



# Storey County Board of County Commissioners Agenda Action Report

Meeting date: December 2, 2014

Estimate of time required: 5 min.

Agenda: Consent [ ] Regular agenda [ ] Public hearing required [X]

1. **Title:** Discussion and possible action to approve the second reading of Ordinance 14-258, an ordinance amending Storey County Code chapter 10.16 to repeal driving while impaired, and to change the amount of alcohol in a driver's blood to .08 recent to be unlawful to drive or be in actual physical control of a vehicle and providing for other properly related matters.

2. **Recommended motion:** I move to approve the second reading of Ordinance 14-258.

3. **Prepared by:** Anne Langer

**Department:** District Attorney's Office

**Tel:** 847-0964

4. **Staff summary:** The staff is recommending that Storey County Code section 10.16.010, Driving while ability is impaired, be repealed because driving while "impaired" legally could be construed to be the same standard as driving under the "influence". Further, the driving while ability is impaired section has virtually become obsolete with the changes to the NRS Driving Under the Influence (DUI) laws that lower the level of alcohol from .10 to .08 percent in your breath or blood to be convicted of a DUI.

In 2003, the law was changed in the State of Nevada in relation to DUI's by lowering the percent of alcohol in your blood or breath from .10 to .08 to obtain a per se DUI violation. The law was also changed to set forth the per se violations regarding certain controlled substances found in an individual's urine or blood that would constitute a DUI. The SCC section 10.16.0510, Driving under the influence prohibited, has been amended to reflect the current state of the law.

5. **Supporting materials:** Ordinance 14-258

6. **Fiscal impact:** The fines for DUI charged under this section will go to the county general fund instead of the State.


7. **Legal review required:** Yes

\_\_\_\_\_ District Attorney

8. **Reviewed by:**

\_\_\_\_\_ Department Head

Department Name: District Attorney

 \_\_\_\_\_ County Manager

Other agency review: \_\_\_\_\_

9. **Board action:**

Approved

Approved with Modifications

Denied

Continued

Agenda Item No.

## Ordinance No. 14-258

### Summary

An ordinance amending chapter 10.16 Driving while impaired or intoxicated, to repeal driving while impaired and to change the amount of alcohol in a driver's blood or breath to .08 percent to be unlawful to drive or to be in actual physical control of a vehicle on a highway or on premises to which the public has access in Storey County.

### Title

**An ordinance amending Storey County Code chapter 10.16 to repeal driving while impaired, and to change the amount of alcohol in a driver's blood to .08 to be unlawful to drive or be in actual physical control of a vehicle, and providing for other properly related matters.**

The Board of County Commissioners of the County of Storey, State of Nevada, does ordain:

**SECTION I:** Chapter 10.16. is amended as follows:

### Chapter 10.16

*Driving under the influence. while impaired or intoxicated.*

#### Sections:

*Article I. Driving while ability is impaired.*

~~10.16.010 Prohibited.~~

~~10.16.020 Definition.~~

~~10.16.030 Determination of impaired ability.~~

~~10.16.040 Violation.~~

*Article II. Driving while intoxicated.*

~~10.16.0510 Driving under the influence pProhibited.~~

~~10.16.0620 Violation—Criminal penalty.~~

*Article I. Driving while ability is impaired.*

#### **10.16.010 Prohibited.**

~~—It is unlawful for any person whose ability to operate a motor vehicle is impaired by the consumption or ingestion of alcohol, an alcoholic beverage or any controlled substance to operate or be in actual physical control of a vehicle on a road or highway in the county or on~~

premises to which the public has access within the county. (Ord. 88 § 1, 1985)

**10.16.020 Definition.**

~~— For the purposes of this chapter, "person whose ability to operate a motor vehicle is impaired" means any person whose ability to operate a motor vehicle was, at the time of the alleged violation, so weakened or reduced by the consumption, ingestion or use of alcohol, an alcoholic beverage or a controlled substance that the person was driving or was in actual physical control of a motor vehicle with less ability than the ability of an ordinary, careful, and prudent driver. (Ord. 88 § 2, 1985)~~

**10.16.030 Determination of impaired ability.**

~~— In any criminal prosecution for a violation of this chapter, in which it is alleged the defendant was driving or was in actual physical control of a motor vehicle while his ability to operate the vehicle was impaired by the consumption of alcohol or an alcoholic beverage, the amount of alcohol in the defendant's blood at the time of the test as shown by a chemical analysis of the defendant's blood, urine, breath or other bodily substance gives rise to the following:~~

~~— A. If there was at the time 0.05 percent or less by weight of alcohol in the defendant's blood, there is a presumption that at the time of the alleged violation the defendant was not a person whose ability to operate a vehicle was impaired;~~

~~— B. If there was at that time more than 0.05 percent but less than 0.10 percent by weight of alcohol in the defendant's blood, there is no presumption that at the time of the alleged violation the defendant was or was not a person whose ability to operate a motor vehicle was impaired, but this fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. (Ord. 88 § 3, 1985)~~

**10.16.040 Violation.**

~~— A. No peace officer shall arrest a person for an alleged violation of this chapter if probable cause exists to arrest that person for a violation of NRS 484.379.~~

~~— B. The standard of probable cause for arrest under this chapter is equal to the standard of probable cause for arrest for a violation of NRS 484.379.~~

~~— C. A violation of this chapter is a lesser and included offense of a violation of NRS 484.379. A prosecuting attorney may charge a violation of this chapter only if upon review of all of the relevant facts and law, he knows or it is obvious that a charge of driving under the influence under NRS 484.379 is not supported by probable cause or that such a charge cannot be proved at time of trial. (Ord. 88 §§ 4, 5, 6, 1985)~~

Article II.

~~Driving while intoxicated.~~

**10.16.0510 Driving under the influence pProhibited.**

*A. It is unlawful for any person who:*

- 1. Is under the influence of intoxicating liquor;*
- 2. Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or*
- 3. Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood*

or breath;  
to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

B. It is unlawful for any person who:

1. Is under the influence of a controlled substance;
2. Is under the combined influence of intoxicating liquor and a controlled substance; or

3. Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

C. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

<i>Blood</i>	<i>Urine</i>	
<i>Nanograms</i>	<i>Nanograms</i>	
<i>Prohibited substance</i>	<i>per milliliter</i>	<i>per</i>
<i>milliliter</i>		
(a) <i>Amphetamine</i>	500	
100		
(b) <i>Cocaine</i>	150	
50		
(c) <i>Cocaine metabolite</i>	150	50
(d) <i>Heroin</i>	2,000	
50		
(e) <i>Heroin metabolite:</i>		
(1) <i>Morphine</i>	2,000	
50		
(2) <i>6-monoacetyl morphine</i>	10	10
(f) <i>Lysergic acid diethylamide</i>	25	10
(g) <i>Marijuana</i>	10	
2		
(h) <i>Marijuana metabolite</i>	15	5
(i) <i>Methamphetamine</i>	500	100
(j) <i>Phencyclidine</i>	25	10

*D. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph 1 of subsection A that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.*

*E. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.*

~~A. It is unlawful for any person who is under the influence of alcohol or who has ten percent or more by weight of alcohol in his blood, to drive or to be in actual physical control of a vehicle on a highway or on premises to which the public has access in Storey County.~~

~~B. The presumptions contained in NRS 484.381 shall apply in prosecutions for a violation of driving under the influence under subsection A of this section.~~

~~C. A person convicted under this section may be punished in accordance with NRS 484.379(2), in addition to the penalties provided in this article. (Ord 41-A § 14, 1986)~~

#### **10.16.0620 Violation—Criminal penalty.**

Every person violating the provisions of this chapter is guilty of a misdemeanor. (Ord. 13-249, 2013; Ord. 41-A § 22(part), 1986)

### **Chapter 10.18**

#### *Person under influence in or about a motor vehicle unlawful.*

##### Sections:

**10.18.010** *Person under influence in or about a motor vehicle* ~~p~~**Prohibited**

**10.18.020** **Exception.**

~~**10.18.030** **Chemical analysis standards.**~~

~~**10.18.040** **Arrest restrictions.**~~

**10.18.050** **Violation--Criminal penalty.**

**10.18.010** *Person under influence in or about a motor vehicle* ~~p~~**Prohibited.**

A. Except as provided in Section 10.18.020, a person shall *may* not be intoxicated or under the influence of intoxicating liquor, or under the influence of controlled substances as defined in NRS Chapter 453 in or about any motor vehicle which is moving or parked within Storey County in any area accessible to the general public.

(Ord. 110 § 1, 1987)

**10.18.020** **Exception.**

The provisions of §section 10.18.010 do not apply to passengers of common carriers and ~~private vehicles~~ who are under the influence of intoxicating liquor.

(Ord. 110 § 2, 1987)

**10.18.030 Chemical analysis standards.**

~~—In any criminal prosecution for the violation of this chapter in which it is alleged that the defendant was intoxicated, the following standards shall apply where the defendant has submitted to chemical analysis:~~

~~—A. 0.05 percent or less of alcohol as determined by blood or breath analysis: presumed not intoxicated;~~

~~—B. More than 0.05 percent but less than 0.10: no presumption but results of analysis may be considered with the evidence;~~

~~—C. 0.10 percent or more: presumed intoxicated.~~

~~(Ord. 110 § 3, 1987)~~

**10.18.040 Arrest restrictions.**

~~—No peace officer shall arrest a person for violation of this chapter if the circumstances justify an arrest for driving while under the influence of intoxicating liquor or controlled substances.~~

~~(Ord. 110 § 4, 1987)~~

**10.18.050 Violation--Criminal penalty.**

Any person violating this chapter is guilty of a misdemeanor.

(Ord. 13-249, 2013; Ord. 110 § 5, 1987)

Proposed on \_\_\_\_\_, 2014.

by Commissioner \_\_\_\_\_

Passed on \_\_\_\_\_, 2014.

Vote: Ayes:                      Commissioners \_\_\_\_\_  
\_\_\_\_\_

Nays:                              Commissioners \_\_\_\_\_  
\_\_\_\_\_

Absent                              Commissioners \_\_\_\_\_

\_\_\_\_\_  
Marshall McBride, Chair

Storey County Board of County Commissioners

Attest:

\_\_\_\_\_  
Vanessa Stephens  
Clerk & Treasurer, Storey County

This ordinance will become effective on \_\_\_\_\_, 2014.

# Storey County Board of County Commissioners

## Agenda Action Report

Meeting date: December 2, 2014

Estimate of time required: 5 min.

Agenda: Consent [ ] Regular agenda [X] Public hearing required [X]

1. **Title:** Discussion and possible action to approve Settlement Agreement between Storey County and Toys "R" Us, Inc.

2. **Recommended motion:** I move to approve Settlement Agreement between Storey County and Toys "R" Us, Inc.

3. **Prepared by:** William A. Maddox

**Department:** District Attorney

**Telephone:** 847-0964

4. **Staff summary:** TOYS "R" US, INC. entered into an incentives agreement with the Nevada Commission on Economic Development on April 19, 2011, which provided TOYS "R" US, INC. tax abatements in return for performance criteria which included investing at least \$250,000 and employing 51 people at its fulfillment center at 700 Milan Drive, in McCarran, Nevada at an average wage of \$19.91 per hour for a period of not less than five years. TOYS "R" US, INC. closed its fulfillment center in McCarran, Nevada in June of 2014, which was less than five years from when the fulfillment center had opened. As a result, Storey County billed them a total of \$247,876.71 comprised of \$53,196.53 in tax and \$5,818.37 in interest for 2011-2012; \$97,284.12 in tax and \$6,391.57 in interest for 2012-2013; and \$84,447.21 in tax and \$738.91 in interest for 2013-2014. Thus the total tax was \$234,927.86, and the total interest was \$12,948.85. (Continued on Page 2)

5. **Supporting materials:** Settlement Agreement

6. **Fiscal impact:** Yes! Storey County will receive \$234,927.86

Funds Available:

Fund:

\_\_\_\_ Comptroller

7. **Legal review required:** Yes

\_\_\_\_ District Attorney

8. **Reviewed by:**

\_\_\_\_ Department Head

Department Name: \_\_\_\_\_

 County Manager

Other agency review: \_\_\_\_\_

9. **Board action:**

Approved

Approved with Modifications

Denied

Continued

Agenda Item No.



**Staff summary Continued:** TOYS "R" US, INC. disputed the amounts billed by Storey County and in order to resolve the dispute, upon approval of the Settlement Agreement by the Nevada Tax Commission, the TOYS "R" US, INC. will pay the tax to Storey County in the amount of \$234,927.86, which is the full amount of assessed tax, and the County will waive all interest which was \$12,948.85 as of the Storey County billing.

The TOYS "R" US, INC. will pay the agreed amounts prior to December 31, 2014.

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**BEFORE THE NEVADA TAX COMMISSION**

In re: )  
Toys "R" Us, Inc. )  
"Taxpayer." ) Case No.: 451458

**SETTLEMENT AGREEMENT**

This Settlement Agreement is entered into as of this 8th day of December, 2014, by and between TOYS "R" US, INC. (hereinafter "Taxpayer"), by and through its attorneys Scott Susko and Matthew Boch of the law firm McDermott Will & Emery, the NEVADA DEPARTMENT OF TAXATION (hereinafter "Department"), by and through its attorneys, Catherine Cortez Masto, Nevada Attorney General, and Andrea Nichols, Senior Deputy Attorney General, and STOREY COUNTY, NEVADA (hereinafter "County"), by and through its Attorney William A. Maddox, Storey County District Attorney (collectively referred to as "the parties"):

**RECITALS**

WHEREAS,

(1) The Taxpayer is a Delaware corporation with a mailing address of 1 Geoffrey Way, Wayne, NJ 07470.

(2) Taxpayer entered into an incentives agreement with the Nevada Commission on Economic Development on April 19, 2011, which provided Taxpayer with the following incentives: Abatement of the Sales and Use Tax on purchases of certain declared equipment not exceeding \$17,118,885; Deferral of the 2% tax levied pursuant to Chapter 371 of the NRS on purchases of the declared equipment; Abatement of the Modified Business Tax at 50% for a period of four years; and, Abatement of the personal property tax at 50% for a period of 10 years on the declared equipment.

(3) Taxpayer's performance criteria included investing at least \$250,000 and employing 51 people at its fulfillment center at 700 Milan Drive, in McCarran, Nevada at an average wage of \$19.91 per hour for a period of not less than five years.

1 (4) Taxpayer closed its fulfillment center in McCarran, Nevada in June of 2014,  
2 which was less than five years from when the fulfillment center had opened.

3 (5) The Department conducted an audit of Taxpayer for Sales and Use Tax for the  
4 period of March 1, 2011, to April 30, 2014, and for Modified Business Tax for the period of  
5 July 1, 2011, to December 31, 2013.

6 (6) On April 11, 2014, the Department issued an Audit Deficiency Notice to  
7 Taxpayer as a result of the aforementioned audit.

8 (7) On May 15, 2014, Taxpayer timely filed a Petition for Redetermination  
9 explaining its position that it had substantially complied with the requirements of the incentive  
10 agreement and also identifying various audit issues.

11 (8) On July 15, 2014, the Department issued its Order on Petition for  
12 Redetermination with re-determined audit findings.

13 (9) The revised Sales and Use Tax billing totaled \$670,254.92 comprised of  
14 \$554,909.10 in tax and \$115,345.82 in interest calculated through May 31, 2014.

15 (10) The Modified Business Tax billing was not revised. It totaled \$49,203.06  
16 consisting of \$47,874.02 in tax and \$1,329.04 in interest calculated through May 31, 2014.

17 (11) The total combined amounts of Nevada Sales and Use Tax and Modified  
18 Business Tax were thus \$602,783.12 of tax and \$116,674.86 of interest.

19 (12) By letter dated August 8, 2014, Taxpayer requested a hearing on the  
20 Department's revised audit determination reiterating its position that it had substantially  
21 complied with the requirements of the incentive agreement.

22 (13) On October 6, 2014, Storey County issued a billing for Ad Valorem Taxes  
23 pursuant to NRS 360.750 for tax years 2011-2012, 2012-2013, and 2013-2014.

24 (14) The Storey County billing totaled \$247,876.71 comprised of \$53,196.53 in tax  
25 and \$5,818.37 in interest for 2011-2012; \$97,284.12 in tax and \$6,391.57 in interest for  
26 2012-2013; and \$84,447.21 in tax and \$738.91 in interest for 2013-2014. Thus the total tax  
27 was \$234,927.86, and the total interest was \$12,948.85.

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1 (15) The Taxpayer, the Department, and the County dispute whether or not  
2 Taxpayer was in substantial compliance with the April 11, 2011, agreement providing for  
3 certain tax incentives.

4 (16) The Taxpayer, the Department and the County desire to resolve the disputed  
5 matters and recognize that continued litigation would be protracted, costly, time consuming,  
6 and uncertain. Therefore, they have reached an agreement in view of the hazards of  
7 litigation and in the interests of judicial and administrative economy.

8 (17) The Taxpayer, the Department, and the County have agreed to settle and  
9 resolve their disputes as memorialized in this Settlement Agreement with the sole purpose of  
10 settlement, compromise, and resolution of any and all claims that any party may have  
11 against any other party regarding taxes due to the Department and County.

12 (18) The Department is authorized to enter into a settlement agreement to resolve a  
13 disputed matter pursuant to NRS 233B.121(5).

14 NOW, THEREFORE, the Taxpayer and the Department hereby represent, warrant  
15 and agree as follows:

16 **AGREEMENT**

17 (1) Upon approval of the Settlement Agreement by the Nevada Tax Commission,  
18 Taxpayer will pay the tax to the Department in the amount of \$602,783.12, which is the full  
19 amount of the assessed tax, and the Department will waive all interest which was  
20 \$116,674.86 as calculated through May 31, 2014.

21 (2) Upon approval of the Settlement Agreement by the Nevada Tax Commission,  
22 the Taxpayer will pay the tax to Storey County in the amount of \$234,927.86, which is the full  
23 amount of assessed tax, and the County will waive all interest which was \$12,948.85 as of  
24 the Storey County billing.

25 (3) The Taxpayer will pay the agreed amounts prior to December 31, 2014.

26 (4) The Taxpayer shall be considered in breach hereunder, and this Settlement  
27 Agreement shall be considered null and void upon any failure of compliance with any of the  
28 terms of this agreement. If a breach occurs and the Settlement Agreement is null and void,

1 the Taxpayer will be liable for the full amount originally assessed by the Department in the  
2 Order Regarding Petition for Redetermination dated July 15, 2014, and the amounts billed by  
3 Storey County on October 6, 2014, for tax years 2011-2012, 2012-2013, and 2013-2014,  
4 including interest, and the Department and County shall be authorized to pursue any and all  
5 available remedies.

6 (5) The parties each warrant that no promise or inducement has been offered  
7 except as herein set forth, that this Settlement Agreement is executed without reliance upon  
8 any statement or representation except as contained herein, that the terms and conditions of  
9 this Settlement Agreement are fair and reasonable, and that all of the parties are of legal  
10 age, and/or are legally competent to execute this Settlement Agreement and have done so  
11 after a full opportunity to consult with competent, independent counsel.

12 (6) This Settlement Agreement is a full, complete, and final resolution of all issues  
13 arising from the incentives agreement, the aforementioned tax billings, and the related tax  
14 periods. This Settlement Agreement does not imply any departmental policy with respect to  
15 the taxability or non-taxability of any of the Taxpayer's business activities, except as  
16 otherwise provided herein. This Settlement Agreement shall not constitute a precedent for  
17 any other issues or proceedings concerning the Department, the County or Taxpayer, other  
18 than those set forth in this Settlement Agreement and shall not be admissible in any other  
19 proceeding or for any other period with respect to any other matter, except proceedings  
20 brought to enforce this Settlement Agreement under its terms.

21 (7) This Settlement Agreement is subject to approval by the Nevada Tax  
22 Commission.

23 (8) Upon approval of the Settlement Agreement by the Nevada Tax Commission  
24 and compliance with the terms stated therein, the contested case arising from the audit  
25 giving rise to the State and Storey County deficiencies shall be considered closed and final.

26 (9) In the event this Settlement Agreement is not approved in whole by the Nevada  
27 Tax Commission, it shall be deemed withdrawn without prejudice to any claims, positions, or  
28 contentions which may have been made by any party; no part of this Settlement Agreement

1 shall be admissible in evidence or in any way described or discussed in any proceeding  
2 hereafter, and the Taxpayer may proceed with its administrative appeal. The Nevada Tax  
3 Commission's approval of this Settlement Agreement shall not constitute approval of, or a  
4 precedent regarding, any principle or issue for any other purpose or for any other party  
5 except those involved herein.

6 (10) The parties agree to waive the right to receive written findings of fact,  
7 conclusions of law, and decision from the Nevada Tax Commission with regard to this  
8 Settlement Agreement.

9 (11) This Settlement Agreement may be executed in any number of counterparts,  
10 each of which shall be deemed an original and all of which shall together constitute one and  
11 the same agreement.

12 (12) This Settlement Agreement shall be governed by and construed in accordance  
13 with the laws of the State of Nevada, without regard to the conflicts of laws and principles  
14 thereof.

15 (13) This Settlement Agreement shall be binding upon and shall inure to the benefit  
16 of the parties hereto, their successors and assigns.

17 (14) No provision of this Settlement Agreement shall be waived or modified except  
18 in writing signed by all parties hereto.

19 (15) The Department reserves the right to re-open this audit and void this  
20 Settlement Agreement in the event that any of the Taxpayer's representations, statements,  
21 acknowledgments, or allegations delineated herein is found to be materially untrue or  
22 incorrect.

23 (16) The Department and the County shall maintain the confidentiality of Taxpayer's  
24 records with respect to this dispute and settlement to the fullest extent allowable by Nevada  
25 law, including pursuant to Nevada Revised Statutes section 360.255 if applicable.

26 (17) This Settlement Agreement represents the entire understanding of the parties  
27 and there are no other agreements or representations other than those contained herein.

28 (18) The parties agree that each shall bear its own costs and attorney's fees.

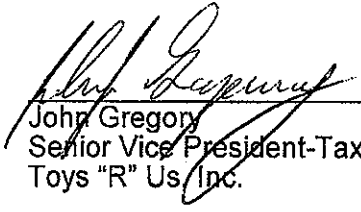
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IN WITNESS WHEREOF, this Settlement Agreement has been duly executed and delivered by the duly authorized representatives of the parties hereto as of the date first hereinabove written.

DEPARTMENT OF TAXATION

TOYS R US, INC.

By: \_\_\_\_\_  
Christopher G. Nielsen  
Executive Director  
Nevada Department of Taxation

By:  \_\_\_\_\_  
John Gregory  
Senior Vice President-Tax  
Toys "R" Us, Inc.

STOREY COUNTY

By: \_\_\_\_\_  
William A. Maddox  
Storey County District Attorney

Approved as to form:

CATHERINE CORTEZ MASTO  
Attorney General

By: \_\_\_\_\_  
Andrea Nichols, Esq.  
Senior Deputy Attorney General  
Attorneys for the Nevada Department of Taxation

Office of the Attorney General  
5420 Kietzke Lane, Suite 202  
Reno, NV 89511



# Storey County Board of County Commissioners Agenda Action Report

Meeting date: 12/02/14

Estimate of time required: 15 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

1. **Title:** DISCUSSION/POSSIBLE ACTION: Direct Storey County Human Resources staff to conduct a compensation study of key management positions in the county that support the economic development successes and results in Storey County. Specific positions to be reviewed will be determined under the direction of Commissioner Gilman as Chairman of Economic Development.

2. **Recommended motion:**

In accordance with Storey County Administrative Policy, I [Commissioner] direct Storey County Human Resources staff to conduct a compensation study of key management positions that support the economic development success and results in Storey County.

3. **Prepared by:** Greg Hess, Government Affairs Director

4. **Department:** Human Resources/Commissioners

**Telephone:** 775.847.0968

5. **Staff summary:** The request is for Human Resources staff to conduct a compensation study of certain management positions in Storey County as directed by Commissioner Gilman as Chairman of Economic Development. Findings of the compensation study will be presented to the Board at a later time for review and consideration.

6. **Supporting materials:** None at this time.

7. **Fiscal impact:**

Funds Available:

Fund:

\_\_\_\_\_ Comptroller

8. **Legal review required:**

\_\_\_\_\_ District Attorney

9. **Reviewed by:**

\_\_\_\_\_ Department Head

Department Name:

*for  
Gilman*  
\_\_\_\_\_ County Manager

Other agency review: \_\_\_\_\_

10. **Board action:**

Approved

Approved with Modifications

Denied

Continued

Agenda Item No.



## Vanessa Stephens

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**From:** Pat Whitten  
**Sent:** Monday, November 24, 2014 9:31 AM  
**To:** Vanessa Stephens  
**Cc:** Bill Maddox; fourmorr@charter.net; Anne Langer  
**Subject:** Agenda Request

Good Morning V-

Lance has asked that the following be added to our December 2 Agenda

DISCUSSION/POSSIBLE ACTION: Request staff to research implementing the first in a series of residential property tax roll backs given the economic prosperity on the horizon.

See you at 1:30...

P-



**Pat Whitten**

County Manager  
Storey County

(775) 847-0968 (Office)

(775) 721-7001 (Cell)

[PWhitten@StoreyCounty.org](mailto:PWhitten@StoreyCounty.org)

Storey County is an equal opportunity provider and employer.



# Storey County Board of County Commissioners Agenda Action Report

Meeting date: 12/02/14

Estimate of time required: 15 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

1. **Title:** Discussion/Possible Action: In accordance with Condition No. 2.2 of Special Use Permit No. 2000-222-A-4 (SUP) held by Comstock Mining, LLC, the SUP holder (Comstock Mining) submitted to the Board of County Commissioners a major modification to its mine operating plan so that the Board may validate that the modification conforms to the conditions of the existing SUP. The major modification will allow Comstock Mining to commence definition and exploration mineral assessment by means of reverse-circulation drilling, core drilling, and other methods allowed by the SUP at an area east of the Lucerne Resource Area (existing mine pits) and State Route 342 in southern Gold Hill, Storey County, Nevada. The subject area map is included in Enclosure B.

2. **Recommended motion:** In accordance with Condition No. 2.2 of Special Use Permit No. 2000-222-A-4, I (Commissioner) validate that the operating plan major modification conforms to the conditions of the existing SUP, and, accordingly, authorize county staff to accept the operating plan modification and to proceed otherwise in accordance with the applicable federal, state, and county regulations.

3. **Prepared by:** Austin Osborne, Planning Director

4. **Department:** Planning Department

**Telephone:** 847-1144

5. **Staff summary:** See staff summary in Enclosure A.

6. **Supporting materials:** See Enclosures A and B: staff summary and SUP holder's submitted operating plan amendments.

7. **Fiscal impact:** None on local government.

Funds Available:

Fund:

\_\_\_\_ Comptroller

8. **Legal review required:**

\_\_\_\_ District Attorney

9. **Reviewed by:**

 Department Head

Department Name:

 County Manager

Other agency review: \_\_\_\_\_

10. **Board action:**

Approved

Approved with Modifications

Denied

Continued

Agenda Item No.

## Enclosure A: Staff Summary

**Summary of proposal:** The SUP holder, Comstock Mining, requests to commence definition and exploration mineral assessment as described in Enclosure B and as allowed by the SUP. The area subject to this request is located approximately to the immediate east of Comstock Mining's existing Lucerne Resource Area (mine pits) and State Route 342 in southern Gold Hill. The area includes the New Deal and Woodville claims and expansion area, and the Succor Valley area, all located within "Area A" of the SUP, in which mining, definition, exploration, and other related activities are allowed.

**Summary of SUP validation provision:** The subject SUP allows the Board of County Commissioners to validate that proposed major modifications to the SUP holder's operating plan conform to the conditions of the SUP. The SUP does not provide for planning commission review or hearing. If the Board finds that the proposed modification conforms to the SUP, it shall without a formal vote direct staff to accept the modification and allow the SUP holder to proceed as otherwise provided by federal, state, and county regulations. SUP Condition No. 2.2 is as follows:

### *SUP Condition 2.2: Operating Plan SUP Conformance Review*

*The operating plan shall conform to the conditions of the SUP. The Permit Holder shall update the operating plan concurrently with uses under the SUP and submit the updated plan to the Planning Department prior to initiating activities under the modified plan.*

*For operating plan elements and uses within "Area A" (Exhibit A), the Board of Storey County Commissioners (board) may verify if the draft modified operating plan and each major modification thereafter ("modification") conform to the conditions of the SUP. Operating plan elements and uses within "Area B" are not subject to this validation requirement. For "Area A", the operating plan required by the NDEP or BLM (i.e., State Permits or Federal Plan of Operations), and the additional operating plan elements required by the SUP but not the NDEP or BLM, are all subject to the requirements of this section, but only as to whether the entire submission conforms to the SUP requirements and not as to whether the submission approved by other agencies conform to those agency requirements.*

*Minor modifications to the operating plan are not subject to the requirements of this section. Major and minor modifications are as defined in SCC 17.03.110. A "Minor modification" defined by, or identified as such in, the NDEP or BLM Plan of Operations or reclamation plan are not subject to the requirements of this section.*

*The Permit Holder shall submit to the Planning Department copies of the modification no later than 5:00 p.m. on the Friday of the third week before the board meeting at which the hearing will be scheduled. The Planning Department and other applicable county departments, such as the Storey County Fire Protection District, and the Emergency Management and Public Works Departments, as applicable, will review the proposed modification and verify that it conforms to the conditions of the SUP. If staff finds that the modification conforms to the conditions of the SUP, the Planning Director will schedule the matter on the agenda of the board to be heard at its next regular meeting. If staff finds that the modification does not conform to the conditions of the SUP, the Permit Holder may resubmit the modification until it is found by staff to be in compliance.*

*There shall be no hearing or advisory recommendation of the planning commission, and the board shall only verify that the modification conforms to the conditions of the SUP.*

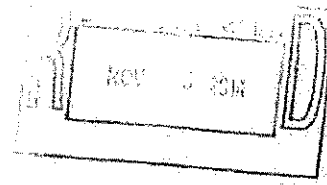
*The Planning Director shall present to the board a summary report with findings. If all members of the board find that the modification conforms to the conditions of the SUP, it shall without a formal vote direct staff to accept the modification and allow the Permit Holder to proceed accordingly. If one or more members of the board expressly find that the modification may not conform to the conditions of the SUP, the board shall by a majority vote verify that the modification is or is not conforming.*

*A majority vote verifying that the modification conforms to the conditions of the SUP authorizes staff to*

*accept the modification and allows the Permit Holder to proceed accordingly. If the board by its vote determines that the modification does not conform to the conditions of the SUP, it shall state findings of fact of the nonconformance in its motion and vote to not authorize staff to accept the modification and to continue the item to the next regular board meeting to allow the Permit Holder the opportunity to bring the modification into conformance.*

*The findings and determination of the board shall apply only to the modification's evident conformance to the existing conditions of the SUP, and shall not affect the conditions or entitlements existing in the SUP. The board's decision to authorize staff to accept the modification and allow the Permit Holder to proceed accordingly may not be appealed, except by the Permit Holder. The Permit Holder may at any time submit or re-submit modifications to its operating plan. There shall be no application fees or other fees required.*

**Enclosure B: Submitted operating plan amendment to SUP No. 2000-222-A-4**



November 6, 2014

Mr. Austin Osborne  
Storey County Planning Department  
26 South B Street  
Virginia City, NV 89440

**RE: Comstock Mining, LLC Special Use Permit 2000-222-A-4  
Operating Plan Amendment -Lucerne East Definition and Exploration Assessment  
Program**

Dear Austin:

Attached please find our Lucerne East Definition and Exploration Assessment Plan (the "Plan"). The Plan includes both Reverse Circulation (RC) and Core drilling activities that Comstock Mining LLC (Comstock Mining) plans on commencing in January 2015. The drilling portion of the Plan will take place over several months (dependent upon development, discoveries and weather conditions). These are pre-planning activities that evaluate the potential "Lucerne East" mine plan expansion opportunity (surface and/or underground). Lucerne East is east of the current Lucerne surface mine and SR 342. We are proposing that the County would incorporate this Plan into Comstock Mining's existing Operating Plan.

The program evaluates the Lucerne East area for potential expansion of our mining activities, including, but not limited to, potential underground development. We already have digitized historic maps of the underground workings from previous mining activities in the area and we have expanded and integrated our existing geological knowledge from mining, drilling and other data into our latest models. This additional drilling will fill gaps in our existing knowledge and allow us to further develop the geological model. Implementation of this Plan is a pre-requisite for mine planning activities required to complete an expanded mine plan.

In accordance with SUP Section 2.2, we are updating the Operating Plan concurrently with uses under the SUP, and submitting this prior to initiating any activities of the Plan. We would like to commence this Plan after January 1, 2015. We are requesting your review for conformance with the SUP conditions.

The Plan area is within "Area A" of the SUP Exhibit A. As stated in the SUP, Area A allows for mining, mine definition, exploration, and related uses. Therefore, the definition and exploration proposed in the Plan is an allowed SUP use. Additionally, as described in the attached Plan, we believe the Plan complies with the SUP.



This Plan would be a minor amendment to our Operating Plan. Per SCC 17.03.110B, "a minor amendment means a modification to one or more of the conditions of the special use permit which: does not substantially change the use allowed by the special use permit; does not cause substantially greater impacts to surrounding properties than that allowed under the existing special use permit; does not increase area of land, increase the height of any structure, or reduce the required setbacks of any structure under the special use permit; and conforms to the minimum required findings and conditions of approval pursuant to this chapter." The Plan meets the definition of a minor amendment rather than a major modification. Being a minor amendment, we do not believe the Plan is subject to the SUP Conformance Review hearing requirements of the SUP, Section 2.2.

Please advise us if you concur that this is a "Minor Modification" or if you require any additional information requirements.

Sincerely,  
Comstock Mining LLC

  
Rachel Yelderman  
Director - Environmental & Permitting

P.O. Box 1118, Virginia City, NV 89440 • [www.comstockmining.com](http://www.comstockmining.com)  
Main: 775.847.5272 • Investors: 775.847.4755 • Fax: 775.847.4762

**LUCERNE EAST DEFINITION AND EXPLORATION ASSESSMENT PLAN  
DESCRIPTION, PROCEDURES, AND CONFORMANCE WITH SUP  
November 6, 2014**

**Brief Description**

The Lucerne East Definition and Exploration Plan (the "Plan") will help better define the projection of the historic Silver City fault zone. This zone of mineralization includes the area to the east of the Lucerne surface mine, including the New Deal and Woodville expansion areas; and the Succor Valley area. The Plan also explores the historic Succor vein for its mineral potential. Refer to the attached drill hole location map and note the boundary of definition drilling and exploration drilling.

**Definition Drilling:**

Drill Holes	Estimated Acreage of disturbance
20 RC drill	0.90 acres
6 core holes	0.11 acres

**Exploration Drilling**

Drill Holes	Estimated Acreage of disturbance
22 RC drill	1.00 acres
6 core holes	0.11 acres

(note: Reverse Circulation (RC))

The drilling locations have been designated (refer to drill hole location map) and proposed drill collars will be surveyed and marked by a flagged latb. Each drill hole location has specific design and logistical criteria including, but not limited to, side slope access, drill chip collection sumps and adequate safety berms. The Plan also includes the Silver City Water line protection, utilizes existing crossings of the Waters of the U.S. and removes Carson River Superfund Site risk areas, through NDEP, as has become a routine procedure for us.

The drilling portion of the Plan commences after January 1, 2015, and continues over a span of several months, depending on rate of development, discoveries and even weather conditions. Equipment may include both track and truck mounted Reverse Circulation drill rigs and core rigs. Supporting vehicles are similar for both rigs and identical to our past drilling activities.

**Community Safety**

Comstock Mining will implement defined mitigation procedures for any possible release of materials into the air when drilling is within defined risk zones of the Carson River Mercury Superfund Site (CRMS). For any disturbance that requires additional consideration for CRMS compliance, prior to mobilizing to these sites, each drill hole collar will have six inches of clean fill placed over the collar, as required and approved by NDEP. During drilling activities, air quality monitoring will also be in place.

**Roads and Road Crossing**

Access roads and drill chip collection sumps will be constructed for each drill site location. Access roads can often accommodate multiple drill sites and collection sumps may be used for multiple drill holes. Access to each drill hole location will be provided by the improvement of existing roads if possible.

### Equipment Description

The drill rigs may include the following (depending on the drilling contractor (s) selected for the Program):

- Track mounted Reverse Circulation (RC) Drill Rig
- Truck mounted RC drill rig
- Truck mounted core rig
- Track mounted core rig
- Skid mounted core rig

### Drilling and Sampling Procedures

Vertical drill hole depths will range from 500 feet to 1000 (+) feet from the surface. Sample composites will be collected on five-foot intervals. Every 100 feet, two samples are collected for Quality Assurance and Quality Compliance (QA/QC). Certified Commercial Analytical Lab will analyze all samples. A small representative sample of each five-foot interval will be logged and archived in a chip tray.

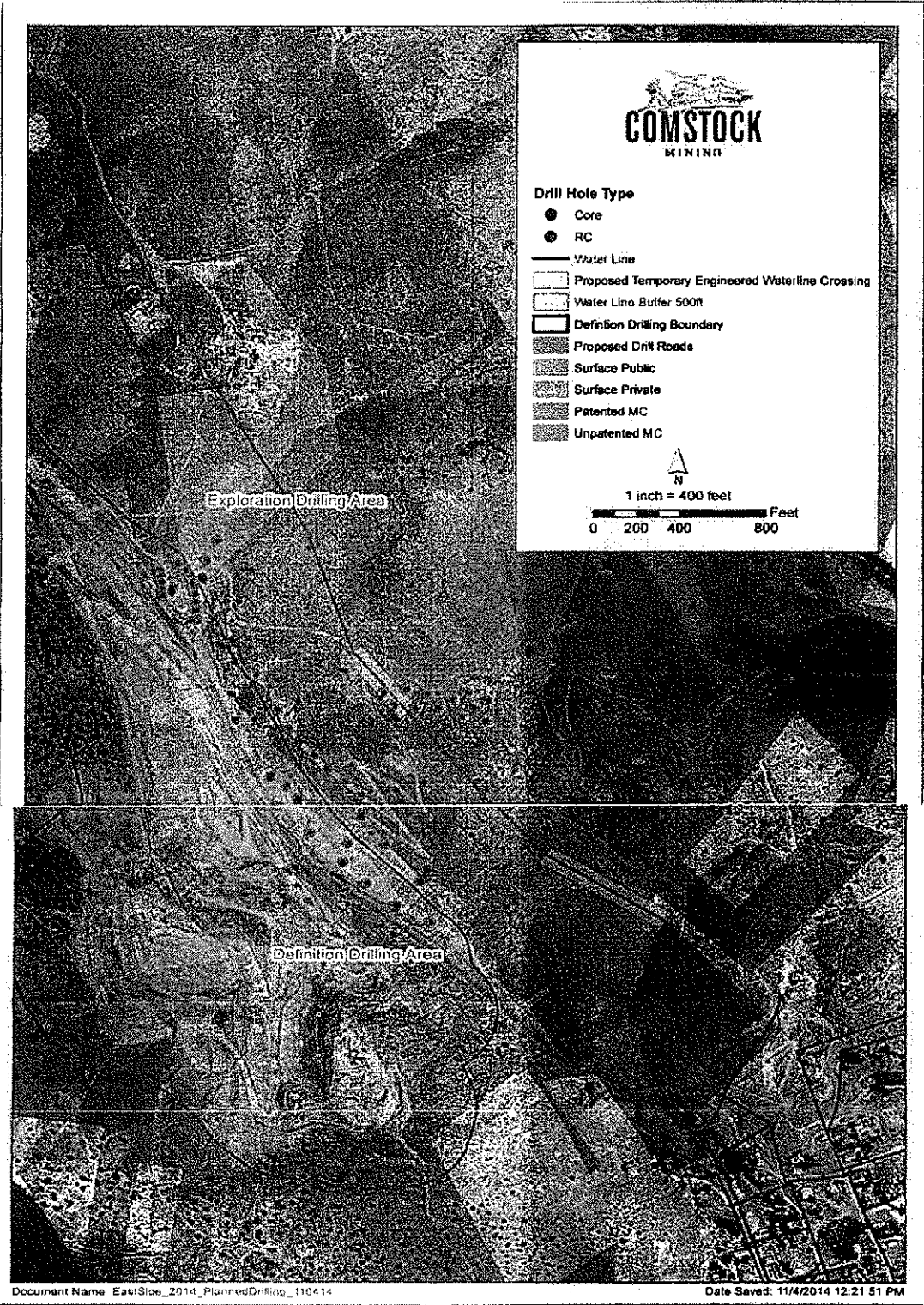
All drill additives are compliant and non-hydro carbon. Once completed, the hole will be filled (with bentonite) and plugged (10-foot plug) with Type II Portland cement (as per Nevada Water Quality Regulation) as soon as the drill rig moves off of the collar.

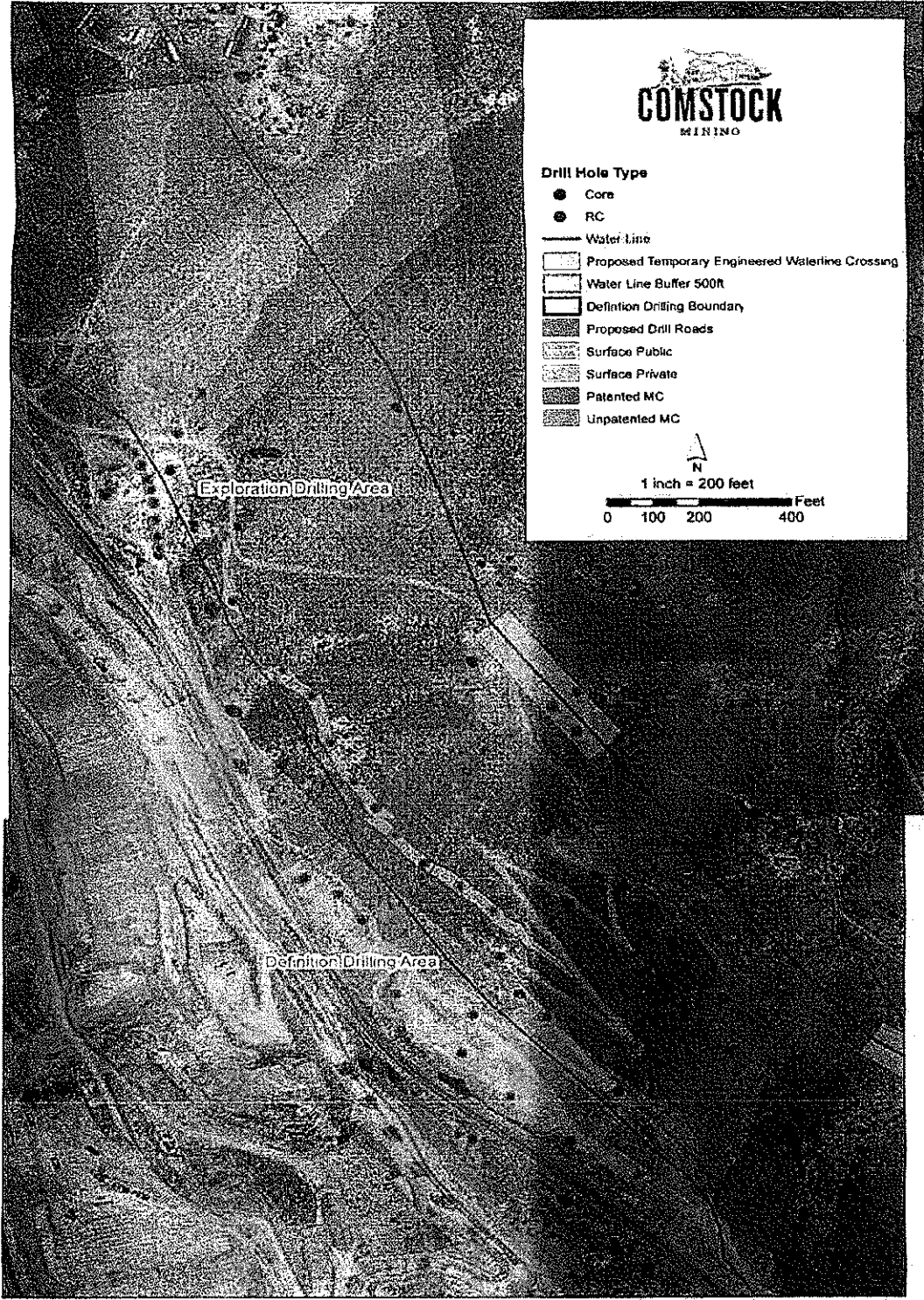
### Other Items to Demonstrate Conformance with SUP

- Allowed Uses (SUP Section I) and Phasing and Reclamation (SUP Section III):
  - Allowed Use: The Lucerne East Definition and Exploration area is within "Area A" (Exhibit A) of the SUP which allows mining, mine definition, and exploration.
  - Surface Area: The cumulative surface area is less than the allowed 20 acres.
  - Distance to Active Surface Mine: The proposed Lucerne East program has a portion of the area within 300 feet of the active surface mine, which would be the "definition area."
  - Distance from Devil's Gate: The southernmost proposed drill hole is located 1,150 feet north of Devil's Gate.
  - Reclamation: Drill holes will be filled and plugged, and reclamation of the drill sites conforms to the conditions in the SUP and the NDEP BMRR Reclamation Plan.
  - Surety Bonding: Reclamation costs are bonded with NDEP BMRR. Existing bonding will not be affected and no additional bonding is required.
- Operating Plan (SUP Section II):
  - In accordance with SUP Section 2.2, we are updating the Operating Plan concurrently with uses under the SUP, and submitting this prior to initiating any activities of the Plan.
  - The Plan area is within "Area A" of the SUP Exhibit A. As stated in the SUP, Area A allows for mining, mine definition, exploration, and related uses. Therefore, the definition and exploration proposed in the Plan is an allowed SUP use.
  - The Plan meets the SCC 17.03.110B definition of a minor amendment rather than a major modification. Minor amendments are not subject to the SUP Conformance Review hearing requirements of the SUP, Section 2.2.



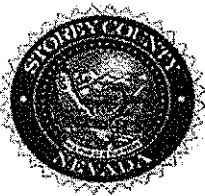
- Environmental Controls (Section IV of SUP):
  - The Plan complies with noise restrictions.
  - The Plan complies with the Separation Requirements, it is more than 500 feet to the nearest resident (it is 800 feet).
  - Hours and days limitations: Activities occur only between hours designated in the SUP. No activity will occur on national and state holidays.
  - CRMS disturbances: As above, Comstock will mitigate surface disturbances per approval of NDEP.
  - Other requirements of Section IV of SUP are not directly applicable to this Plan.
  
- Fire and Emergency (SUP Section V):
  - The Plan conforms with these requirements.
  
- Transportation (SUP Section VI):
  - The drill rigs will access the location of the Program via State Route 342. The mobilization of the rigs may employ the use of highway compliant lowboy transports. The Plan conforms to all the applicable portions of this Section.
  
- General Uses (SUP Section VII) and Cultural Resources (SUP Section VIII):
  - The Silver City Water Line Protection Plan (SCWLP) has been completed and approved by the County. The Plan conforms to the SCWLP and all other applicable portions of these two Sections. Any temporary crossings of the Silver City Water Line will be as described in the SCWLP.





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# Storey County Board of County Commissioners Agenda Action Report

Meeting date: 12/02/14

Estimate of time required: 20 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

1. **Title:** Discussion/Possible Action: Application No. 2014-020 by the Tahoe-Reno Industrial Center, LLC to amend the text of Storey County Code Title 17 (Zoning Ordinance) by adding Chapter 17.39 I-C Industrial-Commercial Zone. The intent of the proposed I-C Zone is to provide for certain mixed-use industrial and commercial uses where found appropriate by the board with recommendation by the planning commission. Additional information including, but not limited to, reports and the draft zone text may be obtained from the Planning Department at 775.847.1144 or [planning@storeycounty.org](mailto:planning@storeycounty.org).

2. **Recommended motion:** Based on findings of fact shown in Subsection 4.1 and the conditions of approval shown in Section 5 of this report, and conformance with federal, state, and county regulations, and the master plan, and the recommendation for approval by staff and the planning commission, I (Commissioner) motion to approve Storey County Zone Text Amendment Application No. 2014-020 to include "Chapter 17.39 I-C Industrial Commercial Zone" to Storey County Code, Title 17 Storey County Zoning Ordinance.

3. **Prepared by:** Austin Osborne, Planning Director

**Department:** Planning Department

**Telephone:** 847-1144

4. **Staff summary:** Text amendment of Storey County Code Title 17 (Zoning Ordinance) as explained and recommended in Staff Report No. 2014-020 enclosed herewith.

5. **Supporting materials:** Staff Report No. 2014-020 and exhibits enclosed herewith.

6. **Fiscal impact:** None on local government.

Funds Available:

Fund:

\_\_\_ Comptroller

7. **Legal review required:**

\_\_\_ District Attorney

8. **Reviewed by:**

 Department Head

Department Name:

 County Manager

Other agency review: \_\_\_\_\_

9. **Board action:**

Approved

Approved with Modifications

Denied

Continued

Agenda Item No.



**Storey County**  
**Board of County Commissioners**  
**Staff Report – Zone Text Amendment**

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**To:** Storey County Board of County Commissioners

**From:** Storey County Planning Department

**Meeting Dates:** December 2, 2014

**Meeting Location:** Storey County Courthouse  
26 South "B" Street, Virginia City, Nevada

**Case Number:** 2014-020

**Request:** The applicant requests a text amendment to Storey County Code Title 17 Storey County Zoning Ordinance that will add Chapter 17.39 I-C Industrial-Commercial Zone.

**Applicant:** Tahoe-Reno Industrial Center, LLC

**Property Owner:** Not applicable

**Staff Contact:** Austin Osborne, Planning Director

**Guiding Documents:** Storey County Code (SCC) 17.03 Administrative Provisions; SCC 17.28 Commercial Zone; SCC 17.34 Light Industrial Zone; 17.35 Heavy Industrial Zone; SCC 17.84 Signs and Billboards; Storey County Master Plan, River District, Industry, and Economic plans.

**Property Location:** Not applicable

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# **1. BACKGROUND & ANALYSIS**

## **1.1 Request summary**

The applicant requests an amendment to the text of Storey County Code Title 17, also known as the Storey County Zoning Ordinance (zoning ordinance), that will create Chapter 17.39 I-C Industrial-Commercial Zone. There is no particular parcel or property associated with this request. However, the applicant of the text amendment submitted a zone map amendment application (see Application No. 2014-021) to apply the proposed I-C Zone, if approved by the board, to land located adjacent to the Tahoe-Reno Industrial Center at McCarran.

## **1.2 Purpose and intent of the proposed zone**

The proposed I-C Zone combines certain commercial, light industrial, and heavy industrial uses now allowed pursuant to SCC Chapters 17.28 Commercial Zone, 17.34 I-1 Light Industrial Zone, and 17.35 I-2 Heavy Industrial Zone. Unlike the existing Commercial zone that provides for general neighborhood and regional commercial uses, and the Heavy Industrial zone that provides for heavy manufacturing and other high-intensity uses, the I-C zone is intended to facilitate a heavy commercial and light industrial mixed-use environment that may be well-suited for heavy arterial traffic corridors, such as Interstate 80 or USA Parkway, that interface and serve large industrial developments.

## **1.3 Land use compatibility**

### *1.3.1 Compatibility with surrounding uses*

The subject application for zone text amendment does not apply to any parcel of land. However, the potential application of this zoning designation to land in the future should be considered. Table 1.1 – Use Comparisons, demonstrates allowed uses in the proposed I-C zone and compares them with those allowed in the Commercial, Light Industrial, and Heavy Industrial zones, from which each listed I-C use originated. The Purpose and Intent of the proposed I-C zone (17.39.015, proposed) states that:

The purpose of the I-C Industrial-Commercial zone is to provide areas with the county where certain industrial and commercial uses and activities may be established and maintained together to promote efficiency, ensure compatibility, and provide for mixed non-residential uses. It facilitates a heavy commercial and light industrial mixed-use environment that may be well-suited near principal traffic arterials, such as the Interstate 80 corridor, and industrial development with which the allowed use are compatible.

I-C zoning is intended to be applied to land that is in close proximity to principal traffic arterial routes and existing industrial type uses with which allowed uses in the I-C zone are compatible. It is not considered an appropriate zone for residential areas or general neighborhood commercial areas, such as Gold Hill, Virginia City, and Lockwood where C Commercial or CR Commercial-Residential zoning may be more appropriate.

### 1.3.2 Compatibility with mixed-uses within the zone

Table 1.1 shows allowed uses in the I-C zone. Because the I-C zone provides for a mixed-use commercial-industrial environment, it should be assumed that the listed uses may occur together on a single property (e.g., such as in a strip-mall or cluster development) or in a group of independent but closely situated properties.

To ensure compatibility between the allowed uses, setback distance requirements in the I-C zone (17.39.070, proposed) are particular to the use category, that being commercial, light industrial, or heavy industrial (see setbacks, height, and area requirements in Table 1.2 – Comparison of Use Allowances). Planning staff finds that that the required setback distances facilitate a mixed-use environment with necessary separation and other considerations between allowed uses.

A special use permit is required for certain heavy intensity uses in the I-C zone that may be incompatible with each other, or may be incompatible with allowed uses in zones likely to occur adjacent to the I-C zone (see Section 3.1.1). Board and planning commission approvals are required for special use permits. It is, therefore, found that these uses have the necessary case-by-case governing body oversight to assure that their application will cause no zoning or use conflicts with other conditions that may apply.

	Use categories	Commercial	Light Industrial	Heavy Industrial	Industrial Commercial
1	Retail (principle)	X			X
2	Retail (super regional)	X			X
3	Commercial offices	X			X
4	Personal services	X			X
5	Hotels and boarding	X			X
6	Tourism and visitor	X			X
7	Recreation facilities	X			X
8	Public infrastructure	X			X
9	Schools and higher ed.	X	X	X	X
10	Equipment repair	X	X		X
11	Indoor firearms use	X			X
12	Outdoor firearms use	X		X*	
13	Automotive services	X	X	X	X
14	Truck stops	X	X*	X	X
15	Agriculture	X	X		
16	Billboards	X		X*	X*
17	Automotive paint	X		X	X
18	Casinos (large-scale)	X	X*		X
19	Fortune tellers	X			X*
20	RV parks	X			X
21	Mini-storage	X	X	X	X
22	Hospitals / urgent care	X*	X*	X	X
23	Crisis care, permanent	X		X	X
24	Open-air markets	X			X

25	Fairgrounds	X			X*
26	Amusement parks	X			X*
27	Film and movie sets	X		X*	X*
28	Race tracks	X		X*	X
29	Education boarding	X*		X*	X*
30	Light manufacturing		X	X	X*
31	Heavy manufacturing			X	
32	Warehouses		X	X	X
33	Chemical/oil storage		X	X	X
34	Chemical manufacture			X*	
35	Laboratory testing		X <sup>1</sup>	X <sup>1</sup>	X <sup>1</sup>
37	Non-renewable energy			X*	
38	Renewable energy		X*	X*	
39	Solid waste recycling		X*	X	X
40	Solid waste landfill			X*	
21	Solid waste collection		X*	X	X
22	Natural resources		X*	X*	X*
23	Concrete plant (perm)			X*	
24	Adult retail	X		X*	X*
24	Mining			X*	
25	Mine processing			X*	X*

Uses shown above are categorized into general use categories; see Storey County Code Chapters 17.24, 17.32, 17.35, 17.76, and 17.84 for specific uses in each zone.

\*Asterisks indicate uses requiring a special use permit.

<sup>1</sup>The use of live animals in laboratory testing is prohibited.

<b>Table 1.2</b>	
<b>Comparison of Use Allowances</b>	
<i>Regulations per SCC Title 17</i>	
<b>1.</b>	<b>Height</b>
	C – 45’ or 3 stories
	I-1 – 35’ or 3 stories
	I-2 – 75’ or 6 stories
	I-C – 120’ or 10 stories
<b>2.</b>	<b>Setback distances</b>
	C – zero front and sides; 10’ rear
	I-1 – 20’
	I-2 – 50’
	I-C - heavy industry, 50’; light industry, 20’; commercial, 20’ front, 10’ rear
<b>3.</b>	<b>Minimum parcel area / use density</b>
	C – 15,000 sq.’
	I-1 – 1 acre
	I-2 – 3 acres
	I-C – heavy industry, 3 acres; light industry, ½ acre; commercial, 10,000 square-feet



## 2. General Compliance with Guiding Documents

### 2.1 Master Plan

Chapter 3.2 of the Storey County Master Plan (1994) states that considerable development has occurred in the River District over the years and that development is expected to continue. It recommends that planning officials “give serious consideration to development and zoning for an industrial park in the [River District] area” (pp. 19-20). Attracting additional businesses; diversification to the county’s economy; broadening the county’s tax base; enhancing efficiency of water, sewer, and other utility service; and managing growth are described benefits to improving and consolidating industrial development in the county. Specific goals and objectives listed in the master plan in this regard include:

- **Chapter 3 Economy** – Goal 1, enhance diversification of economic opportunities within the county; Goal 1, Objective 1.1: develop and adopt standards for industrial park development before a large project is proposed.
- **Chapter 5 Conservation and Natural Resources** – Goal 2, protect the quality of present and future water resources; Goal 4, regulate the use of open-range and watershed areas to minimize fire danger and prevent degradation; Goal 4, Objective 4.1, assist property owners and interested groups in controlling grazing and public use of critical watershed and riparian areas.
- **Chapter 9 Land Use** – Goal 1: maintain a healthy environment for all residents of the county; Goal 1, Objective 1.1: ensure that land use permit decisions are compatible with the zoning map, master plan, and previous planning decisions; Goal 4: preserve existing agricultural areas; Goal 4, objective 4.1: through zoning regulations, direct non-agricultural development to non-agricultural areas.
- **Section River District** – Goal 4, Objective 4.1: coordinate land uses on the south side [Storey County] of the Truckee River with developments on the north side [Washoe County] of the river and visa-versa; Goal 5: design zoning districts to allow for a mix in land use development; Goal 5, Objective 5.1: consider zoning the Tracy-Clark and the surrounding area for industrial use.

As stated in Section 1.3, the subject text amendment application does not apply to any particular land. However, planning staff and the applicant have identified potential land adjacent to the Tahoe-Reno Industrial Center that may be ideal for an I-C zoning designation. Aligned with the purpose and intent of the I-C zone, this land abuts or is in immediate proximity to Interstate 80, interfaces heavy industrial uses at the Tahoe-Reno Industrial Center, and is near existing infrastructure that would support the listed uses. There are other areas in the county near the interstate or industrial development that too may be considered for this zoning designation.

With the expressed purpose and intent of the proposed I-C zone corresponding to such land application, planning staff find that the I-C zone conforms to the goals and objectives of the county master plan.

## **2.2 Zoning Ordinance (SCC Title 17)**

### ***2.2.1 Conformance with zoning***

Storey County is divided into zoning districts of such number and character as necessary to achieve compatibility of land uses within each district, and to implement the master plan and related official plans as needed to meet the purpose and intent of the Storey County Zoning Ordinance. The purpose of the zoning ordinance is 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 procedures of the master plan (SCC 17.02.020).

As stated in Sections 1.3 and 2.1 above, planning staff finds that the purpose and intent, and the uses allowed in the I-C zone conform to the elements of the master plan, as well as the regulations and provisions of the county zoning ordinance.

### ***2.2.2 Application for zone text amendment***

SCC 17.03.220 states that amendments to Title 17 (zoning ordinance) may be initiated by the board, planning commission, or an owner of a lot or parcel, by applying with the Planning Director a signed and completed application. The Planning Director must consider whether or not information provided by the applicant substantiates findings for approval. The applicant will then proceed with its presentation of such to the planning commission and board for consideration. The subject application was initiated by the land owner and is hereby presented to the planning commission and board with discussion, findings, and recommendations.

### ***2.2.3 Zone map amendment, applicability***

While not subject to this request, a property owner who desires to apply the I-C zone (if adopted), or any other zone to a piece of land, is required to apply for a zone map amendment that will be considered in public hearing by the board with recommendation by the planning commission. The board and planning must consider: (a) how the proposal will impact the immediate vicinity; (b) how the proposal supports the goals, objectives, and recommendations of the master plan concerning land use and related policies for the neighborhood where the subject parcel is situated; (c) if the proposed amendment will impact properties within the use district; and (d) any impacts on public services and facilities, and availability of water resources.

Notwithstanding approval of the I-C zone, any proposal to apply it to land will require further review by the board and planning commission.

## **3. Public Comment**

### **3.1 Public comments regarding proposal**

Staff has received no public comment for this application request.

## **4. Findings**

### **4.1 Motion for approval**

The following are found regarding the zone text amendment under the recommended conditions of approval shown in Section 5. A motion for approval should include at a minimum these findings and may include other findings deemed appropriate and factual by the body.

4.1.1 The zone text amendment complies with federal, Nevada State, and Storey County regulations.

4.1.2 The zone text amendment substantially conforms to and supports the goals, objectives, and recommendations of the Storey County Master Plan concerning land use and related policies.

4.1.3 The zone text amendment considers uses that pursuant to the master plan and zoning ordinance occur on abutting lands, and it reasonably mitigates potential adverse impacts that may be caused by its uses.

4.1.4 The zone text amendment does not conflict with the minimum requirements of Title 17 zoning ordinance or SCC Chapter 17.03 Administrative Provisions for zone text amendments.

4.1.5 The proposed zone text amendment will not cause uses that will likely negatively impact existing or planned public facilities, and it will not adversely impact the public health, safety, and welfare.

4.1.6 The proposed zone text amendment will not create any non-conforming conditions, such as non-conforming setback distances or minimum parcel area and width requirements.

### **4.2 Motion for denial**

Should a motion be made to deny the zone text amendment application, the following findings with an explanation of the motion for denial should be included in that motion.

4.2.1 Substantial evidence suggests that the zone text amendment does not conform to federal, Nevada State, and Storey County regulations.

4.2.2 Substantial evidence suggests that the zone text amendment does not conform to and support the goals, objectives, and recommendations of the Storey County Master Plan concerning land use and related policies.

4.2.3 Substantial evidence suggests that the zone text amendment does not sufficiently consider uses that may pursuant to the master plan and zoning ordinance occur on abutting lands, and it does not reasonably mitigate potential adverse impacts that may be caused by its allowed uses.

4.2.4 Substantial evidence suggests that the zone text amendment may cause uses that will negatively impact existing or planned public facilities, may adversely impact the public health, safety, and welfare, and may create non-conforming conditions.

## **5. Conditions of Approval**

All of the following conditions must be met to the satisfaction of the applicable County Department, unless otherwise stated.

### **5.1 Official zoning text requirements**

The official Storey County Code, Title 17 Storey County Zoning Ordinance, must be amended to include Chapter “17.39 I-C Industrial Commercial Zone”, and existing Chapter 17.08 Zones Generally and other applicable zoning chapters must be amended to appropriately reference the subject zone.

### **5.2 Official zoning map requirements**

The Official Storey County Zoning Map must be amended to depict the subject zone designation that is added to Storey County Code, Title 17 Storey County Zoning Ordinance. The Official Storey County Zoning Map must be identified by the signature of the chairman of the Board attested by the Storey County Clerk under the following words: “This is to certified that this is the Official Zoning Map of Storey County referred to in Section 17.08.040 of the Zoning Ordinance of Storey County, Nevada” together with the date of adoption.

### **5.3 Changes made promptly**

The changes approved by the board with recommendation by the planning commission must be entered by the Planning Department on the Official Storey County Zoning Map (and the applicable area zoning maps) promptly as reasonable after the amendment has been approved, with the entry indicating the ordinance number and date adopted. Regardless of the existence of the purported copies of the Official Storey County Zoning Map and the applicable Area Zoning Map which may periodically be made or published, the Official Storey County Zoning Map and Area Zoning Maps shall be kept in the Office of the Storey County Clerk and Recorder. The Storey County Recorder shall be the final authority as to the current zoning status of the land and water area, buildings, and other structures in the county.

### **5.4 Copies of official zoning text and map**

Signed and sealed copies of the Official Storey County Zoning Map and Area Zoning Maps, and official Storey County Code, Title 17 Storey County Zoning Ordinance, must be available for public viewing at the Offices of the Storey County Clerk and Storey County Recorder.

### **5.5 General requirements**

The zone text amendment and related map amendment must comply with and remain in conformance with all provisions set forth by this zone map amendment and all applicable federal, Nevada State, and Storey County codes and regulations.

## 6. Power of the Board and Planning Commission

The Board of County Commissioners has the power to make planning and zoning decisions for Storey County and has created the planning commission to advise the Board as provided in Title 2 of the Storey County Code ("SCC") and NRS 278 and 278A. The Planning Commission must perform all duties and functions delegated to a county planning commission by the terms of NRS 278.010 to 278.630, inclusive, and SCC Chapter 2.12 (Planning Commission). The planning commission is advisory to the Board. The Planning Commission must hear applications on special use permits, variances, and appeals of administrative decisions, changes to the county master plan, zoning districts, amendments to SCC Title 18, and all other appropriate subjects and make recommendations to the Board. After considering the Planning Commission's recommendation, the Board by majority vote may approve, approve with conditions, or deny the application, or return the recommendation to the Planning Commission for further consideration.

## 7. Planning Commission Action

At its November 13, 2014, hearing, the planning commission heard testimony from the applicant, county staff, and the public. Discussion at the meeting included environmental and safety compatibility concerns; access and traffic impacts for several allowed uses; zoning and use entitlements; potential impacts to areas where the zone may be allowable; potential location and placement of the zoning designation; and overall benefits and impacts that the I-C zone may have on the county and its communities. There was no public comment for or against the proposal. Commissioner Tyler asked several questions about traffic and other impacts generated by large-scale casinos allowed by the zone. Planning staff stated that the I-C zone is only allowed near major arterial routes such as Interstate 80 and USA Parkway, which are typically developed to standards that would accommodate large-scale casinos and other uses. Commissioner Tyler and the planning commission asked that a special use permit be required for large-scale casinos. Staff read into the records its recommended findings to be included with a motion for approval. Members of the planning commission who were present voted unanimously (4 votes with 4 planning commissioners present) to approve the zone text amendment in accordance with stated findings and as recommended by staff, except that a special use permit shall be required for large-scale casinos.

## 8. Proposed Motions

This section contains three motions from which to choose. **Motion 1 for approval** is recommended by staff in accordance with findings under Subsection 4.1. This motion is recommended by staff, but does not conform to the recommendation by the planning commission regarding special use permitting for large-scale casinos. **Motion 2 for approval**, as an alternative, may be made in accordance with findings under Subsection 4.1 and the recommendation by the planning commission, but against the recommendation by staff regarding special use permitting for large-scale casinos. **Motion 3 for denial** may be made and that motion should cite one or more of the findings shown in Subsection 4.2. The findings of fact in the respective section of this report, and other findings of fact determined appropriate by the body should be made part of the motion.

**Motion 1 – Recommended motion (approval)**

Based on findings of fact shown in Subsection 4.1 and the conditions of approval shown in Section 5 of this report, and conformance with federal, state, and county regulations, and the master plan, and the recommendation for approval by staff and the planning commission, except against the recommendation by the planning commission that a special use permit shall be required for large-scale casinos, I (commissioner) motion to approve Storey County Zone Text Amendment Application No. 2014-020 to include “Chapter 17.39 I-C Industrial Commercial Zone” to Storey County Code, Title 17 Storey County Zoning Ordinance.

*Summary: Approve zone text amendment as presented, except modify planning commission recommendation so a special use permit is not required for large casinos*

**Motion 2 – Alternative motion (approval)**

Based on findings of fact shown in Subsection 4.1 and the conditions of approval shown in Section 5 of this report, and conformance with federal, state, and county regulations, and the master plan, and the recommendation for approval by staff and the planning commission, except against the recommendation by staff that a special use permit not be required for large-scale casinos, I (commissioner) motion to approve Storey County Zone Text Amendment Application No. 2014-020 to include “Chapter 17.39 I-C Industrial Commercial Zone” to Storey County Code, Title 17 Storey County Zoning Ordinance.

*Summary: Approve zone text amendment as recommended by the planning commission, and require a special use permit for large casinos*

**Motion 3 – Alternative motion (denial)**

Based on findings of fact shown in Subsection 4.2 and the conditions of approval shown in Section 5 of this report, or other findings found appropriate, and against the recommendation for approval by staff and the planning commission, I (commissioner) motion to a deny Storey County Zone Text Amendment Application No. 2014-020 to include “Chapter 17.39 I-C Industrial Commercial Zone” to Storey County Code, Title 17 Storey County Zoning Ordinance.

*Summary: Deny text amendment*

Prepared by Austin Osborne, Planning Director

**Enclosures:**

Exhibit A: Proposed Chapter 17.39 I-C Industrial-Commercial Zone  
Exhibit B: Application No. 2014-020

## **Exhibit A: Proposed Chapter 17.39 I-C Industrial-Commercial Zone**

### **Chapter 17.39**

#### **I-C Industrial-Commercial Zone**

##### **Sections:**

- 17.39.010 Applicability.**
- 17.39.015 Purpose and Intent**
- 17.39.020 Allowed Uses**
- 17.39.030 Uses Subject to Special Use Permit**
- 17.39.040 Height and Width of Buildings and Structure**
- 17.39.050 Minimum Parcel Area**
- 17.39.070 Loading Area**
- 17.39.080 Setback Requirements**

##### **17.39.010 Applicability**

The provisions of this chapter apply to the I-C Industrial-Commercial Zone. Uses in the C Commercial Zone are regulated by chapter 17.28 C Commercial Zone and uses in the CR Commercial-Residential zone are regulated by chapter 17.30 Commercial-Residential zone.

##### **17.39.015 Purpose and Intent**

The purpose of the I-C Industrial-Commercial zone is to provide areas within the county where certain industrial and commercial uses and activities may be established and maintained together to promote efficiency, ensure compatibility, and provide for mixed non-residential uses. It facilitates a heavy commercial and light industrial mixed-use environment that may be well-suited near principal traffic arterials, such as the Interstate 80 corridor, and industrial development with which the allowed uses are compatible. It is not intended for residential areas or general neighborhood commercial areas, such as Gold Hill, Virginia City, Lockwood, or other such residential communities where C Commercial or CR Commercial Residential zoning may be more appropriate.

##### **17.39.020 Allowed Uses**

The commercial, light industrial, and heavy industrial uses listed in this section are allowed in the I-C Industrial-Commercial Zone.

##### **A. Commercial uses including:**

1. Retail sales and shopping centers including:
  - a. General stores, shopping centers, convenience stores, principal grocery stores, neighborhood stores and shopping centers, regional stores and shopping centers, and super regional stores and shopping centers.
  - b. Seasonal holiday sales and uses.
  - c. Seasonal farmers markets.
2. Commercial offices and financial institutions:
  - a. Real-estate permanent office, banks and credit unions, accountants, insurance, employment agencies, consulting firms, manufacturer representatives, newspapers, secretarial services, associations and other similar office uses and activities.

- b. Building maintenance and services.
  - c. Business and professional offices and buildings.
  - d. Convention and meeting facilities.
3. Personal services:
- a. Barbers, hair stylists, beauticians, manicurists/pedicurists, spas, salons, tailors, massage establishments, and similar type uses.
  - b. Wedding chapels and travel agencies.
  - c. Childcare of any number of children.
  - d. Laundromats, personal dry cleaning, and laundry services.
4. Boarding accommodations including hotels, motels, hostels, bed and breakfast inns, timeshares, and vacation rentals.
5. Tourist and visitor services:
- a. Eating and drinking establishments such as restaurants, cafes, drive-in diners, fast-food, coffee shops and coffee houses, soda-fountains, saloons and taverns, and micro-breweries with on-site and off-site sales.
  - b. Entertainment and casual education services such as docents, guided tours on foot, gold panning, and museums.
  - c. Equestrian facilities and uses including riding arenas, stables, horse and pony rides, and carriage and stagecoach rides.
  - d. Theaters.
6. Recreation. Bowling lanes, billiard parlors and pool halls, arcades, gaming (when incidental to a primary use and limited to no more than 15 slot and/or video machines), golf driving ranges, miniature golf, country clubs, health clubs and personal fitness gyms, swimming pools and saunas, tennis courts, permanent indoor and seasonal outdoor roller and ice skating rinks and facilities, seasonal or temporary outdoor theatres, and other similar recreational uses and activities.
7. Civic uses:
- a. Public facilities and offices for fire, emergency services, and sheriff.
  - b. Helipads and heliports for use only by medical evacuation transport services.
  - c. Crisis care use uses and facilities, permanent.
  - d. Libraries and cultural services, governmental offices, post offices, community centers, and courts of law.



- e. Education including elementary, middle, and high (K-12) schools and academies, colleges and higher education, technical and vocational education, apprentice training, whether public, private, or parochial. A special use permit is required for education institutions and academies that include student residential accommodations.
  - f. Highway rest areas, picnicking areas, parks and playgrounds, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.
  - g. Parking lots and structures, park-and-rides and carpool transfer centers, multi-modal transit hubs, parking garages and storage, railroad and light rail infrastructures, train tunnels, and railroad switchyards and turntables.
  - h. Indoor and outdoor veterinarian services and shelters for large and small animals.
8. General services:
- a. Catering, equipment and appliance repair, gun repair, general contractors offices, heavy and light equipment rental, feed and tack stores, manufactured home sales and service, pawn brokers, pet sales and grooming, print shops, upholstery shops, video rentals, and other similar general services uses and activities.
  - b. Uses involving indoor archery and indoor discharge of firearms.
9. Congregational establishments including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.
10. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.
11. Casinos and gaming establishments of more than 5,000 square feet of total floor area where slots and/or video machines are located, where there are more than 15 slots and/or video machines, and where other forms of gambling such as poker, craps, blackjack, keno, sports book and other similar activities may take place.
12. Public utility service yards, buildings, electric substations, gas transmission substations, and ancillary uses.
13. Recreational vehicle (RV) parks.
14. Mini-warehouses and storage facilities for rent including recreational vehicle, boat, utility trailer, horse trailer, and similar equipment storage.
15. Open-air markets, flea-markets, farmers markets, and the display, sale, barter, or trade of items associated with a business outside of a permanent building.
16. Race tracks and arenas involving the use of automobiles, trucks, tractors, and other motorized vehicles.
17. Radio-controlled (RC) cars, vehicles, watercraft, and aircraft facilities and uses.
18. Signs as regulated by chapter 17.84 Signs and billboards.

19. Automobile paint shops and body repair shops.
20. Accessory use, buildings and structures if they are clearly incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and in conformance with section 17.12.048.
21. Other uses similar to the above which are determined by the board to be consistent with the uses permitted within the zone.

**B. Light industrial uses including the following:**

1. Limited indoor manufacturing and assembly involving the production process that uses already manufactured components to assemble, print, or package a product such as cloth, paper, plastic, leather, wood, glass, stones, or computer and electronic parts.
2. Contractor services, including general contractor offices, contractor service shops, carpet cleaning, pest control, printing and publishing, and similar uses.
3. Agricultural use types including general agricultural uses, agricultural animal production, custom animal processing, agricultural research, agricultural supplies sales, and agricultural entertainment and commercial uses.
4. Trade and craftsman industries, including furniture and carpentry manufacturing and refining, upholstery shops, monument works, and similar uses.
5. Outdoor storage and maintenance of building materials, vehicles, trailers, and heavy equipment associated with a commercial building contractor or business when not directly associated with a construction project on the premises.
6. Manufactured home and modular home sales lots.
7. Propane sales and storage.
8. Firewood sales and storage.
9. Temporary real-estate tract offices not located within a permanent structure.
10. Laboratories and testing services. The use of live animals in laboratory, testing, and experimentation is prohibited.
11. Building material manufacturing.
12. Breweries, distilleries, wineries.
13. Warehouses, warehouse complexes, distribution operations, and wholesale distribution.
14. Laundromats and personal dry cleaning.
15. Automotive, truck, and heavy equipment services including washing and detailing (manual hand-washing, coin-operated, and production line methods), service and fueling stations, repair (including painting and body repair), sales, and rental.
16. Truck stops.

17. Solid waste recycling collection center.
18. Solid waste recycling center.
19. Brick, tile or terra cotta products manufacturing.
20. Hunting, fishing, and skiing facilities and lodges, wildlife refuges, and game farms.
21. Sewage treatment plants and facilities and other sewage or sludge processing, treatment, or storage.
22. Watchman's dwelling, whether permanent or temporary.
23. Outdoor storage or maintenance of building materials, vehicles, trailers, and heavy equipment associated with a commercial building contractor or business when not directly associated with a construction project on the premises.
24. Other uses similar to the above which are determined by the board to be consistent with the uses permitted within the zone.

**C. Heavy industrial uses including the following:**

1. Manufacturing and assembly involving the production process which uses already manufactured components to assemble, print, or package a product such as cloth, paper, plastic, leather, wood, glass, stones, or computer and electronic parts and manufacturing operations involving primary production of commodity of raw materials, except those listed in section 17.39.030 as requiring a special use permit.
2. Storage and distribution of paints, shellac, turpentine, varnishes, and other similar chemicals within a warehouse facility.
3. Storage and distribution of petroleum and liquid petroleum products within a warehouse facility.
4. Manufacturing of paints, shellac, turpentine, varnishes, and other such chemicals. Manufacturing, reclaiming, refining, storage, and distribution of cyanide, hazardous materials, and liquid petroleum products are prohibited.
5. Paper manufacturing.
6. Bottling plants.
7. Other uses similar to the above which are determined by the board to be consistent with the uses permitted within the zone.

**17.39.030 Uses Subject to Special Use Permit**

Unless stated otherwise, the following uses may be permitted subject to securing a special use permit pursuant to chapter 17.03 Administrative provisions.

1. Fortune tellers, astrology parlors, clairvoyance and palmistry. Additionally, uses under this subsection must comply with the regulations under Title 5 Business licenses, and be located no closer than 1,000 feet from a public or private school, religious institution, public building or facility, or another permitted fortune teller, astrology parlor, clairvoyance and palmistry use, and

300 feet from any E, R, or SPR zone.

2. Permanent outdoor skateboard parks and related facilities.
3. Fairgrounds, rodeo arenas, horse and other animal competition tracks and arenas, and similar uses.
4. Amusement parks involving various devices for entertainment such as thrill and theme rides, roller-coasters, water slides, and games and concession booths.
5. Facilities and uses that include outdoor sets and props for the development and production of movies, film, television, and similar visual media.
6. Education facilities that include student residential and boarding accommodations.
7. Permanent outdoor theatres.
8. Billboards as regulated by chapter 17.68 Signs and billboards.
9. Zoos, animal theme and amusement parks, and other maintenance, display, or possession of one or more wild animals.
10. Healthcare facilities including hospital services, medical services, urgent care, clinics, convalescent services, civic convalescent and group care service, continuum of care facilities for seniors, and group care services.
11. Tattoo, permanent cosmetics, and invasive body piercing facilities. These uses are only allowed within the boundaries of the Tahoe-Reno Industrial Center which is zoned I-2 Heavy Industrial, I-C Industrial-Commercial, or C Commercial. They are prohibited within 1,500 feet of a public or private school or religious institution.
12. Retail establishments featuring the display, lease, or rental of "adult material" books, merchandise, periodicals, video tapes, video disks including DVDs and other recorded video devices, computer disks, instruments, devices or paraphernalia "adult" material. The merchandise shall only be available for sale or lease for private use by the purchaser or lessee off the premises of the business.
13. Temporary (less than 1 year) concrete and asphalt batch plants when not incidental to an on-site construction project or when located within 2,500 feet from a CR, E, R, or SPR zone.
14. Milling and processing related to mining and extraction.
15. Natural resources including river and waterway restoration, wetland creation, water restoration and recycling.
16. The keeping of 7 or more dogs or potbelly pigs more than 12 weeks of age. A minimum of 10 acres is required.
17. Commercial kennel. A minimum of 10 acres is required.
18. Other uses similar to the above that are determined by the board with action by the planning commission to be consistent with the uses requiring a special use permit within the zone.

**17.39.040 Height and Width of Buildings and Structures**

A building, manufactured building, or structure may not exceed a height of ten stories or 120 feet, whichever is higher, except as may be allowed by a variance. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys and smoke-stacks, grain silos, water towers, flagpoles, and commercial and amateur wireless communication towers and antennas. Wind energy turbine support structures are regulated by chapter 17.12.044, Height of buildings and structures.

**17.39.050 Minimum Parcel Area**

Parcel area requirements shall be as follows: (A) commercial uses may be located on a parcel of no less than 10,000 square-feet; (B) light-industrial uses may be located on a parcel no less than one-half acre; and (C) heavy-industrial uses may be located on a parcel no less than 3 acres. The minimum area requirement for uses requiring a special use permit shall be determined by the special use permit, except that the area shall be no less than 10,000 square-feet.

**17.39.060 Loading Area**

Loading area must have adequate room for vehicular circulation and staging. All truck parking and docking area must be designed so that right-of-ways and travelled ways are not adversely impacted.

**17.39.070 Setback Requirements**

Setback requirements shall be as follows: (A) heavy-industrial uses may be located no closer than 50 feet from any property line; (B) light-industrial uses may be located no closer than 20 feet from any property line; and (C) commercial uses shall have a minimum 10 foot rear and side setback and a 20 foot front setback. Uses requiring a special use permit shall have setback distances established by the granted special use permit, except that the minimum allowable setback distances shall be no less than 10 feet from any property line.

**Exhibit B: Application No. 2014-020 (Zone Text Amendment)**

The following application includes a request for both a zone text and zone map amendments. For zone map amendment applicability, refer to Application and Staff Report No. 2014-021.



**Storey County Planning Department**

26 South "B" Street, P.O. Box 176, Virginia City, NV 89440  
 Phone: (775) 847-1144 Fax: (775) 847-0949  
[planning@storeycounty.org](mailto:planning@storeycounty.org)

**Development Application**

Submit this completed application and all attachments along with the application fee (see page two for type of application and fees) at least 30 days prior to the meeting you wish to have your request scheduled. The application will not be accepted unless complete, including attachments (applicant will be notified within 15 days if application is not acceptable and what is still required). The application fee is non-refundable. Please make checks payable to Storey County Planning Development.

Project Number: \_\_\_\_\_

Property Owner: Tahoe-Reno Industrial Center, LLC  
All land owners must be listed on this application. Type or print legibly in black or blue ink.

Mailing Address: c/o Robert M. Sader, 8600 Technology Way, Suite 101

City: Reno State: NV Zip: 89521

Telephone (Home) ( ) N/A Business ( 775 ) 329-8310

Applicant: SAME  
All applicants must be listed on this application.

Mailing Address: SAME

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone (Home) ( ) \_\_\_\_\_ Business ( ) \_\_\_\_\_

Gold Hill     Virginia City     VC Highlands (1 acre)     Highland Ranches (10 acres)     Virginia Ranches (40 acres)

Mark Twain     Hafed     Lockwood     Painted Rock     ~~TRI~~     Other \_\_\_\_\_

Project Address: Waltham Way and I-80

Assessor's Parcel Numbers (APN): 004-161-98 and 99; 004-162-01 and 02; 005-121-01, 02, 03, 04, and 05

Lot: N/A Block: N/A Acreage: 319.852

Application Type	Application Fee	Application Type	Application Fee
<input type="checkbox"/> Abandonment	\$200.00	<input type="checkbox"/> Amended Map	n/a
<input type="checkbox"/> Condition Amendment	n/a	<input type="checkbox"/> Boundary Line Adjustment	\$250.00 + 25.00 per lot
<input type="checkbox"/> Development Agreement (Requires a Special Use Permit)	\$1,000.00	<input type="checkbox"/> Extension of Time Request (One Year Extension Only)	50% of Original Fee
<input type="checkbox"/> Land Division Map (40 acre minimum)	\$500.00 + \$50.00 per lot	<input type="checkbox"/> Lot Consolidation	n/a
<input type="checkbox"/> Master Plan Map Amendment	\$2,900.00	<input checked="" type="checkbox"/> Master Plan Text Amendment	\$800.00
<input type="checkbox"/> Natural Resources Exploration and Registration	\$65.00 per hour	<input type="checkbox"/> Street Name Request	n/a
<input type="checkbox"/> Parcel Map - Record of Survey	\$250.00 + 25.00 per lot	<input type="checkbox"/> Parcel Map Final	n/a
<input type="checkbox"/> Planned Unit Development (PUD) - Tentative	\$500.00 + 1.00 per lot	<input type="checkbox"/> Planned Unit Development - Final	\$200.00 + 25.00 per lot
<input type="checkbox"/> *Special Use Permit - Minor	\$250.00	<input type="checkbox"/> *Special Use Permit - Routine	\$450.00
<input type="checkbox"/> *Special Use Permit - Major	\$750.00	<input type="checkbox"/> *Special Use Permit - Major Industrial	\$2,500.00
<input type="checkbox"/> Subdivision Map - Tentative	\$500.00 + 1.00 per lot	<input type="checkbox"/> Subdivision Map - Final	\$200.00 + 25.00 per lot
<input type="checkbox"/> Variance - Administrative	n/a	<input type="checkbox"/> Variance	\$100.00
<input type="checkbox"/> Wireless Communication Facility		<input type="checkbox"/> Wireless Communication Facility, Modification	n/a
<input checked="" type="checkbox"/> Zoning Map Change	\$1,000.00	<input checked="" type="checkbox"/> Zoning Text Change	n/a

Note: Additional fees to cover costs accrue by the county in association with the application, including staff time and consultation with outside legal and professional council may be charged to the applicant. No additional fees will be charged without expressed written permission by the applicant.

RMS Applicants Initials

\*If you are applying for a Special Use Permit, please refer also to the Storey County Special Use Permit Definitions List when determining a minor, major, routine or major industrial permit.

Storey County Development Application

**Detail Description/Justification of Project**  
Attached additional pages as necessary

SEE ATTACHED



**STOREY COUNTY DEVELOPMENT APPLICATION**  
**DETAIL DESCRIPTION/JUSTIFICATION OF PROJECT**

**INTRODUCTION**

This application requests an amendment to the Storey County Master Plan text, a zoning map change, and zoning text change for real property (the "Property") owned by Tahoe-Reno Industrial Center, LLC ("TRI") which was formerly in Washoe County but now has been moved by a boundary line adjustment to Storey County. The Property came to Storey County without master plan or zoning designations. The legal description of the Property is attached to this application, including a map of the parcels.

There are nine (9) parcels subject to this application. Their location can generally be described as south of I-80, north of Truckee River, west of Tracy Power Plant and east of Mustang.

**BACKGROUND**

The 2013 Nevada State Legislature enacted Senate Bill 272, which authorized a boundary line adjustment between Washoe County and Storey County under Sections 1.5 and 3(3) of that act by resolutions approved by each county's board of commissioners. On June 17, 2014 the Board of Commissioners of Storey County passed Resolution 14-403 approving the adjustment. On the same date the Board of County Commissioners of Washoe County approved a resolution on the same adjustment.

The result of these actions was to transfer eighteen (18) parcels from Washoe County to Storey County. Nine (9) of those parcels are owned by TRI and are subject to this application.

TRI is the master developer of the Tahoe-Reno Industrial Center ("Center"). The current northwestern boundary of the Center is separated from the Property by the Truckee River. It is a logical extension of the Center for TRI to develop a portion of the Property as a part of the Center.

The basic entitlement for the Center is the Development Agreement dated February 1, 2000 between TRI and Storey County. The Center is provided water and sewer service by TRI General Improvement District ("TRIGID"). Applications to annex the Property to the Development Agreement are being made concurrently with this application. An application to expand the service territory of TRIGID will be made to the Trustees upon approval of the Development Agreement annexation.

The zoning for the Center is I-2 Heavy Industrial (1999 Storey County Zoning Code edition), which allows light industrial zoning uses and also allows commercial zoning uses on 10% of the land. This application seeks to add a portion of the Property

**STOREY COUNTY DEVELOPMENT APPLICATION**  
**DETAIL DESCRIPTION/JUSTIFICATION OF PROJECT**

**INTRODUCTION**

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Storey County Development Application

**Professional Consultant/Representative(s)**

Name: Robert M. Sader  
Address: 8600 Technology Way, Suite 101  
City: Reno State: Nevada Zip: 89521  
Phone: (775) 329-8310 Email: rsader@robertmsader1td.com Cell: N/A

**Applicant's Affidavit:**

I, N/A (Printed name), being duly sworn, depose and say that I am the applicant of the described project and/or request, and all the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Storey County Planning Department Staff.

Signature of Applicant

Date

State of Nevada,  
County of Storey

Signed and sworn to before me on \_\_\_\_\_ by,

Notary's Signature

My Commission Expires

**Property Owner's Affidavit:**

I, Tahoe-Reno Industrial, LLC (Printed name), being duly sworn, depose and say that I am an owner\* in fee of the described property involved in this application, that I have knowledge of, and agree to, the filing of this application, and that the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Storey County Planning Department Staff.

Robert M. Sader  
Signature of Applicant  
Robert M. Sader, Legal Counsel

Date 10/6/14

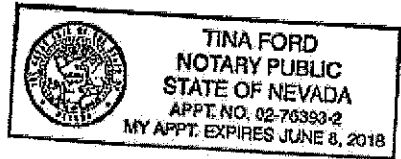
State of Nevada,  
County of ~~Storey~~ Washoe

Signed and sworn to before me on Oct 6, 2014 by,

Robert M. Sader

Tina Ford  
Notary's Signature

June 8, 2018  
My Commission Expires



DEVELOPMENT APPLICATION SUBMITTAL REQUIREMENTS

Application Type	Development Application	Detailed Description/Justification	Paid Tax Receipt	Plot Plan	Reduced Map (11 x 17)	Original Map Mylar	Map & Data in CAD Format on Disk	Vicinity Map	Floor Plan	Legal Description - Deed	Title Report	Drainage Report	Soils Report	Traffic Report	Water Rights	Reclamation Plan	Additional Information - Check with Planning Department
<input checked="" type="checkbox"/> Abandonment	X	X	X	X	X			X		X							X
<input type="checkbox"/> Amended Map	X	X			X			X									X
<input type="checkbox"/> Condition Amendment	X	X						X									X
<input type="checkbox"/> Boundary Line Adjustment	X	X	X	X	X			X		X	X						X
<input type="checkbox"/> Development Agreement (Requires Special Use Permit) Extension of Time Request (One Year Extension Only)	X	X	X					X	X	X	X		X	X			X
<input type="checkbox"/> Land Division Map (40 acre minimum)	X	X	X	X	X			X		X	X						X
<input type="checkbox"/> Lot Consolidation*	X	X	X	X	X			X									X
<input type="checkbox"/> Master Plan Map Amendment	X	X			X			X									X
<input type="checkbox"/> Master Plan Text Amendment	X	X															X
<input type="checkbox"/> Natural Resources Exploration and Registration Review	X	X	X	X	X			X									X
<input type="checkbox"/> Parcel Map - Record of Survey																	X
<input type="checkbox"/> Parcel Map	X	X	X	X	X			X		X							X
<input type="checkbox"/> Planned Unit Development, Tentative	X	X	X	X	X			X		X	X	X	X	X	X		X
<input type="checkbox"/> Planned Unit Development, Final	X	X	X	X	X			X									X

\*Administrative lot consolidation procedure

Note: Additional information and materials may be required with the application.

Storey County Development Application

Submittal Requirements		DEVELOPMENT APPLICATION SUBMITTAL REQUIREMENTS															
Application Type	Development Application	Detailed Description/Justification	Paid Tax Receipt	Plot Plan	Reduced Map (11 x 17)	Original Map Mylar	Map & Data in CAD Format on Disk	Vicinity Map	Floor Plan	Legal Description - Deed	Title Report	Drainage Report	Soils Report	Traffic Report	Water Rights	Reclamation Plan	Additional Information - Check with Planning Department
<input checked="" type="checkbox"/> Special Use Permit - Minor	X	X	X	X	X			X									X
<input type="checkbox"/> Special Use Permit - Routine	X	X	X	X	X			X									X
<input type="checkbox"/> Special Use Permit - Major	X	X	X	X	X			X									X
<input type="checkbox"/> Special Use Permit - Major Industrial	X	X	X	X	X			X									X
<input type="checkbox"/> Street Name Request	X	X		X				X									X
<input type="checkbox"/> Subdivision Map - Tentative	X	X	X	X	X			X		X							X
<input type="checkbox"/> Subdivision Map - Final	X	X	X	X	X		X			X							X
<input type="checkbox"/> Variance - Administrative	X	X						X									X
<input type="checkbox"/> Variance	X	X	X					X									X
<input type="checkbox"/> Wireless Communication Facility	X	X	X	X	X			X		X							X
<input type="checkbox"/> Wireless Communication Facility, Modification	X	X	X	X	X		X	X		X							X
<input type="checkbox"/> Zoning Map Change	X	X		X	X			X									X
<input type="checkbox"/> Zoning Text Change	X	X		X	X												X
<input type="checkbox"/> Other	X	X		X	X												X

Note: Additional information and materials may be required with the application.

## DEVELOPMENT APPLICATION SUBMITTAL REQUIREMENTS GUIDE

1. Development Application – You can get an application from the Planning Department at the Storey County Courthouse or online at StoreyCounty.org.
2. Detailed Description/Justification – The description of your project and the reason for the project. Be as detailed as possible and submit any information to help explain your project (photos, maps, etc.).
3. Paid Tax Receipt – This is a receipt showing your property taxes are current or paid in full. A copy can be obtained from the Clerk/Treasurer's office located on the 2<sup>nd</sup> floor in the Storey County Courthouse.
4. Plot Plan – A diagram showing the location of all buildings, well and septic (if any). This can be obtained from the Building Department or Assessor's office or neatly hand drawn by the applicant.
5. Reduced Map (11 x 17) – Applications with large maps must supply one that can be scanned in for use in reports.
6. Original Map Mylar – This map is done by a professional surveyor.
7. Map & Data in CAD format on Disk – This map is done by a professional surveyor.
8. Vicinity Map – This map shows surrounding parcels to application parcel. A copy can be obtained from the assessor's office located on the 1<sup>st</sup> floor in the Storey County Courthouse.
9. Floor Plan – These are building plans for a house (subdivision) and done by a builder.
10. Legal Description – Deed – Done by a professional surveyor.
11. Title Report – Done by a professional company.
12. Drainage Report – Done by a professional company.
13. Solis Report – Done by a professional company.
14. Traffic Report – Done by a professional company.
15. Water Rights – You can obtain this from State Water Department.
16. Reclamation Plan – Done by a professional company.

8 of 8

**(Proposed text amendment attached to application is located in Exhibit A above.)**



## Storey County Board of County Commissioners Agenda Action Report

Meeting date: 12/02/14

Estimate of time required: 20 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

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1. **Title:** (Agenda Language included in Enclosure A)
2. **Recommended motion:** Based on findings of fact shown in Subsection 4.1 and the conditions of approval shown in Section 5 of this report, and conformance with federal, state, and county regulations, and the recommendation for approval by staff and the planning commission, I (Commissioner) motion to approve Storey County Zone Map Amendment Application No. 2014-021 modifying the official zoning map of Storey County to include the Forestry, Natural Resources, Public, and Industrial-Commercial zones as presented by staff in this report.

3. **Prepared by:** Austin Osborne, Planning Director

**Department:** Planning Department

**Telephone:** 847-1144

4. **Staff summary:** Amendment of the Official Storey County Zoning Map as explained and recommended in Staff Report No. 2014-021 enclosed herewith.

5. **Supporting materials:** Staff Report No. 2014-021 and exhibits enclosed herewith.

6. **Fiscal impact:** None on local government.

Funds Available:


Fund:

\_\_\_ Comptroller

7. **Legal review required:**

\_\_\_ District Attorney

8. **Reviewed by:**

 Department Head

Department Name:

 County Manager

Other agency review: \_\_\_\_\_

9. **Board action:**

Approved  
 Denied

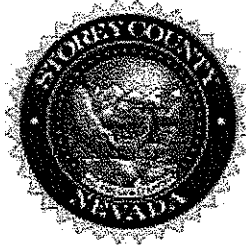
Approved with Modifications  
 Continued

Agenda Item No.

## **Enclosure A: Agenda Language for Application No. 2014-021**

**Discussion/Possible Action:** Application No. 2014-021 by the Tahoe-Reno Industrial Center, LLC., and Storey County on behalf of The Nature Conservancy, LLC and the Union Pacific Railroad Company to amend the Official Storey County Zoning Map. The amendments will apply regulatory zones to approximately 600 acres of land located in McCarran, Nevada (River District near the Tahoe-Reno Industrial Center) which was in July of 2014 transferred from Washoe County to Storey County by means of boundary line adjustment. The subject area is described approximately as portions of: Section 31 and 32, Township 20 North, Range 22 East; Section 6, Township 19 North, Range 22 East; Section 36, Township 20 North, Range 21 East; Sections 2 and 11, Township 19 North, Range 21 East; and Section 1, Township 19 North, Range 21 East, all in the Mount Diablo Baseline and Meridian (MDB&M). The specific zones and subject properties will be as follows: (a) F Forestry zoning will be applied to land located at Assessor's Parcel Numbers (APN) 004.161.98, 004.161.99, 004.162.01, and 004.162.02; (b) N-R Natural-Resources zoning will be applied to land located at APNs 004.161.85, 004.161.86, 004.161.88, and 004.161.96; (c) I-C Industrial-Commercial zoning will be applied to land located at APNs 005.121.01, 005.121.02, 005.121.03, 005.121.04, and 005.121.05; and (d) P Public will be applied to land located at 004.161.87, 004.161.89, 004.161.90, 004.161.91, 004.161.92, 004.161.93, 004.161.94, 004.161.95, and 004.161.97, all within the approximate subject area described above. The purpose of the zone map amendment is to apply zoning to newly acquired land in Storey County that is consistent with surrounding uses and the Storey County Master Plan. Prior to their transfer into Storey County, the properties were zoned in Washoe County as Agriculture, Medium Density Rural, Industrial, and Public Infrastructure. Additional information including, but not limited to, reports and maps may be obtained from the Planning Department at 775.847.1144 or [planning@storeycounty.org](mailto:planning@storeycounty.org).





**Storey County**  
**Board of County Commissioners**  
Staff Report – **Zone Map Amendment**

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**To:** Storey County Board of County Commissioners

**From:** Storey County Planning Department

**Meeting Date:** December 2, 2014

**Meeting Location:** Storey County Courthouse  
26 South "B" Street, Virginia City, Nevada

**Case Number:** 2014-021

**Request:** Request for amendment to the Official Storey County Zoning Map to apply Forestry, Natural Resources, Public, and Industrial zoning to parcels all located within approximately 600 acres of land recently transferred from Washoe County to Storey County by boundary line adjustment.

**Applicants:** Tahoe-Reno Industrial Center, LLC; and Storey County on behalf of The Nature Conservancy, LLC and Union Pacific Railroad Company.

**Property Owners:** Tahoe-Reno Industrial Center, LLC; The Nature Conservancy, LLC; and Union Pacific Railroad Company.

**Staff Contact:** Austin Osborne, Planning Director

**Guiding Documents:** Storey County Code 17.03 Administrative Provisions; SCC 17.24 Agriculture Zone; 17.32 Forestry Zone; 17.35 Heavy Industrial Zone; 17.76 Natural Resources Zone; 17.84 Signs and Billboards; 17.92 Mineral Exploration and Mining; Storey County Master Plan, River District plan and Industrial development plan; Washoe County Master Plan, Truckee Canyon Area Plan.

**Property Location:** The subject area is described approximately as portions of: Section 31 and 32, Township 20 North, Range 22 East; Section 6, Township 19 North, Range 22 East; Section 36, Township 20 North, Range 21 East; Sections 2 and 11, Township 19 North, Range 21 East; and Section 1, Township 19 North, Range 21 East, all in the Mount Diablo Baseline and Meridian (MDB&M). Specific subject properties are listed in Table 1.1 and Exhibit C.

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# 1. BACKGROUND & ANALYSIS

## 1.1 Site location and characteristics

The properties subject to this request for zone map amendment are located on approximately 580 acres along the Truckee River and Interstate 80 between Mustang and McCarran, Nevada. The approximate location and placement of each subject parcel is illustrated in Figures 1.1 and 1.2. McCarran is approximately 12 miles east of Sparks and about halfway between it and Fernley.

In 2003 the Nevada State Legislature enacted Senate Bill 272 which authorized a boundary line adjustment between Storey County and Washoe County by resolution approved by each county's board of commissioners. On June 17, 2014, the Board of Storey County Commissioners passed Resolution 14-403 approving the adjustment. On the same date, the Board of Washoe County Commissioners approved a resolution on the adjustment. The result of these actions was the transfer 22 parcels and approximately 580 acres from Washoe County to Storey County. The area of land transfer is described in Table 1.1 and illustrated in Figures 1.1 and 1.2.

Table 1.1 – Ownership and Zoning (Numbers 1-22 correspond to Figure 1.1)					
#	APN	Owner	Acres $\Sigma=575$ (+/-)	Former Zone (Washoe County)	Requested Zone
1	004-161-98	Tahoe-Reno Industrial Center	10	Agriculture	Forestry
2	004-161-99	Tahoe-Reno Industrial Center	6	Agriculture	Forestry
3	004-162-01	Tahoe-Reno Industrial Center	26	Agriculture	Forestry
4	005-121-01	Tahoe-Reno Industrial Center	36	Industrial	IC
5	005-121-02	Tahoe-Reno Industrial Center	104	Industrial	IC
6	005-121-03	Tahoe-Reno Industrial Center	65	Industrial	IC
7	005-121-04	Tahoe-Reno Industrial Center	3	Industrial	IC
8	005-121-05	Tahoe-Reno Industrial Center	17	Industrial	IC
9	004-162-02	Tahoe-Reno Industrial Center	55	Rural	Forestry
10	004-161-85	The Nature Conservancy	3	Rural	Nat Resource
11	004-161-86	The Nature Conservancy	0.23	Rural	Nat Resource
12	004-161-88	The Nature Conservancy	47	Rural	Nat Resource
13	004-161-96	The Nature Conservancy	59	Rural	Nat Resource
14	004-161-87	Union Pacific Railroad	30	Infrastructure	Public
15	004-161-89	Union Pacific Railroad	48	Infrastructure	Public
16	004-161-90	Union Pacific Railroad	11	Infrastructure	Public
17	004-161-91	Union Pacific Railroad	1	Infrastructure	Public
18	004-161-92	Union Pacific Railroad	7	Infrastructure	Public
19	004-161-93	Union Pacific Railroad	5	Infrastructure	Public
20	004-161-94	Union Pacific Railroad	27	Infrastructure	Public
21	004-161-95	Union Pacific Railroad	5	Infrastructure	Public
22	004-161-97	Union Pacific Railroad	10	Infrastructure	Public

Note: "IC" – Industrial-Commercial (Storey); "Rural" – Medium Density Rural (Washoe)

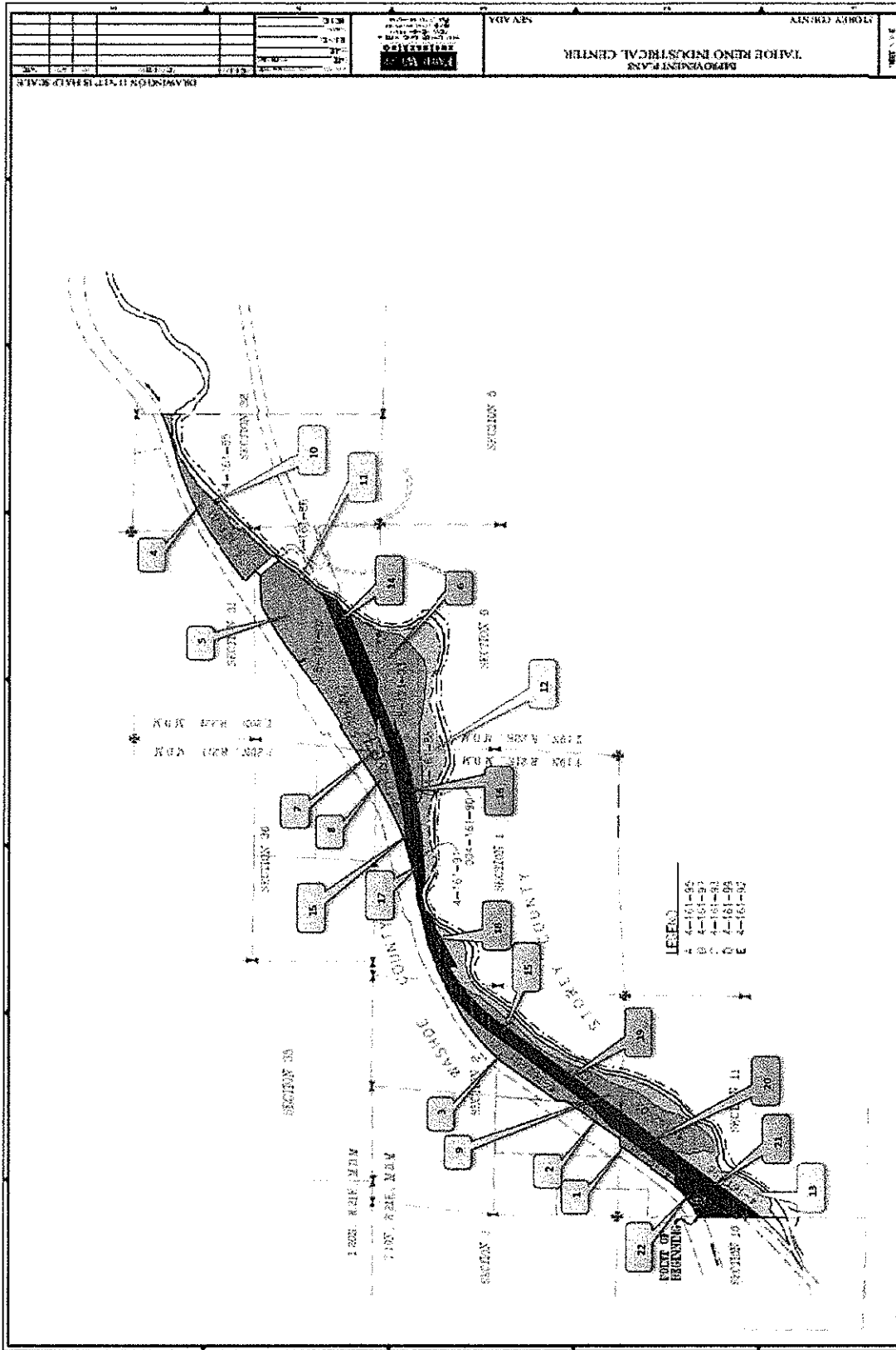


Figure 1.1 – Land ownership and reference to prior and proposed zoning (see close-up images in Figures 1.1.1 and 1.1.2)

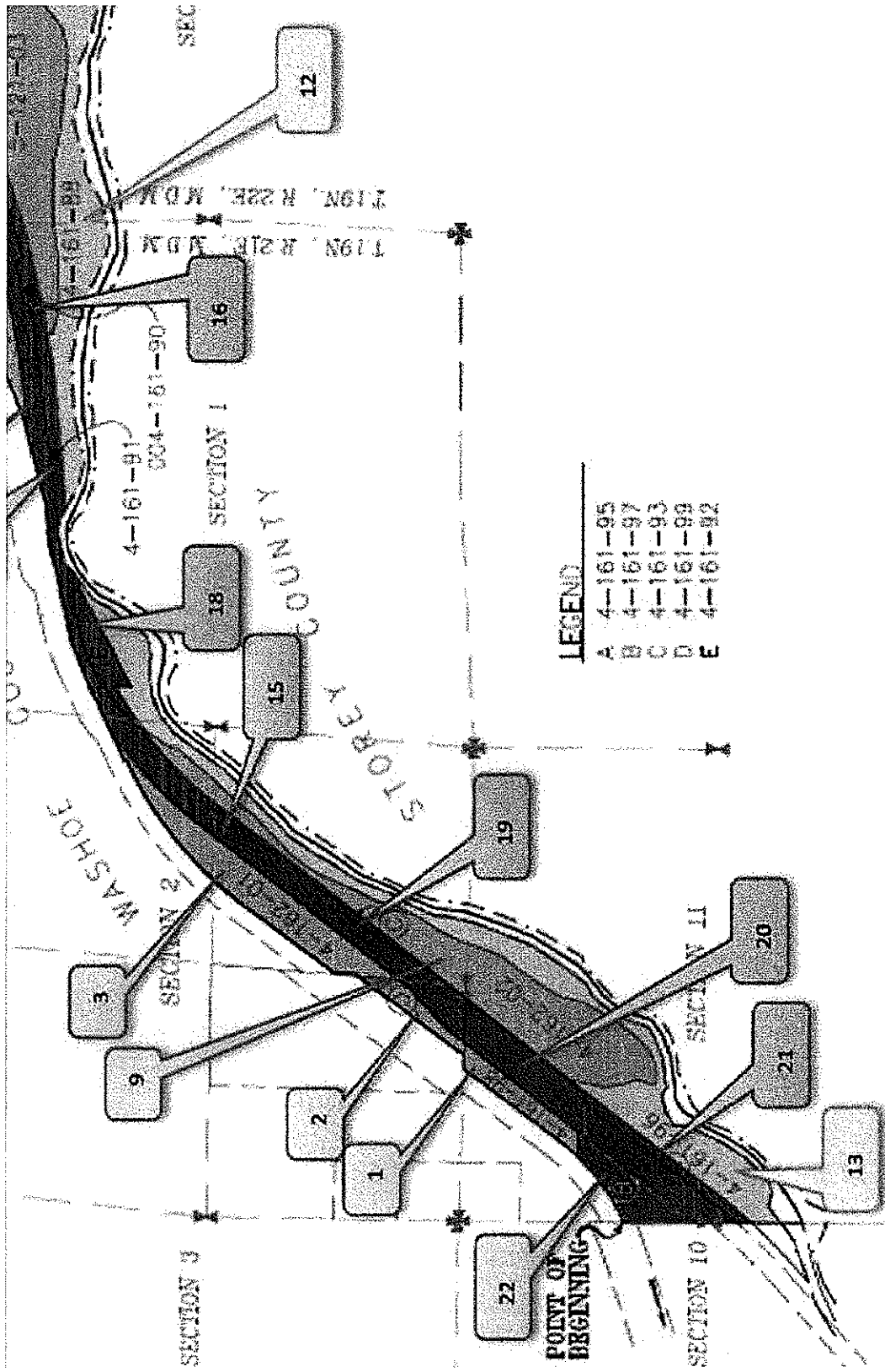


Figure 1.1.1 – Zoom left (central and west) of Figure 1.1 image

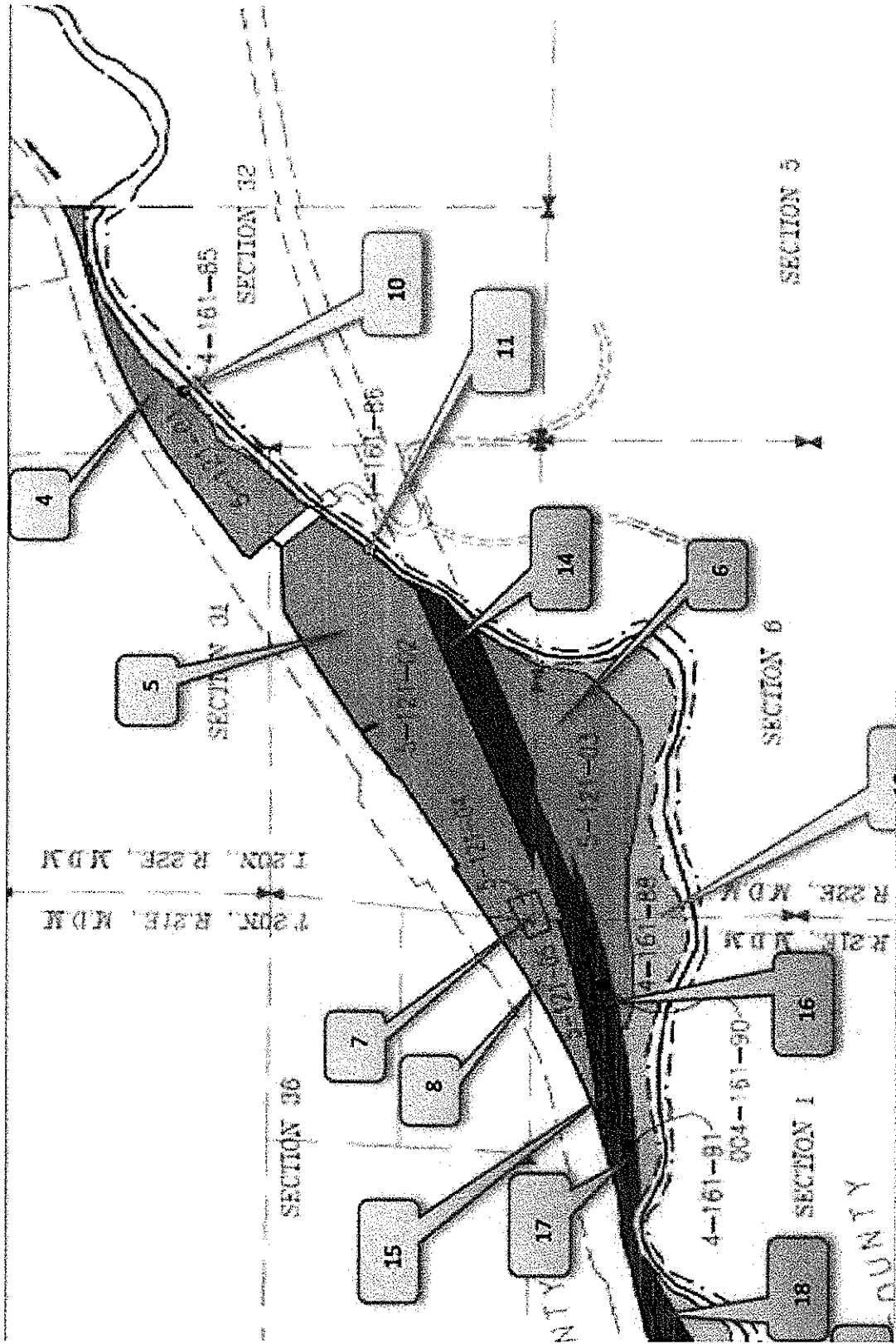


Figure 1.1.2 – Zoom right (central and east) of Figure 1.1 image

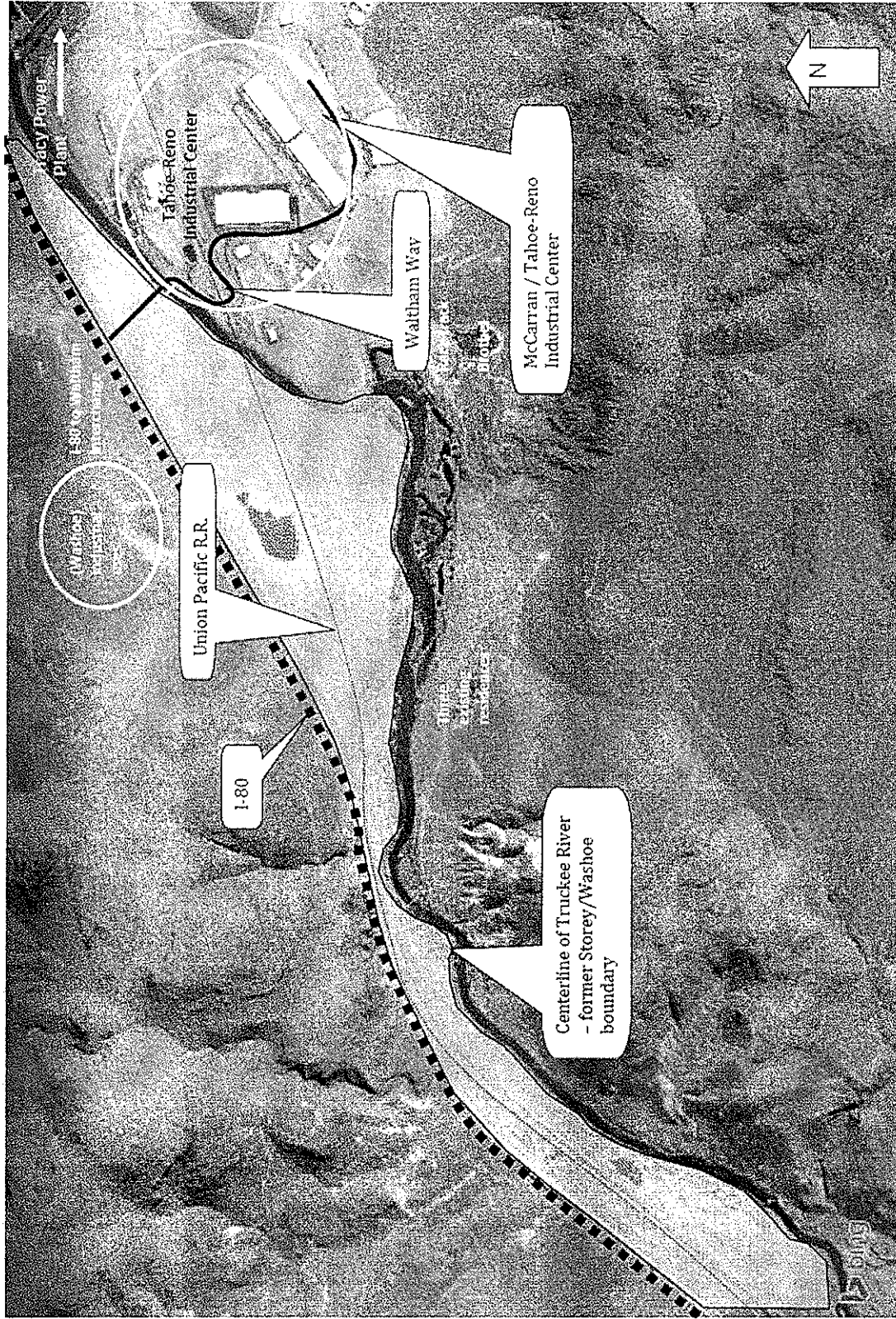


Figure 1.2 – The subject area highlighted green indicates land transferred from Washoe to Storey County. Information is approximate.

## **1.2 Zoning and master plan considerations**

The properties in Washoe County were zoned Industrial, Agricultural, Medium Density Rural, and Public Infrastructure prior to their transfer into Storey County (Washoe County, Truckee Canyon Regulatory Zone Map, 2013). The properties, now in Storey County, have not yet been assigned zoning designations. There are three principal owners involved in the subject properties: The Tahoe-Reno Industrial Center, LLC (TRI-Center); The Nature Conservancy, LLC (Nature Conservancy); and the Union Pacific Railroad Company (Union Pacific).

## **1.3 Application background and requested zoning designations**

Planning staff consulted with TRI-Center and the Nature Conservancy in determining appropriate zoning designations for their subject parcels. Planning staff also contacted representatives of Union Pacific by telephone and USPS mail. Union Pacific did not express interest in applying for any zoning designation for its land. However, the company representative informed staff that it would accept Public zoning for their land, a Storey County zone that is similar to its prior Washoe County Public Infrastructure zoning. The following describe existing land uses in and around the subject properties, and zone map amendment proposals for each group of subject properties.

### ***1.3.1 Land owned by TRI-Center***

Parcels 1-9 shown in Table 1.1 – Ownership and Zoning, are owned by TRI-Center. Five of those parcels were zoned Industrial in Washoe County, three were zoned Agriculture, and one was zoned Medium Density Rural. TRI Center requested that the five parcels previously zoned Industrial be classified similarly in Storey County, and that its four remaining parcels previously zoned Agriculture and Medium Density Rural be zoned Forestry.

Preceding its request for zone map amendment, TRI-Center applied for an amendment to Storey County Zoning Ordinance text to create an “I-C Industrial-Commercial Zone”. The I-C zone allows mixed commercial, light industrial, and heavy industrial uses where deemed appropriate by the board with recommendation by the planning commission. For the purpose of this report, it is assumed that the I-C zone is adopted prior to this zone map amendment request.

TRI-Center described to planning staff its subject property along portions of the Interstate 80 corridor as ideal for mixed-use commercial-industrial zoning. Planning staff finds this interstate frontage appropriate for I-C zoning. It also finds the I-C zone to be consistent with the prior zoning designation and area uses in both Storey and Washoe Counties (see compatibility in Section 1.4). Staff recommends that the remaining four parcels mentioned above remain rural type zoning similar to their previous Agriculture and Medium Density Rural zoning. However, because there is no known agricultural activity occurring on that land, staff and the property owner recommend that these parcels are zoned Forestry, Storey County’s closest equivalent and appropriate zoning classification.

### ***1.3.2 Land owned by Nature Conservancy***

Parcels 10-13 shown in Table 1.1 are owned by the Nature Conservancy. The subject land is located within the floodway and riparian area of the Truckee River. The property owner manages

the land for the purpose of restoring riparian habitats and improving natural flood storage capacity of the river. Planning staff and the property owner agree that N-R Natural Resources zoning designation would be the most appropriate classification for this land. The N-R Zone is established to promote the preservation of land to conserve and enhance natural and scenic resources, archeological, and cultural sites, primitive areas, watersheds, and flood-prone areas from unreasonable impairment. Staff on behalf of the property owner is applying for this zoning designation.

### 1.3.3 Land owned by Union Pacific

Parcels 14-22 shown in Table 1.1 are owned by Union Pacific. These parcels make up a narrow strip of land through entire stretch of the subject area that facilitates the existing Union Pacific transcontinental railroad. The land was zoned Public Infrastructure in Washoe County.

Storey County's Public zone is the most equivalent zone to Washoe County's Public Infrastructure zone. Its purpose is to accommodate a wide-range of public uses including, but not limited to, "railroads and light rail infrastructure", and similar uses (SCC 17.15.020.A.12). Planning staff finds this zoning designation most appropriate for the subject properties. Staff on behalf of the property owner is applying for this zoning designation.

### 1.4 Land use compatibility

Table 1.2 Compatibility with Surrounding Land, and Table 1.3 Comparison of Uses, demonstrate master plan and zoning designations, and allowed uses for each land use zone proposed in the subject land and surrounding area. Uses shown in the tables are relatively consistent with those allowed in the previous Washoe County zones, and the current zoning in the surrounding Storey and Washoe County land. Uses in the proposed zones, particularly the I-C zone, that may be found to be incompatible with existing conditions are only allowed with a special use permit. A special use permit is required for certain heavy intensity uses in the I-C zone that could be incompatible with each, or incompatible with other uses in the abutting zones. Board and planning commission approvals are required for special use permits. It is, therefore, found that these uses have the necessary case-by-case governing body oversight to assure that their application will cause no zoning or use conflicts with anticipated abutting uses or zones.

<b>Land</b>	<b>Land Use</b>	<b>Master Plan Designation</b>	<b>Zoning</b>
Applicant's Land (TRI-Center; Nature Conservancy; and Union Pacific land)	Vacant; one historic single-family structure used as work space for river restoration project; railroad.	Light and heavy industrial; riparian restoration; agricultural uses.	Formerly rural, industrial, agricultural, and public. Currently no Storey County zoning designation.
Land to Southwest	Vacant; Truckee River.	Light and heavy industrial; riparian restoration; agricultural uses.	F Forestry
Land to South	Vacant; several single-family residential uses; light and heavy industrial uses; Truckee River.	Light and heavy industrial; riparian restoration; agricultural uses.	I-2 Heavy Industrial; F Forestry; and A Agriculture
Land to central southwest	Vacant; Truckee River	Light and heavy industrial; riparian restoration; agricultural uses.	A Agriculture
Land to central northwest	Washoe County; Interstate 80; light industrial uses.	Industrial, commercial, residential, and rural uses.	Industrial; Commercial; Agriculture; Rural
Land to Northwest	Washoe County; Interstate 80; vacant.	Industrial, commercial, residential, and rural uses.	Industrial; Commercial; Agriculture; Rural
Land to North	Washoe County; Interstate 80; light industrial uses; mining.	Industrial, commercial, residential, and rural uses.	Industrial; Commercial; Agriculture; Rural



Land to Northeast	Washoe County; Interstate 80; vacant; light industrial uses.	Industrial, commercial, residential, and rural uses.	Industrial; Commercial; Agriculture; Rural
Land to East	Light and heavy industrial uses (Tahoe-Reno Industrial Center)	Light and heavy industrial uses.	I-2 Heavy Industrial

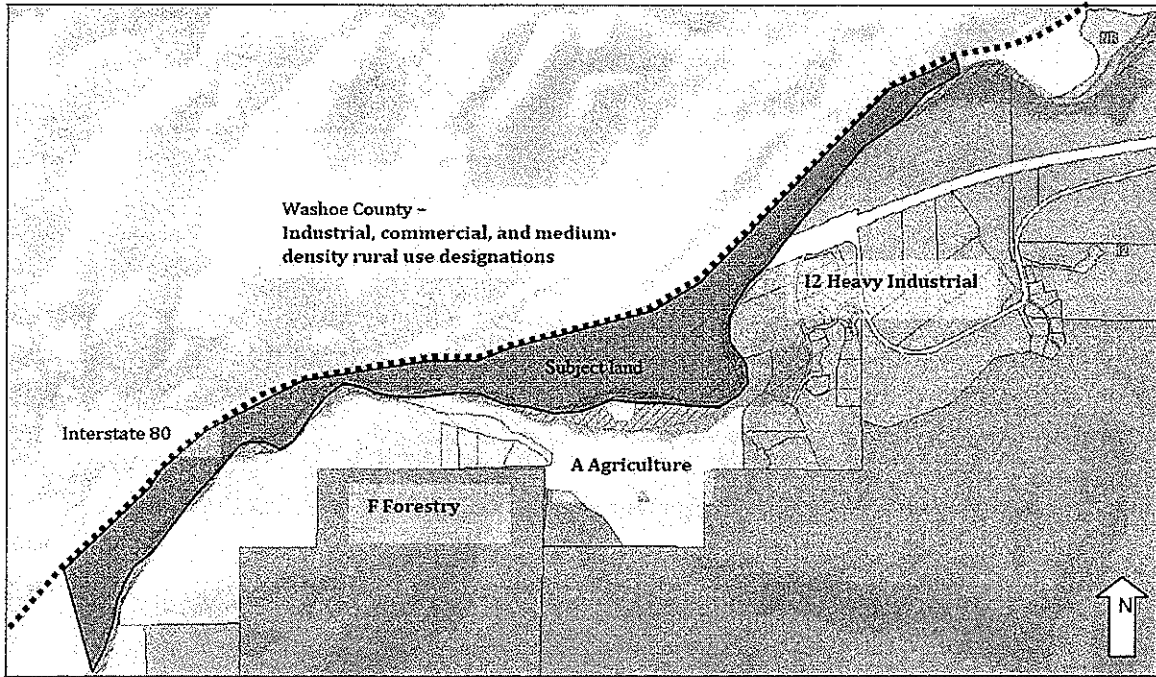


Figure 1.3: Current Storey County zoning designations (excluding the subject land).

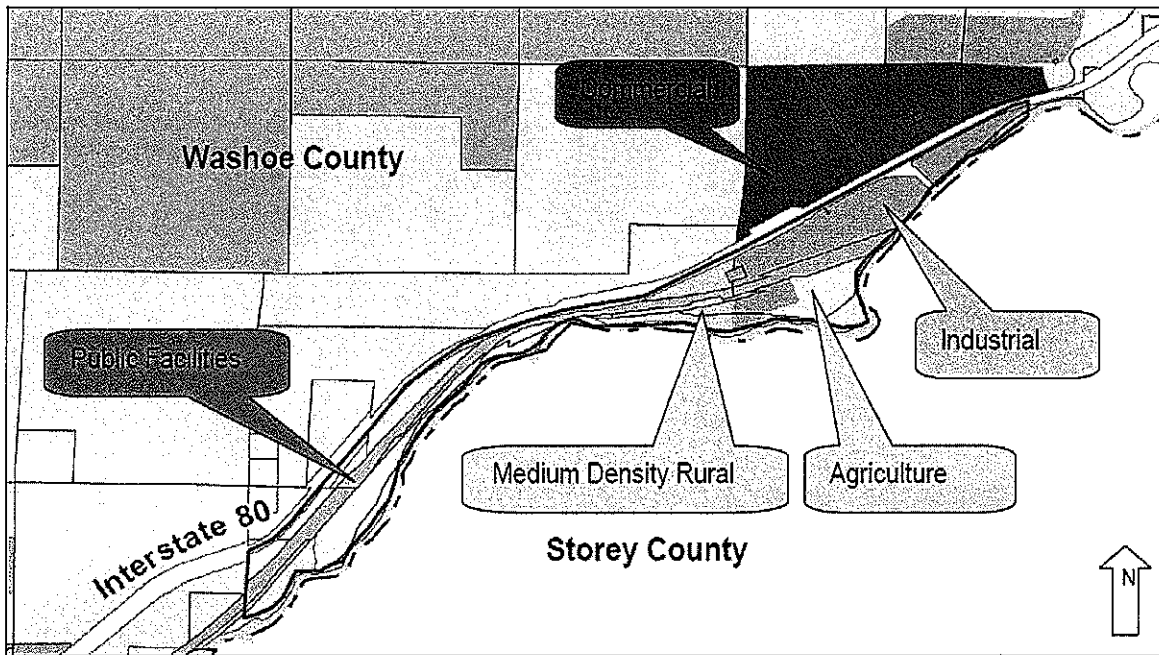


Figure 1.4: The previous Washoe County zoning designations and land use patterns are consistent with the proposed zoning. Red outlines the subject land.

Table 1.3 Comparison of Allowed Uses							
	Use categories	Public	Natural Resources	Agri.	Forestry	Heavy Industrial	Industrial Commercial
1	River/riparian restoration	X*	X*			X*	
2	Agriculture	X	X*	X	X*		
3	Residential		X*	X	X*		
4	Home occupation business			X	X*		
5	Retail					X	X
6	Commercial offices					X	X
7	Personal services					X	X
8	Boarding (motels, hotels)			X		X*	X
9	Tourism/visitor	X			X*	X	X
10	Government uses	X			X*	X	X
11	Automotive related					X	X
12	Transit infrastructure	X			X*	X	X
13	Mining				X*	X*	
14	Mine processing				X*	X	X*
15	Non-renewable energy				X*	X*	
16	Renewable energy				X*	X*	
17	Permanent concrete plant				X*	X*	
18	Schools and higher ed.	X			X*	X	X
19	Education institution				X*	X*	X
20	Heavy manufacturing					X	
21	Craftsman industry					X	X
22	Laboratory/research		X*	X*		X	X
23	Warehousing					X	X
24	Chemical manufacturing					X*	
25	Petroleum uses					X*	
26	Truck stop					X	X
27	Solid waste recycling	X*				X	
28	Solid waste landfill					X*	
29	Explosives and hazmat					X*	
30	Saw mills					X*	
31	Hazardous recycling					X	
32	Tattoo parlors					X*	X*
33	Billboards			X*	X*	X*	X*
34	RV Parks			X*			X
35	Agriculture youth rehab			X*			
37	Sewage treatment	X				X*	
38	Public infrastructure	X	X*	X	X*	X	X

Uses shown above are categorized into general use categories; see Storey County Code Chapters 17.24, 17.32, 17.35, 17.76, and 17.84 for specific uses in each zone.

\*Asterisks indicate uses requiring a special use permit.

<b>Table 1.4</b>	
<b>Comparison of Use Allowances</b>	
<i>Regulations per SCC Title 17</i>	
<b>1</b>	<b>Height</b>
	A – 35’ or 3 stories
	F – 35’ or 3 stories
	P – 45’ or 3 stories
	I-2 – 50’ or 6 stories
	I-C – 120’ or 10 stories
<b>2</b>	<b>Setback distances</b>
	A – Same as abutting zone, but not less than 10’ for residential and 20’ for boarding
	F – 30’ front, 40’ rear, 15’ side
	P – same as abutting zones (F= 40’; A= 50’; I-2= 50’; P= n/a; I-C= 50’)
	I-2 – 50’
	I-C - heavy industry, 50’; light industry, 20’; commercial, 20’ front, 10’ rear
<b>3</b>	<b>Minimum parcel area / use density</b>
	A – 3 acres
	F – 40 acres
	P – no minimum
	I-2 – 3 acres
	I-C – heavy industry, 3 acres; light industry, ½ acre; commercial, 10,000 square-feet

## **2. General Compliance with Guiding Documents**

### **2.1 Master Plan**

Chapter 3.2 of the Storey County Master Plan (1994) states that considerable development has occurred in the River District over the years and that development is expected to continue. It recommends that planning official “give serious consideration to development and zoning for an industrial park in the [River District] area” (pp. 19-20). Attracting additional businesses; diversification to the county’s economy; broadening the county’s tax base; enhancing efficiency of water, sewer, and other utility service; and managing growth are described benefits to developing and improving a consolidated industrial development. The master plan also states that protecting the Truckee River and its riparian area should be a priority when considering uses in the River District.

A significant portion of the area subject to this request for zoning map amendment abuts existing Tahoe-Reno Industrial Center land and is, therefore, contiguous to I-2 Heavy Industrial Zoning. It also abuts or is in immediate proximity to existing infrastructure including, but not limited to, Interstate 80; the Patrick interchange that connects Interstate 80 to TRI-Center’s second primary arterial route, Waltham Way; the Union Pacific transcontinental railroad; municipal sewer and water services; power generation and distribution systems; and high-pressure natural gas. The southern portion of the subject area abuts the Truckee River and its riparian area.

Staff finds that the proposed I-C zone is ideal for this location because it allows a mixture of certain commercial and industrial uses that are tailor-fitted to a transportation orientated

environment such as the interstate corridor. Staff also finds that alignment of the proposed F and N-R zones provides sufficient natural buffering between uses allowed in the I-C zone and the adjacent Truckee River and its riparian area. As such, the proposed zoning designation conforms to the following goals and objectives of the county master plan:

- **Chapter 3 Economy** – Goal 1, enhance diversification of economic opportunities within the county; Goal 1, Objective 1.1: develop and adopt standards for industrial park development before a large project is proposed.
- **Chapter 5 Conservation and Natural Resources** – Goal 2, protect the quality of present and future water resources; Goal 4, regulate the use of open-range and watershed areas to minimize fire danger and prevent degradation; Goal 4, Objective 4.1, assist property owners and interested groups in controlling grazing and public use of critical watershed and riparian areas.
- **Chapter 9 Land Use** – Goal 1: maintain a healthy environment for all residents of the county; Goal 1, Objective 1.1: ensure that land use permit decisions are compatible with the zoning map, master plan, and previous planning decisions; Goal 4: preserve existing agricultural areas; Goal 4, objective 4.1: through zoning regulations, direct non-agricultural development to non-agricultural areas.
- **Section River District** – Goal 4, Objective 4.1: coordinate land uses on the south side (Storey County) of the Truckee River with developments on the north side (Washoe County) of the river and visa-versa; Goal 5: design zoning districts to allow for a mix in land use development; Goal 5, Objective 5.1: consider zoning the Tracy-Clark and the surrounding area for industrial use.

## 2.2 Zoning Ordinance (SCC Title 17)

SCC Section 17.03.220 Zone Map Amendments and Zone Text Amendments states:

Before a zone map amendment may be recommended for approval, the applicant must provide evidence to the board and the planning commission concerning the physical use of the land and zoning currently existing in the general vicinity, and which have occurred in the previous five-year time period, and describe: (a) how the proposal will impact the immediate vicinity; (b) how the proposal supports the goals, objectives, and recommendations of the master plan concerning land use and related policies for the neighborhood where the subject parcel is situated; (c) if the proposed amendment will impact properties within the use district; and (d) any impacts on public services and facilities, and availability of water resources.

The collaborative efforts between staff and the property owners in determining the appropriate zoning designations for the subject properties conforms to and exceeds the requirements of SCC 17.03.220. The zoning designations and uses allowed therein also conform to the master plan and do not conflict with the provisions of the zoning ordinance.

### **3. Public Comment**

#### **3.1 Public comments regarding proposal**

Staff has received no public comment for this application request.

### **4. Findings**

#### **4.1 Motion for approval**

The following are found regarding the zone map amendment under the recommended conditions of approval shown in Section 5. A motion for approval should include at a minimum these findings and may include other findings deemed appropriate and factual by the body.

4.1.1 The proposed zone map amendment complies with federal, Nevada State, and Storey County regulations.

4.1.2 The proposed zone map amendment will impose no substantial adverse impacts or safety hazards on the abutting properties.

4.1.3 The conditions of approval for the zone map amendment do not conflict with the minimum requirements of SCC Chapters 17.03 Administrative Provisions for zone map amendments and zone text amendments; or the purpose and intent of SCC 17.15 Public zone, 17.32 Forestry zone, 17.39 Industrial-Commercial zone, 17.76 Natural Resources zone, and 17.84 Signs and Billboards regulations, as applicable.

4.1.4 The uses allowed by the new zones do not appear to cause substantial adverse impacts to the uses allowed in the abutting zones.

4.1.5 The proposed zone map amendment is in substantial compliance with and supports the goals, objectives, and recommendations of the Storey County Master Plan.

4.1.6 The proposed zone map amendments will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.

4.1.7 The proposed zone map amendment will not cause uses that will negatively impact existing or planned public facilities and will not adversely impact the public health, safety, and welfare.

4.1.8 The proposed zone map amendment will not create any non-conforming conditions, such as non-conforming setback distances or minimum parcel area and width requirements.

## **4.2 Motion for denial**

Should a motion be made to deny the zone map amendment application, the following findings with an explanation of the motion for denial should be included in that motion.

4.2.1 Substantial evidence suggests that the zone map amendment will conflict with the minimum requirements of SCC Chapters 17.03 Administrative Provisions for zone map amendments and zone text amendments; or the purpose and intent of SCC 17.15 Public zone, 17.32 Forestry zone, 17.39 Industrial-Commercial zone, 17.76 Natural Resources zone, and 17.84 Signs and Billboards regulations, as applicable.

4.2.2 The conditions of approval under the zone map amendment do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding uses.

4.2.3 No reasonable level of conditions of approval imposed on this one map amendment would be sufficient to reasonably mitigate visual, safety, or other potential impacts on adjacent and surrounding residences and land uses.

4.2.4 The proposed zone map amendment will not provide for land uses compatible with existing adjacent land uses and will have detrimental impacts to other properties in the vicinity.

4.2.5 The proposed zone map amendment will negatively impact existing or planned public services or facilities and will adversely impact the public health, safety, and welfare.

## **5. Conditions of Approval**

All of the following conditions must be met to the satisfaction of the applicable County Department, unless otherwise stated.

### **5.1 Official zoning map requirements**

The Official Storey County Zoning Map must be amended to depict the zone map amendment approved by the Storey County Board of Commissioners (Board) with recommendation by the planning commission. The Official Storey County Zoning Map must be identified by the signature of the chairman of the Board attested by the Storey County Clerk under the following words: "This is to certified that this is the Official Zoning Map of Storey County referred to in Section 17.08.040 of the Zoning Ordinance of Storey County, Nevada" together with the date of adoption.

### **5.2 Changes made promptly**

The changes approved by the Board with recommendation by the planning commission must be entered by the Planning Department on the Official Storey County Zoning Map (and the applicable area zoning maps) promptly as reasonable after the amendment has been approved, with the entry indicating the ordinance number and date adopted. Regardless of the existence of the purported copies of the Official Storey County Zoning Map and the applicable Area Zoning Map which may periodically be made or published, the Official Storey County Zoning Map and Area Zoning Maps shall be kept in the Office of the Storey County Recorder. The Storey County

Recorder shall be the final authority as to the current zoning status of the land and water area, buildings, and other structures in the county.

### **5.3 Copies of official zoning map**

Signed and sealed copies of the Official Storey County Zoning Map and Area Zoning Maps must be available for public viewing at the Offices of the Storey County Clerk and Storey County Recorder.

### **5.4 General requirements**

The zone map amendment must comply with and remain in conformance with all provisions set forth by this zone map amendment and all applicable federal, Nevada State, and Storey County codes and regulations.

## **6. Powers of the Board and Planning Commission**

The Board of County Commissioners has the power to make planning and zoning decisions for Storey County and has created the planning commission to advise the Board as provided in Title 2 of the Storey County Code ("SCC") and NRS 278 and 278A. The Planning Commission must perform all duties and functions delegated to a county planning commission by the terms of NRS 278.010 to 278.630, inclusive, and SCC Chapter 2.12 (Planning Commission). The planning commission is advisory to the Board. The Planning Commission must hear applications on special use permits, variances, and appeals of administrative decisions, changes to the county master plan, zoning districts, amendments to SCC Title 18, and all other appropriate subjects and make recommendations to the Board. After considering the Planning Commission's recommendation, the Board by majority vote may approve, approve with conditions, or deny the application, or return the recommendation to the Planning Commission for further consideration.

## **7. Planning Commission Action**

At its November 13, 2014, hearing, the planning commission heard testimony from the applicant (Tahoe-Reno Industrial Center representing itself, and planning staff representing Nature Conservancy and Union Pacific). Planning staff on behalf of the applicants and the county provided textual information, maps, and aerial visuals showing the land, as well as past, current, and proposed zoning conditions. Discussion at the meeting included environmental and safety compatibility concerns; access and traffic impacts for several allowed uses in the proposed I-C zone; zoning and use entitlements; existing uses in and around the subject land in Storey and Washoe Counties; and overall benefits and impacts that the proposed zones may have on the area. There was no public comment for or against the proposal. Planning staff stated that the proposed zoning was consistent with the master plan and current zoning, and that the proposed zones in their proposed configuration were consistent with the surrounding environment, including existing uses and the Truckee River. Staff read into the records its recommended findings to be included with a motion for approval. Members of the planning commission who were present voted unanimously (4 votes with 4 planning commissioners present) to approve the zone map amendment in accordance with stated findings and as recommended by staff.

## 8. Proposed Motions

This section contains three motions from which to choose. **Motion 1** for approval is recommended by staff in accordance with findings under Subsection 4.1; those findings should be made part of that motion. **Motion 2** for approval, as an alternative, may be made in accordance with findings under Subsections 4.1 and/or 4.2; those findings should be made part of that motion. **Motion 3** for denial may be made and that motion should cite one or more of the findings shown in Subsection 4.2. Other findings of fact determined appropriate by the body should be made part of their motion.

### *Motion 1 – Recommended motion (approval)*

Based on findings of fact shown in Subsection 4.1 and the conditions of approval shown in Section 5 of this report, and conformance with federal, state, and county regulations, and the recommendation for approval by staff, I (commissioner) motion to approve Storey County Zone Map Amendment Application No. 2014-021 modifying the official zoning map of Storey County to include the Forestry, Natural Resources, Public, and Industrial-Commercial zones as presented by staff in this report.

*Summary: Approve zone map amendments as proposed*

### *Motion 2 – Alternative motion (approval)*

Based on findings of fact shown in Subsection 4.1 and/or 4.2 and the conditions of approval shown in Section 5 of this report, and conformance with federal, state, and county regulations, but against the recommendation for approval by staff, I (commissioner) motion to approve Storey County Zone Map Amendment Application No. 2014-021 modifying the official zoning map of Storey County to include the \_\_\_\_\_(describe zones or parcels)\_\_\_\_\_ as presented by staff, but to deny the \_\_\_\_\_(describe zones or parcels)\_\_\_\_\_ as presented by staff in this report.

*Summary: Approve \_\_x\_\_ zones and deny \_\_x\_\_ zones*

### *Motion 3 – Alternative motion (denial)*

Based on findings of fact shown in Subsection 4.2 of this staff report and/or other findings deemed appropriate by the planning commission, and against the recommendation of staff, I (commissioner) motion to deny Storey County Zone Map Amendment Application No. 2014-021 modifying the official zoning map of Storey County as presented in this report. This is a denial of all proposed zoning designations.

*Summary: Deny all zone map amendments*

Prepared by Austin Osborne, Planning Director

### **Enclosures:**

- Exhibit A: Letter and map submitted by applicants.
- Exhibit B: Legal description (posting) of the subject area and properties
- Exhibit C: Uses allowed in the I-C zone



**Exhibit A: Application No. 2014-021 (Zone Map Amendment)**

The following application includes a request for both a zone text and zone map amendments. For zone text amendment applicability, refer to Application and Staff Report No. 2014-020.



**Storey County Planning Department**

26 South "B" Street, P.O. Box 176, Virginia City, NV 89440  
 Phone: (775) 847-1144 Fax: (775) 847-0949  
 planning@storeycounty.org

**Development Application**

Submit this completed application and all attachments along with the application fee (see page two for type of application and fees) at least 30 days prior to the meeting you wish to have your request scheduled. The application will not be accepted unless complete, including attachments (applicant will be notified within 15 days if application is not acceptable and what is still required). The application fee is non-refundable. Please make checks payable to Storey County Planning Development.

Project Number: \_\_\_\_\_

Property Owner: Tahoe-Reno Industrial Center, LLC  
All land owners must be listed on this application. Type or print legibly in black or blue ink.

Mailing Address: c/o Robert M. Sader, 8600 Technology Way, Suite 101

City: Reno State: NV Zip: 89521

Telephone (Home) ( ) N/A Business ( 775 ) 329-8310

Applicant: SAME  
All applicants must be listed on this application.

Mailing Address: SAME

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone (Home) ( ) \_\_\_\_\_ Business ( ) \_\_\_\_\_

Gold Hill     Virginia City     VC Highlands (1 acre)     Highland Ranches (10 acres)     Virginia Ranches (40 acres)

Mark Twain     Hated     Lockwood     Painted Rock     **RTI**     Other \_\_\_\_\_

Project Address: Waltham Way and I-80

Assessor's Parcel Numbers (APN): 004-161-98 and 99; 004-162-01 and 02; 002-121-01, 02, 03, 04, and 05

Lot: N/A Block: N/A Acreage: 319.852

Application Type	Application Fee	Application Type	Application Fee
<input type="checkbox"/> Abandonment	\$200.00	<input type="checkbox"/> Amended Map	n/a
<input type="checkbox"/> Condition Amendment	n/a	<input type="checkbox"/> Boundary Line Adjustment	\$250.00 + 25.00 per lot
<input type="checkbox"/> Development Agreement (Requires a Special Use Permit)	\$1,000.00	<input type="checkbox"/> Extension of Time Request (One Year Extension Only)	50% of Original Fee
<input type="checkbox"/> Land Division Map (40 acre minimum)	\$500.00 + \$50.00 per lot	<input type="checkbox"/> Lot Consolidation	n/a
<input type="checkbox"/> Master Plan Map Amendment	\$2,900.00	<input checked="" type="checkbox"/> Master Plan Text Amendment	\$800.00
<input type="checkbox"/> Natural Resources Exploration and Registration	\$65.00 per hour	<input type="checkbox"/> Street Name Request	n/a
<input type="checkbox"/> Parcel Map - Record of Survey	\$250.00 + 25.00 per lot	<input type="checkbox"/> Parcel Map Final	n/a
<input type="checkbox"/> Planned Unit Development (PUD) - Tentative	\$500.00 + 1.00 per lot	<input type="checkbox"/> Planned Unit Development - Final	\$200.00 + 25.00 per lot
<input type="checkbox"/> *Special Use Permit - Minor	\$250.00	<input type="checkbox"/> *Special Use Permit - Routine	\$450.00
<input type="checkbox"/> *Special Use Permit - Major	\$750.00	<input type="checkbox"/> *Special Use Permit - Major Industrial	\$2,500.00
<input type="checkbox"/> Subdivision Map - Tentative	\$500.00 + 1.00 per lot	<input type="checkbox"/> Subdivision Map - Final	\$200.00 + 25.00 per lot
<input type="checkbox"/> Variance - Administrative	n/a	<input type="checkbox"/> Variance	\$100.00
<input type="checkbox"/> Wireless Communication Facility		<input type="checkbox"/> Wireless Communication Facility, Modification	n/a
<input checked="" type="checkbox"/> Zoning Map Change	\$1,000.00	<input checked="" type="checkbox"/> Zoning Text Change	n/a

Note: Additional fees to cover costs accrue by the county in association with the application, including staff time and consultation with outside legal and professional council may be charged to the applicant. No additional fees will be charged without expressed written permission by the applicant.

RMS Applicants Initials

\*If you are applying for a Special Use Permit, please refer also to the Storey County Special Use Permit Definitions List when determining a minor, major, routine or major industrial permit.

Storey County Development Application

**Detail Description/Justification of Project**  
Attached additional pages as necessary

**SEE ATTACHED**

**STOREY COUNTY DEVELOPMENT APPLICATION**  
**DETAIL DESCRIPTION/JUSTIFICATION OF PROJECT**

**INTRODUCTION**

This application requests an amendment to the Storey County Master Plan text, a zoning map change, and zoning text change for real property (the "Property") owned by Tahoe-Reno Industrial Center, LLC ("TRI") which was formerly in Washoe County but now has been moved by a boundary line adjustment to Storey County. The Property came to Storey County without master plan or zoning designations. The legal description of the Property is attached to this application, including a map of the parcels.

There are nine (9) parcels subject to this application. Their location can generally be described as south of I-80, north of Truckee River, west of Tracy Power Plant and east of Mustang.

**BACKGROUND**

The 2013 Nevada State Legislature enacted Senate Bill 272, which authorized a boundary line adjustment between Washoe County and Storey County under Sections 1.5 and 3(3) of that act by resolutions approved by each county's board of commissioners. On June 17, 2014 the Board of Commissioners of Storey County passed Resolution 14-403 approving the adjustment. On the same date the Board of County Commissioners of Washoe County approved a resolution on the same adjustment.

The result of these actions was to transfer eighteen (18) parcels from Washoe County to Storey County. Nine (9) of those parcels are owned by TRI and are subject to this application.

TRI is the master developer of the Tahoe-Reno Industrial Center ("Center"). The current northwestern boundary of the Center is separated from the Property by the Truckee River. It is a logical extension of the Center for TRI to develop a portion of the Property as a part of the Center.

The basic entitlement for the Center is the Development Agreement dated February 1, 2000 between TRI and Storey County. The Center is provided water and sewer service by TRI General Improvement District ("TRIGID"). Applications to annex the Property to the Development Agreement are being made concurrently with this application. An application to expand the service territory of TRIGID will be made to the Trustees upon approval of the Development Agreement annexation.

The zoning for the Center is I-2 Heavy Industrial (1999 Storey County Zoning Code edition), which allows light industrial zoning uses and also allows commercial zoning uses on 10% of the land. This application seeks to add a portion of the Property

**STOREY COUNTY DEVELOPMENT APPLICATION**  
**DETAIL DESCRIPTION/JUSTIFICATION OF PROJECT**

**INTRODUCTION**

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Storey County Development Application

**Professional Consultant/Representative(s)**

Name: Robert M. Sader  
Address: 8600 Technology Way, Suite 101  
City: Reno State: Nevada Zip: 89521  
Phone: (775) 329-8310 Email: cmsader@robertmsaderltd.com Cell: N/A

**Applicant's Affidavit:**

I, N/A, being duly sworn, depose and say that I am the applicant of the described project and/or request, and all the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Storey County Planning Department Staff.

Signature of Applicant

Date

State of Nevada,  
County of Storey

Signed and sworn to before me on \_\_\_\_\_ by,

Notary's Signature

My Commission Expires

**Property Owner's Affidavit:**

I, Tahoe-Reno Industrial, LLC, being duly sworn, depose and say that I am an owner\* in fee of the described property involved in this application, that I have knowledge of, and agree to, the filing of this application, and that the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Storey County Planning Department Staff.

Robert M. Sader  
Signature of Applicant  
Robert M. Sader, Legal Counsel

Date

10/6/14

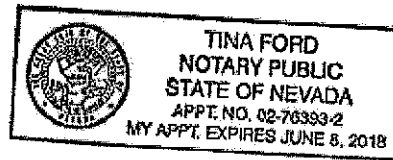
State of Nevada,  
County of ~~Storey~~ Washoe

Signed and sworn to before me on Oct 6, 2014 by,

Robert M. Sader

Tina Ford  
Notary's Signature

June 8, 2018  
My Commission Expires



Stoney County Development Application

DEVELOPMENT APPLICATION SUBMITTAL REQUIREMENTS

Application Type	Development Application	Detailed Description/Justification	Paid Tax Receipt	Plot Plan	Reduced Map (11 x 17)	Original Map Mylar	Map & Data in CAD Format on Disk	Vicinity Map	Floor Plan	Legal Description - Deed	Title Report	Drainage Report	Soils Report	Traffic Report	Water Rights	Reclamation Plan	Additional Information - Check with Planning Department
<input checked="" type="checkbox"/> Abandonment	X	X	X	X	X			X		X							X
<input type="checkbox"/> Amended Map	X	X		X	X			X		X							X
<input type="checkbox"/> Condition Amendment	X	X						X		X							X
<input type="checkbox"/> Boundary Line Adjustment	X	X	X	X	X			X		X	X						X
<input type="checkbox"/> Development Agreement (Requires Special Use Permit)	X	X	X	X	X		X	X	X	X	X			X		X	X
<input type="checkbox"/> Extension of Time Request (One Year Extension Only)	X	X	X					X									X
<input type="checkbox"/> Land Division Map (40 acre minimum)	X	X	X	X	X			X		X	X						X
<input type="checkbox"/> Lot Consolidation*	X	X	X	X	X			X		X	X						X
<input type="checkbox"/> Master Plan Map Amendment	X	X		X	X			X									X
<input type="checkbox"/> Master Plan Text Amendment	X	X															X
<input type="checkbox"/> Natural Resources Exploration and Registration Review	X	X	X	X	X			X									X
<input type="checkbox"/> Parcel Map - Record of Survey																	X
<input type="checkbox"/> Parcel Map	X	X	X	X	X			X		X	X				X		X
<input type="checkbox"/> Planned Unit Development, Tentative	X	X	X	X	X		X	X		X	X		X	X	X		X
<input type="checkbox"/> Planned Unit Development, Final	X	X	X	X	X		X	X									X

\*Administrative for consolidation procedure

Note: Additional information and materials may be required with the application.

Storey County Development Application

Application Type		DEVELOPMENT APPLICATION SUBMITTAL REQUIREMENTS																
Submittal Requirements		Development Application	Detailed Description/Justification	Paid Tax Receipt	Plot Plan	Reduced Map (11 x 17)	Original Map Mylar	Map & Data in CAD Format on Disk	Vicinity Map	Floor Plan	Legal Description - Deed	Title Report	Drainage Report	Soils Report	Traffic Report	Water Rights	Reclamation Plan	Additional Information - Check with Planning Department
<input checked="" type="checkbox"/>	Special Use Permit - Minor	X	X	X	X	X			X									X
<input type="checkbox"/>	Special Use Permit - Routine	X	X	X	X	X			X									X
<input type="checkbox"/>	Special Use Permit - Major	X	X	X	X	X			X									X
<input type="checkbox"/>	Special Use Permit - Major Industrial	X	X	X	X	X			X									X
<input type="checkbox"/>	Street Name Request	X	X		X				X									X
<input type="checkbox"/>	Subdivision Map - Tentative	X	X		X	X			X		X		X		X			X
<input type="checkbox"/>	Subdivision Map - Final	X	X		X	X		X			X		X		X			X
<input type="checkbox"/>	Variance - Administrative	X	X						X									X
<input type="checkbox"/>	Variance	X	X						X									X
<input type="checkbox"/>	Wireless Communication Facility	X	X		X	X			X		X							X
<input type="checkbox"/>	Wireless Communication Facility, Modification	X	X		X	X			X		X							X
<input type="checkbox"/>	Zoning Map Change	X	X		X	X		X			X							X
<input type="checkbox"/>	Zoning Text Change	X	X		X	X												X
<input type="checkbox"/>	Other	X	X		X	X												X

Note: Additional Information and materials may be required with the application.



**Exhibit B: Legal description of subject area and properties (public posting)**

**PUBLIC NOTICE OF MEETING FOR ZONE MAP AMENDMENT**

**Storey County Planning Commission and Board of County Commissioners Meetings**

The Storey County Planning Commission will hold a public meeting on November 13, 2014, at 6:00 p.m. and the Board of Storey County Commissioners will hold a public meeting on December 2, 2014, at 10:00 a.m. at the Storey County Courthouse, District Courtroom, 26 South "B" Street, Virginia City, Nevada. The meetings will include discussion and possible action of an amendment to the Official Storey County Zoning Map.

The amendments will apply regulatory zones to approximately 600 acres of land located in McCarran, Nevada (River District near the Tahoe-Reno Industrial Center) which was in July of 2014 transferred from Washoe County to Storey County by means of boundary line adjustment.

The subject area is described approximately as portions of: Section 31 and 32, Township 20 North, Range 22 East; Section 6, Township 19 North, Range 22 East; Section 36, Township 20 North, Range 21 East; Sections 2 and 11, Township 19 North, Range 21 East; and Section 1, Township 19 North, Range 21 East, all in the Mount Diablo Baseline and Meridian (MDB&M).

The specific zones and subject properties will be as follows: (a) F Forestry zoning will be applied to land located at Assessor's Parcel Number (APN) 004.161.98; (b) N-R Natural-Resources zoning will be applied to land located at APNs 004.161.85, 004.161.86, 004.161.88, and 004.161.96; (c) I-C Industrial-Commercial zoning will be applied to land located at APNs 004.161.99, 004.162.01, 005.121.01, 005.121.02, 005.121.03, 005.121.04, 005.121.05, and 004.162.02; and (d) P Public will be applied to land located at 004.161.87, 004.161.89, 004.161.90, 004.161.91, 004.161.92, 004.161.93, 004.161.94, 004.161.95, and 004.161.97, all within the approximate subject area described above.

The purpose of the zone map amendment is to apply zoning to newly acquired land in Storey County that is consistent with surrounding uses and the Storey County Master Plan. Prior to their transfer into Storey County, the properties were zoned in Washoe County as Agriculture, Medium Density Rural, Industrial, and Public Infrastructure.

In addition to provisions of the NRS, any owner of land within or adjacent to the proposed zone map amendment may complete and return to the board or planning commission a statement indicating his or her approval or opposition to the proposed amendment. Additional information including, but not limited to, reports and maps may be obtained from the Planning Department at 775.847.1144 or [planning@storeycounty.org](mailto:planning@storeycounty.org).

Lyndi Renaud  
Sitting Secretary, Planning Commission  
Storey County, Nevada  
Date of publication: 10/31/14

**Exhibit C: Uses allowed in the I-C zone**  
(see 17.39 I-C zone for full zoning chapter)

**Chapter 17.39**

**I-C Industrial-Commercial Zone**

**Sections:**

- 17.39.010 Applicability.**
- 17.39.015 Purpose and Intent**
- 17.39.020 Allowed Uses**
- 17.39.030 Uses Subject to Special Use Permit**
- 17.39.040 Height and Width of Buildings and Structure**
- 17.39.050 Minimum Parcel Area**
- 17.39.070 Loading Area**
- 17.39.080 Setback Requirements**

**17.39.010 Applicability**

The provisions of this chapter apply to the I-C Industrial-Commercial Zone. Uses in the C Commercial Zone are regulated by chapter 17.28 C Commercial Zone and uses in the CR Commercial-Residential zone are regulated by chapter 17.30 Commercial-Residential zone.

**17.39.015 Purpose and Intent**

The purpose of the I-C Industrial-Commercial zone is to provide areas with the county where certain industrial and commercial uses and activities may be established and maintained together to promote efficiency, ensure compatibility, and provide for mixed non-residential uses. It facilitates a heavy commercial and light industrial mixed-use environment that may be well-suited near principal traffic arterials, such as the Interstate 80 corridor, and industrial development with which the allowed uses are compatible. It is not intended for residential areas or general neighborhood commercial areas, such as Gold Hill, Virginia City, Lockwood, or other such residential communities where C Commercial or CR Commercial Residential zoning may be more appropriate.

**17.39.020 Allowed Uses**

The commercial, light industrial, and heavy industrial uses listed in this section are allowed in the I-C Industrial-Commercial Zone.

**A. Commercial uses including:**

1. Retail sales and shopping centers including:
  - a. General stores, shopping centers, convenience stores, principal grocery stores, neighborhood stores and shopping centers, regional stores and shopping centers, and super regional stores and shopping centers.
  - b. Seasonal holiday sales and uses.
  - c. Seasonal farmers markets.
2. Commercial offices and financial institutions:
  - a. Real-estate permanent office, banks and credit unions, accountants, insurance, employment agencies, consulting firms, manufacturer representatives, newspapers, secretarial services, associations and other similar office uses and activities.

- b. Building maintenance and services.
  - c. Business and professional offices and buildings.
  - d. Convention and meeting facilities.
3. Personal services:
- a. Barbers, hair stylists, beauticians, manicurists/pedicurists, spas, salons, tailors, massage establishments, and similar type uses.
  - b. Wedding chapels and travel agencies.
  - c. Childcare of any number of children.
  - d. Laundromats, personal dry cleaning, and laundry services.
4. Boarding accommodations including hotels, motels, hostels, bed and breakfast inns, timeshares, and vacation rentals.
5. Tourist and visitor services:
- a. Eating and drinking establishments such as restaurants, cafes, drive-in diners, fast-food, coffee shops and coffee houses, soda-fountains, saloons and taverns, and micro-breweries with on-site and off-site sales.
  - b. Entertainment and casual education services such as docents, guided tours on foot, gold panning, and museums.
  - c. Equestrian facilities and uses including riding arenas, stables, horse and pony rides, and carriage and stagecoach rides.
  - d. Theaters.
6. Recreation. Bowling lanes, billiard parlors and pool halls, arcades, gaming (when incidental to a primary use and limited to no more than 15 slot and/or video machines), golf driving ranges, miniature golf, country clubs, health clubs and personal fitness gyms, swimming pools and saunas, tennis courts, permanent indoor and seasonal outdoor roller and ice skating rinks and facilities, seasonal or temporary outdoor theatres, and other similar recreational uses and activities.
7. Civic uses:
- a. Public facilities and offices for fire, emergency services, and sheriff.
  - b. Helipads and heliports for use only by medical evacuation transport services.
  - c. Crisis care use uses and facilities, permanent.
  - d. Libraries and cultural services, governmental offices, post offices, community centers, and courts of law.

- e. Education including elementary, middle, and high (K-12) schools and academies, colleges and higher education, technical and vocational education, apprentice training, whether public, private, or parochial. A special use permit is required for education institutions and academies that include student residential accommodations.
  - f. Highway rest areas, picnicking areas, parks and playgrounds, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.
  - g. Parking lots and structures, park-and-rides and carpool transfer centers, multi-modal transit hubs, parking garages and storage, railroad and light rail infrastructures, train tunnels, and railroad switchyards and turntables.
  - h. Indoor and outdoor veterinarian services and shelters for large and small animals.
8. General services:
- a. Catering, equipment and appliance repair, gun repair, general contractors offices, heavy and light equipment rental, feed and tack stores, manufactured home sales and service, pawn brokers, pet sales and grooming, print shops, upholstery shops, video rentals, and other similar general services uses and activities.
  - b. Uses involving indoor archery and indoor discharge of firearms.
9. Congregational establishments including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.
10. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.
11. Casinos and gaming establishments of more than 5,000 square feet of total floor area where slots and/or video machines are located, where there are more than 15 slots and/or video machines, and where other forms of gambling such as poker, craps, blackjack, keno, sports book and other similar activities may take place.
12. Public utility service yards, buildings, electric substations, gas transmission substations, and ancillary uses.
13. Recreational vehicle (RV) parks.
14. Mini-warehouses and storage facilities for rent including recreational vehicle, boat, utility trailer, horse trailer, and similar equipment storage.
15. Open-air markets, flea-markets, farmers markets, and the display, sale, barter, or trade of items associated with a business outside of a permanent building.
16. Race tracks and arenas involving the use of automobiles, trucks, tractors, and other motorized vehicles.
17. Radio-controlled (RC) cars, vehicles, watercraft, and aircraft facilities and uses.
18. Signs as regulated by chapter 17.84 Signs and billboards.

19. Automobile paint shops and body repair shops.
20. Accessory use, buildings and structures if they are clearly incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and in conformance with section 17.12.048.
21. Other uses similar to the above which are determined by the board to be consistent with the uses permitted within the zone.

**B. Light industrial uses including the following:**

1. Limited indoor manufacturing and assembly involving the production process that uses already manufactured components to assemble, print, or package a product such as cloth, paper, plastic, leather, wood, glass, stones, or computer and electronic parts.
2. Contractor services, including general contractor offices, contractor service shops, carpet cleaning, pest control, printing and publishing, and similar uses.
3. Agricultural use types including general agricultural uses, agricultural animal production, custom animal processing, agricultural research, agricultural supplies sales, and agricultural entertainment and commercial uses.
4. Trade and craftsman industries, including furniture and carpentry manufacturing and refining, upholstery shops, monument works, and similar uses.
5. Outdoor storage and maintenance of building materials, vehicles, trailers, and heavy equipment associated with a commercial building contractor or business when not directly associated with a construction project on the premises.
6. Manufactured home and modular home sales lots.
7. Propane sales and storage.
8. Firewood sales and storage.
9. Temporary real-estate tract offices not located within a permanent structure.
10. Laboratories and testing services. The use of live animals in laboratory, testing, and experimentation is prohibited.
11. Building material manufacturing.
12. Breweries, distilleries, wineries.
13. Warehouses, warehouse complexes, distribution operations, and wholesale distribution.
14. Laundromats and personal dry cleaning.
15. Automotive, truck, and heavy equipment services including washing and detailing (manual hand-washing, coin-operated, and production line methods), service and fueling stations, repair (including painting and body repair), sales, and rental.
16. Truck stops.

17. Solid waste recycling collection center.
18. Solid waste recycling center.
19. Brick, tile or terra cotta products manufacturing.
20. Hunting, fishing, and skiing facilities and lodges, wildlife refuges, and game farms.
21. Sewage treatment plants and facilities and other sewage or sludge processing, treatment, or storage.
22. Watchman's dwelling, whether permanent or temporary.
23. Outdoor storage or maintenance of building materials, vehicles, trailers, and heavy equipment associated with a commercial building contractor or business when not directly associated with a construction project on the premises.
24. Other uses similar to the above which are determined by the board to be consistent with the uses permitted within the zone.

**C. Heavy industrial uses including the following:**

1. Manufacturing and assembly involving the production process which uses already manufactured components to assemble, print, or package a product such as cloth, paper, plastic, leather, wood, glass, stones, or computer and electronic parts and manufacturing operations involving primary production of commodity of raw materials, except those listed in section 17.39.030 as requiring a special use permit.
2. Storage and distribution of paints, shellac, turpentine, varnishes, and other similar chemicals within a warehouse facility.
3. Storage and distribution of petroleum and liquid petroleum products within a warehouse facility.
4. Manufacturing of paints, shellac, turpentine, varnishes, and other such chemicals. Manufacturing, reclaiming, refining, storage, and distribution of cyanide, hazardous materials, and liquid petroleum products are prohibited.
5. Paper manufacturing.
6. Bottling plants.
7. Other uses similar to the above which are determined by the board to be consistent with the uses permitted within the zone.

**17.39.030 Uses Subject to Special Use Permit**

Unless stated otherwise, the following uses may be permitted subject to securing a special use permit pursuant to chapter 17.03 Administrative provisions.

1. Fortune tellers, astrology parlors, clairvoyance and palmistry. Additionally, uses under this subsection must comply with the regulations under Title 5 Business licenses, and be located no closer than 1,000 feet from a public or private school, religious institution, public building or facility, or another permitted fortune teller, astrology parlor, clairvoyance and palmistry use, and

300 feet from any E, R, or SPR zone.

2. Permanent outdoor skateboard parks and related facilities.
3. Fairgrounds, rodeo arenas, horse and other animal competition tracks and arenas, and similar uses.
4. Amusement parks involving various devices for entertainment such as thrill and theme rides, roller-coasters, water slides, and games and concession booths.
5. Facilities and uses that include outdoor sets and props for the development and production of movies, film, television, and similar visual media.
6. Education facilities that include student residential and boarding accommodations.
7. Permanent outdoor theatres.
8. Billboards as regulated by chapter 17.68 Signs and billboards.
9. Zoos, animal theme and amusement parks, and other maintenance, display, or possession of one or more wild animals.
10. Healthcare facilities including hospital services, medical services, urgent care, clinics, convalescent services, civic convalescent and group care service, continuum of care facilities for seniors, and group care services.
11. Tattoo, permanent cosmetics, and invasive body piercing facilities. These uses are only allowed within the boundaries of the Tahoe-Reno Industrial Center which is zoned I-2 Heavy Industrial, I-C Industrial-Commercial, or C Commercial. They are prohibited within 1,500 feet of a public or private school or religious institution.
12. Retail establishments featuring the display, lease, or rental of “adult material” books, merchandise, periodicals, video tapes, video disks including DVDs and other recorded video devices, computer disks, instruments, devices or paraphernalia “adult” material. The merchandise shall only be available for sale or lease for private use by the purchaser or lessee off the premises of the business.
13. Temporary (less than 1 year) concrete and asphalt batch plants when not incidental to an on-site construction project or when located within 2,500 feet from a CR, E, R, or SPR zone.
14. Milling and processing related to mining and extraction.
15. Natural resources including river and waterway restoration, wetland creation, water restoration and recycling.
16. The keeping of 7 or more dogs or potbelly pigs more than 12 weeks of age. A minimum of 10 acres is required.
17. Commercial kennel. A minimum of 10 acres is required.
18. Other uses similar to the above that are determined by the board with action by the planning commission to be consistent with the uses requiring a special use permit within the zone.

**17.39.040 Height and Width of Buildings and Structures**

A building, manufactured building, or structure may not exceed a height of ten stories or 120 feet, whichever is higher, except as may be allowed by a variance. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys and smoke-stacks, grain silos, water towers, flagpoles, and commercial and amateur wireless communication towers and antennas. Wind energy turbine support structures are regulated by chapter 17.12.044, Height of buildings and structures.

**17.39.050 Minimum Parcel Area**

Parcel area requirements shall be as follows: (A) commercial uses may be located on a parcel of no less than 10,000 square-feet; (B) light-industrial uses may be located on a parcel no less than one-half acre; and (C) heavy-industrial uses may be located on a parcel no less than 3 acres. The minimum area requirement for uses requiring a special use permit shall be determined by the special use permit, except that the area shall be no less than 10,000 square-feet.

**17.39.060 Loading Area**

Loading area must have adequate room for vehicular circulation and staging. All truck parking and docking area must be designed so that right-of-ways and travelled ways are not adversely impacted.

**17.39.070 Setback Requirements**

Setback requirements shall be as follows: (A) heavy-industrial uses may be located no closer than 50 feet from any property line; (B) light-industrial uses may be located no closer than 20 feet from any property line; and (C) commercial uses shall have a minimum 10 foot rear and side setback and a 20 foot front setback. Uses requiring a special use permit shall have setback distances established by the granted special use permit, except that the minimum allowable setback distances shall be no less than 10 feet from any property line.





# Storey County Board of County Commissioners

## Agenda Action Report

Meeting date: 12/02/14

Estimate of time required: 15 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [ ]

1. **Title:** Discussion/Possible Action: **First Reading of Ordinance No. 14-262**, an ordinance creating interim development regulations affecting Title 16 and 17 of the Storey County Code by creating Title 16A establishing minimum interim requirements for subdivision map approvals and Title 17A by limiting master plan amendments for approvals of planned unit developments during the master plan approval process, and providing for other properly related matters. The moratorium on subdivisions and planned unit developments will be in effect until the comprehensive update to the Storey County Master Plan is adopted, or December 18, 2015, whichever comes first.

2. **Recommended motion:** In conformance with the applicable federal, state, and county regulations, and the recommendation for approval by staff, I (Commissioner) motion to approve Ordinance Number 14-262 creating interim development regulations (i.e., moratorium on subdivisions and planned unit developments) affecting Title 16 and 17 of the Storey County Code by creating Title 16A establishing minimum interim requirements for subdivision map approvals and Title 17A by limiting master plan amendments for an approvals of planned unit developments during the master plan approval process, and providing for other properly related matters.

3. **Prepared by:** Austin Osborne, Planning Director

**Department:** Planning Department

**Telephone:** 847-1144

4. **Staff summary:** See Enclosure A: staff summary.

5. **Supporting materials:** See Enclosure B: Draft Ordinance No. 14-262.

6. **Fiscal impact:** None on local government.

Funds Available:

Fund:

\_\_\_\_\_ Comptroller

7. **Legal review required:**

\_\_\_\_\_ District Attorney

8. **Reviewed by:**

*A* Department Head

Department Name:

*R* County Manager

Other agency review: \_\_\_\_\_

9. **Board action:**

Approved  
 Denied

Approved with Modifications  
 Continued

Agenda Item No.

## **Enclosure A: Staff Summary for Request for Passage of Ordinance No. 14-262**

It is the purpose of this ordinance to enact temporary residential development regulations and standards, which limit the approval of subdivisions or planned unit developments (PUDs), and master plan amendments for subdivisions or planned unit developments until the comprehensive update to the existing Storey County Master Plan is completed and adopted, or December 18, 2015, whichever comes first. The moratorium on such residential development will ensure that the public interest in protecting the planning process for the master plan furthers and balances with the private hardships that may result from the imposition of controls; to ensure a uniform, orderly, and managed process by which development may proceed concurrently with the master plan in a manner that complements the nature and extent of the available resources, facilities and services; and to promote and protect the health, safety and general welfare by contributing to the physical and economic well-being of the people by promoting adequate facilities and services, and protecting Storey County's economic bases, resources and character. The following types of applications may be approved while the interim development guidelines are in effect: (a) approvals of variances; (b) issuance of a building permit on an existing parcel; (c) approval of parcel maps or divisions into large parcels; and (d) approval of a special use permit other than for a planned unit development.

## **Enclosure B: Draft Ordinance No. 14-262**

### **Ordinance No. 14-262**

#### Summary

An ordinance creating interim development regulations affecting titles 16 and 17 of the Storey County Code by creating title 16A establishing minimum interim requirements for subdivision map approvals and title 17A limiting master plan amendments for and approvals of planned unit developments during the master plan approval process.

#### Title

**An ordinance creating interim development regulations affecting titles 16 and 17 of the Storey County Code by creating title 16A establishing minimum interim requirements for subdivision map approvals and title 17A limiting master plan amendments for and approvals of planned unit developments during the master plan approval process, and providing for other properly related matters.**

The Board of County Commissioners of the County of Storey, State of Nevada, does ordain:

**SECTION I:** Title 17 is amended to create title 17A as follows:

#### **17A.02.020 Purpose.**

It is the policy of the board of county commissioners that existing and future development in Storey County will be guided by the master plan that provides for orderly development, and the timely provision of facilities and services. This policy recognizes the need for and the public's interest in protecting the master plan process by controlling subdivision and other development application processes to ensure that the master plan may be developed, revised or amended in an orderly fashion.

The board finds and declares that Storey County would be affected by the premature

development of residential property during the master plan process.

The board further finds that a premature amendment to the master plan for a large residential development or the subdivision of property for residential use during the revision of the master plan may jeopardize the ability of the Storey County to ensure orderly development and adequate provision of services and facilities, and that certain types of development initiated before the master plan is revised may prevent the best possible development pattern and the county's ability to economically provide necessary services and facilities.

The board further finds that interim development controls and regulations, including controls on the division of lands through subdivision maps and master plan amendments are necessary to protect the planning process for the revision of the master plan.

It is the purpose of this ordinance to enact temporary development regulations and standards, which limit the approval of subdivisions or planned unit development (PUDs) and master plan amendments for subdivisions or planned unit developments, that expire on December 18, 2015, or on the adoption of the master plan whichever occurs first, to ensure that the public interest in protecting the planning process for the master plan furthers and balances with the private hardships that may result from the imposition of controls; to ensure a uniform, orderly, and managed process by which development may proceed concurrently with the master plan in a manner that complements the nature and extent of the available resources, facilities and services; and to promote and protect the health, safety and general welfare by contributing to the physical and economic well-being of the people by promoting adequate facilities and services, and protecting Storey County's economic bases, resources and character.

The following types of applications may be approved while the interim development guidelines are in effect:

- A. Approvals of variances.
- B. Issuance of a building permit on an existing parcel.
- C. Approval of parcel maps or divisions into large parcels.
- D. Approval of a special use permit other than one for a planned unit development.

#### **17A.02.030 Application.**

Notwithstanding any provisions of the Storey County Code to the contrary until December 18, 2015, or the adoption of a revised master plan for Storey County, whichever occurs first, these interim guidelines apply to all of Storey County except where real property is subject to an existing development agreement (NRS 278.0201).

#### **17A.03.080 Hearing.**

Notwithstanding any provisions of the Storey County Code to the contrary until December 18, 2015, or the adoption of a revised master plan for Storey County, whichever occurs first, the board must hold a public hearing on the progress of the master plan within 6 months of the effective date of this ordinance.

#### **17A.03.110 Amendments.**

The board may amend these regulations before December 18, 2015, or the adoption of the master plan if it determines that one or more of the provisions is substantially detrimental to the welfare of the Storey County during the interim period and that the amendment will not jeopardize the purpose of these regulations.

**SECTION II:** Title 16 is amended to create title 16A as follows:

**Title 16A**

## **Subdivision interim development regulations**

### **16A.04.010 Purpose.**

It is the policy of the board of county commissioners that existing and future development in Storey County will be guided by the master plan that provides for orderly development, and the timely provision of facilities and services. This policy recognizes the need for and the public's interest in protecting the master plan process by controlling subdivision and other development application processes to ensure that the master plan may be developed, revised or amended in an orderly fashion.

The board finds that a premature division of property during the revision of the master plan may jeopardize the county's ability to ensure orderly development and adequate provision of services and facilities, and that certain types of development initiated before the master plan is revised may prevent the best possible development pattern and the county's ability to economically provide necessary services and facilities.

The board further finds that interim development controls and regulations, including controls on the division of lands through subdivision maps, and controls on other development processes, are necessary to protect the planning process for the revision of the master plan.

### **16A.16.020 Approval process-planning commission.**

Notwithstanding any provisions of the Storey County Code to the contrary until December 18, 2015, or the adoption of a revised master plan for Storey County, whichever occurs first, the planning commission may not approve a tentative map for a subdivision or PUD that involves any of the following:

- A. The project requires the expansion or construction of any sewer plant or capacity.
- B. The project results in the greater use of septic tanks or domestic wells in areas planned for sewer or a community water system or than would be permitted for land uses authorized under the existing mater plan.
- C. The project results in a reduction of service level on impacted road segments and intersections.

The approval of any tentative subdivision map or PUD by the planning commission must be accompanied by a finding the no significant impact on ground water quality or quantity will result from the proposed subdivision.

### **16A.16.030 Board action.**

Notwithstanding any provisions of the Storey County Code to the contrary until December 18, 2015, or the adoption of a revised master plan for Storey County, whichever occurs first, the board may not approve a tentative map for a subdivision that involves any of the following:

- A. The project requires the expansion or construction of any sewer plant or capacity.
- B. The project results in the greater use of septic tanks or domestic wells in areas planned for sewer or a community water system or than would be permitted for land uses authorized under the existing mater plan.
- C. The project results in a reduction of service level on impacted road segments and intersections.

The approval of any tentative subdivision map or PUD by the board must be accompanied by a finding the no significant impact on ground water quality or quantity will result from the proposed subdivision.

Proposed on \_\_\_\_\_, 2014.

by Commissioner \_\_\_\_\_

Passed on \_\_\_\_\_, 2014.

Vote: Ayes: Commissioners \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Nays: Commissioners \_\_\_\_\_

\_\_\_\_\_

Absent Commissioners \_\_\_\_\_

\_\_\_\_\_

Marshall McBride, Chair

Storey County Board of County Commissioners

Attest:

\_\_\_\_\_  
Vanessa Stephens  
Clerk & Treasurer, Storey County

This ordinance will become effective on \_\_\_\_\_, 2014.



# Storey County Board of County Commissioners Agenda Action Report

Meeting date: 12/2/14

Estimate of time required: 0 - 5

Agenda: Consent [ ] Regular agenda [x] Public hearing required [ ]

1. **Title:** Business License Second Readings -- Approval

2. **Recommended motion:** Approval

3. **Prepared by:** Stacey Bucchianeri

**Department:** Community Development

**Telephone:** 847-0966

4. **Staff summary:** Second readings of submitted business license applications are normally approved unless, for various reasons, requested to be continued to the next meeting. A follow-up letter noting those to be continued or approved will be submitted prior to Commission Meeting. The business licenses are then printed and mailed to the new business license holder.

5. **Supporting materials:** See attached Agenda Letter

6. **Fiscal impact:** None

Funds Available:

Fund:

\_\_\_ Comptroller

7. **Legal review required:** None

\_\_\_ District Attorney

8. **Reviewed by:**

  x   Department/Head

Department Name: Community Development

 County Manager

Other agency review: \_\_\_\_\_

9. **Board action:**

Approved

Approved with Modifications

Denied

Continued

Agenda Item No.

# Storey County Community Development

## Business Licensing

P O Box 526 • Virginia City NV 89440 • (775) 847-0966 • Fax (775) 847-0935 • buslic@storeycounty.org

To: Vanessa Stephens, Clerk's Office  
Pat Whitten, County Manager

November 24, 2014  
Via email

Please add the following item(s) to the **December 2, 2014**, COMMISSIONERS Agenda:

Storey County Building Department has inspected and found that the following businesses meet code requirements necessary to operate in the county:

### LICENSING BOARD SECOND READINGS

- A. **IQ TECHNOLOGY SYSTEMS** – Contractor / 5595 Equity Avenue ~ Reno (IT Services)
- B. **QUALITY FENCE OF NEVADA** – Contractor / 59 Red Rock Road ~ Mound House (fence contractor)
- C. **MONTANA STEAKHOUSE** – General / 688 Poleline Road ~ Twin Falls, ID (caterer)
- D. **LARGO CONCRETE, INC.** – Contractor / 2741 Walnut Ave ~ Tustin, CA (concrete contractor)
- E. **DIELCO CRANE SERVICE, INC.** – Contractor / 5454 Arville Street ~ Las Vegas (crane operator)
- F. **ACE ROOFING** – Contractor / 5185 Nola Way ~ Reno (roofing contractor)
- G. **LEAL, INC dba SI AMIGOS MEXICAN RESTAURANT** – General / 1553 S Virginia ~ Reno (caterer)
- H. **WALKER CELLULAR, INC.** – Contractor / 4021 Alvis Court ~ Rocklin, CA (cell tower contractor)
- I. **LIFE RESCUE, INC.** – Contractor / 1424 East 36<sup>th</sup> Ln ~ Bellingham, WA (safety consulting)
- J. **HARRIS INDUSTRIAL GASES** – General / 236 East Sydney (welding equip supply) **TRI**

**Inspection Required**

ec: Shannon Gardner, Building Dept.  
Austin Osborne, Planning Dept.  
Dean Haymore, Economic Dev.

Gary Hames, Fire Dept.  
Patty Blakely, Fire Dept.  
Assessor's Office

Sheriff's Office