J). Other commercial uses as follows:
 - 1. Billboards;
 - 2. Building materials, but not including ready-mix concrete or hot mix asphalt plants;
 - 3. Contractor storage yards;
 - 4. Fraternal lodges, recreational and social clubs, labor halls, service clubs and other private clubs;
 - 5. Hospitals, convalescent homes, and sanitariums;
 - 6. Lumber yards;
 - 7. Signs.
- (K). Other uses similar to the above which are determined by the Board of County Commissioners to be consistent with the uses permitted within the zone, after considering a recommendation on such use by the Planning Commission.

17.28.030 Uses subject to permit. The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.62 of this ordinance:

- (A). Automobile paint shops and body repair shops;
- (B). Fortune tellers;

- (C). Buildings and structures constructed for permitted uses as listed in section 17.28.020 of this ordinance that will exceed forty-five (45) feet in height, or that will be less than twenty-five (25) feet in width;
- (D). Car washes using production line methods such as a chain conveyor, blower, steam cleaning device or other mechanical devices;
- (E). Casinos and gaming establishments of more than 5000 square feet of total floor area where slots or video machines are located and where other forms of gambling may take place such as poker, craps, blackjack, sports book and other similar activities;
- (F). Equestrian facilities, including riding stables and pony rides;
- (G). Micro-breweries, with on-site sales only;
- (H). Manufactured home sales lots;
- (I). Propane sales and storage;
- (J). Public utility service yards, electric transmission stations and gas transmission stations;
- (K). Recreational vehicle parks;
- (L). Wholesale businesses and distributing operations.
- (M). Mini-warehouses and storage facilities for rent.

17.28.040 Building height and width. No building shall be higher than three (3) stories, not to exceed forty-five (45) feet, and the width of any building shall not be less than twenty-five (25) feet .

17.28.050 Yards. There shall be no front yard or side yard required, except wherever a building is located on a lot adjacent to an R-1, R-2 or E zone boundary, there shall be provided a side yard of not less than ten (10) feet on the side of the building adjacent to the zone boundary line. There shall be a rear yard of ten (10) feet provided behind every building.

Chapter 17.30

CR COMMERCIAL RESIDENTIAL ZONE

Sections:

- 17.30.010 Applicability.
- 17.30.015 Purpose and intent.
- 17.30.020 Permitted uses.
- 17.30.030 Uses subject to permit.
- 17.30.040 Building height and width.
- 17.30.050 Yards.
- 17.30.060 Residential use density.

17.30.010 Applicability. The CR commercial residential zone shall be governed by the provisions set forth in this chapter.

17.30.015 Purpose and intent. To provide suitable areas within Storey County where commercial uses and residential uses may be established and maintained allowing residents who choose to live near commercial uses the opportunity to do so, and to create an integrated community atmosphere reflecting historic development patterns that may have formerly occurred within the communities of Storey County.

17.30.020 Permitted uses. The following uses are permitted in the CR commercial residential zone:

- (A). All uses permitted in the C commercial zone as provided for in section 17.28.020 of this ordinance;
- (B). Residential uses of a permanent character in a permanent location, as follows:
 - 1. Single family dwellings;
 - 2. Duplexes;
 - 3. Multiple family dwellings;
 - 4. Apartment hotels;
 - 5. Boarding and rooming houses.

17.30.030 Uses subject to permit. The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.62 of this ordinance:

- (A). Buildings and structures constructed for permitted uses as listed in section 17.30.020 of this ordinance that will exceed forty-five (45) feet in height, or that will be less than twenty-five (25) feet in width;
- (B). Recreational vehicle parks.

17.30.040 Building height and width. No building shall be higher than three (3) stories, not to exceed forty-five (45) feet, and the width of any building shall not be less than twenty-five (25) feet.

17.30.050 Yards.

- (A). For commercial uses and structures there shall be no front yard or side yard required, except wherever a building is located on a lot adjacent to an R-1, R-2 or E zone boundary, there shall be provided a side yard of not less than ten (10) feet on the side of the building adjacent to the zone boundary line. There shall be a rear yard of ten (10) feet provided behind every building.
- (B). For residential uses and structures there shall be provided a front yard of not less than twenty (20) feet from the building to the street line; side yards not less than eight (8) feet from the main building to the property line, except on a street side the distance shall be a minimum of twenty (20) feet; and rear yards not less than twenty (20) feet from the main building to the rear property line.

17.30.060 Residential use density. Each lot or parcel proposed to be developed with a residential use, except manufactured/mobile home parks, shall have a minimum area of eight thousand (8,000) square feet. The minimum gross lot area per dwelling unit or suite shall be two thousand (2,000) square feet, and the maximum number of units allowed on any one lot or parcel shall be determined by dividing the total area by two thousand (2,000).

Mobile home parks must be located on a lot or parcel having a minimum size of one (1) acre, gross, and may have a maximum density of one space for each twelve hundred (1,200) square feet of lot area.

Chapter 17.32

F FORESTRY ZONE

Sections:

- 17.32.010 Applicability.
- 17.32.015 Purpose and intent.
- 17.32.020 Permitted uses .
- 17.32.025 Uses subject to permit.
- 17.32.030 Minimum parcel area.
- 17.32.040 Yards.
- 17.32.050 Building height.
- 17.32.060 Generator Restrictions

17.32.010 Applicability. The F forestry zone shall be governed by the provisions set forth in this chapter.

17.32.015 Purpose and intent. The F forestry zone is established to protect areas having important environmental qualities in Storey County from unnecessary degradation and to provide areas of very low density residential use.

17.32.020 Uses subject to permit. The following uses may be permitted subject to securing a special use permit as provided for in chapter 17.62 of this ordinance:

- (A). One single family dwelling of a permanent character and location.
- (B). Agricultural uses and buildings used for growing crops and raising livestock or poultry;
- (C). Buildings for the sale and display of products grown or raised on the premises;
- (D). Recreational and educational uses and buildings, dude or guest ranches, churches, temples or other structures used exclusively for religious worship; tennis, golf, civic or country clubs; cemeteries; and sanitariums;
- (E). Highway and public utility maintenance camps; including honor camps;
- (F). Mining and milling operations;
- (G). Public utility or public service buildings, structures and uses;
- (H). Temporary (less than one year) asphaltic concrete plants and cement batch plants for construction projects;
- (I). Watershed protection, water storage reservoirs, pipelines, irrigation canals and ditches;

(J). Growing and preservation of trees and nursery stock;

(H). Hunting, fishing and skiing lodges, wildlife refuges, game farms and public campgrounds;

17.32.030 Minimum parcel area requirements. There shall be a minimum area of forty acres for each parcel of land.

17.32.040 Off-street parking. Off-street parking shall be sufficient to handle the automobile parking demands of the proposed use as determined by the Planning Commission.

17.32.041 Yards. No structure or accessory building shall be located closer than thirty (30) feet to the front property line, forty (40) feet to the rear property line, or fifteen (15) feet to the side property line.

17.32.050 Building height. Building height is subject to the provisions of section 17.12.044 of this ordinance.

17.32.60 Generator restrictions. Installation of generators as a power source shall not be permitted unless the generators are muffled and installed in a sound-insulated building. Generators that are used solely for power in emergencies or power outages need not be muffled or in a sound-insulated building.

Chapter 17.36

I LIGHT INDUSTRIAL ZONE

Sections:

- 17.36.010 Applicability.
- 17.36.015 Purpose and intent.
- 17.36.020 Permitted uses .
- 17.36.030 Uses subject to permit.
- 17.36.040 Minimum parcel area.
- 17.36.050 Setbacks
- 17.36.060 Loading Zone
- 17.36.070 Building Height

17.36.010 Applicability. The I light industrial zone shall be governed by the provisions as set forth in this chapter.

17.36.015 Purpose and intent. The I light industrial zone is intended to provide areas for the development and operation of industrial uses which do not create or cause fumes, odor, smoke, gas, noise or vibrations which are or may be detrimental to other properties in the neighborhood.

17.36.020 Permitted uses. The following uses are permitted in the I-1 light industrial zone:

- (A). Ten percent of the total area in the light industrial zone as designated in the Storey County Master Plan may be utilized for commercial use. A site plan must be approved by the Storey County Building & Planning Department. No special use permits shall be required of commercial uses, but Section 17.28 shall apply to commercial uses in an I-1 light industrial zone.
- (B). Storage warehouses for industrial, agricultural, commercial or other products.
- (C). Automobile paint shops and body repair shops;
- (D). Mini-warehouses and storage facilities for rent including recreational vehicle storage;
- (E). Wholesale businesses and distributing operations;
- (F). Welding shops;
- (G). Warehouses and warehouse complexes.
- (H). Limited manufacturing and assembly uses, such as electronic parts and equipment, when conducted solely within an enclosed building.

- (I). Car washes using production line methods such as a chain conveyor, blower, steam cleaning device or other mechanical devices;
- (J). Casinos and gaming establishments where more than fifteen (15) slots or video machines are located and where other forms of gambling may take place such as poker, craps, blackjack, sports book and other similar activities;
- (K). Heavy equipment sales and service;
- (L). Truck sales and services;
- (M). Truck refueling facilities;
- (N). Commercial offices and financial institutions, such as real estate, medical and dental, banks, accountants, insurance, employment agencies, consulting firms, manufacturer representatives, newspapers, secretarial services, credit unions, associations and other similar office uses and activities.
- (O). Public facilities and uses, such as ambulance services, libraries, governmental offices, parking lots and structures, medical clinics, museums, post offices, telephone exchanges, utility company offices, and other similar public facilities and uses and activities.
- (P). Ten percent of the total industrial building improvements may be used for commercial sales to the general public.

17.36.030 Uses subject to permit. The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.62 of this ordinance;

- (A). Casinos and gaming establishments over 5,000 square feet where more than fifteen (15) slots or video machines are located and where other forms of gambling may take place such as poker, craps, blackjack, sports book and other similar activities;
- (B). Watchman's dwelling, permanent or temporary;
- (C). Buildings and structures constructed for uses listed in sections 17.36.020 and .030 of this chapter that will exceed fifty (50) feet in height.
- (D). Kennels for the maintenance, raising, breeding, or caretaking of four or more dogs over twelve weeks old.
- (E). Agricultural product processing.
- (F). Recycling centers.

17.36.040 Minimum parcel area. One acre (1), except commercial uses in a light industrial zone area for which there is a 15,000 square foot minimum per parcel.

17.36.050 Setbacks. No building shall be located closer than twenty (20) feet to any property line.

17.36.060 Loading zone. Loading area shall have adequate room. All truck parking and docking areas shall be so designed that county streets shall not be impacted by the operation of the business.

17.36.070 Building height. No building shall have a height greater than 4 stories or 50 feet, not including silos, stacks or antennas. A special use permit will be required if the facility exceeds these limits.

Chapter 17.37

I-2 HEAVY INDUSTRIAL ZONE

Sections:

- 17.37.010 Applicability.
- 17.37.020 Purpose and intent.
- 17.37.030 Permitted uses.
- 17.37.040 Uses subject to permit.
- 17.37.050 Minimum parcel area.
- 17.37.060 Setbacks .
- 17.37.070 Loading area.
- 17.37.080 Building height.

17.37.010 Applicability. The I-2 heavy industrial zone shall be governed by the provisions set forth in this chapter.

17.37.020 Purpose and intent. The I-2 heavy manufacturing zone is intended to provide areas for the development and operation of industrial and manufacturing uses which, by nature of their intensity, may be incompatible with other types of land use activities.

17.37.030 Permitted uses. The following uses are permitted in the I-2 heavy industrial zone and include all uses allowed in the I-1 light industrial zone if they are compatible with the surrounding I-2 heavy industry. I-1 light industrial uses shall be governed by the provisions of Chapter 17.36, except that special use permits required under Section 17.36.030 shall not be required.

- (A). Manufacturing and assembly operations which create a finished or partially assembled product for sale or distribution, except those listed below in section 17.37.040 as requiring a special use permit;
- (B). Agricultural industries excluding animal processing plants.
- (C). Bottling plants;
- (D). Breweries, distilleries, wineries;
- (E). Truck terminals;
- (F). Petroleum products storage;
- (G). Public utility service yards, electric substations and gas transmission stations;
- (H). Manufacturing of Signs and billboards;

- (I). Public utility or public service buildings, structures and uses;
- (J). The accessory buildings and structures necessary to such permitted uses located on the same lot or parcel of land;
- (K). Ten percent of the total area in the heavy industrial zone as designated in the Storey County master Plan may be utilized for commercial use. A site plan must be approved by the Storey County Building and Planning Department. No special use permits shall be required of commercial uses, but Chapter 17 shall apply to commercial uses;
- (L). Ten percent of the total industrial building improvements may be used for commercial sales to the general public
- (M). Other uses similar to the above which are determined by the Board of County Commissioners to be consistent and compatible with the other uses permitted within the zone, after considering a recommendation of such use by the Planning Commission.

17.37.040 Uses subject to permit. The following additional uses may be permitted subject to securing a special use permit as provided for in Chapter 17.62 of this ordinance:

- (A). Junk, salvage or auto wrecking yards;
- (B). Blast furnaces;
- (C). Brick, tile or terra cotta products manufacturing;
- (D). Building materials manufacture;
- (E). Cement and lime manufacturing;
- (F). Mining and milling operations;
- (G). Paints, shellac, turpentine or varnish manufacturing;
- (H). Paper manufacture;
- (I). Petroleum products manufacture;
- (J). Petroleum refining, storage fields and reclaiming plants;
- (K). Saw mills;
- (L). Ammunition or explosive manufacture or storage;

- (M). Dumps and refuse disposal areas;
- (N). Fertilizer manufacture;
- (O). Recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes;
- (P). Rocket fuel manufacture, testing and/or storage;
- (Q). Sewer farms and sewerage disposal plants or operations;
- (R). Incinerators, of any type and used for any purpose;
- (S). Chemical manufacture;
- (T). Commercial stockyards;
- (U). Cyanide manufacture and storage;
- (V). Watchman's dwelling, whether permanent or temporary;
- (W). Electric or gas power generating plants;
- (X). Building material sales and storage yards, including ready mix concrete and asphalt plants;
- (Y). Rock, sand and gravel excavating, crushing, processing and distribution;
- (Z). Other uses similar to the above which are determined by the Board of County Commissioners to be consistent with the uses requiring a special use permit within the zone, after considering a recommendation on such use by the Planning Commission.
- (AA). Buildings and structures constructed for uses listed in Sections 17.37.030 and .040 of this chapter that will exceed seventy-five (75) feet in height.

17.37.050 Minimum parcel area. Three (3) acres, except for commercial uses in a heavy industrial zone area for which there is a 15,000 square foot minimum. For I-1 light industrial uses in a heavy industrial zone area, there is a one acre minimum.

17.37.060 Setbacks. No building shall be located closer than fifty (50) feet to any property line.

17.37.070 Loading area. Loading area shall have adequate room. All truck parking and docking areas shall be so designed that country streets shall not be impacted by the operation of the business.

17.37.080 Building height. No building shall have a height greater than six (6) stories or seventy-five (75) feet, not including silos, stacks, or equipment. A special use permit will be required if the facility exceeds these limits.

Chapter 17.38

I-S SPECIAL INDUSTRIAL ZONE

Sections:

- 17.38.010 Applicability.
- 17.38.020 Purpose and intent.
- 17.38.030 Permitted uses.
- 17.38.040 Required criteria for permitted use.
- 17.38.050 Special zoning limitations to assure separation of incompatible uses.
- 17.38.060 Building requirements.
- 17.38.070 Parcel size requirements.

17.38.010 Applicability. The I-S special industrial zone shall be governed by the provisions set forth in this chapter.

17.38.020 Purpose and intent. The I-S special industrial zone is intended to provide areas for special industrial and manufacturing uses characterized by activities which require distance separated from other less intensive uses. Such uses are necessary and appropriate for the planned development of Storey County and shall be protected from encroachment through proper land use controls and buffering. The provisions of the I-S special industrial zone are designed to allow safe operation of uses within the zone while providing protection from encroachment on other uses which may be impacted by special industrial and manufacturing activities.

17.38.030 Permitted uses. In the I-S special industrial zone the following uses shall be permitted, provided compliance with the provisions of section 17.38.040 is met and maintained:

- (A). Ammunition manufacture, testing and storage.
- (B). Chemical manufacture, testing and storage.
- (C). Air bag and other passive restraint system manufacture, testing and storage.
- (D). Explosive, propellant, and pyrotechnic manufacture, testing and storage.
- (E). Ignitors and ignition systems manufacture, testing and storage.
- (F). Research and development activities related to any of the uses described in this section 17.38.030.
- (G). Hazardous materials, treatment, storage and disposal sites, including refuse disposal sites for hazardous materials produced or used on the site in connection with the uses permitted by this section 17.38.030.

- (H). Hazardous waste management facilities involving use, recovery, recycling, storage, treatment and management of hazardous materials for hazardous materials produced or used on the site.
- (I). Environmental testing facilities such as simulation of temperature, vibration, fire, explosion, high altitude, etc.
- (J). Employee service facilities, operated in connection with, and on the same property as, a use permitted by this section 17.38.030. Such facilities shall be for the exclusive use of the property owner's invitees and invitees' employees and shall not be open to the public.
- (K). Office, security and related functions operated in connection with, and on the same property as, any of the uses permitted by this section 17.38.030.
- (L). Open air testing of materials developed for any of the uses described in this section 17.38.030, including testing to obtain design criteria for building construction, personnel safety, shipping requirements and anything useful for those purposes.
- (M). Other uses which are consistent with or related to the uses described in this section 17.38.030.

17.38.040 Required criteria for permitted use. Any use listed in section 17.38.030 of this chapter which can be demonstrated by the applicant to meet the following criteria shall be a permitted use in the I-S special industrial zone. Any use listed in section 17.38.030 of this article which does not meet all of the following criteria may be permitted by Special Use Permit pursuant to chapter 17.62 of this ordinance.

- (A). No use or building except structures used for office or employee service facilities shall be located closer than five hundred (500) feet from the boundary of the site unless the applicant can demonstrate that the distance from the boundary of the site is adequate to protect surrounding uses.
- (B). In lieu of subsection (A), the boundaries of the site may be surrounded by a buffer area of the same distance. The buffer area shall not contain any uses or buildings except that a use or building permitted in the I-S special industrial zone may be allowed provided such use or building is not less than five hundred (500) feet from the boundaries of the property making the application unless the applicant can demonstrate that the distance from the boundary of the site is adequate to protect surrounding uses. The buffer area may consist of property restricted by fee ownership, lease, easement, license or other manner which the applicant demonstrates will assure the existence of the buffer area for as long as the permitted use remains on the property. The buffer area may be provided by open space areas, wilderness land or land restricted in use by a governmental agency or private entity, if the applicant demonstrates that the buffer area requirements will be met and retained for the life of the permitted use.

- (C). The boundaries of the property shall not be located closer than one (1) mile to property which permits a residential use, except for those boundaries permitting a residential use at the time of the passage of this zoning ordinance.
- (D). The boundaries of the property shall not be closer than two (2) miles from a permitted city or town.
- (E). Posting, marking and fencing of the property shall be in accordance with the requirements of agencies having regulatory jurisdiction of the activity.
- (F). Weaponry, ammunition or explosives testing shall not include the intentional flight of any missile, aircraft or projectile outside of the area zoned I-S special industrial zone.

17.38.050 Special zoning limitations to assure separation of incompatible uses. The purpose of these special limitations is to prohibit the encroachment of incompatible uses into areas adjacent to lands zoned for I-S special industrial use. Such limitations are intended to preserve the continued usability of those areas zoned I-S special industrial zone for permitted uses and to protect other uses from the impacts and hazards which could result if such uses were established near areas zoned I-S special industrial zone.

All properties zoned within one (1) mile of any area zoned I-S special industrial shall be zoned and maintained in one or more of the following zone zones.

- (A). The F forestry zone; or
- (B). The I-2 heavy industrial zone.

In addition, no high explosive structures shall be constructed on the property within 1,320 feet of the boundary of the I-S special industrial zoned property.

17.38.060 Building requirements. Building siting and construction shall conform with applicable federal, state and local health, fire and safety codes applicable to the permitted use.

17.38.070 Parcel size and width requirements. Each property shall meet the required criteria of section 17.38.040 of this chapter. The minimum width of any property shall be 5,280 feet.

Chapter 17.40

E ESTATES ZONE

Sections:

- 17.40.010 Applicability.
- 17.40.015 Purpose and intent.
- 17.40.020 Permitted uses .
- 17.40.025 Uses subject to permit.
- 17.40.030 Minimum lot size.
- 17.40.040 Lot dimensions.
- 17.40.045 Building height.
- 17.40.050 Setbacks.
- 17.40.060 Home occupation.
- 17.40.070 Generator restrictions.
- 17.40.080 Easements and rights of way.
- 17.40.090 Effect of conditions, covenants and restrictions.

17.40.010 Applicability. The E estates zone shall be governed by the provisions set forth in this chapter.

17.40.015 Purpose and intent. The E estates zone is established for areas particularly suited for low density residential use, to further enhance the quality of life and to prohibit the development of uses which are incompatible and detrimental to a residential environment. The maintaining of a limited number of animals for noncommercial purposes is permitted within the estates zoning.

17.40.020 Permitted uses. The following uses are permitted in the E estates zone:

- (A) Single family dwellings which shall be of a permanent nature. No permanent site built structure shall be less than eight hundred square feet for a one bedroom structure, one thousand square feet for a two bedroom structure, or one thousand two hundred square feet for a three bedroom structure. No residence shall be higher than three stories or thirty-five (35) feet in height.
- (B) Accessory uses customarily incident to the above uses and located on the same lot or parcel, including but not limited to, a private garage with a capacity of not more than four (4) automobiles; private stables, garden houses, playhouses, greenhouses, enclosed swimming pools, tool-houses, well-houses, woodsheds, storage sheds and hobby shops. Any accessory use structure over forty-eight (48) feet wide or over sixty (60) feet long shall require a Special Use Permit.
- (C). Child care where four (4) or less children are cared for. A facility for more than four children must obtain a Special Use Permit, a Storey County Business License and a license from the State of Nevada, Bureau of Child Care Licensing,

- (D). The keeping of large domestic animals such as bovine, sheep, horses llamas, pigs, goats and other similar size animals, under the ownership of the resident occupant of the lot, provided that any combination of such animals on any one lot shall be limited to the following:

E-1 no more than 4 large domestic animals
E-2.5 no more than 4 large domestic animals
E-5.0 no more than 6 large domestic animals
E-10 no more than 8 large domestic animals
E-40 no more than 16 large domestic animals
E-1-VCH no more than 4 large domestic animals
E-10-HR no more than 8 large domestic animals
E-40-VR no more than 16 large domestic animals

1. A special use permit must be obtained to exceed these above maximums for large domestic animals.
2. Sanitary conditions must be maintained at all times in order not to create a nuisance or health hazard.
3. There shall be a minimum of 400 square feet per horse of penned land area, which must be on less than ten percent (10%) slope grade.

17.40.025 Uses subject to permit. The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.62 of this ordinance:

- (A). Public buildings, facilities and uses providing cultural, educational, recreational use, administrative, fire protection or police protection;
- (B). Licensed child care facilities where more than four (4) but not more than fifteen (15) children will be cared for. A Storey County Business License must also be obtained. The child per square foot ratio must meet the minimum State standards for child care facilities and the facility shall obtain license from the State of Nevada, Bureau of Child care Licensing. (Per Storey County Code 2.26.20).
- (C). One detached family guest home, defined as a structure occupying an accessory position on a lot and used exclusively for housing members of a single family or their nonpaying guests subject to a special use permit. Guest house shall contain its own sewer and water source and shall meet the following standards:
 1. A family guest home shall be a complete dwelling and include a kitchen and bathroom;
 2. A family guest home may not be less than five-hundred (500) square feet in area, nor greater than one-thousand (1,000) square feet in area.

3. If a family guest home is occupied on a permanent basis, a signed affidavit must be filed with the county building official stating who is occupying the guest home. Affidavits will be reviewed annually.

4. Septic requirements shall be in accordance with Nevada Revised Statutes.

17.40.030 Minimum lot size. All E estates zones shall have one of the following number or letter suffixes designating minimum parcel area:

- (A). E-1 zone, one (1) acre, including easements for access to an adjacent parcel;
- (B). E-2.5 zone, two and one-half (2 1/2) acres;
- (C). E-5 zone, five (5) acres;
- (D). E-10 zone, ten (10) acres;
- (E). E-40 zone, 40 acres;
- (F). E-1-VCH, one (1) acre located in Virginia City Highlands
- (G). E-10-HR, ten (10) acres located in Highland Ranches
- (H). E-40-VR, forty (40) acres located in Virginia Ranches

17.40.040 Lot dimensions. The average dimension of a lot in one direction (front to rear or side to side) shall not exceed four (4) times the average dimension in the other direction.

17.40.045 Building Height. Building height is subject to the provisions of section 17.12.044 of this ordinance.

17.40.050 Setbacks. The following minimum setbacks shall apply to all structures over six (6) feet in height in the E estates zones. Percentages are a percentage of the average lot width; where a percentage and a dimension are indicated, the larger shall apply:

Estates Zone	Front Setback	Rear Setback	Side Setback
E-1	20 ft	12 ft.	12 ft.
E-2.5	30 ft.	50 ft.	30 ft.
E-5	30 ft	50 ft.	30 ft.
E-10	50 ft.	80 ft.	50 ft.
E-40	80 ft.	150 ft.	80 ft.
E-1-VCH	30 ft.	40 ft.	15 ft.
E-10-HR	30 ft.	40 ft.	15 ft.
E-40-VR	30 ft.	40 ft.	15 ft.

17.40.060 Home occupations. Home occupations as defined in section 17.16.070 of this ordinance shall be permitted subject to issuance of business license.

17.40.070 Generator restrictions. Installation of generators as a power source shall not be permitted unless the generators are muffled and installed in a sound-insulated building. Generators that are used solely for power in emergencies or power outages need not be muffled or in a sound-insulated building.

17.40.080 Easements and rights of way. All Estates zoning shall be subject to existing easements and rights of way.

17.40.090 Effect of conditions, covenants and restrictions. Where conditions, covenants and restrictions (CC&R's) have been, or will be filed in the official records of the county as a condition of approval for the subdivision of a parcel of land within an E estates zone classification, the more restrictive of the two documents (this title or the CC&R's) shall apply in all cases pertaining to use and/or development of the subject property.

Chapter 17.44

SPR SPECIAL PLANNING REVIEW ZONE

Sections:

- 17.44.010 Applicability.
- 17.44.015 Purpose and intent.
- 17.44.020 Permitted uses.
- 17.44.030 Use subject to permit. 17.18.040 Minimum floor area.
- 17.44.040 Minimum floor area.
- 17.44.050 Minimum parcel area and width requirements.
- 17.44.060 Yards.
- 17.44.065 Building height.
- 17.44.070 Home occupations.
- 17.44.050 Distance between buildings on the same lot.

17.44.010 Applicability. The Special Planning Review (SPR) zone shall be governed by the provisions set forth in this chapter.

17.44.015 Purpose and intent. The Special Planning Review (SPR) zone is established to provide special protection to this historical mining land and to prohibit the development of uses which are incompatible and detrimental to the historical mining environment.

17.44.020 Permitted uses. All uses in the Special Planning Review (SPR), must be reviewed and approved by the Storey County Planning Commission.

- (A). One (1) single family dwelling of a permanent character in a permanent location. Shall comply with Chapter 17.12;
- (B). Accessory uses, buildings and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use;
- (C). Agricultural and horticultural uses for domestic purposes;
- (D). Child care where four (4) or less children are cared for;
- (E). Storage parking for recreational vehicles, boats, utility trailers, horse trailers and similar equipment owned by the occupant, provided that such items are stored entirely on private property.
- (F). Mining, milling, and train museum.
- (G). Any material or site improvement to enhance and promote the V & T Railroad.

17.44.030 Uses subject to permit. Development which is determined by the Planning Commission to be incompatible or detrimental to this Special Planning Review (SPR) zoning shall require a "Special Use Permit".

- (A). Mining, milling operations;
- (B). Bed and breakfast inns offering accommodations for up to eight (8) guests, subject to providing one (1) off-street parking space for each additional ten thousand (10,000) square feet of lot area.
- (C). Public buildings, facilities and uses providing cultural, educational, administrative, fire protection or police protection to residents of the area.

17.44.040 Minimum floor area. In the SPR special planning review zone, no detached single-family dwelling shall have a floor area of less than eight hundred (800) square feet for a one-bedroom residence, one thousand (1,000) square feet for a two-bedroom residence, and one thousand two hundred (1,200) square feet for a three or more bedroom residence, except where there is an MHO manufactured/mobile home overlay.

17.44.050 Minimum parcel area and width requirements. All SPR special planning review zones shall have one of the following number suffixes designating minimum parcel area and minimum parcel width:

Zone and Suffix	Minimum Area	Minimum Width
SPR-5	5,000 square feet	50 feet
SPR-6	6,000 square feet	50 feet
SPR-8	8,000 square feet	60 feet
SPR-10	10,000 square feet	60 feet
SPR-15	15,000 square feet	80 feet
SPR-20	20,000 square feet	100 feet

The area of an lot created after the effective date of this ordinance shall not be less than the minimum area required by the zone. Where an existing lot has less area than herein required and was recorded prior to the date of the adoption of this ordinance, said lot may be occupied by not more than one (1) dwelling.

17.44.060 Yards. Front yards shall not be less than twenty (20) feet from the building to the street in the SPR-5, SPR-6 and SPR-8 zones, not less than thirty (30) feet in the SPR-10 zone, and not less than forty (40) feet in the SPR-15 and SPR-20 zones, side yards not less than eight (8) feet from the main building to the property line, and rear yards not less than twenty (20) feet from the main building to the property line.

17.44.065 Building height. Building height is subject to the provisions of section 17.12.044 of this ordinance.

17.44.070 Home occupations.

- (A). Home occupations shall be permitted as an incidental use to the primary residential purpose provided that such occupation is confined to the inside of the residence and does not involve an addition or alteration which would change the residential nature of the property. No occupations which might produce noise, odor, dust or smoke, or other disturbance shall be allowed.
- (B). All home occupations shall be subject to the issuance of a special use permit, and there shall be no sign larger than one (1) foot by two (2) feet in connection therewith, excepting garage sales, which shall be limited to two (2) such sales per year per residence.

17.44.080 Distance between buildings on the same lot. There shall be a minimum distance of ten (10) feet between a building used for dwelling purposes and an accessory building. There shall be a minimum distance of six (6) feet between accessory buildings.

Chapter 17.48

H HISTORIC OVERLAY DISTRICT

Sections:

- 17.48.010 Adoption of state provisions.
- 17.48.020 Applicability of chapter provisions.
- 17.48.030 Boundaries.
- 17.48.040 Applicability of state provisions.
- 17.48.050 Limitations, uses and conditions generally.
- 17.48.060 Construction of commercial buildings on "C" Street in Virginia City and the main street in Gold Hill.
- 17.48.070 Advertising signs and exteriors.

17.48.010 Adoption of state provisions. The provisions of NRS Chapter 384 establishing a Comstock Historic District, together with any rules or regulations adopted thereto are made a part of this ordinance within the H historic overlay zone.

17.48.020 Applicability of chapter provisions. The H historic overlay zone shall be governed by the provisions set forth in this chapter.

17.48.030 Boundaries. The boundaries of this zone shall be fixed pursuant to the terms of NRS Chapter 384 establishing a Comstock Historic District.

17.48.040 Applicability of state provisions. The provisions of Chapter 384 of Nevada Revised Statutes, and any rules or regulations adopted pursuant thereto are applied to this zone.

17.48.050 Limitations, uses and conditions generally. All of the limitations, uses, and conditions of the underlying zone classification shall be applicable to this zone.

17.48.060 Construction of commercial buildings on "C" Street in Virginia City and the main street in Gold Hill. All commercial buildings constructed in this zone facing "C" Street of Virginia City, or Main Street of Gold Hill shall be flush with the sidewalks of those streets; shall have wooden porches over the top of the sidewalks, and shall have sidewalks constructed of wood in the front of the buildings unless the provisions hereof are specifically waived by the Planning Commission, for good cause, and such waiver does not conflict with the provisions of Chapter 384 of Nevada Revised Statutes; such waiver to be applied for by special use permit or variance.

17.48.070 Advertising signs and exteriors. Signs and exteriors shall be in conformance with the requirements set out in this section. The following standards shall apply to all signs and building exteriors located within the Comstock Historic District of the county as established pursuant to the terms of Chapter 384 of Nevada Revised Statutes.

Zones referred to in this section are underlying zones within the H historic overlay zone of this chapter.

(A). Location, size, and number of signs (C zone).

1. Sides and rears of buildings.
 - a. No sign permitted unless there is public access; If there is public access, signs must conform to guidelines established for building fronts.
2. Extending from buildings or porches over streets. No signs permitted with any overhang over streets.
3. Signs on porch posts or other porch-supporting apparatus. No signs permitted unless they are traffic or informational signs installed by a government agency.
4. Signs on windows. No limitations, except exterior window signs must be painted directly on windows.
5. Facing signs on buildings or porches.
 - a. Signs above ground floor windows:
 - i. Only one sign permitted between floors,
 - ii. Signs must have a maximum dimension of fifteen inches in width times the length of the building, or
 - iii. Thirty-six inches in width times the length of the building,
 - iv. Signs must be of rectangular shape,
 - v. Signs can be either on building face or face of porch,
 - vi. Any number of business activities can be advertised in one sign,
 - vii. The base of a sign must be at least ten feet above sidewalk;
 - b. Signs between ground floor windows, doors, etc.:
 - i. Signs may be of any shape,
 - ii. Signs must not exceed five square feet per business license.
6. Signs on ends of porches. None permitted.
7. Signs perpendicular to building face on building with or without porches.
 - a. Maximum size of twelve inches times the width of sidewalk, or equivalent in square feet;
 - b. Minimum height of lower edge of sign must be eight feet above sidewalk;
 - c. No double signs allowed (one sign attached to another);
One sign allowed for every twenty-five feet of sidewalk, or excess thereof.
8. No more than three signs permitted per business license, excluding window signs.

(B). Repair and upkeep of signs in any zone.

(B). Repair and upkeep of signs in any zone.

1. Signs must be kept legible and in good condition;
All signs must be removed if business is no longer operating.

(C). Additions of signs to buildings that already have signs not conforming to code in any zone.

1. No new signs permitted unless old signs are brought into conformance with the standards set forth in this section;
1. All nonconforming signs shall be removed prior to issuance of a new business license to a new owner.

(D). Signs or billboards not located at place of business in any zone.

1. None permitted away from parcel of land where business is located with the exception of informational or traffic signs installed by a governmental or civic group, not advertising any individual business;
2. Political signs.
 - a. No political signs or campaign posters of any kind may be affixed to or emplaced upon county property or county buildings.
 - b. All political signs or campaign posters must be removed no later than ten days after the general election. Unsuccessful primary candidates must remove, or cause to be removed, their signs or posters no later than ten days after the primary election.
 - c. Any violations of subdivisions a and b of this subsection may be prosecuted as a misdemeanor.

(E). Sign material and lighting in any zone.

1. Material must be made out of a substance that can be shown to have existed for advertising purposes prior to 1900, and must be appropriate in design to the period predating the year 1900.
2. Lighting must be limited to incandescent lighting or indirect (concealed) fluorescent lighting. No neon lighting is allowed. No blinking lights of any kind are allowed.

(F). Residential signs in R-1 Zone.

1. No sign larger than two hundred eight-eight square inches in connection with a home occupation;
2. Sign must be limited to place of business;

3. Lighted signs shall be indirectly lighted by incandescent lighting only;

4. One sign only allowed.

(G). Residential signs in R-2 Zone.

1. One sign of not more than six square feet attached to face of building;

2. Lighted signs shall be indirectly lighted by incandescent lighting only.

(F). Any trademark, photograph, design, or combination of colors designed to attract special attention to a trade or business shall be classified as a sign for the purpose of this chapter.

(G). Suggested sign patterns. Attached to the ordinance codified in this chapter, and on file in the building department, are suggested sign patterns and lettering that comply with the spirit and intent of this chapter.

(J). Variances. Applications for variance may be made pursuant to the provisions of this title, and may allowed where in the opinion of the applicable governing board the same is necessary, and is not in violation of the letter and spirit of the standards set forth in this title. Variances may include application for signs installed off premises where it can be shown that failure to allow such signs will work a hardship on the respective business and is necessary to the conduct of the business.

Chapter 17.52

MHO MANUFACTURED/MOBILE HOME OVERLAY ZONE

Sections:

- 17.52.010 Applicability.
- 17.52.015 Purpose and intent.
- 17.52.020 Permitted uses.
- 17.52.030 Location restrictions
- 17.52.040 Water and sewage facilities.
- 17.52.050 Existing manufactured homes and mobile homes
- 17.52.070 Scope of provisions.
- 17.52.080 Commercial Manufactured/Mobile Home Parks

17.52.10 Applicability. The MHO manufactured/mobile home overlay zone shall be governed by the provisions set forth in this chapter and the provisions of the underlying zone. The MHO manufactured/mobile home overlay zone may be combined with the following zones only:

- R-1 Residential Zone
- PUD Planned Unit Development
- A Agricultural Zone
- E Estates Zone

17.52.015 Purpose and intent. The MHO manufactured/mobile home zone is established to provide areas where mobile homes and manufactured homes may be utilized for residential purposes in the place of a conventional dwelling on an individual lot outside of a mobile home park. The MHO zoning is particularly suited for low density residential use to further enhance the quality of life, and to prohibit the development of uses which are incompatible and detrimental to a residential environment.

17.52.020 Permitted uses. The use of the zone to which the MHO manufactured/mobile home overlay zone is applied shall be permitted, provided that one (1) manufactured home or mobile home may be established and utilized as a single family dwelling in lieu of a permitted conventional single family dwelling unit.

- (A). Single family dwellings of a permanent nature. Single family dwellings shall consist of a manufactured home or a modular home built no earlier than 1979. Minimum manufactured home size shall be no less than forty feet in length and no less than twelve feet wide. No residence shall be higher than two (2) stories or thirty (30) feet in height. Manufactured/modular homes must be skirted within six months from date of delivery at site. This includes new and used manufactured, mobile and modular homes.

17.52.030 Location restrictions. No manufactured or mobile home shall be used as a permanent living accommodation unless the parcel of land lies within the MHO overlay zone as shown on the land use classification map on file in the county building department, and made a part of this title. No manufactured home or mobile home shall be used as a permanent living accommodation within the Comstock Historic District.

17.52.040 Water and sewage facilities. Separate water systems and septic tank or sewage facilities must be established prior to the placing of a manufactured home or mobile home as a permanent living quarters, and all pertinent statutes and ordinances complied with.

17.52.050 Existing manufactured homes and mobile homes. Nothing in this ordinance shall be construed to prohibit manufactured homes and mobile homes in use or in place prior to the adoption of the zoning ordinance codified in this title, but if replaced the replacement unit must meet the requirements of this zoning ordinance.

17.52.060 Manufactured/Mobile Home Parks. Manufactured/mobile home parks shall be permitted only in approved zoning for Manufactured/Mobile Home Parks and shall comply with all requirements of Storey County Code, Chapter 8.24. All utilities must be underground.. All manufactured/mobile home parks shall provide two (2) off street parking spaces per unit.

17.52.070 Scope of provisions. All manufactured homes and mobile homes in a manufactured/mobile home overlay zone shall be considered residences and governed by the residence restrictions of the underlying zone.

Chapter 17.56

PUD PLANNED UNIT DEVELOPMENT OR SUBDIVISION ZONE

Sections:

- 17.56.010 Applicability.
- 17.56.015 Purpose and intent.
- 17.56.020 Zone classification change—Recreational or residential developers.
- 17.56.030 Zone classification change—Petition.
- 17.56.040 Zone classification change—Approval.
- 17.56.050 Special use permit—Required.
- 17.56.060 Special Use permit—Conditions.
- 17.56.070 Special use permit—Revocation.
- 17.56.080 Declaration of tract restrictions for common-owned areas.
- 17.56.090 Filing for final approval.
- 17.56.095 Final approval.

17.56.010 Applicability. The PUD zone, planned unit development and subdivision zone, shall be governed by the provisions of this chapter and Nevada Revised Statutes 278A.

17.56.015 Purpose and intent. The PUD planned unit development zone is created to facilitate the development of large properties with a variety of uses and densities that are planned and constructed as a cohesive unit; encourage a more efficient use of land and public services, or the private services in lieu thereof; promote increased flexibility of land development regulations to attain innovative design and provision of amenities for users and residents of a development; and expedite the processing and review procedures for large-scale development proposals.

17.56.020 Zone classification change—Recreational, residential, industrial, or commercial developers. Any owner, promoter or seller of real estate, or holder of an option to purchase real estate, who proposes to develop a private park, recreational area, and buildings, clubs, social halls, play-fields, common-owned property, or to sell multiple, undivided interests in property to the general public, all in connection with an overall recreational, residential, industrial, or commercial development, must apply for a change to a PUD zone classification for all property included in the proposed development pursuant to the procedures specified in chapter 17.64 of this ordinance, and must obtain a change to a PUD zone before he may proceed with his development.

17.56.030 Zone classification change—Petition.

- (A). Petitions for a zoning change to a PUD, planned unit development, shall be pursuant to the procedures for any other change of land use classification as provided for in chapter 17.64 of this ordinance, but in addition shall include a boundary survey map of the area, a proposed tentative map where applicable,

maps of the existing and proposed topography of the area, including all trees over six (6) inches in diameter (or groves where grouped), trees to be removed, and overall development plan showing the use or uses, dimensions and locations of proposed streets, parks, playgrounds, school sites, recreational areas, and other open spaces, with such other pertinent information as may be necessary to show the desirability of a change to a PUD zone classification. This information shall include the proposed street system, proposed building site layout, proposed reservations for parks, parkways, playgrounds, recreational areas and open spaces, proposed locations of dwellings, garages, commercial uses, industrial uses, parking spaces, street signs and fire hydrants.

- (B). Legal means of administration and control shall be shown with the petition, together with a tabulation of the gross land area of the development, a tabulation of the area to be devoted to each land use and a tabulation of the average population density per acre, including common-owned grounds, and per gross acre in the area devoted to residential use.
- (C). Standards of minimum lot areas, maximum lot coverages, minimum lot widths, landscaped areas and off-street parking shall be set forth in the petition and tentative maps.
- (D). Standard parcel areas, usages and limitations shall be as designated on the development plans and approved by the Planning Commission and County Commissioners.

17.56.40 Zone classification change—Approval. The petition for a zoning change to a PUD zone may be granted by the Board of County Commissioners if it specifically makes the following findings in the minutes:

- (A). In what respects the plan is or is not consistent with the statement of objectives of a planned unit development.
- (B). The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, and the reasons why these departures are or are not deemed to be in the public interest.
- (C). The ratio of residential to industrial and commercial use in the planned unit development.
- (D). The purpose, location and amount of the common open space in the planned unit development, the reliability of the proposals for the maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.

- (E). The physical design of the plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
- (F). The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.
- (G). In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the planned unit development in the integrity of the plan.

17.56.050 Special use permit--Required. In addition to the requirements of section 17.56.050, a developer of a planned unit development or subdivision must obtain a special use permit for the development or subdivision pursuant to the provisions of chapter 17.62 of this ordinance, and shall apply for the same at the time a zoning change to a PUD zone is applied for. Upon the abandonment of the project, or the expiration of three (3) years from the granting of the special use permit, or approval of the final map or plat, whichever is later, where the development has not been completed or an extension of time granted, the special use permit shall expire and the zone classification shall revert to the former zone classification, with the exception that structures erected thereon may be used for any other lawful purpose permissible within the zoning regulation for the zone.

17.56.060 Special use permit--Conditions. The special use permit may contain such other conditions or requirements as in the opinion of the county planning commission and/or the board of county commissioners are necessary for the health, safety, or welfare of the community.

17.56.070 Special use permit--Revocation. The special use permit may be revoked if the developer deviates from the development plat as approved by the Board of County Commissioners.

17.56.080 Declaration of tract restrictions for common-owned areas.

- (A).- Whenever a subdivision or planned unit development contains common-owned areas, or undivided interests in land, the developer must cause to be presented to the county Planning Commission a declaration of tract restrictions that the common-owned areas will be used exclusively for the purposes set forth in the declaration, and which further contains the means by which the preservation and maintenance of the common-owned area is to be accomplished and the payment of taxes assured.

- (B). No such development shall be permitted, or a change of zone allowed, or special use permit issued until such declaration is recommended by the county Planning Commission and approved by the Board of County Commissioners. The Planning Commission may also cause to be filed a petition for the formation of a community services zone for the preservation and maintenance of common-owned areas.

17.56.090 Filing for final approval. The Board of County Commissioners, shall, when approving a tentative development plan, the zone change to the PUD zone, the special use permit, and the tentative subdivision map, if one was required, with or without conditions, shall specify the time within which an application for final approval must be filed. The approval shall also specify the maps, drawings, specifications, covenants, easements, conditions and form of performance bond necessary for applying for a final map.

17.56.095 Final approval. A public hearing is not required on an application for final approval if the plan submitted is in substantial compliance with the plan which has been given tentative approval. For a plan submitted for final approval which is not in substantial compliance with the tentative approval the county shall notify the land owner in writing setting forth the particular ways in which the plan is not in substantial compliance. If the applicant fails to amend the plan to be in substantial compliance and wants to submit the non-complying plan for approval, a public hearing shall be held by the Board of County Commissioners as provided for in section 278A.480 of Nevada Revised Statutes. After following the procedure specified in section 278A.480 of Nevada Revised Statutes, the Board of County Commissioners may approve or deny the revised development plan.

Chapter 17.60

VARIANCES

Sections:

- 17.60.010 Applicability.
- 17.60.020 Application.
- 17.60.030 Fees.
- 17.60.040 Hearing notification.
- 17.60.050 Advisory action of Planning Commission.
- 17.60.060 Decision by Board of County Commissioners.
- 17.60.070 Appeals procedure.
- 17.60.080 Finality of decision.
- 17.60.090 Time limit for permit.
- 17.60.100 Reapplication.

17.60.010 Applicability. A variance to the provisions of this ordinance may be granted by the Board of County Commissioners in accordance to the provisions of this chapter where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such lot or parcel, the strict application of such regulations enacted under this ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property. Such relief from the strict application of the regulations of this ordinance, however, may only be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution and under such conditions as the board may deem necessary to assure that the general purpose and intent of this ordinance will be observed, public safety and welfare secured and substantial justice done.

17.60.020 Application. The application for a variance or a special use permit as provided herein shall be made to the Storey County building department on forms furnished by the Planning Commission. Such applications shall be accompanied by the following data and information:

- (A). Site plan, drawn to scale to include, as appropriate, building dimensions of existing and proposed structures; setback dimensions, yards and open space dimensions; parking spaces and dimensions; location and size of signs; and other such information as may be necessary;
- (B). Floor plan, drawn to scale to indicate size of buildings and total square footage of buildings, if appropriate for the project;
- (C). Rendered elevation to indicate the architectural appearance of proposed buildings, if appropriate for the project.

17.60.030 Fees. The building department, on behalf of the Planning Commission, shall charge and collect fees for the filing of a variance or a special use permit application in keeping with the latest approved "Revised Fee Schedule" posted in the Building Department, the charge being payable at the time of filing.

- (A). There will not be a fee charged to any nonprofit organization or government agency that is the owner of record of the property involved in a special use permit or variance application.
- (B). Fees for renewal of a variance or special use permit shall be one-half the original application fee.

17.60.040 Hearing notification. Upon receipt in proper form of any application, the Planning Commission will hold a public hearing thereon. A notice of the time and place of hearing, a physical description of the property involved, or map, and the purpose of the hearing shall be sent by mail at least ten (10) days before the hearing to:

- (A). The applicant;
- (B). Each owner of real property located within 300 feet of the property in question;
- (C). If a manufactured/mobile home park is located within 300 feet of the property in question, each tenant of that manufactured/mobile home park; and
- (D). Any advisory board which has been established for the affected area by the governing body.

For the purpose of this section, "owner of real property" means that owner shown upon the latest assessment rolls of the county.

17.60.050 Advisory action of the Planning Commission. At the conclusion of the hearing, the Planning Commission shall take such action thereon as it deems warranted under the circumstances and shall announce and record its action by formal resolution and such resolution shall recite the findings of the Planning Commission upon which it bases its decision. Conditions of approval, if any, shall be included in the resolution. The resolution shall be sent to the Board of County Commissioners within twenty-one (21) days of approval of the minutes by the Planning Commission. The decision of the Planning Commission in the legislative matter of granting, granting with conditions, or denying special use permits or variances shall be advisory only to the Board of County Commissioners.

17.60.060 Decision by Board of County Commissioners. The Board of County Commissioners, after receipt of the report and recommendation from the Planning Commission, shall consider the report and recommendation as an action agenda item during a normally scheduled meeting of the board and shall make a decision thereon as it deems warranted. If requested by an appellant pursuant to section 17.60.070, the Board of

County Commissioners shall hold a public hearing before any decision is made. The Board of County Commissioners in granting a special use permit or variance, may establish conditions under which the lot or parcel of land may be used, or a building or structure is constructed or altered or make requirements as to architecture, height of a building or structure, open spaces, parking areas or vehicle storage and conditions of operation of any enterprise, or may make any conditions, requirements or safeguards that the commission may consider necessary to prevent damages or prejudice to adjacent properties or detriment to the county.

17.60.070 Appeal procedures. In the event any person or the applicant is aggrieved by the recommendation of the Planning Commission and desires that the Board of County Commissioners hold a public hearing on the proposal may file a notice of appeal with the county clerk requesting a public hearing. The notice of appeal requesting a public hearing by the Board of County Commissioners shall be accompanied with an administrative fee of one-hundred dollars (\$100.00). Notice of the public hearing shall be as specified in section 17.60.040 of this chapter.

17.60.080 Finality of decision. The decision of the Board of County Commissioners shall not become final and effective until seven (7) days after the decision is entered in the minutes of the Board of County Commissioners. No permits shall be issued concerning the property in question until the decision becomes final.

17.60.090 Time limit for permit. Each special use permit or variance authorized under the provisions of the chapter which is not actually established or the actual construction commenced on the buildings or structures within twelve (12) months from the date of the final decision is null and void. In the event some construction work is involved, it must actually commence within the stated period and be diligently PURSUED to completion. A lapse of work for a period of six (6) months will be sufficient to cause the invalidity of the permit; provided further, when any use of land, building, structure or premises established under the provisions of this chapter has been discontinued for a period of one (1) year, it is unlawful to again use such land or building or premises for such discontinued use unless a subsequent special use permit or variance is authorized and issued therefor. Extensions of time to the provisions of this section may be granted by the Board of County Commissioners, upon recommendation of the Planning Commission, for good cause if requested by the property owner of record not less than fifteen (15) days prior to the expiration date of the special use permit or variance.

17.60.100 Reapplication. No person, including the original applicant, shall reapply for a similar special use permit or variance on the same land, building or structure within a period of one (1) year from the date of the final decision by the Board of County Commissioners of such previous application

Chapter 17.62

SPECIAL USES

Sections:

- 17.62.010 Applicability.
- 17.62.020 Special use permits.
- 17.62.030 Special use permits in specific zones.

17.62.010 Applicability. Certain uses may be permitted by the Board of County Commissioners in zones in which they are not permitted by this ordinance where such uses are deemed essential or desirable for the public convenience or welfare. The procedure for filing of applications, filing fees, public hearings, findings and appeals shall be the same as provided for variances in chapter 17.60 of this ordinance.

17.62.020 Special use permits. The following uses may be permitted only in zones that allow said usage per the granting of a special use permit. This excludes the I-S special industrial zone and PUD planned unit development or subdivision zone:

- (A). City, county, state and federal enterprises, including buildings, facilities and uses;
- (B). Educational institutions, including elementary, middle and high schools whether public, private or parochial;
- (C). Establishments or enterprises involving large assemblages of people or automobiles, including amusement parks, circuses, carnivals, expositions, fairgrounds, race tracks, recreational and sports centers, whether temporary or permanent;
- (D). Golf courses, golf driving ranges and country clubs;
- (E). Hospitals, sanitariums and rest homes;
- (F). Libraries, museums and private clubs;
- (G). Parks, playgrounds and community facilities;
- (H). Public utility or public service buildings, structures and uses;
- (I). Radio, television and other communication transmitters and towers;
- (J). Sewer plants or sewage disposal facilities;
- (K). Wild animal maintenance.

17.62.030 Special use permits in specific zones. Uses mentioned in this section may be permitted in the zones therein indicated upon the granting of a special use permit as provided in chapter 17.60 of this ordinance:

- (A). Cemeteries, columbariums, crematories, mausoleums, mortuaries and funeral parlors in the A, R-2, C, CR, F, and I zones;
- (B). Airports and aircraft landing fields in the A, C, F, and I zones;
- (C). Real estate tract offices and signs in the A, R-1, R-2, C, CR, F, and E zones.

Chapter 17.64

CHANGES IN DISTRICT BOUNDARIES AND DISTRICT CLASSIFICATIONS

Sections:

- 17.64.010 Authorization.
- 17.64.020 Initiation of changes and amendments.
- 17.64.030 Fees.
- 17.64.040 Hearing and notice.
- 17.64.050 Advisory action of Planning Commission.
- 17.64.060 Decision by Board of County Commissioners.
- 17.64.070 Finality of decision.
- 17.64.080 Reapplication.

17.64.010 Authorization. Boundaries of zones established by this ordinance or the classification of property uses therein may be amended, reclassified or altered, whenever public necessity, convenience and general welfare require, by the Board of County Commissioners after a report and recommendation by the Planning Commission as herein required.

17.64.020 Initiation of changes and amendments. Amendments, supplements or changes may be initiated in the following manner, either by:

- (A). The Planning Commission;
- (B). The Board of County Commissioners;
- (C). The petition of all property owners of the land subject to the amendment, supplement or change. The petition shall be in the form of an application for change of zone classification and shall be duly signed and acknowledged by the property owner of record and shall be filed in the office of the building official upon forms furnished by the Planning Commission for the purpose and shall be accompanied by the following data and information:
 - 1. Site plan, drawn to scale, showing the boundaries and dimensions of the area included in the application, property lines with dimensions, rights-of-ways, easements, and such other information as may be necessary to accurately indicate the configuration of the area included in the application and its relationship to surrounding properties;
 - 2. Copy of the recorded deed or deeds of the area included in the application;
 - 3. Each application shall be signed by the property owner(s) of record of the property to be changed by such application and notarized.

17.64.030 Fees. A fee of five hundred dollars (\$500.00) for the first lot or portion thereof, plus twenty-five dollars (\$25.00) for each additional lot or portion thereof, shall be paid with each change of zone request at the time of application. The fee is non-refundable and is to partially defray the cost of making maps, mailing notices of the hearing, and other administrative expenses involved in a petition for a change in regulations. The fee may be waived when the property owner of record is a government agency or nonprofit organization.

17.64.040 Hearing and notice. Upon the filing of any such verified petition of a property owner, or by a resolution of intention by the Planning Commission or Board of County Commissioners, the Planning Commission shall hold at least one public hearing in relation thereto at which parties of interest and other persons shall have an opportunity to be heard. Notice of the hearing shall be, at a minimum, as follows:

- (A). Publication in a newspaper of general circulation in the county at least ten (10) days before the day of such hearing;
- (B). Mailed notices, at least ten (10) days before the hearing, to:
 - 1. The applicant(s);
 - 2. Each owner, as listed on the county assessor's records, of real property located within 300 feet of the portion of the boundary being changed;
 - 3. Each owner, as listed on the county assessor's records, of at least thirty (30) parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph 2;
 - 4. Each tenant of a manufactured/mobile home park if that park is located within 300 feet of the property in question; and
 - 5. Any advisory board which has been established for the affected area by the governing body.

17.64.050 Advisory action of Planning Commission. At the conclusion of the hearing, the Planning Commission shall take such action thereon as it deems warranted under the circumstances and shall announce and record its action by formal resolution, and such resolution shall recite the findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the legislative matter of amending zone boundaries and zone classifications shall be advisory only to the Board of County Commissioners.

17.64.060 Decision by Board of County Commissioners. The Board of County Commissioners, after receipt of the report and recommendation from the Planning Commission, shall hold a public hearing as specified in section 17.64.040 of this chapter, consider the report and recommendation and shall make such a decision thereon as it deems warranted. The Board of County Commissioners shall, by adoption of ordinance to such effect, authorize such reclassification of property.

17.64.070 Finality of decision. The decision of the Board of County Commissioners shall not become final and effective until seven (7) days after the decision is entered in the minutes of the Board of County Commissioners. No permits shall be issued concerning the property in question until the decision becomes final. At the expiration of the aforesaid seven (7) day period, the decision of the Board of County Commissioners shall become final and effective.

17.64.080 Reapplication. No person, including the original applicant shall reapply for the same reclassification of the same property within a period of six (6) months from the date of final denial by the Board of County Commissioners of such previous application.

Chapter 17.76

NATURAL RESOURCES

Sections:

17.76.010 Purpose.

17.76.020 Applicability

17.76.030 Permitted uses.

17.76.010 Purpose. The purpose of this chapter is to promote the preservation of land to conserve and enhance natural and scenic resources, archaeological, and cultural sites, primitive areas, watersheds and flood prone areas.

17.76.020 Applicability: This title is designed to promote the conservation and maintenance of natural features for control of floods and the protection of other natural and scenic resources from unreasonable impairment.

17.76.020 Permitted uses: A special use permit is required for any improvements which must be constructed for the enhancement and protection of these areas..

Chapter 17.80

TRUCKEE RIVER RESTRICTIONS

Sections:

17.80.010 Purpose and scope.

17.80.030 Prohibition.

17.80.040 Applicability.

17.80.010 Purpose and scope.

- (A). The purpose of this chapter is to safeguard the public health, safety and welfare, and to protect and preserve the ecology and environment of the Truckee River and the area surrounding said river and within the county.
- (B). The Truckee River, the only resource of its kind in the county, is the natural and only drainage for the watershed area adjacent thereto, with all water, surface and subsurface and of whatever source, arising in or entering said watershed eventually finding its way into the river. A present and potentially catastrophic future problem arises from the fact that part of said waters so entering that river consists of the polluted human wastes coming from open drains, sewage systems and septic tanks, human wastes that are processed and the effluent returned directly or indirectly into the river, and then repeatedly reused, reprocessed and again returned to the river. The quantitatively small volume of water in the Truckee can stand only so much of this before it becomes, in effect, an open sewer. Any increase in these effluent waters, no matter how treated, must increase the danger to the ecology of the river itself, to the surrounding environment, and to the public health, safety and enjoyment of property. The county commissioners, having duly considered the undoubted fact that a concentration of use, such as would be created by manufactured/mobile home, trailer, and recreational vehicle parks, and motels, would unquestionably create such an increase in effluent waters, with the resultant increase in the dangers of pollution, do declare the curtailment of the situation described in this section to be the reason and the purpose of this chapter.

17.80.030 Prohibition. The construction, use, location, operation or maintaining of manufactured/mobile home parks, trailer parks, recreational vehicle parks, and motels is prohibited in that part of the county lying and being within four thousand feet of the northerly boundary of Storey County, and said northerly boundary being the centerline of the Truckee River, commencing where the section line common to Sections 12 and 13, T. 19 N., R. 20 E., M.D.B. &M. intersects the centerline of the Truckee River for the entire distance that the said centerline remains the northerly boundary of Storey County as specifically set forth and described in Nevada Revised Statutes, Sections 243.335 and 243.340.

17.80.040 Applicability.

- (A). Nothing herein shall be deemed to prohibit the parking or storage of a single trailer or recreational vehicle on the premises of its owner when not used for dwelling or sleeping purposes.
- (B). Nothing herein shall prohibit nor apply to the continued existence of any legitimate presently existing manufactured/mobile home park, trailer park, recreational vehicle park or motel heretofore properly established, conducted and maintained within the prohibited area set forth in Section 17.80.030 of this section, nor shall this chapter apply to or prohibit the creation, construction or addition to, or the operation thereafter of any such park or motel for which a permit has heretofore been approved by the Board of County Commissioners.
- (C). Nothing herein shall prohibit a motel which is supplied water service from a public or private community water system and sewer service from a community sanitary sewer system within the following area: Parcel 2 of the amended map of division into large parcels for C-W-Nevada, Inc.; File No. 57631, recorded in Storey County on February 24, 1986.

Chapter 17.84

SIGNS AND BILLBOARDS

Sections:

- 17.84.010 Permit—Required.
- 17.84.020 Applicability.
- 17.84.030 Permit—Fees.
- 17.84.040 Permit—Criteria for denial.
- 17.84.050 Permit—Numbering.
- 17.84.060 Permit—Validity.
- 17.84.070 Violation—Report.
- 17.84.080 Complaint by state personnel.
- 17.84.090 Violation—Penalty.

17.84.010 Permit—Required. It is unlawful for any person, firm, association or corporation, personally or by agent, to erect, place or maintain any billboard, sign, or any form of notice or advertising, unless such billboards and signs are permitted in this ordinance;

- (A). On the public highways of this county; or
- (B). On the public domain; or
- (C). On land owned or leased by such advertiser or agent, but not used as the site for manufacturing or selling the goods or articles advertised; or
- (D). On the lands of another except where, by painting, an area of the barns or other outbuildings thereon may be preserved, without first having secured from the county building official a permit to erect, or continue use of, such sign, billboard or other form of notice or advertisement. For the purpose of this subsection, "area" is defined as the entire wall or roof aspect on which an advertisement may be painted.

17.84.020 Applicability. This chapter shall not apply to the owner or occupant of any land who may place or erect on the land or on the outbuildings thereon any sign or notice or advertisement, where otherwise permitted by this ordinance, intended to benefit the land or improvements thereon and advertise the business conducted in the building on the land, or advertise or identify the project in which the land is located.

17.84.030 Permit—Fees. A. No permit for the erection of such sign, billboard or other form of advertisement shall be issued unless and until the applicant has paid a fee in the sum of twenty-five dollars (\$25.00).

17.84.040 Permit—Criteria for denial. No permit shall be granted for the erection of any billboard, sign or other form of notice on any location which may measurably destroy the natural beauty of the scenery or obscure a view of the road ahead, or of curves and grades or intersecting highways or railways.

17.84.050 Permit—Numbering. On granting a permit the building official shall assign a permit number which shall be painted or printed on every sign, billboard or other form of advertising as the case may be, placed under this chapter and applicable state statutes.

17.84.060 Permit—Validity. The permit shall run to the end of the calendar year for which it is issued, and if the permit is not renewed, by application of the person or assignee of the person who applied originally for the permit to erect the sign, by February 1st of each year following, the Board of County Commissioners shall order the removal or effacement of such sign or billboard, as the case may be.

17.84.070 Violation—Report. All Sheriff, Public Works, and Building Department employees shall report any violation of this chapter to the County Building Department wherein any violation may occur.

17.84.080 Complaint by state personnel. Should the State Highway Engineer file a complaint with the Board of County Commissioners of this county showing that any sign erected is a hazard to traffic, the Board of County Commissioners shall order the removal of the sign.

17.84.090 Violation—Penalty. Any person, firm, association or corporation who erects or maintains any billboard, sign, placard, poster or other form of advertising in violation of any provisions of this chapter shall be guilty of a misdemeanor as defined in Storey County Code 17.88.020.

Chapter 17.88

ENFORCEMENT AND VALIDITY

Sections:

17.88.010 Enforcement.

17.88.020 Penalty.

17.88.030 Validity.

17.88.040 Repeals.

17.88.010 Enforcement. All departments, officials and public employees of Storey County, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this ordinance; and any such permit or license issued in conflict with the provisions of this ordinance shall be null and void.

The provisions of this ordinance shall be administered by the county building official, the Planning Commission, or their designated representative.

Any building or structure erected or maintained or any use of property, contrary to the provisions of this ordinance, shall be and the same is hereby declared to be unlawful and a public nuisance, and the District Attorney shall immediately commence actions and proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take such other steps, and shall apply to any court as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person, firm or corporation from erecting or maintaining such building or structure, or using any property contrary to the provisions of this ordinance.

17.88.020 Penalty. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a period of not more than six (6) months, or by both such fine or imprisonment. Each day that violation of this ordinance continues shall be considered a separate offense.

17.88.030 Validity. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

17.88.040 Repeals. Subject to the provisions of section 17.88.030 of this ordinance, all ordinances of Storey County inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed; provided that the foregoing repeal as in this section shall not affect repeal of any provisions of other ordinances which impose greater restrictions or limitations. The repeal of any of the above mentioned ordinances does not revive any other ordinance or portion thereof repealed by said ordinance.

Chapter 17.92

MINING, EXPLORATION AND EXTRACTION

Sections:

- 17.92.010 Authority.
- 17.92.020 Findings of fact.
- 17.92.030 Purpose and intent.
- 17.92.040 Enforcement.
- 17.92.060 General requirements.
- 17.92.070 Registration—Application—Contents
- 17.92.080 Registration—Acknowledgment.
- 17.92.090 Special Use Permit

17.92.010 Authority. Chapter 244.335 of the Nevada Revised Statutes provides the Board of County Commissioners with the authority to:

- (A). Regulate all character of lawful trade, callings, industries, occupations, professions and businesses conducted in the county, outside of the limits of incorporated cities and towns; and
- (B). Fix, impose and collect a license tax for revenue and/or regulation on such trades, callings, industries, occupations, professions and businesses.

17.92.020 Findings of fact. The extraction of certain natural resources, particularly mineral resources, play a significant role in the economic and social well-being of the residents of the county. At the same time, there is a need to provide a mechanism whereby the county is informed at all times of such industries that will be operating within their jurisdiction, and to regulate mineral exploration activities in such a manner as to protect both the residents of the county and the mining industry from possible abuses by unregulated operations.

17.92.030 Purpose and intent. The purpose of this chapter is to provide a mechanism whereby the county will be informed of all mining, exploration, and/or extraction operations within its jurisdiction and to regulate activities not previously regulated under existing county ordinances. It is not intended that this chapter repeal, or in any way interfere with existing laws, ordinances, or regulations administered by the county. Rock, sand and gravel excavating, crushing, processing and distribution are not intended to be regulated by this chapter.

17.92.040 Enforcement. In the event of a violation of this chapter, the county may order the operator to comply with the provisions of this chapter within thirty (30) days of receipt of said order.

17.92.060 General requirements.

- (A). General. Prior to commencement of any exploration, new mining and/or extraction operation or the expansion of an existing operation within the jurisdiction of the county, the operator shall file an application to register said operation in accordance with the provisions of Section 17.92.070 of this chapter. Application for a special use permit, if required by this ordinance, shall fulfill the registration requirements. Assessment work shall be exempt from registration.
- (B). Duplication of Required Information. If information required in accordance with Section 17.92.070 of this chapter is a duplication of a requirement of a federal or state agency, a copy of that information may be substituted.
- (C). Existing Operations. Operations in existence prior to implementation of this chapter shall not be required to register unless said operation is expanded to include greater surface area. Expansion of underground activities not affecting the surface environment shall not require registration.

17.92.070 Registration--Application--Contents. An application to register an exploration for mining, and/or extraction operation shall include the following information:

- (A). Operator. Name, address, and telephone number of the corporation, business association, or individual, and of the project manager or local contact person;
- (B). Land Ownership--Private. Name, address, and telephone number of the surface and subsurface owner;
- (C). Land Ownership--Federal. Name of the surface and minerals management agency, district office, address, agency contact person, and telephone number;
- (D). Land Description. Assessor's parcel number(s), township, range, section, or allotted parts of a section (as applicable), and the total number of acres;
- (E). Description of Operation.
 - 1. Intent and Purpose. A statement that summarizes the intent and purpose of the operation,
 - 2. Scale of Operation. Anticipated number of employees during construction and operational phases, period of operation, i.e., continuous, seasonal, or other, estimated number of acres of entire project, estimated annual net proceeds, and the estimated life of the operation,
 - 3. Housing. Anticipated location in which most employees will live, number and type of on-site housing units, and the estimated number, type and location of additional housing.

4. Site Plan. Boundary of the project area, proposed or existing structures and respective uses, area(s) to be disturbed, ponds, fencing, material storage, roads within the project area, adjacent public and private land owners, existing surface water, and other specific information as applicable to the operation,
5. Vicinity Map. Boundary of the project area, nearest city and/or populated townsite and distance from the project area, existing and/or proposed haul roads, existing and/or proposed power lines, and other specific information as applicable to the operation,
6. Certification of Operator.
 - a. Certification that the operator is either the lessee or the owner of the property on which the operation will occur, and
 - b. If the operator is a lessee, certification that he/she has the right, power, and authority to conduct the described operation, and
7. Acknowledgment of Receipt of Registration. Acknowledgment that the county received the application to register the described operation or an application for a special use permit, if required.

17.92.080 Registration--Acknowledgment. Acknowledgment of receipt of an application to register a mining, exploration, and/or extraction operation constitutes official registration of the operation with the county. Registration shall not constitute approval or denial of the operation of the county.

17.92.090 Special use permit. In addition to the requirements set forth herein, applications for exploration, expansion of existing, or new mining shall apply for a special use permit pursuant to county ordinance procedures if the operation falls within the following categories:

- (A). Within three hundred feet of any residence, unless that residence is the property of the owner or operator of the proposed operation, any operation exceeding the scope of assessment work;
- (B). Within one thousand feet of any residence, unless that residence is the property of the owner operator of the proposed operation, any drilling operation exceeding five working days duration, any construction of new roads, excavation exceeding one hundred cubic yards, any alteration of stream flows, or any type of blasting; or
- (C). Over one thousand feet from any residence, construction of new roads or excavation in excess of one thousand cubic yards, or any alteration of stream flows.

SECTION 3:

Repealer Clause. All bylaws, ordinances, resolutions and orders, or parts of bylaws, ordinances, resolutions and orders in conflict or inconsistent with this chapter, are hereby repealed.

SECTION 4:

Severability of provisions. If any section or portion thereof of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction such holding shall not affect the validity of the remaining portions of this chapter.

THE COUNTY COMMISSIONERS OF STOREY COUNTY DO ORDAIN AS FOLLOWS:

Proposed on the 1 day of June, 1999

Proposed by Commissioner Charles Haynes

Passed on the 15 day of June, 1999

VOTE:

Ayes: Haynes, Trink & Hess

Nays: None

Absent: None

This ordinance shall be in full force and effect from and after the 15 day of

June, 1999.

Charles Haynes
CHARLES HAYNES, CHAIRMAN
STOREY COUNTY COMMISSION

ATTEST:

Doreen Bacus
DOREEN BACUS,
STOREY COUNTY CLERK

