

often as the members deem necessary. The Oversight Board or the OTC may adopt rules and regulations for the conduct of its affairs that are not in conflict with this Agreement.

- d. Center Employees.** The Administrator and all employees are at will court employees. The Administrator shall be selected by and serve at the pleasure of the Oversight Board. Employees of the Center shall be appointed by and shall serve at the pleasure of the Administrator. The Oversight Board shall determine the powers, duties and compensation or salary ranges of the Administrator and Center employees and shall promulgate or approve necessary personnel policies and rules. The OTC shall act as the direct supervisor to the Administrator, providing reports and performance evaluations to the Oversight Board as necessary.

### **III. OBLIGATIONS OF THE PARTIES**

**a. Funding and Budget.**

- i. Funding responsibility for the operation of the Center will be allocated among the parties. The Administrator shall calculate the assessment owed by each County pursuant to subsection 1 herein on or before March 1 of each year for the ensuing fiscal year. The assessment owed by each County equals:

1. The total amount budgeted for the operation of the Center by the OTC, minus any money received by another governmental entity to pay for fees for a child referred to the Center, divided by the averaged total annual number of treatment bed days used in the preceding three calendar years in all the member counties served by the Center, multiplied by the averaged total number of treatment bed days in the preceding three calendar years in the assessed county and multiplied by thirty-five percent (35%); and
2. The total amount budgeted for the operation of the Center by the OTC, minus any money received by another governmental entity to pay for fees for a child referred to the Center, divided by the averaged total annual school population in the most current three school years in all member counties served by the Center, multiplied by the amount that is the averaged

total annual school population in the most current three school years in the assessed county and multiplied by sixty-five percent (65%).

- ii. Each County shall pay the required assessment to its treasurer of the County if it is operated by a County, or to the administrative entity responsible for the operation of the Center, in quarterly installments that are due on the first day of the first month of each calendar quarter. The money must be accounted for separately and only be withdrawn by the Administrator.
- iii. The governing board of each County may levy an ad valorem tax of not more than 5 cents (\$.05) on each one hundred dollars (\$100) of assessed valuation upon all taxable property in the county to pay the required assessment. The Counties may pay the assessment from revenue raised by a tax levied pursuant to this subsection, any other available money, or a combination thereof.
- iv. The parties shall follow the provision of NRS Chapter 354 in preparing and executing a budget approved by the OTC and the Oversight Board. All funding contributions are contingent upon the availability to each County of the necessary funds. The obligation of each County shall be extinguished at the end of any fiscal year in which the County provides notice of intent to terminate this Agreement pursuant to Section IV herein and fails to appropriate monies for the ensuing fiscal year sufficient for the performance of the Agreement; thereafter the Agreement shall terminate for the nonappropriating entity. Any revenues produced by the operation of the Center must be credited to each County or be deducted from the operating cost of the Center in the same proportion as the funding contribution for each County.

**b. Ownership and Disposal of Property.**

- i. Lyon County is the owner of the real property, including any buildings and fixtures for the duration of the Agreement, and upon complete termination of the Agreement. If Lyon County terminates its participation in the Agreement, the remaining parties may utilize the property at no cost, and Lyon County may not do any act that would divest the remaining parties from the use of the real property until such time that the Agreement is completely terminated.



- ii. Each county to the Agreement will be granted a pro rata interest in the personal property of the Center based upon the average funding contribution of each entity over a five year period. This interest is for the purpose of disposing of the property upon termination of the Agreement by all parties.
  - iii. If fewer than all of the parties terminate their participation in this Agreement, the terminating party will not be entitled to the recovery of any interest in any fees assessed for the current period or person property interest created by this section.
- c. **Gifts, Donations, and Bequests.** Gifts, donations and bequests of funds or property may be accepted on behalf of the Center by the OTC or the Administrator if the OTC delegates that authority to the Administrator.
  - d. **Insurance.** The Center shall provide property and liability insurance coverage in the name of the Western Nevada Regional Youth Center for the Center and its operations. Each of the other member entities shall be named as an additional insured as part of the coverage provided by the Center.

#### IV. GENERAL PROVISIONS

- a. **Term and Termination.** This Agreement will initially be effective for a period of one year and will be automatically renewed from year to year thereafter unless a party provides timely notice of termination. A party may terminate this Agreement by giving notice in writing to all parties hereto in writing, not later than October 1, nine months prior to the beginning of the new fiscal year that the party intends to withdraw, effective upon close of the current fiscal year.
- b. **Modifications.** This Agreement constitutes the entire agreement between the parties and may only be amended or modified with the mutual consent of the parties hereto, which amendment or modification must be in writing, executed and dated by the parties hereto.
- c. **Entity Relationships and Indemnity.** This Agreement is not intended to affect the legal liability of any party to the Agreement or the Center by imposing any standard of care other than the standard of care imposed by law. Each entity agrees that it shall not commence or maintain litigation or lawsuit against another member entity for any matter related to this Agreement. The Center agrees shall, to the

extent provided by Nevada law, fully indemnify and hold harmless all the parties herein from any damage or liability occurring by reason of anything done or omitted to be done by the Center or its respective employees, under or in connection with any work, authority or jurisdiction delegated to or performed by it under this Agreement.

**d. Effect on Other Agreements.** This Agreement shall not affect the rights, duties or obligations of any of the parties with respect to other preexisting agreements unless expressly provided herein.

**e. General Savings Clause.** In the event that any portion or term of this Agreement is held to be unlawful by a court of competent jurisdiction, the remaining terms shall retain full force and effect.


**f. Execution.** This Agreement may be executed in counterpart.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and become effective as of the day and year first above written.

CARSON CITY BOARD  
OF SUPERVISORS

By:   
Mayor

Approved as to form:

By:   
District Attorney

LYON COUNTY BOARD  
OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Chairman

Approved as to form:

By: \_\_\_\_\_  
District Attorney

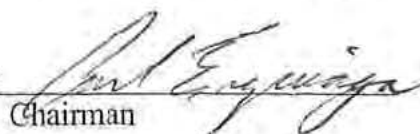
STOREY COUNTY BOARD  
OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Chairman

Approved as to form:

By:   
District Attorney

CHURCHILL COUNTY BOARD  
OF COUNTY COMMISSIONERS

By:   
Chairman

Approved as to form:

By:   
District Attorney

DOUGLAS COUNTY BOARD  
OF COUNTY COMMISSIONERS

Approved as to form:

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
District Attorney

FIRST JUDICIAL DISTRICT

THIRD JUDICIAL DISTRICT

By: Jan 7. Russell  
District Judge

By: \_\_\_\_\_  
District Judge

NINTH JUDICIAL DISTRICT

TENTH JUDICIAL DISTRICT

By: \_\_\_\_\_  
District Judge

By: J S. SA  
District Judge



## Storey County Board of County Commissioners

### Agenda Action Report

**Meeting date:** 1/5/15

**Estimate of time required:**

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

1. **Title:** Discussion and possible action of License Modification.
2. **Recommended motion** Consideration of application to add Donny Gilman as a Co-Manager to the World Famous Mustang Ranch Brothel.

3. **Prepared by:** Melissa Field

**Department:** SCSO

**Telephone:** 775-847-0959

4. **Staff summary:** Background complete and presentation to the board of commissioners.

5. **Supporting materials:**

6. **Fiscal impact:** None

Funds Available:

Fund:

\_\_\_\_ Comptroller

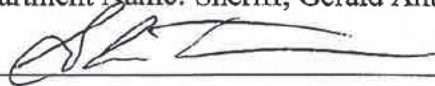
7. **Legal review required:**

\_\_\_\_ District Attorney

8. **Reviewed by:**

  X   Department Head

Department Name: Sheriff, Gerald Antinoro



 County Manager

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

9. **Board action:**

☐ Approved  
☐ Denied

☐ Approved with Modifications  
☐ Continued

Agenda Item No. 22





## Storey County Board of County Commissioners Agenda Action Report

Meeting date: 01/05/15

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
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  
 County Manager

Department Name:

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

9. **Board action:**

☐ Approved  
☐ Denied

☐ Approved with Modifications  
☐ Continued

Agenda Item No. 23





**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 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.

Table 1.2 Comparison of Use Allowances <i>Regulations per SCC Title 17</i>	
<b>1. 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. 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. 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    ☒ ~~XX~~ FRI    ☐ 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.



**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**

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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: msader@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  
(Printed name)  
 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  
(Printed name)  
 property involved in this application, that I have knowledge of, and agree to, the filling 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

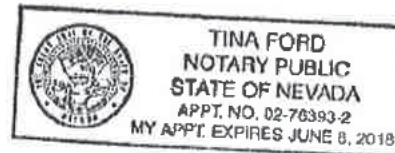
State of Nevada,  
 County of ~~Storey~~ Washoe

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	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
<input checked="" type="checkbox"/> Abandonment	X	X	X	X	X			X		X				
<input type="checkbox"/> Amended Map	X	X		X	X			X		X				
<input type="checkbox"/> Condition Amendment	X	X						X						
<input type="checkbox"/> Boundary Line Adjustment	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						
<input type="checkbox"/> Land Division Map (40 acre minimum)	X	X	X	X	X			X		X	X			
<input type="checkbox"/> Lot Consolidation*	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												
<input type="checkbox"/> Natural Resources Exploration and Registration Review	X	X	X	X	X			X						
<input type="checkbox"/> Parcel Map - Record of Survey														
<input type="checkbox"/> Parcel Map	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
<input type="checkbox"/> Planned Unit Development, Final	X	X	X	X	X		X	X						
<input type="checkbox"/> Additional Information - Check with Planning Department														

\* Administrative lot consolidation procedure

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

**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](http://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. **Soils 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: 01/05/15

Estimate of time required: 20 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☒

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. 24



## **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

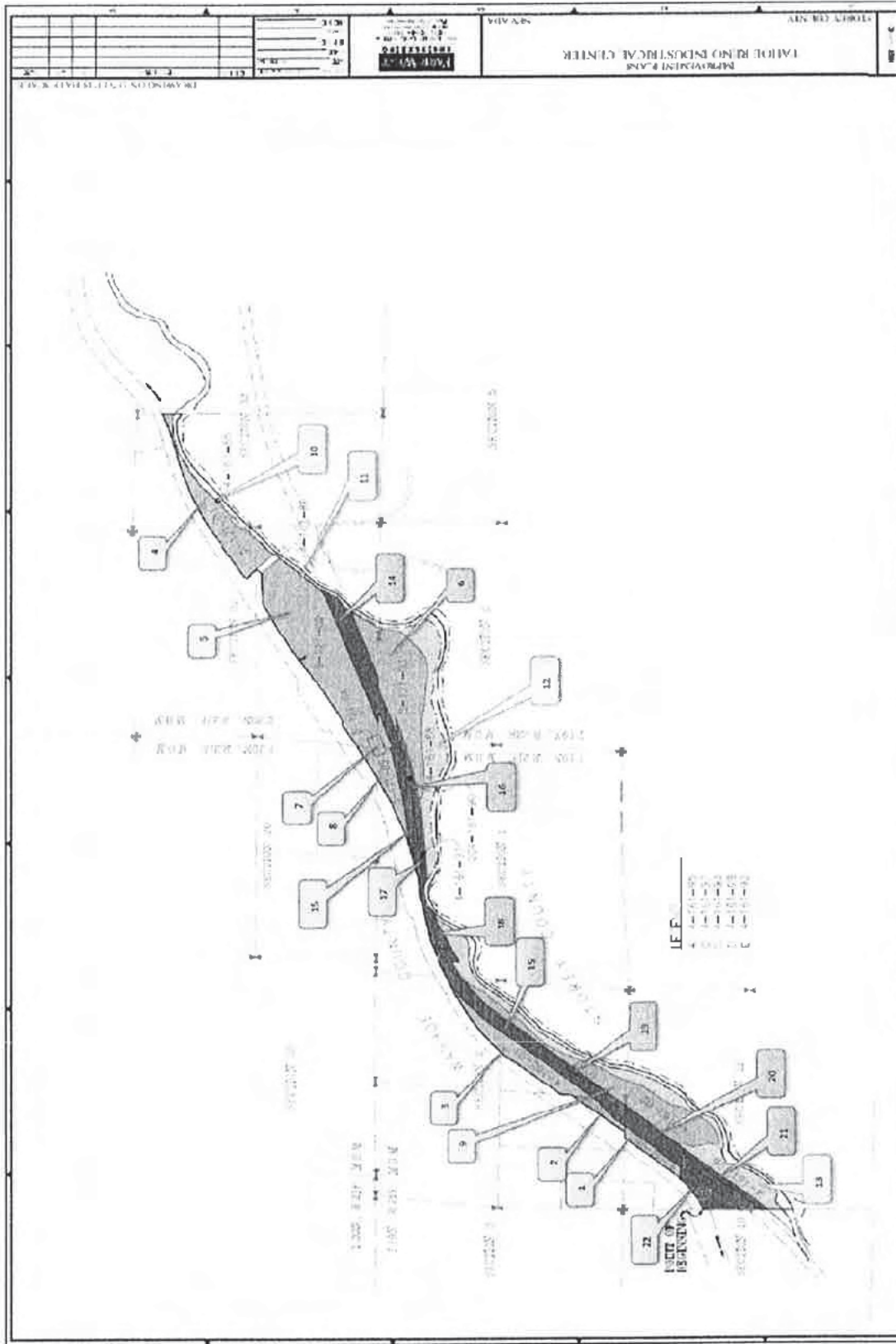
The properties subject to this request for zone map amendment are located on approximately 580 acres along the Truckee River and Interstate 80 between Mustang and McCarran, Nevada. The approximate location and placement of each subject parcel is illustrated in Figures 1.1 and 1.2. McCarran is approximately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

#	APN	Owner	Acres Σ=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)**



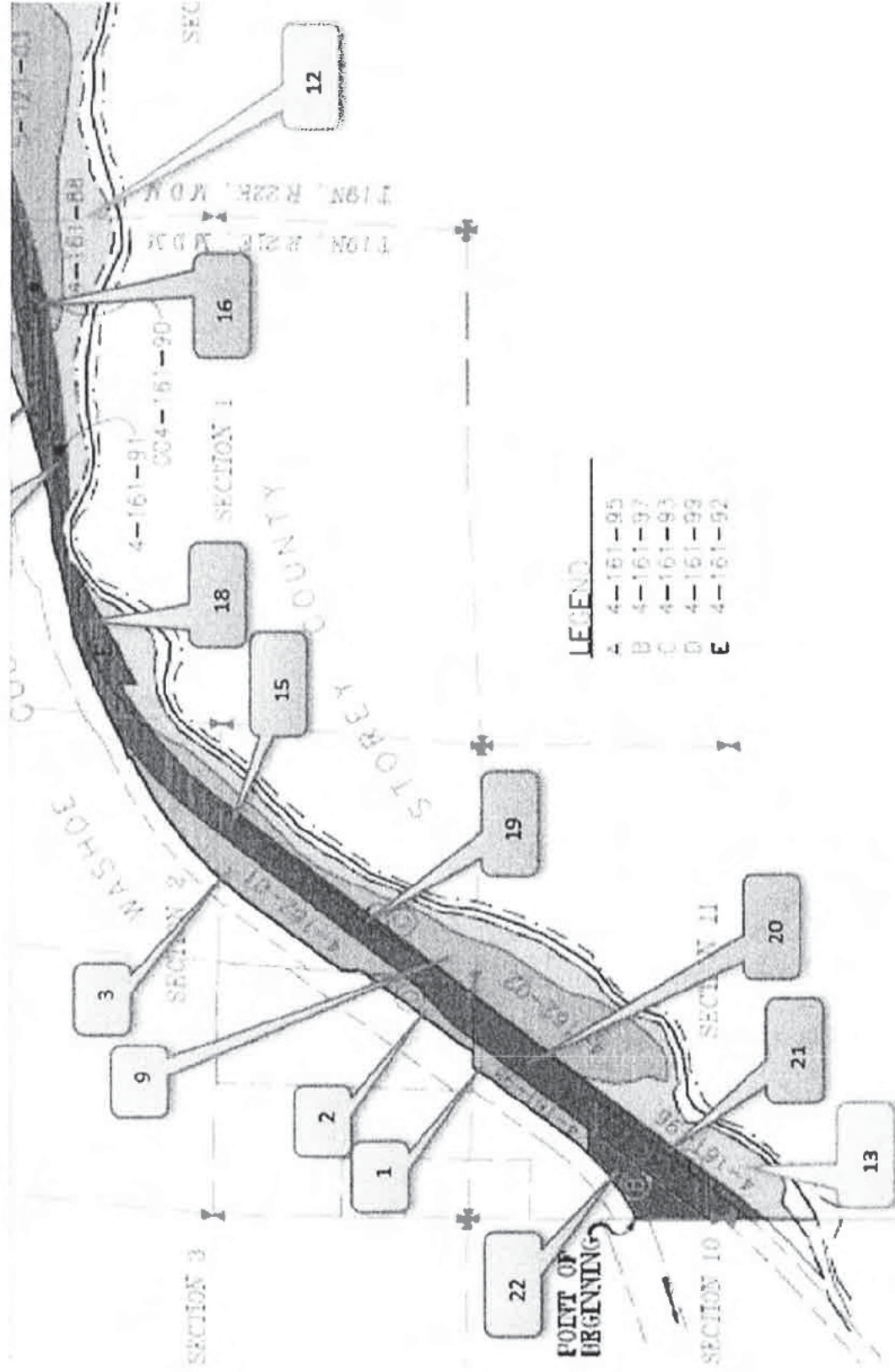


Figure 1.1.1 – Zoom left (central and west) of Figure 1.1 image

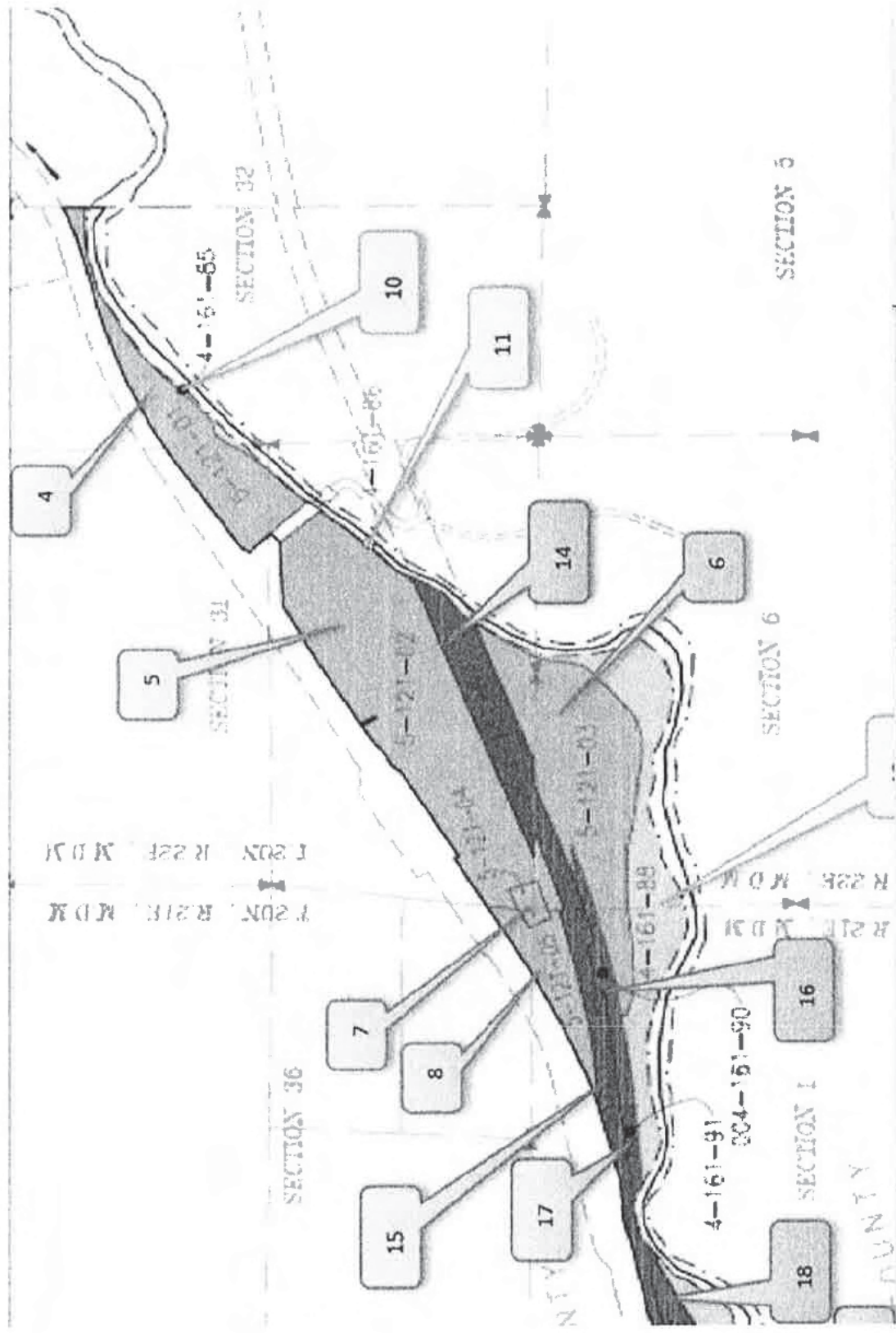
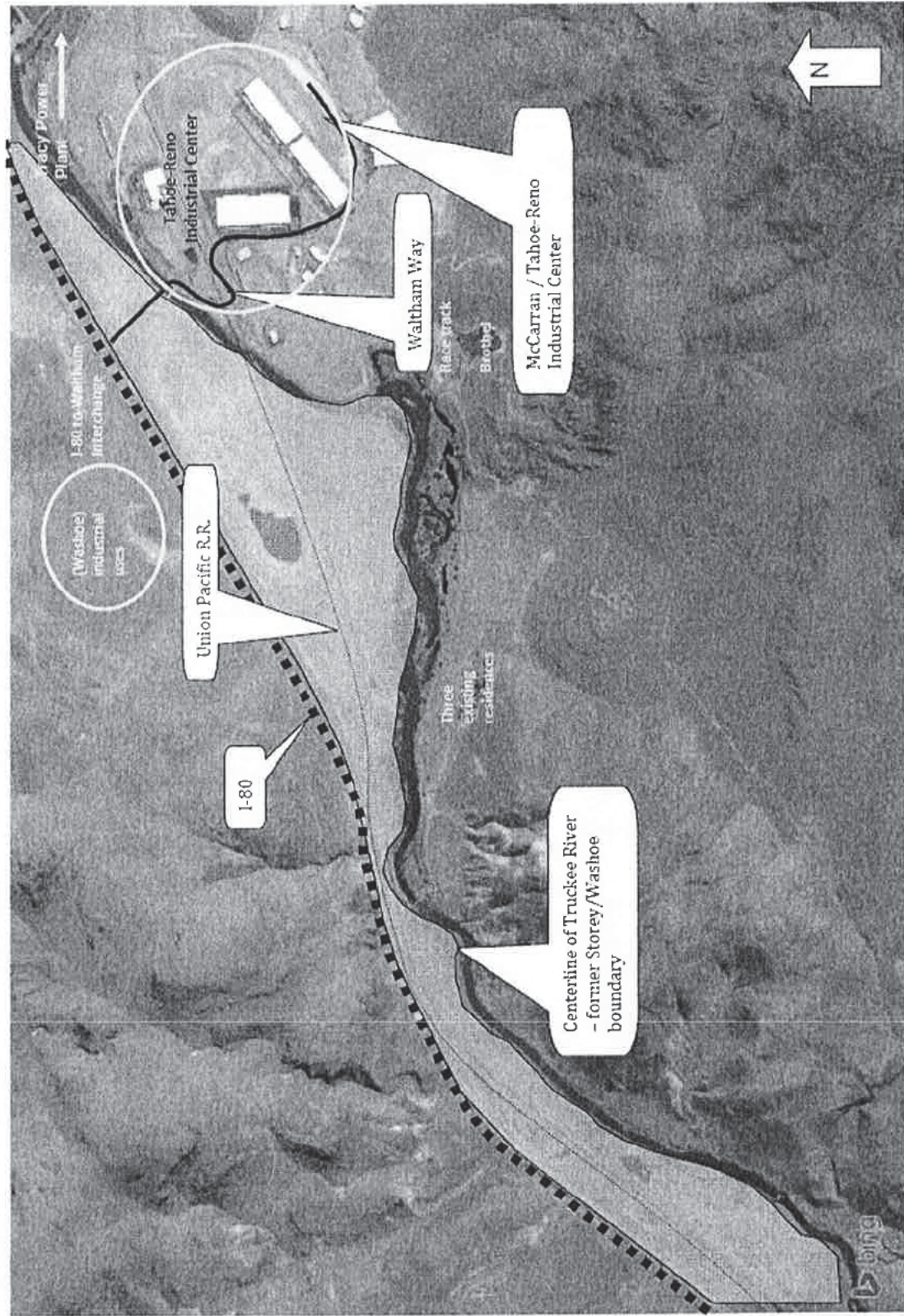


Figure 1.1.2 – Zoom right (central and east) of Figure 1.1 image





**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.

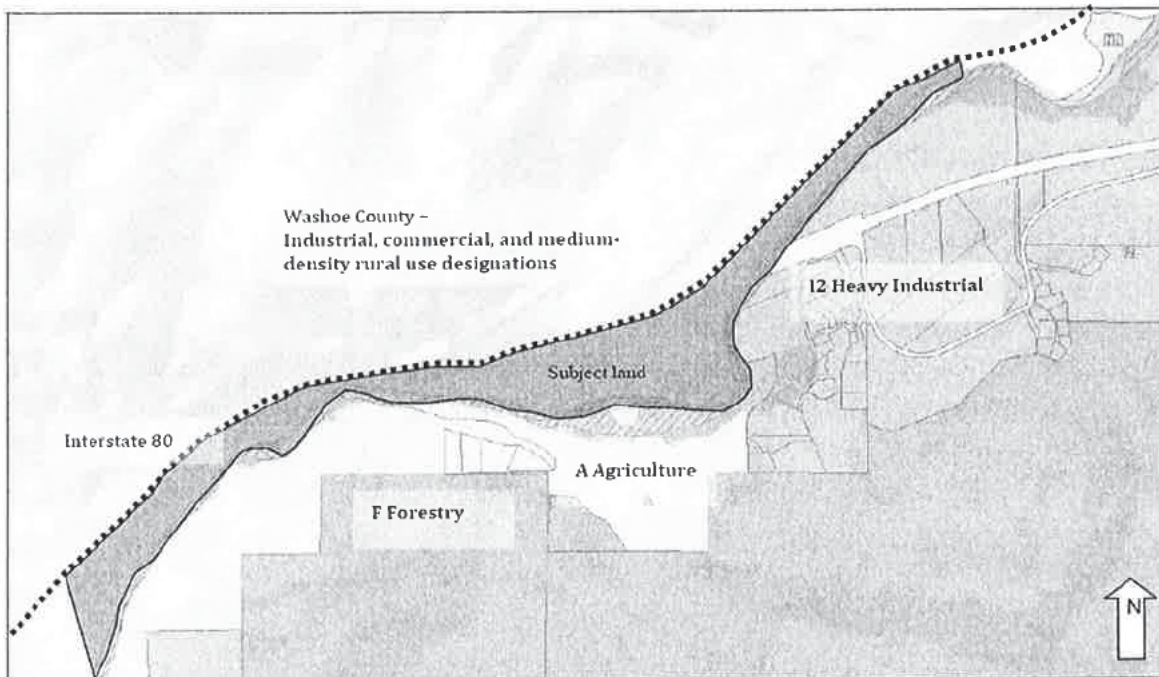
Storey County's Public zone is the most equivalent zone to Washoe County's Public Infrastructure zone. Its purpose is to accommodate a wide-range of public uses including, but not limited to, "railroads and light rail infrastructure", and similar uses (SCC 17.15.020.A.12). Planning staff finds this zoning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

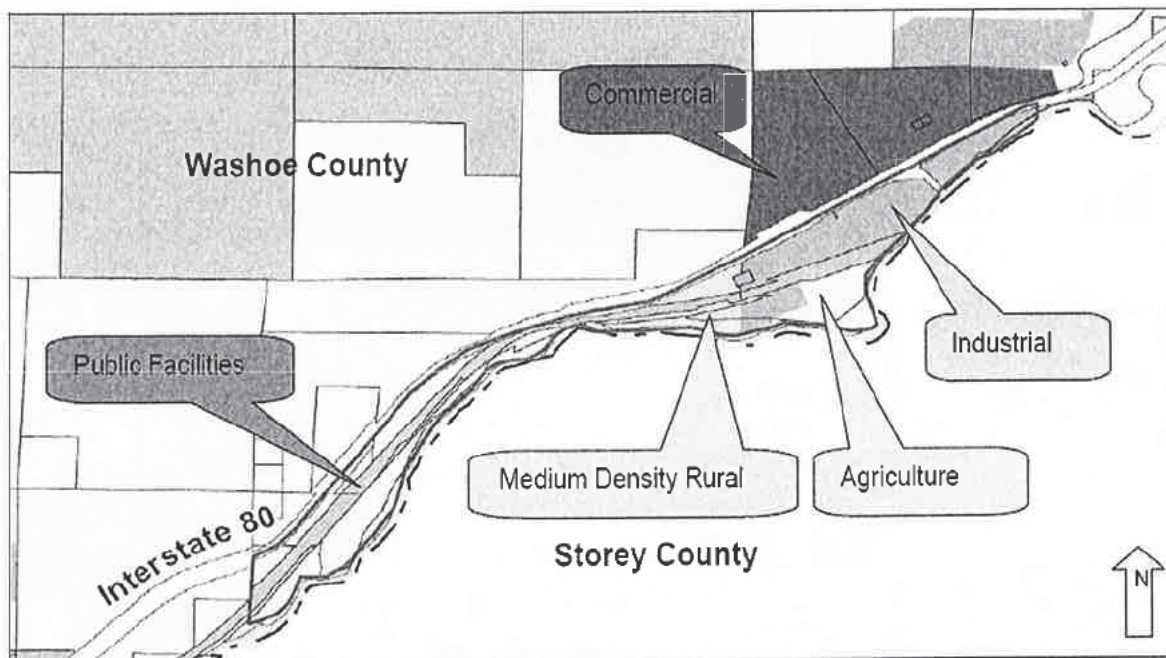
Table 1.2 Compatibility with Surrounding Land, and Table 1.3 Comparison of Uses, demonstrate master plan and zoning designations, and allowed uses for each land use zone proposed in the subject land and surrounding area. Uses shown in the tables are relatively consistent with those allowed in the previous 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 <b>Northeast</b>	Washoe County; Interstate 80; vacant; light industrial uses.	Industrial, commercial, residential, and rural uses.	Industrial; Commercial; Agriculture; Rural
Land to <b>East</b>	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 certify 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](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: <u>Tahoe-Reno Industrial Center, LLC</u> <small>All land owners must be listed on this application. Type or print legibly in black or blue ink.</small>			
Mailing Address: <u>c/o Robert M. Sader, 8600 Technology Way, Suite 101</u>			
City: <u>Reno</u>	State: <u>NV</u>	Zip: <u>89521</u>	
Telephone (Home) ( ) <u>N/A</u>	Business ( <u>775</u> ) <u>329-8310</u>		
Applicant: <u>SAME</u> <small>All applicants must be listed on this application.</small>			
Mailing Address: <u>SAME</u>			
City: _____		State: _____	Zip: _____
Telephone (Home) ( ) _____		Business ( ) _____	

<input type="checkbox"/> Gold Hill	<input type="checkbox"/> Virginia City	<input type="checkbox"/> VC Highlands (1 acre)	<input type="checkbox"/> Highland Ranches (10 acres)	<input type="checkbox"/> Virginia Ranches (40 acres)
<input type="checkbox"/> Mark Twain	<input type="checkbox"/> Hated	<input type="checkbox"/> Lockwood	<input type="checkbox"/> Painted Rock	<input checked="" type="checkbox"/> RRI
Project Address: <u>Waltham Way and I-80</u>				
Assessor's Parcel Numbers (APN): <u>004-161-98 and 99; 004-162-01 and 02; 005-121-01, 02, 03, 04, and 05</u>				
Lot: <u>N/A</u>	Block: <u>N/A</u>	Acreage: <u>319.852</u>		

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.

**Detail Description/Justification of Project**

Attached additional pages as necessary

**SEE ATTACHED**

3 of 8



**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**  
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Storey County Development Application

<b>Professional Consultant/Representative(s)</b>			
Name:	Robert M. Sader		
Address:	8600 Technology Way, Suite 101		
City:	Reno	State:	Nevada
		Zip:	89521
Phone:	(775) 329-8310	Email:	msader@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

Date 10/6/14

Robert M. Sader, Legal Counsel

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





<sup>24</sup> Administrative lot consolidation procedure

505



**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: 01/05/15

Estimate of time required: 15 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☒

1. **Title:** Discussion/Possible Action: **Second 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  
  
**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:**

\_\_\_\_ Department Head

Department Name:

 County Manager

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

9. **Board action:**

☐ Approved  
☐ Denied

☐ Approved with Modifications  
☐ Continued

Agenda Item No. 25

## **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 master 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 master 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:** January 5, 2015

**Estimate of time required:** 15 min.

**Agenda:** Consent ☐ Regular agenda ☒ Public hearing required ☒

**1. Title:** The Applicant requests an amendment to Special Use Permit (SUP) Number 2000-222-A-4 to modify and expand the existing SUP boundary. The amendment applies to modifying boundaries related to surface and underground mining (mining), mine definition, exploration, milling, beneficiation (processing) and ancillary uses on the subject lands in American Flat and Gold Hill and located approximately in Township 16 North, Range 20 East, Sections 1 and 12; and Township 16 North, Range 21 East, Sections 4, 5, 6, 7, 8, and 9 in the Mount Diablo Baseline and Meridian in Storey County, Nevada.

**2. Recommended motion:** Based on Findings shown in Subsection 7.1 and the Conditions of Approval shown in Section 8 of the Staff Report, in compliance with Federal, State, and County regulations, and the recommendation for approval by the Planning Commission and Staff, I [Commissioner] motion to approve SUP Amendment Application Number 2000-222-A-5, amending and replacing SUP Number 2000-222-A-4 to modify and expand the existing SUP boundary. The amendment applies to modifying boundaries related to surface and underground mining (mining), mine definition, exploration, milling, beneficiation (processing) and ancillary uses on the subject lands in American Flat and Gold Hill.

**3. Prepared by:** Dessie Redmond, Planner

**Department:** Planning Department

**Telephone:** 847-1144

**4. Staff summary:** Earlier in 2014 the Applicant, Comstock Mining, LLC, was granted Special Use Permit Amendment Number 2000-222-A-4 to modify and expand applicable land area and allowable uses related to mining, processing, mine definition, exploration, and ancillary uses. The Applicant has recently acquired additional land and affidavits from additional property owners and is requesting these recent acquisitions be included within the boundary of the SUP.

**5. Supporting materials:** Staff Report Number 2000-222-A-5 and Appendixes.

**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. 26



## STOREY COUNTY PLANNING DEPARTMENT

Storey County Courthouse  
26 South B Street, PO Box 176, Virginia City, NV 89440  
Phone (775) 847-1144 – Fax (775) 847-0949  
planning@storeycounty.org



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

**From:** Storey County Planning Department

**Meeting Date:** January 5 at 2:00 p.m.

**Meeting Location:** Storey County Courthouse, 26 South B Street, Virginia City, Nevada 89440

**Staff Contact:** Dessie Redmond, Planner

**File:** 2000-222-A-5

**Applicant:** Scott Jolcover on behalf of Comstock Mining, LLC

**Property Owners:** Randall Czech, Cali Thompson Vickie Taylor, Dail Turney, Daniel Bowers, Ronald Cox, Geraldine Cox, Comstock Mining, LLC - Corrado DeGasperis, Sutro Tunnel - Keith Serpa, James Allander, United Mining - Tim Collins

**Property Location:** The general location of the land subject to this Special Use Permit (SUP) amendment is located approximately in Township 16 North, Range 20 East, Sections 1 and 12; and Township 16 North, Range 21 East, Sections 4, 5, 6, 7, 8, and 9 in the Mount Diablo Baseline and Meridian in Storey County, Nevada as illustrated in the Staff Report as Figure 3: SUP Number 2000-222-A-5 Boundary.

**Figures:** Figure 1: Vicinity Map; Figure 2: Zoning Map; Figure 3: SUP Number 2000-222-A-5 Boundary; Figure 4: Requested Modification Area 1; Figure 5: Requested Modification Area 2; Figure 6: Requested Modification Area 3; Figure 7: Existing Residences; Figure 8: SUP Number 2000-222-A-5 Proposed Uses; Figure 9: Magnified "Area C" and "Area D" for Utilities and Road Improvements; Figure 10 Post-Operation Reclamation at Bully the Kid, Lucern, Hartford, and Justice Mining Areas; Figure 11: Known Natural Drainages within the Subject Property

**Appendix:** Appendix 1: Staff Report for Special Use Permit 2000-222-A-4; Appendix 2: Approval Letter for SUP Number 2000-222-A-4; Appendix 3: Justification of Request Submitted by the Applicant

**Guiding Documents:** Storey County Code (SCC) Title 17 Zoning Ordinance Sections 17.92.92.030 Findings of Fact; 17.92.070 Scale of Operations; 17.92.140 Large Operations--Applicability; 17.92.080 Application Requirements; 17.92.160 SUP Conditions; 17.92.170 Compliance Review; 17.92 (inclusive) Protections for Abutting Uses and the Virginia City National Historic Landmark; 17.32.020 (M & N) Uses Subject to Special Use Permit; 17.44.030(A & B) Uses Subject to Special Use Permit; 17.03.150 Special Use Permit; 17.03.160 Standard Conditions of Approval --Special Use Permits and Variances; 17.30.170 Review or Revocation of Variance or Special use Permit; 17.03.180 Show Cause Procedures or Variance or Special Use Permit; SCC Title 8 Health and Safety Sections 8.02 Outdoor Lighting and 8.04 Noise Control and the Storey County Master Plan.



## STOREY COUNTY PLANNING DEPARTMENT

Storey County Courthouse  
26 South B Street, PO Box 176, Virginia City, NV 89440  
Phone (775) 847-1144 – Fax (775) 847-0949  
planning@storeycounty.org



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**Request:**

The Applicant requests an amendment to Special Use Permit (SUP) Number 2000-222-A-4 to modify and expand the existing SUP boundary. The amendment applies to modifying boundaries related to surface and underground mining (mining), mine definition, exploration, milling, beneficiation (processing) and ancillary uses on the subject lands in American Flat and Gold Hill and located approximately in Township 16 North, Range 20 East, Sections 1 and 12; and Township 16 North, Range 21 East, Sections 4, 5, 6, 7, 8, and 9 in the Mount Diablo Baseline and Meridian in Storey County, Nevada as illustrated in the Staff Report as Figure 3: SUP Number 2000-222-A-5 Boundary.

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\*This Appendix is available for review in the Storey County Planning Office - 26 B Street, Virginia City, Nevada 89440, online on the County’s website or click: < <http://www.storeycounty.org/planning/> >. 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).



# 1. BACKGROUND & ANALYSIS

## 1.1 Background

The subject properties are located in American Flat and southern Gold Hill in Storey County, Nevada and encompass a total of approximately 97.11 acres.

Virginia City is approximately two miles to the north and Carson City is approximately 13 miles to the southwest (Figure 1: Vicinity Map). The subject properties are zoned Forestry (F) or Special Planning Review (SPR) (Figure 2: Zoning Map).

A list of applicable definitions can be found in the Staff Report for SUP Number 2000-222-A-4 (Appendix 1: Staff Report for Special Use Permit 2000-222-A-4 which is available for review in the Planning Department, online on the County's website or click: < <http://www.storeycounty.org/planning/> >).

On August 21, 2014 the Storey County Planning Commission (the Planning Commission) recommended approval with conditions and on September 2, 2014 the Storey County Board of County Commissioners (the Board) approved with conditions Special Use Permit (SUP) Number 2000-222-A-4 for a major modification of SUP Number 2000-222-A-3 and SUP Number 2011-016. SUP Number 2000-222-A-4 applies to surface and underground mining (mining), mine definition, exploration, milling, beneficiation (processing) and ancillary uses on the subject lands in American Flat and Gold Hill (Appendix 2: SUP Number 2000-222-A-4 Approval Letter).

## 1.2 Required Application for a Special Use Permit Amendment

Storey County Code (SCC) Section 17.03.110 Amendments and Revisions of Approval states that minor amendments can be approved by the Planning Director. Minor amendments include less than 10 percent of a building area or minor modifications such as

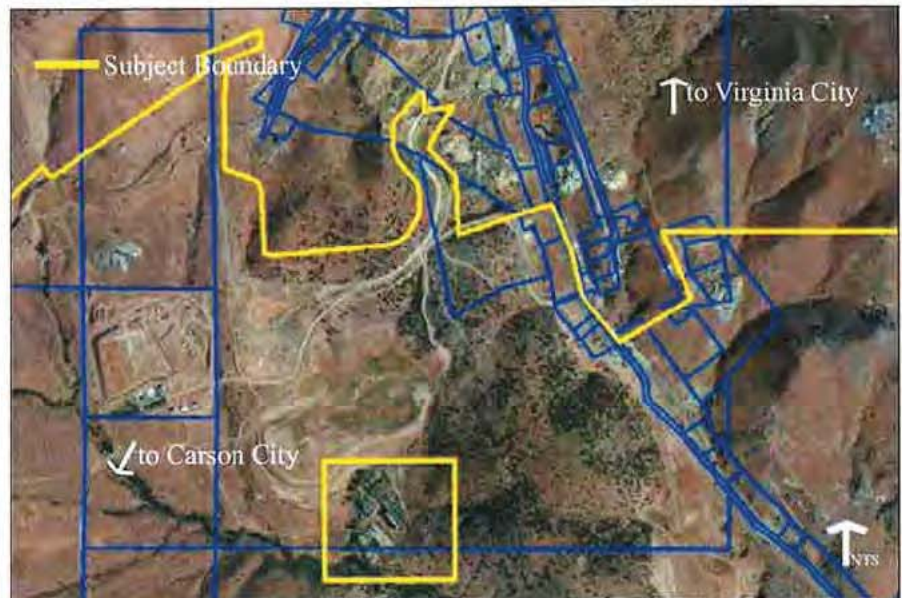


Figure 1: Vicinity Map

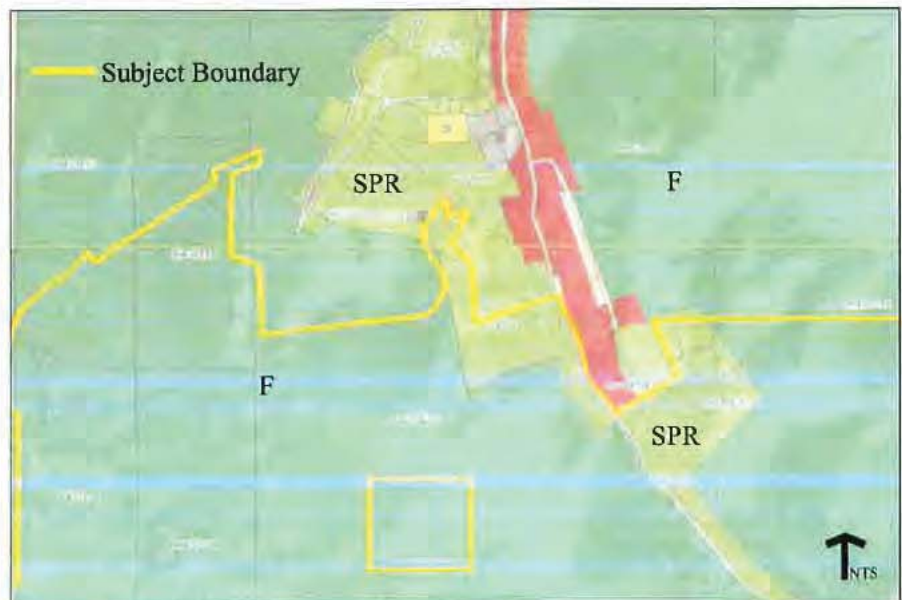


Figure 2: Zoning Map



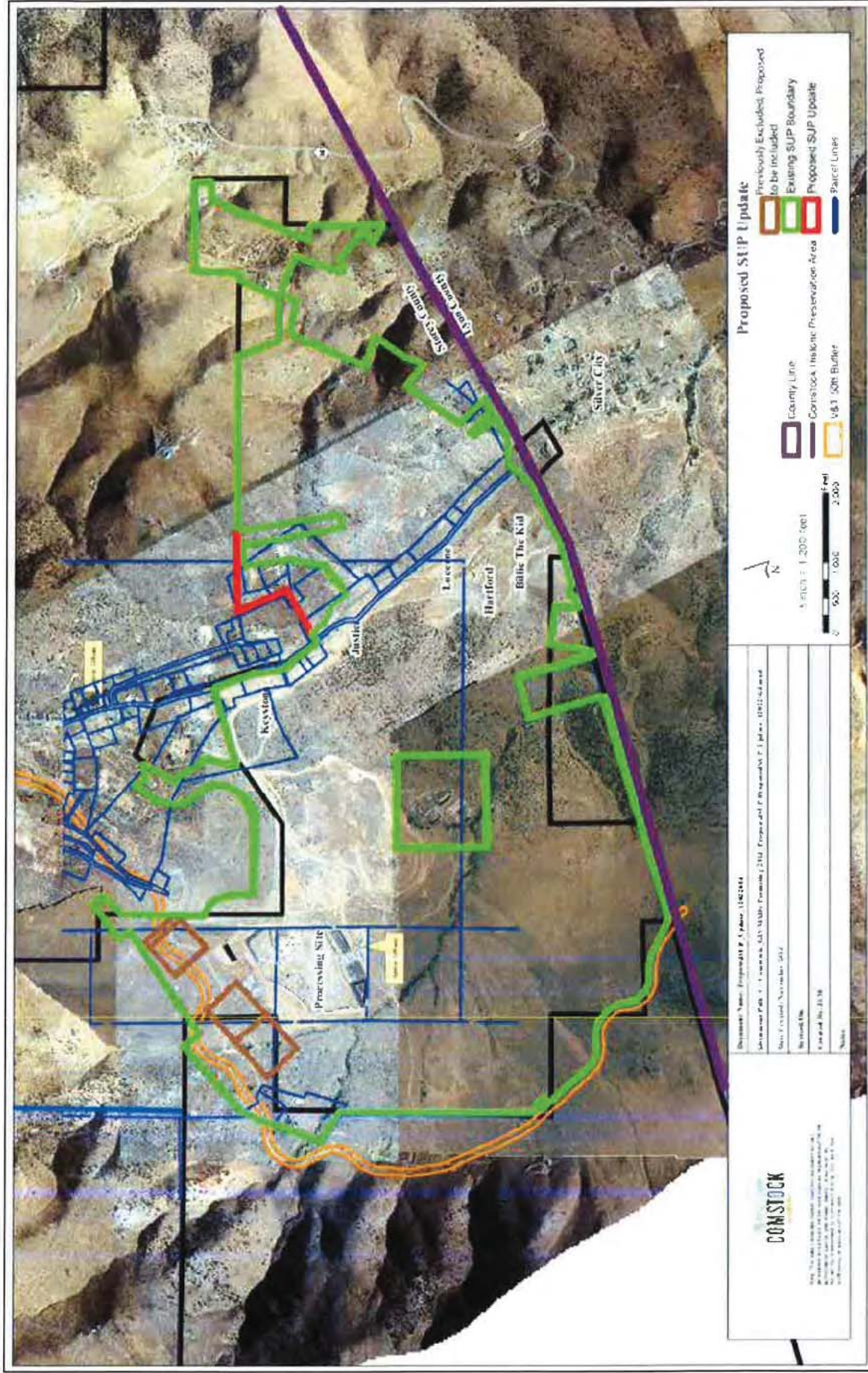


Figure 3: SUP Number 2000-222-A-5 Boundary



site design improvements that do not change the character of the project. Minor modifications do not include a request to modify a project area that would increase the project area size.

The Applicant requests to modify boundaries which would increase the project area. This request is to include some recently acquired properties and other properties that property owners have signed an affidavit for the allowance of the proposed SUP amendment. Due to the Applicant's request, the amendment is considered a major revision to the existing SUP. Therefore, Staff required the Applicant submit an application for a SUP amendment.

### 1.3 Application for Special Use Permit Amendment

The Applicant has submitted an application for a request to amend SUP Number 2000-222-A-4 (Appendix 3: Justification of Request Submitted by the Applicant). This request is to modify and expand the existing SUP boundary by approximately 97.11 acres. The amendment applies to modifying boundaries related to surface and underground mining (mining), mine definition, exploration, milling, beneficiation (processing) and ancillary uses on the subject lands in American Flat and Gold Hill as illustrated in Figure 3: SUP Number 2000-222-A-5 Boundary.

The Applicant is requesting three modifications to the existing SUP boundary. These modifications are explained in three requested Modification Areas as follows:

#### Modification Area 1

A boundary modification in regards to portions of parcels toward the existing north central boundary (APNs 002-141-13, property owners Ronald and Geraldine Cox; 002-141-19, property owners Randall Czech and Cali Thompson; 002-141-17 property owner Vickie Taylor; 002-141-18, property owner Dail Turney; 002-141-14, property owner Daniel Bowers; 002-141-15 and 002-141-16, property owner, Comstock Mining, LLC; 002-141-11 Sutro Tunnel Company). This modification also includes portion of the Sutro Alta Patent (APN 800-001-62) owned by Sutro Tunnel. These property owners have signed an affidavit for the proposed SUP amendment (Figure 4: Requested Modification Area 1).

The property owned by Mr. and Mrs. Cox (APNs 002-141-13), is in escrow with the Applicant as the new owner. The Applicant and the property owners have an agreement that this portion of the requested modification would become effective after the close of escrow and after Mr. and Mrs. Cox vacate the property (this is an agreement between the Applicant and the property owners *not* between the County). Escrow is expected to close on or before April 1, 2015.

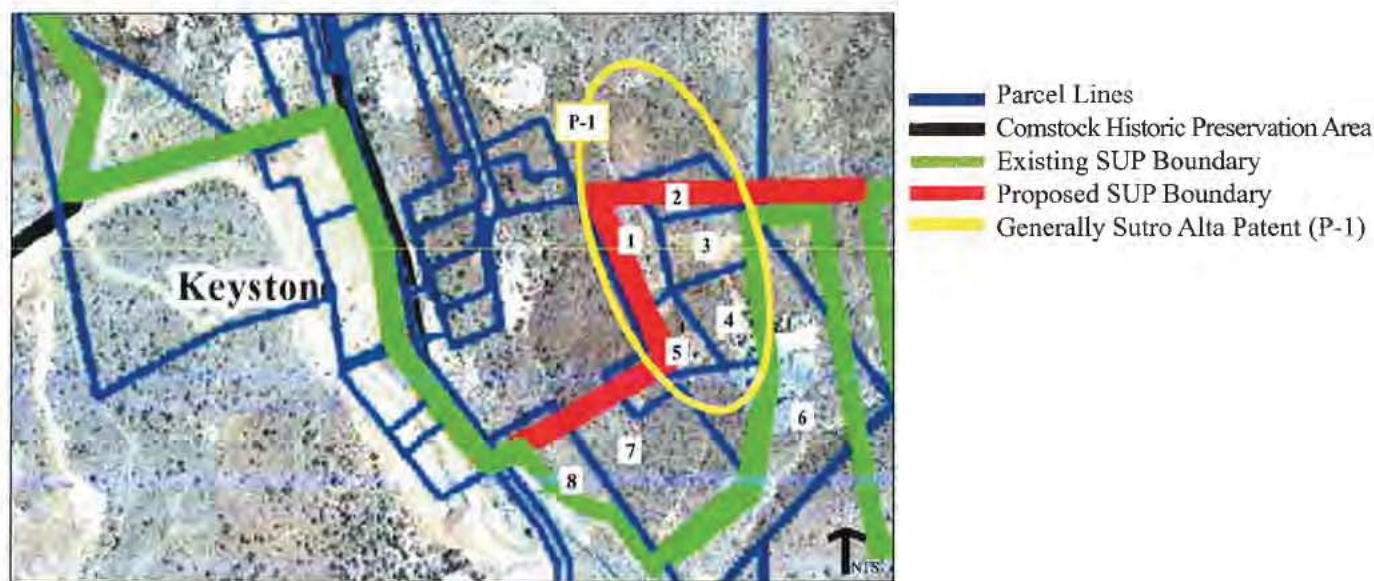


Figure 4: Requested Modification Area 1



### Modification Area 2

A boundary modification in regards to a portion of the Sutro Capital Patent which is also located toward the existing north central boundary but just east of Modification Area 1 (APN 800-001-65 owned by Sutro Tunnel Company - Keith Serpa). This property owner has signed an affidavit for this SUP amendment (Figure 5: Requested Modification Area 2).

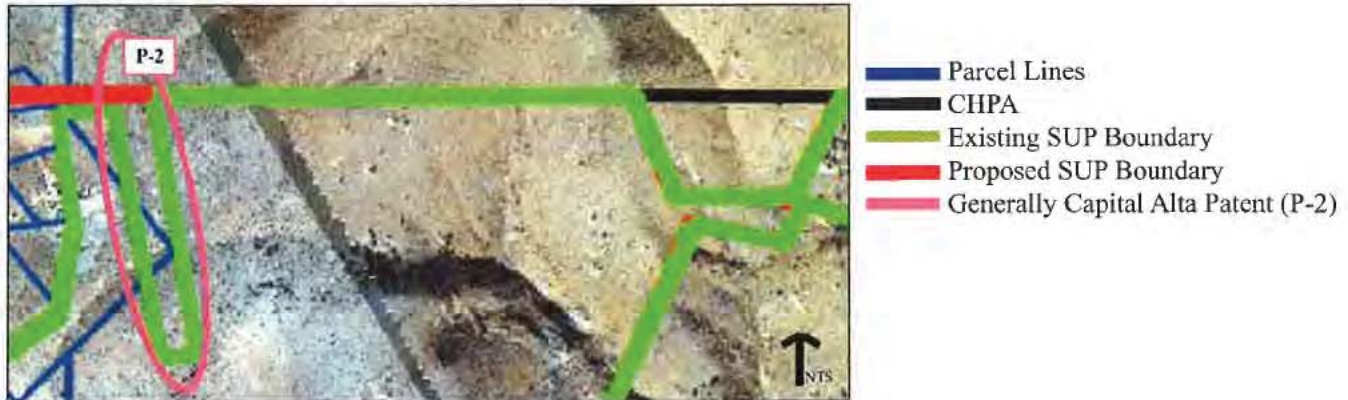


Figure 5: Requested Modification Area 2

### Modification Area 3

A boundary modification regarding one \*floating homesite (Appendix 4: Parcel Map 04-03 "Detail D") parcel (APN 004-331-19, owned by James Allander) and four sections of the Baltimore Patent (APNs 800-002-14, 800-002-45, 800-002-38 and 800-002-06) located towards the existing northwest boundary. These four sections of the Baltimore Patent along with the floating homesite parcel are located within the existing SUP Number 2000-222-A-4 boundary.

One portion of the Baltimore Patent (APNs 800-002-45) was recently acquired by the Applicant and another portion (APN 800-002-38) is owned by the Applicant. The third portion of the patent (APN 800-002-06) and the floating homesite parcel (APN 004-331-19) are owned by James Allander, who has signed an affidavit for this SUP amendment. These properties are in escrow with the Applicant as the new owner. The fourth portion (APN 800-001-14) is owned by United Mining Corporation - Tim Collins, who has signed an affidavit for this SUP amendment (Figure 6: Modification Area 3).

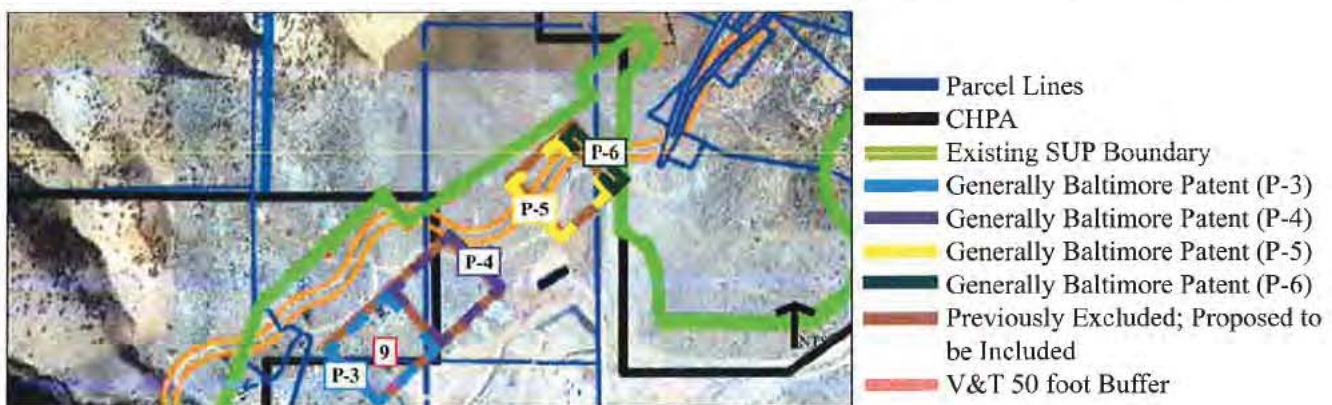


Figure 6: Modification Area 3

\*A floating homesite is an unmapped portion of land pulled from the surface of a mining claim and to be used as a homesite.

## 1.4 Summary of Proposal

The Applicant currently conducts mining, processing, exploration and ancillary uses in American Flat and Gold Hill under its existing SUP on approximately 1,300 acres. The Applicant requests that the uses, entitlements, and regulations contained in the existing SUP remain the same but also be allowed on recently acquired property and other properties that property owners have signed an affidavit for the allowance of this SUP amendment. The requested modification would add an additional acreage of approximately 97.11 acres. The amended SUP will be substantially similar to the existing SUP in that the same uses are requested but the subject boundaries are requested to be modified and expanded to include a additional parcels of land. Table 2: Subject Properties Information, shows the numbers as listed in Figures 4-6, APNs, the property owner, acreage, zoning, existing uses, Modification Area and Area Uses on each subject property.

Table 1: Subject Properties Information							
#	APN	Property Owner	Acreage	Zoning	Existing Use	Modification Area	Area Uses
1	Portion of 002-141-19	Randall Czech & Cali Thompson	2.63	SPR	Residence	1	A
2	Portion of 002-141-17	Vickie Taylor	2.01	SPR	Generally Vacant	1	A
3	Portion of 002-141-18	Dail Turney	2.32	SPR	Residence	1	A
4	Portion of 002-141-14	Daniel Bowers	2.56	SPR	Residence	1	A
5	*Portion of 002-141-13	Ronald and Geraldine Cox	2	SPR	Residence	1	A
6	Portion of 002-141-15	Comstock Mining, LLC (Corrado DeGasperis)	14.64	SPR	Generally Vacant	1	A
7	Portion of 002-141-11	Sutro Tunnel (Keith Serpa)	1.52	SPR	Generally Vacant	1	A
8	Portion of 002-141-16	Comstock Mining, LLC (Corrado DeGasperis)	9.52	SPR	Generally Vacant	1	A
P-1	Portion of 800-001-62	Sutro Tunnel (Keith Serpa)	23.72	SPR	Generally Vacant	1	A
P-2	Portion of 800-001-65	Sutro Tunnel (Keith Serpa)	9.19	Forestry	Generally Vacant	2	A
P-3	*800-002-06	James Allander	9	Forestry	Generally Vacant	3	B
P-4	800-002-38	Comstock Mining, LLC (Corrado DeGasperis)	9	Forestry	Generally Vacant	3	B
9	*004-331-19	James Allander	**1	Forestry	Residence	3	B
P-5	^800-002-45	Comstock Mining, LLC (Corrado DeGasperis)	7.5	Forestry	Generally Vacant	3	B&C
P-6	^800-002-14	United Mining Corpation/Tim Collins	1.5	Forestry	Generally Vacant	3	B&C
Total Acreage:			97.11				
(P) - Patent Mining Claim							
*Currently in escrow with the Applicant to purchase the property.							
**This is a floating 1 acre homesite on the surface of USS #68 Baltimore patent (Appendix 4 : Parcel Map 04-33 "Detail D"); therefore, it is not included in the total acreage.							
^Excluding the V&T 50' buffer but acreage is total parcel area.							

## 1.5 Description of Existing Uses

A list of the existing uses can be found in the Staff Report for SUP 2000-222-A-4 (Appendix 1: Staff Report for Special Use Permit 2000-222-A-4 which is available for review in the Planning Department, online on the County's website or click: < <http://www.storeycounty.org/planning/> >.

## 1.6 Requirement by Code

The existing SUP is located entirely on land zoned Forestry and Special Planning Review. This SUP application was submitted as required by SCC Sections 17.32.020 (M-N) (Forestry zone) and 17.44.030 (A) (Special Planning Review zone) which list "mining" and "milling and processing related to mining" as allowable with a SUP approved by the Board with recommendation by the Planning Commission.



## 1.7 Land Ownership and Rights

The project area, including its boundary modification and expansion areas, will take place within patented mining claims and other land owned or legally controlled by the Applicant. This includes the surface and mineral estate.

## 1.8 Background of the Applicant and Predecessors

Table 2: History of Activity, summarizes applications and permitting activity associated with the existing SUP since 1978. The SUP has been amended several times, including most recently in 2000, 2004, 2012, 2013 and 2014, as the mining project endured cyclical operation commensurate with commodity values.

Table 2: History of Activity				
Date	Company Name	Permit Action	Project Description	Action
11/21/2014	Comstock Mining, LLC	Op Plan Mod 2014-030	A major modification to the existing mine operating plan.	Approved 12/02/2014
11/4/2014	Comstock Mining, LLC	Application No. 2000-222-A-5	Slightly modify and expand the existing SUP boundary.	Pending
5/22/2014	Comstock Mining, Inc./ Northern Comstock, LLC.	Application No. 2000-222-A-4	Expand geographic boundaries of mining and processing; amend exploration; language cleanup	Approved 09/02/2014
5/8/2014	Comstock Mining, Inc./ Northern Comstock, LLC.	Application Number 2014-005	Zone change from CR Commercial-Residential to SPR Special Planning Review	Approved 07/01/2014
2013	Plum/Comstock Mining	SUP 2000-222-A-3	Expand geographic boundaries of processing, and general language cleanup	Approved 07/02/13
2012	Plum/Comstock Mining, Inc.	SUP 2000-222-A-2	Amendment of vehicle use within SUP boundary on the State Highway	Approved 11/13/12
6/7/2011	Plum/Comstock Mining Inc.	Application No. 2011-016	Mineral Exploration Registration requirement fulfilled by submittal of SUP Application (SCC 17.92.060)	Closed
6/2/2011	Plum/Comstock Mining, Inc.	Application No. 2011-016	Mineral Exploration	Closed
5/17/2011	Plum/Comstock Mining, Inc.	Application No. 2011-016	Mineral Exploration	Received
4/1/2004	Plum Mining	SUP 2000-222-A-1	Minor modification of SUP 2000-222	Approved 04/01/04
3/22/2004	Plum Mining	Application	Minor modification of SUP 2000-222	Received
12/18/2003	Plum Mining	SUP 2000-222-A	Modification of SUP 2000-222	Approved 01/20/04
12/6/2003	Plum Mining	Application	Modification of SUP 2000-222	Received
3/10/2003	Comstock Gold LLC	Application	No SUP not with 1000' of a resident/exploratory drill	N/A
9/20/2001	Plum Mining	SUP 2002-249	Reverse Circulation Exploration Drilling Program	Approved PC 09/20/01
9/20/2001	Plum Mining	Application	Reverse Circulation Exploration Drilling Program	Received
3/1/2001	Plum Mining	SUP 2001-237	Exploration drilling	Approved 03/03/01
2/12/2001	Plum Mining	Application	Exploration drilling	Received
11/4/1999	Plum Mining	SUP 2000-222	Mine, mill and process ore in open pit	Approved 12/07/99
10/14/1999	Plum Mining	Application	Mine, mill and process ore in open pit	Received
3/9/1993	Oliver Hills/BMR Gold/Rea Gold	Application	Expansion	Received
11/7/1991	Oliver Hills Mining	SUP 1992-045	Exploration drilling in Gold Hill	Approved 11/07/91
10/16/1991	Oliver Hills Mining	Application	Exploration drilling in Gold Hill	Received
6/18/1991	Oliver Hills Mining	SUP 1991-025	Open pit mining removal of ore	Approved 06/18/91
6/7/1991	Oliver Hills Mining	SUP 1991-025	Reduction of bond	CC-approved
5/2/1991	Oliver Hills Mining	SUP 1991-025	Open pit mining removal of ore	PC-continued
4/15/1991	Oliver Hills Mining	Application	Open pit mining removal of ore	Received
2/11/1991	BMR Gold	Application	Exploration drilling in Gold Hill	Received
8/2/1990	Oliver Hills Mining	SUP 1991-001	Continuation Lucerne Pit Ore Removal property ownership changes	PC-approved
7/3/1990	Oliver Hills Mining	Application	Continuation Lucerne Pit Ore Removal property ownership changes	Received
2/15/1990	Oliver Hills Mining	SUP 1990-009	Continuation Lucerne Pit Ore Removal	Application
3/8/1990	Oliver Hills Mining	SUP 1990-009	Continuation Lucerne Pit Ore Removal	PC-Approved
5/15/1989	Oliver Hills Mining	Approval Letter	Lucerne Pit low grade ore to Haywood Facility	CC-Approved
2/17/1989	Oliver Hills Mining	Application	Lucerne Pit low grade ore to Haywood Facility	Received
6/10/1981	Houston International & Minerals Corp	SUP2-81	Haul Dump Material to American Flat Mill	Approved 07/01/81
1/8/1981	Houston International & Minerals Corp	Item #11	Extract/Mine Lucerne Dump material, haul to mill	Accepted w/conditions
11/26/1980	Houston International & Minerals Corp	Special Meeting	Lucerne Dump Committee	More details to be furnished
11/18/1980	Houston International & Minerals Corp	Special Meeting	Lucerne Dump Committee – Conditions Agreed upon	More information/
11/12/1980	Houston International & Minerals Corp	Agenda Item #II	Extract/Mine Lucerne Dump material, haul to mill	Tabled
9/23/1980	Houston International & Minerals Corp	Application	Extract/Mine Lucerne Dump material, haul to mill	Received
8/23/1978	Houston Oil & Mineral Corp	Item #7	Extracting ore/milling-open pit & underground in Forestry Zone	PC approved with stipulations
8/3/1978	Houston Oil & Mineral Corp	Application	Extracting ore/milling-open pit & underground in Forestry Zone	Received

## 2. KEY ISSUES

A discussion of regulatory oversight, post-operation reclamation and reclamation surety bonding requirements can be found in Appendix 1: Staff Report for Special Use Permit 2000-222-A-4 which is available for review in the Planning Department, online on the County's website or click: < <http://www.storeycounty.org/planning/> >. These will apply to the subject properties and to properties already existing within the SUP boundary, as administered by the NDEP or BLM, when applicable, and by the provisions of the existing SUP which are more stringent than the Federal regulations.

## 3. LAND USE COMPATIBILITY

Explanation on the land use compatibility and vicinity description are discussed in Appendix 1: Staff Report for Special Use Permit 2000-222-A-4 which is available for review in the Planning Department, online on the County's website or click: < <http://www.storeycounty.org/planning/> >.

### 3.1 Existing Residential Uses

There are four existing residences affected by the proposed SUP amendment. Each residence and their relationship to the proposed SUP amendment are described below and illustrated in Figure 7: Existing Residences.

**Residence 1 (R-1 in Figure 7):** 2820 Slippery Gulch Road (APN 002-141-19 owned by Randal Czech and Cali Thompson). This residence is located in Gold Hill and zoned SPR. It is located entirely within the proposed SUP boundary modification. It is approximately 1,000 feet from the Justice pit and the former Keystone pit (reclaimed in 2014).

This property and portions of the immediate surrounding area are proposed by the Applicant for large-scale exploration and surface mining, and/or permanent placement of waste rock. The existing SUP contains an affidavit from the property owners allowing the SUP to apply to their property.

**Residence 2 (R-2 in Figure 7):** 2901 Slippery Gulch Road (APN 002-141-14 owned by Daniel Bowers). This residence is located in Gold Hill and zoned SPR. It is located entirely within the proposed SUP boundary modification. It is approximately 1,000 feet from the Justice pit and the former Keystone pit.

This property and portions of the immediate surrounding area are proposed by the Applicant for large-scale exploration and surface mining, and/or permanent placement of waste rock. The existing SUP contains an affidavit from the property owner allowing the SUP to apply to their property.

**Residence 3 (R-3 in Figure 7):** 2850 Slippery Gulch Road (APN 002-141-13 owned by Ronald and Geraldine Cox). The residence is located in Gold Hill and zoned SPR. A portion of the parcel is within the proposed SUP boundary modification. It is located approximately 1,000 feet from the existing Justice pit and former Keystone pit and is in an area proposed by the Applicant for large-scale exploration and surface mining, and/or permanent placement of waste rock.

During the previous SUP amendment, Planning Staff visited in-person with the property owners and the Applicant on several occasions to develop a mutually acceptable plan from which the subject residence would be sufficiently protected from potential adverse impacts caused by the proposed use. The property owners expressed concern that their property is almost entirely surrounded by the existing SUP and that its allowed uses could occur less than 100 feet from their home. After collaborating with the property owners, a recommended condition was added to the existing SUP that no surface disturbance, except limited mine exploration, may occur within approximately 700



feet of this residence. The existing SUP has a condition which allows for a waiver of this restriction if signed by the subject property owners. The existing SUP also contains other requirements that will minimize potential adverse impacts of the project.

Since the approval for existing SUP Number 2000-222-A-4, the property owners have signed a purchase agreement with the Applicant. Escrow is expected to close on or before April 1, 2015. The Applicant and Mr. and Mrs. Cox have agreed that the portion of this requested modification would become effective only after the close of escrow and after Mr. and Mrs. Cox vacate the property. This is an agreement between the Applicant and Mr. and Mrs. Cox (*not* between the County). The proposed SUP amendment application contains an affidavit from these property owners allowing the SUP amendment to apply to their property.

**Residence 4 (R-4 in Figure 7):** 2820 Slippery Gulch Road (APN 004-331-19 owned by James Allander). This residence is located in American Flat on land zoned Forestry and is a one acre floating homesite (Appendix 4: Parcel Map 04-03 "Detail D"). It is surrounded on four sides by the existing SUP. It is located approximately 500 feet from the existing processing facility, but more than 1,000 feet northwest of the heap leach pads and other primary processing uses involving sodium-cyanide.

The residence is not owned by the Applicant; however, it is also in escrow with the Applicant to become the new owner. Escrow is expected to close on or before March 31, 2015. The Applicant expressed plans to use the residence after purchase for housing company employees and guests. The proposed SUP amendment application contains an affidavit from this property owner allowing the SUP amendment to apply to their property.

Surrounded on four sides by the existing SUP, access is a primary concern. The residence is currently accessed from Upper American Flat Road. The Applicant did not submit proposals that would potentially disrupt access to this property; however, the existing SUP contains provisions to assure that access meeting or exceeding existing conditions is maintained. Further, the proposed SUP amendment maintains these provisions. Despite the subject property's proximity to the residence and its surrounding land, the existing SUP requires use separations and other restrictions that will minimize potential adverse impacts.

During the previous SUP amendment, Planning Staff visited in-person with the property owner to discuss the Applicant's existing SUP. The property owner was generally satisfied with the proposal and the measures imposed by the SUP to mitigate potential impacts. The existing SUP has a condition requiring the Applicant to clean and maintain existing nearby natural drainage systems to prevent stormwater damage to his property. The existing SUP requires that the Applicant maintains these drainage systems as such and at its costs. These conditions will remain in this proposed SUP amendment.

## 4. PUBLIC SAFETY

The subject properties may contain potential hazardous conditions including, but not limited to, sodium-cyanide and other chemicals, open water bodies, open pits and benches, blasting, and operation of heavy equipment. Safety and security oversight is performed by Federal, State and County agencies. A discussion on Public Safety related to this SUP can be found in Appendix 1: Staff Report for Special Use Permit 2000-222-A-4 which is available for review in the Planning Department, online on the County's website or click: < <http://www.storeycounty.org/planning/> >.





Figure 7: Existing Residences

## 5. APPLICABLE CODES & REGULATIONS

A discussion on Applicable Codes and Regulations related to this SUP can be found in Appendix 1: Staff Report for Special Use Permit 2000-222-A-4 which is available for review in the Planning Department, online on the County's website or click: < <http://www.storeycounty.org/planning/> >.

## 6. MASTER PLAN

A discussion on the Master Plan related to this SUP can be found in Appendix 1: Staff Report for Special Use Permit 2000-222-A-4 which is available for review in the Planning Department, online on the County's website or click: < <http://www.storeycounty.org/planning/> >.

## 7. FINDINGS

### 7.1 Motion for approval

The following are Findings regarding the amended SUP under the recommended Conditions of Approval shown in Section 8 of this Staff Report. A motion for approval should include at a minimum these Findings and may include other Findings deemed appropriate and factual by the Board.

#### 7.1.1 Requirement by Code

All land within the amended SUP boundary is zoned Special Planning Review and Forestry. Accordingly, the application for amended SUP was submitted pursuant to SCC Sections 17.32.020 (M-N), and 17.44.030 (A) which list "mining" and "milling and processing related to mining" as allowed in each zone with a SUP approved by the Board of County Commissioners with recommendation by the Planning Commission.

### **7.1.2 SCC 17.92 Findings Incorporated**

SCC Section 17.92.030 lists Findings of Fact related to mining; mining uses and rights; rights and protections of non-mining uses potentially impacted by mining; and protecting the historical value and integrity of the Virginia City National Historic Landmark. Those Findings in their entirety are hereby incorporated into the approval of the amended SUP, and it is hereby recognized that the amended SUP conforms to the purpose and intent of the findings.

### **7.1.3 Requirement by Code**

The conditions of the amended SUP are not in conflict with the purpose, intent, and other specific requirements of the Forestry Zone and Special Planning Review Zone in which the subject use will be located.

### **7.1.4 Use Compatibility**

The conditions of approval under the amended SUP impose sufficient regulations on the proposed use to reasonably mitigate associated impacts on the surrounding environment and existing adjacent land uses.

### **7.1.5 Regulation Compatibility**

The conditions under the amended SUP are at least as stringent as and not in conflict with the applicable Federal, State and County regulations. The minimum requirements under SCC Chapter 17.03 (Administrative Provisions) and SCC 17.92 (Mining) for issuance of an SUP are incorporated into the Conditions of Approval for the amended SUP.

### **7.1.6 Conformance with Prior SUP**

The amended conditions and the remaining unchanged conditions in the amended SUP comply with the land use requirements of the underlying regulatory zones and are as stringent and not in conflict with Federal, State and County regulations pertaining to the uses allowed by the amended SUP.

## **7.2 Motion for denial**

Should a motion be made to deny the amended SUP application, the following Findings with an explanation of the motion for denial should be included in that motion.

### **7.2.1 Conformance**

The amended SUP does not conform to the minimum requirements of Federal, State and County regulations or the Findings of Fact included in SCC 17.92.

### **7.2.2 Regulatory Zone**

Uses allowed under the amended SUP, even with reasonable restrictions and mitigation, will conflict with the purpose, intent, and other requirements of the Forestry Zone and the Special Planning Review Zone.

### **7.2.3 Compatibility**

Uses allowed under the amended SUP, even with reasonable restrictions and mitigations, will cause substantial adverse impacts to surrounding existing land uses.

### **7.2.4 No Effect on Existing SUP**

The motion to deny the amended SUP (SUP Application No. 2000-222-A-5) applies only to the proposed amendments, and not to the existing permitted SUP (SUP No. 2000-222-A-4). The denial will have no effect or cause change to the entitlements, permitted uses, area of land, or verbiage of the existing SUP Number 2000-222-A-4.



## 8. RECOMMENDED CONDITIONS OF APPROVAL

The Recommended Conditions of Approval related to this SUP are listed below and are the same as the Conditions of Approval from SUP Number 2000-222-A-4 except where identified. The *blue italicized text* is newly added text. The ~~red strike through text~~ is text recommended to be deleted. All conditions must be met to the satisfaction of each applicable County Department.

### I. General Provisions

#### 1.1 Purpose and Scope

Special Use Permit (SUP) ~~No. Number~~ 2000-222-A-~~4~~<sup>5</sup> amends and replaces SUP ~~No. Number~~ 2000-222-A-~~34~~. ~~It also replaces SUP No. 2011-016 (for exploration) which shall be deemed closed upon approval of the SUP subject hereto.~~ This SUP is for the purpose of *an amendment as it applies to modifying boundaries related to surface and underground mining (mining), mine definition, exploration, milling, beneficiation (processing) and ancillary uses on the subject lands in American Flat and Gold Hill and located approximately in Township 16 North, Range 20 East, Sections 1 and 12; and Township 16 North, Range 21 East, Sections 4, 5, 6, 7, 8, and 9 in the Mount Diablo Baseline and Meridian in Storey County, Nevada as illustrated in the Staff Report as Figure 3: SUP Number 2000-222-A-5 Boundary.* ~~surface and underground mining (mining); processing, milling, and beneficiation (processing); mine definition; exploration; and uses which are ancillary to those uses.~~ The boundaries of the land subject to this SUP (subject property) and the categorical uses allowed therein are illustrated in *Figure 8: SUP Number 2000-222-A-5 Proposed Uses and Figure 9: Magnified "Area C" and "Area D" for Utilities and Road Improvements* ~~Exhibit A and B~~ enclosed herewith as follows:

- "Area A" may only be used for mining, mine definition, exploration, and related uses;
- "Area B" may only be used for processing and related uses;
- "Area C" may only be used for water and power utility systems, and other related infrastructure;
- "Area D" may only be used for road improvement, including separation between the Lucerne Haul Road and American Flat Road public access/right-of-way as illustrated in enclosed *Figure 9: Magnified "Area C" and "Area D" for Utilities and Road Improvements* ~~Exhibit B~~; and
- Uses ancillary to the principal uses may occur anywhere within the subject property.

The uses to which this SUP applies shall conform to the conditions herein, and federal, state, and county regulations. This SUP does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private property rights, or any infringement of state or local laws or regulations.

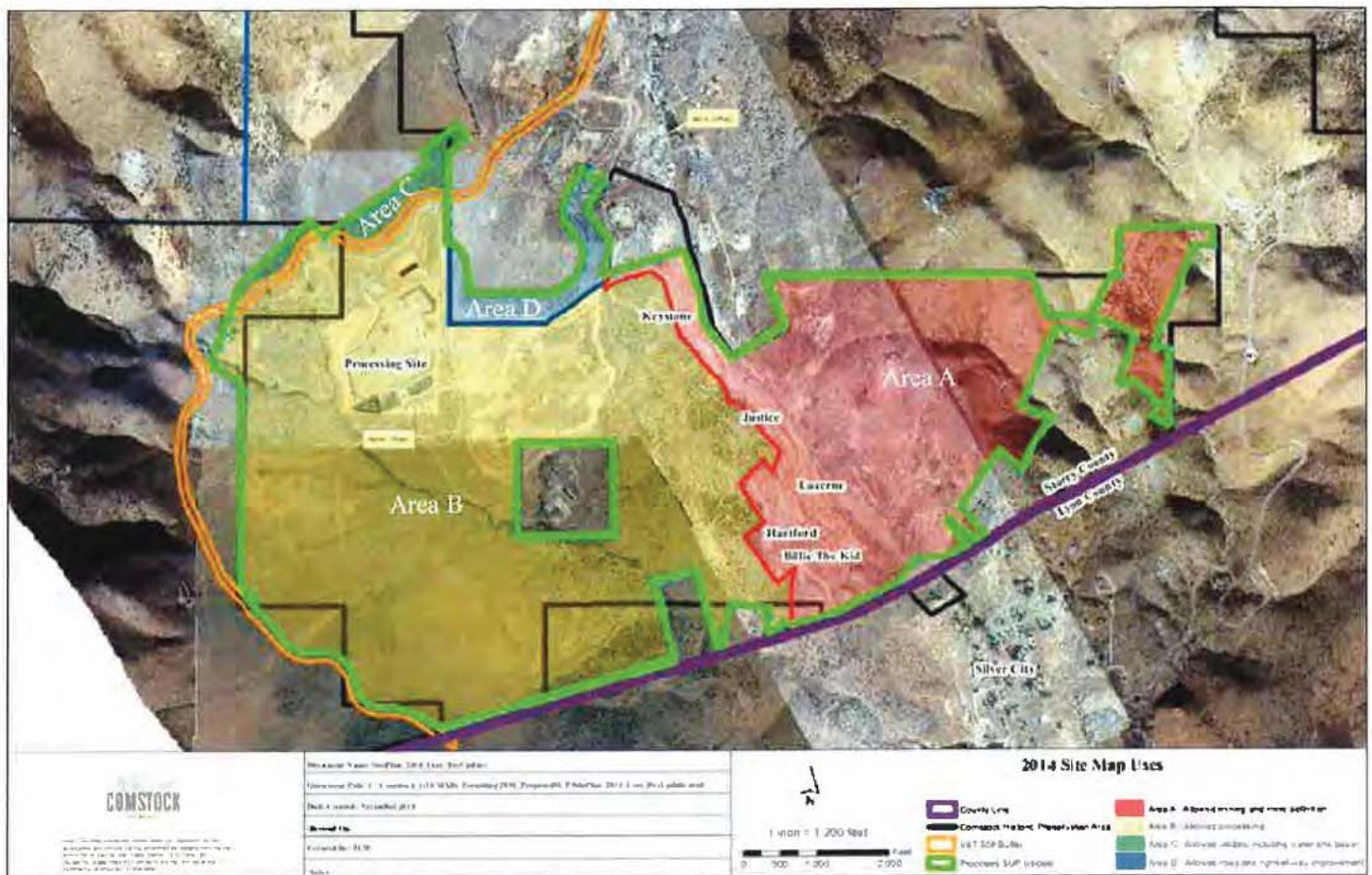
#### 1.2 Expiration

This SUP is effective for a period of 10 years commencing on the date of its approval and expiring on said date in the year 202~~5~~<sup>4</sup>. The SUP permit holder (Permit Holder) may submit an application to renew the SUP. The application for renewal must be submitted to the Planning Department no less than 30 days before the expiration of this SUP. The application shall be treated as a new SUP application and its approval or denial will be determined by the Board of County Commissioners with recommendation by the Planning Commission. The approved SUP may contain additional conditions or modified conditions from those in the preceding SUP.

#### 1.3 Annual Compliance Review

At a regularly scheduled public hearing between the months of March and July of each year beginning in the year of 2015, the Permit Holder shall provide to the Planning Commission a public presentation





\*Figure 8: SUP Number 2000-222-A-5 Proposed Uses

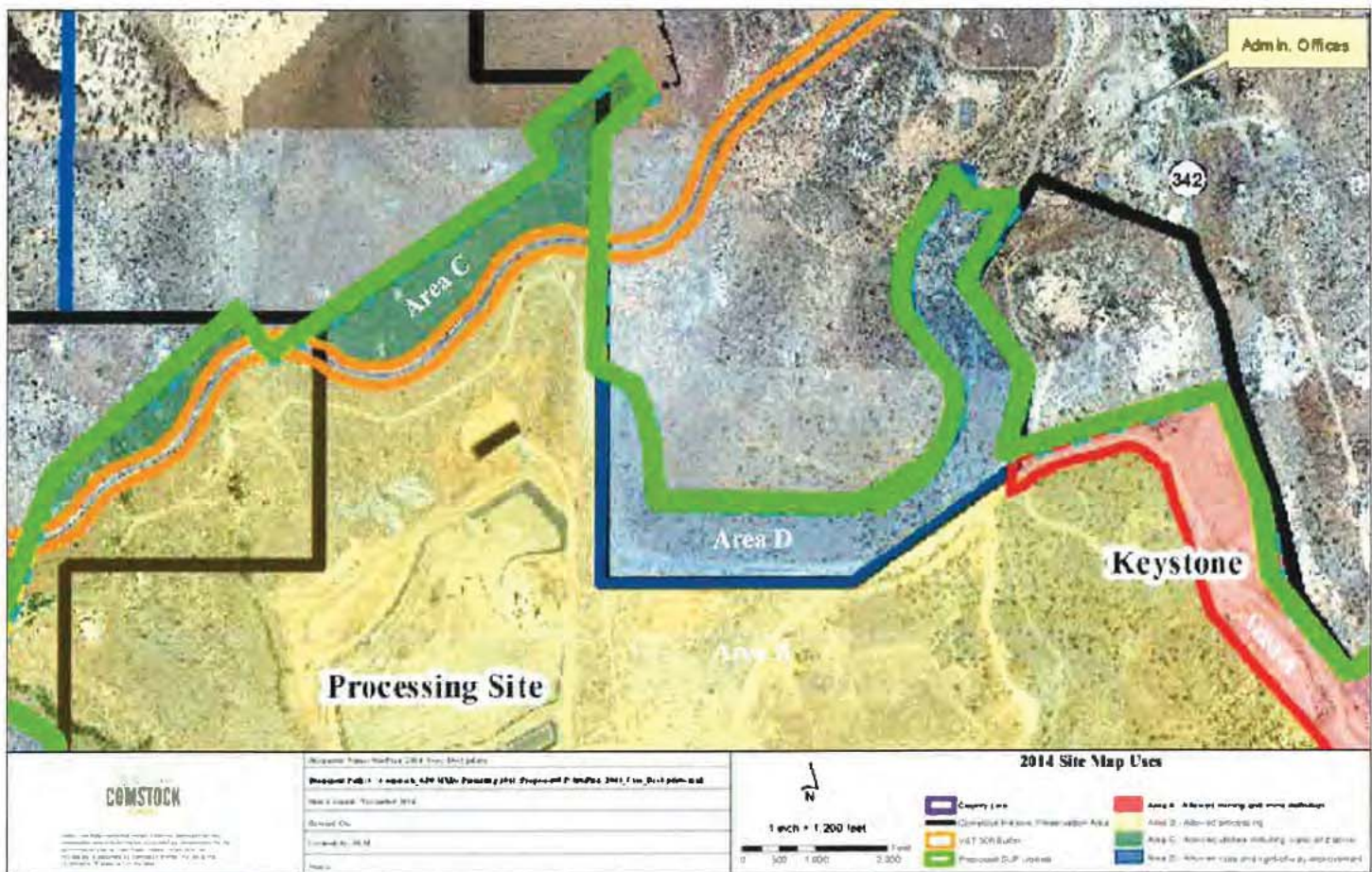
report featuring the following elements of the active project:

- The extent to which it has or has not complied with the conditions of the SUP and applicable Federal, State and County regulations.
- The status of plans and actions related to the primary Silver City water line, including plan updates and modifications, current use encroachments thereupon, repairs and replacement of all or portions thereof, and interruptions to service provided thereby as a result of the foregoing.
- The status of plans and actions related to the use, modification, and impacts to State Route 342 between Devil's Gate and Petaluma Street (current terminus of American Flat Road at its existing alignment), as related to uses under this SUP.
- A summary report of dust, groundwater, noise, and seismic monitoring data collected pursuant to this SUP and the NDEP requirements throughout the year leading to the public report.

The presentation shall disclose valid evidence of known failure to comply with those requirements. If a violation is found to have occurred, the presentation shall explain what measures, and to what degrees of

\*Note: The data contained herein does not represent survey delineation and should not be construed as replacement for the authoritative source, plat maps, deeds, re-surveys, etc. The SUP boundaries shown area approximate and generally follow underlying parcel lines, right-of-way boundaries, mining claim boundaries or boundaries of Environmental Assessments (EA) action under the National Environmental Policy Act (NEPA). No liability is assumed by Storey County as to the sufficiency or accuracy of the data.





\*Figure 9: Magnified "Area C" and "Area D" for Utilities and Road Improvements

expediency and success, the Permit Holder employed to remedy the violation. The Permit Holder shall furnish to the Planning Department documents, reports, notices, and other correspondence within 30 days of receipt.

#### 1.4 Non-compliance and Show-Cause

Storey County may refer this SUP to the Board of County Commissioners for show-cause hearing for revocation based on reasons listed in this section. The procedures for show-cause will be pursuant to Storey County Code (SCC) 17.03 (Administrative Provisions). The continuation of uses of a revoked SUP is a violation of SCC Title 17 (Zoning) and will be punishable as provided for therein or other applicable codes. The SUP may be referred to show-cause for the following reasons:

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

\*Note: The data contained herein does not represent survey delineation and should not be construed as replacement for the authoritative source, plat maps, deeds, re-surveys, etc. The SUP boundaries shown area approximate and generally follow underlying parcel lines, right-of-way boundaries, mining claim boundaries or boundaries of Environmental Assessments (EA) action under the National Environmental Policy Act (NEPA). No liability is assumed by Storey County as to the sufficiency or accuracy of the data.



### **1.5 Transfer of Rights**

This SUP will inure to the record owner(s) of the subject property and to the Permit Holder (Comstock Mining, LLC) and will run with the land. Any and all transfers of this SUP to other persons, agencies, corporations, or entities must be advised in-person or in-writing by Certified Mail to the Planning Department at least 90 days prior to assignee taking over the project. The notice must contain the name(s), phone number(s), mailing address, and other contact information for the assignee. The new owners/managers must sign and accept all conditions and requirements of this SUP and submit documentation of their acceptance to the Building and Planning Departments at least 90 days prior to the transfer.

### **1.6 Indemnification and Insurance**

The Permit Holder warrants that the future use of land will conform to federal, state, and county regulations; further, the Permit Holder warrants that continued and future use of the land shall so conform. The Permit Holder and property owner(s) agree to hold Storey County, its officers, and representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this SUP. The Permit Holder must maintain \$5,000,000 of liability insurance coverage and umbrella liability insurance coverage. The umbrella policy shall provide coverage for environmental events and disasters associated with the uses under this SUP. The Permit Holder shall submit valid documentation of the required coverage each year, or when changes are made to either policy.

### **1.7 Surface Estate Protection**

Uses allowed under this SUP shall only occur on properties owned, leased, or otherwise legally controlled by the Permit Holder. At no time may surface disturbances, e.g., grading, equipment staging, and surface subsidence from underground activity, take place on surface property not owned, leased, or otherwise legally controlled by the Permit Holder. An exception to this limitation may be made upon the expressed written permission of the affected property owner(s) as allowed by this SUP and applicable federal, state, and county regulations. The written permission shall be submitted to the Building and Planning Departments at least 15 days prior to commencement of the subject operation

### **1.8 Sales Tax Reporting**

All material and equipment purchased for the project must as possible be received in Storey County and the value reported as "County-of-Delivery" on the Nevada Department of Taxation Form TPI-02.01 "Combined Sales and Use Tax Return". The Permit Holder must also report the value for all materials and equipment (personal and rented) "used" on this project as "Use Tax" on TPI-02.01 or TPI-02.02.

## **II. Operating Plan**

### **2.1 Operating Plan Requirements**

The Permit Holder must submit a copy of its operating plan, and major modifications to its plan, to the Storey County Fire Protection District (Fire District), and the Building, Emergency Management, and Planning Departments for review and approval. The plan must be submitted by the Permit Holder prior to commencement of operations under this SUP; updates to the plan must be submitted thereafter when a minor or major modification is made to the plan. In addition to the minimum requirements of the applicable state and federal agency, the operating plan submitted to the county shall include all elements contained in this section and otherwise in the requirements of this SUP. The elements required in this SUP are not exhaustive; the Fire District, Planning Department, or other county department, may



impose additional requirements that are necessary to meet the requirements of this SUP and applicable Federal, State, and County regulations. The operating plan shall also be subject to the SUP compliance requirements in section 2.2. At a minimum, the plan shall include:

- Basic company, owner, site, and emergency contact information;
- Detailed plot plan of the subject property and the uses therein, including phasing;
- All elements and supporting documentation included in a Plan of Operation required by the Nevada Division of Environmental Protection (NDEP) or the Bureau of Land Management (BLM), as applicable;
- Site evacuation and emergency procedure and emergency contact procedures, including for the NDEP, Dispatch 9-1-1, and Storey County emergency services direct connect (775.847.0950); hazardous materials management plan; wildland fire prevention and suppression; “Hot work” permitting; on-site water storage for wildland fire prevention and suppression; blasting and explosives management; access, circulation, and staging, including for emergency and non-emergency vehicles; documenting and reporting of emergency situations; post-disaster management, cleanup, and material disposal; and post-disaster damage reporting for treatment of historic structures and properties;
- Comprehensive post-operation reclamation plan as required by the NDEP or BLM, and the more stringent requirement in this SUP for concurrent and more thorough post-operations reclamation. The plan shall also include calculations for determining the amount of reclamation surety bonding applicable to the requirements of the NDEP, BLM, and this SUP (see Conditions 3.3 - 3.6).
- Comprehensive plan by which the Permit Holder will protect the Silver City water utility from accidental damage caused by surface and underground activity, and from ground vibrations or other movement caused thereby. The plan shall also include a detailed description of how accidental damage to the line, or events causing disruption to service as a result of activity associated with the SUP, will be treated and remedied immediately (see Condition 7.4).
- Process for documentation and reporting to the county environmental permits, notices, approvals, abatement mandates, and other related actions of the NDEP, BLM, and other applicable federal and state agencies; and
- Management of air, water, stormwater, noxious weeds, wildland fire fuels management, BMPs, and other environmental elements.

## **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” (*Figure 8: Proposed Boundaries and Uses of SUP Number 2000-222-A-5 Exhibit A*), the Board of Storey County Commissioners (the 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.

### **III. Phasing and Reclamation**

#### **3.1 Limited Use – Mining, Mine Definition, and Exploration**

In addition to the requirements for mine phasing and post-operations reclamation administered by the NDEP or BLM, as applicable, the Permit Holder shall include in the operating plan elements contained in this section. The Permit Holder shall comply with all elements of the plan. The following thresholds shall be the standard by which the Permit Holder may conduct operations. It shall be understood that the following area thresholds are to be a “rolling” maximum acreage of disturbance at any given time.

- Active mining (120 acres). Cumulative surface disturbances associated with all mining, including surface and underground mining, on the subject property is limited to 120 acres. Roads and ancillary uses are not counted against the total allowable area. Tunnels, adits, shafts, vents, drifts, and other



underground workings shall only comply with the minimum requirements of SCC 17.92 and applicable federal and state regulations, and will not count toward the total allowable area in this condition. Waste storage and tailings, except for that which is being processed in accordance with the provisions of this SUP, are counted against total allowed surface disturbance area.

- **Mine definition (20 acres).** Mine definition is a focused assessment of mineral deposits and other geological conditions, including their location, extent, depth, and grade, for the purposes of determining subsequent phasing of the active mine. Drilling and other activities related to mine definition may occur within 300' of the active surface mine. The cumulative allowed surface disturbance caused by mine definition will not exceed 20 acres. Drill holes, drill pads, trenches, test pits, fluid detention areas, and other surface disturbances, but not access roads to drill sites, are counted against the total allowed surface disturbance area. The reclamation schedule and surety bonding for definition drilling shall be combined with and treated similarly to that for active mining. Access roads will be treated as ancillary uses.
- **Exploration (20 acres).** Exploration is a focused assessment of mineral deposits and other geological conditions, including their location, extent, depth, and grade, for the purposes of broad-based assessment of targeted areas throughout the entire subject property. Exploration may occur anywhere within the subject property. The cumulative allowed surface disturbance for all exploration may not exceed 20 acres. Drill holes, drill pads, fluid detention basins, but not access roads to drill sites, are counted against the total allowed surface disturbance area. Trenching, test pit, and other similar methods of exploration will be prohibited except within the active mine. Access roads will be treated as ancillary uses.
- **Active reclamation (50 acres).** Explained above in this section, active surface mining is limited to 120 acres. However, as part of allowed mine phasing, the active mine may proceed on up to 50 additional acres when a commensurate amount land previously mined on the subject property and in association with this SUP is reclaimed. Land within this 50 acre threshold must be re-graded, contoured, and backfilled to a point reasonably consistent with surrounding undisturbed or fully reclaimed topography and surface conditions, but must not yet be treated with soil amendments, or be re-vegetated or re-seeded. Surface treatment must provide for effective natural drainage systems and erosion prevention, noxious weed abatement.
- **Fully reclaimed.** Fully reclaimed land includes land that has been re-graded, contoured, and backfilled to a point reasonably consistent with surrounding undisturbed or fully reclaimed topography and surface conditions; to which the surface has been treated with soil amendments and growth media (topsoil); and to which seeding and successful re-vegetation has occurred in conformance with the seeding and re-vegetation standards set forth by the NDEP or BLM (even if such reclamation is not required by either agency).

### **3.2 Limited Use – Processing**

Processing includes, but is not limited to, crushing, conveyance and agglomeration systems; heap leach pads, including the use of sodium-cyanide; Merrill-Crowe facility and further milling and beneficiation facilities; ponds containing sodium-cyanide and other liquid substances; storm water detention, conveyance, and management systems; fire suppression water containment and systems; and road, access, staging, buildings, and other uses. The operating plan must contain the minimum elements required by the NDEP and BLM for the uses on the subject property. In addition to those requirements, the Permit Holder shall include in the operating plan the elements contained in this section that are more stringent than the federal, state, and county regulations. The Permit Holder shall comply with the plan.

- **Subject area.** Processing may only occur in “Area B” illustrated in *Figure 8: SUP Number 2000-*



222-A-5 Proposed Uses and Figure 9: Magnified "Area C" and "Area D" for Utilities and Road Improvements **Exhibit A and B**. Processing cannot occur in "Area A", "Area C" or "Area D".

- Hours and days. Processing may occur over 24-hours per day and 365 days per week.
- Subject processing. The processing facility will be limited to receiving and processing ore originating from: the subject property; other mine holdings of the Permit Holder located in Lyon County; and from any mine located in Storey County that is owned by the Permit Holder or another person or firm.
- Distances. No storage, processing, or use involving cyanide may occur within 1,000' of an occupied dwelling unit existing at the time of this SUP approval. Dwellings that are owned by the Permit Holder and occupied at the time of this SUP approval are exempt from this provision once the dwelling becomes vacated. Once vacated, the use may not become occupied by a permanent resident until said minimum 1,000' distance is reestablished.

### 3.3 Reclamation – Mining, Mine Definition, and Exploration

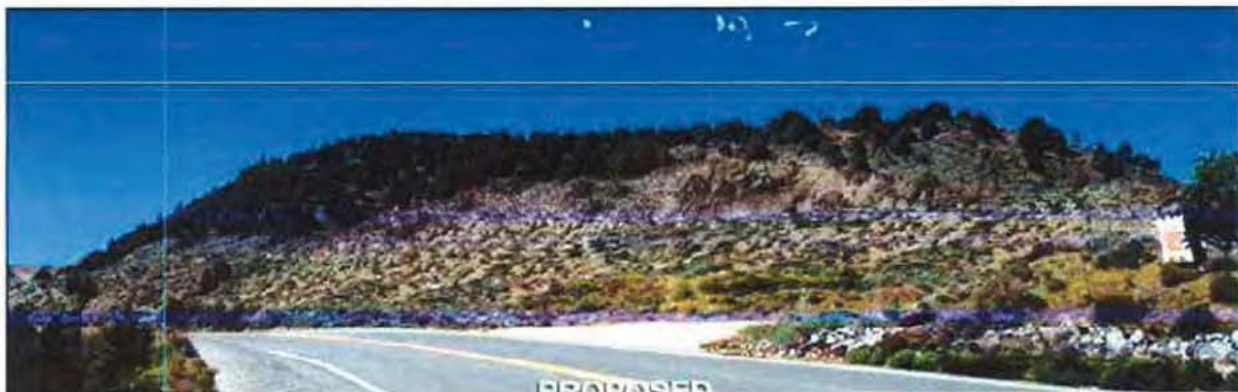
This section applies to post-operation reclamation of the mine, and mine definition and exploration sites. The operating plan must contain the minimum elements required by the NDEP and BLM for the uses on the subject property. In addition to those minimum requirements, the plan must include the elements contained in this section for concurrent post-operation reclamation. The Permit Holder shall comply with the plan.

- Reclamation standards. The Permit Holder shall comply with the minimum post-operation reclamation requirements administered by the NDEP and BLM. This section, however, recognizes that the state and federal regulations may not require concurrent reclamation and may preclude complete post-operation reclamation of certain portions of the subject property. The Permit Holder shall identify areas in the required NDEP or BLM reclamation plan where reclamation requirements are less stringent than the standards required by this SUP. The Permit Holder shall include in its reclamation plan detailed analyses and descriptions of subject conditions and elements that will be employed by the Permit Holder meet the more stringent requirements in this SUP.
- Reclamation schedule. The plan must include a reclamation schedule showing mine phasing and concurrent reclamation including, but not limited to, the elements in Condition 3.1; time of closure/decommissioning; and the applicable required elements in this SUP.
- Visual rendition. The plan must contain photographic or computer simulated visuals showing pre-mining surface conditions and estimated conditions throughout mine phasing and at post-closure. The visual renditions included in the SUP application showing surface conditions existing at the time of approval of this SUP and proposed post-operation reclamation conditions are enclosed herewith in *Figure 10: Post-Operation Reclamation at Billy the Kid, Lucerne, Hartford and Justice Mining Areas* **Exhibit C**. The image quality and the post-operations conditions they illustrate shall represent the minimum standard for post-operations reclamation and reclamation visual modeling. The model must be updated concurrently with mine phasing and at each time a minor or major modification to the operating plan or reclamation plan results in a substantial divergence from the submitted visual model. The Planning Department may determine viewpoint locations and impose other requirements for the visual models.
- Grading and contouring. The reclamation plan must show that all surface disturbances will be graded and contoured to a condition which is safe, stable, and reasonably flush and consistent with the surrounding undisturbed or fully reclaimed topography and surface environment. The plan must also include measures by which open-pits, benches, and other lateral surfaces of the mine will be treated in order to reasonably mitigate visual and other impacts. Mitigation must include as practicable, partial backfilling, sloping, grading, and other surface treatments that mitigate visual





*Figure 10: Post-Operation Reclamation at Billy the Kid, Lucerne, Hartford and Justice Mining Areas - Southern Keystone Mine Area*

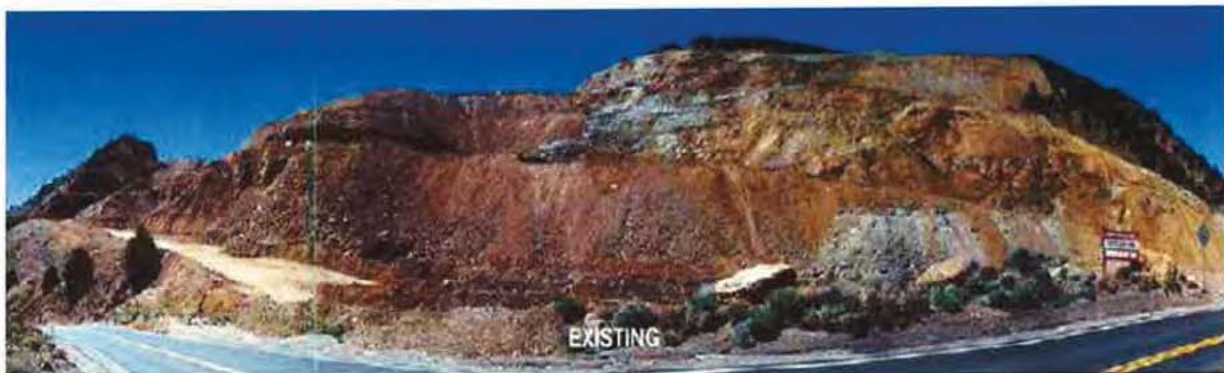


*Figure 10: Post-Operation Reclamation at Billy the Kid, Lucerne, Hartford and Justice Mining Areas - Justice Mine Area*



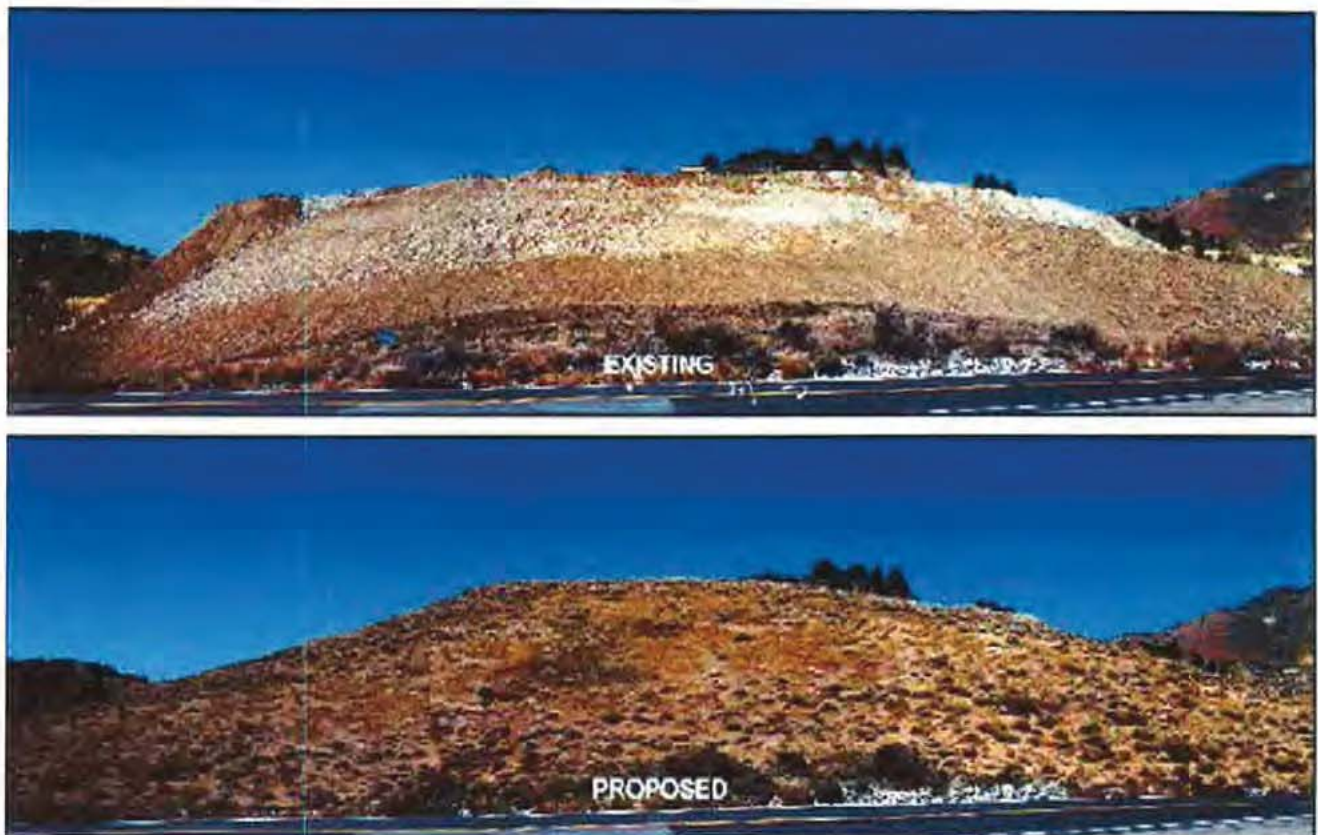


*Figure 10: Post-Operation Reclamation at Billy the Kid, Lucerne, Hartford and Justice Mining Areas - Lucerne, Hartford Mine Areas*



*Figure 10: Post-Operation Reclamation at Billy the Kid, Lucerne, Hartford and Justice Mining Areas - Hartford, Billy the Kid Mine Areas*





*Figure 10: Post-Operation Reclamation at Billy the Kid, Lucerne, Hartford and Justice Mining Areas - Keystone Mine Area*

impacts, create natural appearing topography that does not resemble a “manufactured appearance”, conform to natural and other drainage ways, and facilitate successful re-vegetation and noxious weed abatement.

- Bench face allowance at post operation. This SUP allows up to 30 percent of all bench faces existing at the time of Board approval of this SUP (as amended) to remain permanently after reclamation. This SUP also allows up to 30 percent of all bench faces created east of the State Route 342 alignment, as it exists at the time of this SUP approval, to remain permanently after mine reclamation. This 30 percent allowance will be subject to the Permit Holder demonstrating to the Planning Department substantial valid evidence that full reclamation of these bench faces is impracticable or impossible, including within the constraints of the land and land ownership or control. The allowance is otherwise subject to review and approval by the Planning Department. The Planning Department’s determination may be appealed to the Board of County Commissioners as provided by SCC 17.03 (Administrative Provisions). Bench faces and exposed lateral surfaces existing at the time of this SUP approval are illustrated in enclosed *Figure 10: Post-Operation Reclamation at Billy the Kid, Lucerne, Hartford and Justice Mining Areas Exhibit C*. The image show existing surface conditions at the time of this SUP approval and the conditions that must be reasonably achieved as explained above.

All remaining bench faces and exposed lateral surfaces shall be treated to mitigate visual contrast with the surrounding natural or fully reclaimed environment. Treating exposed side walls with an oxidation accelerator or other durable and environmentally safe manner are acceptable methods of meeting this requirement.



- **Re-vegetation.** The reclamation and re-vegetation plan required by the NDEP or BLM must be incorporated into the operating plan. The Permit Holder shall identify areas in the required NDEP or BLM reclamation plan where re-vegetation requirements are less stringent than the minimum standards required by this SUP (i.e., areas within the subject property to which re-vegetation is not required by the applicable agency). The plan must describe a comprehensive process, including beyond NDEP and BLM requirements as needed, by which successful post-operation re-vegetation will occur. The plan shall conform to the standards for re-vegetation and noxious weed management for post-mining reclamation established by the NDEP or BLM. The plan and process by which it is administered shall also be subject to Fire District requirements and approval. Unless directed otherwise by the Planning Department, seeding, re-seeding, and planting will take place in the autumn season during the months of October or November, but not during times of extreme weather conditions such as snow or sub-freezing conditions.

### **3.4 Reclamation – Processing**

This section applies to post-operation reclamation of processing facilities within the subject property. The operating plan must contain the minimum elements required by the NDEP and BLM, as applicable, for processing-related uses. The Permit Holder shall comply with all elements of the plan. This SUP does not require reclamation of these uses beyond the applicable federal and state regulations administered by the NDEP or BLM.

### **3.5 Reclamation – Ancillary Uses**

This section applies to post-operation reclamation of ancillary use to the mine, mine definition, exploration, and processing. Uses include, but are not limited to, roads and access; equipment and vehicle staging, parking, fueling, and maintenance areas; buildings and structures; topsoil impoundment areas; and drainage and detention systems. Ore stockpiles, waste dumps, and tailings placed in “Area A” (*Figure 8: SUP Number 2000-222-A-5 Proposed Uses and Figure 9: Magnified “Area C” and “Area D” for Utilities and Road Improvements Exhibit A and B*) are considered part of active mining and not ancillary uses. The operating plan must contain the minimum elements required by the NDEP and BLM. The Permit Holder shall comply with all elements of the plan. This SUP does not require reclamation of these uses beyond the applicable Federal and State regulations administered by said agencies.

In conformance with NDEP permits existing at the time of this SUP approval, exploration roads within the subject property will be reclaimed during the project closure period unless the BLM or Storey County request that some or all of these roads remain. The Permit Holder shall work with the agencies to determine which, if any, of the exploration roads should and may remain post-closure (NDEP 0196 Reclamation Permit, 2014, p. 33).

### **3.6 Reclamation Surety**

A surety bond is required to fund post-operation reclamation for the entire subject property. The minimum amount of reclamation surety bond shall be as determined by the NDEP or BLM to be reasonably sufficient to complete all required reclamation. The surety bond required by the federal or state agency overseeing the project will be the only required surety bond for ancillary and processing uses under this SUP. For reclamation of surface disturbances caused by mining, mine definition, and exploration where the federal or state agency requires no reclamation and reclamation surety, or where valid evidence indicates that the requirements of those agencies do not meet the minimum standards for reclamation required by this SUP, the Permit Holder shall submit to the Planning Department valid documentation that it has posted cash or other guaranteed surety bonding for the complete reclamation of subject uses in accordance the reclamation plan submitted pursuant to this SUP. The valid proof of



surety shall be submitted prior to surface disturbances occurring.

The amount of surety necessary to fulfill the requirements of this SUP shall be determined by a qualified licensed engineer or environmental manager at the expense of the Permit Holder. The results, or a portion thereof, determined by the engineer or environmental manager are subject to review by a qualified third-party person chosen by the county. The county's third-party person will only have jurisdiction over portions of the reclamation plan and determination of the amount of needed surety that exceed the minimum standards required by federal and state regulations.

## **IV. Environmental Controls**

### **4.1 Noise Limitation**

At a minimum, noise levels shall conform to the requirements of SCC Chapter 8.04. The Code limits noise at the property line to 84 decibel (octave range 500-1800). The property line is hereby defined as the boundaries of the subject property. When it is determined by Storey County that additional noise abatement is needed, further reasonable requirements including, but not limited to, installation of sound-absorbing structures, earth-fill barriers, and increased separation between machinery and residences, may be imposed on a case-by-case basis.

### **4.2 Separation Requirements**

- Separation from residences. No new surface disturbances including, mining, mine definition, exploration, and ancillary uses in "Area A" (*Figure 8: Proposed Boundaries and Uses of SUP Number 2000-222-A-5 Exhibit A*) may occur, or otherwise be caused to occur by the Permit Holder, within 500' of an occupied dwelling unit existing at the time of this SUP approval, ~~or within the distance illustrated in Exhibit D herein to the dwelling unit existing at 2850 Slippery Gulch Road (APN 002-141-13).~~ The following are exempt from these requirements:
  - Activities occurring within the boundaries of Special Use Permit No. 2000-222-A-3 existing prior to the approval of this SUP.
  - Dwellings that are owned by the Permit Holder;
  - Dwellings for which affidavits were submitted as part of the application for this SUP, and accordingly are located entirely within the boundaries of the subject property;
  - When a the affected property owner(s) in Storey County submit to the Planning Department a signed statement that uses associated with the SUP may occur within the distance limitation. ~~With regard to buffering to the dwelling unit existing at 2850 Slippery Gulch Road (APN 002-141-13), exploration activities may occur within the "Limited Drill Area" illustrated in Exhibit D herein when such activity does not exceed the hours and days limitations listed in the following subsection:~~
- Hours and days limitations. Surface activities located within 1,000' of a C, CR, E, P, or R zone, or any permitted occupied dwelling use in other zones may only occur between 8:00 a.m. to 5:00 p.m. and Mondays through Fridays. No activity may occur on weekends, and national and state holidays. The following are exempt from these requirements:
  - Uses existing at the time of approval of this SUP may occur over 24-hours per day and 365 days per year. Uses include, but are not limited to, mining, mine definition and exploration, processing, and ancillary uses, and may include, for example, the Lucerne, Hartford, and Justice Pits, and the Lucerne Haul Road.
  - Dwellings that are owned by the Permit Holder;
  - Dwellings for which affidavits were submitted as part of the application for this SUP, and, accordingly, are located entirely within the boundaries of the subject property;



- When the affected property owner(s) in Storey County submit to the Planning Department a signed statement that uses associated with the SUP may occur within the distance limitation. The submitted waiver may extend the hours of operation limit for mine definition and exploration up to two days in a 30 day period, provided that the operating times do not occur between 6:00 p.m. and 6:00 a.m., and on Sundays. The waiver shall be non-transferrable and will become null and void immediately upon the affected property owner(s) written request to the Planning Department.

#### **4.3 Ground Water Monitoring and Reporting**

Monitoring wells must be installed as directed by the NDEP to monitor the heap leach process and overall processing facility for possible groundwater contamination. A well permit shall be obtained from the Building Department prior to drilling. Monitoring reports and other findings must be submitted to the Building and Planning Department within 30 days of receipt on a quarterly basis when operations are active during the first year of operations, including for heap leach pad expansions. If no signs of leakage or other groundwater contamination occur, monitoring reports must be submitted thereto within 30 days of receipt bi-annually until closure.

#### **4.4 Air Monitoring and Reporting**

Air emissions, including dust and other airborne materials, shall conform to NDEP air permit standards. Copies of annual reports of environmental quality, necessary to comply with the requirements of the permit(s) issued by the NDEP Bureau of Air Pollution Control, shall be submitted to the Building and Planning Departments within 30 days of receipt. Air monitoring conducted by the Permit Holder shall be inclusive and considerate of potentially impacted residents within 1,000' of active mining areas within the subject property, including from Storey County and Silver City, Lyon County. In the event that there is an air discharge in excess of the standards approved by the NDEP under construction phase or operation phase permit(s), the Permit Holder shall provide the Building and Planning Departments a copy of any notice within 24 hours of Permit Holder's receipt. If the Permit Holder is required by the NDEP to prepare a report on the event, the Permit Holder shall submit a copy of the report to the Building and Planning Departments at the same time it is submitted to the NDEP. There shall be no obnoxious odors released into the air that are a nuisance to surrounding properties.

#### **4.5 Outdoor Lighting (non-exempt)**

SCC Chapter 8.02 ("Dark Skies") limits outdoor lighting that may impact adjacent land uses. Exemptions for "temporary lighting" in the Code (which normally apply to such activities as road construction, and may appear to apply to mining and processing operations) will not apply to uses under this SUP. All uses, buildings, structures will be required to comply with the strictest regulations under the Code (shield lighting) to ensure minimal impacts to neighbors and the surrounding environment.

#### **4.6 Trees**

Trees, shrubs, and other vegetation and ground surfaces must be preserved to the extent feasible. The Permit Holder shall not cause harm or cause to be removed trees of any type with a trunk of six" in diameter within 75' of the center-point of natural waterways shown in *Figure 11: Known Natural Drainages within the Subject Property* ~~Exhibit E~~. The operating plan shall describe measures that will be taken to protect said trees.

#### **4.7 Invasive Species Control**

Integrated management of invasive weed species (noxious weeds) shall be included in the operating plan. The plan shall apply to the entire subject property and shall conform to the applicable state or federal regulations, and the requirements imposed by this SUP and the Fire District. The Permit Holder shall conform to the plan.



#### 4.8 Septic Systems.

The Permit Holder may acquire a permit from the Building Department to install septic system(s) and septic leach-field(s) capable of serving administrative offices and other occupied uses not accessible to a municipal sewerage system. The septic systems shall be removed and reclaimed by the Permit Holder as required by NRS at closure or removal of the buildings.

#### 4.9 Carson River Mercury Superfund Site (“CRMSS”)

By accepting this SUP, the Permit Holder acknowledges that portions of the subject property may be within or applicable to the CRMSS. Properly managing disturbances of existing and former mine and mill sites, mill tailings, mine waste, mine material, and other areas that are found to contain Contaminant of Concern (CoC's) as applicable to the CRMSS will be the sole responsibility of the Permit Holder as communicated thereto by the NDEP Bureau of Corrective Actions. Handling, redistributing or reprocessing CoC impacted materials by the Permit Holder shall be completed in accordance with the NDEP Bureau of Corrective Actions.

## **V. Fire and Emergency**

## 5.1 Site Supervision

Site and staff supervision must comply with Mine Safety and Health Administration (MSHA) requirements. Supervisors must have knowledge of and immediate access to fire suppression devices,

\*Note: The data contained herein does not represent survey delineation and should not be construed as replacement for the authoritative source, plat maps, deeds, re-surveys, etc. The SUP boundaries shown are approximate and generally follow underlying parcel lines, right-of-way boundaries, mining claim boundaries or boundaries of Environmental Assessments (EA) action under the National Environmental Policy Act (NEPA). No liability is assumed by Storey County as to the sufficiency or accuracy of the data.



First-Aid kits, and locked gates. While on the premises, the on-site supervisor(s) must possess a cellular telephone with adequate signal to send and receive signals to and from Storey County emergency services direct-connect 775.847.0950. All staff using cellular phones must be directed by the Permit Holder or his/her designed to dial Storey County emergency services direct-connect 775.847.0950 (in lieu of 9-1-1) in case of emergency. "Emergency 9-1-1" is appropriate from land-line telephones.

## **5.2 Spill Reporting**

Any hydrocarbon or chemical spill of or exceeding 25 gallons or 3 cubic-yards shall be reported immediately to Emergency Dispatch 9-1-1 or Storey County emergency services 775.847.0950. Additionally, the incident must be immediately reported to the NDEP and the local jurisdiction, including the Fire District and the Emergency Management, Building, and Planning Departments. The Permit Holder must comply with NDEP clean-up requirements and provide the Fire District and said county departments a copy of NDEP completion of remediation immediately. All hazardous materials incident clean-up and response costs will be borne by the Permit Holder as part of the issuance of this SUP. Incidents exceeding a standard First-Alarm fire will be billed to the Permit Holder. If mutual aid is warranted to suppress an incident, those costs will also be funded by the Permit Holder.

## **5.3 Emergency Specialized Training**

The Permit Holder must provide and/or pay for any special training for the Fire District and Emergency Management Department, when applicable, that is necessary for safe operation and management of emergencies. This includes at a minimum training for water and confined space rescues, rescues involving cyanide, and other events that may occur in association with allowed uses on the property.

# **VI. Transportation**

## **6.1 Means and Modes of Transport**

Ore, overburden, and other excavated material may be transported throughout the subject property by any type of on- and off-highway vehicles, haul trucks, tractors and heavy equipment, railroad, conveyor systems, and other on-site conveyance systems. Sky Lane, Keystone Circle, Slippery Gulch Road, and the power line access road immediately adjacent to Slippery Gulch Road shall not be used for these purposes. State Route 342 shall not be used for these purposes, except under such unusual circumstances, as demonstrated to the Planning Department by the Permit Holder, that it is prohibited from transporting said materials between Area A and Area B within the subject property (see *Figure 8: Proposed Boundaries and Uses of SUP Number 2000-222-A-5 Exhibit A*). In such case, the elements required in Subsections (a) through (c) below shall be presented to the Planning Commission at a public hearing. The Board of Commissioners with recommendation by the Planning Commission shall determine whether the requirements in this section have been satisfied before the Permit Holder may commence use of said roadway for said purposes. The Permit Holder shall demonstrate to the body:

- a. The circumstances prohibiting its transport of ore between Area A and Area B within the subject property; valid evidence of the current state of the conditions prohibiting its use of said land; and that it is exercising a continued good faith effort in remedying the circumstances prohibiting its use of said land.
- b. A written plan submitted to the Planning Department explaining the estimated timeframe that State Route 342 will be used for said purposes; the number of units (trucks) that will be using the road;



days and hours that the road will be used; type of vehicles (including truck and trailer type) that will be used on the road; estimated timeframe for repair and replacement of portions of the road damaged by said use; and methods by which said portions of the road will be repaired or replaced.

c. Planning, communications, and other correspondence between it and the Nevada Department of Transportation (NDOT) and Storey County Planning and Public Works Departments with regard to the subsections herein.

d. Notwithstanding the foregoing in this section, and for the purpose of clarity, nothing herein in this section or in this SUP eliminates alternatives contemplated in a draft or final Environmental Assessment (EA) by the Bureau of Land Management (BLM) regarding the Permit Holder's application for right-of-way amendment.

The use of State Route 342 pursuant to this section shall be limited to Mondays through Fridays, excluding national and state holidays, between the hours of 7:00 a.m. and 7:00 p.m. The use of State Route 342 otherwise will be subject to the requirements of the NDOT. The Permit Holder shall be responsible to repair damages to any state, county, or private road, utility, or other infrastructure caused by activities associated with the uses under this SUP. The repairs must be completed to the satisfaction of Storey County and the NDOT, as applicable. The county reserves the right to restrict or prohibit the use of trucks and heavy equipment on county-owned right-of-ways.

## **6.2 State Route 342 Alignment and Re-alignment**

This SUP provides the Permit Holder flexibility in planning and executing viable alternatives by which eastward mine expansion may occur in relation to adjacent State Route 342. The amended SUP allows for re-alignment of State Route 342 in a manner which is determined by Storey County and NDOT, as applicable, to be practical, safe, and reasonably efficient. However, Storey County hereby expresses its position that State Route 342 serves practical purposes for inter-local transportation; provides for vital life-safety access, including for EMS, fire, and law enforcement services; and contributes substantially to the local tourism economies of Gold Hill, Virginia City, and Silver City.

The Permit Holder may re-align State Route 342 in order to facilitate uses under this SUP. Potential acceptable alternatives include, but are not limited to: (a) developing a bridge over or under the highway through which mining and non-mining (civilian) traffic may occur simultaneously; (b) realigning the highway west of its existing alignment in concurrence with reclamation of the adjacent Lucerne and Justice pits; and (c) realigning the highway to the immediate east of the newly proposed mine expansion area. Except under temporary circumstances (up to 30 days in a 12 month period) when an access plan is approved by the Fire District and Sheriff's Office, closing the road is considered unreasonable and irresponsible and shall not be allowed.

For purposes of conforming to findings in SCC 17.92 and provisions in the Storey County Master Plan for protecting the historical character and authenticity of the area for tourists and residents, State Route 342, as existing or modified, shall maintain its north and south traffic flows through Gold Canyon and in its current approximate alignment through Devil's Gate.

## **6.3 Signage**

Legible signage shall be placed at appropriate entry points of the premises near State Route 342, the principal administrative office(s), and the processing site. Signage must state the name of company/organization, street address (or descriptive location), contact phone number(s), and other information required by the Fire District. Appropriate signage must be installed on and around the premises stating rules for entry and circulation (e.g., no trespassing, travel permitted only on designated pathways, etc.).

Directional signs must be placed at intersections of public ways and mine haul roads, and other places along public ways to appropriately direct the public, residents, and other users in the area.

#### **6.4 Roadway Approaches and Egress**

Egress points abutting State Route 342 must comply with the requirements of NDOT. Approaches to paved county right-of-ways must be sufficient to prevent mud and debris tracking from the site onto the public roadway. Any mud or debris tracked onto the county road must be removed by the Permit Holder immediately as allowable by the NDEP. Mud, sand, and debris must not be allowed to adversely impact existing drainage systems.

- Access Routes. Haul roads and secondary roads shall be developed to the satisfaction of the Fire District. As required thereby, established routes shall remain the primary travel ways for all emergency/fire vehicles, equipment, and personnel. The Permit Holder may develop and/or utilize other secondary travel routes for non-emergency use with approval of the Fire District. The primary emergency access routes shall be kept clear of rocks and other obstacles to emergency vehicles. In order to increase route visibility and reduce confusion for emergency personnel, roadside directional markers shall be installed as required by the Fire District.

### **VII. General Uses**

#### **7.1 Safety and Security**

- Security. Appropriate security, including that required by federal and state agencies, shall be maintained to prevent unauthorized access to potentially hazardous conditions. Storage, maintenance of hazardous materials, protective devices (e.g., fencing, gates, etc.), and site monitoring (e.g., on-site security, alarm systems, etc.) shall comply with Fire District, Sheriff's Office, and applicable state and federal agency requirements. Open bodies containing cyanide and other hazardous substances shall be treated appropriately to prevent wildlife access and safety hazards.
- Signage. Warning signs indicating all potentially hazardous conditions shall be installed at each port of entry and around drill pads, sumps and other potentially hazardous conditions. Cautionary signs shall be positioned peripheral to area of acidity to inform individuals entering the area to be safety conscious and aware of potentially hazardous conditions. Appropriate signage indicating crossing truck traffic (i.e., "Truck Crossing") shall be installed on the southbound and northbound lanes of State Route 342 by and at the expense of the Permit Holder and to the satisfaction of Storey County Public Works and/or NDOT, whichever is applicable.

#### **7.2 Watchman's Dwelling**

The Permit Holder is authorized to place on the subject property a recreational vehicle (RV) type trailer or manufactured building to serve as temporary living quarters for on-site security. A temporary (one-year) permit from the Building Department must be obtained for this watchman's quarters and the Permit Holder shall submit an application to the Building Department each year thereafter for the use to remain. The Permit Holder shall provide with the application written permission from the Comstock Historic District. The use shall be removed from the premises within 30 days of closure of the operation or when operations under this SUP cease to operate for a period of 24 months or longer.

#### **7.3 Silver City Water Line Protection**

As stated earlier in these conditions, the Permit Holder shall develop a comprehensive plan by which it will protect the Silver City water main from accidental damage and service disruption caused by surface and underground activity. The plan shall also include a detailed description of how accidental damage



to the line, or events causing disruption to service as a result of activity associated with the SUP, will be treated and remedied immediately and without disruption to service provided to Silver City. At a minimum:

- The plan shall include Geographic Information Systems (GIS) aerial imagery illustrating the estimated alignment of the water line within the subject property; type(s) and dimensions of the existing piping, fittings, valve types, etc., in order to plan for unanticipated immediate response situations; existing roads and other surface disturbances; and surrounding topography.
- The plan shall include GIS aerial imagery showing the location of existing and proposed roads, drill pads, pits, and other surface disturbances within 500' of the water line.
- The plan shall provide a detailed explanation of the methods by which the water line will be protected from light and heavy vehicle and equipment uses within 500' thereof. The plan shall address protecting the water line at all vehicle crossing points; monitoring vibration; and protecting the water line from vibration caused by uses within 500' thereof, and from blasting within 1,000' thereof.
- The plan shall explain procedures by which the Permit Holder will immediately notify the Planning and Public Works Departments, the County Manager's Office, and the Storey County and Central Lyon County Fire Protection Districts of damage to the water line, or disruption to service.
- The plan shall explain methods, procedures, estimated timeframe, and other processes by which damage to the water line caused by the Permit Holder will be repaired immediately after such damage and to the satisfaction of the Public Works Director.
- The plan shall indicate the Silver City municipal water tank storage capacity; estimated customer usage (in gallons) during the months of January and July; estimated timeframe of capacity based on storage capacity and usage; and the alternative source of safe drinking water and specific methods by which it will be supplied to the Silver City municipal water system if the duration of service disruption exceeds system storage capacity. The plan shall describe the source of and methods by which sufficient water flows will be provided to Silver City during a structure fire event that occurs during the service disruption.
- The plan shall explain the circumstances that will necessitate all or portions of the water line located within the subject property to be replaced by the Permit Holder prior to damage, and what agreements may be made between the Storey County Water System (Public Works Director) and the Permit Holder for the methods, procedures, and cost of its replacement.
- The plan shall be updated concurrently with active mining and the updated plan shall be submitted to the Storey County Public Works Department and Central Lyon County Fire Protection District for approval, and the Storey County Planning Department and Storey County Fire Protection District for filing.

The Permit Holder shall demonstrate active engagement with the Storey County Public Works Director and the Central Lyon County Fire Protection District Chief in developing the plan. The plan must be approved by the Storey County Public Works Director and the Central Lyon County Fire Protection District Chief, and submitted to the Storey County Planning and Public Works Departments and Storey County Fire Protection District for filing before mining, mine definition, exploration, and other such activities may occur on land east of State Route 342 in its current alignment, or within one year of approval of the SUP, whichever is sooner. Before commencing operations east of the road, the Public Works Director with concurrence by the County Manager may require the Permit Holder at its expense to replace all or a portion of the water line that runs through the subject property that are believed by the Storey County Public Works Director to be susceptible to damage caused by activities associated with the SUP in the area adjacent to the water line.



The Permit Holder will be fully responsible for financial costs associated with required repairs or replacement of the water line. All repairs and replacement shall be to the satisfaction of the Public Works Director.

#### **7.4 Survey Monument Protection**

No survey monument may be moved or disturbed (as prohibited by federal or state law). To the extent practicable, all monument witness corners, reference monuments, bearing trees and line trees shall be protected against undue destruction, obliteration, or damage. If in the course of operations any survey monument is destroyed, obliterated, or damaged, the Permit Holder shall immediately report the matter to the Planning Department and the Bureau of Land Management. The notice shall describe the monument and its geo-coordinates before disturbance, how it was disturbed and to what extent, and the plan for immediate corrective action. The Permit Holder shall be financially responsible for the immediate and appropriate corrective action.

### **VIII. Cultural Resources**

#### **8.1 Protection of Devil's Gate**

Uses under this SUP shall not cause impacts to the Devil's Gate rock outcropping/historic landmark. Storey County through this SUP and in conformance with the findings of fact in SCC 17.92 expresses to Lyon County its strong opposition to any allowance of surface disturbances to the landmark, except for realignment or improvements to State Route 342, to portions of the landmark that are located within Lyon County.

The Permit Holder shall cause no surface disturbance within 500' of the outer edge of the Devil's Gate outcropping in Storey County. Surface disturbances within 1,000' of the outer edge of the rock outcropping which are caused by mining and mine definition shall be fully reclaimed within 1 year of disturbance. Those disturbances caused by exploration shall be reclaimed as required otherwise for exploration outside of the active mine. Realignment and improvements to State Route 342 are exempt from these limitations, except that such may not cause adverse impacts to the surface of the outcropping.

#### **8.2 Historical Structures Protection**

Uses under this SUP shall not cause any historical structure to be disturbed, altered, moved, or demolished without a plan submitted to the Planning Department to return the structure fully in-tact to its approximate original location following activities that cause the structure to be moved. The plan and association action will be subject to Comstock Historic District approval. Historical structures shall include occupied and unoccupied buildings, outbuildings, mine head-frames, and foundations which are 50 years of age or older.

#### **8.3 Cemetery Protection**

The uses under this SUP shall not cause any cemetery or structures therein, including but not limited to headstones, monuments, fences, enclosures, etc., to be disturbed, altered, moved, or destroyed. At a minimum, state laws protecting cemeteries shall not be violated. The terms of this condition shall be fulfilled by compliance with the following limitations.

- Limitations and mitigation. Activities and disturbances shall not take place within 300' of a cemetery boundary as defined by NRS 452.0075 and as determined by the Comstock Cemetery Foundation (CCF). These limitations shall not apply to general vehicular and heavy equipment traffic taking place on the established county roads and right-of-ways, including American Flat Road, or the improvement or widening of American Flat Road as allowed by the Bureau of Land Management

(BLM) pursuant to its Environmental Assessment (EA) under NEPA. These limitations also shall not apply to mineral exploration activities approved by the CCF within the established cemetery buffer area, but not within any cemetery boundary or public right-of-way. Written approval by the CCF shall be submitted to Planning Department prior to commencement of activities within the scope of these regulations.

- Cooperation. Activities and disturbances may be permitted between 300' and 500' surrounding each cemetery boundary as described above when the Permit Holder initiates and maintains continuous communication and collaboration with the CCF in protecting said cemetery resources. A surface vibration monitoring program shall be developed and implemented as determined by the CCF. The program will monitor surface vibrations at selected sites to assess potential vibrations from drilling and excavating operations, heavy machinery, and vehicles. The monitoring program, upon approval of the CCF, will be at oversight of the CCF and at the expense of the Permit Holder, unless agreed otherwise between the parties.

#### **8.4 Cultural Resources Discovery**

Should any prehistoric or historic remains/artifacts be discovered during development or excavation, work shall temporarily be halted at the specific site and the Building and Planning Departments shall be notified in order to evaluate the site and, if deemed necessary, to record and photograph the site in question. The period of temporary delay shall be limited to a minimum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and protect historical remains or artifacts.

#### **8.5 Historic Area Preservation**

The Permit Holder agrees to contribute at least one percent of annual Net-Smelter-Return (the gross payment on the sale of Dore less the cost of refining and related shipping) toward historic preservation and/or restoration projects within Virginia City, Gold Hill, American Flat, and/or Silver City. This condition shall apply only when the mine associated with this SUP is in active status. A Memorandum of Understanding (MOU) shall be developed between the Permit Holder and Storey County, as approved by the District Attorney's Office, for this purpose. (Note: The Permit Holder has in the past contributed financial and other resources to, and has otherwise been actively engaged in, historical preservation and restoration projects and efforts throughout the Comstock over the past several years, including in Virginia City, Gold Hill, Silver City (Lyon County), and American Flat. Accordingly, the Permit Holder collaborated with Storey County in developing and accepting this SUP condition. This SUP condition requiring partial Net-Smelter Revenues contribution is intended to be inclusive of, and not add to, the "1 percent royalties" pledged in the past by the Permit Holder for this purpose).

#### **8.6 Visitor/Tourism Element**

In conformance with the Storey County Master Plan, the Permit Holder is required to develop a pedestrian-oriented area near State Route 342 at a safe and appropriate location between the Devil's Gate outcropping and American Flat Road, Gold Hill, at which motorists may park and exit their vehicles and view information about the history and purpose of past and current mining activity in the area and associated with this SUP. As required in proceeding SUP No. 2011-016 (closed in 2014), the Permit Holder developed a visitors' center that fully conforms to the requirements in the SUP as well as the supporting county master plan. The Permit Holder is hereby required to maintain that visitors' center, or, develop another such informational center that conforms to this SUP and is constructed to the satisfaction of the Planning and Public Works Departments, Comstock Historic District, and, if applicable, NDOT.

## 9. POWER OF THE BOARD & PLANNING COMMISSION

At the conclusion of the hearing, the Planning Commission must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Special Use Permit amendment is advisory only to the Board and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

## 10. DECEMBER 18, 2014: PLANNING COMMISSION MEETING

On the December 18, 2014, in accordance with the recommendation by Staff, the Findings under Subsection 7.1 of the Staff Report and in compliance with all Conditions of Approval, the Planning Commission voted unanimously to recommend approval with conditions for Special Use Permit Amendment Number 2000-222-A-5.

## 11. 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 7.1 and the recommendation of the Planning Commission. Those Findings should be made part of that motion. Motion 2 for approval, as an alternative, may be made in accordance with Findings under Subsection 7.1, but against the recommendation by the Planning Commission and Staff. 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 7.2. Other Findings determined appropriate by the Board should be made part of either motion.

### Motion 1 – Recommended Motion

Based on Findings shown in Subsection 7.1 and the Conditions of Approval shown in Section 8 of the Staff Report, in compliance with Federal, State, and County regulations, and the recommendation for approval by the Planning Commission and Staff, I [Commissioner] motion to approve SUP Amendment Application Number 2000-222-A-5, amending and replacing SUP Number 2000-222-A-4 to modify and expand the existing SUP boundary. The amendment applies to modifying boundaries related to surface and underground mining (mining), mine definition, exploration, milling, beneficiation (processing) and ancillary uses on the subject lands in American Flat and Gold Hill.

*Summary: Approve SUP amendment.*

### Motion 2 – Alternative Motion

Based on Findings shown in Subsection 7.1 and Conditions of Approval shown in Section 8 of the Staff Report, in compliance with Federal, State, and County regulations, but not in conformance with the recommendation by the Planning Commission and Staff, I [Commissioner] motion to approve SUP Amendment Application Number 2000-222-A-5, amending and replacing SUP Number 2000-222-A-4 to modify and expand the existing SUP boundary. The amendment applies to modifying boundaries related to surface and underground mining (mining), mine definition, exploration, milling, beneficiation (processing) and ancillary uses on the subject lands in American Flat and Gold Hill. As part of this motion, I move that



the proposed subject property boundary line is modified from the proposal in the SUP amendment application and the Staff Report so that it:

\_\_\_\_\_(describe your motion)\_\_\_\_\_.

***Summary: Approve SUP amendment with (x) modifications to the proposed SUP boundary.***

### **Motion 3 – Alternative Motion**

Based on Findings shown in Subsection 7.2 and Conditions of Approval shown in Section 8 of this report, and against the recommendation for approval by the Planning Commission and Staff, I [Commissioner] motion to deny SUP Application Number 2000-222-A-5, amending and replacing SUP Number 2000-222-A-4 to modify and expand the existing SUP boundary. The amendment applies to modifying boundaries related to surface and underground mining (mining), mine definition, exploration, milling, beneficiation (processing) and ancillary uses on the subject lands in American Flat and Gold Hill. The motion to deny SUP Number 2000-222-A-5 will apply only to proposed amendment in SUP Application Number 2000-222-A-5 and will have no impact and will cause no change to entitlements, regulations, and uses which may occur pursuant to SUP Number 2000-222-A-4.

***Summary: Deny SUP amendment.***

Prepared by: Dessie Redmond  
Storey County Planner

## **APPENDIX 1: STAFF REPORT FOR SPECIAL USE PERMIT 2000-222-A-4**

This Appendix is available for review in the Storey County Planning Office - 26 B Street, Virginia City, Nevada 89440, online on the County's website or click: < <http://www.storeycounty.org/planning/> >. 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).

## **APPENDIX 2: APPROVAL LETTER FOR SUP AMENDMENT NUMBER 2000-222-A-4**





## STOREY COUNTY PLANNING DEPARTMENT

Storey County Courthouse  
26 So "B" Street, PO Box 176, Virginia City, NV 89440  
Phone (775) 847-1144 – Fax (775) 847-0949  
[planning@storeycounty.org](mailto:planning@storeycounty.org)

October 13, 2014

Comstock Mining, LLC  
PO Box 1118  
Virginia City, NV 89440

**Re: 2000-222-A-4 Comstock Mining, LLC Special Use Permit Amendment**

To Comstock Mining, LLC:

On September 2, 2014, the Board of Storey County Commissioners approved with conditions Special Use Permit (SUP) No. 2000-222-A-4, which is a major modification of former SUP No. 2000-222-A-3 and SUP No. 2011-016. SUP No. 2000-222-A-4 applies to mining, mine definition and exploration, processing, and ancillary uses on the land subject to the SUP amendment request in American Flat and Gold Hill, as illustrated in Project Area Map enclosed herewith, and located approximately in Township 16 North, Range 20 East, Sections 1 and 12; and Township 16 North, Range 21 East, Sections 4, 5, 6, 7, 8, and 9, all in the Mount Diablo Baseline and Meridian (MDB&M).

Pursuant to the Commissioners' approval, all of the following conditions must be met to the satisfaction of each applicable county department, unless otherwise stated.

### **CONDITIONS OF APPROVAL**

#### **I. GENERAL PROVISIONS**

##### **1.1 Purpose and scope**

Special Use Permit (SUP) No. 2000-222-A-4 amends and replaces SUP No. 2000-222-A-3. It also replaces SUP No. 2011-016 (for exploration) which shall be deemed closed upon approval of the SUP subject hereto. This SUP is for the purpose of surface and underground mining (mining); processing, milling, and beneficiation (processing); mine definition; exploration; and uses which are ancillary to those uses. The boundaries of the land subject to this SUP (subject property) and the categorical uses allowed therein are illustrated in Exhibit A and B enclosed herewith as follows:

- "Area A" may only be used for mining, mine definition, exploration, and related uses;
- "Area B" may only be used for processing and related uses;

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- “Area C” may only be used for water and power utility systems, and other related infrastructure;
- “Area D” may only be used for road improvement, including separation between the Lucerne Haul Road and American Flat Road public access/right-of-way as illustrated in enclosed Exhibit B; and
- Uses ancillary to the principal uses may occur anywhere within the subject property.

The uses to which this SUP applies shall conform to the conditions herein, and federal, state, and county regulations. This SUP does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private property rights, or any infringement of state or local laws or regulations.

### **1.2 Expiration**

This SUP is effective for a period of 10 years commencing on the date of its approval and expiring on said date in the year 2024. The SUP permit holder (Permit Holder) may submit an application to renew the SUP. The application for renewal must be submitted to the Planning Department no less than 30 days before the expiration of this SUP. The application shall be treated as a new SUP application and its approval or denial will be determined by the Board of County Commissioners with recommendation by the Planning Commission. The approved SUP may contain additional conditions or modified conditions from those in the preceding SUP.

### **1.3 Annual compliance review**

At a regularly scheduled public hearing between the months of March and July of each year beginning in the year of 2015, the Permit Holder shall provide to the Planning Commission a public presentation report featuring the following elements of the active project:

- The extent to which it has or has not complied with the conditions of the SUP and applicable federal, state, and county regulations.
- The status of plans and actions related to the primary Silver City water line, including plan updates and modifications, current use encroachments thereupon, repairs and replacement of all or portions thereof, and interruptions to service provided thereby as a result of the foregoing.
- The status of plans and actions related to the use, modification, and impacts to State Route 342 between Devil’s Gate and Petaluma Street (current terminus of American Flat Road at its existing alignment), as related to uses under this SUP.
- A summary report of dust, groundwater, noise, and seismic monitoring data collected pursuant to this SUP and the NDEP requirements throughout the year leading to the public report.

The presentation shall disclose valid evidence of known failure to comply with those requirements. If a violation is found to have occurred, the presentation shall explain what measures, and to what degrees of expediency and success, the Permit Holder employed to remedy the violation. The Permit Holder shall furnish to the Planning Department documents, reports, notices, and other correspondence within 30 days of receipt.

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#### **1.4 Non-compliance and show-cause**

Storey County may refer this SUP to the Board of County Commissioners for show-cause hearing for revocation based on reasons listed in this section. The procedures for show-cause will be pursuant to Storey County Code (SCC) 17.03 (Administrative Provisions). The continuation of uses of a revoked SUP is a violation of SCC Title 17 (Zoning) and will be punishable as provided for therein or other applicable codes. The SUP may be referred to show-cause for the following reasons:

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

#### **1.5 Transfer of rights**

This SUP will inure to the record owner(s) of the subject property and to the Permit Holder (Comstock Mining, LLC) and will run with the land. Any and all transfers of this SUP to other persons, agencies, corporations, or entities must be advised in-person or in-writing by Certified Mail to the Planning Department at least 90 days prior to assignee taking over the project. The notice must contain the name(s), phone number(s), mailing address, and other contact information for the assignee. The new owners/managers must sign and accept all conditions and requirements of this SUP and submit documentation of their acceptance to the Building and Planning Departments at least 90 days prior to the transfer.

#### **1.6 Indemnification and insurance**

The Permit Holder warrants that the future use of land will conform to federal, state, and county regulations; further, the Permit Holder warrants that continued and future use of the land shall so conform. The Permit Holder and property owner(s) agree to hold Storey County, its officers, and representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this SUP. The Permit Holder must maintain \$5,000,000 of liability insurance coverage and umbrella liability insurance coverage. The umbrella policy shall provide coverage for environmental events and disasters associated with the uses under this SUP. The Permit Holder shall submit valid documentation of the required coverage each year, or when changes are made to either policy.

#### **1.7 Surface estate protection**

Uses allowed under this SUP shall only occur on properties owned, leased, or otherwise legally controlled by the Permit Holder. At no time may surface disturbances, e.g., grading, equipment staging, and surface subsidence from underground activity, take place on surface property not owned, leased, or otherwise legally controlled by the Permit Holder. An exception to this limitation may be made upon the expressed written permission of the affected property owner(s) as allowed by this SUP and applicable federal, state, and county regulations. The written permission shall be submitted to the Building and Planning Departments at least 15 days prior to commencement of the subject operation.



### **1.8 Sales tax reporting**

All material and equipment purchased for the project must as possible be received in Storey County and the value reported as "County-of-Delivery" on the Nevada Department of Taxation Form TPI-02.01 "Combined Sales and Use Tax Return". The Permit Holder must also report the value for all materials and equipment (personal and rented) "used" on this project as "Use Tax" on TPI-02.01 or TPI-02.02.

## **II. OPERATING PLAN**

### **2.1 Operating Plan Requirements**

The Permit Holder must submit a copy of its operating plan, and major modifications to its plan, to the Storey County Fire Protection District (Fire District), and the Building, Emergency Management, and Planning Departments for review and approval. The plan must be submitted by the Permit Holder prior to commencement of operations under this SUP; updates to the plan must be submitted thereafter when a minor or major modification is made to the plan. In addition to the minimum requirements of the applicable state and federal agency, the operating plan submitted to the county shall include all elements contained in this section and otherwise in the requirements of this SUP. The elements required in this SUP are not exhaustive; the Fire District, Planning Department, or other county department, may impose additional requirements that are necessary to meet the requirements of this SUP and applicable federal, state, and county regulations. The operating plan shall also be subject to the SUP compliance requirements in section 2.2. At a minimum, the plan shall include:

- Basic company, owner, site, and emergency contact information;
- Detailed plot plan of the subject property and the uses therein, including phasing;
- All elements and supporting documentation included in a Plan of Operation required by the Nevada Division of Environmental Protection (NDEP) or the Bureau of Land Management (BLM), as applicable;
- Site evacuation and emergency procedure and emergency contact procedures, including for the NDEP, Dispatch 9-1-1, and Storey County emergency services direct connect (775.847.0950); hazardous materials management plan; wildland fire prevention and suppression; "Hot work" permitting; on-site water storage for wildland fire prevention and suppression; blasting and explosives management; access, circulation, and staging, including for emergency and non-emergency vehicles; documenting and reporting of emergency situations; post-disaster management, cleanup, and material disposal; and post-disaster damage reporting for treatment of historic structures and properties;
- Comprehensive post-operation reclamation plan as required by the NDEP or BLM, and the more stringent requirement in this SUP for concurrent and more thorough post-operations reclamation. The plan shall also include calculations for determining the amount of reclamation surety bonding applicable to the requirements of the NDEP, BLM, and this SUP (see Conditions 3.3 - 3.6).
- Comprehensive plan by which the Permit Holder will protect the Silver City water

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utility from accidental damage caused by surface and underground activity, and from ground vibrations or other movement caused thereby. The plan shall also include a detailed description of how accidental damage to the line, or events causing disruption to service as a result of activity associated with the SUP, will be treated and remedied immediately (see Condition 7.4).

- Process for documentation and reporting to the county environmental permits, notices, approvals, abatement mandates, and other related actions of the NDEP, BLM, and other applicable federal and state agencies; and
- Management of air, water, stormwater, noxious weeds, wildland fire fuels management, BMPs, and other environmental elements.

## **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

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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.

### III. PHASING & RECLAMATION

#### 3.1 Limited use – mining, mine definition, and exploration

In addition to the requirements for mine phasing and post-operations reclamation administered by the NDEP or BLM, as applicable, the Permit Holder shall include in the operating plan elements contained in this section. The Permit Holder shall comply with all elements of the plan. The following thresholds shall be the standard by which the Permit Holder may conduct operations. It shall be understood that the following area thresholds are to be a "rolling" maximum acreage of disturbance at any given time.

- Active mining (120 acres). Cumulative surface disturbances associated with all mining, including surface and underground mining, on the subject property is limited to 120 acres. Roads and ancillary uses are not counted against the total allowable area. Tunnels, adits, shafts, vents, drifts, and other underground workings shall only comply with the minimum requirements of SCC 17.92 and applicable federal and state regulations, and will not count toward the total allowable area in this condition. Waste storage and tailings, except for that which is being processed in accordance with the provisions of this SUP, are counted against total allowed surface disturbance area.
- Mine definition (20 acres). Mine definition is a focused assessment of mineral deposits and other geological conditions, including their location, extent, depth, and grade, for the purposes of determining subsequent phasing of the active mine. Drilling and other activities related to mine definition may occur within 300' of the active surface mine. The cumulative allowed surface disturbance caused by mine definition will not exceed 20 acres. Drill holes, drill pads, trenches, test pits, fluid detention areas, and other surface disturbances, but not access roads to drill sites, are counted against the total allowed surface disturbance area. The reclamation schedule and surety bonding for definition drilling shall be combined with and treated similarly to that for active mining. Access roads will be treated as ancillary uses.



- Exploration (20 acres). Exploration is a focused assessment of mineral deposits and other geological conditions, including their location, extent, depth, and grade, for the purposes of broad-based assessment of targeted areas throughout the entire subject property. Exploration may occur anywhere within the subject property. The cumulative allowed surface disturbance for all exploration may not exceed 20 acres. Drill holes, drill pads, fluid detention basins, but not access roads to drill sites, are counted against the total allowed surface disturbance area. Trenching, test pit, and other similar methods of exploration will be prohibited except within the active mine. Access roads will be treated as ancillary uses.
- Active reclamation (50 acres). Explained above in this section, active surface mining is limited to 120 acres. However, as part of allowed mine phasing, the active mine may proceed on up to 50 additional acres when a commensurate amount land previously mined on the subject property and in association with this SUP is reclaimed. Land within this 50 acre threshold must be re-graded, contoured, and backfilled to a point reasonably consistent with surrounding undisturbed or fully reclaimed topography and surface conditions, but must not yet be treated with soil amendments, or be re-vegetated or re-seeded. Surface treatment must provide for effective natural drainage systems and erosion prevention, noxious weed abatement.
- Fully reclaimed. Fully reclaimed land includes land that has been re-graded, contoured, and backfilled to a point reasonably consistent with surrounding undisturbed or fully reclaimed topography and surface conditions; to which the surface has been treated with soil amendments and growth media (topsoil); and to which seeding and successful re-vegetation has occurred in conformance with the seeding and re-vegetation standards set forth by the NDEP or BLM (even if such reclamation is not required by either agency).

### 3.2 Limited use – processing

Processing includes, but is not limited to, crushing, conveyance and agglomeration systems; heap leach pads, including the use of sodium-cyanide; Merrill-Crowe facility and further milling and beneficiation facilities; ponds containing sodium-cyanide and other liquid substances; storm water detention, conveyance, and management systems; fire suppression water containment and systems; and road, access, staging, buildings, and other uses. The operating plan must contain the minimum elements required by the NDEP and BLM for the uses on the subject property. In addition to those requirements, the Permit Holder shall include in the operating plan the elements contained in this section that are more stringent than the federal, state, and county regulations. The Permit Holder shall comply with the plan.

- Subject area. Processing may only occur in “Area B” illustrated in Exhibits A and B.
- Hours and days. Processing may occur over 24-hours per day and 365 days per week.
- Subject processing. The processing facility will be limited to receiving and processing ore originating from: the subject property; other mine holdings of the Permit Holder located in Lyon County; and from any mine located in Storey County that is owned by the Permit Holder or another person or firm.
- Distances. No storage, processing, or use involving cyanide may occur within 1,000’ of

an occupied dwelling unit existing at the time of this SUP approval. Dwellings that are owned by the Permit Holder and occupied at the time of this SUP approval are exempt from this provision once the dwelling becomes vacated. Once vacated, the use may not become occupied by a permanent resident until said minimum 1,000' distance is reestablished.

### **3.3 Reclamation – mining, mine definition, and exploration**

This section applies to post-operation reclamation of the mine, and mine definition and exploration sites. The operating plan must contain the minimum elements required by the NDEP and BLM for the uses on the subject property. In addition to those minimum requirements, the plan must include the elements contained in this section for concurrent post-operation reclamation. The Permit Holder shall comply with the plan.

- Reclamation standards. The Permit Holder shall comply with the minimum post-operation reclamation requirements administered by the NDEP and BLM. This section, however, recognizes that the state and federal regulations may not require concurrent reclamation and may preclude complete post-operation reclamation of certain portions of the subject property. The Permit Holder shall identify areas in the required NDEP or BLM reclamation plan where reclamation requirements are less stringent than the standards required by this SUP. The Permit Holder shall include in its reclamation plan detailed analyses and descriptions of subject conditions and elements that will be employed by the Permit Holder meet the more stringent requirements in this SUP.
- Reclamation schedule. The plan must include a reclamation schedule showing mine phasing and concurrent reclamation including, but not limited to, the elements in Condition 3.1; time of closure/decommissioning; and the applicable required elements in this SUP.
- Visual rendition. The plan must contain photographic or computer simulated visuals showing pre-mining surface conditions and estimated conditions throughout mine phasing and at post-closure. The visual renditions included in the SUP application showing surface conditions existing at the time of approval of this SUP and proposed post-operation reclamation conditions are enclosed herewith in Exhibit C. The image quality and the post-operations conditions they illustrate shall represent the minimum standard for post-operations reclamation and reclamation visual modeling.

The model must be updated concurrently with mine phasing and at each time a minor or major modification to the operating plan or reclamation plan results in a substantial divergence from the submitted visual model. The Planning Department may determine viewpoint locations and impose other requirements for the visual models.

- Grading and contouring. The reclamation plan must show that all surface disturbances will be graded and contoured to a condition which is safe, stable, and reasonably flush and consistent with the surrounding undisturbed or fully reclaimed topography and surface environment. The plan must also include measures by which open-pits, benches, and other lateral surfaces of the mine will be treated in order to reasonably mitigate visual and other impacts. Mitigation must include as practicable, partial backfilling, sloping, grading, and other surface

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treatments that mitigate visual impacts, create natural appearing topography that does not resemble a "manufactured appearance", conform to natural and other drainage ways, and facilitate successful re-vegetation and noxious weed abatement.

- Bench face allowance at post operation. This SUP allows up to 30 percent of all bench faces existing at the time of Board approval of this SUP (as amended) to remain permanently after reclamation. This SUP also allows up to 30 percent of all bench faces created east of the State Route 342 alignment, as it exists at the time of this SUP approval, to remain permanently after mine reclamation. This 30 percent allowance will be subject to the Permit Holder demonstrating to the Planning Department substantial valid evidence that full reclamation of these bench faces is impracticable or impossible, including within the constraints of the land and land ownership or control. The allowance is otherwise subject to review and approval by the Planning Department. The Planning Department's determination may be appealed to the Board of County Commissioners as provided by SCC 17.03 (Administrative Provisions). Bench faces and exposed lateral surfaces existing at the time of this SUP approval are illustrated in enclosed Exhibit C. The image show existing surface conditions at the time of this SUP approval and the conditions that must be reasonably achieved as explained above.

All remaining bench faces and exposed lateral surfaces shall be treated to mitigate visual contrast with the surrounding natural or fully reclaimed environment. Treating exposed side walls with an oxidation accelerator or other durable and environmentally safe manner are acceptable methods of meeting this requirement.

- Re-vegetation. The reclamation and re-vegetation plan required by the NDEP or BLM must be incorporated into the operating plan. The Permit Holder shall identify areas in the required NDEP or BLM reclamation plan where re-vegetation requirements are less stringent than the minimum standards required by this SUP (i.e., areas within the subject property to which re-vegetation is not required by the applicable agency). The plan must describe a comprehensive process, including beyond NDEP and BLM requirements as needed, by which successful post-operation re-vegetation will occur. The plan shall conform to the standards for re-vegetation and noxious weed management for post-mining reclamation established by the NDEP or BLM. The plan and process by which it is administered shall also be subject to Fire District requirements and approval. Unless directed otherwise by the Planning Department, seeding, re-seeding, and planting will take place in the autumn season during the months of October or November, but not during times of extreme weather conditions such as snow or sub-freezing conditions.

#### **3.4 Reclamation – processing**

This section applies to post-operation reclamation of processing facilities within the subject property. The operating plan must contain the minimum elements required by the NDEP and BLM, as applicable, for processing-related uses. The Permit Holder shall comply with all elements of the plan. This SUP does not require reclamation of these uses beyond the applicable federal and state regulations administered by the NDEP or BLM.



### **3.5 Reclamation – ancillary uses**

This section applies to post-operation reclamation of ancillary use to the mine, mine definition, exploration, and processing. Uses include, but are not limited to, roads and access; equipment and vehicle staging, parking, fueling, and maintenance areas; buildings and structures; topsoil impoundment areas; and drainage and detention systems. Ore stockpiles, waste dumps, and tailings placed in “Area A” (Exhibits A and B) are considered part of active mining and not ancillary uses. The operating plan must contain the minimum elements required by the NDEP and BLM. The Permit Holder shall comply with all elements of the plan. This SUP does not require reclamation of these uses beyond the applicable federal and state regulations administered by said agencies.

In conformance with NDEP permits existing at the time of this SUP approval, exploration roads within the subject property will be reclaimed during the project closure period unless the BLM or Storey County request that some or all of these roads remain. The Permit Holder shall work with the agencies to determine which, if any, of the exploration roads should and may remain post-closure (NDEP 0196 Reclamation Permit, 2014, p. 33).

### **3.6 Reclamation surety**

A surety bond is required to fund post-operation reclamation for the entire subject property. The minimum amount of reclamation surety bond shall be as determined by the NDEP or BLM to be reasonably sufficient to complete all required reclamation. The surety bond required by the federal or state agency overseeing the project will be the only required surety bond for ancillary and processing uses under this SUP. For reclamation of surface disturbances caused by mining, mine definition, and exploration where the federal or state agency requires no reclamation and reclamation surety, or where valid evidence indicates that the requirements of those agencies do not meet the minimum standards for reclamation required by this SUP, the Permit Holder shall submit to the Planning Department valid documentation that it has posted cash or other guaranteed surety bonding for the complete reclamation of subject uses in accordance the reclamation plan submitted pursuant to this SUP. The valid proof of surety shall be submitted prior to surface disturbances occurring.

The amount of surety necessary to fulfill the requirements of this SUP shall be determined by a qualified licensed engineer or environmental manager at the expense of the Permit Holder. The results, or a portion thereof, determined by the engineer or environmental manager are subject to review by a qualified third-party person chosen by the county. The county’s third-party person will only have jurisdiction over portions of the reclamation plan and determination of the amount of needed surety that exceed the minimum standards required by federal and state regulations.

## **IV. ENVIRONMENTAL CONTROLS**

### **4.1 Noise limitation**

At a minimum, noise levels shall conform to the requirements of SCC Chapter 8.04. The Code limits noise at the property line to 84 decibel (octave range 500-1800). The property line is hereby defined as the boundaries of the subject property. When it is determined by Storey County that additional noise abatement is needed, further reasonable requirements including, but not limited to, installation of sound-absorbing structures, earth-fill barriers, and increased separation between machinery and residences, may be imposed on a case-by-

case basis.

#### 4.2 Separation requirements

- Separation from residences. No new surface disturbances including, mining, mine definition, exploration, and ancillary uses in "Area A" (Exhibit A) may occur, or otherwise be caused to occur by the Permit Holder, within 500' of an occupied dwelling unit existing at the time of this SUP approval, or within the distance illustrated in Exhibit D herein to the dwelling unit existing at 2850 Slippery Gulch Road (APN 002-141-13). The following are exempt from these requirements:

- Activities occurring within the boundaries of Special Use Permit No. 2000-222-A-3 existing prior to the approval of this SUP.
- Dwellings that are owned by the Permit Holder;
- Dwellings for which affidavits were submitted as part of the application for this SUP, and accordingly are located entirely within the boundaries of the subject property;
- When a the affected property owner(s) in Storey County submit to the Planning Department a signed statement that uses associated with the SUP may occur within the distance limitation.

With regard to buffering to the dwelling unit existing at 2850 Slippery Gulch Road (APN 002-141-13), exploration activities may occur within the "Limited Drill Area" illustrated in Exhibit D herein when such activity does not exceed the hours and days limitations listed in the following subsection.

- Hours and days limitations. Surface activities located within 1,000' of a C, CR, E, P, or R zone, or any permitted occupied dwelling use in other zones may only occur between 8:00 a.m. to 5:00 p.m. and Mondays through Fridays. No activity may occur on weekends, and national and state holidays. The following are exempt from these requirements:
  - Uses existing at the time of approval of this SUP may occur over 24-hours per day and 365 days per year. Uses include, but are not limited to, mining, mine definition and exploration, processing, and ancillary uses, and may include, for example, the Lucerne, Hartford, and Justice Pits, and the Lucerne Haul Road.
  - Dwellings that are owned by the Permit Holder;
  - Dwellings for which affidavits were submitted as part of the application for this SUP, and, accordingly, are located entirely within the boundaries of the subject property;
  - When the affected property owner(s) in Storey County submit to the Planning Department a signed statement that uses associated with the SUP may occur within the distance limitation. The submitted waiver may extend the hours of operation limit for mine definition and exploration up to two days in a 30 day period, provided that the operating times do not occur between 6:00 p.m. and 6:00 a.m., and on Sundays. The waiver shall be non-transferrable and will become null and void immediately upon the affected property owner(s) written request to the Planning Department.

#### **4.3 Ground water monitoring and reporting**

Monitoring wells must be installed as directed by the NDEP to monitor the heap leach process and overall processing facility for possible groundwater contamination. A well permit shall be obtained from the Building Department prior to drilling. Monitoring reports and other findings must be submitted to the Building and Planning Department within 30 days of receipt on a quarterly basis when operations are active during the first year of operations, including for heap leach pad expansions. If no signs of leakage or other groundwater contamination occur, monitoring reports must be submitted thereto within 30 days of receipt bi-annually until closure.

#### **4.4 Air monitoring and reporting.**

Air emissions, including dust and other airborne materials, shall conform to NDEP air permit standards. Copies of annual reports of environmental quality, necessary to comply with the requirements of the permit(s) issued by the NDEP Bureau of Air Pollution Control, shall be submitted to the Building and Planning Departments within 30 days of receipt. Air monitoring conducted by the Permit Holder shall be inclusive and considerate of potentially impacted residents within 1,000' of active mining areas within the subject property, including from Storey County and Silver City, Lyon County. In the event that there is an air discharge in excess of the standards approved by the NDEP under construction phase or operation phase permit(s), the Permit Holder shall provide the Building and Planning Departments a copy of any notice within 24 hours of Permit Holder's receipt. If the Permit Holder is required by the NDEP to prepare a report on the event, the Permit Holder shall submit a copy of the report to the Building and Planning Departments at the same time it is submitted to the NDEP. There shall be no obnoxious odors released into the air that are a nuisance to surrounding properties.

#### **4.5 Outdoor lighting (non-exempt)**

SCC Chapter 8.02 ("Dark Skies") limits outdoor lighting that may impact adjacent land uses. Exemptions for "temporary lighting" in the Code (which normally apply to such activities as road construction, and may appear to apply to mining and processing operations) will not apply to uses under this SUP. All uses, buildings, structures will be required to comply with the strictest regulations under the Code (shield lighting) to ensure minimal impacts to neighbors and the surrounding environment.

#### **4.6 Trees**

Trees, shrubs, and other vegetation and ground surfaces must be preserved to the extent feasible. The Permit Holder shall not cause harm or cause to be removed trees of any type with a trunk of six" in diameter within 75' of the center-point of natural waterways shown in Exhibit E. The operating plan shall describe measures that will be taken to protect said trees.

#### **4.7 Invasive species control**

Integrated management of invasive weed species (noxious weeds) shall be included in the operating plan. The plan shall apply to the entire subject property and shall conform to the applicable state or federal regulations, and the requirements imposed by this SUP and the Fire District. The Permit Holder shall conform to the plan.

#### **4.8 Septic systems.**

The Permit Holder may acquire a permit from the Building Department to install septic



system(s) and septic leach-field(s) capable of serving administrative offices and other occupied uses not accessible to a municipal sewerage system. The septic systems shall be removed and reclaimed by the Permit Holder as required by NRS at closure or removal of the buildings.

#### **4.9 Carson River Mercury Superfund Site ("CRMSS")**

By accepting this SUP, the Permit Holder acknowledges that portions of the subject property may be within or applicable to the CRMSS. Properly managing disturbances of existing and former mine and mill sites, mill tailings, mine waste, mine material, and other areas that are found to contain Contaminant of Concern (CoC's) as applicable to the CRMSS will be the sole responsibility of the Permit Holder as communicated thereto by the NDEP Bureau of Corrective Actions. Handling, redistributing or reprocessing CoC impacted materials by the Permit Holder shall be completed in accordance with the NDEP Bureau of Corrective Actions.

### **V. FIRE & EMERGENCY**

#### **5.1 Site supervision**

Site and staff supervision must comply with Mine Safety and Health Administration (MSHA) requirements. Supervisors must have knowledge of and immediate access to fire suppression devices, First-Aid kits, and locked gates. While on the premises, the on-site supervisor(s) must possess a cellular telephone with adequate signal to send and receive signals to and from Storey County emergency services direct-connect 775.847.0950. All staff using cellular phones must be directed by the Permit Holder or his/her designed to dial Storey County emergency services direct-connect 775.847.0950 (in lieu of 9-1-1) in case of emergency. "Emergency 9-1-1" is appropriate from land-line telephones.

#### **5.2 Spill reporting**

Any hydrocarbon or chemical spill of or exceeding 25 gallons or 3 cubic-yards shall be reported immediately to Emergency Dispatch 9-1-1 or Storey County emergency services 775.847.0950. Additionally, the incident must be immediately reported to the NDEP and the local jurisdiction, including the Fire District and the Emergency Management, Building, and Planning Departments. The Permit Holder must comply with NDEP clean-up requirements and provide the Fire District and said county departments a copy of NDEP completion of remediation immediately. All hazardous materials incident clean-up and response costs will be borne by the Permit Holder as part of the issuance of this SUP. Incidents exceeding a standard First-Alarm fire will be billed to the Permit Holder. If mutual aid is warranted to suppress an incident, those costs will also be funded by the Permit Holder.

#### **5.3 Emergency specialized training**

The Permit Holder must provide and/or pay for any special training for the Fire District and Emergency Management Department, when applicable, that is necessary for safe operation and management of emergencies. This includes at a minimum training for water and confined space rescues, rescues involving cyanide, and other events that may occur in association with allowed uses on the property.

## VI. TRANSPORTATION

### 6.1 Means and modes of transport

Ore, overburden, and other excavated material may be transported throughout the subject property by any type of on- and off-highway vehicles, haul trucks, tractors and heavy equipment, railroad, conveyor systems, and other on-site conveyance systems. Sky Lane, Keystone Circle, Slippery Gulch Road, and the power line access road immediately adjacent to Slippery Gulch Road shall not be used for these purposes. State Route 342 shall not be used for these purposes, except under such unusual circumstances, as demonstrated to the Planning Department by the Permit Holder, that it is prohibited from transporting said materials between Area A and Area B within the subject property (see Exhibit A). In such case, the elements required in Subsections (a) through (c) below shall be presented to the Planning Commission at a public hearing. The Board of Commissioners with recommendation by the Planning Commission shall determine whether the requirements in this section have been satisfied before the Permit Holder may commence use of said roadway for said purposes. The Permit Holder shall demonstrate to the body:

- a. The circumstances prohibiting its transport of ore between Area A and Area B within the subject property; valid evidence of the current state of the conditions prohibiting its use of said land; and that it is exercising a continued good faith effort in remedying the circumstances prohibiting its use of said land.
- b. A written plan submitted to the Planning Department explaining the estimated timeframe that State Route 342 will be used for said purposes; the number of units (trucks) that will be using the road; days and hours that the road will be used; type of vehicles (including truck and trailer type) that will be used on the road; estimated timeframe for repair and replacement of portions of the road damaged by said use; and methods by which said portions of the road will be repaired or replaced.
- c. Planning, communications, and other correspondence between it and the Nevada Department of Transportation (NDOT) and Storey County Planning and Public Works Departments with regard to the subsections herein.
- d. Notwithstanding the foregoing in this section, and for the purpose of clarity, nothing herein in this section or in this SUP eliminates alternatives contemplated in a draft or final Environmental Assessment (EA) by the Bureau of Land Management (BLM) regarding the Permit Holder's application for right-of-way amendment.

The use of State Route 342 pursuant to this section shall be limited to Mondays through Fridays, excluding national and state holidays, between the hours of 7:00 a.m. and 7:00 p.m. The use of State Route 342 otherwise will be subject to the requirements of the NDOT. The Permit Holder shall be responsible to repair damages to any state, county, or private road, utility, or other infrastructure caused by activities associated with the uses under this SUP. The repairs must be completed to the satisfaction of Storey County and the NDOT, as applicable. The county reserves the right to restrict or prohibit the use of trucks and heavy equipment on county-owned right-of-ways.



### **6.2 State Route 342 alignment and re-alignment**

This SUP provides the Permit Holder flexibility in planning and executing viable alternatives by which eastward mine expansion may occur in relation to adjacent State Route 342. The amended SUP allows for re-alignment of State Route 342 in a manner which is determined by Storey County and NDOT, as applicable, to be practical, safe, and reasonably efficient. However, Storey County hereby expresses its position that State Route 342 serves practical purposes for inter-local transportation; provides for vital life-safety access, including for EMS, fire, and law enforcement services; and contributes substantially to the local tourism economies of Gold Hill, Virginia City, and Silver City.

The Permit Holder may re-align State Route 342 in order to facilitate uses under this SUP. Potential acceptable alternatives include, but are not limited to: (a) developing a bridge over or under the highway through which mining and non-mining (civilian) traffic may occur simultaneously; (b) realigning the highway west of its existing alignment in concurrence with reclamation of the adjacent Lucerne and Justice pits; and (c) realigning the highway to the immediate east of the newly proposed mine expansion area. Except under temporary circumstances (up to 30 days in a 12 month period) when an access plan is approved by the Fire District and Sheriff's Office, closing the road is considered unreasonable and irresponsible and shall not be allowed.

For purposes of conforming to findings in SCC 17.92 and provisions in the Storey County Master Plan for protecting the historical character and authenticity of the area for tourists and residents, State Route 342, as existing or modified, shall maintain its north and south traffic flows through Gold Canyon and in its current approximate alignment through Devil's Gate.

### **6.3 Signage**

Legible signage shall be placed at appropriate entry points of the premises near State Route 342, the principal administrative office(s), and the processing site. Signage must state the name of company/organization, street address (or descriptive location), contact phone number(s), and other information required by the Fire District. Appropriate signage must be installed on and around the premises stating rules for entry and circulation (e.g., no trespassing, travel permitted only on designated pathways, etc.). Directional signs must be placed at intersections of public ways and mine haul roads, and other places along public ways to appropriately direct the public, residents, and other users in the area.

### **6.4 Roadway approaches and egress**

Egress points abutting State Route 342 must comply with the requirements of NDOT. Approaches to paved county right-of-ways must be sufficient to prevent mud and debris tracking from the site onto the public roadway. Any mud or debris tracked onto the county road must be removed by the Permit Holder immediately as allowable by the NDEP. Mud, sand, and debris must not be allowed to adversely impact existing drainage systems.

- Access Routes. Haul roads and secondary roads shall be developed to the satisfaction of the Fire District. As required thereby, established routes shall remain the primary travel ways for all emergency/fire vehicles, equipment, and personnel. The Permit Holder may develop and/or utilize other secondary travel routes for non-emergency use with approval of the Fire District. The primary emergency access routes shall be kept clear of rocks and other obstacles to emergency vehicles. In order to increase route visibility and reduce confusion for emergency personnel, roadside directional

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markers shall be installed as required by the Fire District.

## **VII. GENERAL USES**

### **7.1 Safety and security**

- **Security.** Appropriate security, including that required by federal and state agencies, shall be maintained to prevent unauthorized access to potentially hazardous conditions. Storage, maintenance of hazardous materials, protective devices (e.g., fencing, gates, etc.), and site monitoring (e.g., on-site security, alarm systems, etc.) shall comply with Fire District, Sheriff's Office, and applicable state and federal agency requirements. Open bodies containing cyanide and other hazardous substances shall be treated appropriately to prevent wildlife access and safety hazards.
- **Signage.** Warning signs indicating all potentially hazardous conditions shall be installed at each port of entry and around drill pads, sumps and other potentially hazardous conditions. Cautionary signs shall be positioned peripheral to area of acidity to inform individuals entering the area to be safety conscious and aware of potentially hazardous conditions. Appropriate signage indicating crossing truck traffic (i.e., "Truck Crossing") shall be installed on the southbound and northbound lanes of State Route 342 by and at the expense of the Permit Holder and to the satisfaction of Storey County Public Works and/or NDOT, whichever is applicable.

### **7.2 Watchman's dwelling**

The Permit Holder is authorized to place on the subject property a recreational vehicle (RV) type trailer or manufactured building to serve as temporary living quarters for on-site security. A temporary (one-year) permit from the Building Department must be obtained for this watchman's quarters and the Permit Holder shall submit an application to the Building Department each year thereafter for the use to remain. The Permit Holder shall provide with the application written permission from the Comstock Historic District. The use shall be removed from the premises within 30 days of closure of the operation or when operations under this SUP cease to operate for a period of 24 months or longer.

### **7.3 Silver City water line protection**

As stated earlier in these conditions, the Permit Holder shall develop a comprehensive plan by which it will protect the Silver City water main from accidental damage and service disruption caused by surface and underground activity. The plan shall also include a detailed description of how accidental damage to the line, or events causing disruption to service as a result of activity associated with the SUP, will be treated and remedied immediately and without disruption to service provided to Silver City. At a minimum:

- The plan shall include Geographic Information Systems (GIS) aerial imagery illustrating the estimated alignment of the water line within the subject property; type(s) and dimensions of the existing piping, fittings, valve types, etc., in order to plan for unanticipated immediate response situations; existing roads and other surface disturbances; and surrounding topography.
- The plan shall include GIS aerial imagery showing the location of existing and proposed roads, drill pads, pits, and other surface disturbances within 500' of the water line.

- The plan shall provide a detailed explanation of the methods by which the water line will be protected from light and heavy vehicle and equipment uses within 500' thereof. The plan shall address protecting the water line at all vehicle crossing points; monitoring vibration; and protecting the water line from vibration caused by uses within 500' thereof, and from blasting within 1,000' thereof.
- The plan shall explain procedures by which the Permit Holder will immediately notify the Planning and Public Works Departments, the County Manager's Office, and the Storey County and Central Lyon County Fire Protection Districts of damage to the water line, or disruption to service.
- The plan shall explain methods, procedures, estimated timeframe, and other processes by which damage to the water line caused by the Permit Holder will be repaired immediately after such damage and to the satisfaction of the Public Works Director.
- The plan shall indicate the Silver City municipal water tank storage capacity; estimated customer usage (in gallons) during the months of January and July; estimated timeframe of capacity based on storage capacity and usage; and the alternative source of safe drinking water and specific methods by which it will be supplied to the Silver City municipal water system if the duration of service disruption exceeds system storage capacity. The plan shall describe the source of and methods by which sufficient water flows will be provided to Silver City during a structure fire event that occurs during the service disruption.
- The plan shall explain the circumstances that will necessitate all or portions of the water line located within the subject property to be replaced by the Permit Holder prior to damage, and what agreements may be made between the Storey County Water System (Public Works Director) and the Permit Holder for the methods, procedures, and cost of its replacement.
- The plan shall be updated concurrently with active mining and the updated plan shall be submitted to the Storey County Public Works Department and Central Lyon County Fire Protection District for approval, and the Storey County Planning Department and Storey County Fire Protection District for filing.

The Permit Holder shall demonstrate active engagement with the Storey County Public Works Director and the Central Lyon County Fire Protection District Chief in developing the plan. The plan must be approved by the Storey County Public Works Director and the Central Lyon County Fire Protection District Chief, and submitted to the Storey County Planning and Public Works Departments and Storey County Fire Protection District for filing before mining, mine definition, exploration, and other such activities may occur on land east of State Route 342 in its current alignment, or within one year of approval of the SUP, whichever is sooner. Before commencing operations east of the road, the Public Works Director with concurrence by the County Manager may require the Permit Holder at its expense to replace all or a portion of the water line that runs through the subject property that are believed by the Storey County Public Works Director to be susceptible to damage caused by activities associated with the SUP in the area adjacent to the water line.

The Permit Holder will be fully responsible for financial costs associated with required repairs or replacement of the water line. All repairs and replacement shall be to the



satisfaction of the Public Works Director.

#### **7.4 Survey monument protection**

No survey monument may be moved or disturbed (as prohibited by federal or state law). To the extent practicable, all monument witness corners, reference monuments, bearing trees and line trees shall be protected against undue destruction, obliteration, or damage. If in the course of operations any survey monument is destroyed, obliterated, or damaged, the Permit Holder shall immediately report the matter to the Planning Department and the Bureau of Land Management. The notice shall describe the monument and its geo-coordinates before disturbance, how it was disturbed and to what extent, and the plan for immediate corrective action. The Permit Holder shall be financially responsible for the immediate and appropriate corrective action.

### **VIII. CULTURAL RESOURCES**

#### **8.1 Protection of Devil's Gate**

Uses under this SUP shall not cause impacts to the Devil's Gate rock outcropping/historic landmark. Storey County through this SUP and in conformance with the findings of fact in SCC 17.92 expresses to Lyon County its strong opposition to any allowance of surface disturbances to the landmark, except for realignment or improvements to State Route 342, to portions of the landmark that are located within Lyon County.

The Permit Holder shall cause no surface disturbance within 500' of the outer edge of the Devil's Gate outcropping in Storey County. Surface disturbances within 1,000' of the outer edge of the rock outcropping which are caused by mining and mine definition shall be fully reclaimed within 1 year of disturbance. Those disturbances caused by exploration shall be reclaimed as required otherwise for exploration outside of the active mine. Realignment and improvements to State Route 342 are exempt from these limitations, except that such may not cause adverse impacts to the surface of the outcropping.

#### **8.2 Historical structures protection**

Uses under this SUP shall not cause any historical structure to be disturbed, altered, moved, or demolished without a plan submitted to the Planning Department to return the structure fully in-tact to its approximate original location following activities that cause the structure to be moved. The plan and association action will be subject to Comstock Historic District approval. Historical structures shall include occupied and unoccupied buildings, outbuildings, mine head-frames, and foundations which are 50 years of age or older.

#### **8.3 Cemetery protection**

The uses under this SUP shall not cause any cemetery or structures therein, including but not limited to headstones, monuments, fences, enclosures, etc., to be disturbed, altered, moved, or destroyed. At a minimum, state laws protecting cemeteries shall not be violated. The terms of this condition shall be fulfilled by compliance with the following limitations.

- Limitations and mitigation. Activities and disturbances shall not take place within 300' of a cemetery boundary as defined by NRS 452.0075 and as determined by the Comstock Cemetery Foundation (CCF). These limitations shall not apply to general vehicular and heavy equipment traffic taking place on the established county roads and right-of-ways, including American Flat Road, or the improvement or widening of American Flat Road as allowed by the Bureau of Land Management (BLM) pursuant to its Environmental Assessment (EA) under NEPA. These limitations also shall not



apply to mineral exploration activities approved by the CCF within the established cemetery buffer area, but not within any cemetery boundary or public right-of-way. Written approval by the CCF shall be submitted to Planning Department prior to commencement of activities within the scope of these regulations.

- Cooperation. Activities and disturbances may be permitted between 300' and 500' surrounding each cemetery boundary as described above when the Permit Holder initiates and maintains continuous communication and collaboration with the CCF in protecting said cemetery resources. A surface vibration monitoring program shall be developed and implemented as determined by the CCF. The program will monitor surface vibrations at selected sites to assess potential vibrations from drilling and excavating operations, heavy machinery, and vehicles. The monitoring program, upon approval of the CCF, will be at oversight of the CCF and at the expense of the Permit Holder, unless agreed otherwise between the parties.

#### **8.4 Cultural resources discovery**

Should any prehistoric or historic remains/artifacts be discovered during development or excavation, work shall temporarily be halted at the specific site and the Building and Planning Departments shall be notified in order to evaluate the site and, if deemed necessary, to record and photograph the site in question. The period of temporary delay shall be limited to a minimum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and protect historical remains or artifacts.

#### **8.5 Historic area preservation**

The Permit Holder agrees to contribute at least one percent of annual Net-Smelter-Return (the gross payment on the sale of Dore less the cost of refining and related shipping) toward historic preservation and/or restoration projects within Virginia City, Gold Hill, American Flat, and/or Silver City. This condition shall apply only when the mine associated with this SUP is in active status. A Memorandum of Understanding (MOU) shall be developed between the Permit Holder and Storey County, as approved by the District Attorney's Office, for this purpose. (Note: The Permit Holder has in the past contributed financial and other resources to, and has otherwise been actively engaged in, historical preservation and restoration projects and efforts throughout the Comstock over the past several years, including in Virginia City, Gold Hill, Silver City (Lyon County), and American Flat. Accordingly, the Permit Holder collaborated with Storey County in developing and accepting this SUP condition. This SUP condition requiring partial Net-Smelter Revenues contribution is intended to be inclusive of, and not add to, the "1 percent royalties" pledged in the past by the Permit Holder for this purpose).

#### **8.6 Visitor/tourism element**

In conformance with the Storey County Master Plan, the Permit Holder is required to develop a pedestrian-oriented area near State Route 342 at a safe and appropriate location between the Devil's Gate outcropping and American Flat Road, Gold Hill, at which motorists may park and exit their vehicles and view information about the history and purpose of past and current mining activity in the area and associated with the this SUP. As required in proceeding SUP No. 2011-016 (closed in 2014), the Permit Holder developed a visitors' center that fully conforms to the requirements in the SUP as well as the supporting county master plan. The Permit Holder is hereby required to maintain that visitors' center, or, develop another such informational center that conforms to this SUP and is constructed to the

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satisfaction of the Planning and Public Works Departments, Comstock Historic District, and, if applicable, NDOT.

**SUP Enclosures\*:**

Exhibit A: Boundaries and Uses of SUP No. 2000-222-A-4

Exhibit B: Magnified "Area C" and "Area D" for utilities and road improvement

Exhibit C: Post-Operation Reclamation at Billy the Kid, Lucerne, Hartford, and Justice

Exhibit D: Separation from residence located at 2850 Slippery Gulch Rd. (APN 002-141-13)

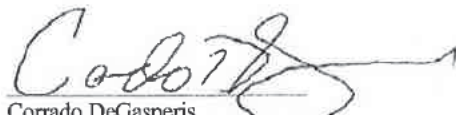
Exhibit E: Known natural drainages within subject property

If you have any questions, please contact the Planning Department at 775-847-1144.

Sincerely,

  
Austin Osborne  
Planning Director, Storey County

**ACCEPTANCE:** The terms and conditions of this Confirmation of Special Use Permit No. 2000-222-A-4 are accepted by Corrado DeGasperi, President and CEO of Comstock Mining, LLC, to which this Special Use Permit is issued.

  
Corrado DeGasperi  
President and CEO, Comstock Mining, LLC

10/21/14  
Date

Exhibit A: Boundaries and Uses of SUP No. 2000-222-A-4

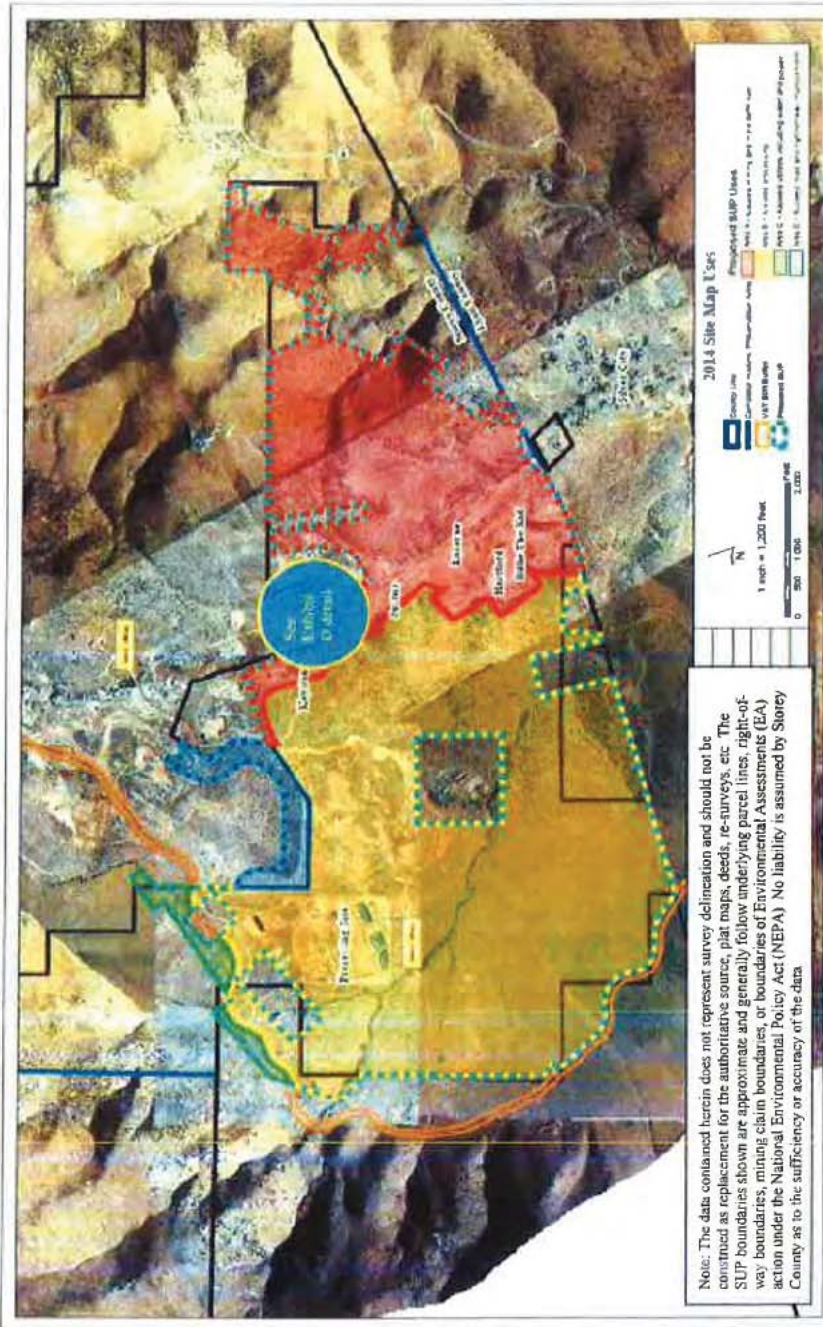
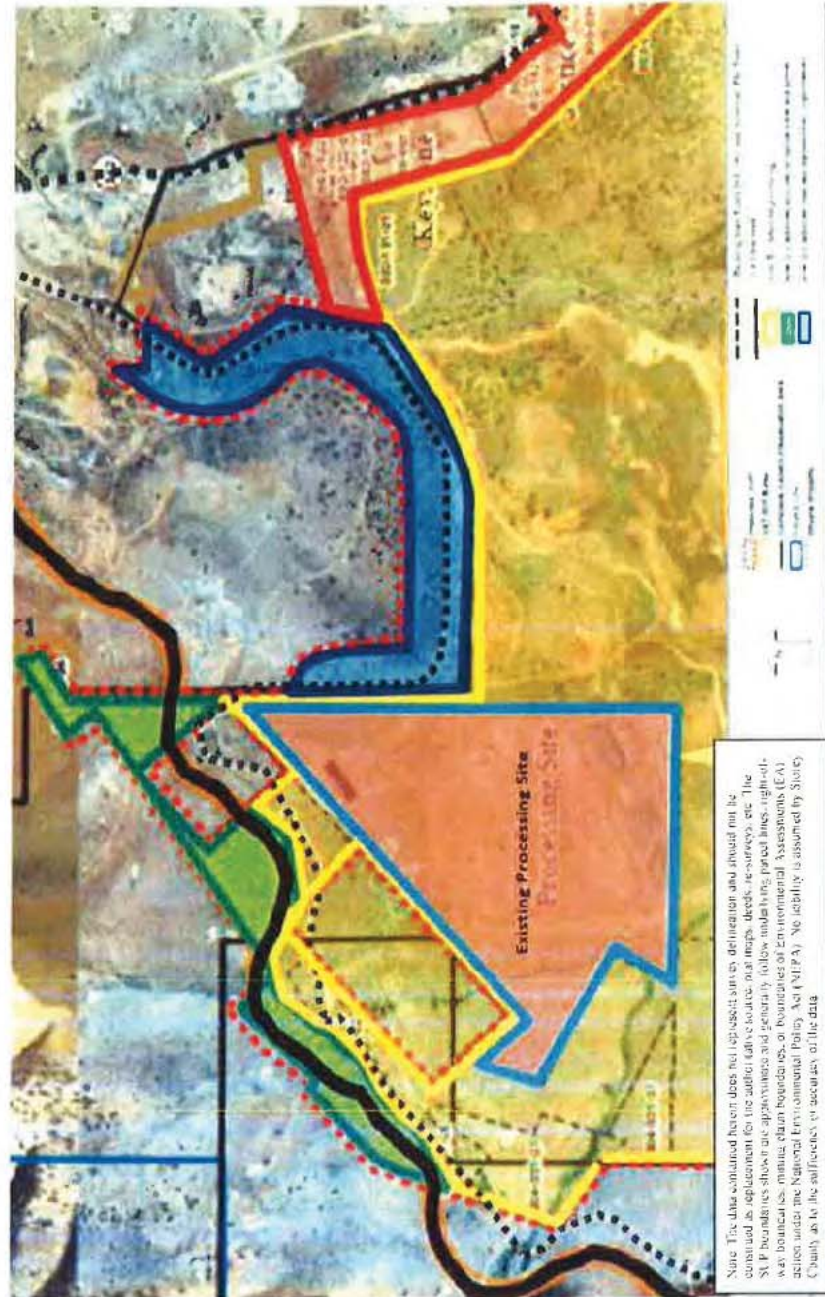




Exhibit B: Magnified "Area C" and "Area D" for utilities and road improvement



**Exhibit C: Post-Operation Reclamation at Billy the Kid, Lucerne, Hartford, and Justice**



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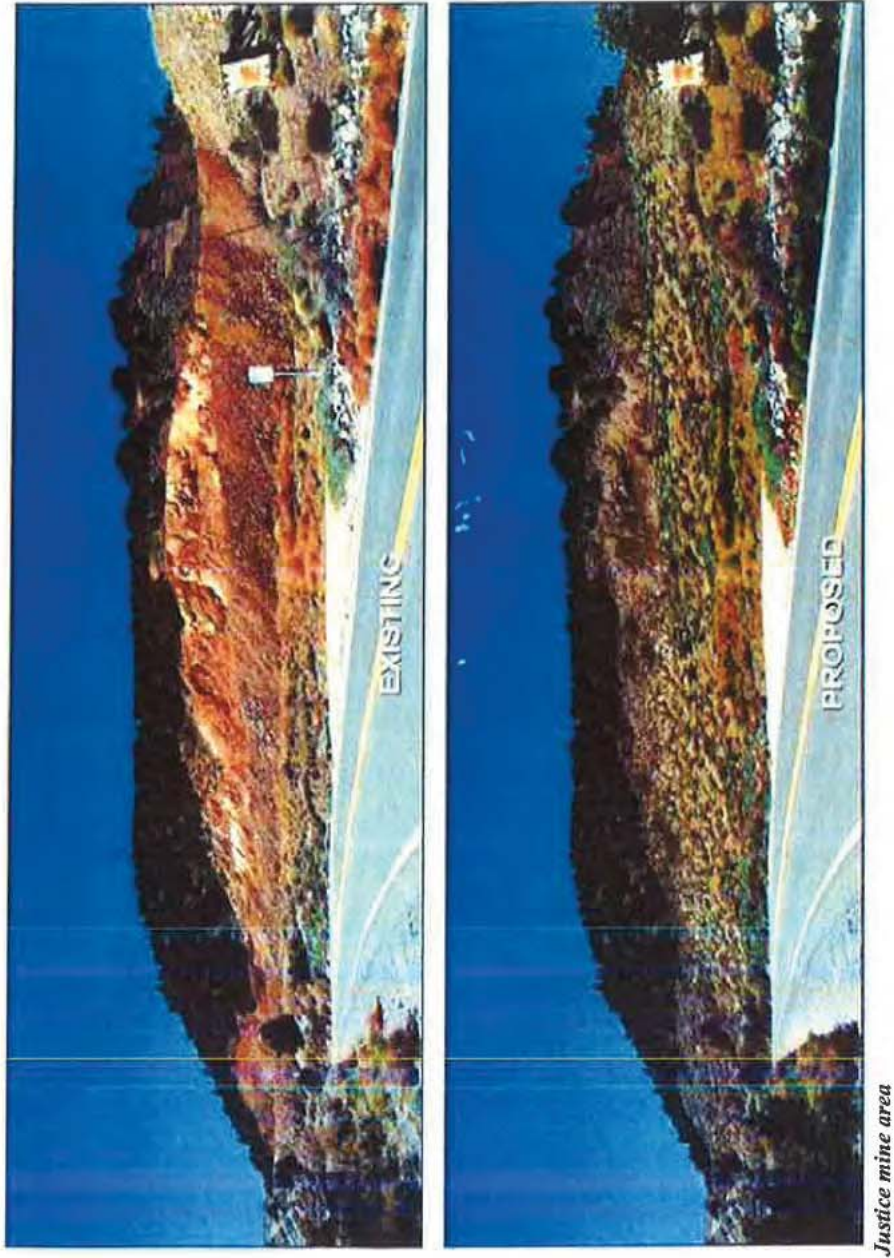




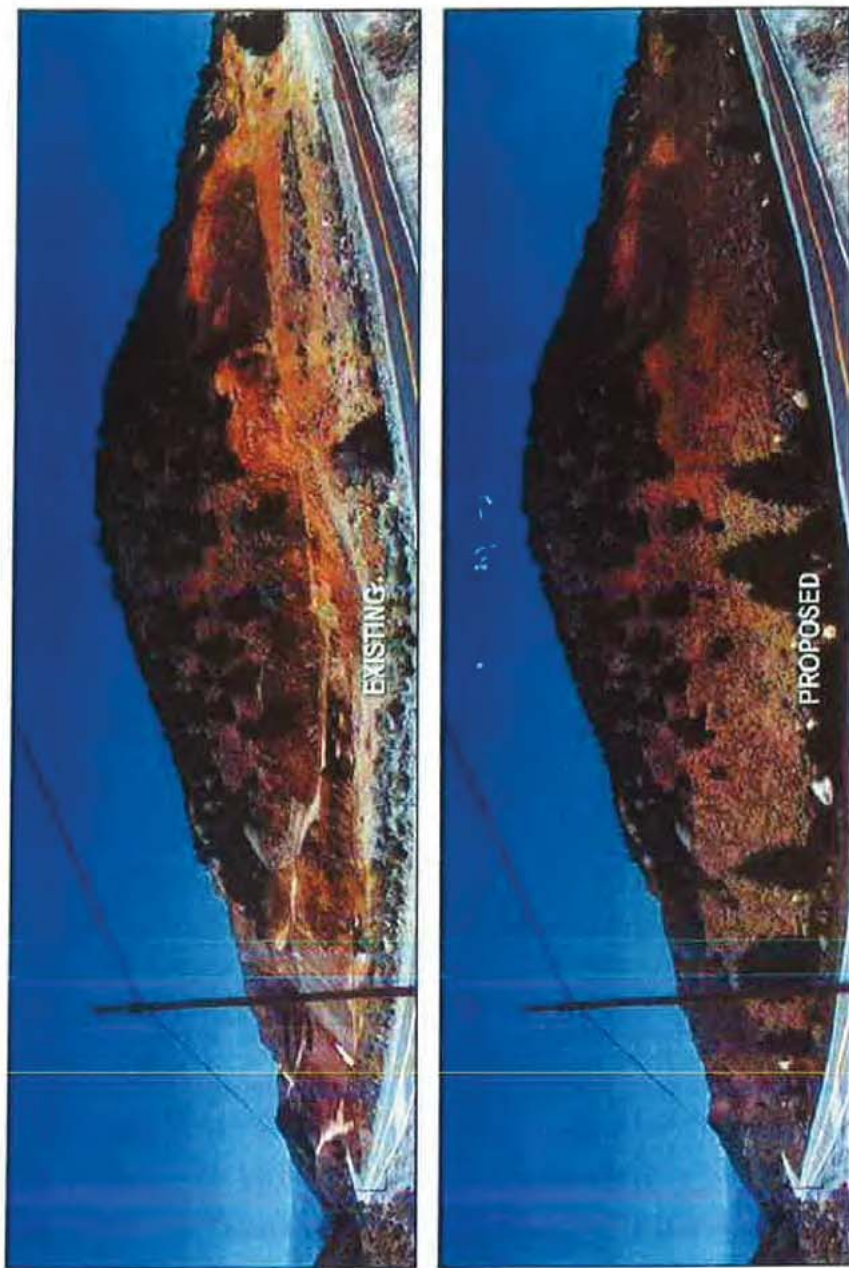
*Southern Keystone mine area*

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*Lucerne, Hardford mine areas*

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*Hartford, Billy the Kid mine area*

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## **APPENDIX 3: JUSTIFICATION OF REQUEST SUBMITTED BY THE APPLICANT**

### Detail Description/Justification of Project

Comstock Mining operates under SUP # 2000-222-A-4. We have five requests of change.

First in our process area B in American Flat, the three parcels are already inside the SUP boundary and this request simply removes the existing dotted lines around them. We acquired two parcels, 800-002-45, 800-002-38 and have a third in Escrow, 800-002-06/004-331-19 (Parcel on top of Patent) with an affidavit from the owner in this application. See attached map.

The second request is the removal of the Cox Residence boundary in the mine area Map A. The Cox's have signed a purchase agreement with CMI, APN # 002-141-13, and the attached property owner affidavit. Upon your approval to change the boundary in this area, this portion (Map A amended attached) would become effective after and only after the close of escrow of the property and the premises have been vacated by Mr. and Mrs. Cox which is expected on or before April 1st, 2015.

The third request is including the Sutro Parcels in the mine area Map A (amended attached). The property owner has signed the affidavit to include their parcels, 800-001-65, 800-001-62, 002-141-11, in the SUP in the area below the no open pit line. They were not available at the time of the last hearings.

The fourth request is including the Vickie Taylor lot in the mine area Map A (amended attached). She has signed the affidavit for APN # 002-141-17. She owns the lot North of her father who signed in the previous SUP.

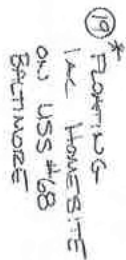
The fifth request is including the 1.5 Acres APN # 800-002-14 at the North end of the Baltimore Patent in the Process area B (amended map attached) by the property owner United Mining,

Tim Collins president. Comstock Mining owns the water tank and vault on the property.



## **APPENDIX 4: PARCEL MAP 04-33 "DETAIL D"**

04-33





## Storey County Board of County Commissioners Agenda Action Report

**Meeting date:** January 5, 2015

**Estimate of time required:** 10 min.

**Agenda:** Consent ☐ Regular agenda ☒ Public hearing required ☒

**1. Title:** The Applicant requests a Parcel Map dividing one parcel into two parcels located on a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Baseline and Meridian, in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada (Assessor Parcel Number: 004-111-28).

**2. Recommended motion:** In accordance with the recommendation by the Planning Commission and Staff, the Findings under section 5.1 of this Staff Report and other Findings deemed appropriate by the Board, and in compliance with all Conditions of Approval, I [Commissioner] hereby move to approve with conditions for Parcel Map Application Number 2014-025 for dividing one parcel into two parcels located on a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Baseline and Meridian, in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada (APN: 004-111-28).

**3. Prepared by:** Dessie Redmond, Planner

**Department:** Planning Department

**Telephone:** 847-1144

**4. Staff summary:** Jeanne Benedetti on behalf of Fulcrum Sierra BioFuels, LLC requests Parcel Map dividing one parcel into two parcels located in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada.

**5. Supporting materials:** Staff Report Number 2014-025 and Appendixes.

**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. 27



**STOREY COUNTY  
PLANNING DEPARTMENT**

Storey County Courthouse  
26 South B Street, PO Box 176, Virginia City, NV 89440  
Phone (775) 847-1144 – Fax (775) 847-0949  
planning@storeycounty.org



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

**From:** Storey County Planning Department

**Meeting Date:** January 5, 2014 at 2:00 p.m.

**Meeting Location:** Storey County Courthouse, 26 South B Street, Virginia City, Nevada 89440

**Staff Contact:** Dessie Redmond, Planner

**File:** 2014-025

**Applicant:** Jeanne Benedetti and Richard David Barraza on behalf Fulcrum Sierra BioFuels, LLC

**Property Owner:** Frank Lepori on behalf of International Investments, LLC

**Property Location:** A portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Baseline and Meridian, in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada (Assessor Parcel Number: 004-111-28).

**Figures:** Figure 1: Vicinity Map; Figure 2: Zoning Map; Figure 3: Pictometry Images; Figure 4: Site Photo; Figure 5: Proposed Parcel Map; Figure 6: Abutting Land Uses; Figure 7: Natural Buffer; Figure 8: Preliminary Drawing of Feedstock Processing Facility

**Appendixes:** Appendix 1: Legal Descriptions; Appendix 2: Ownership Verification; Appendix 3: Grant, Bargain and Sale Deed; Appendix 4: Deed of Trust; Appendix 5: Trustee's Deed Upon Sale; Appendix 6: Email from the Assessor; Appendix 7: Nevada Revised Statutes 278.461 - 278.469; Appendix 8: Site Plan and Explanation of Easements Submitted by the Applicant; Appendix 9: Canyon GID "Intent to Serve" Letter

**Guiding Documents:** Storey County Code Section 17.35 I-2 Heavy Industrial Zone; Storey County Master Plan and Nevada Revised Statutes 278.461 through 278.469

**Request:** The Applicant requests a Parcel Map dividing one parcel into two parcels located on a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Baseline and Meridian, in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada (Assessor Parcel Number: 004-111-28).

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Figure 1: Vicinity Map



Figure 2: Zoning Map

# 1. BACKGROUND & ANALYSIS

## 1.1 Site Location and Characteristics

The subject property is located on Peri Ranch Road (Appendix 1: Legal Descriptions) in Storey County, Nevada (Assessor Parcel Number (APN) 004-111-28). The subject property is approximately 42.81 acres and is owned by International Investments, LLC (Appendix 2: Ownership Verification). Lockwood/Rainbow Bend is approximately 1.2 miles to the west and the exit off Interstate 80 for USA Parkway is approximately 10 miles to the east (Figure 1: Vicinity Map). The subject property is zoned Agricultural (Figure 2: Zoning Map) and is currently vacant (Figures 3 and 4: Site Photos).

The subject property (APN 004-111-28) may be accessed off Interstate 80, via the Lockwood exit, onto Canyon Way Drive and off of Peri Ranch Road. Peri Ranch Road runs through the north portion of the subject property.

## 1.2 History Owner Property

In 2006, Judith Chisholm sold APNs 004-111-19, 004-111-27, **004-111-28**, 004-111-29, 004-111-30 to Troy Regas (\*Appendix 3: Grant, Bargain and Sale Deed - Document # 103203). (The subject property for this Parcel Map is APN **004-111-28** and is in **bold** when referenced in the following paragraphs.)

In 2008, a Deed of Trust was filed for APNs 004-111-19, 004-111-27, **004-111-28**, 004-111-29, 004-111-30 by Western Title Company, LLC as Trustees for International Investments, LLC (\*Appendix 4: Deed of Trust - Document # 0108456)

In 2013, a Trustee's Deed Upon Sale was filed by Western Title Company, LLC, Trustees for International Investments, LLC to foreclose on the properties owned by

\*Available for review in the Planning Office or online, click < [www.storeycounty.org/Recorder/SearchRecorder.asp](http://www.storeycounty.org/Recorder/SearchRecorder.asp) > and typing in the referenced Document # in the "Document #" box on the website.





Figure 3: Pictometry Image looking north through site.

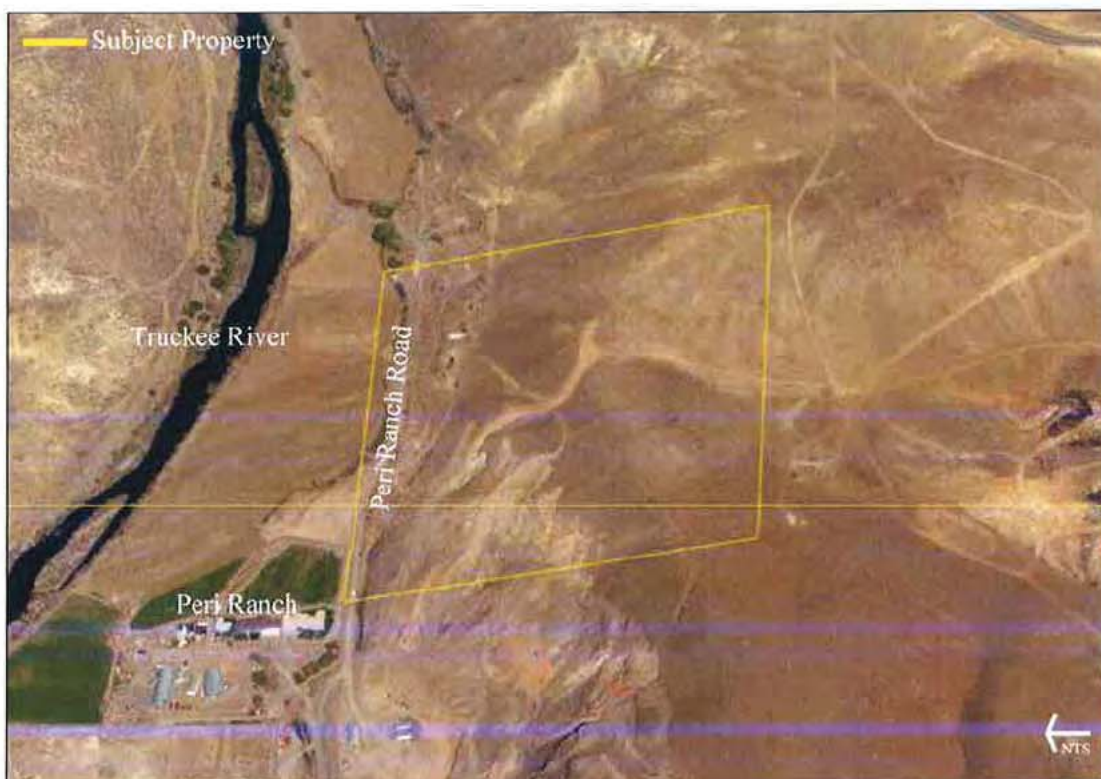


Figure 4: Pictometry Image looking east through site.

Troy Regas for APNs 004-111-19, 004-111-27, **004-111-28**, 004-111-29, 004-111-30 (\*Appendix 5: Trustee's Deed Upon Sale - Document #118095).

When the Deed of Trust (\*Appendix 4) was recorded, a portion of the legal descriptions were left out from the original Grant, Bargain and Sale Deed (\*Appendix 3). Therefore, when the Trustee's Deed Upon Sale (\*Appendix 5) was recorded, the same portion of the legal descriptions were left out. Due to this omission, there is now a clouded chain of title on portions of these properties. Storey County Assessor (the Assessor), who's office is responsible for notating correct ownership of properties within Storey County via recorded deeds, has rejected acceptance of the entire Trustee's Deed Upon Sale due to these omissions. Due to the Assessor's rejections, title on all properties (including the subject property APN **004-111-28**) are now clouded. The Assessor will not sign off on any Parcel Map that includes any of the above mentioned APNs until correct legal descriptions have been recorded.

The Assessor and the Storey County Planning Department (the Planning Department) has informed Western Title Company, LLC, the Applicant and his professional consultant of the clouded deed (Appendix 6: Email from the Assessor). Staff believes the Planning Department and the Storey County Planning Commission (the Planning Commission) can still move forward with the preliminary steps of a Parcel Map (and the related Zone Map Amendment Number 2014-026) because one of the Conditions of Approval require the corrected deed to be recorded prior to the recording of the proposed Parcel Map and to the satisfaction of the Assessor or the Storey County Recorder (the Recorder).

The following are the steps of a Parcel Map:

1. Applicant submits completed Parcel Map Application.
2. Staff reviews the Application, researches the subject property including deeds, property owner history, other similar files and applicable Storey County Codes, the Master Plan and the Nevada Revised Statutes (NRS).
3. Staff prepares a Staff Report based on the Applicant's request and the applicable research.
4. The Planning Commission hears the Parcel Map file and recommends approval, conditional approval or disapproval on the Parcel Map file.
5. The Storey County Board of County Commissioners (the Board) votes to approve, conditionally approve or disapproval the Parcel Map file.
6. If a vote to approve or conditionally approve the Parcel Map is so moved, the Parcel Map is recorded with the Recorder pursuant to all applicable Conditions of Approval and pursuant to any other requirements by the Recorder.
7. The Assessor accepts and signs off on the Parcel Map pursuant to a clear title and any additional requirements by the Assessor. If the Assessor rejects the Parcel Map a letter is sent to the Property Owner notifying them of the Assessor's rejection.

### **1.3 Application for a Parcel Map**

NRS 278.461 defines a "Parcel Map" as a division of land into four or less parcels. The proposed Parcel Map complies with NRS 278.461 through 278.469 regulating the division of land into four or less parcels.

Storey County Code (SCC) does not specifically require an Application for a Parcel Map. However, NRS does require a Parcel Map to go through the Application process.

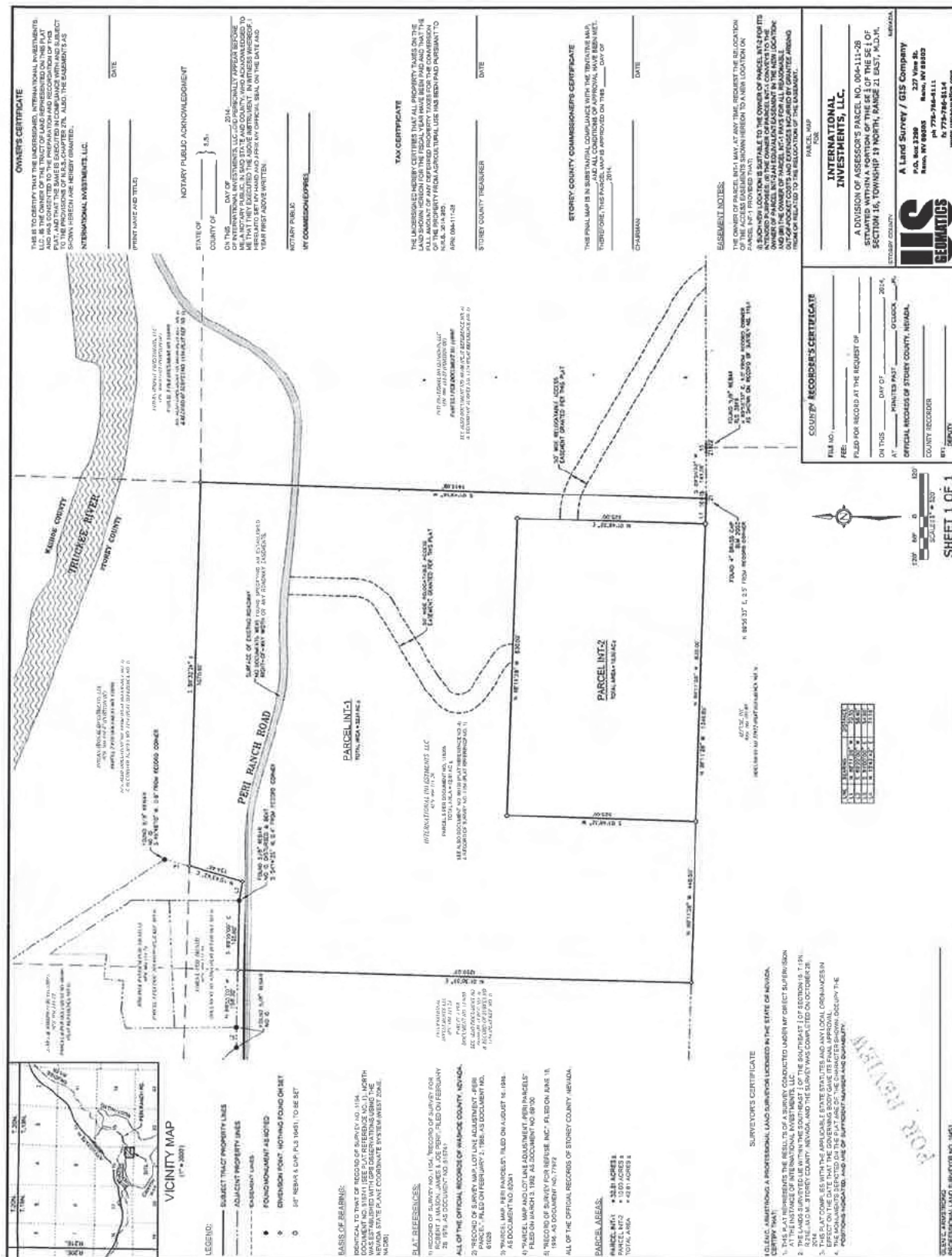
NRS 278.464 Action on a Parcel Map by the Planning Commission to the governing body.

1. The Planning Commission shall:

In a county whose population is less than 700,000, within 60 days, after accepting a complete application for a Parcel Map, recommend approval, conditional approval or disapproval of the map in a written report. The Planning Commission shall submit the Parcel Map and the written report to the governing body.

\*Available for review in the Planning Office or online, click < [www.storeycounty.org/Recorder/SearchRecorder.asp](http://www.storeycounty.org/Recorder/SearchRecorder.asp) > and typing in the referenced Document # in the "Document #" box on the website.







The Applicant requests dividing one parcel of land into two parcels of land. Consequently, this request is within the perimeters of a Parcel Map per the NRS definition. Therefore, the Storey County Planning Department (the Planning Department) requested the Applicant submit an application for a Parcel Map.

Appendix 7: Nevada Revised Statutes 278.461 - 278.469 or click:  
< <http://www.leg.state.nv.us/NRS/nrs-278.html#NRS278Sec461> >

#### 1.4 Proposed Parcel Map

Figure 5: Proposed Parcel Map (page 6) shows that the existing parcel is proposed to be split into two parcels. Parcel INT-1 to the north (proposed to be approximately 32.81 acres) and Parcel INT-2 to the south (proposed to be approximately 10 acres).

The Property Owner (International Investments, LLC) will be creating two 50 feet wide re-locatable access easements as depicted on the proposed Parcel Map. The Applicant stated that the east easement will enable future access to Mustang Road and the north easement will enable future access off Peri Ranch Road once additional easements can be secured from adjacent properties (Appendix 8: Site Plan and Explanation of Easements Submitted by the Applicant).

#### 1.5 Canyon General Improvement District

The Canyon General Improvement District (GID) has submitted to the Property Owner an “Intent to Serve” letter for water and sewer services (Appendix 9: Canyon GID “Intent to Serve” Letter).

#### 1.6 Adjacent Properties Existing Land Uses

The abutting properties to the west, south, and east of the subject property are vacant. The abutting property to the north is a single-family residence and the abutting land to the northwest is used for agricultural purposes (Figure 6: Abutting Land Uses).

#### 1.7 Abutting Properties Zoning

The abutting property to the west is zoned Light Industrial (I-1). The property to the south is zoned Heavy Industrial (I-2) and the properties to the east, north and northwest are zoned Agricultural (Figure 2 - Zoning Map).

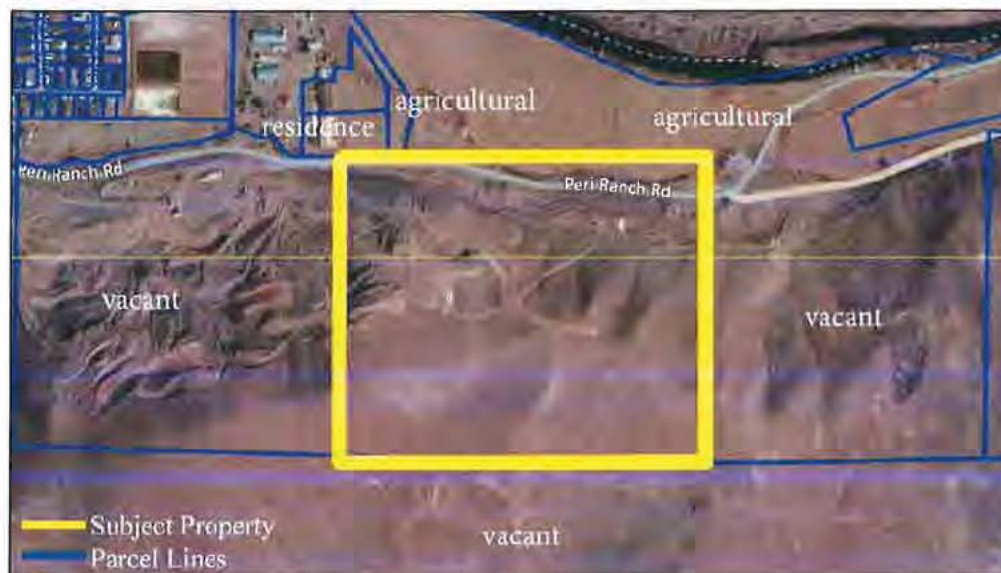


Figure 6: Abutting Land Uses

## 2. GENERAL COMPLIANCE WITH STOREY COUNTY'S GUIDING DOCUMENTS

### 2.1 Table 1: Land Use Compatibility

The following table shows land uses, Storey County Master Plan (Master Plan) designations and zoning for the land surrounding the proposed Parcel Map. There appears to be no evident conflicts between the proposed Parcel Map and SCC Title 17 Zoning or the Master Plan. The proposed Parcel Map is also generally consistent with the surrounding uses and vacant parcels.

Table 1: Land Use Compatibility			
Land	Land Use	Master Plan	Zoning
Applicant's Land	Vacant	Mixed-Use*	Agriculture
Land to the northwest	Residence	Mixed-Use*	Agriculture
Land to the north	Agriculture	Mixed-Use*	Agriculture
Land to the northeast	Agriculture	Mixed-Use*	Agriculture
Land to the east	Vacant	Mixed-Use*	Agriculture
Land to the south	Vacant	Mixed-Use*	Heavy Industrial
Land to the west	Vacant	Mixed-Use*	Light Industrial

\*Mixed Use includes - residential, agricultural, recreational, industrial uses and commercial development.

## 3. COMPLIANCE WITH THE STOREY COUNTY CODE

### 3.1 Storey County Code 17.35 I-2 Heavy Industrial Zone

The following standards apply to the I-2 Zone:

#### 3.1.1 Storey County Code 17.35.050 Minimum Parcel Area

The minimum parcel areas required in the I-2 zone is three acres.

*The proposed parcel map conforms with this standard. Parcel INT-1 will be approximately 32.81 acres and Parcel INT-2 will be approximately 10 acres; therefore, both proposed parcels exceed the minimum parcel area.*

#### 3.1.2 Storey County Code 17.35.060 Setback Requirements

Buildings may not be located closer than 50 feet to any property line.

*The proposed Parcel Map does not include a proposed building; therefore, the Application conforms with this standard. However, if the Applicant obtains approval for this Parcel Map and a requested Zone Map Amendment Number 2014-026, it is the intent of the Applicant to proceed forward with building a Feedstock Processing Facility on Parcel INT-2. A preliminary drawing shows the proposed building will meet the required setbacks, therefore, conforming to this standard (Figure 7: Preliminary Drawing of Feedstock Processing Facility).*



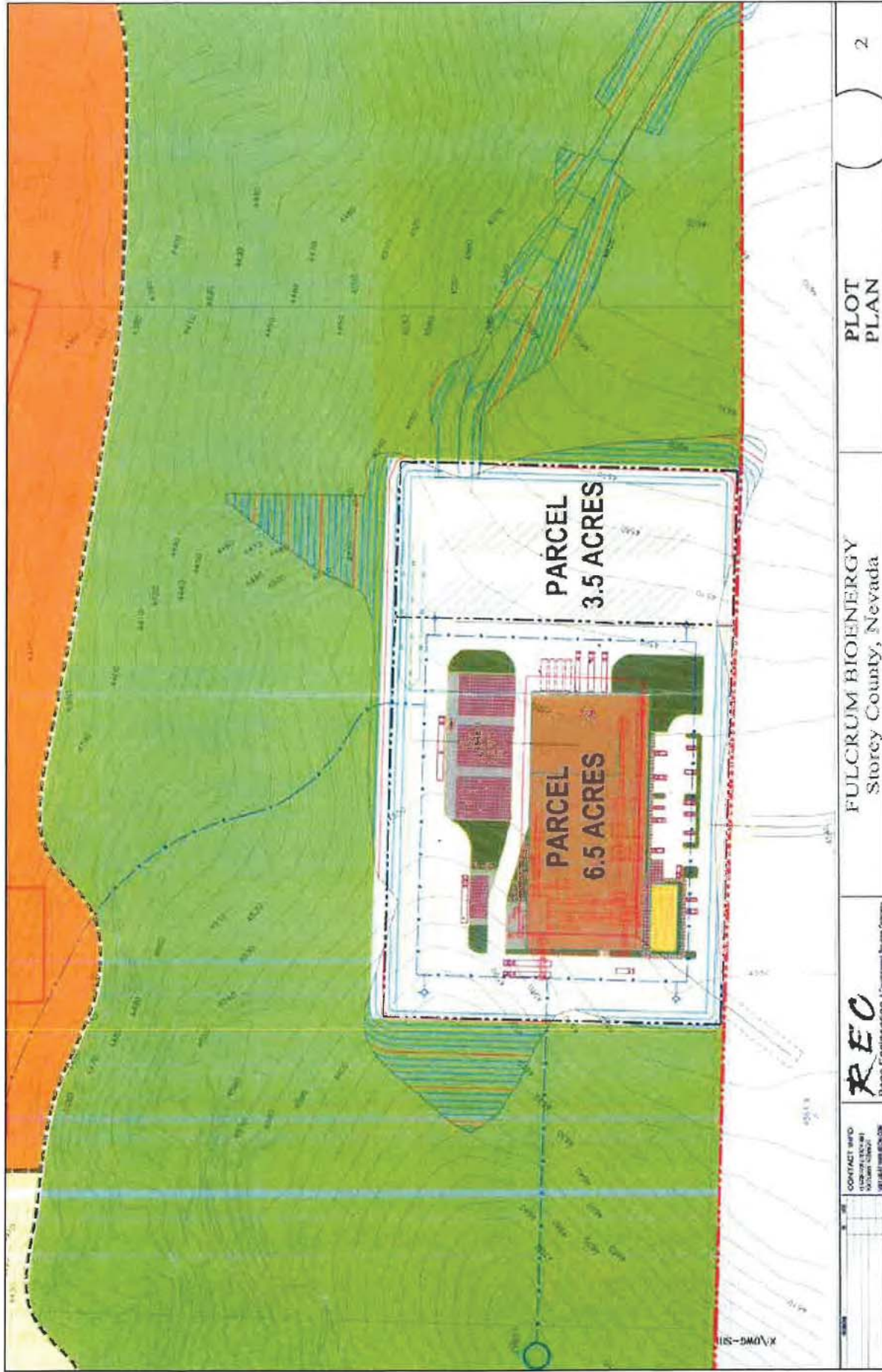


Figure 7: Preliminary Drawing of Feedstock Processing Facility



### **3.1.3 Storey County Code 17.35.070 Loading Area**

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

*The proposed Parcel Map does not include vehicular circulation or staging areas; therefore, the Application conforms with this standard. However, if the Applicant obtains approval for this Parcel Map and the requested Zone Map Amendment Number 2014-026, it is the intent of the Applicant to proceed forward with building a Feedstock Processing Facility on Parcel INT-2. A preliminary drawing shows the proposed loading area will have adequate room for vehicular circulation and staging areas and therefore, conforming to this standard (Figure 7: Preliminary Drawing of Feedstock Processing Facility).*

### **3.1.2 Storey County Code 17.35.080 Height of Buildings and Structures**

A building may not exceed six stories or 75 feet, whichever is higher, except as may be allowed by Variance.

*The proposed Parcel Map does not include a proposed building; therefore, the Application conforms with this standard. However, if the Applicant obtains approval for this Parcel Map and the requested Zone Map Amendment Number 2014-026, it is the intent of the Applicant to proceed forward with building a Feedstock Processing Facility on Parcel INT-2. Preliminary plans of the potential building show the proposed building will not exceed six stories, therefore, conforming to this standard.*

## **4. PUBLIC COMMENT**

As of posting date, Staff had not received any public comment for this file.

## **5. FINDINGS**

The Storey County Board of County Commissioners (the Board) shall cite Findings in a motion for approval, conditional approval or disapproval. The approval, conditional approval or disapproval of the requested Parcel Map must be based on Findings. The Findings listed in the following subsections are the minimum to be cited.

### **5.1 Motion for Approval**

The Findings listed in this subsection are the minimum to be cited in an approval or conditional approval. The following Findings are evident with regard to the requested Parcel Map when the recommended conditions in Section 6: Recommended Conditions of Approval, are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

5.1.1 The Parcel Map must comply with NRS 278.461 through 278.469 relating to the division of land into four or less parcels; and

5.1.2 The Parcel Map complies with all Federal, Nevada State, and County regulations pertaining to Parcel Maps and allowed land uses; and

5.1.3 The Parcel Map will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity; and

5.1.4 The conditions under this Parcel Map do not conflict with the minimum requirements in Storey County Code Chapters 17.35 I-2 Heavy Industrial Zone or any other Federal, Nevada State, or County regulations.

## **5.2 Motion for Denial**

The Findings listed in this subsection are the minimum to be cited in a disapproval of the requested Zone Map Amendment. Should a motion be made to deny the Parcel Map request, the following Findings with explanation of why should be included in that motion.

5.2.1 Substantial evidence shows that the Parcel Map conflicts with the purpose, intent, and other specific requirement of Storey County Code Chapter 17.35 I-2 Heavy Industrial Zone or any other Federal, Nevada State, or County regulations.

5.2.2 The conditions under the Parcel Map do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding uses.

## **6. RECOMMENDED CONDITIONS OF APPROVAL**

All conditions must be met to the satisfaction of each applicable Storey County Department.

1. **General requirements.** The Parcel Map must comply with Nevada Revised Statutes (NRS) 278.461 through 278.469 relating to the division of land into four or less parcels. The Parcel Map must comply with Federal, State, and County regulations pertaining to Parcel Maps and allowed land uses.
2. **Record of Survey.** The Applicant must submit to the Storey County Planning Department (Planning Department) a Record of Survey. The Final Parcel Map must show all parcel boundaries, easements, and right-of-ways.
3. **Access and Easements.** All existing streets, easements, and utility easements, whether public or private, must remain in effect and be delineated clearly on the Final Map. No existing easements will be affected by the approval of this Parcel Map.
4. **Taxes Paid.** Prior to the recording of the proposed Parcel Map, the Applicant shall show valid evidence to the Planning Department that all property taxes on the land have been paid for the fiscal year.
5. **Payment of Tax Imposed.** Prior to the recording of the proposed Parcel Map, the Applicant shall submit to the Planning Department an affidavit stating that the Applicant will make provision for the payment of the tax imposed by NRS Chapter 375 and for compliance with the disclosure and recording requirements of NRS 598.0923 subsection (5), if applicable, by the person who proposes to divide the land or any successor in interest.
6. **Division of Water Resources of the State Department of Conservation and Natural Resources.** The Applicant shall provide a copy of the Parcel Map to the Division of Water Resources of the State Department of Conservation and Natural Resources and obtain a certificate from the Division indicating that the Parcel Map is approved as to the quantity of water available for use, pursuant to NRS 278.461 subsection (2).

7. **Minimum Parcel Area.** No parcel created by this Parcel Map will be less than three acres in size, as required by Storey County Code Section 17.35.050 Minimum Parcel Area.
8. **Anticipated Industrial Purposes.** Pursuant to NRS 278.462, if the parcels created by the proposed Parcel Map are anticipated to be used for residential, commercial or industrial purposes, the Storey County Fire District (SCFD) and the Storey County Building Department (Building Department) may require off-site access, street alignment, surfacing and width, water quality, water supply and sewerage provisions only as reasonably necessary and consistent with the existing use of a land zoned for similar use which is within 660 feet of the proposed parcel.
9. **Duties of the Parcel Map Preparer.** The preparer of the proposed Parcel Map shall meet all requirements pursuant to NRS 278.468 through 278.469.
10. **Corrected Deed.** Prior to the recording of the proposed Parcel Map, the existing clouded title (Trustee's Deed Upon Sale - Document #118095) associated with the subject property must be corrected, recorded and approved by the Storey County Assessor (the Assessor) and Storey County Recorder (the Recorder) or the clouded title must be remedied to the satisfaction of the Assessor.
11. **Final Map.** The Final Parcel Map must meet the form and contents pursuant to NRS 278.466.
12. **Null and Void.** The Final Parcel Map must be recorded with the Recorder within 12 months of the Board's approval. If the Final Parcel Map is not recorded by that time, this approval will become null and void.
13. ***\*Emergency Vehicular Access. No vehicular access is permitted on Peri Ranch Road with the exception of Emergency vehicles.***

## **7. POWER OF THE BOARD & PLANNING COMMISSION**

At the conclusion of the hearing, the Planning Commission must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the Findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Parcel Map is advisory only to the Board of County Commissioners and the Board must consider the report and recommendation and must make such a decision thereon as it deems warranted.

## **8. DECEMBER 4, 2014 PLANNING COMMISSION MEETING**

On the December 4, 2014 in accordance with the recommendation by Staff, the Findings under Subsection 5.1 of the Staff Report and in compliance with all Conditions of Approval, the Planning Commission voted unanimously to recommend approval with conditions for Parcel Map Number 2014-025. The Planning Commission added Condition of Approval #13 regarding Easements as shown in Section 6: Recommended Conditions of Approval.

\*Note: This Condition of Approval was recommended by the Planning Commission and added at the December 4, 2014 Planning Commission meeting.



## 9. PROPOSED MOTIONS

This section contains two motions from which to choose. The motion for approval with Conditions of Approval is recommended by the Planning Commission and Staff in accordance with the Findings under section 5.1 of the Staff Report. Those Findings should be made part of that motion. A motion for denial may be made and that motion should cite one or more of the Findings shown in section 5.2. Other Findings determined appropriate by the Board should be made part of either motion.

### 9.1 Recommended Motion

In accordance with the recommendation by the Planning Commission and Staff, the Findings under section 5.1 of this Staff Report and other Findings deemed appropriate by the Board, and in compliance with all Conditions of Approval, I [Commissioner] hereby move to approve with conditions for Parcel Map Application Number 2014-025 for dividing one parcel into two parcels located on a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Baseline and Meridian, in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada (APN: 004-111-28).

### 9.2 Alternative Motion

In accordance with the Findings under section 5.2 of this report and other Finding against the recommendation for approval by the Planning Commission and Staff, I [Commissioner] hereby move to deny Parcel Map Application Number 2014-025 for dividing one parcel into two parcels located on a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Baseline and Meridian, in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada (APN: 004-111-28).

Prepared by: Dessie Redmond  
Storey County Planner

## **APPENDIX 1: LEGAL DESCRIPTIONS**

## EXHIBIT A1

### LEGAL DESCRIPTION FOR PARCEL INT-1

A portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Meridian, in Storey County, Nevada, and being more particularly described as follows:

**COMMENCING** at the southeast corner of said Section 16 as shown on Record of Survey No. 1154, "Record of Survey for Robert J. Mason, James & Joe Peri", filed on February 28, 1978, as Document No. 516741, Official Records of Washoe County, Nevada, said southeast corner being the **POINT OF BEGINNING**;

THENCE, North 88°11'28" West, a distance of 70.35 feet along the southerly boundary of said Section 16;

THENCE, North 01°48'32" East, a distance of 525.00 feet;

THENCE, North 88°11'28" West, a distance of 830.00 feet;

THENCE, South 01°48'32" West, a distance of 525.00 feet to said southerly boundary;

THENCE, North 88°11'28" West, a distance of 448.50 feet along said southerly boundary to the southwest corner of said Southeast Quarter of the Southeast Quarter;

THENCE, North 01°30'37" East, a distance of 1259.07 feet along the westerly boundary of said Southeast Quarter of the Southeast Quarter to the southerly boundary of the lands delineated on "Parcel Map and Lot Line Adjustment, Peri Parcels", filed on March 3, 1992, as Document No. 69100, Official Records of Storey County, Nevada;

THENCE, South 88°55'00" East, a distance of 193.80 feet along said southerly boundary;

THENCE, South 81°00'00" East, a distance of 54.90 feet along said southerly boundary;

THENCE, North 15°43'42" East, a distance of 154.46 feet along said southerly boundary to the northerly boundary of said Southeast Quarter of the Southeast Quarter;

THENCE, South 88°32'24" East, a distance of 1070.60 feet along said northerly boundary to the easterly boundary of said Section 16;

THENCE, South 01°49'56" West, a distance of 1411.08 feet along said easterly boundary to the **POINT OF BEGINNING**;

Containing 32.81 acres of land, more or less.



**BASIS OF BEARING:**

Identical to that of Record of Survey No. 1154, "Record of Survey for Robert J. Mason, James & Joe Peri", filed on February 28, 1978, as Document No. 516741, Official Records of Washoe County, Nevada.

Prepared by:

Glen C. Armstrong, PLS  
Nevada Certificate No. 16451  
US Geomatics  
227 Vine Street  
PO Box 3299  
Reno, Nevada, 89505

DRAFT

## EXHIBIT A2

### LEGAL DESCRIPTION FOR PARCEL INT-2

A portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Meridian, in Storey County, Nevada, and being more particularly described as follows:

**COMMENCING** at the southeast corner of said Section 16 as shown on Record of Survey No. 1154, "Record of Survey for Robert J. Mason, James & Joe Peri", filed on February 28, 1978, as Document No. 516741, Official Records of Washoe County, Nevada;

THENCE, North  $88^{\circ}11'28''$  West, a distance of 70.35 feet along the southerly boundary of said Section 16 to the **POINT OF BEGINNING**;

THENCE, North  $88^{\circ}11'28''$  West, a distance of 830.00 feet along said southerly boundary;

THENCE, North  $01^{\circ}48'32''$  East, a distance of 525.00 feet;

THENCE, South  $88^{\circ}11'28''$  East, a distance of 830.00 feet;

THENCE, South  $01^{\circ}48'32''$  West, a distance of 525.00 feet to the **POINT OF BEGINNING**;

Containing 10.00 acres of land, more or less.

#### BASIS OF BEARING:

Identical to that of Record of Survey No. 1154, "Record of Survey for Robert J. Mason, James & Joe Peri", filed on February 28, 1978, as Document No. 516741, Official Records of Washoe County, Nevada.

Prepared by:

Glen C. Armstrong, PLS  
Nevada Certificate No. 16451  
US Geomatics  
227 Vine Street  
PO Box 3299  
Reno, Nevada, 89505

DRAFT

## **APPENDIX 2: OWNERSHIP VERIFICATION**



Parcel Number 004-111-28		Prior Parc # 004-111-26 (changed 6/27/02)	
Last Updated 2/08/13 By JKA		Created by split; Primary # 004-111-27	
Ownership		(F6=All Owners F7=Documents)	
Legal Owner.....	INTERNATIONAL INVESTMENTS LLC	Force Assmt Notice....	-
Assessed Owner.....	INTERNATIONAL INVESTMENTS LLC	Force Ag Message...	-
Mail Address.....	4790 CAUGHLIN PARKWAY #515	Force Label.....	-
		Force Card/Aff (C/A)..	-
City, State.....	RENO, NV	Zip...	89509
Vesting Doc #, Date.	118095 - 2/07/2013	Yr, Bk, Pg	13 000 000
Map Document #s.....	69100 -		Corr Rq'd -
Description		(F11=Additional Locations)	
	# Dir Street or Other Description	Unit #(s)	
Property Location...	PERI RANCH RD		
Subdivision.....	PTN S16 T19N R21E	Block...	Lot...
Town.....	OUTSIDE RIVER	Parcel Map ID..	
Property Name.....	PERI RANCH	Confidential..	-
Remarks.....			
Parcel # Containing	Descriptive/Document Data....	Land Use: 400	
Size			
Total Acres...	42.810	Square Feet....	0
Ag Acres.....	.000	W/R Acres.....	.000
F9=Scan >/< ≥ F5=Addr Hist F10=Othr Func F12=Cancel F14=Imprv/Apprsl Data			
F15=Legal Description F16=Misc Notes F17=Factoring History F20=Tax Years			
F21=Personal Property F22=Ag Land F23=Exemptions F24=Livestock Counts			

## Corporate Resolution

### International Investments, a Nevada LLC

As Managing Member of International Investments, I Dante L. Perano authorize Frank Lepori a member of International Investments to sign any and all documents in reference to the sale of 10 acres to Fulcrum Bioenergy, Inc.

Minutes approved:

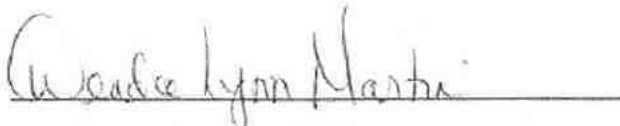
  
Dante L. Perano  
Operating Manager (Member)

Date: Nov 5<sup>th</sup> 2014

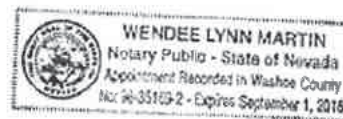
State of Nevada

County of Washoe

This instrument (Corporate Resolution) was acknowledged before me  
on November 5th, 2014 by Dante Perano, Managing Member of  
International Investments LLC.



Signature of Notarial Officer





[Home](#) [About Ross](#) [Calendar](#) [News](#) [FAQ](#) [Forms](#) [Contact Us](#)
[Search](#)[Home](#)[Information Center](#)[Election Center](#)[Business Center](#)[Issuance Center](#)[Securities Center](#)[Online Services](#)[My Data Reports](#) [Outstanding Filings](#) [Business ID](#)**INTERNATIONAL INVESTMENTS LLC**[New Search](#)[Printer Friendly](#)[Calculate List Fees](#)**Business Entity Information**

<b>Status:</b>	Active	<b>Fil. Date:</b>	12/14/2007
<b>Type:</b>	Domestic Limited Liability Company	<b>Entity Number:</b>	E0855802007-0
<b>Qualifying State:</b>	NV	<b>List of Officers Due:</b>	12/31/2014
<b>Managed By:</b>	Managers	<b>Expiration Date:</b>	
<b>NV Business ID:</b>	NV20071389468	<b>Business License Exp:</b>	12/31/2014

**Additional Information**[Central Index Key:](#)**Registered Agent Information**

<b>Name:</b>	DARTE PERANO	<b>Address 1:</b>	4790 CAUGHLIN PKWY #515
<b>Address 2:</b>		<b>City:</b>	RENO
<b>State:</b>	NV	<b>Zip Code:</b>	89519
<b>Phone:</b>		<b>Fax:</b>	
<b>Mailing Address 1:</b>		<b>Mailing Address 2:</b>	
<b>Mailing City:</b>		<b>Mailing State:</b>	NV
<b>Mailing Zip Code:</b>			
<b>Agent Type:</b>	Noncommercial Registered Agent		

[View all business entities under this registered agent](#)**Financial Information**

<b>No Par Share Count:</b>	0	<b>Capital Amount:</b>	\$ 0
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**No stock records found for this company****Officers**[Print List of Officers](#)**Manager - G AND G CAPITAL INC.**

<b>Address 1:</b>	4790 CAUGHLIN PKWAY #515	<b>Address 2:</b>	
<b>City:</b>	RENO	<b>State:</b>	NV
<b>Zip Code:</b>	89519	<b>Country:</b>	USA
<b>Status:</b>	Active	<b>Email:</b>	

**Archived Filings/Reports**[Click here to view 10 actions/amendments associated with this company](#)
<http://nv.sos.gov/sosentitysearch/CorpDetails.aspx?lx8nvq-wJuJsVWb%252bAUL3pESBj...> 11/5/2014

**APPENDIX 3: GRANT, BARGAIN AND SALE DEED**  
(Recorded Document # 103203)

**APPENDIX 4: DEED OF TRUST**  
(Recorded Document # 0108456)

**APPENDIX 5: TRUSTEE'S DEED UPON SALE**  
(Recorded Document # 118095)

These Appendixes are available for review in the Planning Office - 26 B Street, Virginia City, Nevada 89440 or online click:

< [www.storeycounty.org/Recorder/SearchRecorder.asp](http://www.storeycounty.org/Recorder/SearchRecorder.asp) > and typing in the referenced Document # in the "Document #" box on the website.



## **APPENDIX 6: EMAIL FROM THE ASSESSOR**

**Jana Seddon**

---

**From:** Jana Seddon  
**Sent:** Wednesday, March 19, 2014 11:34 AM  
**To:** 'jtaghiof@westerntitle.net'  
**Subject:** 031696-FCL  
**Attachments:** 4591\_001.pdf

Hi Joy,  
I'm contacting you in regards to the foreclosure deed for Troy Regas to International Investments LLC. I contacted several months ago in regards to this situation, however I haven't heard back from you.

I have attached the GBS Deed where Mr. Regas took title to the property, and a copy of the Foreclosure Deed.

It seems that under the meets and bounds descriptions for Parcel 3, that Parcel B was left off of the Foreclosure Deed. Seeing as how Parcel B is a portion of APN 4-111-27, and all of APN 4-111-19, if this isn't resolved quickly, I will need to remove International Investments LLC as legal owners for these parcels and put Troy Regas back as the legal owner.

This will need to be cleared prior to the middle of June when we will be closing our tax roll. I look forward to hearing from you.

Thank you ☺

*Jana Seddon*

Assessor  
Storey County  
[jseddon@storeycounty.org](mailto:jseddon@storeycounty.org)  
(775)847-0961

Storey County is an equal opportunity provider

**From:** [printers@storeycounty.org](mailto:printers@storeycounty.org) [<mailto:printers@storeycounty.org>]  
**Sent:** Wednesday, March 19, 2014 11:19 AM  
**To:** Jana Seddon  
**Subject:** Attached Image

## **APPENDIX 7: NEVADA REVISED STATUES 278.461-278.469**



## **Parcel Maps**

### **NRS 278.461 General requirements; exemptions.**

1. Except as otherwise provided in this section, a person who proposes to divide any land for transfer or development into four lots or less shall:

(a) Prepare a parcel map and file the number of copies, as required by local ordinance, of the parcel map with the planning commission or its designated representative or, if there is no planning commission, with the clerk of the governing body; and

(b) Pay a filing fee in an amount determined by the governing body,

→ unless those requirements are waived or the provisions of NRS 278.471 to 278.4725, inclusive, apply. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid, and by the affidavit of the person who proposes to divide the land stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the person who proposes to divide the land or any successor in interest.

2. In addition to any other requirement set forth in this section, a person who is required to prepare a parcel map pursuant to subsection 1 shall provide a copy of the parcel map to the Division of Water Resources of the State Department of Conservation and Natural Resources and obtain a certificate from the Division indicating that the parcel map is approved as to the quantity of water available for use if:

(a) Any parcel included in the parcel map:

(1) Is within or partially within a basin designated by the State Engineer pursuant to NRS 534.120 for which the State Engineer has issued an order requiring the approval of the parcel map by the State Engineer; and

(2) Will be served by a domestic well; and

(b) The dedication of a right to appropriate water to ensure a sufficient supply of water is not required by an applicable local ordinance.

3. If the parcel map is submitted to the clerk of the governing body, the clerk shall submit the parcel map to the governing body at its next regular meeting.

4. A common-interest community consisting of four units or less shall be deemed to be a division of land within the meaning of this section, but need only comply with this section and NRS 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and 278.466.

5. A parcel map is not required when the division is for the express purpose of:

(a) The creation or realignment of a public right-of-way by a public agency.

(b) The creation or realignment of an easement.

(c) An adjustment of the boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels, which does not result in the creation of any additional parcels, if such an adjustment is approved pursuant to NRS 278.5692 and is made in compliance with the provisions of NRS 278.5693.

(d) The purchase, transfer or development of space within an apartment building or an industrial or commercial building.

(e) Carrying out an order of any court or dividing land as a result of an operation of law.

6. A parcel map is not required for any of the following transactions involving land:

(a) The creation of a lien, mortgage, deed of trust or any other security instrument.

(b) The creation of a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity.

(c) Conveying an interest in oil, gas, minerals or building materials, which is severed from the surface ownership of real property.

(d) Conveying an interest in land acquired by the Department of Transportation pursuant to chapter 408 of NRS.

(e) Filing a certificate of amendment pursuant to NRS 278.473.

7. When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, until further divided.

8. Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, the provisions for the division of land by a parcel map do not apply to a transaction exempted by paragraph (c) of subsection 1 of NRS 278.320.

9. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

[27.1:110:1941; added 1947, 834; 1943 NCL § 5063.26a]—(NRS A 1973, 453, 1338; 1975, 1564; 1977, 1508; 1979, 1499; 1983, 251; 1985, 709; 1989, 501; 1991, 583, 1383, 1387; 1993, 2569; 2007, 849; 2009, 1114)

**NRS 278.462 Requirements which may be imposed by governing body.** The governing body or, if authorized by the governing body, the planning commission or other authorized person:

1. May require street grading, drainage provisions and lot designs as are reasonably necessary.

2. If it anticipates, based upon duly adopted ordinances and plans, that the parcels will be used for residential, commercial or industrial purposes, may require off-site access, street alignment, surfacing and width, water quality, water supply and sewerage provisions only as necessary and consistent with the existing use of any land zoned for similar use which is within 660 feet of the proposed parcel. If the proposed parcels are less than 1 acre, the governing body or, if authorized by the governing body, the planning commission or other authorized person may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.

3. For a second or subsequent parcel map with respect to:

(a) A single parcel; or

(b) A contiguous tract of land under the same ownership,

↪ may require any reasonable improvement, but not more than would be required if the parcel were a subdivision.

(Added to NRS by 1977, 1509; A 1991, 624; 1993, 2570; 1995, 710; 2003, 656)

**NRS 278.4625 Minimum size of mobile home lot.** The governing body of a city or county may not require the minimum size of a mobile home lot that is individually owned to be larger than the minimum size of a mobile home lot that is leased to a tenant.

(Added to NRS by 1993, 1470)

**NRS 278.463 Survey required; exception.** Except as otherwise provided in this section, a parcel map must be based on a survey made for that purpose. The county surveyor, city surveyor or professional land surveyor appointed by the governing body, may pursuant to NRS 278.464 waive the requirement of a survey if, in his or her judgment, a survey is not required to accomplish the purposes of NRS 278.010 to 278.630, inclusive.

(Added to NRS by 1975, 1562; A 1993, 2571)

**NRS 278.464 Action on parcel map by planning commission, governing body or other authorized person or agency; waiver of requirement for map and survey; consideration of certain criteria authorized in determining approval of certain parcel maps; appeals; certificate of approval of parcel map.**

1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

↪ after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

↪ after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. The planning commission shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

↪ after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection 3 of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. The planning commission and the governing body or director of planning or other authorized person or agency shall not approve the parcel map unless the person proposing to divide the land has submitted an affidavit stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the person proposing to divide the land or any successor in interest.

5. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

↪ after the date of the request for the waiver or, in the absence of action, the waiver shall be deemed approved.

6. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.

7. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

8. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the



chair of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925 has been vacated or abandoned in accordance with NRS 278.480.

(Added to NRS by 1977, 1510; A 1989, 792; 1993, 2571; 1997, 2427; 1999, 788, 893; 2001, 64, 1969, 2811; 2007, 850; 2009, 1116; 2011, 1197)

**NRS 278.466 Form and contents of parcel map; reference to parcel number and recording.**

1. The parcel map must be legibly drawn in permanent black ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for that purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink. The size of each sheet must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

2. A parcel map must indicate the owner of any adjoining land, or any right-of-way if owned by the person dividing the land.

3. A parcel map must show:

(a) The area of each parcel or lot and the total area of the land to be divided in the following manner:

- (1) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or
- (2) In square feet if the area is less than 2 acres.

(b) All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.

(c) Bearing or witness monuments, the basis of bearings, bearing and length of lines and the scale of the map.

(d) The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.

(e) Any easements granted or dedications made.

(f) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and area shown.

4. A parcel map must include:

(a) The memorandum of oaths described in NRS 625.320.

(b) The certificate of the surveyor required pursuant to NRS 278.375.

(c) The certificate of the Division of Water Resources of the State Department of Conservation and Natural Resources issued pursuant to NRS 278.461, if any.

(d) The signature of each owner of the land to be divided.

5. A governing body may by local ordinance require a parcel map to include:

(a) A report from a title company which lists the names of:

- (1) Each owner of record of the land to be divided; and
- (2) Each holder of record of a security interest in the land to be divided,

↪ if the security interest was created by a mortgage or a deed of trust.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a) to the preparation and recordation of the parcel map. A holder of record of a security interest may consent by signing:

- (1) The parcel map; or

(2) A separate document that is recorded with the parcel map and declares his or her consent to the division of land, if the map contains a notation that a separate document has been recorded to this effect.

6. If the requirement for a parcel map is waived, the governing body may specify by local ordinance the type and extent of information or mapping necessary for the division of land.

7. Reference to the parcel number and recording data of a recorded parcel map is a complete legal description of the land contained in the parcel.

[Part 27.2:110:1941; added 1947, 834; 1943 NCL § 5063.26b]—(NRS A 1960, 138; 1973, 1338; 1975, 1566; 1977, 1510; 1985, 897; 1989, 793; 1993, 2572; 1995, 198; 2007, 852)

**NRS 278.467 Preparation, recordation and contents of document which may be required if parcel map waived; statement indicating that property taxes have been paid; county recorder to provide copy of document or access to digital document to county assessor.**

1. If the requirement for a parcel map is waived, the authority which granted the waiver may require the preparation and recordation of a document which contains:

- (a) A legal description of all parts based on a system of rectangular surveys;
- (b) A provision for the dedication or reservation of any road right-of-way or easement; and
- (c) The approval of the authority which granted the waiver.

2. If a description by metes and bounds is necessary in describing the parcel division, it must be prepared by a professional land surveyor and bear his or her signature and stamp.

3. The person preparing the document may include the following statement:

This document was prepared from existing information (identifying it and stating where filed and recorded), and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any such prior documents.

4. A document recorded pursuant to this section must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

5. A county recorder who records a document pursuant to this section shall, within 7 working days after he or she records the document, provide to the county assessor at no charge:

- (a) A duplicate copy of the document; or
- (b) Access to the digital document. The document must be in a form that is acceptable to the county recorder and the county assessor.

(Added to NRS by 1977, 1511; A 1989, 501, 794; 1991, 1384; 1993, 2573; 2001, 1560; 2003, 2786)

**NRS 278.468 Duties of preparer of parcel map upon approval; duties of county recorder.**

1. If a parcel map is approved or deemed approved pursuant to NRS 278.464, the preparer of the map shall:

(a) Except as otherwise provided in subsection 2, cause the approved map to be recorded in the office of the county recorder within 1 year after the date the map was approved or deemed approved, unless the governing body establishes by ordinance a longer period, not to exceed 2 years, for recording the map. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

(b) Pay a fee of \$17 for the first sheet of the map plus \$10 for each additional sheet to the county recorder for filing and indexing.

2. In a county whose population is less than 100,000, if the parcel map shows an area totaling 50 acres or more that is subject to a conservation easement, the preparer of the map shall cause the

approved map to be recorded in the office of the county recorder within 3 years after the date the map was approved or deemed approved, unless the governing body grants an extension of time for recording the map, which may not exceed 1 year. As used in this subsection, "conservation easement" means an easement that permanently preserves or protects open space, a floodplain or agricultural land from being parceled, subdivided or otherwise developed in a manner incompatible with the preservation or protection of the open space, floodplain or agricultural land.

3. Upon receipt of a parcel map, the county recorder shall file the map in a suitable place. The county recorder shall keep proper indexes of parcel maps by the name of grant, tract, subdivision or United States subdivision.

4. A county recorder who records a parcel map pursuant to this section shall, within 7 working days after he or she records the parcel map, provide to the county assessor at no charge:

(a) A duplicate copy of the parcel map and any supporting documents; or

(b) Access to the digital parcel map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

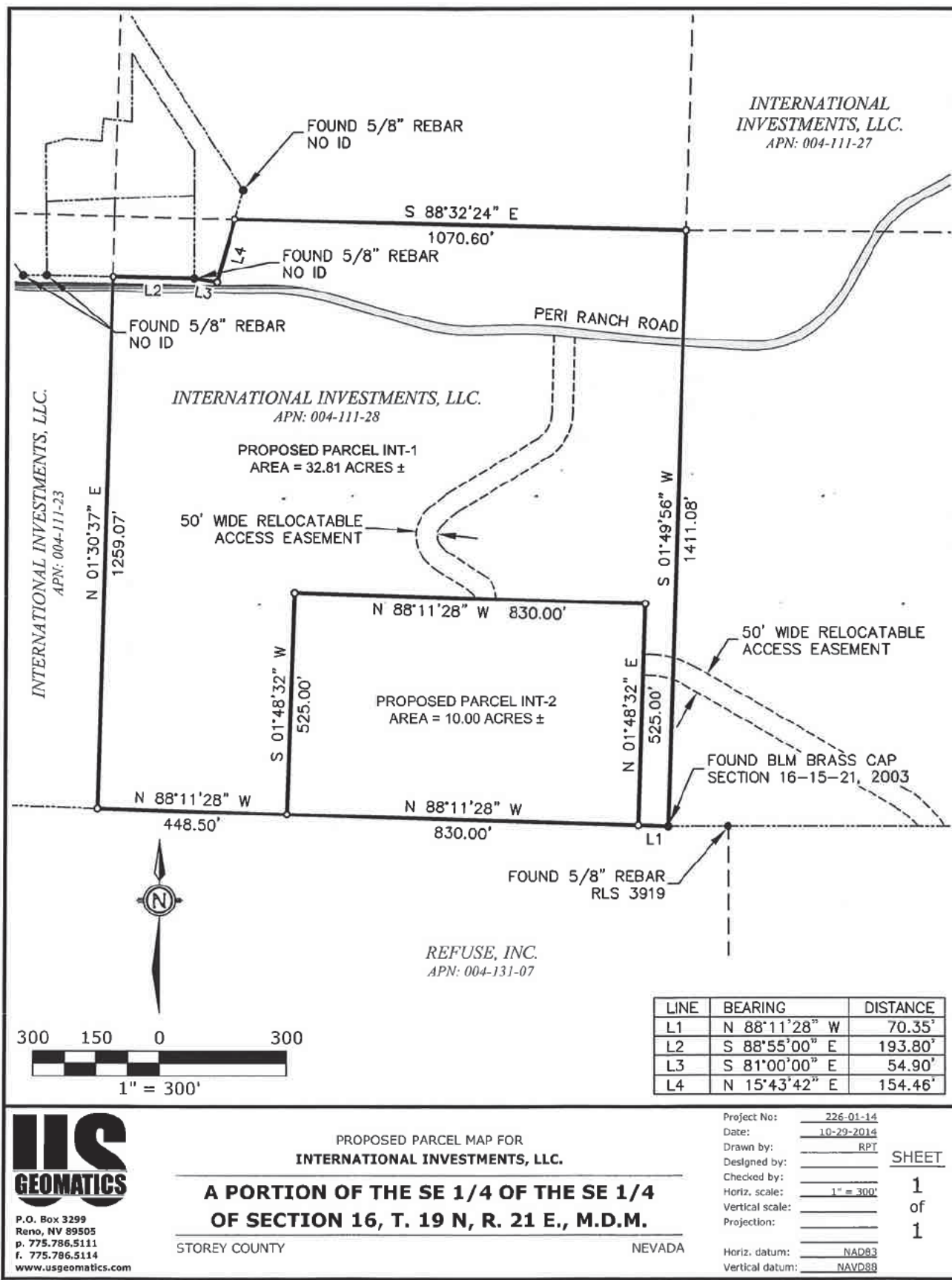
[Part 27.2:110:1941; added 1947, 834; 1943 NCL § 5063.26b]—(NRS A 1969, 255; 1973, 1339; 1975, 757; 1981, 214; 1993, 1357, 2574; 1995, 710; 1997, 2428; 1999, 895; 2001, 1560, 3217; 2003, 2786; 2011, 695)

**NRS 278.469 Map to indicate record of survey not in conflict with planning and zoning requirements.** If a record of survey contains two or more lots or parcels, the surveyor or a person for whom the record of survey is made shall place upon the map thereof a statement of the facts which will clearly show that such record of survey is not in conflict with the requirements of NRS 278.010 to 278.630, inclusive, and the regulations of transactions pertaining thereto shall be complied with.

[Part 27.2:110:1941; added 1947, 834; 1943 NCL § 5063.26b]—(NRS A 1973, 1339; 1977, 1511)—(Substituted in revision for NRS 278.540)



## **APPENDIX 8: SITE PLAN AND EXPLANATION OF EASEMENTS SUBMITTED BY THE APPLICANT**





**RENO ENGINEERING** A Development Services Company

***Thursday, November 6, 2014***

**STOREY COUNTY PLANNING**

***Attn: Dessie E. Redmond, MURP, MLA***

**PO BOX 176, 26 B Street • Virginia City, NV 89440**

**Phone: (775) 847.1144**

**Email: [dredmond@storeycounty.org](mailto:dredmond@storeycounty.org)**

**RE: ZONE & PARCEL CHANGE(s): RIVERFRONT BUSINESS PARK**

Dear Dessie,

Please see the following amendments and additional information for the three (3) applications:

**FULCRUM Parcel Map:**

1. *Paid Tax Receipt for APN 004-111-28*
  - a. The \$41.49 of property tax due on APN 004-111-28 was paid online on November 5, 2014.
2. *Explanation of the easements created by the plat.*
  - a. International Investment, LLC is creating two (2) 50' wide re-locatable access easements as depicted on the parcel map as follows:
    - i. Access Easement located across APN-004-111-28 between Parcel 2 and Peri Ranch Road.
    - ii. Access Easement located on APN-004-111-28 and APN 004-111-27 between Parcel 2 and southern property line of APN 004-111-27. This easement will enable future access to Mustang Road once additional easements can be secured from adjacent properties.
    - iii. Easements created to provide access to parcel easement language to be agreed upon between International Investments & Fulcrum prior to closing.

**775.852.5700 • [www.RECNV.com](http://www.RECNV.com) • 405 Marsh Ave. Reno, NV 89509**



## **APPENDIX 9: CANYON GID “INTENT TO SERVE” LETTER**



# CANYON GENERAL IMPROVEMENT DISTRICT

800 Peri Ranch Rd., Suite 103, Sparks, NV 89434

Phone 342-2850

Fax 342-2851

January 29, 2014

Re: Fulcrum Sierra BioFuels, LLC  
Feedstock Facility Project

Dear Applicant:

This letter will serve as a commitment to provide potable water service to the above referenced project from the Canyon General Improvement District. This letter will also confirm that the C.G.I.D. has the reserve capacity to provide potable water.

The commitment to provide service is conditional upon the Applicant's submittal of detailed drawings to the C.G.I.D. for review and approval.

If you have any question please call me at 342-2850.

We look forward to working with you in the future.

Sincerely,

Mitch Andreini  
Manager, Canyon General Improvement District

*This institution is an equal opportunity provider.*



## Storey County Board of County Commissioners Agenda Action Report

**Meeting date:** January 5, 2015

**Estimate of time required:** 10 min.

**Agenda:** Consent ☐ Regular agenda ☒ Public hearing required ☒

**1. Title:** The Applicant requests a Zone Map Amendment to the Official Storey County Zoning Map to change the zoning of a land parcel (a portion of current APN 004-111-28) from Agricultural (A) to Heavy Industrial (I-2) on a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East in Mount Diablo Baseline and Meridian in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada. 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).

**2. Recommended motion:** In accordance with the recommendation by the Planning Commission and Staff, the Findings under section 6.1 of the Staff Report and other Findings deemed appropriate by the Board, and in compliance with all Conditions of Approval, I [Commissioner] motion to approve with conditions Zone Map Amendment Application Number 2014-026 for an amendment to the Official Storey County Zoning Map to change the property from the Agricultural (A) zone to the Heavy Industrial (I-2) zone at a property located on a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Baseline and Meridian, in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada.

**3. Prepared by:** Dessie Redmond, Planner

**Department:** Planning Department

**Telephone:** 847-1144

**4. Staff summary:** Jeanne Benedetti on behalf of Fulcrum Sierra BioFuels, LLC requests a Zone Map Amendment to the Official Storey County Zoning Map to change the zoning of a land parcel (a portion of current APN 004-111-28) from Agricultural (A) to Heavy Industrial (I-2) in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada.

**5. Supporting materials:** Staff Report Number 2014-026 and Appendixes.

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

Funds Available:

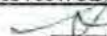
Fund:

\_\_\_ Comptroller

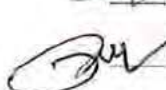
**7. Legal review required:**

\_\_\_ 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. 28



## STOREY COUNTY PLANNING DEPARTMENT

Storey County Courthouse  
26 South B Street, PO Box 176, Virginia City, NV 89440  
Phone (775) 847-1144 – Fax (775) 847-0949  
planning@storeycounty.org



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

**From:** Storey County Planning Department

**Meeting Date:** January 5, 2015 at 2:00 p.m.

**Meeting Location:** Storey County Courthouse, 26 South B Street, Virginia City, Nevada 89440

**Staff Contact:** Dessie Redmond, Planner

**File:** 2014-026

**Applicant:** Jeanne Benedetti and Richard David Barraza on behalf Fulcrum Sierra BioFuels, LLC

**Property Owner:** Frank Lepori on behalf of International Investments, LLC

**Property Location:** A portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Baseline and Meridian, in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada, (a portion of current Assessor Parcel Number (APN) 004-111-28).

**Figures:** Figure 1: Vicinity Map; Figure 2: Zoning Map; Figure 3 & Figure 4: Pictometry Images; Figure 5: Existing Zone Map; Figure 6: Proposed Zone Map; Figure 7: Abutting Land Uses; Figure 8: Natural Buffer; Figure 9: Preliminary Drawing of the Feedstock Processing Facility; Figure 10: Proposed Zones for Zone Map Amendment Number 2014-027

**Appendix:** Appendix 1: Legal Description; Appendix 2: Ownership Verification; Appendix 3: Property Owner Affidavit; Appendix 4: Applicant Submittals; Appendix 5: Canyon GID "Intent to Serve" Letter

**Guiding Documents:** Storey County Code Sections 17.03.220 Zone Map Amendments and Zone Text Amendments, 17.08 Zones Generally, 17.35 Heavy Industrial Zone, 17.24 Agricultural Zone and the Storey County Master Plan

**Request:** The Applicant requests a Zone Map Amendment to the Official Storey County Zoning Map to change the zoning of a land parcel (a portion of current APN 004-111-28) from Agricultural (A) to Heavy Industrial (I-2) on a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East in Mount Diablo Baseline and Meridian in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada. 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.

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Figure 1: Vicinity Map

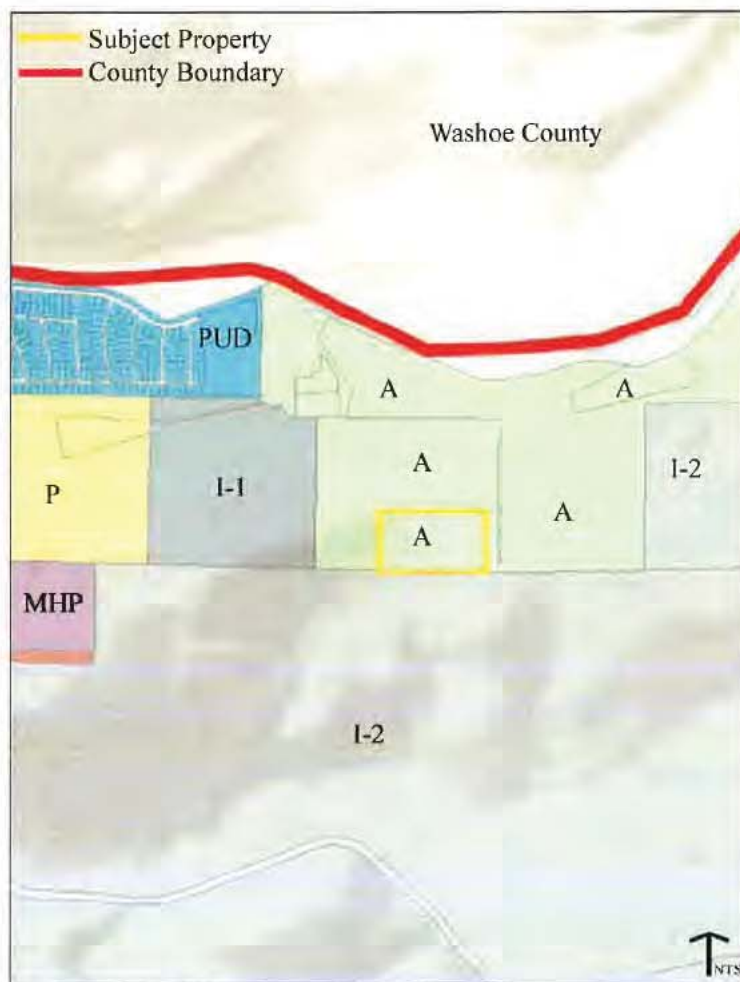


Figure 2: Zoning Map

## 1. BACKGROUND & ANALYSIS

### 1.1 Site Location and Characteristics

The subject property is located off an easement off Peri Ranch Road or an easement off East Mustang Road (Appendix 1: Legal Description) in Storey County, Nevada. The subject property is approximately 10 acres and is owned by International Investments, LLC (Appendix 2: Ownership Verification). Lockwood/Rainbow Bend is approximately 1.5 miles to the west and the exit off Interstate 80 for USA Parkway is approximately 10 miles to the east (Figure 1: Vicinity Map). The subject property is zoned Agricultural (Figure 2: Zoning Map) and is currently vacant (Figures 3 and 4: Site Photos). Peri Ranch Road is north of the subject property and East Mustang Road is east of the subject property.

The subject property will be accessed off Interstate 80, via the Lockwood exit, onto Canyon Way Drive onto Peri Ranch Road and off a 50 foot wide relocatable easement which connects Peri Ranch Road and the subject property.

Another easement that will provide access to the property will be off Interstate 80, via the Mustang Road exit, west onto East Mustang Road and off 50 foot side relocatable easement which connects East Mustang Road to the subject property.

These easements will be recorded with Parcel Map Application Number 2014-025.

### 1.2 Application for a Zone Map Amendment

The Applicant, Fulcrum Sierra BioFuels, LLC, proposes to change one parcel of





Figure 3: Pictometry Image north through site.

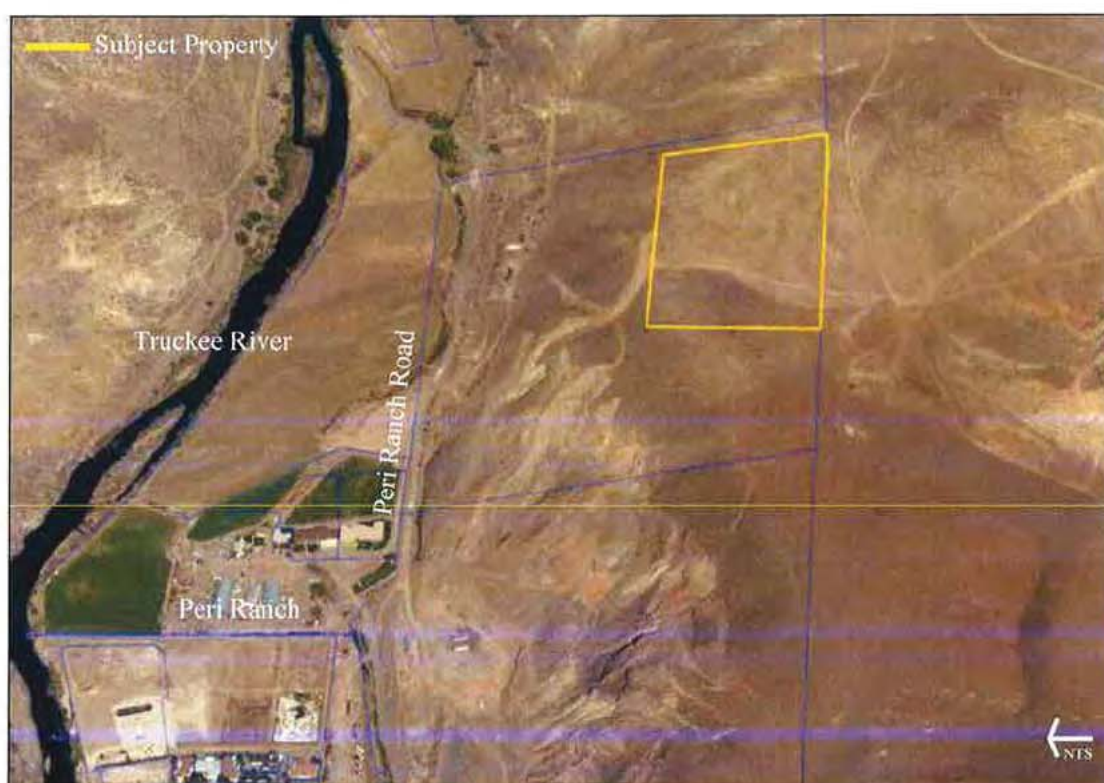


Figure 4: Pictometry Image looking east through site.

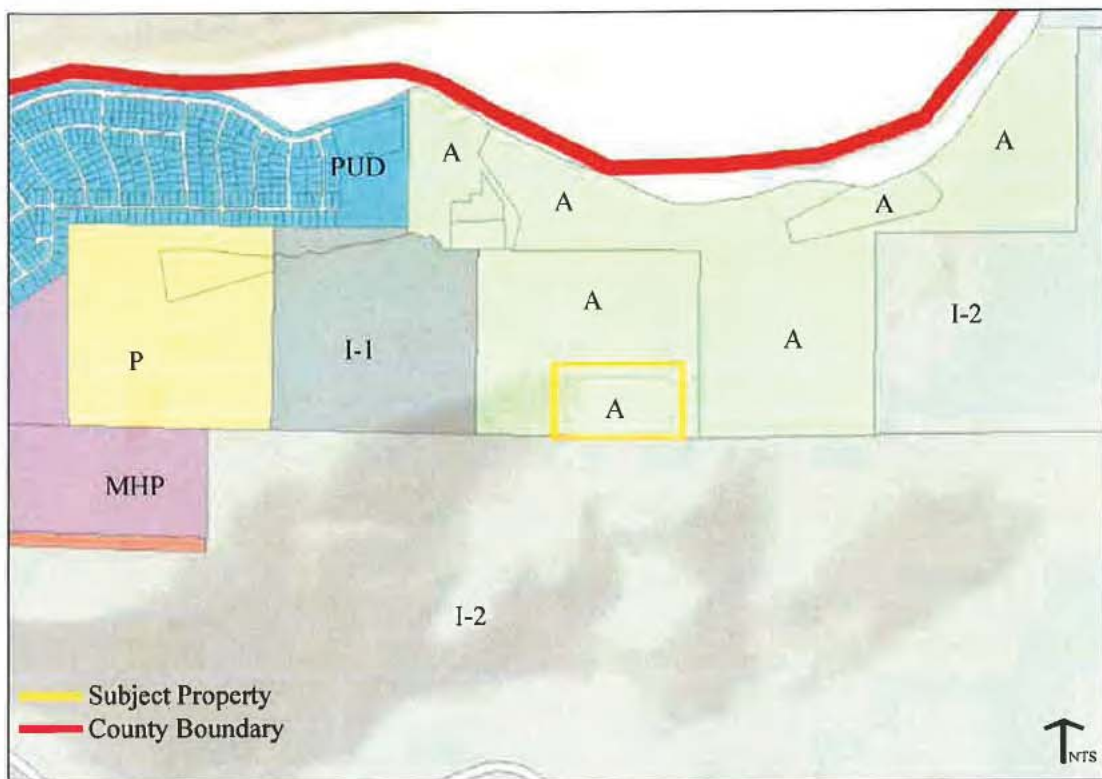


Figure 5: Existing Zone Map

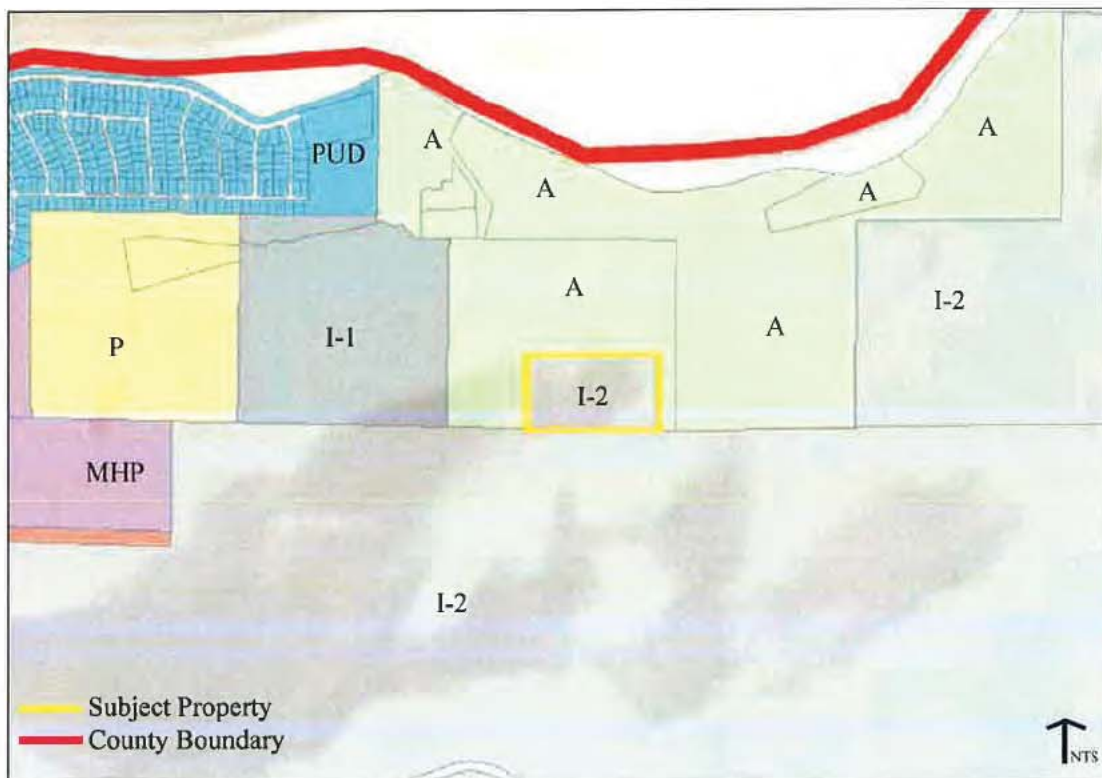


Figure 6: Proposed Zone Map



land from the Agricultural (A) zone to the Heavy Industrial (I-2) zone (Figure 5: Existing Zone Map and Figure 6 Proposed Zone Map).

The Property Owner is Frank Lepori on behalf of International Investments, LLC who has submitted to the Storey County Planning Department (Planning Department) a Property Owner's Affidavit for this Application (Appendix 3: Property Owner Affidavit).

Storey County Code (SCC) Section 17.03.220 (B) explains that a property owner can initiate amendments to the Official Zoning Map by filing with the Planning Department a signed and complete application, accompanied by the necessary fee and application materials including.

*The Applicant has submitted the required documents for a Zone Map Amendment Application (Appendix 4: Applicant Submittals).*

### 1.3 Abutting Land Uses

The abutting properties to the north, south, west and east of the subject property are vacant (Figure 7: Abutting Land Uses).

### 1.4 Purpose and Intent of the Agricultural zone (existing zone)

The *existing* zoning for the subject parcel is Agriculture (A). SCC 17.24 Purpose and Intent states: The Agricultural zone is intended to protect and preserve areas of prime agricultural soils for continued agricultural and agriculturally oriented uses. These areas consist of the most agriculturally productive soils. Their loss cannot be readily compensated, since these soils are relatively scarce, particularly on the natural level, and poorer soils require more capital energy and nutrients to provide equal productivity.

### 1.5 Purpose and Intent of the Heavy Industrial zone (proposed zone)

The *proposed* zoning for the subject parcel is Heavy Industrial (I-2). SCC 17.35.010 Purpose and Intent states:

The Heavy Industrial (I-2) zone is intended to provide areas for the development and operation of industrial, distribution, and manufacturing uses that, by nature of their intensity, may be incompatible with other types of land use activities.



Figure 7: Abutting Land Uses



## 2. GENERAL COMPLIANCE WITH STOREY COUNTY'S GUIDING DOCUMENTS

### 2.1 Table 2: Land Use Compatibility

The following table shows land uses, Storey County Master Plan (Master Plan) designations and zoning for the land surrounding the proposed Zone Map Amendment. There appears to be no evident conflicts between the proposal and SCC Title 17 Zoning or the Master Plan. The proposed Zone Map Amendment is also consistent with the surrounding uses and vacant parcels.

Table 2: Land Use Compatibility			
Land	Land Use	Master Plan	Zoning
Applicant's Land	Vacant	Mixed-Use	Agriculture
Land to the north	Vacant	Mixed-Use	Agriculture
Land to the east	Vacant	Mixed-Use	Agriculture
Land to the south	Vacant	Mixed-Use	Heavy Industrial
Land to the west	Vacant	Mixed-Use	Light Industrial

\*Mixed Use - residential, agricultural, recreational, industrial and commercial development.

There is a residential use located approximately 1025 feet from the northwest corner of the subject property. This is the closest residential use but this parcel does not abut the subject property.

*Staff believes the distance of 1025 feet and the natural topography changes in the grade separation (about a 220 foot difference in drop) create a significant natural buffer between the subject property and the residential use in the vicinity (Figure 8: Natural Buffer).*

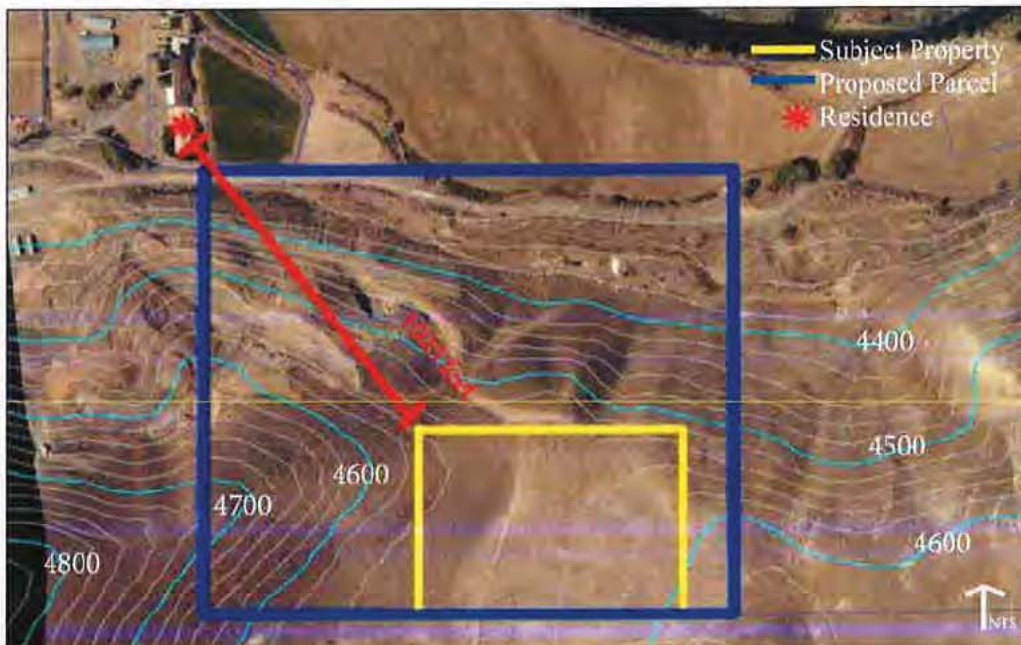


Figure 8: Natural Buffer

### 3. COMPLIANCE WITH THE STOREY COUNTY CODE TITLE 17

#### 3.1 SCC Section 17.03.220 (F) (1) Zone Map Amendments and Zone Text Amendments

Before a Zone Map Amendment may be recommended for approval, the Applicant must provide evidence to the Storey County Board of Commissioners (the Board) and the Storey County Planning Commission (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, the Applicant and the Property Owner in determining the appropriate zoning designation for the subject property conforms to and exceeds the requirements of SCC 17.03.220. Staff believes because the subject property is entirely surrounded by vacant land and natural buffers the proposed Zone Map Amendment will not impact abutting uses or properties in the vicinity. Therefore, the proposed zoning designation conforms to the above (a) and (c) section as required by SCC 17.03.220.*

*The proposed zoning designation supports the goals, objectives and recommendation of the Master Plan as outline in Section 4: Compliance with the Storey County Master Plan. Therefore, the proposed zoning designation conforms to the above (b) section as required by SCC 17.03.220.*

*The Canyon General Improvements District (GID) has provided an "Intent to Serve" letter (Appendix 5: Canyon GID "Intent to Serve" Letter) which states the property will be served by sewer and water from the Canyon GID. Therefore, the proposed zoning designation does conform to the above (d) section as required by SCC 17.03.220.*

*Note: If the Applicant obtains approval for the requested Zone Map Amendment, it is the intent of the Applicant to proceed forward with building a Feedstock Processing Facility on the subject property. A preliminary drawing shows the proposed building will meet the required setbacks, loading area and height of building standards, pursuant to SCC 170.35 Heavy Industrial I-2. Therefore, the proposed facility would conform to the standards of the Heavy Industrial I-2 zone (Figure 9: Preliminary Drawing of the Feedstock Processing Facility).*

### 4. COMPLIANCE WITH THE STOREY COUNTY MASTER PLAN

#### 4.1 In Chapter 1.1 The Study Area of the Storey County Master Plan

The Master Plan states that Storey County is defined by four population areas. One of the areas is the River District which stretches about 25 miles along the south bank of the Truckee River and makes up the northern boundary of the county. It has a mixed land use of residential, agricultural, recreational, industrial and commercial development.

*The subject property is considered located within the River District based on the description in the Storey County Master Plan (Master Plan).*



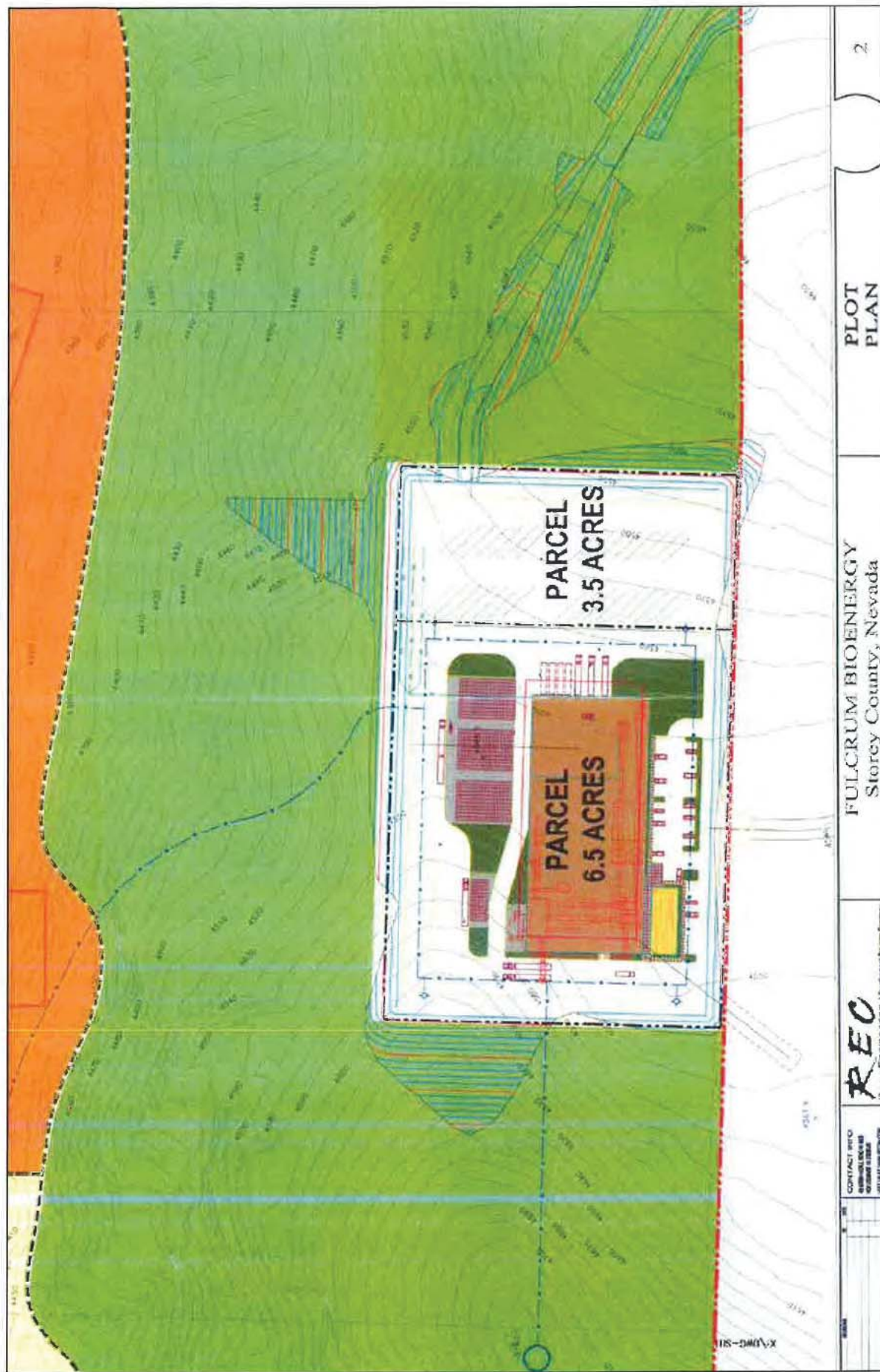


Figure 9: Preliminary Drawing of the Feedstock Processing Facility



#### 4.2 Chapter 3.2 Economic Development of the Master Plan

The Master Plan states that considerable development has occurred in the River District over the years and that development is expected to continue. The Master Plan recommends that the Planning Department give serious consideration to development and zoning for an industrial park in the [River District] area. 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 entire south boundary of the subject property abuts existing Heavy Industrial I-2 zoning and is therefore, contiguous with the Heavy Industrial I-2 zone. Also, Staff believes that by approving the Zone Map Amendment the County will be able to attract additional businesses and diversify the County's economy which in turn will broaden the County's tax base which is a goal in the Master Plan.*

*Note: Zone Map Amendment Application Number 2014-027 to change existing zoning from Agricultural to Light Industrial I-1 for the abutting lands to the northeast, east and west has been submitted to Staff (Figure 10: Proposed Zones for Zone Map Amendment Number 2014-027). This Application along with the other Zone Map Amendment Application Number 2014-027 will create more continuous Industrial zoning in the subject vicinity, upon approval of these files.*

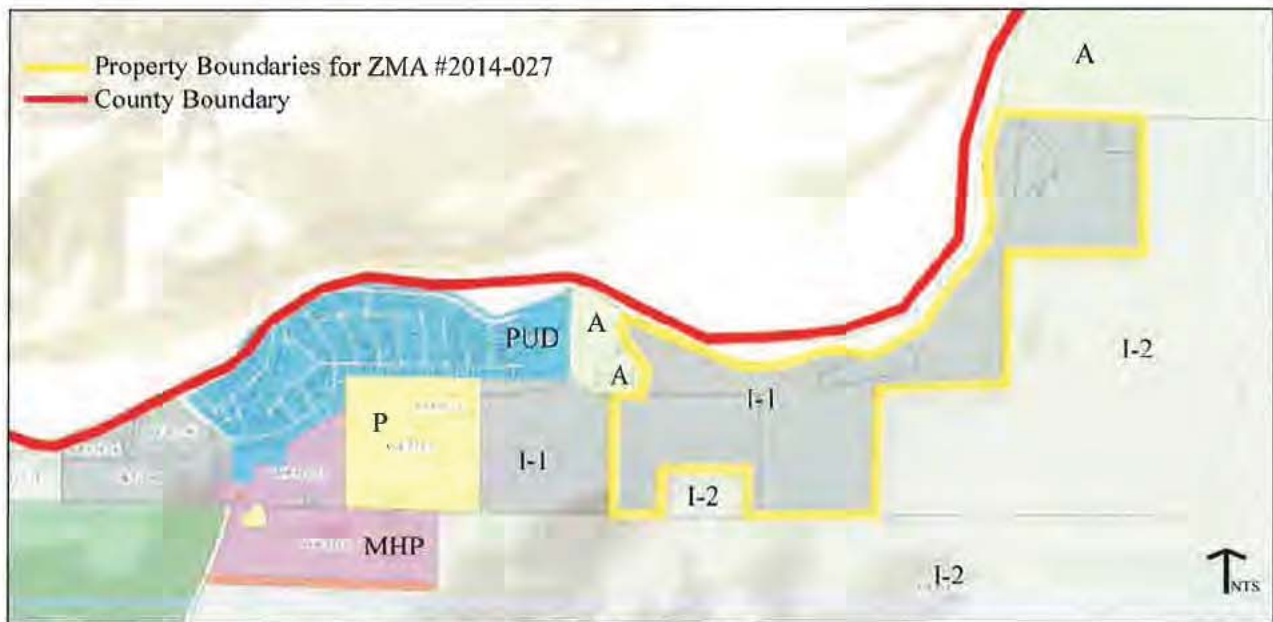


Figure 10: Proposed Zones for Zone Map Amendment Number 2014-027

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## 5. PUBLIC COMMENT

As of posting date, Staff had not received any public comment for this file.

## 6. FINDINGS

The Board shall cite Findings in a motion for approval, conditional approval or disapproval. The approval, conditional approval or disapproval of the requested Zone Map Amendment must be based on Findings. The Findings listed in the following subsections are the minimum to be cited.

### 6.1 Motion for Approval

The Findings listed in this subsection are the minimum to be cited in an approval or conditional approval. The following Findings are evident with regard to the requested Zone Map Amendment when the recommended conditions in Section 7: Recommended Conditions of Approval, are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

6.1.1 The proposed Zone Map Amendment complies with all Federal, Nevada State, and Storey County regulations;

6.1.2 The proposed Zone Map Amendment will not impose substantial adverse impacts or safety hazards on the abutting properties;

6.1.3 The conditions of approval of the Zone Map Amendment do not conflict with the minimum requirements in SCC Chapter 17.34 Heavy Industrial (I-2) Zone or Chapter 17.03.220 Zone Map Amendments and Zone Text Amendments;

6.1.4 The uses allowed by the new zones do not appear to cause substantial adverse impacts to existing and allowed abutting zones;

6.1.5 The proposed Zone Map Amendment is in substantial compliance with and supports the goals, objectives and recommendations of the Storey County Master Plan;

6.1.6 The proposed Zone Map Amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity;

6.1.7 The proposed Zone Map Amendment will not cause uses that will negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare;

6.1.8 The proposed Zone Map Amendment will not create any non-conforming conditions, such as non-conforming setback distances or minimum parcel area or width requirements.

### 6.2 Motion for Denial

The Findings listed in this subsection are the minimum to be cited in a disapproval of the requested Zone Map Amendment. Should a motion be made to deny the Zone Map Amendment request, the following Findings with explanation of why should be included in that motion.

6.2.1 Substantial evidence shows that the Zone Map Amendment may conflict with the purpose, intent, and other specific requirements of SCC Chapter 17.35 Heavy Industrial (I-2) Zone or Chapter

17.03.220 Zone Map Amendments and Zone Text Amendments; or other Federal, Nevada State, or Storey County regulations.

6.2.2 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.

6.2.3 No reasonable level of conditions of approval imposed on this Zone Map Amendment would be sufficient to reasonably mitigate visual, safety or other potential impacts on adjacent and surrounding residences and land uses.

6.2.4 The proposed Zone Map Amendment is not in substantial compliance with and does not support the goals, objectives and recommendations of the master plan.

6.2.5 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.

6.2.6 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.

## 7. RECOMMENDED CONDITIONS OF APPROVAL

All conditions must be met to the satisfaction of each applicable Storey County Department.

1. **Official Storey County Zoning Map.** The Official Storey County Zoning Map must be amended to depict the Zone Map Amendment approved by the Storey County Board of Commissioners (the Board) with the 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 (the Clerk) under the following words:  
“This is to certify that this is the Official Zoning Map of Storey County referred to in Section 17.08.040 of the Zoning Ordinance of Storey County, Nevada” together with the date of adoption.
2. **Changes Made Promptly.** Pursuant to Storey County Code (SCC) 17.08.060 the changes approved by the Board with the recommendation by the Planning Commission must be entered by the Planning Department on the Official Storey County Zoning Map (and the applicable Area Zoning Map) promptly after the amendment has been approved with an entry indicating the adopted date. Regardless of the existence of the purported copies of the Official Storey County Zoning Map and the applicable Area Zoning Map which may from time to time be made or published, the Official Zoning Storey County Map and the Area Zoning Maps are to be located in the office of the Clerk and the office of the Storey County Recorder (the Recorder) are the final authority as to the currently zoning status of land and water area, buildings and other structures in the County.
3. **Copies of the Official Storey County Zoning Map.** Signed and sealed copies of the Official Zoning Storey County Map and the Area Zoning Maps must be available in the Clerk’s office and the Recorder’s office.
4. **Conformance.** 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.



## **8. POWER OF THE BOARD & PLANNING COMMISSION**

At the conclusion of the hearing, the Planning Commission must take action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the Findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Zone Map Amendment is advisory only to the Board and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

## **9. DECEMBER 4, 2014 PLANNING COMMISSION MEETING**

On December 4, 2014, in accordance with the recommendation by Staff, the Findings under 6.1 of the Staff Report and in compliance with all conditions of approval, the Planning Commission voted unanimously to recommend approval with conditions for Zone Map Amendment 2014-026.

## **10. PROPOSED MOTIONS**

This section contains two motions from which to choose. The motion for approval with Conditions of Approval is recommended by the Planning Commission and Staff, in accordance with the Findings under section 6.1 of the Staff Report. Those Findings should be made part of that motion. A motion for denial may be made and that motion should cite one or more of the Findings shown in section 6.2. Other Findings determined appropriate by the Board should be made part of either motion.

### **10.1 Recommended Motion**

In accordance with the recommendation by the Planning Commission and Staff, the Findings under section 6.1 of the Staff Report and other Findings deemed appropriate by the Board, and in compliance with all Conditions of Approval, I [Commissioner] motion to approve with conditions Zone Map Amendment Application Number 2014-026 for an amendment to the Official Storey County Zoning Map to change the property from the Agricultural (A) zone to the Heavy Industrial (I-2) zone at a property located on a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Baseline and Meridian, in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada.

### **10.2 Alternative Motion**

In accordance with the Findings under section 6.2 of the report and other Finding against the recommendation for approval by the Planning Commission and Staff, I [Commissioner] motion to deny Zone Map Amendment Application Number 2014-026 for an amendment to the Official Storey County Zoning Map to change the property from the Agricultural (A) zone to the Heavy Industrial (I-2) zone at a property located on a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Baseline and Meridian, in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada.

## 11. FORWARDING A RECOMMENDATION TO THE BOARD

SCC 17.03.220 Zone Map Amendments and Zone Text Amendments, Section (F), Subsection (2) and sub-subsections (a.) - (c.) and Sections (G) - (H) states:

2. The Planning Commission, in forwarding a recommendation to the Board for approval of a zoning map amendment or zoning code amendment must make the following findings of fact:
  - a. That the proposed amendment is in substantial compliance with and supports the goals and policies of the master plan;
  - b. That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity;
  - c. That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.

G. Following the public hearing, the Planning Commission will determine if there is adequate evidence in the record to support the facts and Findings required by this section and must recommend to the Board to approve or deny the request for the zoning map amendment or zoning text amendment.

H. The Planning Commission must forward to the Board a copy of its decision and findings recommending approval, modification, or denial of the proposed zoning map amendment or zoning code amendment.

I. The Board must consider the evidence relating to the Zoning Map Amendment at a hearing noticed and conducted in accordance with the provisions of this SCC Title 17 and State law. The Zone Map Amendments must be adopted in accordance with all procedures established in SCC Title 17. Following approval of the Zone Map Amendment, the Official Storey County Zoning Map must be changed to reflect the amendment.

Prepared by: Dessie Redmond  
Storey County Planner

## **APPENDIX 1: LEGAL DESCRIPTION**



## EXHIBIT A2

### LEGAL DESCRIPTION FOR PARCEL INT-2

A portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Meridian, in Storey County, Nevada, and being more particularly described as follows:

**COMMENCING** at the southeast corner of said Section 16 as shown on Record of Survey No. 1154, "Record of Survey for Robert J. Mason, James & Joe Peri", filed on February 28, 1978, as Document No. 516741, Official Records of Washoe County, Nevada;

THENCE, North 88°11'28" West, a distance of 70.35 feet along the southerly boundary of said Section 16 to the **POINT OF BEGINNING**;

THENCE, North 88°11'28" West, a distance of 830.00 feet along said southerly boundary;

THENCE, North 01°48'32" East, a distance of 525.00 feet;

THENCE, South 88°11'28" East, a distance of 830.00 feet;

THENCE, South 01°48'32" West, a distance of 525.00 feet to the **POINT OF BEGINNING**;

Containing 10.00 acres of land, more or less.

#### BASIS OF BEARING:

Identical to that of Record of Survey No. 1154, "Record of Survey for Robert J. Mason, James & Joe Peri", filed on February 28, 1978, as Document No. 516741, Official Records of Washoe County, Nevada.

Prepared by:

Glen C. Armstrong, PLS  
Nevada Certificate No. 16451  
US Geomatics  
227 Vine Street  
PO Box 3299  
Reno, Nevada, 89505

DRAFT

## **APPENDIX 2: OWNERSHIP VERIFICATION**

Parcel Number 004-111-28		Prior Parc # 004-111-26 (changed 6/27/02)	
Last Updated 2/08/13 By JKA		Created by split; Primary # 004-111-27	
Ownership		(F6=All Owners F7=Documents)	
Legal Owner.....	INTERNATIONAL INVESTMENTS LLC	Force Assmt Notice....	-
Assessed Owner.....	INTERNATIONAL INVESTMENTS LLC	Force Ag Message...	-
Mail Address.....	4790 CAUGHLIN PARKWAY #515	Force Label.....	-
		Force Card/Aff (C/A)..	-
City, State.....	RENO, NV	Zip...	89509
Vesting Doc #, Date.	116095 - 2/07/2013	Yr, Bk, Pg	13 000 000
Map Document #s.....	69100 -		Corr Rq'd -
Description	(F11=Additional Locations)		
	# Dir	Street or Other Description	Unit #(s)
Property Location...		PERI RANCH RD	
Subdivision.....	PTN S16 T19N R21E	Block...	Lot...
Town.....	OUTSIDE RIVER	Parcel Map ID..	
Property Name.....	PERI RANCH	Confidential..	-
Remarks.....			
Parcel # Containing	Descriptive/Document Data....	Land Use:	400
Size			
Total Acres...	42.810	Square Feet....	0
Ag Acres.....	.000	W/R Acres.....	.000
F9=Scan >/< > F5=Addr Hist F10=Othr Func F12=Cancel F14=Imprv/Apprsl Data			
F15=Legal Description F16=Misc Notes F17=Factoring History F20=Tax Years			
F21=Personal Property F22=Ag Land F23=Exemptions F24=Livestock Counts			



## Corporate Resolution

### International Investments, a Nevada LLC

As Managing Member of International Investments, I Dante L. Perano authorize Frank Lepori a member of International Investments to sign any and all documents in reference to the sale of 10 acres to Fulcrum Bioenergy, Inc.

Minutes approved:

  
Dante L. Perano  
Operating Manager (Member)

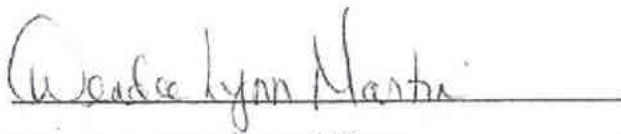
Date:

Nov 5<sup>th</sup> 2014

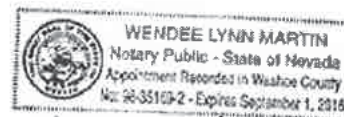
State of Nevada

County of Washoe

This instrument (Corporate Resolution) was acknowledged before me  
on November 5th, 2014 by Dante Perano, Managing Member of  
International Investments LLC.



Signature of Notarial Officer



[Home](#) [About Us](#) [Calendar](#) [News](#) [FAQ](#) [Forms](#) [Contact Us](#)
[Search](#)[Home](#)[Information Center](#)[Election Center](#)[Business Center](#)[Licensing Center](#)[Securities Center](#)[Online Services](#)[My State Registry](#) [Domestic Filings](#) [Expiring](#)**INTERNATIONAL INVESTMENTS LLC**[New Search](#)[Printer Friendly](#)[Calculate List Fees](#)**Business Entity Information**Status: **Active**File Date: **12/14/2007**Type: **Domestic Limited-Liability Company**Entity Number: **E0865802007-0**Qualifying State: **NV**List of Officers Due: **12/31/2014**Managed By: **Managers**

Expiration Date:

NV Business ID: **NV20071389468**Business License Exp: **12/31/2014****Additional Information**[Central Index Key:](#)**Registered Agent Information**Name: **DARTE PERANO**Address 1: **4790 CAUGHLIN PKWY #515**

Address 2:

City: **RENO**State: **NV**Zip Code: **89519**

Phone:

Fax:

Mailing Address 1:

Mailing Address 2:

Mailing City:

Mailing State: **NV**

Mailing Zip Code:

Agent Type: **Noncommercial Registered Agent**[View all business entities under this registered agent](#)**Financial Information**No Par Share Count: **0**Capital Amount: **\$ 0****No stock records found for this company****Officers**[See also the Officers List](#)Manager: **G AND G CAPITAL INC**Address 1: **4790 CAUGHLIN PKWAY #515**

Address 2:

City: **RENO**State: **NV**Zip Code: **89519**Country: **USA**Status: **Active**

Email:

**Actions & Amendments**[Click here to view 10 actions/amendments associated with this company](#)<http://nvsos.gov/sosentitysearch/CorpDetails.aspx?lx8nvq=wJuJsVWh%252bAUL3pESBJ...> 11/5/2014



## **APPENDIX 3: PROPERTY OWNER AFFIDAVIT**

### Storey County Development Application

#### Professional Consultant/Representative(s)

Name: RENO ENGINEERING CORPORATION

Address: 405 MARSH AVE

City: RENO

State: NV

Zip: 89509

Phone: 775.852.5700

Fax: 775.852.5707

Cell: 775.771.9575

Contact: VINCENT GRIFFITH

Email: VINCE@RECNV.COM

#### Other Person(s) to be Contacted

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

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Cell: \_\_\_\_\_

Contact: \_\_\_\_\_

Email: \_\_\_\_\_

#### **Applicant's Affidavit:**

I, Jeanne Benedetti, being duly sworn, depose and say that I am the applicant

(Printed name)

of the described project and/or request, and all the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Storey County Community Development Department staff.

Signature of Applicant \_\_\_\_\_

OCTOBER 21, 2014

Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

(Notary stamp)

Notary Public in and for said county. \_\_\_\_\_

State \_\_\_\_\_

#### **Property Owner's Affidavit:**

I, FRANK LEPORI, being duly sworn, depose and say that I am an owner\* in

(Printed name)

fee of the described property involved in this application, that I have knowledge of, and agree to, the filing of this application, and that the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Storey County Community Development Department staff. (\*A separate Affidavit must be provided by each property owner)

Signature of Property Owner \_\_\_\_\_

OCTOBER 21, 2014

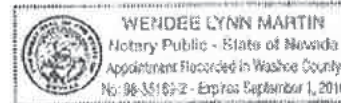
Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014

(Notary stamp)

Wendee Lynn Martin  
Notary Public in and for said county.

Nevada  
State



## **APPENDIX 4: APPLICANT SUBMITTALS**



## Zone Change Application

### Attachment 1

#### Detail Description/Justification of Project

##### A. Proposed Zone Change

The 10 acre parcel of APN 004-111-28 (the "Property") is currently zoned "A (Agriculture)" pursuant to Storey County's Zoning Map dated December 4, 2012, as depicted in **Exhibit 1 – Vicinity Zoning Map**. A Parcel Map Application to create the Property is simultaneously being processed by the Storey County Planning Department along with this Zone Change Application. The legal description of the Property is provided in **Exhibit 2 – Legal Description**. Fulcrum Sierra BioFuels, LLC ("Sierra BioFuels" or the "Applicant") is proposing to rezone the Property to "I-2 (Heavy Industrial)" under Title 17 of the Storey County Zoning Ordinance. As indicated in **Table 1**, the "I-2 (Heavy Industrial)" zone would be consistent with the existing zoning and land use (e.g. solid waste landfill) surrounding the Property.

**Table 1 – Surrounding Zoning and Land Use**

APN	Direction From Subject Property	Zoning	Land Use
10 Acres	The Property	I-2 (Heavy Industrial)	Solid Waste Recycling Center
004-131-07	South	I-2 (Heavy Industrial)	Solid Waste Landfill
004-111-28	West	A (Agriculture)	Vacant
004-111-27	East	A (Agriculture)	Vacant
004-111-28	North	A (Agriculture)	Vacant
004-111-23	West	I-1 (Light Industrial)	Quarry
004-121-27	West	P (Public)	Water Tank
004-121-37	West	MHP (Mobile Home Park)	Residential
004-141-03	West	MHP (Mobile Home Park)	Residential

As described below in Section B, the Feedstock Processing Facility operates similar to a solid waste recycling center. Pursuant to Zoning Ordinance 17.35.020 - Allowed Uses, "I-1 light industrial uses in the I-2 zone are governed by the provisions of Chapter 17.34 light industrial zone, except that a special use permit pursuant to section 17.34.030 is not required unless the use is expressly listed in section 17.35.040 as requiring a special use permit." Under I-1 Light Industrial, Section 17.34.030 - Uses Subject to Special Use Permit, the Feedstock Processing

Facility would require a special use permit as "M. Solid Waste Recycling Center". Therefore under the I-2 (Heavy Industrial) zone the Feedstock Processing Facility would be an allowed use.

#### **B. Description of Land Use**

Sierra BioFuels proposes to construct and operate a Feedstock Processing Facility that receives non-hazardous municipal solid waste ("MSW") and produces a feedstock to be further converted into renewable transportation fuels at its MSW-to-fuels biorefinery (the "Biorefinery"). The Feedstock Processing Facility will be located on an approximately 10 acre parcel adjacent to the Lockwood Regional Landfill ("Landfill") near the community of Lockwood, Storey County, Nevada, (See **Exhibit 3 – Plot Plan**). The Biorefinery will be located approximately 7 miles from the Feedstock Processing Facility in the Tahoe-Reno Industrial Center near the community of McCarran, Storey County, Nevada. The Feedstock Processing Facility will receive, shred, screen, and sort the MSW into feedstock meeting the specifications of the Biorefinery.

Sierra BioFuels will be constructing an approximate 66,000 square foot building that will include sophisticated MSW feedstock processing equipment. A process flow diagram of the feedstock processing system is provided in **Exhibit 4**. The MSW would be delivered by truck and a trailer tipper would be used to unload the MSW onto a "tipping floor," located in an enclosed MSW processing building. A front-end loader would be utilized to push the MSW into an in-feed conveyor to carry material to the processing lines for shredding, screening, and separation. The tipping floor would allow storage of approximately 400 tons of inbound MSW. The MSW would be processed in general based on a first-in, first-out basis. Operations would protect worker health and safety, including the wrapping of the feedstock for handling and storage, the active cleanup of any spills, and maintenance of a clean facility. All operations would conform to requirements of OSHA and other worker protection and safety regulations.

##### Floor Sort

The loader operators would screen all MSW loads as they would be tipped from the transfer trailer onto the tipping floor. The loader operator would identify and separate any items that would be too large or difficult to resize and place them in a reject dumpster for shipment as residual to the landfill or place them in a recycling dumpster for shipment to market. Any prohibited materials would be identified and segregated for removal by the company delivering the material. Once material would be screened, the loader operators would push material onto the in-feed conveyor to the processing lines for shredding, screening, and separation.

##### Shredding, Screening and Density Separation

##### Recovered Materials

At various times, plastics may be subject to recovery to limit such volumes in the organic materials and would then be baled for shipment to market. Use of magnetic separators to remove

ferrous metals and eddy current separators to remove the non-ferrous materials would be used to sort metals from the MSW. Metals would be shipped to market.

#### Dust Control

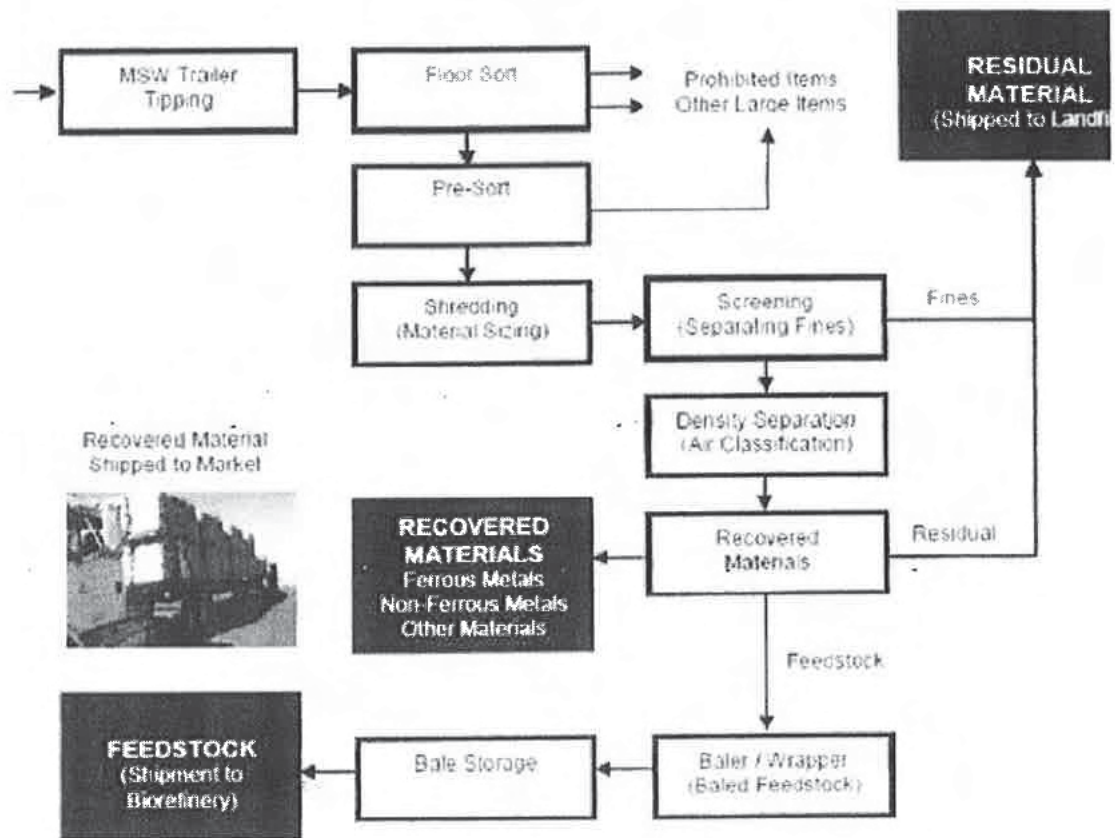
The MSW processing building would be equipped with a system to minimize dust and reduce housekeeping. The dust suppression system (with dust extraction pick-up at the MSW sizing, separation, and belt conveyor material transfer points) would capture dust, which would be collected for transport to the landfill.

#### Baling and Wrapping

The feedstock bales would be wrapped with a polyethylene film for storage of the feedstock. The baled feedstock, weighing approximately 3,000 pounds per bale, would then be loaded onto flatbed trailers for transport to the Biorefinery.



**Exhibit 4 – Process Flow Diagram**



## **APPENDIX 5: CANYON GID “INTENT TO SERVE” LETTER**



# CANYON GENERAL IMPROVEMENT DISTRICT

800 Peri Ranch Rd., Suite 103, Sparks, NV 89434

Phone 342-2850

Fax 342-2851

January 29, 2014

Re: Fulcrum Sierra BioFuels, LLC  
Feedstock Facility Project

Dear Applicant:

This letter will serve as a commitment to provide potable water service to the above referenced project from the Canyon General Improvement District. This letter will also confirm that the C.G.I.D. has the reserve capacity to provide potable water.

The commitment to provide service is conditional upon the Applicant's submittal of detailed drawings to the C.G.I.D. for review and approval.

If you have any question please call me at 342-2850.

We look forward to working with you in the future.

Sincerely,

Mitch Andreini  
Manager, Canyon General Improvement District

*This institution is an equal opportunity provider.*





## Storey County Board of County Commissioners Agenda Action Report

**Meeting date:** January 5, 2015

**Estimate of time required:** 10 min.

**Agenda:** Consent ☐ Regular agenda ☒ Public hearing required ☒

**1. Title:** The Applicant requests a Zone Map Amendment to the Official Storey County Zoning Map to change the zoning of land parcels (APNs 004-111-29 and a portion of APN 004-111-27 and a portion of current APN 004-111-28) from Agricultural (A) to Light Industrial (I-1); and for land parcels (APNs 004-111-30, 004-111-19 and a portion of APN 004-111-27) from Heavy Industrial (I-2) to Light Industrial (I-1) in portions of Sections 15 and 16, Township 19 North, Range 21 East in Mount Diablo Baseline and Meridian in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada. Additional information including, but not limited to, reports and maps may be obtained from the Storey County Planning Department at 775-847-1144 or [planning@storeycounty.org](mailto:planning@storeycounty.org).

**2. Recommended motion:** In accordance with the recommendation by the Planning Commission and Staff, the Findings under section 6.1 of the Staff Report and other Findings deemed appropriate by the Board, and in compliance with all Conditions of Approval, I [Commissioner] move to approve with conditions for Zone Map Amendment Application Number 2014-027 for a Zone Map Amendment to the Official Storey County Zoning Map to change the zoning of land parcels (APNs 004-111-29 and a portion of 004-111-27 and a portion of 004-111-28) from Agricultural (A) to Light Industrial (I-1) and for land parcels (APNs 004-111-30, 004-111-19 and a portion of 004-111-27) from Heavy Industrial (I-2) to Light Industrial (I-1) in portions of Sections 15 and 16, Township 19 North, Range 21 East in Mount Diablo Baseline and Meridian in the Lockwood-Peri Ranch area in Storey County, Nevada.

**3. Prepared by:** Dessie Redmond, Planner

**Department:** Planning Department

**Telephone:** 847-1144

**4. Staff summary:** Frank Lepori on behalf of International Investments, LLC requests a Zone Map Amendment to the Official Storey County Zoning Map to change the zoning of a land parcels (APNs 004-111-29 and a portion of APN 004-111-27 and a portion of current APN 004-111-28) from Agricultural (A) to Light Industrial (I-1); and for land parcels (APNs 004-111-30, 004-111-19 and a portion of APN 004-111-27) from Heavy Industrial (I-2) to Light Industrial (I-1) in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada.

**5. Supporting materials:** Staff Report Number 2014-027 and Appendixes.


**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. 29

## STOREY COUNTY PLANNING DEPARTMENT

Storey County Courthouse  
26 South B Street, PO Box 176, Virginia City, NV 89440  
Phone (775) 847-1144 – Fax (775) 847-0949  
planning@storeycounty.org



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

**From:** Storey County Planning Department

**Meeting Date:** January 5, 2015 at 2:00 p.m.

**Meeting Location:** Storey County Courthouse, 26 South B Street, Virginia City, Nevada 89440

**Staff Contact:** Dessie Redmond, Planner

**File:** 2014-027

**Applicant:** Frank Lepori on behalf of International Investments, LLC

**Property Owner:** Frank Lepori on behalf of International Investments, LLC

**Properties Location:** The subject area is described approximately as land parcels (APNs 004-111-19, 004-111-27, 004-111-29, 004-111-30 and a portion of current APN 004-111-28) in portions of Sections 15 and 16, Township 19 North, Range 21 East in Mount Diablo Baseline and Meridian in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada.

**Figures:** Figure 1: Vicinity Map; Figure 2: Zoning Map; Figure 3-7: Pictometry Images; Figure 8: Existing Zone Map; Figure 9: Proposed Zone Map; Figure 10: Abutting Land Uses; Figure 11: Keeping Nevada Green; Figure 12: Existing Buffer

**Appendix:** Appendix 1: Legal Descriptions; Appendix 2: Ownership Verification; Appendix 3: Properties Owner Affidavit; Appendix 4: Applicant Submittals; Appendix 5: Approval Letter for SUP Number 2009-010; Appendix 6: SCC 1999 Title 17 Zoning Ordinance; Appendix 7: Email from Professional Consultant; Appendix 8: Canyon GID "Intent to Serve" Letter

**Guiding Documents:** Storey County Code Sections 17.03.220 Zone Map Amendments and Zone Text Amendments, 17.08 Zones Generally, 17.34 Light Industrial Zone, 17.35 Heavy Industrial I-2 Zone, 17.24 Agricultural Zone and the Storey County Master Plan

**Request:** The Applicant requests a Zone Map Amendment to the Official Storey County Zoning Map to change the zoning of land parcels (APNs 004-111-29 and a portion of APN 004-111-27 and a portion of current APN 004-111-28) from Agricultural (A) to Light Industrial (I-1); and for land parcels (APNs 004-111-30, 004-111-19 and a portion of APN 004-111-27) from Heavy Industrial (I-2) to Light Industrial (I-1) in portions of Sections 15 and 16, Township 19 North, Range 21 East in Mount Diablo Baseline and Meridian in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada. Additional information including, but not limited to, reports and maps may be obtained from the Storey County Planning Department at 775-847-1144 or planning@storeycounty.org.

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\*This Appendix is available for review in the Storey County Planning Office - 26 B Street, Virginia City, Nevada 89440. 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).





Figure 1: Vicinity Map

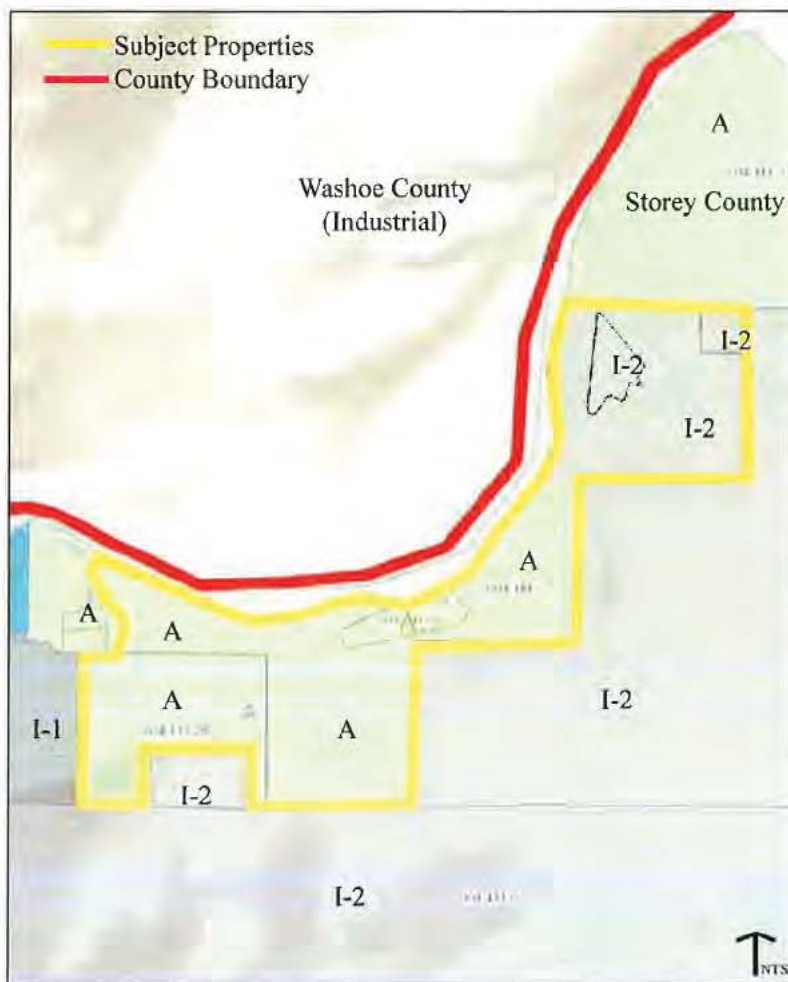


Figure 2: Zoning Map

# 1. BACKGROUND & ANALYSIS

## 1.1 Site Location and Characteristics

The subject properties abut the northern County boundary and are located in the Lockwood-Peri Ranch and Mustang areas, in Storey County, Nevada (Appendix 1: Legal Descriptions). The subject properties vary in acreage and are all owned by International Investments, LLC (Table 1: Parcel Information). Lockwood/Rainbow Bend is approximately 1.5 miles to the west and the exit off Interstate 80 for USA Parkway is approximately 9 miles to the east (Figure 1: Vicinity Map). The subject properties are zoned Agricultural and Heavy Industrial (Figure 2: Zoning Map) and mostly vacant except for APN 004-111-30 and a portion of APN 004-111-27 (Figures 3-7: Pictometry Images).

The subject properties can be accessed off Interstate 80, via the Lockwood exit, onto Canyon Way Drive and off Peri Ranch Road or off Interstate 80, via the Mustang Road exit, west onto East Mustang Road. Peri Ranch Road runs through or abuts the subject properties and (East) Mustang Road runs south and east of the subject properties.

## 1.2 Application for a Zone Map Amendment

The Applicant and Property Owner (Appendix 2: Ownership Verification), International Investments, LLC, propose to change the zoning of land parcels (Assessor Parcel Numbers (APNs) 004-111-29 and a portion of 004-111-27 and a portion of 004-111-28) from Agricultural (A) to Light Industrial (I-1) and for land parcels (APNs 004-111-30, 004-111-19 and a portion of 004-111-27) from Heavy Industrial (I-2) to Light Industrial (I-1) (Figure 8: Existing Zone Map and Figure 9: Proposed Zone Map).





Figure 3: Pictometry Image looking north through APN 004-111-19.



Figure 4: Pictometry Image looking north through APN 004-111-30 and showing old uninhabitable trailer and brothel.





Figure 5: Pictometry Image looking north through APN 004-111-29.



Figure 6: Pictometry Image looking north through the northwest portion APN 004-111-27 and showing location of existing residence.





Figure 7: Pictometry Image looking north through APN 004-111-28.

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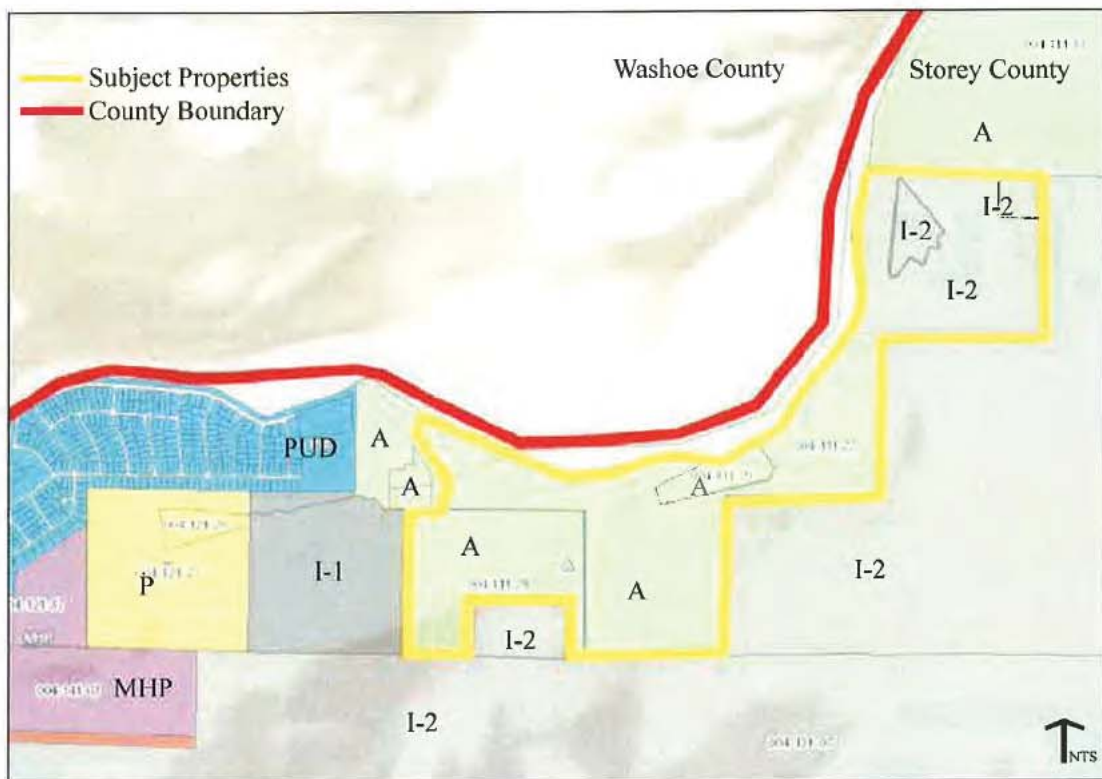


Figure 8: Existing Zone Map

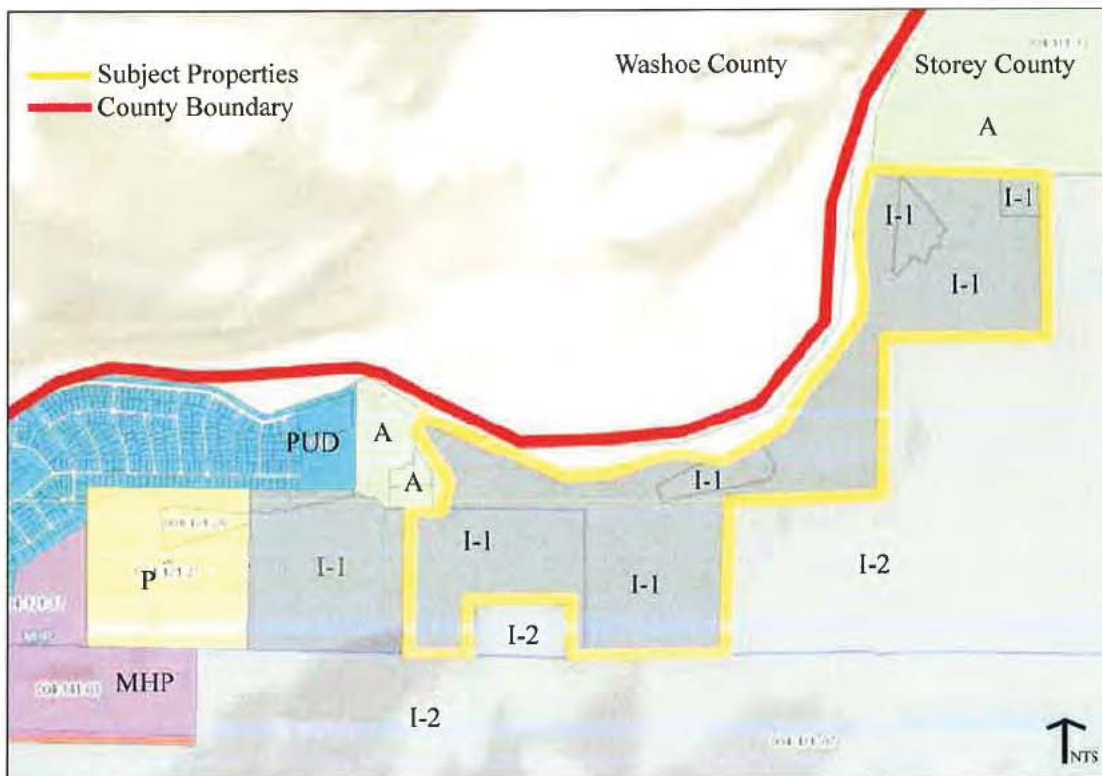


Figure 9: Proposed Zone Map



The Properties Owner is Frank Lepori on behalf of International Investments, LLC who has submitted to the Storey County Planning Department (Planning Department) a Properties Owner's Affidavit for this Application (Appendix 3: Properties Owner Affidavit).

Storey County Code (SCC) Section 17.03.220 (B) explains that a property owner can initiate amendments to the Official Zoning Map by filing with the Planning Department a signed and complete application, accompanied by the necessary fee and application materials including. The Applicant has submitted the required documents for a Zone Map Amendment Application (Appendix 4: Applicant Submittals).

Table 1: Parcel Information lists the APNs, the existing use, the current zoning and the proposed zoning for the subject properties.

### 1.3 Abutting Land Uses

The abutting properties to the north (Washoe County), northeast, south east and to the west of the subject properties are vacant. The abutting property to the west of APN 004-111-27 is an agricultural use and the abutting property to the north of APN 004-111-28 is a residential use (Figure 10: Abutting Land Uses).

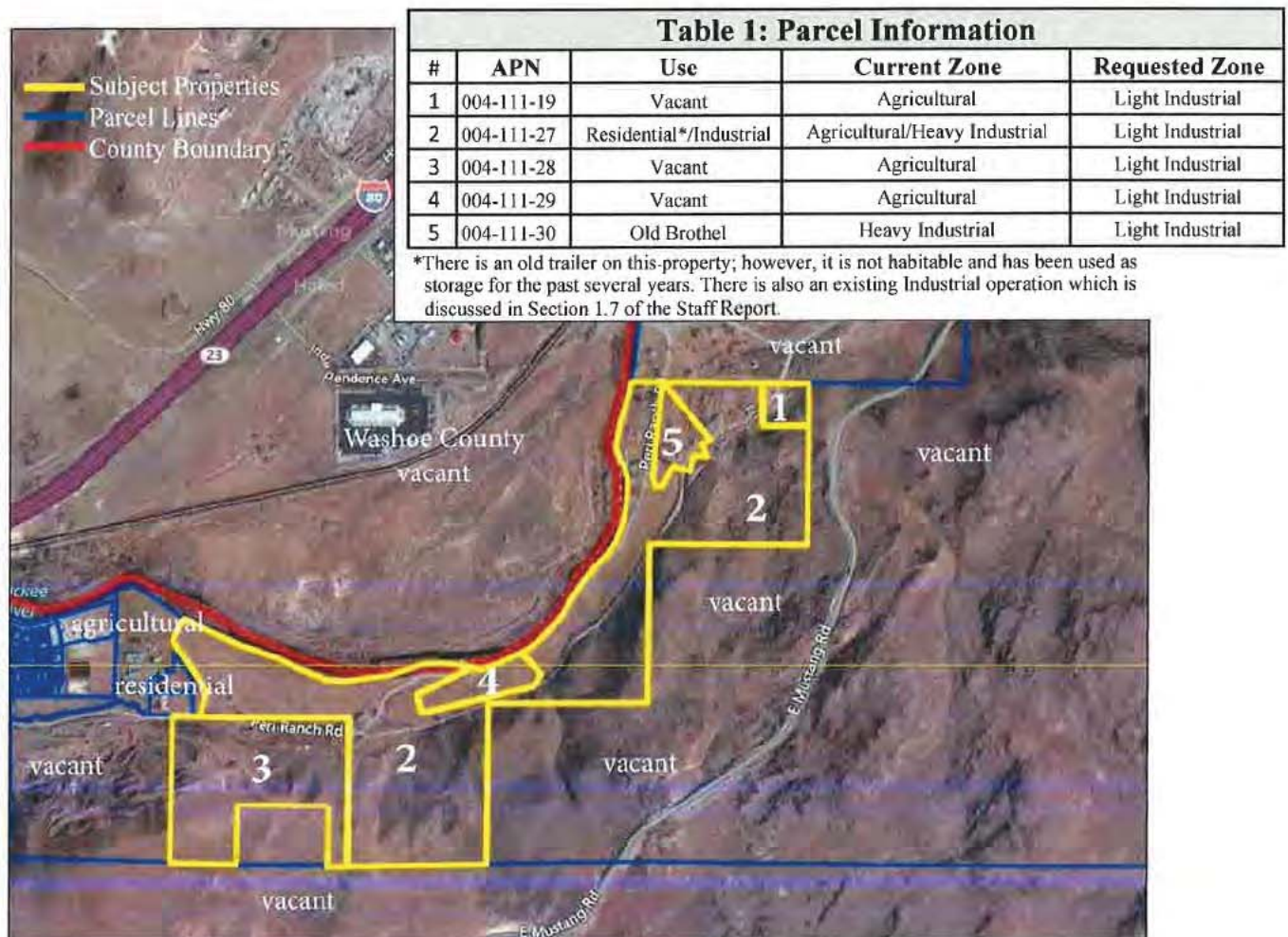


Figure 10: Abutting Land Uses



#### 1.4 Purpose and Intent of the Agricultural zone (existing zone)

The *existing* zoning for the subject parcels are Agricultural. SCC 17.24 Purpose and Intent states: The Agricultural zone is intended to protect and preserve areas of prime agricultural soils for continued agricultural and agriculturally oriented uses. These areas consist of the most agriculturally productive soils. Their loss cannot be readily compensated, since these soils are relatively scarce, particularly on the natural level, and poorer soils require more capital energy and nutrients to provide equal productivity.

#### 1.5 Purpose and Intent of the Heavy Industrial (I-2) zone (existing zone)

The *existing* zoning for the subject parcels are Heavy Industrial I-2 zone. SCC 17.36 Purpose and Intent states: The Heavy Industrial zone is intended to provide areas for the development and operation of industrial, distribution, and manufacturing uses that, by nature of their intensity, may be incompatible with other types of land use activities.

#### 1.6 Purpose and Intent of the Light Industrial zone (proposed zone)

The *proposed* zoning for the subject parcels is Heavy Industrial I-1 zone. SCC 17.34 The Purpose and Intent states: The Light Industrial zone is intended to provide areas for the development and operation of industrial uses that do not create or cause fumes, odor, smoke, gas, noise, vibrations, or other impacts which are or may be detrimental to abutting properties and land uses.

#### 1.6 Existing Land Uses

There is an existing Special Use Permit (SUP) to operate a “junk, salvage or auto wrecking yard” for a company called Keeping Nevada Green located on a portion of APN 004-111-27 (Figure 11: Keeping Nevada Green). This SUP was issued in 2009 to Troy Regas (Appendix 5: Approval Letter for SUP Number 2009-010) who owned the subject property at that time. Securing a SUP to operate a “junk, salvage or auto wrecking yard” in a Heavy Industrial (I-2) zone was required per the SCC 1999 Title 17 Zoning Ordinance (Appendix 6: SCC 1999 Title 17 Zoning Ordinance - available for review in the Planning Department).

The current property owner, International Investments, LLC, is requesting a zone change from a Heavy Industrial (I-2) to Light Industrial (I-1). SCC 2012 Title 17 Zoning Ordinance does not permit a “junk, salvage or auto wrecking yard” as an allowed use or as a use subject to a securing a SUP.

Therefore, Staff is recommending a Condition of Approval that all existing uses and future uses on the subject properties comply with uses in the Light Industrial I-1 zone. Consequently, if this Zone Map Amendment is conditionally approved, the amendment would not create any non-conforming legal uses on the subject properties. The Applicant, current Property Owner and his professional consultant are aware of the provision (Appendix 7: Email from the Professional Consultant).



Figure 11: Keeping Nevada Green (SUP)



## 2. GENERAL COMPLIANCE WITH STOREY COUNTY'S GUIDING DOCUMENTS

### 2.1 Table 2: Land Use Compatibility

The following table shows land uses, Storey County Master Plan (Master Plan) designations and zoning for the land surrounding the proposed Zone Map Amendment. There appears to be no evident conflicts between the proposal and SCC Title 17 Zoning or the Master Plan. The proposed Zone Map Amendment is also generally consistent with the surrounding uses and vacant parcels.

Table 2: Land Use Compatibility			
Land	Land Use	Master Plan	Zoning
Applicant's Land	Generally Vacant	Mixed-Use*	Agriculture/Heavy Industrial
Land to the north	Vacant	Washoe County	Industrial
Land to the northeast	Vacant	Mixed-Use	Agricultural
Land to the east	Vacant	Mixed-Use	Heavy Industrial
Land to the south	Vacant	Mixed-Use	Heavy Industrial
Land to the west	Vacant	Mixed-Use	Light Industrial
A Portion of Land to the north of APN 004-111-28	Residential	Mixed-Use	Agricultural

*There is a residential use abutting a portion of the north boundary of APN 004-111-028 (note 1 on Figure 12: Existing Buffer). A portion of the north boundary of APN 004-111-23 (also owned by International Investments, LLC but not a part of this Application) abuts this residential use and is currently zoned I-1 (note 2 on Figure 12: Existing Buffer). However, APN 004-111-22 (owned by the Peri residents and zoned Agricultural but not a part of this Application) creates a buffer around the majority existing residential use. This buffer ranges between 50 feet to 100 feet in width (Figure 12: Existing Buffer).*



Figure 12: Existing Buffer

### 3. COMPLIANCE WITH THE STOREY COUNTY CODE TITLE 17

#### 3.1 SCC Section 17.03.220 (F) (1) Zone Map Amendments and Zone Text Amendments

Before a Zone Map Amendment may be recommended for approval, the Applicant must provide evidence to the Storey County Board of Commissioners (Board) and the Storey County Planning Commission (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 Owner in determining the appropriate zoning designations for the subject properties conforms to and exceeds the requirements of SCC 17.03.220. Staff believes because the subject properties are generally surrounded by vacant land and the existing buffer around the majority of residential use that the proposed Zone Map Amendment will not impact the abutting uses or properties in the vicinity. Therefore, the proposed zoning designation conforms to the above (a) and (c) section as required by SCC 17.03.220.*

*The proposed zoning designations support the goals, objectives and recommendation of the Master Plan as outlined in Section 4: Compliance with the Storey County Master Plan. Therefore, the proposed zoning designation conforms to the above (b) section as required by SCC 17.03.220.*

*The Canyon General Improvements District (GID) has provided an "Intent to Serve" letter (Appendix 5: Canyon GID "Intent to Serve" Letter) which states the properties will be served by sewer and water from the Canyon GID. Therefore, the proposed zoning designation does conform to the above (d) section as required by SCC 17.03.220.*

### 4. COMPLIANCE WITH THE STOREY COUNTY MASTER PLAN

#### 4.1 In Chapter 1.1 The Study Area of the Storey County Master Plan

The Master Plan states that Storey County is defined by four population areas. One of the areas is the River District which stretches about 25 miles along the south bank of the Truckee River and makes up the northern boundary of the county. It has a mixed land use of residential, agricultural, recreational, industrial and commercial development.

*The subject properties are considered located within the River District based on the description in the Storey County Master Plan (Master Plan).*

#### 4.2 Chapter 3.2 Economic Development of the Master Plan

The Master Plan states that considerable development has occurred in the River District over the years and that development is expected to continue. The Master Plan recommends that the Planning Department give serious consideration to development and zoning for an industrial park in the [River District] area. 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 west boundary of APN 004-111-28 abuts existing I-1 zoning and is therefore, contiguous with the I-1 zone. Further, the south boundaries of APNs 004-111-28, 004-111-29 and the majority of 004-111-27 abuts an I-2 zone while all of APNs 004-111-30, 004-111-19 and a portion of 004-111-27 are existing Industrial zones. Therefore, the proposed Zone Map Amendment creates continuous industrial zoning in the subject vicinity and as outlined as a goal in the Master Plan.*

*Also, Staff believes that by approving the Zone Map Amendment the County will be able to attract additional businesses and diversify the County's economy which in turn will broaden the County's tax base which is a goal in the Master Plan.*

## **5. PUBLIC COMMENT**

As of posting date, Staff has not received any public comment for this file.

## **6. FINDINGS**

The Board shall cite Findings in a motion for approval, conditional approval or disapproval. The approval, conditional approval or disapproval of the requested Zone Map Amendment must be based on Findings. The Findings listed in the following subsections are the minimum to be cited.

### **6.1 Motion for Approval**

The Findings listed in this subsection are the minimum to be cited in an approval or conditional approval. The following Findings are evident with regard to the requested Zone Map Amendment when the recommended conditions in Section 7: Recommended Conditions of Approval, are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

6.1.1 The proposed Zone Map Amendment complies with all Federal, Nevada State, and Storey County regulations;

6.1.2 The proposed Zone Map Amendment will not impose substantial adverse impacts or safety hazards on the abutting properties;

6.1.3 The conditions of approval of the Zone Map Amendment do not conflict with the minimum requirements in SCC Chapter 17.17.34 Light Industrial or Chapter 17.03.220 Zone Map Amendments and Zone Text Amendments;

6.1.4 The uses allowed by the new zone do not appear to cause substantial adverse impacts to existing and allowed abutting zones;

6.1.5 The proposed Zone Map Amendment is in substantial compliance with and supports the goals, objectives and recommendations of the Storey County Master Plan;

6.1.6 The proposed Zone Map Amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity;

6.1.7 The proposed Zone Map Amendment will not cause uses that will negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare;

6.1.8 The proposed Zone Map Amendment will not create any non-conforming conditions, such as non-conforming setback distances or minimum parcel area or width requirements.

## 6.2 Motion for Denial

The Findings listed in this subsection are the minimum to be cited in a disapproval of the requested Zone Map Amendment. Should a motion be made to deny the Zone Map Amendment request, the following Findings with explanation of why should be included in that motion:

6.2.1 Substantial evidence shows that the Zone Map Amendment may conflict with the purpose, intent, and other specific requirements of SCC Chapter 17.17.34 Light Industrial or Chapter 17.03.220 Zone Map Amendments and Zone Text Amendments or other Federal, Nevada State, or Storey County regulations.

6.2.2 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.

6.2.3 No reasonable level of conditions of approval imposed on this Zone Map Amendment would be sufficient to reasonably mitigate visual, safety or other potential impacts on adjacent and surrounding residences and land uses.

6.2.4 The proposed Zone Map Amendment is not in substantial compliance with and does not support the goals, objectives and recommendations of the master plan.

6.2.5 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.

6.2.6 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.

## 7. RECOMMENDED CONDITIONS OF APPROVAL

All conditions must be met to the satisfaction of each applicable Storey County Department.

1. **Official Storey County Zoning Map.** The Official Storey County Zoning Map must be amended to depict the Zone Map Amendment approved by the Storey County Board of Commissioners (the Board) with the 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 (the Clerk) under the following words:  
“This is to certify that this is the Official Zoning Map of Storey County referred to in Section 17.08.040 of the Zoning Ordinance of Storey County, Nevada” together with the date of adoption.
2. **Changes Made Promptly.** Pursuant to Storey County Code (SCC) 17.08.060 the changes approved by the Board with the recommendation by the Planning Commission must be entered by the Planning Department on the Official Storey County Zoning Map (and the applicable Area Zoning Map) promptly after the amendment has been approved with an entry indicating the adopted date. Regardless of the existence of the purported copies of the Official Storey County Zoning Map and the applicable Area Zoning Map which may from time to time be made or published, the Official Zoning Storey County Map and the Area Zoning Maps are to be located in the office of the Clerk and the office of the Storey County Recorder (the Recorder) are the final authority as to the currently zoning status of land and water area, buildings and other structures in the County.

3. **Copies of the Official Storey County Zoning Map.** Signed and sealed copies of the Official Zoning Storey County Map and the Area Zoning Maps must be available in the Clerk's office and the Recorder's office.
4. **Conformance.** 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.
5. **Existing and Future Uses.** All existing and future uses on the subject properties must comply with the uses in the Light Industrial I-1 zone.

## **8. POWER OF THE BOARD & PLANNING COMMISSION**

At the conclusion of the hearing, the Planning Commission must take action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the Findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Zone Map Amendment is advisory only to the Board and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

## **9. DECEMBER 4, 2014 PLANNING COMMISSION MEETING**

On December 4, 2014, in accordance with the recommendation by Staff, the Findings under 6.1 of the Staff Report and in compliance with all conditions of approval, the Planning Commission voted unanimously to recommend approval with conditions for Zone Map Amendment 2014-027

## **10. PROPOSED MOTIONS**

This section contains two motions from which to choose. The motion for approval with Conditions of Approval is recommended by Staff in accordance with the Findings under section 6.1 of the Staff Report. Those Findings should be made part of that motion. A motion for denial may be made and that motion should cite one or more of the Findings shown in section 6.2. Other Findings determined appropriate by the Planning Commission should be made part of either motion.

### **10.1 Recommended Motion**

In accordance with the recommendation by the Planning Commission and Staff, the Findings under section 6.1 of the Staff Report and other Findings deemed appropriate by the Board, and in compliance with all Conditions of Approval, I [Commissioner] move to approve with conditions Zone Map Amendment Application Number 2014-027 for a Zone Map Amendment to the Official Storey County Zoning Map to change the zoning of land parcels (APNs 004-111-29 and a portion of 004-111-27 and a portion of 004-111-28) from Agricultural (A) to Light Industrial (I-1) and for land parcels (APNs 004-111-30, 004-111-19 and a portion of 004-111-27) from Heavy Industrial (I-2) to Light Industrial (I-1) in portions of Sections 15 and 16, Township 19 North, Range 21 East in Mount Diablo Baseline and Meridian in the Lockwood-Peri Ranch area in Storey County, Nevada.



## **10.2 Alternative Motion**

In accordance with the Findings under section 6.2 of the report and other Finding against the recommendation for approval by the Planning Commission and Staff, I [Commissioner] move to deny Zone Map Amendment Application Number 2014-027 for a Zone Map Amendment to the Official Storey County Zoning Map to change the zoning of land parcels (APNs 004-111-29 and a portion of 004-111-27 and a portion of 004-111-28) from Agricultural (A) to Light Industrial (I-1) and for land parcels (APNs 004-111-30, 004-111-19 and a portion of 004-111-27) from Heavy Industrial (I-2) to Light Industrial (I-1) in portions of Sections 15 and 16, Township 19 North, Range 21 East in Mount Diablo Baseline and Meridian in the Lockwood-Peri Ranch area in Storey County, Nevada.

## **11. FORWARDING TO THE BOARD A RECOMMENDATION**

SCC 17.03.220 Zone Map Amendments and Zone Text Amendments, Section (F), Subsection (2) and sub-subsections (a.) - (c.) and Sections (G) - (H) states:

2. The Planning Commission, in forwarding a recommendation to the Board for approval of a zoning map amendment or zoning code amendment must make the following findings of fact:
  - a. That the proposed amendment is in substantial compliance with and supports the goals and policies of the master plan;
  - b. That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity;
  - c. That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.

G. Following the public hearing, the Planning Commission will determine if there is adequate evidence in the record to support the facts and Findings required by this section and must recommend to the Board to approve or deny the request for the zoning map amendment or zoning text amendment.

H. The Planning Commission must forward to the Board a copy of its decision and findings recommending approval, modification, or denial of the proposed zoning map amendment or zoning code amendment.

I. The Board must consider the evidence relating to the Zoning Map Amendment at a hearing noticed and conducted in accordance with the provisions of this SCC Title 17 and State law. The Zone Map Amendments must be adopted in accordance with all procedures established in SCC Title 17. Following approval of the Zone Map Amendment, the Official Storey County Zoning Map must be changed to reflect the amendment.

Prepared by: Dessie Redmond  
Storey County Planner

## **APPENDIX 1: LEGAL DESCRIPTION**

## **EXHIBIT "A"**

**All that certain real property situate in the County of Storey, State of Nevada, described as follows:**

### **PARCEL 1:**

**All that certain parcel situate within a portion of the Southeast 1/4 of the Southwest 1/4 and a portion of the Southwest 1/4 of the Southeast 1/4 of Section 16, Township 19 North, Range 21 East, M.D.B.&M., Storey County, Nevada, being more particularly described as follows:**

**BEGINNING** at the South 1/4 corner of said Section 16; thence from the point of beginning, along the southerly line of said Section 16 and the Reversion Property, as shown on Record of Survey File No. 61026 in the Official Records of Storey County, Nevada; North 87°36'31" West, 34.82 feet; thence continuing along the Reversion Property; North 01°33'04" East, 1,218.34 feet to the southerly line of the Adjusted Peri Parcel as shown on said Record of Survey File No. 61026; thence along said southerly line the following nine (9) courses: South 76°32'00" East, 121.98 feet; South 88°03'00" East, 72.65 feet; North 58°09'00" East, 67.94 feet; South 74°38'00" East, 66.13 feet; South 87°40'00" East, 63.75 feet; North 61°58'00" East, 47.63 feet; North 77°53'00" East, 100.72 feet; North 82°05'00" East, 263.90 feet; and North 74°21'20" East, 151.17 feet to the Southwest corner of the Peri Parcel B as shown on Parcel Map File No. 69100 in the Official Records of Storey County, Nevada; thence along said southerly line the following seven (7) courses: North 67°46'00" East, 33.21 feet; South 66°27'16" East, 100.35 feet; North 67°52'00" East, 37.69 feet; South 72°53'00" East, 19.43 feet; South 38°03'00" East, 111.00 feet; North 89°20'00" East, 56.40 feet; and South 88°55'00" East, 158.29 to the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 16; thence along said East line, South 01°30'37" West, 1,259.07 feet to the southerly line of the said Section 16; thence North 88°11'28" West, 1,348.85 feet to the point of beginning.

**Reference is made to APN 004-111-23**

### **PARCEL 2:**

**All that certain parcel situate within a portion of the Northeast 1/4 of the Southeast 1/4 of Section 16, Township 19 North, Range 21 East, M.D.B.&M., Storey County, Nevada being more particularly described as follows:**

**BEGINNING** at a point on the South line of the Northeast 1/4 of the Southeast 1/4 of said Section 16, said point being on the easterly line of Parcel B as shown on Parcel Map File No. 69100 in the Official Records of Storey County, Nevada;



thence from the point of beginning, along said easterly line; North 15°43'42" East, 71.16 feet; thence continuing along said easterly line; North 33°17'00" West, 517.95 feet; thence continuing along said easterly line and the prolongation thereof; North 29°08'00" East, 215.80 feet to the southerly bank of the Truckee River; thence along said southerly bank the following nine (9) courses: South 61°02'56" East, 72.28 feet; South 61°41'57" East, 79.50 feet; South 66°53'37" East, 198.26 feet; South 70°39'55" East, 146.88 feet; South 62°59'14" East, 139.19 feet; South 75°57'50" East, 90.23 feet; South 68°37'46" East, 300.26 feet; South 71°33'54" East, 176.85 feet; and South 80°59'54" East, 36.27 feet to the East line of said Section 16; thence along said East line South 01°49'54" West, 214.72 feet to the South line of the Northeast 1/4 of the Southeast 1/4 of said Section 16; thence along said southerly line North 88°32'24" West, 1,070.59 feet to the point of beginning.

Reference is made to APN 004-111-28<sup>21</sup> (Portion)

**PARCEL 3:**

All that certain parcel situate within a portion of the Southwest 1/4 of the Northeast 1/4 of Section 15, Township 19 North, Range 21 East, M.D.B.&M., Storey County, Nevada, being more particularly described as follows:

**BEGINNING** at the Southwest corner of said Section 15; thence from the point of beginning; along the westerly line of Section 15, North 01°49'56" East, 1,411.08 feet to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 15; thence continuing along said westerly line, North 01°49'56" East, 214.72 feet to the southerly bank of the Truckee River; thence continuing along the southerly and easterly bank of the Truckee River the following twenty-two (22) courses:

South 80°59'54" East, 212.37 feet; South 88°46'52" East, 228.61 feet; North 86°35'00" East, 163.20 feet; North 74°33'37" East, 264.86 feet; North 57°31'44" East, 31.70 feet; North 84°57'27" East, 82.99 feet; South 76°30'15" East, 62.51 feet; North 83°46'27" East, 134.53 feet; North 88°41'53" East, 107.01 feet; South 40°36'05" East, 22.42 feet; North 67°50'01" East, 354.44 feet; North 56°04'57" East, 169.94 feet; North 44°35'16" East, 238.99 feet; North 35°04'26" East, 139.63 feet; North 30°40'38" East, 166.80 feet; North 23°57'45" East, 47.89 feet; North 43°58'49" East, 168.03 feet; North 45°13'21" East, 78.99 feet; North 23°11'55" East, 33.24 feet; North 54°02'51" East, 61.32 feet; North 38°45'53" East, 140.39 feet; and North 26°33'54" East, 60.59 feet to the East-West centerline of Section 15; thence along the East-West centerline of Section 15, South 89°07'34" East, 220.25 feet to the center of Section 15; thence along the North-South centerline of Section 15; South 00°48'45" West, 1,389.03 feet to the Southeast corner of the Northeast 1/4 of the Southwest 1/4 of Section 15;

thence along the southerly line of the Northeast 1/4 of the Southwest 1/4 of Section 15, North 89°35'47" West, 1,330.90 feet to the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of Section 15; thence along the easterly line of the Southwest 1/4 of the Southwest 1/4 of Section 15, South 01°19'35" West, 1,400.01 feet to the southerly line of Section 15; thence along the said southerly line South 89°56'33" West, 1,343.58 feet to the point of beginning.

Reference is made to APN 004-111-27 (Portion)

**PARCEL 4:**

All that certain parcel situate within a portion of the Southwest 1/4 of the Northeast 1/4 of Section 15, Township 19 North, Range 21 East, M.D.B.&M., Storey County, Nevada, being more particularly described as follows

**BEGINNING** on the northerly line of the Southwest 1/4 of the Northeast 1/4 of Section 15 and the easterly right-of-way line of a 40 foot road easement from which the Northeast corner of said Section 15 bears North 59°56'50" East, 2,864.47 feet; thence from the point of beginning along said easterly right-of-way line South 06°59'30" West, 509.68 feet; thence South 06°40'43" West, 303.18 feet; thence South 09°42'00" East, 90.48 feet; thence leaving said easterly right-of-way line, South 89°23'00" East, 69.50 feet; thence North 27°24'00" East, 191.00 feet; thence South 71°32'00" East, 152.00 feet; thence North 13°42'00" East, 139.20 feet; thence South 82°14'47" East, 115.41 feet; thence North 25°00'00" West, 120.00 feet; thence North 65°00'00" East, 85.00 feet; thence North 38°44'24" West, 628.26 feet to the point of beginning.

The area of Parcel 4 is included in the area tabulated for the above described Parcel B.

Reference is made to APN 004-111-30.

**PARCEL 5:**

All that certain parcel situate within a portion of the Southeast 1/4 of the Southeast 1/4 of Section 16, Township 19 North, Range 21 East, M.D.B.&M., Storey County, Nevada, being more particularly described as follows:

**BEGINNING** at the Southeast corner of said Section 16, thence from the point of beginning along the southerly line of Section 16; North 88°11'28" West, 1,348.85 feet to the Southwest corner of the Southeast 1/4 of the Southeast 1/4 of Section 16, thence along the westerly line of the Southeast 1/4 of the Southeast 1/4 of Section 16, North 01°30'37" East, 1,259.07 feet to the southerly line of the Peri Property as shown and so designated on Parcel Map File No. 69100 in the

**PARCEL 6:**

**All that certain parcel situate within a portion of the Southeast 1/4 of the Northwest 1/4 of Section 15, Township 19 North, Range 21 East, M.D.B.&M., Storey County, Nevada, being more particularly described as follows:**

**BEGINNING** at the center of said Section 15; thence from the point of beginning along the East-West centerline of Section 15, North 89°07'34" West, 220.25 feet to the easterly bank of the Truckee River; thence along said easterly bank, the following ten (10) courses: North 26°33'54" East, 15.53 feet; North 16°27'36" East, 111.56 feet; North 08°49'13" East, 142.71 feet; North 01°14'43" West, 111.87 feet; North 01°21'50" East, 102.15 feet; North 12°43'28" West, 77.27 feet; North 23°50'19" West, 114.30 feet; North 01°52'40" East, 148.40 feet; North 13°44'11" East, 225.27 feet; and North 13°21'37" East, 317.61 feet to the northerly line of the Southeast 1/4 of the Northwest 1/4 of Section 15; thence along said northerly line, South 88°58'49" East, 110.19 feet to the North-South centerline of Section 15; thence along said North-South centerline, South 00°48'45" West, 1,333.49 feet to the center of Section 15 and the point of beginning.

**Reference is made to APN 004-111-27.**

**Basis of Bearings:**

**Parcels 1, 2, 3, and 5** Record of Survey Map No. 1154; File No. 516741 in the Official Records of Storey County, Nevada, Parcel 4, Parcel Map No. 55049 in the Official Records of Storey County, Nevada.

**EXCEPTING THEREFROM** any water rights appurtenant thereto as contained in a Deed filed in the office of the County Recorder of Storey County, State of Nevada, on February 1, 2006, as Document No. 103206, as to Parcels 1, 2, 3, 4, 5 and 6 shown above.



#### **EXHIBIT "A"**

**All that real property situate in the City of Sparks, County of Washoe, State of Nevada, described as follows:**

**Commencing at the Southeast corner of Section 8, Township 19 North, Range 20 East, M.D.B.&M.; thence North 1°40'35" West 269.32 feet to the true point of beginning, said point being the Southeast corner of the described parcel; thence South 88°57'57" West 332.12 feet to a point which lies on the East right of way line of Marietta Drive; thence along said right of way line North 1°02'03" West 168.50 feet to a point on a curve; thence along said curve to the right whose tangent bears the last described course, having a central angle of 90°00'00", a radius of 30.00 feet along an arc distance of 47.12 feet to the South right of way line of Greg Street; thence along said South right of way line of Greg Street North 88°57'57" East 299.89 feet; thence South 1°40'35" East 198.51 feet to the true point of beginning.**

**NOTE: The above metes and bounds description appeared previously in that certain Deed recorded in the office of the County Recorder of Washoe County, Nevada on October 3, 2007, as Document No. 3581430 of Official Records.**

#### **EXHIBIT "A"**

**All those water rights conveyed to TROY PHILIP REGAS pursuant to that certain Water Rights Deed dated November 17, 2005, and recorded with the County Recorder of Storey County, State of Nevada, on February 1, 2006, as Document No. 103202; excepting therefrom any water rights transferred from Troy P. Regas to Truckee Meadows Water Authority pursuant to the Water Rights Deed dated January 31, 2006, and recorded with the County Recorder of Storey County, State of Nevada, on February 1, 2006, as Document No. 103206.**

## EXHIBIT A1

### LEGAL DESCRIPTION FOR PARCEL INT-1

A portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 21 East, Mount Diablo Meridian, in Storey County, Nevada, and being more particularly described as follows:

**COMMENCING** at the southeast corner of said Section 16 as shown on Record of Survey No. 1154, "Record of Survey for Robert J. Mason, James & Joe Peri", filed on February 28, 1978, as Document No. 516741, Official Records of Washoe County, Nevada, said southeast corner being the **POINT OF BEGINNING**;

THENCE, North  $88^{\circ}11'28''$  West, a distance of 70.35 feet along the southerly boundary of said Section 16;

THENCE, North  $01^{\circ}48'32''$  East, a distance of 525.00 feet;

THENCE, North  $88^{\circ}11'28''$  West, a distance of 830.00 feet;

THENCE, South  $01^{\circ}48'32''$  West, a distance of 525.00 feet to said southerly boundary;

THENCE, North  $88^{\circ}11'28''$  West, a distance of 448.50 feet along said southerly boundary to the southwest corner of said Southeast Quarter of the Southeast Quarter;

THENCE, North  $01^{\circ}30'37''$  East, a distance of 1259.07 feet along the westerly boundary of said Southeast Quarter of the Southeast Quarter to the southerly boundary of the lands delineated on "Parcel Map and Lot Line Adjustment, Peri Parcels", filed on March 3, 1992, as Document No. 69100, Official Records of Storey County, Nevada;

THENCE, South  $88^{\circ}55'00''$  East, a distance of 193.80 feet along said southerly boundary;

THENCE, South  $81^{\circ}00'00''$  East, a distance of 54.90 feet along said southerly boundary;

THENCE, North  $15^{\circ}43'42''$  East, a distance of 154.46 feet along said southerly boundary to the northerly boundary of said Southeast Quarter of the Southeast Quarter;

THENCE, South  $88^{\circ}32'24''$  East, a distance of 1070.60 feet along said northerly boundary to the easterly boundary of said Section 16;

THENCE, South  $01^{\circ}49'56''$  West, a distance of 1411.08 feet along said easterly boundary to the **POINT OF BEGINNING**;

Containing 32.81 acres of land, more or less.

## **APPENDIX 2: OWNERSHIP VERIFICATION**



Parcel Number 004-111-19 Prior Parc # 411-114-18 (changed 07/00/00)  
 Last Updated 2/08/13 By JKA  
 Ownership (F6=All Owners F7=Documents)  
 Legal Owner..... INTERNATIONAL INVESTMENTS LLC Force Assmt Notice....  
 Assessed Owner..... INTERNATIONAL INVESTMENTS LLC Force Ag Message...  
 Mail Address..... 4790 CAUGHLIN PARKWAY #515 Force Label.....  
 Force Card/Aff (C/A)..  
 City, State..... RENO, NV Zip... 89509  
 Vesting Doc #, Date. 118095 - 2/07/2013 Yr.Bk.Pg 13 000 000 Corr Rq'd  
 Map Document #s.....  
 Description (F11=Additional Locations)  
 # Dir Street or Other Description Unit #(s)  
 Property Location... PTN S15 T19N R21E  
 Subdivision..... Block... Lot...  
 Town..... OUTSIDE RIVER Parcel Map ID..  
 Property Name..... PERI RANCH - HURST Confidential..  
 Remarks.....  
 Parcel # Containing Descriptive/Document Data.... Land Use: 500  
 Size  
 Total Acres... 3.000 Square Feet... 0  
 Ag Acres..... .000 W/R Acres..... .000  
 F9=Scan >/< > F5=Addr Hist F10=Othr Func F12=Cancel F14=Imprv/Apprsl Data  
 F15=Legal Description F16=Misc Notes F17=Factoring History F20=Tax Years  
 F21=Personal Property F22=Ag Land F23=Exemptions F24=Livestock Counts

Parcel Number 004-111-27 Prior Parc # 004-111-26 (changed 6/27/02)  
 Last Updated 2/08/13 By JKA Created by split; Primary # 004-111-27  
 Ownership (F6=All Owners F7=Documents)  
 Legal Owner..... INTERNATIONAL INVESTMENTS LLC Force Assmt Notice....  
 Assessed Owner..... INTERNATIONAL INVESTMENTS LLC Force Ag Message...  
 Mail Address..... 4790 CAUGHLIN PARKWAY #515 Force Label.....  
 Force Card/Aff (C/A)..  
 City, State..... RENO, NV Zip... 89509  
 Vesting Doc #, Date. 118095 - 2/07/2013 Yr.Bk.Pg 13 000 000 Corr Rq'd  
 Map Document #s..... 69100  
 Description (F11=Additional Locations)  
 # Dir Street or Other Description Unit #(s)  
 Property Location... 3444 PERI RANCH RD  
 Subdivision..... PTN S15 & S16 T19N R21E Block... Lot...  
 Town..... OUTSIDE RIVER Parcel Map ID..  
 Property Name..... PERI RANCH Confidential..  
 Remarks.....  
 Parcel # Containing Descriptive/Document Data.... Land Use: 400  
 Size  
 Total Acres... 119.510 Square Feet... 0  
 Ag Acres..... .000 W/R Acres..... .000  
 F9=Scan >/< > F5=Addr Hist F10=Othr Func F12=Cancel F14=Imprv/Apprsl Data  
 F15=Legal Description F16=Misc Notes F17=Factoring History F20=Tax Years  
 F21=Personal Property F22=Ag Land F23=Exemptions F24=Livestock Counts

Parcel Number	004-111-28	Prior Parc #	004-111-26 (Changed 6/27/02)
Last Updated	2/08/13 By JKA	Created by split;	Primary # 004-111-27
Ownership	(F6=All Owners F7=Documents)		
Legal Owner.....	INTERNATIONAL INVESTMENTS LLC	Force Assmt Notice....	-
Assessed Owner.....	INTERNATIONAL INVESTMENTS LLC	Force Ag Message...	-
Mail Address.....	4790 CAUGHLIN PARKWAY #515	Force Label.....	-
		Force Card/Aff (C/A)...	-
City, State.....	RENO, NV	Zip...	89509
Vesting Doc #, Date.	118095 - 2/07/2013	Yr, Bk, Pg	13 000 000
Map Document #s.....	69100 -		Corr Rq'd -
Description	(F11=Additional Locations)		
	# Dir Street or Other Description	Unit #(s)	
Property Location...	PERI RANCH RD		
Subdivision.....	PTN S16 T19N R21E	Block...	Lot...
Town.....	OUTSIDE RIVER	Parcel Map ID..	
Property Name.....	PERI RANCH	Confidential..	
Remarks.....			
Parcel # Containing	Descriptive/Document Data....	Land Use: 400	
Size			
Total Acres...	42.810	Square Feet....	0
Ag Acres.....	.000	W/R Acres.....	.000
F9=Scan >/< >	F5=Addr Hist	F10=Othr Func	F12=Cancel
F15=Legal Description	F16=Misc Notes	F17=Factoring History	F20=Tax Years
F21=Personal Property	F22=Ag Land	F23=Exemptions	F24=Livestock Counts

Parcel Number	004-111-29	Prior Parc #	004-111-26 (Changed 6/27/02)
Last Updated	2/08/13 By JKA	Created by split;	Primary # 004-111-27
Ownership	(F6=All Owners F7=Documents)		
Legal Owner.....	INTERNATIONAL INVESTMENTS LLC	Force Assmt Notice....	-
Assessed Owner.....	INTERNATIONAL INVESTMENTS LLC	Force Ag Message...	-
Mail Address.....	4790 CAUGHLIN PARKWAY #515	Force Label.....	-
		Force Card/Aff (C/A)...	-
City, State.....	RENO, NV	Zip...	89509
Vesting Doc #, Date.	118095 - 2/07/2013	Yr, Bk, Pg	13 000 000
Map Document #s.....	69100 -		Corr Rq'd -
Description	(F11=Additional Locations)		
	# Dir Street or Other Description	Unit #(s)	
Property Location...	PERI RANCH RD		
Subdivision.....	PTN S16 T19N R21E	Block...	Lot...
Town.....	OUTSIDE RIVER	Parcel Map ID..	
Property Name.....	PERI RANCH	Confidential..	
Remarks.....			
Parcel # Containing	Descriptive/Document Data....	Land Use: 400	
Size			
Total Acres...	7.500	Square Feet....	0
Ag Acres.....	.000	W/R Acres.....	.000
F9=Scan >/< >	F5=Addr Hist	F10=Othr Func	F12=Cancel
F15=Legal Description	F16=Misc Notes	F17=Factoring History	F20=Tax Years
F21=Personal Property	F22=Ag Land	F23=Exemptions	F24=Livestock Counts

Parcel Number 004-111-30		Prior Parc # 004-111-26 (changed 6/27/02)	
Last Updated 2/08/13 By JKA		Created by split; Primary # 004-111-27	
Ownership		(F6=All Owners F7=Documents)	
Legal Owner.....	INTERNATIONAL INVESTMENTS LLC	Force Assmt Notice....	-
Assessed Owner.....	INTERNATIONAL INVESTMENTS LLC	Force Ag Message...	-
Mail Address.....	4790 CAUGHLIN PARKWAY #515	Force Label.....	-
		Force Card/Aff (C/A)...	-
City, State.....	RENO, NV	Zip...	89509
Vesting Doc #, Date.	118095 - 2/07/2013	Yr, Bk, Pg	13 000 000
Map Document #s.....	69100 -	Corr Rq'd	-
Description	(F11=Additional Locations)		
# Dir	Street or Other Description	Unit #(s)	
Property Location...	PERI RANCH RD		
Subdivision.....	PTN S15 T19N R21E	Block...	Lot...
Town.....	OUTSIDE RIVER	Parcel Map ID..	
Property Name.....	PERI RANCH	Confidential..	-
Remarks.....			
Parcel # Containing	Descriptive/Document Data....	Land Use: 400	
Size			
Total Acres...	5.050	Square Feet....	0
Ag Acres.....	.000	W/R Acres.....	.000
F9=Scan >/< ≥ F5=Addr Hist F10=Othr Func F12=Cancel F14=Imprv/Apprsl Data			
F15=Legal Description F16=Misc Notes F17=Factoring History F20=Tax Years			
F21=Personal Property F22=Ag Land F23=Exemptions F24=Livestock Counts			




## Corporate Resolution

### International Investments, a Nevada LLC

As Managing Member of International Investments, I Dante L. Perano authorize Frank Lepori a member of International Investments to sign any and all documents in reference to the sale of 10 acres to Fulcrum Bioenergy, Inc.

Minutes approved:

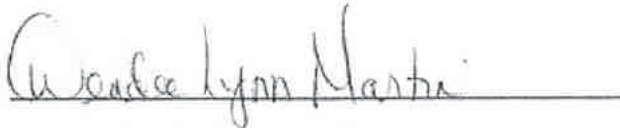
  
Dante L. Perano  
Operating Manager (Member)

Date: Nov 5<sup>th</sup> 2014

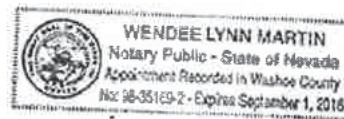
State of Nevada

County of Washoe

This instrument (Corporate Resolution) was acknowledged before me  
on November 5th, 2014 by Dante Perano, Managing Member of  
International Investments LLC.



Signature of Notarial Officer



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[Election Center](#)
[Business Center](#)
[Licensing Center](#)
[Securities Center](#)
[Online Services](#)
[My Data Reports](#) [Contact Us](#) [Privacy Policy](#) [Feedback](#)

## INTERNATIONAL INVESTMENTS LLC

[New Search](#)
[Printer Friendly](#)
[Calculate List Fees](#)

### Business Entity Information

Status:	Active	File Date:	12/14/2007
Type:	Domestic Limited-Liability Company	Entity Number:	E0865802007-0
Qualifying State:	NV	List of Officers Due:	12/31/2014
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20071389468	Business License Exp:	12/31/2014

### Additional Information

[Central Index Key:](#)

### Registered Agent Information

Name:	DARTE PERANO	Address 1:	4790 CAUGHLIN PKWY #515
Address 2:		City:	RENO
State:	NV	Zip Code:	89519
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

[View all business entities under this registered agent](#)

### Financial Information

No Par Share Count:	0	Capital Amount:	\$ 0
---------------------	---	-----------------	------

**No stock records found for this company**

### Officers

Manager - G AND G CAPITAL INC.

Address 1:	4790 CAUGHLIN PKWAY #515	Address 2:	
City:	RENO	State:	NV
Zip Code:	89519	Country:	USA
Status:	Active	Email:	

### Actions/Amendments

[Click here to view 10 actions/amendments associated with this company](#)

<http://nvsos.gov/sosentitysearch/CorpDetails.aspx?x&nvq=wJuJsVWhr6252bAUL3pL5Bj...> 11/5/2014



## **APPENDIX 3: PROPERTIES OWNER AFFIDAVIT**

### Storey County Development Application

#### Professional Consultant/Representative(s)

Name: RENO ENGINEERING CORPORATION

Address: 405 MARSH AVE

City: RENO

State: NV

Zip: 89509

Phone: 775.852.5700

Fax: 775.852.5707

Cell: 775.771.9575

Contact: VINCENT GRIFFITH

Email: VINCE@RECNV.COM

#### Other Person(s) to be Contacted

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

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Cell: \_\_\_\_\_

Contact: \_\_\_\_\_

Email: \_\_\_\_\_

#### **Applicant's Affidavit:**

I, Jeanne Bonedetti, being duly sworn, depose and say that I am the applicant  
(Printed name)

of the described project and/or request, and all the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Storey County Community Development Department staff.

Signature of Applicant \_\_\_\_\_

OCTOBER 21, 2014

Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

(Notary stamp)

Notary Public in and for said county. \_\_\_\_\_

State \_\_\_\_\_

#### **Property Owner's Affidavit:**

I, FRANK LEPORI, being duly sworn, depose and say that I am an owner\* in  
(Printed name)

fee of the described property involved in this application, that I have knowledge of, and agree to, the filing of this application, and that the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Storey County Community Development Department staff.  
(\*A separate Affidavit must be provided by each property owner)

Signature of Property Owner \_\_\_\_\_

OCTOBER 21, 2014

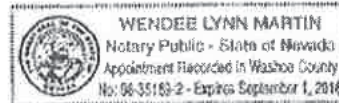
Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014

(Notary stamp)

Notary Public in and for said county. \_\_\_\_\_

State Nevada



## **APPENDIX 4: APPLICANT SUBMITTALS**



## Zone Change Application

### Attachment 1

#### Detail Description/Justification of Project

##### A. Proposed Zone Change

The subject parcels of the Storey County River Front Business Park have been historically used for agriculture, gravel mining and entertainment establishments. With the industrial growth in Storey County and in the East Canyon it is time to upgrade the property to more productive uses. The subject properties



APN 004-111-(27, 28 & 29) (the "Property") is currently zoned "A (Agriculture)" pursuant to Storey County's Zoning Map dated December 4, 2012, as depicted above – **Vicinity Zoning Map**. The parcels have been created previously as part of Documents 118095 & 103203. The property owner and development team will be submitting a parcel map to combine the parcels and reconfigure them to make them more suitable for development after the zone change is effectuated. A portion of APN 004-111-28 is subject to a zone change request for Fulcrum Sierra BioFuels, LLC at the drafting of this document. It is intended this application will parallel that approval process however will be considered separately to prevent any un-necessary delays of the Fulcrum application. We believe both applications can be processed co-currently. International Investments, LLC ("International Investments" or the "Applicant") is proposing to rezone the Property to "I-1 (Light Industrial)" under Title 17 of the Storey County Zoning Ordinance. As indicated in Table 1, the "I-1 (Light Industrial)" zone would be consistent with the existing zoning and land use surrounding the Property. The properties surrounding the subject parcel a compatible with the proposed land use request

Page 1 of 3

Owner's Initials:

*FFJ*

**Table 1 – Surrounding Zoning and Land Use**

APN	Direction From	Zoning	Land Use
Washoe County	North	(Industrial)	Industrial Park
004-131-07	South	I-2 (Heavy Industrial)	Solid Waste Landfill
004-111-27	East	I-2 (Heavy Industrial)	Gravel Pit
004-111-28	Subject Parcel	A (Agriculture)	Vacant
004-111-27	Subject Parcel	A (Agriculture)	Vacant
004-111-23	West	I-1 (Light Industrial)	Quarry
004-121-27	West	P (Public)	Water Tank
004-111-37	North & East	A (Agriculture)	Residential & Agg

**B. Description of Proposed Land Use**

The subject property is suitable for the proposed land use request for several reasons; The property is adjacent to the community waste water treatment plant on the haul road entering the regional landfill and in an area that historically has been used for industrial uses. A large portion of the property has been used for agriculture however due to the proximity to utilities and other similar uses the applicant believes that the Parcel can be put to a higher and better use. Specific land uses have not been identified, however, the property will be best suited for manufacturing, logistics, and construction companies. Uses are listed in "I-2" that fit the profile of the parties that have expressed interest in the subject property.

**C. Flood Considerations**

Portions of the subject property are currently in the AE SFHA. Flood hazard areas identified on the Flood Insurance Rate Map are identified as a "Special Flood Hazard Area" (SFHA). SFHA is defined as the area that will be inundated by the flood event having a one percent (1%) chance of being equaled or exceeded in any given year. The one percent (1%) annual chance flood is also referred to as the base flood or 100-year flood. AE zones are areas subject to inundation by the one percent (1%) annual-chance flood event determined by detailed methods. Base Flood Elevations (BFE's) are shown on the maps. The property could theoretically be developed by staying above the BFE's however mandatory flood insurance purchase requirements and floodplain management standards apply. In layman's terms and as most are aware of the subject parcel has flooded during extreme events. Although, development is not precluded within the AE zone with flood insurance the applicant / owner has retained the services of Southwest Hydrology & Hydraulics, LLC PO Box 62233, Boulder City, Nevada 89005 to prepare a CLOMR (conditional letter of map revision) and then LOMR of the subject parcels. The procedure for revising the flood maps is too detailed to discuss in this application however the basic premise is to model the Truckee river, develop a design which does not affect

upstream or downstream neighbors and then have FEMA engineers review and bless the design prior to beginning flood improvement work. The preliminary design concept is to widen the river adjacent to the project to give the river room to breathe in heavy storms this additional widening will be combined with filling the proposed building sites above the flood plain. All plans for construction will be reviewed and approved by Storey County prior to beginning construction. In addition, FEMA engineers' will approve the design before it is submitted for permit to Storey County. The added advantage to this design concept will be to set the buildings and improvements back from the normal river flow and create a green belt along the Truckee.

**C. Other Considerations**

Traffic - The property primary access will be from the east on the landfill access road, sufficient width and improvements exist to service the proposed land use change.

Soils - No special concern in regards to Soils, and the subject parcels have suitable materials for development.

Utilities - Sufficient utilities exist in the area to connect into for development. Included in this application is a conditional will serve letter from the canyon GID.

**C. Conclusions**

Growth in the community support changing the zoning on of the subject property. The change in zoning represents the orderly development in the county and there are adequate services and infrastructure to support the proposed zoning change. The change in zoning provides for an approved use of the property. The change in zoning is in substantial conformance to the Master Plan and other adopted plans and policies for the county. The proposed zoning is compatible with development and uses of adjacent properties.



## Dessie Redmond

---

**To:** Britton Griffith-Douglass  
**Subject:** RE: Lepori Zone Change

**From:** Britton Griffith-Douglass [mailto:britton.rec@gmail.com]  
**Sent:** Monday, November 17, 2014 1:48 PM  
**To:** Dessie Redmond  
**Cc:** Austin Osborne; Lyndi Renaud  
**Subject:** Re: Lepori Zone Change

Good Afternoon,

That is confirmed.

Thank you so much!

Britton

On Mon, Nov 17, 2014 at 11:41 AM, Dessie Redmond <dredmond@storeycounty.org> wrote:

Hi Britton-

Can you please confirm that you are requesting APNs 004-111-27, 004-111-29, 004-111-30, 004-111-19 and 004-111-28 (minus the Fulcrum portion) currently zoned Agriculture and Heavy Industrial to all be re-zoned Light Industrial (see attached graphic).

**Britton Griffith-Douglass**

**REC**

Reno Engineering & Development Services Company

405 Marsh Ave. | Reno, NV 89509

t 775-813-1822 | f 775-852-5707

[www.recnv.com](http://www.recnv.com)

## **APPENDIX 5: APPROVAL LETTER FOR SUP NUMBER 2009-010**

**Storey County  
Planning Commission**

Douglas Walling, *Chairman*  
Virgil Bucchianeri, *Vice-Chairman*

Lydia Hammack ~ Peter Maholland ~ Larry Prater ~ Bret Tyler

November 19, 2008

Keeping Nevada Green  
% 8080 Tres Arroyos  
Sparks, NV 89436

Troy Regas  
8080 Tres Arroyos  
Sparks, NV 89436

Re: Special Use Permit Application # 2009-010

Dear Applicants:

On October 2, 2008, the Storey County Planning Commission heard your application request for a Special Use Permit to operate a recycling operation on APN 004-111-27. The Planning Commission recommended approval with the following condition:

1. The project shall comply with all applicable State Statutes and County ordinances, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and County ordinances, County ordinances in effect at the time the building permit is applied for, shall prevail.
2. The applicant shall apply for all building and fire permits for the project within twelve (12) months from the date of final approval, and continuously maintain the validity of those permits, or this approval shall be null and void.
3. All sides of the salvage yard shall be screened from public view by no less than an eight-foot solid barrier (screening device) such as a fence, wall, building, or other solid barrier.
4. The screening device shall be built of non-reflective and no wood materials and be painted or otherwise coated with a color that fosters blending with natural surrounding environment.
5. All screening devices must be built to withstand sustaining 100 mile-per-hour winds and other climatic conditions common to the region.
6. A landscaping plan shall be submitted before any construction takes place. Landscaping, including an abundance of large and dense foliage evergreen trees, shrubbery, and ground cover, shall aid in the screening of the premises from public view. Landscaping of this nature shall surround the entire premises. Failure to irrigate and maintain landscaping in accordance with the plan shall be in violation of the Special Use Permit. In addition, the Storey County Building Official shall reserve the right to require reasonable landscaping changes and/or additions throughout the development process.
7. Salvage yard shall contain an on-premises office or area where business license and Material Safety Data Sheets (MSDS) can be posted and ready for review by Storey County Fire Department. An emergency / fire plan shall be approved by Storey County Fire Department. The applicant shall complete a Nevada Hazardous Materials form and obtain appropriate permits from the State of Nevada Fire Marshall's Office.

1 of 5



2009-010

8. Fire suppression implements shall be in conformance with Storey County Fire Code, National Fire Protection Association, and International Fire Code (as amended). They shall include, but not be limited to, fire hydrants, required fire flows, and necessary water supply for fire protection.
9. The premises shall facilitate sufficient hard surface area for County fire equipment staging, operation, maneuvering, turning, and exiting.
10. A legible sign shall be placed at entry of the premises stating name of company, street address and number, contact phone number(s), emergency department contact(s), and hours of operation. Sign shall be at least 2 feet by 3 feet in size. Advertisements of any type are prohibited on fences and/or screening devices.
11. Access to salvage yard shall be secured by mechanical means, such as a solid gate, and shall be easily accessible by emergency personnel and equipment. A Knox Box shall be supplied and installed by the applicant.
12. No material may be piled or stacked higher than the screening device.
13. Loading, off-loading, and temporary storage of all receiving materials shall be within salvage yard premises, behind screening device, and completely off of public road right-of-ways.
14. No material or machinery may be stored outside the screening device or on roads, including Peri Ranch Road, and throughways, or other public right-of-ways; inclusive of non public-right-of-ways that provide for emergency ingress and/or egress.
15. All dismantling of automobiles and/or other types of vehicles shall be done outside of public view and inside an enclosed building.
16. Structures where dismantling, fluid drainage, and/or temporary storage of fluid take place shall have an impermeable membrane beneath a concrete floor.
17. At no time shall there be Tier II Hazardous Materials stored on premises.
18. There shall include a secondary containment system of retention curbing, which must retain no less than 150% of all fluids on premises and such shall be graded so that all runoff and/or fluid spills collect in one central basin. There shall also include a fluid recovery system, consisting of a sump pit and sump pump at the lowest portion of the retention basin and there shall be a fluid recovery storage system which can hold no less than 150% of total fluids stored on premises.
19. The applicant shall submit to the Planning Commission at time of Special Use Permit an hours of operation schedule.
20. At no time shall burning of tires, batteries, insulated wire, or any other substance be permitted. In addition, "hot-work" (i.e. acetylene cutting torch) shall be permitted by the Storey County Fire Department.
21. All nighttime lighting on property, including on buildings, structures, fences, poles, etc., shall conform to the "night-skies" ordinances of Storey County zoning and shall be directed away from neighboring properties.
22. Proper measures shall be taken by all licensees to control dust originating on the premises on which said salvage yard business is operated or conducted.
23. No vehicular entry/exit to said project shall be through Lockwood, Rainbow Bend, or any other road to or from the West. All vehicles traveling to and from the said project shall enter and exit to the east on East Mustang Road.

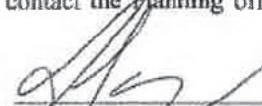
24. Licensee shall be responsible to take measures to assure the property remains rat and vermin free.
25. There shall be no more than a maximum of 84 dBA of noise at applicant's property line during operation hours.
26. To assure compliance with all requirements of the Special Use Permit, there shall be at least one (1) semi-annual inspection of licensed salvage yard by the Building Official during the first year of licensure (licensee to pay for special inspection fee), and there shall be at least one annual inspection of premises by the Building Official each year thereafter (applicant to pay special inspection fee). This is in addition to the statutory responsibility for the Storey County Fire Department conduct annual inspections.
27. All fees required by the Building Department, Fire Marshall, and emergency/fire protection services to cover cost of considering license applications, examining site plans, conducting inspections, and issuing salvage yard licenses shall be paid by licensee and collected at the time of license issuance.
28. Sellers' personal identification record and received materials record shall be logged in order of time and date received, kept bound in an organized fashion, stored in an on-site office building for a period of no less than two years, and available for immediate and unannounced review by State agencies and County Sheriff's Department. The County Building Official, Fire Marshal, Sheriff, and/or Nevada State Department of Motor Vehicles shall have the authority to enter upon and inspect the salvage yard and office records when the County has probable cause to believe that the premises contains a stolen vehicle or other illegal material and/or that a violation to any or all provisions exists. The authority includes the right to make a pictorial and/or written record of any junk and/or other materials on the property and to measure the extent of the violation. The County Sheriff shall assist with this inspection upon request.
29. Licensee shall conform to all regulations set forth in Nevada Revised Statutes 487 and 647 as well as any other Statutes regulating ownership and operations of wrecking/salvage yards.
30. Licensee shall submit to the County Building Official a detailed plan for post-closure clean up of all spilled fluids, hydrocarbons, and otherwise contaminated soils and/or ground. Post-closure clean up shall take place prior to vacating premises and shall encompass a period of no longer than 6 months. Financial responsibility for post-closure clean up, and the plan thereof, shall rest on the licensee.
31. Licensee shall gather and record the following information from the seller of scrap metal or automobile/vehicle:
  - Changes with Dept. Win2.* a. Name, address, photo identification or driver license number,
  - b. delivery vehicle's description, make, model, and license plate state and number,
  - c. VIN number and description of any salvage vehicle received,
  - d. Type, nature, and quantity of all recyclable materials brought forth.

Sellers who bring forth suspicious material and/or vehicles (large spools of new wire, cut or whole manhole covers, highway guard railings, new home fixtures, other material not readily available to the public, stolen vehicles) shall be reported to the Sheriff's Department.
32. Licensee shall maintain an insurance policy in the minimum amount of \$1,000,000 (One Million Dollars) with Storey County named as the "Additional Insured".

2009-010

33. Approachment(s) shall be paved from the edge of East Mustang Road to a point at least 110 feet from East Mustang Road to prevent mud and dirt from being tracked onto the public roadway.

On October 21, 2008, the Storey County Board of Commissioners gave final approval for the Special Use Permit Application 2009-010. If you have any questions, please contact the Planning office at 775-847-0966.

  
Dean Haymore  
Building Official & Planning Administrator

STATE of Nevada )  
COUNTY of Storey ) SS:

On this 21 day of November in the year 2008, Dean Haymore personally appeared before me and proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledge they executed it.

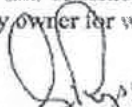


Witness by my hand and official seal:

  
Notary's Signature

#### ACCEPTANCE

The terms and conditions of this Confirmation of Special Use Permit #2009-010 are accepted by Troy Regas the property owner for which this permit is issued.

  
Troy Regas

11-21-2008  
Date

STATE of Nevada )  
COUNTY of Washoe ) SS:

On this 21<sup>st</sup> day of November in the year 2008, Troy Regas personally appeared before me and proved to me on the basis of satisfactory evidence to be the person(s) whose names are subscribed to this instrument, and acknowledge they executed it.



Witness by my hand and official seal:

  
Notary's Signature



2009-010

**ACCEPTANCE**

The terms and conditions of this Confirmation of Special Use Permit #2009-010 are accepted by **Keeping Nevada Green** the applicant for which this permit is issued.

  
\_\_\_\_\_  
Keeping Nevada Green

11-21-08  
\_\_\_\_\_  
Date

STATE of Nevada )  
COUNTY of Washoe ) SS:

On this 21<sup>st</sup> day of November in the year 2008, Fred Sala personally appeared before me and proved to me on the basis of satisfactory evidence to be the person(s) whose names are subscribed to this instrument, and acknowledge they executed it.

Witness by my hand and official seal:



  
\_\_\_\_\_  
Notary's Signature

cc: Building Department Files  
Sheriff Department  
Fire Department

## **APPENDIX 6: SCC 1999 TITLE 17 ZONING ORDINANCE**

This Appendix is available for review in the Storey County Planning Office - 26 B Street, Virginia City, Nevada 89440. 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).

## **APPENDIX 7: EMAIL FROM PROFESSIONAL CONSULTANT**



## Dessie Redmond

**From:** Dessie Redmond  
**Sent:** Wednesday, November 26, 2014 8:32 AM  
**To:** 'Britton Griffith-Douglass'  
**Subject:** RE: FW: Uses in the I-1 zone

Thanks Britton! Have a Happy Thanksgiving too!

**Dessie E. Redmond**  
Storey County Planner

**From:** Britton Griffith-Douglass [mailto:britton.rec@gmail.com]  
**Sent:** Wednesday, November 26, 2014 8:07 AM  
**To:** Dessie Redmond  
**Subject:** Re: FW: Uses in the I-1 zone

Good Morning Dessie,

This e-mail is to confirm the below e-mail correspondence and to state we have spoken about the issues by phone and resolved them.

Thank you so much & happy Thanksgiving!

B

On Tue, Nov 25, 2014 at 5:17 PM, Dessie Redmond <dredmond@storeycounty.org> wrote:

Britton/Vince-

Per our phone conversation, can you please send an email back to me confirming your knowledge of my email below? Please note: the SUP is on APN 004-111-27 (not 004-111-19 as previously discussed). Thank you!

**Dessie E. Redmond**  
Storey County Planner

**From:** Dessie Redmond  
**Sent:** Tuesday, November 25, 2014 8:24 AM  
**To:** 'Britton Griffith-Douglass'; 'Vincent Griffith'  
**Cc:** Austin Osborne (aosborne@storeycounty.org); Lyndi Renaud; Bob Morris (fourmorr@charter.net); Bill Maddox; Ann Langer (alanger@storeycounty.org)  
**Subject:** Uses in the I-1 zone

Hi Vince and Britton-

You have confirmed that you want to include APN 004-111-27 in your International Investment Zone change from Heavy Industrial I-2 to Light Industrial I-1. Currently, existing on APN 004-111-27 is a "junk, salvage, reclamation, or auto wrecking yard." This use is permitted by a special use permit (SUP) in the Heavy Industrial I-2 zone and the existing business on APN 004-111-27 is operating under a SUP for a junk, salvage, reclamation, or auto wrecking yard. However, this use is not permitted (allowed or by a SUP) in the Light Industrial I-1 zone. Therefore, there will be a recommended condition of approval for your proposed International Investment's Zone change that all existing uses on the subject properties are compliant with uses in the Light Industrial I-1 zone.

The staff report will be ready by the end of today. Please do not hesitate to contact us with any questions. Thank you!

**Dessie E. Redmond**, MURP, MLA  
Storey County Planner

PO BOX 176, 26 B Street, Virginia City, NV 89440  
Office: [775.847.1144](tel:775.847.1144) | Cell: [775.671.4129](tel:775.671.4129) | Fax: [775.847.0949](tel:775.847.0949)

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**From:** Britton Griffith-Douglass [<mailto:britton.rec@gmail.com>]  
**Sent:** Tuesday, November 25, 2014 7:57 AM  
**To:** Dessie Redmond  
**Subject:** Fwd: FW:

Dessie,

Here are some maps to go with our application.

Thank you, Britton

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

**From:** Frank Lepori <[frank@leporiconstruction.com](mailto:frank@leporiconstruction.com)>  
**Date:** Fri, Nov 21, 2014 at 5:58 PM  
**Subject:** FW:  
**To:** Britton Douglass <[britton.rec@gmail.com](mailto:britton.rec@gmail.com)>, Vince <[vince@recnv.com](mailto:vince@recnv.com)>

Hi Brit,

Here is the email I sent to Mitch Andreini Manager of Canyon General Improvement District, to get the ball rolling for the "intent to service" letter. I will send you any other info I have

Have a nice evening

**Frank M. Lepori**  
1580 Hymer Avenue, Suite 100  
Sparks, NV 89431  
[775-337-2063](tel:775-337-2063)  
[775-337-2066](tel:775-337-2066) Fax  
[frank@leporiconstruction.com](mailto:frank@leporiconstruction.com)

[www.leporiconstruction.com](http://www.leporiconstruction.com)

Frank  
**LEPORI**  
**CONSTRUCTION INC.**

## **APPENDIX 8: CANYON GID “INTENT TO SERVE” LETTER**





# CANYON GENERAL IMPROVEMENT DISTRICT

800 Peri Ranch Rd., Suite 103. Sparks, NV 89434

Phone 342-2850

Fax 342-2851

July 24, 2013

Lepori Construction  
Mr. Frank Lepori  
1580 Hymer Avenue, Suite 100  
Sparks, NV 89431

Dear Mr. Lepori;

An "Intent to Serve" for water and sewer service was unanimously passed at the July 17, 2013 Canyon General Improvement District Board of Directors Meeting for any future development outlined in the map provided from your company.

If you have any question please call me at 342-2850. We look forward to working with you in the future.

Sincerely,

Mitch Andreini  
Manager, Canyon General improvement District

## Canyon General Improvement District Board of Directors

  
Jim Kittrell  
Connie Mays  
Larry Huddleson  
Ralph Trotter  
Pete Viteritti  
Linda Dennis  
Allen McKenzie

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## Storey County Board of County Commissioners Agenda Action Report

Meeting date: 1-6-15

Estimate of time required: 0 - 5

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

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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:**

☒ Department Head

Department Name: Community Development

 County Manager

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

9. **Board action:**

☐ Approved  
☐ Denied

☐ Approved with Modifications  
☐ Continued

Agenda Item No. 30

# Storey County Community Development

## Business Licensing

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

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

**December 29, 2014**  
Via email

Please add the following item(s) to the **January 6, 2015**, 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. **AB2C, LLC** – Home Business / 157 South B Street (hat sales) VC
- B. **ROPO, INC.** – General / 1337 Crest Valley Drive ~ Reno (janitorial)
- C. **SNAP ON TOOLS, INC.** – General / 1617 South Deer Run Road ~ Carson City (tool sales)
- D. **LEGACY PAINTING, LLC** – Contractor / 870 Deming Way ~ Sparks (painting contractor)
- E. **HATTON'S CRANE & RIGGING** – Contractor / 3643 Depot Road ~ Hayward, CA (crane svcs.)
- F. **NEVADA BBQ CO dba BJ's BBQ** – General / 80 East Victorian ~ Sparks (catering)
- G. **PRICELESS CONSTRUCTION** – Contractor / 1175 Flint Street ~ Fernley (contractor)
- H. **HARRIS INDUSTRIAL GASES** – General / 236 East Sydney (welding equip supply) TRI

### Inspection Required

cc: 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