Storey County Planning Commission
Meeting Agenda

Thursday August 6, 2020 at 6:00 p.m.
Storey County Courthouse, District Courtroom*
26 South B Street, Virginia City, NV

Jim Hindle – Chairman
Jim Collins – Planning Commissioner
Larry Prater– Planning Commissioner

Summer Pellett- Vice Chairman
Kris Thompson – Planning Commissioner
Adrianne Baugh – Planning Commissioner
Bryan Staples - Commissioner

No members of the public will be allowed in the District Courtroom due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate.

Further, due to the Governor's mandated steps to protect against the spread of COVID-19, the Storey County Planning Commission is hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely, may do so by accessing the following meeting on Zoom.com. Public comment may be made by communication through zoom.

***Join Zoom Meeting:** https://us02web.zoom.us/j/84581381514 **Meeting ID:** 845 8138 1514

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US
+1 301 715 8592 US
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
Meeting ID: 597 519 448
Find your local number: https://zoom.us/u/adi9WjdtNr

For additional information or supporting documents please contact the Storey County Planning Department at 775-847-1144.

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **Call to Order at 6:00 p.m.**
2. **Roll Call**
3. **Pledge of Allegiance**

4. **Discussion/For Possible Action:** Approval of Agenda for August 6, 2020.

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

6. **Discussion/Possible Action:** Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

7. **Discussion/Possible Action:** Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

Note for Item 8, additional information including, but not limited to, draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org, or viewed online at http://storeycounty.org/517/Updates. In addition to the provisions of the NRS, any person may complete and return to the Board a statement supporting or opposing the proposed amendments to the county code and/or zoning ordinance. These items may be heard and discussed together if determined appropriate by the planning commission.

8. **Discussion/For Possible Action:** Bill 118/Ord 20-307 Text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

9. **Discussion/For Possible Action:** Determination of next Planning Commission meeting.

10. **Discussion/For Possible Action:** Approval of Claims.

11. **Correspondence** (no action)

12. **Public Comment** (no action)

13. **Staff** (no action)

14. **Board Comments** (no action)

15. **Adjournment**

Notes:

- There may be a quorum of Storey County Commissioners in attendance, but no action or discussion will be taken by the Commissioners.
- Public comment will be allowed after each item on the agenda (this comment should be limited to the item on the agenda). Public comment will also be allowed at the end of each meeting (this comment should be limited to matters not on the agenda).
- Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
- Additional information pertaining to any item on this agenda may be requested from Lyndi Renaud, Planning Department (775-847-1144).
- Supporting material is available to the public and may be obtained at http://www.storeycounty.org/agendacenter or the Storey County Courthouse, Planning Department, 26 South B Street, Virginia City, Nevada.

Certification of Posting

I, Lyndi Renaud, on behalf of the Storey County Planning Commission, do hereby certify that I posted, or caused to be posted, a copy of this Agenda at the following locations on or before July 28, 2020: Virginia City Post Office; Storey County Courthouse; Storey County Community Development; Virginia City Fire Station 71; Virginia City RV Park; Mark Twain Community Center; Rainbow Bend Clubhouse; Lockwood Community/Senior Center; Lockwood Fire Station; and the Virginia City Highlands Online Message Board. By Lyndi Renaud, Secretary

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

To: Storey County Planning Commission

From: Storey County Planning Department

Meeting Date: July 16, 2020 at 6:00 p.m.

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

Staff Contact: Kathy Canfield

File: Special Use Permit File 2020-021

Applicant: Stericycle, Inc.

Property Owner: Tahoe-Reno Industrial Center, LLC

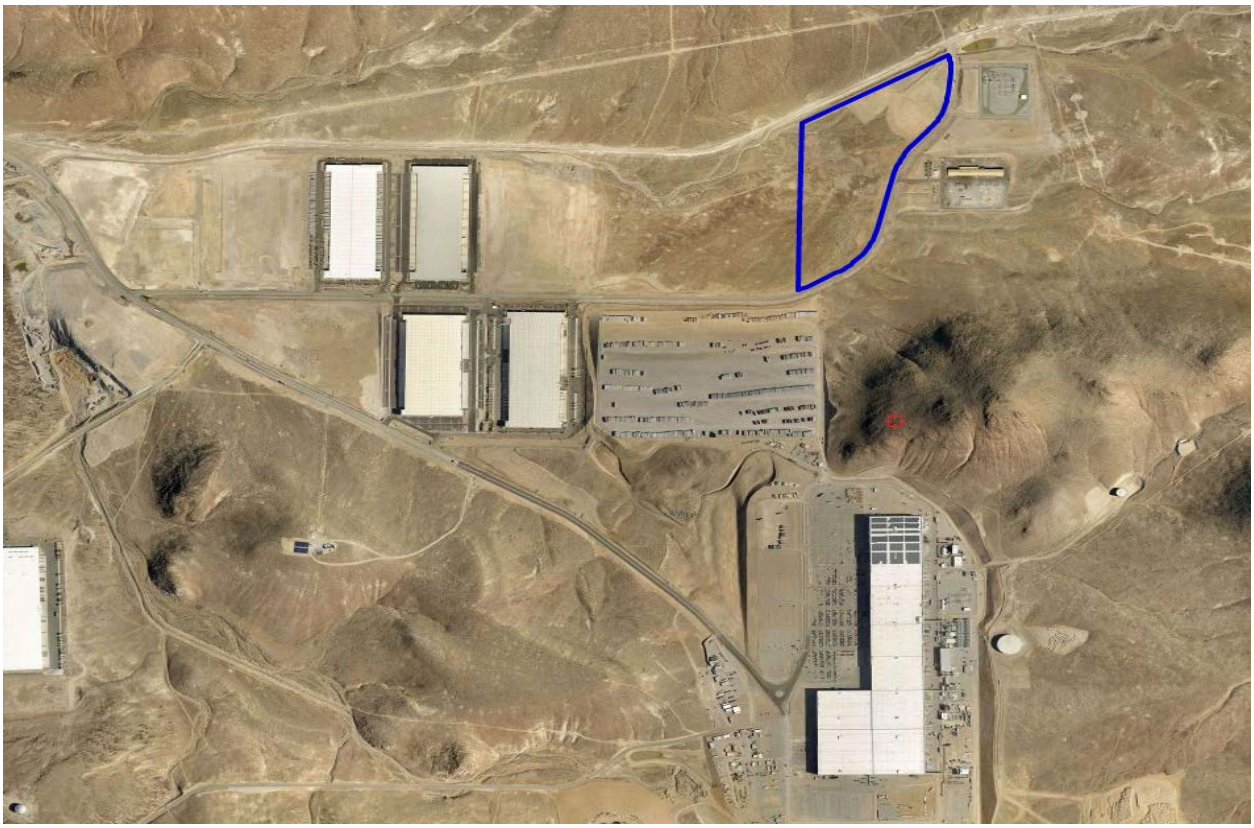
Property Location: 1655 Milan Drive, McCarran, Storey County, Nevada, APN 005-111-73

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

1. Background & Analysis

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

Vicinity Map



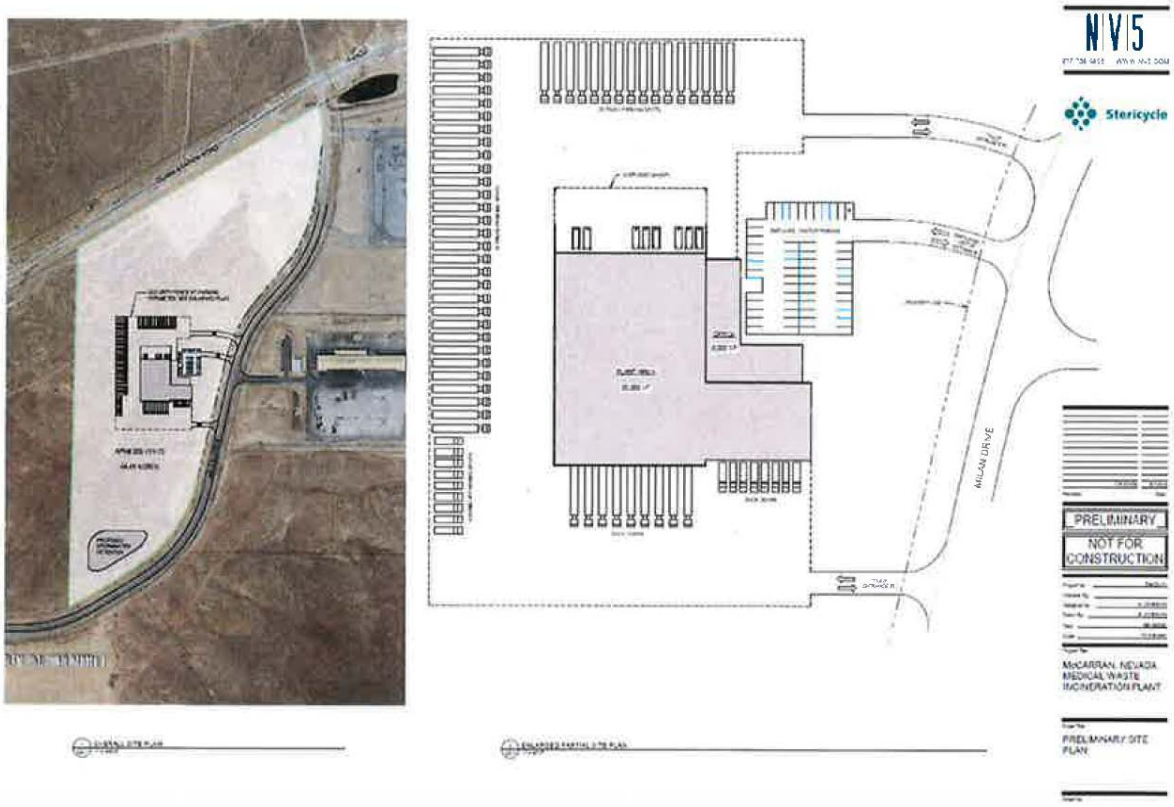
Property Location

Existing Development

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

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

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



Conceptual Site Layout

C. **<u>Special Use Permit</u>**. This property is subject to the provisions of the 1999 Zoning Ordinance of Storey County. The property is zoned I-2, Heavy Industrial and as stated in Section 17.37.040, "Recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes" and "incinerators, of any type and used for any purpose". The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit.

D. **<u>Biohazardous Waste</u>.** The waste streams that the facility will process are considered biohazardous as they potentially can be contaminated with infectious agents that may be a threat to public health if not handled and disposed of properly. These wastes include:

- Regulated Medical Waste as a special category of solid waste as defined by the State of Nevada, the County, OSHA or USDOT, sharps waste, APHIS waster or Regulated Garbage as regulated under USDA
- Other healthcare products (used, unused or expired specified by manufacture for destruction
- Partially used or unused pharmaceuticals (hazardous or nonhazardous) for destruction
- Other special solid wastes for destruction as requested by generator for incineration (for witness destruction)

- Document or product destruction (i.e. for HIPAA or other privacy related matters)
- Special wastes from law enforcement (as requested such as controlled witness destruction) or DEA related controlled substances and waste from healthcare facilities
- Outdated, off-specification or unused consumer commodities
- Recalled or outdated disposable medical equipment or supplies
- Confidential records/proprietary packaging and products

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

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

All of the above referenced medical wastes are not considered or regulated by the U.S. Environmental Protection Agency (EPA) Resource and Conservation Recovery Act (RCRA) as hazardous waste and under Nevada Division of Environmental Protection (NDEP) regulations can be disposed of in a standard landfill without treatment. Some jurisdictions have adopted more stringent requirements for disposal, including the State of California and both Washoe and Clark Counties in Nevada. Regardless of where a waste is ultimately disposed, the local regulations at the point of generation apply to the disposal.

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

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

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

weight basis (over 95% on a volume basis) to ash residual. Resultant ash residual generated at the site is collected and secured and taken to the landfill.

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

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

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

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

2. Compatibility and Compliance

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

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

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

B. **Compliance with required height limitations**. The 1999 Storey County Zoning Ordinance Section 17.37.080 states: "No building shall have a height greater than six (6) stories or seventy-five (75) feet, not including silos, stacks, or equipment." Based on the submitted application, the applicant has stated the maximum height proposed for the building will not exceed the 75-foot height limitation. It is anticipated the height for the stacks will be between 75-feet and 150-feet and will depend largely on the NDEP requirements related to air quality. The additional height for the stacks and associated equipment are exempted as stated above from the 75-foot height limitation.

C. **Compliance with required setbacks.** The 1999 Storey County Zoning Ordinance Section 17.37.080 states: No building shall be located closer than fifty (50) feet to any property line. The property will be approximately 20 acres in size and is of such a configuration that this requirement can be met. As a condition of the building permit, the applicant will be required to demonstrate that no structure will encroach into the required 50 foot setback or demonstrate that a Waiver from the Building Official as identified in the Development Agreement for the TRI Center has been granted to allow encroachment into the setback.

D. **General use allowances and restrictions.** The 1999 Storey County Code Section 17.62, Special Uses (which refers to Section 17.60) identifies the administration for the Board and Planning Commission for allowing special use permits. The use of "recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes", incinerators and electric or gas power generating plants" are uses subject to a Special Use Permit. Approval of a Special Use Permit "may only be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution and under such conditions as the board may deem necessary to assure that the general purpose and intent of this ordinance will be observed, public safety and welfare secured and substantial justice done." The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed in Section 3 of this staff report are the minimum to be cited in an approval.

E. **Conformance with the 2016 Storey County Master Plan**. This project is located within the Tahoe-Reno Industrial Center which the Master Plan states "provides for light industrial, heavy industrial, commercial, and industrial commercial uses and zones pursuant to the Development Agreement between Storey County and the Tahoe-Reno Industrial Center, LLC." The property and the Tahoe-Reno Industrial Center are located in the McCarran Area Plan which the Master Plan states "depicts a homogenous planned industrial center located toward the north-central part of Storey County nine miles east of Lockwood. It is home to the Tahoe-Reno Industrial Center and is dedicated solely to manufacturing, utility power production, warehousing and distribution, and other heavy- and light-industrial, and commercial uses. The industrial center has grown to become a major regional hub for distribution, alternative energy production, digital data management, and highly intensive and experimental industries." The proposed use of "recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes" is consistent with the heavy industrial use statements for the Tahoe-Reno Industrial Center.

3. Findings of Fact

A. **Motion for approval.** The following Findings of Fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.

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

(2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.E of this staff report and the contents thereof are cited in an approval of this Special Use Permit.

(3) The subject property is located within an existing industrial neighborhood in the McCarran area of Storey County. The zoning is based on the 1999 Storey County Zoning Ordinance which identifies this property as I-2 Heavy Industrial. The proposed facility is defined as a "recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes" and has an incinerator and has the potential to provide an "electric or gas power generating plant" and requires a Special Use Permit.

(4) Granting of the Special Use Permit, with the conditions of approval listed in Section 4 of this report, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property. The project is expected to meet the

safety and health requirements for the subject area. The use will also be subject to building and fire plan review in order to ensure compliance with federal, state and other codes.

(5) The Special Use Permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

(6) The conditions under the Special Use Permit do not conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial and 17.62 Special Uses.

(7) Granting of the Special Use Permit will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons working in the neighborhood or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

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

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

(2) The conditions under the Special Use Permit conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial, 17.62 Special Uses.

(3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. Recommended Conditions of Approval

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

B. **Requirements**. The Permit Holder shall apply for all required permits and licenses, including building and fire permits, for the project within 24 months from the date of

final approval of this Special Use Permit, and continuously maintain the validity of those permits/licenses, or this approval shall be null and void. This permit shall remain valid as long as the Permit Holder, its heirs, assigns, or successors remain in compliance with the terms of this permit and Storey County, Nevada State, and federal regulations.

C. **Permit Contents**. This permit incorporates by reference the standards, objectives, conditions, terms and requirements of all plans, including the operating plan, safety plan, training plan, and closure plan, to be submitted separately from this permit. The requirements of all submitted plan, along with support material submitted with the application, become part of this Special Use Permit.

D. **Allowed Modes of Transport.** The facility may receive and distribute medical waste and the resultant ash/paste via truck and rail. All loading and unloading of materials must occur within an enclosed structure. The structure must meet the requirements of this special use permit with regard to emergency spill and containment. The Storey County Community Development Department and Fire Protection District plan review are required for any proposed rail spur facilities.

E. **Storage**. This permit does not authorize any outdoor storage at the site. All storage of all materials transported to the site and the byproduct created at the site shall be contained within the proposed building or within an enclosed truck trailer while awaiting unloading or delivery.

F. **Taxes**. Before obtaining a building permit, the Permit Holder must show the building department valid evidence that all property taxes on the land are paid-to-date.

G. **Emergency Management Plan**. The Permit Holder must submit an emergency plan to the Storey County Fire Protection District, Community Development, Emergency Management and Planning Departments for review and approval at the time of construction plan submittal. At a minimum, the elements of the plan must include disaster management, Emergency Medical Services (EMS), and environmental protection. This plan shall include industry best practices implementation in addition to local, state and federal requirements. Specific items to be included in the plan are as follows. The following list is not exhaustive; the County may impose additional requirements as necessary. Requirements of State and federal agencies which fulfill the following may suffice when documentation thereof is submitted to the governing body and to Storey County.

- Basic company, owner, site, and emergency contact information
- Plot Plan (detailed drawings) of the site and access points
- Site evacuation, gathering points and emergency procedure
- Area evacuation and emergency procedure for each applicable emergency situation
- Initial and ongoing training and education of county and fire district emergency response personnel applicable to the subject use, and at the permit holder's expense

- Emergency contact procedures, including for the NDEP, Dispatch 9-1-1, and Storey County Emergency Services
- Facility shut-down and startup procedure
- Special training and identification of any funding for the Fire District and Emergency Management to address site specific hazards
- Emergency vehicle access, circulation, and staging
- Documenting and reporting of emergency situations, including spills and gassing-off of any product.
- Post disaster management, cleanup, and material disposal
- Documenting and reporting of NDEP and other environmental permits and notices
- Stormwater drainage and detention will be submitted for review and approval during the plan review and permitting processes
- Facility Closure Plan
- Risk Management Plan
- Industry Best Practices shall be utilized when developing any plans for the facility
- Complete index of MSDS/SDS shall be provided to the Storey County Fire Protection District, Storey County Community Development Department, Storey County Local Emergency Planning Committee, Storey County Emergency Management and Storey County Planning Department
- Community Right to Know Plan and Information shall be maintained and provided at all times within the facility.
- Copy of all Fire Marshall Permits for Hazardous Materials shall be maintained onsite and available upon request to Storey County.
- Dates, time and attendees of all drills held at facility shall be maintained on site and available upon request to Storey County

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

I. **Abandonment.** In the event that the use authorized by this Special Use Permit is abandoned for a period of more than twenty-four (24) calendar months from the date of last producing operations, this permit shall become null and void and a new Special Use Permit shall be required. In the event of a force Majeure such as and not limited to

a flood, damage or destruction of the access to the site, earthquake, or other events beyond the control of Storey County or the Permit Holder, the period of abandonment shall not be deemed to commence until such time as the permit holder may be found to once again have reasonable access to the site. In this connection, the permit holder shall reasonably attempt to establish access to the site.

J. **Closure**. The Permit Holder shall be responsible for the cost for the closure of this facility as permitted under Special Use Permit 2020-021. Complete closure shall consist of providing reclamation that would eliminate any hazardous materials or environmental damage to the existing site or adjacent areas proven to be contaminated by the Applicant's processes.

K. **Post-Closure Monitoring.** In the event that the permit lapses or the use is discontinued or abandoned, the Permit Holder, its heirs, assigns or successors shall remain responsible for environmental monitoring and post-closure maintenance. Under no circumstances shall Storey County, its officers, or representatives bare any cost or responsibility for the deconstruction, disassembly, or removal of equipment or environmental monitoring or clean-up.

L. **Nuisances.** As stated in Section 17.12.100(A) of the Storey County Zoning Code, noise, smoke, odor, gases, or other noxious nuisances shall be controlled so as not to become objectionable, or adversely affect the properties in the vicinity, and shall not be detrimental to the public health, safety and welfare.

M. **Separate Permits Required**. This Special Use Permit shall not be construed to be a permit for design or construction. A separate Storey County plan review, fire safety review, and building permit will be required. Any required state or federal air quality control permit must be obtained for the project. A copy of any NDEP (Nevada Department of Environmental Protection) approval shall be forwarded to Storey County Planning Department for inclusion with the Special Use Permit. If there is a violation of NDEP permit, Storey County shall be notified of the violation, corrective action to be taken and date to be completed.

N. **Legal Responsibility**. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations.

O. **Indemnification**. The Permit Holder warrants that the future use of land will conform to the requirements of the County of Storey, State of Nevada, and applicable federal regulatory and legal requirements for the production, refining, purification, processing, dilution, blending, distribution and use of hazardous and non-hazardous chemical products associated with the microelectronics industry; further, the Permit Holder warrants that continued and future use of the land shall so conform. The Permit Holder, its assigns, heirs or successors, agrees to hold Storey County, its officers, and representatives harmless from the costs associated with any environmental damage, environmental liability, and any/all other claims now existing or which may occur as a result of this special use permit.

P. **Liability Insurance**. The Permit Holder, as well as its assigns, heirs or successors, shall

provide proof of insurance to Storey County and maintain a satisfactory liability insurance for all aspects of this operation under Special Use Permit 2020-021 for a minimum amount of $5,000,000.00 (five million dollars).

Q. **Operations Safety.** The facility/site design and layout must meet all Storey County adopted model codes and amendments, as well as Federal, State and County environmental, best practices and health/safety requirements.

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

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

R. **Safety. The following security measures must be implemented at a minimum.**

- All staff shall be trained for spill containment and cleanup. A copy of the training shall be submitted to Storey County.
- All medical waste shall be double contained.
- The property shall be enclosed with a minimum 6-foot high fence and entrances shall be gated.
- The premises must be well lit in order to maintain property security. The lighting plan shall be designed to provide necessary operation, but not be over obtrusive to avoid safety hazard(s) for adjacent right-of-ways and/or light pollution, and shall comply with Chapter 8.02 of the Storey County Code.
- No outside storage of materials is permitted or proposed with this application. All materials will be housed either in the main building or in separate accessory buildings, or temporarily within enclosed trucks waiting for unloading into the facility, designed to meet the requirements of this special use permit and any federal, state, and local regulations.

S. **State/Federal Taxes**. Whenever Nevada law requires the payment of a sales and/or use tax, all materials and equipment purchased or rented for this project should be received in Storey County and the value reported as 'county-of-delivery' on the Nevada Dept. of Taxation form TXR-01.01 'Sales/Use Tax Return'**.** Proof of appropriate reporting is required prior to a 'Certificate of Occupancy' being issued. Additionally, when applicable, the Permit Holder shall be responsible for reporting and paying all Federal Motor Fuels and Lubricants taxes.

T. **Emergency Training**. The Permit Holder shall provide and/or pay for any and all special training and/or equipment needed for the Storey County personnel that is required due to the operation of the facility. This may include plugging, diking, air monitoring, Level A response suits or any other item required to properly and safely respond to the facility. This may also include medical equipment specifically needed for exposure to specific

products, including body substance isolation (BSI) personal protective equipment (PPE) as needed when operating within the facility.

U. **Emergency Response Training**. The facility shall be an active member of the Storey County Local Emergency Planning Committee. This includes participation as requested for drills.

V. **Water and Sewer Connection**. The Permit Holder shall provide a 'Will Serve' letter from Tahoe-Reno Industrial Center General Improvement District to the Storey County Building Department for the necessary water and sewer to operate the facility prior to any construction permits being granted for the property.

W. **Environmental Monitoring**. Before operations commence, the Permit Holder shall submit to Storey County a copy of the environmental monitoring requirements applicable to the facility under the environmental permits issued for the facility. The Permit Holder shall include storm water management measures on its site plan which shall be submitted to Storey County Community Development Department for approval. Community Development.

X. **Incident Reporting**. Any uncontrolled release of hazardous materials shall be required to be reported immediately to Storey County Emergency Dispatch via 9-1-1. The incident shall be immediately reported to Storey County Community Development and Planning Departments and the Nevada Division of Environmental Protection (NDEP). The Permit Holder shall comply with the NDEP's clean-up requirements and provide Storey County Emergency Management and Fire District a copy of NDEP's completion of remediation. All hazardous materials incident clean-up and response costs shall be borne by the permit holder as part of the issuance of this special use permit. Incidents exceeding a standard first alarm response will be billed to the company. If mutual aid is warranted to suppress an incident, those costs shall also be funded by the company.

Y. **Fluid Containment**. The Permit Holder shall construct containment systems in areas where fuels and other types of hazardous materials are being stored or processed to prevent spills, if any, from entering the environment. The containment system shall be designed and installed to the satisfaction of the Storey County Community Development Department and in accordance with model codes.

Z. **Air Emissions**. Air emissions from the facility shall meet the Nevada Division of Environmental Protection permit requirements. Copies of the annual reports of environmental quality, necessary to comply with the requirements of the permit issued by the Bureau of Air Pollution Control, Nevada Division of Environmental Protection (NDEP) shall be submitted to Storey County Planning Department. In the event that there is an air discharge in excess of the standards approved by NDEP under the construction or operating permit, the permit holder shall provide Storey County Planning Department a copy of any notice of the event or plan to remediate the event submitted to NDEP. If the Permit Holder is required by the Bureau of Air Pollution Control, Nevada Division of Environmental Protection to prepare a report on the event, the permit holder shall submit a copy of the report to Storey County Planning Development. There shall be no obnoxious odors released into the air that are a

nuisance to abutting properties. The facility will be subject to Title 40 of Federal regulations (*40 CFR Part 60 – Standards of Performance for New Stationary Sources, Subpart Ec, Standards of Performance for Hospital/Medical/infectious Waste incinerators for Which Construction is Commenced After June 20, 1996*) which provides federally enforceable standards of performance for facilities of this type. Although the proposed facility is not considered an incinerator, based on meetings with regulatory authorities, the facility will be subject to these same standards and requirements.

AA. **Drainage Protection**. All process drains around each unit and site drainage shall be designed to prevent the discharge of oils to the sewer or septic system and or storm drain systems. All site drainage shall be designed as not to adversely impact surrounding property owners.

BB. **Nevada Division of Environmental Protection (NDEP)**. The Permit Holder shall demonstrate all required permits from the NDEP have been obtained prior to commencing the project.

CC. **Power Generation**. This permit acknowledges the potential for generation of excess power. Any proposed power purchase agreement or connection to a power facility is a private agreement and Storey County is not a part of any discussions or negotiations between other parties. Any proposed physical connections (such as power lines) may require future Storey County review and/or permitting.

DD. **Compliance**. The use on the subject property, along with the medical waste materials transported to the site, must comply with all applicable federal, state, and county codes and regulations and the submitted plans and reports, as approved. The Permit Holder must provide the community development department plans drawn to scale prior to obtaining a building permit. The Permit Holder shall be responsible for maintaining the premises and managing operations in accordance with all conditions and stipulations set forth by this Special Use Permit and all other federal, Nevada State, and Storey County codes and regulations. Failure to comply with the requirements herein shall elicit a written warning to the Permit Holder by Storey County on the first and second offense. A third offense shall warrant Storey County to revoke the Special Use Permit. Storey County shall reserve the right to conduct periodic reviews of the Permit Holder's compliance with all conditions and stipulations of the Special Use Permit. In the event of a life safety issue, standard stop work orders and red tags will be issued as approved within the fire and building codes.

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

- Failure to comply with the SUP conditions, or federal, state, and county regulations, without appropriate remedy;

- Any misrepresentation made in the application for the SUP or in other official

documents, or amendments thereof, submitted to a federal, state, or local agency;

- Failure to provide notice to the county on violations, disasters, notice of decisions, and other such correspondence from federal, state, and local agencies as required in this SUP.

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

5. Public Comment

As of July 7, 2020, Staff has not received any comments from the public.

6. 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 is advisory only to the Board of County Commissioners and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

7. Proposed Motions

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

A. Recommended motion for approval

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

B. Alternative motion for denial

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

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

To:	Storey County Planning Commission
From:	Storey County Planning Department
Meeting Date:	August 6, 2020 at 6:00 p.m.
Meeting Location:	Storey County Courthouse, 26 S. B Street, Virginia City, Storey County, Nevada, via Zoom
Staff Contact:	Kathy Canfield
File:	Special Use Permit Amendment File 2017-020-A1-2020
Applicant:	Asia Union Electronic Chemicals-Reno, Inc (AUECC)
Property Owner:	Waltham Road Industrial LLC
Property Location:	1400 Waltham Way, McCarran, Storey County, Nevada, APN 004-093-36 (formerly APN 004-091-81)
Request:	Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

1. **Proposed Project.** The applicant is requesting to modify several conditions associated with their 2017 Special Use Permit. Construction has commenced on developing the project, and as the project construction has been implemented, specifications outlined in the Special Use Permit have been identified as needing to be modified in order to be consistent with the State of Nevada permitting, with revised operations plans and with other best management practices associated with the operations and other regulating agencies.

This application only addresses modifying Conditions of Approval C, D, S, T and BB. No other portion of the Special Use Permit is being addressed at this time. If modifications to the above Conditions of Approval are not approved, the original conditions of approval remain in effect.

2. **Conditions of Approval Modifications.** The following existing conditions of Special Use Permit 2017-020 are requested to be amended as follows (*original language shown in italics*):

Condition C

C. ***Substances Limitations.*** *The chemicals and other substances allowed on the subject property are those which are included in Special Use Permit Application No. 2017-020 (See Exhibit B of this staff report). The quantities of those materials listed therein must not be exceeded. All chemicals must be in the State Chemical Data Base and at no time should there be any chemical on site that is not in the data base.*

AUECC is requesting that this list be updated pursuant to changes in planned facility operation. The updated proposed Exhibit B is provided as Attachment 1. The changes from the 'original' Exhibit B are minor and include:

- Updating the maximum sulfuric acid concentration from 96% to 100%
- Consolidating the list to only include the maximum concentration of a chemical instead of listing the same chemicals multiple times at differing concentrations, (for example: Currently, 'hydrogen peroxide, 31%' and 'hydrogen peroxide, 45%' are included, in the updated Exhibit B only 'hydrogen peroxide, up to 45%)
- Addition of 'various utility chemicals, lab standards/reagents, and research and development materials kept onsite in small quantities (< 500 gallons)' This addition is meant to capture numerous chemicals and materials that are required for operational maintenance, laboratory use, research and development, and other uses that are only present in small quantities

Additionally, AUECC wishes to the modify the language in the SUP regarding the State Chemical Data Base. Instead of the current language, AUECC requests the following: "Permit Holder is required to obtain and maintain their State Fire Marshal (SFM) hazardous materials permit"

AUECC rationale for the change:
It is our opinion that the proposed changes to Exhibit B do not have any impact on the intent or purpose of the SUP and can be made without any other stipulations or requirements being added to the SUP. It appears the current SUP language in regards to the State Chemical Data Base is in reference to the *State Fire Marshal and State Emergency Response Commission Hazardous Material Inventory Reporting and Permitting Requirements*; if that is the case, then AUECC's requested language change is appropriate. This program only requires the reporting of certain chemicals above certain threshold quantities. As currently written, the SUP indicates all chemicals must be in the data base, which is not consistent with the requirements of the State Fire

Marshal. It is our recommendation that the SUP only needs to stipulate that the procurement and proper updating and maintenance of the SFM hazardous materials permit is required. Based on our understanding of the intent of the original SUP language, this change does not impact the purpose of this section of the SUP.

Staff comments:
County staff have reviewed the proposed modifications to Condition C and believe that having the proposed chemical list and reporting of certain chemicals be consistent with the State Fire Marshal is appropriate. Upgrading the concentration of sulfuric acid does not generate the need to provide any additional safety measures than what currently is proposed. Providing for additional chemicals to be onsite, below the State Fire Marshal reporting amount, is appropriate and was an oversight at the time the original staff report was prepared, as some additional chemicals not involved in the manufacturing process are assumed to be onsite for basic functioning of a business (cleaning chemicals, well water chemicals, gasoline, etc…).

Recommended Revised Condition C Language:

The chemicals and other substances allowed on the subject property associated with the onsite manufacturing are those which are included in Special Use Permit Application No. 2017-020 (See amended Exhibit B of this staff report). The quantities of those materials listed therein must not be exceeded. ~~All chemicals must be in the State Chemical Data Base and at no time should there be any chemical on site that is not in the data base~~. The Permit Holder is required to obtain and maintain a State Fire Marshal (SFM) hazardous materials permit. A copy of such permit shall be provided to the County Fire Marshal.

Condition D

D. ***Allowed Modes of Transport.*** *The facility may receive and distribute chemicals and other substances via truck and rail. All loading and unloading of liquid substances must occur in designated areas having spill containment consistent with Condition S of this approval. All loading and unloading of liquid substances must occur within an entirely enclosed structure, and all doors to the structure(s) must be closed entirely and secured during the entire time that the material is being loaded and unloaded. The structure(s) must meet the requirements of this special use permit with regard to emergency spill and containment. The Storey County Community Development Department and Fire Protection District plan review are required for any proposed rail spur facilities.*

AUECC is requesting that the SUP be modified to allow for outdoor loading and unloading of the tanks located in the outdoor covered tank yard (see Condition S and T) as well as the outdoor transfer a of totes and drums (<500 gallons) on the facility outdoor loading docks.

AUECC rational for the change:
AUECC has no concerns with the first two sentences of this Condition. Concerns with loading and unloading will be addressed with Condition S.

Staff Comments:
The topic of this condition is "allowed modes of transportation". Staff proposes to remove the language associated with loading and unloading and to refer to Condition S of the staff report to address the loading/unloading modifications.

Recommended Revised Condition D Language:

Allowed Modes of Transport. *The facility may receive and distribute chemicals and other substances via truck and rail. All loading and unloading of liquid substances by either truck or rail must occur in designated areas having spill containment consistent with Condition S of this approval.* ~~*All loading and unloading of liquid substances must occur within an entirely enclosed structure, and all doors to the structure(s) must be closed entirely and secured during the entire time that the material is being loaded and unloaded*~~. ~~*All areas of loading/unloading must provide emergency spill containment The structure(s) must meet the requirements of this special use permit with regard to emergency spill and containment. The Storey County Community Development Department and Fire Protection District plan review are required for any proposed rail spur facilities.*~~

Condition S

S. ***Operations Safety.*** *The facility/site design and layout must meet International Fire Code 2012 and International Building Code 2012 with amendments, National Fire Protection Association standards, and International Building Code 2012 requirements with amendments, as well as Federal, State and County environmental and safety requirements.*

The facility must have a hazardous occupancy designation. The main building will be subdivided into numerous areas to provide and comply with the required hazardous occupancy requirements and emergency egress routes defined in both above mentioned Codes. Each area is designed to be able to be sealed off from the rest of the facility in case of an incident. The Codes have descriptions for construction, quantities allowed to be stored, how products are stored in regards to compatible versus incompatible chemicals and other building features which must be complied with such as wall assembly fire ratings.

Corrosive, toxic and high toxic materials will be stored and processed in areas specified and designed to meet H4 occupancy requirements. Proposed onsite materials that require the H4 requirements include hydrochloric acid, hydrofluoric acid, phosphoric acid, ammonium fluoride, ammonia and ammonium hydroxide.

Materials classified as oxidizers, class II combustibles, class II water reactives and flammables, will be stored and processed in areas specified and designed to meet H3

Occupancy requirements. Proposed materials that require H3 requirements include: anhydrous hydrofluoric acid, sulfuric acid, acetic acid, nitric acid and solvents and flammables. Solvents and flammable materials will be stored and processed in areas separated from the main building and specified and designed to meet H3 occupancy requirements with additional electrical classification requirements.

Warehousing of finished products will be separated from the office and process areas by Code to allow for the segregation of packaged materials by hazard classification. Administrative offices will be located at the front of the building and segregated from the factory operations.

All building occupancy classifications must be equipped with independent and dedicated heating and ventilation systems and meet containment and fire separation and suppression requirements, including scrubbed exhaust ducting interlocks. All filling processes must be completed in an enclosure that has air monitors, and if a leak is detected, the process must be automatically shut down and the air within the enclosed section must be automatically treated through the closed system scrubbers.

Emergency response plans and protocols must be established, documented and practiced prior to operations commencing on site. All operators must be trained and certified in OSHA's 40 hour Hazwoper practical course, and plant management and engineers will be trained in incident command. Multiple drills must be practiced annually and jointly with the local emergency responders.

All loading and unloading of materials must occur within the enclosed structure with any access doors closed in order to contain all elements of the transition from truck to facility within a controlled environment. This will provide for water fog deluge system, containment that will control vapor pressure releases by absorbing gases in water and diluting the chemistry to lower the vapor pressure and risk. Multiple layers of engineered containment will exist and will feed back to onsite chemical mitigation equipment, including the use of chemical monitors that are interlocked to automatic isolation valves that will shut down equipment if a breach in the closed system is detected. Tertiary Air scrubbers, onsite response equipment, and trained personnel are made available for activation in the event of a release. There will also be no loading or unloading of bulk products by forklift. Loading and unloading of bulk materials must be accomplished by a motor carrier vehicle carrying an isocontainer of the product, pulling into the facility, connecting to an onsite plumbing system, inside of the building and offloading to appropriate containers for each product. Anhydrous hydrofluoric acid shall be stored inside with two tanks always available for use. One will be used and the other will serve as redundancy to offload to when maintenance is required or if a release is encountered.

AUECC is requesting modifications to the last three paragraphs of Condition S. AUECC requests that outdoor loading and unloading, including filling and storage, be permitted under specific circumstances. They are also requesting clarification to the water deluge system, the Hazwoper training, the keeping of security footage and release reporting requirements.

AUECC rationale for the change:

Filling

AUECC wishes to modify the SUP language to indicate that upon a leak being detected that the processes must be automatically or manually shutdown and that the air within the enclosure must be automatically or manually treated through the scrubbers. AUECC's licensed fire protection engineers (FP&C Consultants) have indicated that International Building Code (IBC), International Mechanical Code (IMC), or the International Fire Code (IFC) does not contain requirements for these actions to be automatically initiated. AUECC has indicated that their operating procedures include shut down and scrubber treatment procedures in the event a leak is detected but that in many cases an operator will manually initiate shutdown by pressing an emergency (E-stop) button.

OSHA Hazwoper Training

AUECC wishes to modify the SUP to indicate that the training requirements of *29 CFR 1910.120 –Hazardous Waste Operations and Emergency Response* (HAZWOPER) must be met instead of specifying a specific durational HAZWOPER course. AUECC will be performing all of their required OSHA HAZWOPER training in-house. AUECC has indicated that the training they require all applicable employees to complete more than satisfies the requirements of 29 CFR 1910.120.

Loading, Unloading & Storage

AUECC is requesting that the SUP be modified to allow for outdoor loading and unloading of the tanks located in the outdoor covered tank yard as well as the outdoor transfer of totes and drums (<500 gallons) on the facility outdoor loading docks. Additionally, due to safety concerns, AUECCs main supplier (CALAMCO) of Anhydrous Ammonia is requiring that a door into the Anhydrous Ammonia unloading area remain open during chemical transfer. This is to ensure that the driver has an escape route to outside in the event of a release during chemical transfer. As indicated in the attached letter from CALAMCO (see Attachment 2 of this staff report), they have never unloaded anhydrous ammonia in an enclosed facility in their entire 65-year history. AUECC has indicated that the door remaining open during unloading activities does not affect the functionality of the emergency scrubber system.

AUECC wishes to modify the SUP to allow for storage, loading, and unloading of various raw and product chemicals in their outdoor covered tank yard located on the southeastern side of the building. In addition, they are requesting the allowance to store empty and filled ISO-containers and tank-wagons outside pending transportation off-site or emptying into a facility tank. AUECC has indicated that under no circumstances will Anhydrous Hydrogen Fluoride or Anhydrous Ammonia be stored, loaded, or unloaded outside or in the covered tank yard.

Covered Tank Yard	**ISO-Container or Tank Wagon**
Nitric Acid – up 70%	Hydrochloric Acid – up to 37%
Sulfuric Acid – up to 100%	Sulfuric Acid – up to 100%
Ammonium Hydroxide – up to 30%	Ammonium Hydroxide – up to 30%
Hydrochloric Acid – up to 37%	Nitric Acid – up 70%
Hydrofluoric Acid – up to 49%	Hydrofluoric Acid – up to 49%
Ammonium Fluoride – up to 40%	Empty Iso-Containers with Residual Chemical

AUECC is also requesting that the SUP be modified to indicate the leak-detection for the covered tank yard and outdoor storage area be accomplished by liquid-leak detectors located in the containment areas as opposed to air monitors as currently specified in the SUP. Liquid leak-detection is more appropriate since it is an outdoor environment and due to the physical properties of these chemicals, any significant release will be better detected with liquid leak-detectors rather than air-monitors. In an outdoor environment, gas-detectors may not efficiently detect a leak as ambient weather conditions (e.g wind) could prevent the gasses from reaching the detector and due to the physical properties of the chemicals, any significant release will result in liquid being released and detected by properly placed liquid-leak detectors

This requested modification does not affect the results of the release modeling conducted for the original permit as only Anhydrous Hydrogen Fluoride and Anhydrous Ammonia were assessed. Since no technical release modeling for the chemicals indicated in the above list of modified outdoor chemical storage were considered or assessed during the original SUP approval process, it is does not appear the proposed modifications change the conditions under which the SUP was previously granted. As long as AUECC abides by the Operations Safety requirements of Section S, Fluid Containment, requirements of Section Y for the tank yard, iso-containers, and tank wagons, and NDEP permit requirements (CAPP permitting for 37% hydrochloric acid and 30% ammonium hydroxide) of Section N & FF, and other pertinent SUP stipulations, modifying the SUP to allow these above-referenced chemicals to be store outside of an enclosed building does not change the conditions under which the SUP was originally approved .It is worth noting that the requirements of CAPP should ensure that 37% hydrochloric acid, 30% ammonium hydroxide, and 40% ammonium fluoride storage and associated processes are designed and operated as required based on applicable codes and standards. The CAPP also conducts annual inspections of their permitted facilities. [The facility has not yet started the CAPP permitting process for hydrochloric acid or hydrogen fluoride but has received their Permit to Construct from NDEP-CAPP for the processes involving anhydrous ammonia (ammonium hydroxide & ammonium fluoride)].

AUECC wishes to clarify the SUP to explicitly indicate that 'bulk products' refers to ISO-containers and tank-wagons. The facility will include loading, unloading and transporting containers as big as 500-gallon intermediate bulk container (IBC) totes and 55-gallon drums using forklifts which is common practice. Only personnel trained in the use of forklift per OSHA requirements will perform these tasks. AUECC also requests that the SUP be clarified to indicate that the requirement for the indoor off loading of the ISO-containers and tank-wagons is only pertinent to AHF and anhydrous ammonia. It is not operationally or logistically feasible to safely empty the AHF ISO-container directly from the transport vehicle. As currently written, it can be interpreted that the ISO-containers must be emptied without being unloaded from their transport vehicle. This is not possible for the AHF ISO-container as there is a specially designed 'pit' for the safe emptying of the AHF ISO-container and the container must be placed into this pit. The pit will be equipped with the required water deluge system and scrubber exhaust. As such, it is necessary to unload the container from its transport vehicle via overhead crane in the indoor ISO-container loading and unloading area. AUECC has indicated that directly emptying the AHF ISO-container without removing it from its transport vehicle was never the intention and don't believe it was presented that way during the initial SUP approval process.

It is common practice to load, unload, and transport containers as big as 500-gallon IBC totes with a forklift and that it can be done safely and properly as long as operators are appropriately trained. Clarification to the current language of the SUP to limit the use of forklifts for anything except the ISO-containers as an ISO-container is specifically referred to in the sentence immediately following the limitation on the use of forklifts is desired. Since the term 'bulk' is a relative term and is used differently in different contexts the SUP should be modified to make it clear that the forklift limitation only refers to ISO-containers and tank-wagons.

Clarification of the use of an overhead crane for the unloading of an ISO-container from its transport vehicle is requested. The planned facility design and operation has always included the use of the overhead crane for the AHF ISO-containers. ISO-containers are specifically designed to be safely lifted and transported by cranes. The containers are designed and manufactured to specifications from the International Organization of Standardization (ISO), which are meant to ensure the containers can withstand the hazards and risks associated with transport. By the time the ISO-containers arrive at the AUECC facility they have likely been loaded and unloaded by a crane several times. In order for the required water deluge and scrubber exhaust systems to be available during emptying, the AHF ISO-containers must be placed in the specially designed controlled containment pit. If the ISO container was required to be emptied while still on its transport vehicle, it would not be possible to use the deluge and scrubber exhaust system during tank emptying. It is also noteworthy that AHF is subject to NDEP CAPP permitting requirements, which are designed to ensure that all processes and systems involving AHF are designed and operated as required based on applicable codes and standards.

Water deluge system

AUECC wishes to add clarifying language to the SUP to indicate that the water fog deluge system is only required and pertinent to Anhydrous Hydrogen Fluoride. AUECC asserts that this type of mitigation system is not appropriate for any other chemical processes onsite other than Anhydrous Hydrogen Fluoride. The modeling done with the original permit only considered the effects of a water fog deluge system for Anhydrous Hydrogen Fluoride.

Staff Comments

Filling

The County Fire Marshal has reviewed industry standards and has found that adding manual along with automatic follows industry standards. Staff has no concerns with the proposed modification.

OSHA Hazwoper Training

Staff is in agreement that as long as appropriate training occurs to meet the various agencies with jurisdictions requirements, a specific course identified for training is not appropriate for the Special Use Permit. All staff shall be appropriately trained related to the safety procedures for the property and as appropriate for their job description.

Loading, Unloading and Storage.

The original staff report was written prior to the applicant applying for State and Federal permits. Staff worked with the applicant to identify and address as many safety concerns as possible at that time without the benefit of having State and Federal regulators weigh in on how

their regulations apply to the project. As a result, conditions of approval were written with very technical requirements that don't always match what industry standards dictate and state and federal regulations require.

As part of the permitting process, the applicant is required to follow the requirements and obtain permits associated with Nevada Department of Environmental Protection, NDEP's Chemical Accident Prevention Program (CAPP), International Building Code, International Fire Code, National Fire Protection Association Standards, State Fire Marshal's office, County Fire Marshal, Department of Transportation and U.S. Department of Homeland Security.

Staff is proposing to remove much of the specific technical language in Condition S that was in the original permit and reference those standards and regulations that the applicant will follow rather than have the actual design as part of the condition of approval. This will allow for more flexibility by the regulators and the applicant to identify and implement necessary safety features without contradicting design features in the Special Use Permit.

Water Deluge System

As stated above, staff proposes to leave the details of the operational aspects of the project to the regulatory agencies with expertise and not condition a specific technology within the Special Use Permit. Through the construction and permitting process with both Storey County and other regulatory agencies, the applicant is required to demonstrate the project complies with all local, state and federal regulations regarding the chemicals proposed for manufacturing on the property and to provide all safety features associated with specific chemicals.

Recommended Revised Condition S Language (last three paragraphs):

S. All building occupancy classifications must be equipped with independent and dedicated heating and ventilation systems and meet containment and fire separation and suppression requirements, including scrubbed exhaust ducting interlocks. All filling processes must be completed in an enclosure that has air monitors, and if a leak is detected, the process must be automatically or manually shut down and the air within the enclosed section must be automatically treated through the closed system scrubbers.

Emergency response plans and protocols must be established, documented and practiced prior to operations commencing on site. All operators must be trained and certified in OSHA's ~~40 hour~~ Hazwoper ~~practical~~ course, and plant management and engineers will be trained in incident command. Multiple drills must be practiced annually and jointly with the local emergency responders.

~~*All loading and unloading of materials must occur within the enclosed structure with any access doors closed in order to contain all elements of the transition from truck to facility within a controlled environment This will provide for water fog deluge system, containment that will control vapor pressure releases by absorbing gases in water and diluting the chemistry to lower the vapor pressure and risk. Multiple layers of engineered containment will exist and will feed back to onsite chemical mitigation equipment, including the use of chemical monitors that are interlocked to automatic isolation valves that will shut down equipment if a breach in the closed system is*~~

~~*detected. Tertiary Air scrubbers, onsite response equipment, and trained personnel are made available for activation in the event of a release. There will also be no loading or unloading of bulk products by forklift. Loading and unloading of bulk materials must be accomplished by a motor carrier vehicle carrying an isocontainer of the product, pulling into the facility, connecting to an onsite plumbing system, inside of the building and offloading to appropriate containers for each product. Anhydrous hydrofluoric acid shall be stored inside with two tanks always available for use. One will be used and the other will serve as redundancy to offload to when maintenance is required or if a release is encountered.*~~

All loading and unloading of Anhydrous Hydrogen Fluoride materials must occur within the enclosed structure with any access doors closed in order to contain all elements from transport to building within a controlled environment. Loading, unloading and temporary outdoor storage of empty totes, tank wagons and other appropriate materials as determined by regulating agencies must be in a controlled area and must follow all local, state and federal requirements for capture of any release or spill containment. The Permit Holder shall follow all NDEP requirements, including the Chemical Accident Prevention Program, International Building Code requirements, International Fire Code requirements, National Fire Protection Association standards, Environmental Protection Agency requirements, State Fire Marshal's office regulations, Department of Transportation regulations and Department of Homeland Security requirements. Under no circumstances will Anhydrous Hydrogen Fluoride or Anhydrous Ammonia be stored, loaded, or unloaded outside or in the covered tank yard.

Condition T

T. ***External Safety. The following security measures must be implemented at a minimum.*** *The main entrances of the facility will be gated, each with a security guard. Admittance will be allowed for pre-authorized personnel only. The site will be fenced with at least a six foot iron bar or chain-link fence. The fence will be topped with a minimum of three strands of barbed wire or otherwise topped to prevent climb-over. Closed caption video monitoring with 360 degree views feeding to the command and control office shall be installed. The video must record 24-7 and maintain recordings for at least 90 days. All security measures shall be consistent with U.S. Homeland Security requirements (See Condition GG).*

The premises must be well lit in order to maintain property security. At a minimum, all entrances, driveways, walkways and areas in which chemicals and other substances and control systems related to those systems must be well illuminated. However, the lighting plan shall be designed to provide necessary operation, but not be over obtrusive to avoid safety hazard(s) for adjacent right-of-ways and/or light pollution, and shall comply with Chapter 8.02 of the Storey County Code.

The permit holder must coordinate with the U.S. Department of Homeland Security to implement required safety measures.

No outside storage of potentially hazardous materials is permitted or proposed with this application. All materials will be housed either in the main building or in separate

accessory buildings designed to meet the requirements of this special use permit and any federal, state, and local regulations.

AUECC wishes to modify the SUP to only require security footage to be stored for the period of time included in their Site Security Plan (SSP), consistent with US Department of Homeland Security recommendations.

It is also requested to remove the outside storage language for the rationale listed above in Condition S.

AUECC Rationale

Security Footage Storage
The requirement to maintain video records for 90 days represents a significant data storage and cost burden that AUECC feels is excessive. The project site is required to submit for review and approval a Site Security Plan (SSP) to the U.S. Department of Homeland Security. As part of the review and approval of the SSP, the security footage data storage will be determined.

Outdoor Storage
The rationale for the outdoor storage modification is provided in Condition S.

Staff Comments

Security Footage Storage
Staff is in agreement that the video security footage should follow the storage requirements of the U.S. Department of Homeland Security review and approval of the Site Security Plan.

Outside Storage
This language should be removed from Condition T and the topic of outdoor storage is addressed in Condition S.

Recommended Revised Condition T Language:

External Safety*. *The following security measures must be implemented at a minimum. *The main entrances of the facility will be gated, each with a security guard. Admittance will be allowed for pre-authorized personnel only. The site will be fenced with at least a six foot iron bar or chain-link fence. The fence will be topped with a minimum of three strands of barbed wire or otherwise topped to prevent climb-over. Closed caption video monitoring with 360 degree views feeding to the command and control office shall be installed.* ~~*The video must record 24-7 and maintain recordings for at least 90 days*~~*. All security measures shall be consistent with U.S. Homeland Security requirements (See Condition GG).*

The premises must be well lit in order to maintain property security. At a minimum, all entrances, driveways, walkways and areas in which chemicals and other substances and control systems related to those systems must be well illuminated. However, the lighting plan shall be designed to provide necessary operation, but not be over obtrusive to avoid safety hazard(s) for

adjacent right-of-ways and/or light pollution, and shall comply with Chapter 8.02 of the Storey County Code.

The permit holder must coordinate with the U.S. Department of Homeland Security to implement required safety measures.

~~*No outside storage of potentially hazardous materials is permitted or proposed with this application. All materials will be housed either in the main building or in separate accessory buildings designed to meet the requirements of this special use permit and any federal, state, and local regulations.*~~

Condition BB

BB. ***Incident Reporting****. Any release of hazardous materials, regardless of quantity, shall be immediately reported via the 9-1-1 public safety answering point (PSAP). Additionally, under Nevada State law, the incident shall be immediately reported to Storey County Emergency Management, Storey County Fire Protection District, Building and Planning Departments and the Nevada Division of Environmental Protection (NDEP) and the Local Emergency Planning Committee (LEPC). The Permit Holder shall comply with the NDEP's clean-up requirements and provide Storey County a copy of NDEP's completion of remediation. All hazardous materials incident clean-up and response costs shall be borne by the permit holder as part of the issuance of this special use permit. Incidents exceeding a standard first alarm fire will be billed to the company. If mutual aid is warranted to suppress an incident, those costs shall also be funded by the company. AUECC shall be required to maintain a 24/7/365 contract with third party private clean-up and mitigation companies that are fully equipped, trained and prepared for responses to their facility. A copy of this contract shall be submitted to the Storey County Fire Protection District, Planning Department and Emergency Management.*

AUECC wishes to modify the SUP to more explicitly specify the conditions under which a release of a hazardous material triggers the reporting requirements specified in Section BB. Specifically, they wish to specify the reporting requirements as it relates to quantity of the release and potential for the release to have off-site consequences.

AUECC Rationale for the change

As Section BB is currently written, it cannot be practically abided by as numerous minor 'releases' of hazardous substances will occur as part of normal facility operations that are easily handled by facility personnel, have no potential for off-site consequences, and do not warrant reporting or involvement of outside agencies. These types of releases are common across many industries. AUECC suggests the two following release reporting requirement triggers:

1. Any release of a hazardous substance meeting the notification requirements specified in Nevada Administrative Code (NAC) 445A.347 or 445A.3473 (these NAC sections are provided as Attachment 4)
2. Any release that does not meet the notification requirements above but otherwise has the potential for off-site consequences.

Staff Comments

Staff is in agreement that the reporting of any release regardless of the quantity is too cumbersome and burdensome to the 911 Emergency system. Not reporting an insignificant release does not mean the release isn't attended to and cleaned up appropriately. Any quantity of release will be located in a controlled area of containment as all areas of transfer where a release could occur are within controlled areas.

Recommended Revised Condition BB Language:

BB. ***Incident Reporting***. ~~*Any release of hazardous materials, regardless of quantity, shall be immediately reported via the 9-1-1 public safety answering point (PSAP).*~~ *Any release of a hazardous substance meeting the notification requirements specified in Nevada Administrative Code (NAC) 445A.347 or 445A.3473 or any release that has the potential for offsite consequences shall be immediately reported.* *Additionally, under Nevada State law, the incident shall be immediately reported to Storey County Emergency Management, Storey County Fire Protection District, Building and Planning Departments and the Nevada Division of Environmental Protection (NDEP) and the Local Emergency Planning Committee (LEPC). The Permit Holder shall comply with the NDEP's clean-up requirements and provide Storey County a copy of NDEP's completion of remediation. All hazardous materials incident clean-up and response costs shall be borne by the permit holder as part of the issuance of this special use permit. Incidents exceeding a standard first alarm fire will be billed to the company. If mutual aid is warranted to suppress an incident, those costs shall also be funded by the company. AUECC shall be required to maintain a 24/7/365 contract with third party private clean-up and mitigation companies that are fully equipped, trained and prepared for responses to their facility. A copy of this contract shall be submitted to the Storey County Fire Protection District, Planning Department and Emergency Management.*

3. **Special Use Permit**. A Special Use Permit was issued for this project in 2017. This request to amend and clarify conditions of approval associated with SUP 2017-020.

If approved, Conditions C, D, S, T and BB would be modified and all other conditions of approval would remain in effect. The Special Use Permit only authorizes the uses described in the original SUP.

If this amended Special Use Permit request is denied, the proposed conditions of approval requested to be modified would not occur. The Special Use Permit 2017-020 remains in effect as was approved in 2017. This Special Use Permit does not address any other portions of SUP 2017-020 other than the requested modified conditions of approval stated in this SUP amendment.

4. **Compatibility and Compliance.** The proposed modifications to conditions of approval C, D, S, T and BB are consistent with the Zoning Code and Master Plan. The modifications to the Conditions of Approval do not impact the original modelling of offsite impacts. All descriptions of the proposed activities and operations remain the same, with the exception of the proposed modifications. Rationale is provided for the proposed modifications to justify the need for the

modification and to demonstrate how the project will remain implemented in a safe and reasonable way with the proposed changes.

As stated earlier, the Storey County Special Use Permit was the first permit the applicant applied for and received. Since that time, the project has been scrutinized by other agencies with regulatory authority that have provided more technical input than the Special Use Permit. Staff is proposing to remove some of the technical detail requirements from the Special Use Permit to allow for other regulatory agencies to implement more appropriate technology and processes and eliminate any potential conflicts in language from the Special Use Permit. In no way does this diminish the safety needs or protocols, this just allows for other regulatory bodies to implement the best available technology for the site without conflicting with the Special Use Permit.

5. Findings of Fact

A. **Motion for approval.** The following Findings of Fact are evident with regard to the requested special use permit modifications when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.

(1) This approval is for Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

(2) The Amended Special Use Permit 2017-020-A1-2020 conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located.

(3) Granting of the Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

(5) The Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

(6) The conditions under the Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB do not conflict with the minimum requirements in the Storey County Zoning Ordinance.

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

(1) This denial is for Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

(2) The conditions under the Amended Special Use Permit 2017-020-A1-2020 conflict with the minimum requirements in the Storey County Zoning Ordinance.

(3) The conditions under the Amended Special Use Permit 2017-020-A1-2020 do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

6. Recommended Conditions of Approval. The following conditions will be amended as shown. The remaining conditions of the prior Special Use Permit (SUP 2017-020) will remain unchanged and will be incorporated into SUP 2017-020-A1-2020.

C. *The chemicals and other substances allowed on the subject property associated with the onsite manufacturing are those which are included in Special Use Permit Application No. 2017-020 (See amended Exhibit B of this staff report)**.** The quantities of those materials listed therein must not be exceeded. ~~All chemicals must be in the State Chemical Data Base and at no time should there be any chemical on site that is not in the data base~~. The Permit Holder is required to obtain and maintain a State Fire Marshal (SFM) hazardous materials permit. A copy of such permit shall be provided to the County Fire Marshal.*

D. ***Allowed Modes of Transport.*** *The facility may receive and distribute chemicals and other substances via truck and rail. All loading and unloading of liquid substances by either truck or rail must occur in designated areas having spill containment consistent with Condition S of this approval. ~~All loading and unloading of liquid substances must occur within an entirely enclosed structure, and all doors to the structure(s) must be closed entirely and secured during the entire time that the material is being loaded and unloaded~~. ~~All areas of loading/unloading must provide emergency spill containment The structure(s) must meet the requirements of this special use permit with regard to emergency spill and containment. The Storey County Community Development~~*

~~*Department and Fire Protection District plan review are required for any proposed rail spur facilities.*~~

S. ***Operations Safety.*** *The facility/site design and layout must meet International Fire Code 2012 and International Building Code 2012 with amendments, National Fire Protection Association standards, and International Building Code 2012 requirements with amendments, as well as Federal, State and County environmental and safety requirements.*

The facility must have a hazardous occupancy designation. The main building will be subdivided into numerous areas to provide and comply with the required hazardous occupancy requirements and emergency egress routes defined in both above mentioned Codes. Each area is designed to be able to be sealed off from the rest of the facility in case of an incident. The Codes have descriptions for construction, quantities allowed to be stored, how products are stored in regards to compatible versus incompatible chemicals and other building features which must be complied with such as wall assembly fire ratings.

Corrosive, toxic and high toxic materials will be stored and processed in areas specified and designed to meet H4 occupancy requirements. Proposed onsite materials that require the H4 requirements include hydrochloric acid, hydrofluoric acid, phosphoric acid, ammonium fluoride, ammonia and ammonium hydroxide.

Materials classified as oxidizers, class II combustibles, class II water reactives and flammables, will be stored and processed in areas specified and designed to meet H3 Occupancy requirements. Proposed materials that require H3 requirements include: anhydrous hydrofluoric acid, sulfuric acid, acetic acid, nitric acid and solvents and flammables. Solvents and flammable materials will be stored and processed in areas separated from the main building and specified and designed to meet H3 occupancy requirements with additional electrical classification requirements.

Warehousing of finished products will be separated from the office and process areas by Code to allow for the segregation of packaged materials by hazard classification. Administrative offices will be located at the front of the building and segregated from the factory operations.
All building occupancy classifications must be equipped with independent and dedicated heating and ventilation systems and meet containment and fire separation and suppression requirements, including scrubbed exhaust ducting interlocks. All filling processes must be completed in an enclosure that has air monitors, and if a leak is detected, the process must be automatically or manually shut down and the air within the enclosed section must be automatically treated through the closed system scrubbers.

Emergency response plans and protocols must be established, documented and practiced prior to operations commencing on site. All operators must be trained and certified in OSHA's ~~40 hour~~ Hazwoper ~~practical~~ course, and plant management and engineers will be trained in incident command. Multiple drills must be practiced annually and jointly with the local emergency responders.

~~*All loading and unloading of materials must occur within the enclosed structure with any access doors closed in order to contain all elements of the transition from truck to facility within a controlled environment*~~. *All loading and unloading of Anhydrous Hydrogen Fluoride materials must occur within the enclosed structure with any access doors closed in order to contain all elements from transport to building within a controlled environment. Loading, unloading and temporary outdoor storage of empty totes, tank wagons and other appropriate materials as determined by regulating agencies must be in a controlled area and must follow all local, state and federal requirements for capture of any release or spill containment. The Permit Holder shall follow all NDEP requirements, including the Chemical Accident Prevention Program, International Building Code requirements, International Fire Code requirements, National Fire Protection Association standards, Environmental Protection Agency requirements, State Fire Marshal's office regulations, Department of Transportation regulations and Department of Homeland Security requirements. Under no circumstances will Anhydrous Hydrogen Fluoride or Anhydrous Ammonia be stored, loaded, or unloaded outside or in the covered tank yard.*

T. ***External Safety*. The following security measures must be implemented at a minimum.** *The main entrances of the facility will be gated, each with a security guard. Admittance will be allowed for pre-authorized personnel only. The site will be fenced with at least a six foot iron bar or chain-link fence. The fence will be topped with a minimum of three strands of barbed wire or otherwise topped to prevent climb-over. Closed caption video monitoring with 360 degree views feeding to the command and control office shall be installed.* ~~*The video must record 24-7 and maintain recordings for at least 90 days*~~. *All security measures shall be consistent with U.S. Homeland Security requirements (See Condition GG).*

The premises must be well lit in order to maintain property security. At a minimum, all entrances, driveways, walkways and areas in which chemicals and other substances and control systems related to those systems must be well illuminated. However, the lighting plan shall be designed to provide necessary operation, but not be over obtrusive to avoid safety hazard(s) for adjacent right-of-ways and/or light pollution, and shall comply with Chapter 8.02 of the Storey County Code.

The permit holder must coordinate with the U.S. Department of Homeland Security to implement required safety measures.

~~*No outside storage of potentially hazardous materials is permitted or proposed with this application. All materials will be housed either in the main building or in separate accessory buildings designed to meet the requirements of this special use permit and any federal, state, and local regulations.*~~

BB. ***Incident Reporting***. ~~*Any release of hazardous materials, regardless of quantity, shall be immediately reported via the 9-1-1 public safety answering point (PSAP).*~~ *Any release of a hazardous substance meeting the notification requirements specified in Nevada Administrative Code (NAC) 445A.347 or 445A.3473 or any release that has the potential*

for offsite consequences shall be immediately reported. Additionally, under Nevada State law, the incident shall be immediately reported to Storey County Emergency Management, Storey County Fire Protection District, Building and Planning Departments and the Nevada Division of Environmental Protection (NDEP) and the Local Emergency Planning Committee (LEPC). The Permit Holder shall comply with the NDEP's clean-up requirements and provide Storey County a copy of NDEP's completion of remediation. All hazardous materials incident clean-up and response costs shall be borne by the permit holder as part of the issuance of this special use permit. Incidents exceeding a standard first alarm fire will be billed to the company. If mutual aid is warranted to suppress an incident, those costs shall also be funded by the company. AUECC shall be required to maintain a 24/7/365 contract with third party private clean-up and mitigation companies that are fully equipped, trained and prepared for responses to their facility. A copy of this contract shall be submitted to the Storey County Fire Protection District, Planning Department and Emergency Management.

7. Public Comment

As of July 28, 2020, Staff has not received any comments from the public.

8. 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 Amended Special Use Permit is advisory only to the Board of County Commissioners and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

9. Proposed Motions

This section contains two motions from which to choose. The motion for approval is recommended by staff in accordance with the Findings of Fact under Section 5.A of this report. Those findings should be made part of the approval motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 5.B. Other findings of fact determined appropriate by the Planning Commission should be made part of either motion.

A. Recommended motion for approval

In accordance with the recommendation by staff, the Findings of Fact under Section 5.A of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I (*planning commissioner*), recommend approval of Special Use Permit Amendment 2017-020-A1-2020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor

chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

B. Alternative motion for denial

Against the recommendation by staff, but in accordance with the Findings of Fact under Section 5.B of this report, and other findings deemed appropriate by the Planning Commission, I (*planning commissioner*), recommend denial of Special Use Permit Amendment 2017-020-A1-2020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

Attachment 1
Amended Exhibit B of SUP 2017-020
Updated Chemical Product List

Chemical Product List (+/- 0.5%)

- Hydrogen Peroxide (H_2O_2) up to 45%
- Sulfuric Acid (H2SO4) up to 100% (Bulk Storage Outside)
- Oleum up to 29% Free SO3
- Nitric Acid (HNO3) up to 70% (Bulk Storage Outside)
- Hydrochloric Acid (HCl) up to 37% (Bulk Storage Outside)
- Calcium Chloride up to 50% - Used for HCl Processing
- Acetic Acid (CH2COOH) up to 100%
- Phosphoric Acid (H3PO4) up to 85%
- Hydrofluoric Acid (HF) up to 49% (Bulk Storage Outside)
- Anhydrous Hydrogen Fluoride (AHF) (Raw Material Inside)
- Ammonium Hydroxide (NH4OH) up to 29% (Bulk Storage Outside)
- Anhydrous Ammonia (NH3) (Bulk Storage in Detached, Enclosed Structure)
- Ammonium Fluoride(NH4F) up to 40%
- Isopropyl Alcohol (IPA) up to 100%
- Etch #1- Dilute Hydrofluoric Acid Mixtures (HF & Ultra Pure Water)
- Etch #2- Dilute Mixed Acid Etch Mixtures (HNO3, HF, HAC & Ultra Pure Water)
- Etch #3- Dilute Mixed Acid Etch Mixtures (HNO3, HF, HAC & Ultra Pure Water)
- Etch #4- Aluminum Etch Acid Mixtures (HF, NH4F & Ultra Pure Water)
- Etch #5- Buffered Oxide Etch Mixtures (HF, NH4F & Ultra Pure Water)
- Etch #6- Buffered Oxide Etch Mixtures w/Surfactant (HF, NH4F & Ultra Pure Water)
- Cyclohexanone (C6H10O) up to 100%
- Hexamethyldisilazane (HMDS) up to 100%
- Propylene Glycol Monomethyl Ether (PGME) up to 100%
- Propylene Glycol Monomethyl Ether Acetate (PGMEA) up to 100%
- TMAH up to 25% (TetramethylAmmonium Hydroxide)
- TEOS (Tetraethyl Orthosilicate)
- TEPO (Triethyl Phosphate)
- TMPO (Trimethyl Phosphate)
- TEB (Triethyl Borate)
- TMB (Trimethyl Borate)
- TMPI (Trimethyl Phosphite)
- 3MS (Trimethylsilane)
- 4MS (Tetramethylsilane)
- TDMAT (Tetrakis(dimethylamine) Titanium)
- TiCl4 (Titanium Tetrachloride)
- TMA (Trimethyl Aluminum)
- POCl3 (Phosphorus Oxychloride)
- BBR3 (Boron Tribromide)
- Various utility, lab standards/reagents, and research and development chemicals kept onsite in small quantities (<500 gallons each)

Attachment 2
CALAMCO Letter

CALAMCO

A PARTNERSHIP WITH GROWERS

February 20, 2020

Asia Union Electronic Chemical Corporation
AUECC Management Team
1400 Waltham Way
McCarran, NV 89434
(775) 200-6420

RE: INCIDENT RATE AND ENCLOSED ANHYDROUS AMMONIA OFF-LOAD CONCERNS

To Whom It May Concern:

This letter is in response to the AUECC request to address CALAMCO's three (3) year transportation incident rate:

From January 1, 2016 thru December 31, 2019 CALAMCO has had zero incidents of transportation accidents and/or accidental releases of Anhydrous Ammonia to any of our delivery sites. CALAMCO Customer sites include locations in California, Nevada, Oregon, Washington, Utah and Arizona.

Additionally, this letter intends is to express CALAMCO Management's concern regarding the enclosed Anhydrous Ammonia offload requirements placed upon this project. CALAMCO has been in business for over 65 years delivering Anhydrous Ammonia to110+ industrial and agricultural customer sites. In all those years our company has never unloaded Anhydrous Ammonia at an enclosed facility.

The chemical properties of Anhydrous Ammonia make enclosed offloading substantially more hazardous than outdoor/open air off load sites.

The overall mission of CALAMCO is safe and reliable delivery of Anhydrous Ammonia to our industrial customers. CALAMCO looks forward to working with AUECC soon.

If you need further clarification, please do not hesitate to contact me.

Regards,

Matthew J. Duaime

Matt Duaime
CALAMCO EHS Manager
(209) 986-0751
Matt.duaime@Calamco.com

1776 WEST MARCH LANE, SUITE 420 | STOCKTON, CALIFORNIA 95207 PHONE: 209.982.1000 | WITHIN CA: 800.624.4200 | FAX: 209.983.0822
www.calamco.com

Storey County
Planning Department
Storey County Courthouse
26 South B Street, PO Box 190, Virginia City, Nevada 89440
Phone 775-847-1144 – Fax 775-847-0949
planning@storeycounty.org

To: Storey County Planning Commission

From: Storey County Planning Department

Meeting Date: August 6, 2020

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

Staff Contact: Kathy Canfield

File: Special Use Permit File 2020-026

Applicant: Storey County

Property Owner: Storey County

Property Location: 1001 Six Mile Canyon Road, Virginia City, Nevada

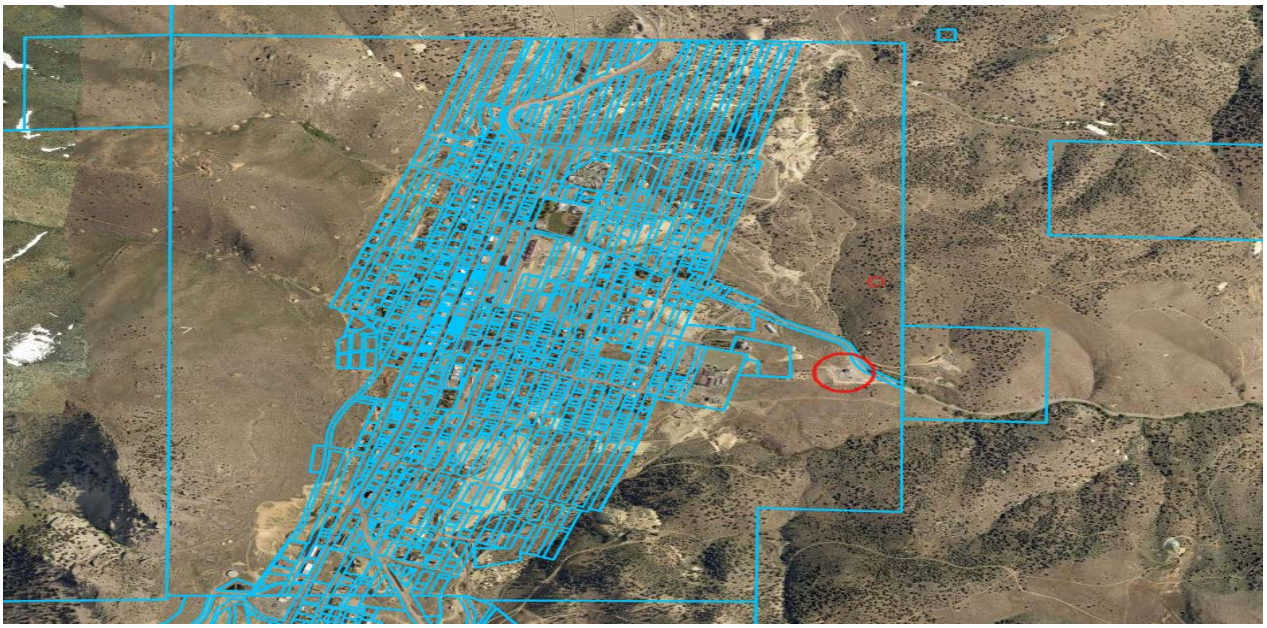
Request: Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

1. Background & Analysis

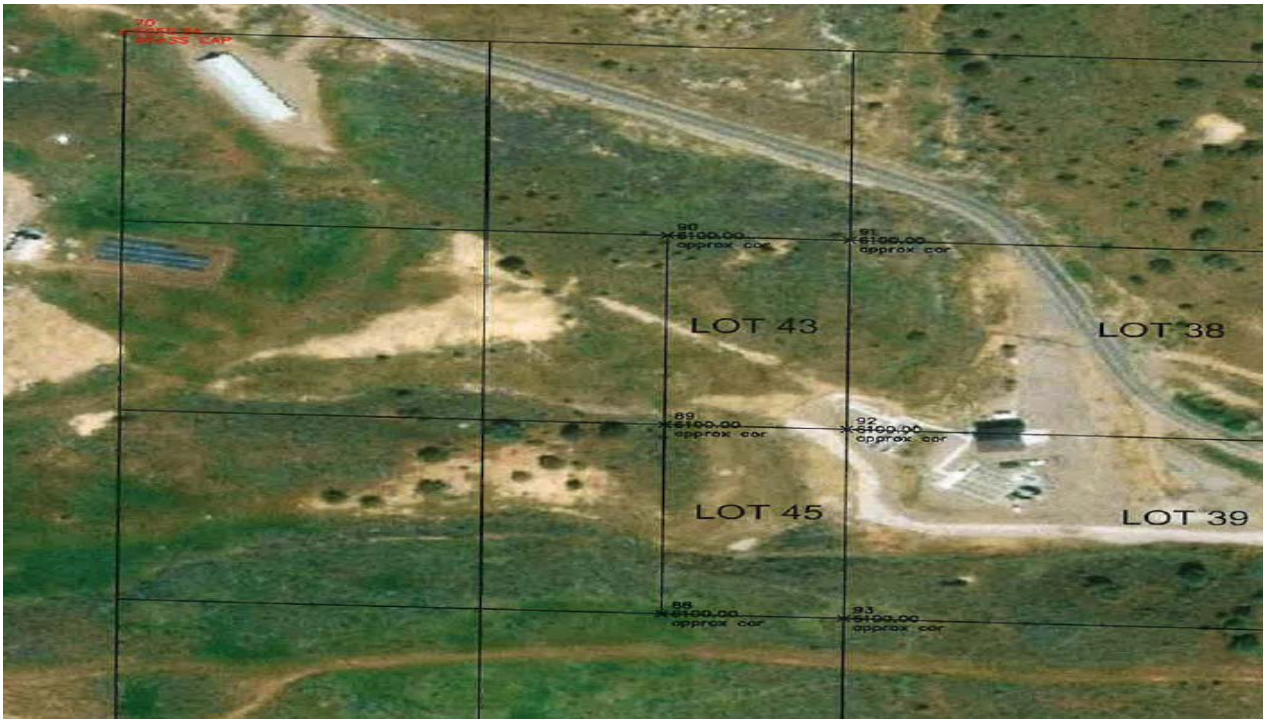
A. **Site Location.** The property is located at the existing Wastewater Treatment Plant along Six Mile Canyon Road just prior to entering into Six Mile Canyon. The site is at the bottom of the slope associated with Virginia City, with the main portion of developed Virginia City being uphill from this property.

The property associated with the sewer treatment plant was acquired by Storey County from the Bureau of Land Management in 2014 by Patent 27-2014-0006. The site is approximately 12.383 acres in size and is associated with Lots 38, 39, 43 and 45 of Township 17 North, Range 21 East, Section 28, Mount Diablo Meridian. As part of the

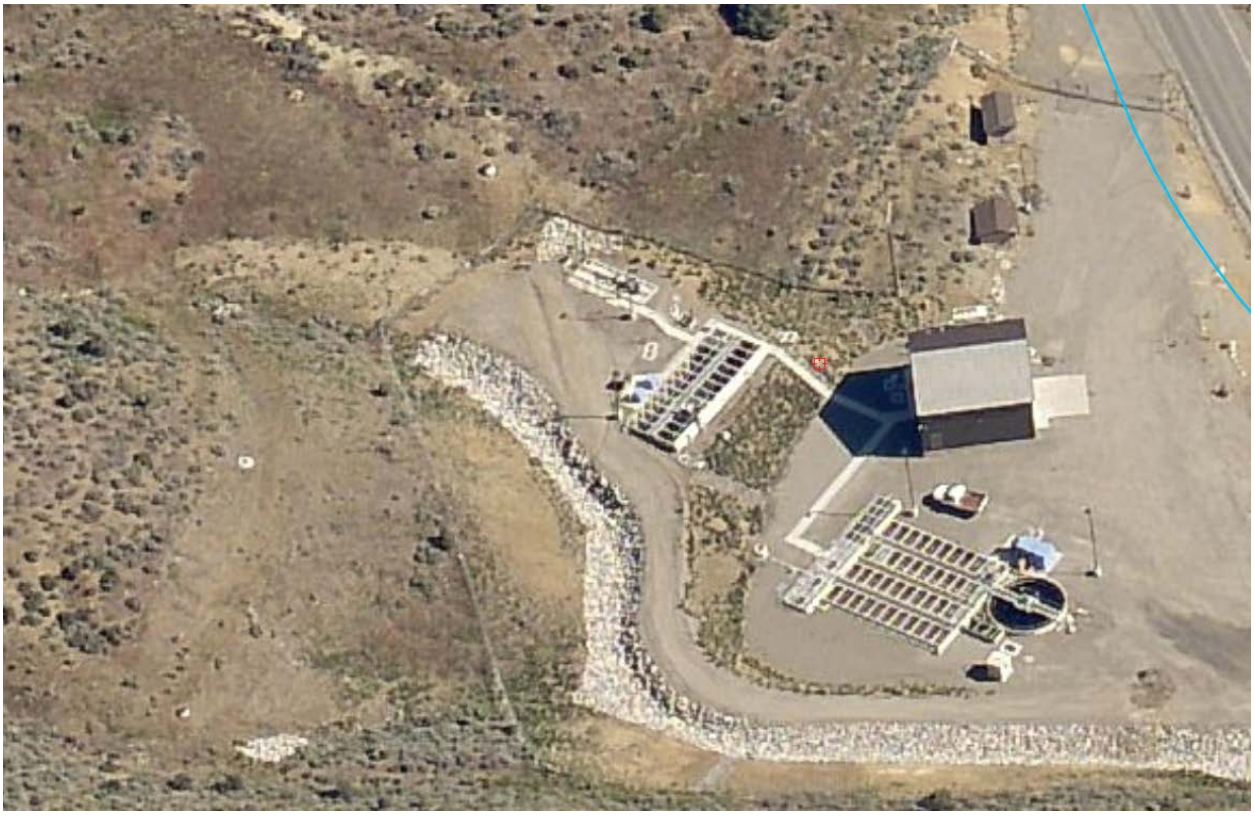
land acquisition, the Patent identifies the use of the land to be the proposed Virginia City sewage treatment plant expansion project. The proposed tower will be an accessory use to the existing treatment plant by providing wireless connections to water and sewer monitoring systems of the County. The new tower and associated equipment will be located immediately adjacent to the treatment plant and utilize existing access associated with the treatment plant.



Vicinity Map



Property Location



Communication tower approximate location

Zoning Map (green is Forestry zoning)

B. **Proposed Project**. Storey County proposes to install a 110-foot high radio public service communications tower on the existing 12.383 acre parcel occupied by the sewer treatment plant. The tower will provide communications technology to the sewer treatment plant, along with other public services, provided by or associated with the County. This site provides excellent line of sight paths throughout Virginia City while minimizing visual impacts to the community. The tower will sit below the visual skyline versus on a mountaintop like most ratio sites require.

The tower will serve multiple functions, but the primary functions are to provide support for water and sewer operations in the County as well as enhancing existing SCADA radio systems that control and monitor critical infrastructure, along with supporting life-safety related services such as 911/Dispatch, Fire District radio communications and sheriff communications. Secondary usage for the tower will be to relocate and enhance existing point-to-point microwave radio data links and provide adequate space and infrastructure for proposed future microwave links.

Other potential uses may include weather and traffic cameras, weather stations, low level radio repeater for enhanced 6-mile Canyon radio reception, amateur radio usage associated with public service, providing internet links to unserved county facilities such as the Fairgrounds and enhancing redundant infrastructure to existing facilities.

The project may also include installation of ground-mounted support equipment and a emergency-use backup generator.

C. **Zoning Ordinance.** The property is located within a Forestry Zone (F). The General Provisions Section 17.12.100 states "Wireless communication facilities are allowed in all zoning districts, subject to height requirements of Section 17.12.044.B and the other provisions as applicable identified in this chapter and the zoning code". The proposed wireless communications facility is an allowed use for the zoning district.

D. **Special Use Permit.** General Provisions Section 17.12.044 states that any proposed wireless communication facility over 45-feet in height in the Forestry (F) zoning district requires a special use permit. The provision goes on to state "A special use permit may be granted to exceed these height limitations provided that the structures may be safely erected and maintained at that height in view of surrounding conditions and circumstances." As the wireless communications facility is an allowed use for the Forestry zoning district, this Special Use Permit is addressing the additional height only.

E. **Comstock Historic District**. This project will require Comstock Historic District review and approval prior to any construction permits being issued for the project.

F. **Additional Height.** The applicant is proposing a tower height of 110-feet. The Forestry zoning district allows for a height of 45-feet, with additional height being subject to a Special Use Permit. The additional height is needed to allow for the antenna/equipment to function without interference of land features.

View looking west, across sewer treatment plant

View looking north east from Virginia City High School parking lot.

2. Compatibility and Compliance

A. <u>Compatibility with surrounding uses and zones</u>.

The following table documents land uses, zoning classifications, and master plan designations for the land at and surrounding the proposed project.

	Land Use	Master Plan Designation	Zoning Code
Applicant's Land	Public Service – sewer treatment plant	Resources	Forestry
Land to the North	vacant	Resources	Forestry
Land to the East	vacant	Resources	Forestry
Land to the South	vacant	Resources	Forestry
Land to the West	Vacant	Resources	Forestry

B. **Compliance with Zoning.** The proposed wireless commercial communications tower, with the request for additional height, is consistent with the requirements of the 2015 zoning ordinance including Section 17.12 General Provisions and Section 17.32 Forestry Zone.

C. **General use allowances and restrictions.** Storey County Code 17.03.150, Special Use Permit, identifies the administration for the Board and Planning Commission for allowing a special use permit. The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed below are the minimum to be cited in an approval.

(1) Complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.

The proposed wireless commercial communication tower will be consistent with the requirements of Section 17.32 Forestry Zone and 17.12 General Provisions. The project is requesting additional height beyond 45-feet which requires a special use permit. The project, as conditioned, is consistent with the Zoning Ordinance and the Storey County Master Plan.

(2) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

The proposed communication tower will be located adjacent to the existing Storey County sewer treatment plant. The property is zoned Forestry and the proposed tower will provide service to the onsite sewer treatment plant along with providing a connection for the area to public safety communications and critical infrastructure. The 110-foot height is proposed to allow for site paths and connections to other existing towers in the Virginia City area.

(3) Will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other

plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.

The proposed wireless commercial communications tower will be constructed on the existing sewer treatment plant property. The tower use will allow for the sewer plant to wirelessly be connected to other public services, and is a location that can provide additional systems that control and monitor critical infrastructure, along with supporting life-safety related services such as 911/Dispatch, Fire District radio communications and sheriff communications that serve the community. Access to the site is from within the sewer treatment plant, which has access from Six Mile Canyon Road. The project is an addition to the sewer treatment plant, which is consistent with the use outlined in land Patent 27-2014-0006 for the original land transaction with the Bureau of Land Management.

(4) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.

The proposed use is expected to provide a benefit to the governmental services and existing governmental facilities. The wireless commercial communications tower will serve the surrounding area.

D. **2016 Storey County Master Plan**. The 2016 Storey County Master Plan identifies this area as Resources and is located east of the Silver Star Neighborhood Area Specific Plan. The location of the sewer treatment plant is downslope from this residential area, with the St. Mary's Art Center and Virginia City High School properties located between the sewer treatment plant and the residential neighborhood. Because of the topography, the sewer treatment plant is not visible from the adjacent neighborhood. The proposed tower, although 110-feet in height, will have a backdrop of land, not sky, when viewed from land uses upslope, making the tower blend into the background and not readily visible, if visible at all from some locations due to topography. The tower and associated equipment will be accessory to the existing sewer treatment plant.

3. Findings of Fact

A. **Motion for approval.** The following Findings of Fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.

(1) This approval is for Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

(2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the Public Facilities designated area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit. The Special Use Permit complies with the general purpose, goals, objectives, and standards of the county master plan, the zoning ordinance and any other plan, program, map or ordinance adopted, or under consideration pursuant to the official notice by the county.

(3) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

(4) The Special Use Permit will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.

(5) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.

(6) The Special Use Permit, with the recommended conditions of approval, complies with the requirements of Chapters 17.03.150 – Special Use Permit, 17.12 – General Provisions, and 17.32 - Forestry Zone.

(7) The proposed project is an accessory use to the existing Storey County sewage treatment plant, and therefore is consistent with the land acquisition requirements of Patent 27-2014-0006.

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

(1) This denial is for Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at

1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

(2) The conditions under the Special Use Permit conflict with the minimum requirements/findings in the 2015 Storey County Zoning Ordinance Sections 17.03.150-Special Use Permit, 17.12–General Provisions and/or 17.32 - Forestry Zone.

(3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. Recommended Conditions of Approval

A. **Special Use Permit**. This approval is for Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

B. **Requirements**. The Permit Holder shall apply for any/all required permits and licenses, including building and fire permits, for the project within 24 months from the date of final approval of this Special Use Permit, and continuously maintain the validity of those permits/licenses, or this approval shall be null and void. This permit shall remain valid as long as the Permit Holder remains in compliance with the terms of this permit and Storey County, Nevada State, and federal regulations.

C. **Permit Contents**. This permit incorporates by reference the standards, objectives, conditions, terms and requirements of all plans and submitted separately from this permit. The requirements of all submitted plans, along with support material submitted with the application, become part of this Special Use Permit.

D. **Separate Permits Required**. This Special Use Permit shall not be construed to be a permit for design or construction. A separate Storey County plan review, fire safety review, and building permit may be required for work previously performed or for future construction.

E. **Legal Responsibility**. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations.

F. **Color of Tower**. The tower color shall be designed to blend, rather than contrast, with the natural surroundings. The tower shall have a matte finish (not shiny) and shall be unpainted or an earthtone color.

G. **Comstock Historic District**. Prior to, or concurrent with, submittal for building permits, the Permit Holder shall demonstrate that the Comstock Historic District has approved the proposed design and construction materials and submit such approval to the Community Development Department and the Planning Department.

H. **Lighting**. Any lighting of the tower and facility must conform to Storey County Code 8.02 Outdoor Lighting (Dark Skies).

I. **Emergency Management Plan**. A comprehensive emergency management plan shall be developed by the Permit Holder and submitted to the Storey County Fire District for review and approval before obtaining a building permit. The plan shall include, but not be limited to, the following in case of tower failure of the support structure, antenna(s) thereon, and related appurtenances: (1) Permit Holder's emergency contact phone number(s); (2) emergency contact procedure, including for Dispatch 9-1-1, Storey County Emergency Direct-Connect 775.847.0950; (3) documenting and reporting; (4) post structure failure management, clean-up, reclamation, and material disposal; (5) electrical system shut-down procedure; (6) disclosure and management of hazardous materials (e.g., asbestos) or other conditions (e.g., radiation), if applicable; and (7) post structure failure damage reporting and treatment of affected neighboring properties.

J. **Noise.** Any proposed power generator(s) (also to include "alternator(s)") shall be muffled and remain within a sound-insulated structure, encasement, or sound buffer walls (such as concrete masonry unit walls) sufficient to attenuate noise to or below the limitations set forth by the Storey County Code. Any generator shall only operate during power outages and/or during routine recharge and maintenance intervals. All other noise emitted from the facility, except during times of periodic maintenance and repair, shall not exceed 40 dBA at a point of 100' from the antenna support structures or any other noise emitter within the property.

K. **Cautionary Signage.** Signage shall be installed at the main port of entry (i.e., facility gates) stating the company's name, site address, and 24-hour emergency contact phone number(s). Signage shall indicate all potential hazards and safety requirements associated with entering the facility.

L. **Antenna Limitations.** The communications tower and facility shall be used exclusively for public service wireless communications.

M. **Electrical Distribution and Controls.** The location, routing, and alignment of exterior electrical and communication controls, associated wiring, and power lines (except those now existing) shall be approved by the Building Department, when applicable.

5. Public Comment

As of July 28, 2020, Staff has not received any comments from the public.

6. 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 is advisory only to the Board of County Commissioners and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

7. Proposed Motions

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

A. Recommended motion for approval

In accordance with the recommendation by staff, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I (*planning commissioner*), recommend approval of Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

B. Alternative motion for denial

Against the recommendation by staff, but in accordance with the Findings of Fact under Section 3.B of this report, and other findings deemed appropriate by the Planning Commission, I (*planning commissioner*), recommend denial of Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

Bill No. 118

Ordinance No. 20-307

Summary

An Ordinance amending Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

Title

An Ordinance amending Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

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

Chapter 17.16

R1 Residential Zones

Sections:

17.16.015 Purpose and intent
17.16.020 Allowed uses
17.16.030 Uses subject to special use permit
17.16.040 Minimum floor area
17.16.050 Minimum parcel area and width requirements
17.16.060 Setback requirements
17.15.065 Height of buildings and structures
17.60.070 Home enterprises
~~17.16.080 Distance between buildings on the same lot~~

17.16.015 Purpose and Intent

The R1 residential zone is established to provide for the development of single-family residential uses and to prohibit the development of uses that are incompatible and detrimental to the residential environment.

17.16.020 Allowed Uses

In an R1 residential zone, land may be used and buildings and structures may be erected, maintained and used if they are arranged, intended and designed for the following uses:

A. One single-family detached dwelling of permanent character in a permanent location.
B. Accessory uses, buildings, and structures when they are incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and comply with the regulations under section 17.12.045-046.
C. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. These uses also include community gardens.
~~D. Childcare where 4 or less children are cared for.~~
~~E.~~*D.* Storage parking for recreational vehicles, boats, utility trailers, horse trailers and similar equipment owned by the occupant of the onsite principal residence, provided that such items are stored entirely on private property.

17.16.030 Uses Subject to Special Use Permit

The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions.

A. Congregational establishments including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.
B. The keeping of large domestic animals such as sheep, bovine, swine, llamas, horses, goats, and other similar domestic farm animals under the ownership of the resident occupant of the lot, provided that any combination of such animals on any one lot does not exceed 2 for the first 20,000 square feet of lot area. Additional animals may be allowed at the rate of 1 for each additional 10,000

square feet of lot area. There must be a minimum of 400 square feet per animal of penned land area, which must be on less than 10 percent slope grade.

C. The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

D. Bed and breakfast inns offering accommodations for up to 8 guests, subject to providing one off-street parking space for each sleeping room.

E. Short-term vacation rental of a single-family detached residential dwelling. This provision does not apply to long-term rental and lease arrangements

~~F. Child care facilities where 5 or more children will be cared for. Child care must not exceed 15 children.~~

~~G. Natural resources river restoration regulated under section 17.12.100~~

~~H.~~ *F.* Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.

~~3. Crisis care use, temporary~~.

~~4.~~*3* 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, but not including student residential accommodations.

~~5.~~*4.* Picnicking areas, parks, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.

5. Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.

17.16.040 Minimum Floor Area

~~In the R1 residential zone, no detached~~ *No* single-family dwelling may have a floor area of less than 800 square feet for a one-bedroom residence; 1,000 square feet for a two-bedroom residence; and 1,200 square feet for a three or more bedroom residence.

17.16.050 Minimum Parcel Area and Width Requirements

R1 shall have a minimum parcel size of 5,000 square feet, with an exception for civic uses listed above in consideration with the special use permit.

~~Each R1 residential zone must have a minimum parcel area limit. The minimum parcel area limit number is the suffix for the respective zone (e.g., "R1-5" is an R1 zone with 5,000 square feet minimum parcel area) A parcel zoned R1 must be at least 5,000 square feet~~ The area contained within the R1 zone parcel must include all easements, including easements for access to an adjacent parcel. The minimum ~~area and~~ width for each R1

Residential *parcel is 50-feet*. ~~zone is indicated in the following table:~~

Zone and Suffix	Minimum Lot Area (square feet)	Minimum Width From Street (feet)
R1-5	5,000	50
R1-6	6,000	50
R1-8	8,000	60
R1-10	10,000	60
R1-15	15,000	80
R1-20	20,000	100

17.16.060 Setback Requirements

The required distances between the building and the property line ~~is~~ *are 20-foot front yard, 5-foot side yard and 10-foot rear yard. For corner lots, the side yard adjacent to the street shall have an 8-foot setback.*~~shown in the following table~~. Setback requirements for accessory structures must comply with section 17.12.045.

Zone and Suffix and Lot Configuration	Front Setback	Side Setback	Rear Setback
R1-5, R1-6, and R1-8	20 feet	~~8~~ *5* feet	~~20~~ *10* feet
R1-10 and R1-15	~~30~~ *20* feet	~~8~~ *5* feet	~~20~~ *10* feet
R1-20	~~40~~ *20* feet	~~8~~ *5* feet	~~20~~ *10* feet
Corner lot facing two streets	Same as above	~~10~~ *8* feet street side; ~~8~~ *5* feet non-street side	Same as above

17.15.065 Height of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of 3 stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12 General provisions.

17.60.070 Home Enterprises

Home enterprises, *including in-home child care*, are regulated under chapter 17.12 General Provisions.

~~**17.16.080 Distance Between Buildings on the Same Lot**~~

~~There must be a minimum distance of 10 feet between a building used for dwelling purposes and an accessory building. There must be a minimum distance of 6 feet between accessory buildings.~~

Chapter 17.20

R2 Multi-Family Residential Zone

Sections:

17.20.010 Applicability
17.20.015 Purpose and intent
17.20.020 Allowed uses
17.20.025 Uses subject to special use permit
17.20.030 Minimum parcel area
17.20.035 Home enterprises
17.20.040 Setback requirements
17.20.050 Height of buildings and structures
17.20.060 ~~Signs~~ *Manufactured and Mobile Home Parks*

17.20.070 Minimum Floor Area

17.20.015 Purpose and Intent

The R2 multi-family residential zone is established to provide for the development of medium or higher density multi-family residential uses and to prohibit the development of incompatible uses which are detrimental to the residential environment.

17.20.020 Allowed uses

In an R2 multi-family residential zone, land may be used and buildings and structures may be erected, maintained and used if they are arranged, intended and designed for the following uses:

A. Residential uses and buildings of permanent character and permanent location including the following.

1. One single-family dwelling~~, detached~~. The parcel containing this use must be at least 5,000 square feet.

2. ~~One~~ *Two* or more single-family dwellings~~, attached~~ *per parcel*. This use includes townhouses, rowhouses, twinhomes, and condominiums. ~~Only one principal building is allowed per lot~~. Only one dwelling unit is allowed for every 2,000 square feet of gross lot area. ~~A special use permit may be granted for increased dwelling units per square feet of gross lot area when the use is located within the Virginia City Downtown District boundaries (see Chapter 17.30 Appendix A). Findings for approval of the special use permit for increased density must, at a minimum, cite no significant adverse impacts to area vehicular parking, circulation, and egress, and public health, safety,~~

~~comfort, convenience, and general welfare.~~

3. Multi-family dwellings. This use includes apartment buildings, apartment complexes, ~~duplexes, triplexes~~, and other configurations of multi-family uses. Only one dwelling unit is allowed for every 2,000 square feet of gross lot area. ~~A special use permit may be granted for increased dwelling units per square feet of gross lot area when the use is located within the Virginia City Downtown District boundaries (see Chapter 17.30 Appendix A). Findings for approval of the special use permit for increased density shall, at a minimum, cite no significant adverse impacts to area vehicular parking, circulation, and egress, and public health, safety, comfort, convenience, and general welfare.~~

4. ~~Accessory uses, buildings, and structures if they are clearly incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and comply with the regulations of section (B) below and section 17.12.045 Accessory buildings.~~

~~5 Manufactured and mobile home parks are prohibited.~~

B. Accessory uses, buildings, and structures when they are incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and comply with the regulations under section 17.12.045. Examples of accessory uses incidental to the uses allowed in the R2 zone include self-service or coin-operated laundry facilities, manager's office, swimming pool and related uses, recreation facilities and buildings, community center, and other uses which customarily serve residents within the multi-family dwelling property. ~~Accessory uses may be permitted by the director but are subject to special use permit requirement.~~

~~C. Childcare where 4 or less children are cared for. A special use permit is required for more than 4 children.~~

~~D.~~*C.* Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.

~~E.~~*D.* 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.

E Storage parking for recreational vehicles, boats, utility trailers, horse trailers and similar equipment owned by an occupant of the onsite residence, provided that such items are stored entirely on private property.

17.20.025 Uses Subject to Special Use Permit

The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions.

A. Boarding accommodations including ~~extended stay hotels,~~ dormitories, rooming and boarding houses, bed-and-breakfast inns, time-shares, and short-term vacation rentals. A special use permit is not required for long-term rental and lease arrangements. Hotels, motels, hostels and other transient lodging uses are

prohibited.

B. Congregational uses including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.

~~C. *Home enterprise child care* facilities where 5 or more children will be cared for. Child care must not exceed 15 children.~~

~~D.~~*C.* Temporary real-estate tract offices not located within a permanent structure.

~~E.~~*D.* Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other use.

~~3. Crisis care uses, temporary.~~

~~4.~~*3.* Libraries, governmental offices, post offices, and community centers

~~5~~4. Picnicking areas, parks, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.

5. Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.

~~F.~~*E.* Education facilities that include student residential accommodations.

~~G.~~*F.* ~~Natural resources river restoration regulated under section 17.12.100~~.

~~H.~~*G.* Multi-family and attached single-family dwellings with density exceeding 1 unit for every 2,000 square feet of gross lot area. ~~(see Section 17.20.020)~~.

H. The keeping of large domestic animals such as sheep, bovine, swine, llamas, horses, goats, and other similar domestic farm animals under the ownership of the resident occupant of the lot, provided that any combination of such animals on any one lot does not exceed 2 for the first 20,000 square feet of lot area. Additional animals may be allowed at the rate of 1 for each additional 10,000 square feet of lot area. There must be a minimum of 400 square feet per animal of penned land area, which must be on less than 10 percent slope grade.

I. The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

17.20.030 Minimum Parcel Area

The lot or parcel must have a minimum area of ~~8,000~~ *5,000* square feet *with an exception for civic uses listed above in consideration with the special use permit.* The minimum gross lot area per dwelling unit ~~or suite~~ is 2,000 square feet, and the maximum number of units allowed on any one lot or parcel is determined by dividing the total *parcel* area by 2,000.

17.20.035 Home Enterprises

Home enterprises, *including in-home child care*, are regulated pursuant to chapter 17.12 General provisions.

17.20.040 Setback Requirements

Setbacks for R2 zoning are 20-foot for the front yard setback, 5-foot for side yard (8-foot

if side yard is adjacent to a street or public roadway access) and 10-foot rear yard setback. ~~The minimum distance between a building and the property line is indicated in the following table.~~ Setback requirements for accessory structures must comply with the regulations under section 17.12.045.

Lot Configuration	Front Setback	Side Setback	Rear Setback
Regular lot	20 feet	*5*~~8~~ feet	*10*~~20~~ feet
Corner lot facing two streets	20 feet	*8* ~~20~~ feet street side; *5*~~8~~ feet non-street side	*10* ~~20~~ feet

17.20.050 Height of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of 3 stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. Radio, television, other communication antenna, and wind energy turbine support structures are regulated by chapter 17.12.044. ~~, Height of buildings and structures.~~

17.20.060 ~~Signs~~ *Manufactured and Mobile Home Parks*

~~Signs associated with multi-family residential uses must comply with the regulations under chapter 17.84 Signs and billboards.~~

Manufactured and mobile home parks are prohibited in the R2 zoning district.

17.20.070 Minimum Floor Area

No single-family dwelling may have a floor area of less than 800 square feet for a one-bedroom residence; 1,000 square feet for a two-bedroom residence; and 1,200 square feet for a three or more bedroom residence.

Chapter 17.24

A - Agricultural Zone

Sections:

17.24.015 Purpose and intent
17.24.020 Allowed uses
17.24.02~~0~~*5* Uses subject to special use permit
17.24.030 Minimal parcel area
17.24.040 Setback requirements
17.24.050 Height of buildings and structures

17.24.060 Home Enterprises
17.24.070 Minimum Floor Area

17.24.015 Purpose and Intent

The A 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.

17.24.020 Allowed uses

The following uses are allowed in the A agricultural zone:

A. One single-family detached dwelling of a permanent nature in a permanent location.

B. General ~~agricultural. uses.~~ *agriculture.*

C. Agricultural animal production.

D. Custom animal processing.

E. Agricultural entertainment and commercial uses.

F. The growing or production of trees, shrubs, bushes, sod, and other plants for nursery stock, off-site milling and processing, off-site commercial sale, and other uses.

G. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.

H. Seasonal *stands*, holiday sales and uses.

I. Harvesting, curing, processing, packaging and storage incidental to the principal permitted uses on the premises and shipping of agricultural products produced on the premises.

J. *Beekeeping.* ~~The keeping of bees for agricultural purposes when beehives are setback at minimum of 200 feet from CR, E, R, and SPR zones and occupied residential uses within the premises, and 50 feet from any shared access easement or public right-of-way.~~

K. Veterinary service*s, indoor and outdoor.*~~and shelters, for large and small animal.~~

L. *Equestrian establishments*~~, including stables and riding academies, rodeos and equestrian events.~~.

M. Farm machinery equipment *sales* and services *associated with* ~~incidental to~~ the permitted *onsite* agriculture use.

N. Animal Boarding and Grooming Facilities, indoor and outdoor

O. Agriculture buildings such as barns, grain silos, water towers, and storage facilities for products, machinery and equipment directly related to the agricultural uses taking place on the premises.

P. The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

~~N. Childcare of 4 or less children. *(up to 6 children).*~~

~~O. Home enterprises are regulated pursuant to chapter 17.12 General provisions. *occupation (also see chapter 17.12).*~~

~~P. Two signs of 32 square feet each used only to advertise the agricultural products produced or sold on the premises or identifying the premises or the occupants. ((Per Ordinance 18.275))~~

~~Q. The use of up to one shipping container per gross acre of land as an accessory building. Review and approval by the director of planning for conformance with section 17.12.045 is required if the use exceeds 90 days or the period of an active building permit for the principal use on the premises. Additional shipping containers may be used incidentally for shipping agricultural products to and from the permitted principal agriculture use when the containers remain on the premises for no longer than 90 days.~~

~~R. Accessory use, buildings, and structures incidental to allowed agriculture uses, placed upon the same lot or parcel with the allowed agriculture uses, and compliant with section 17.12.045-046. A special use permit is required for accessory dwellings. Accessory dwellings may include those listed in section 17.12.046, and may include those used to house or provide boarding accommodations to laborers and other persons directly associated with the permitted agricultural use. A principal building is not required for accessory structures incidental to allowed agriculture uses on the premises; however, a principal single-family residential dwelling is required for an accessory dwelling to be approved. The following uses are found to be customary to the allowed agriculture uses.~~

1. ~~Uses accessory to the principal residence, including private garages, garden houses, playhouses, greenhouses, enclosed swimming pools, tool sheds, storage sheds, well houses, hobby shops, and similar buildings.~~

2. ~~Uses accessory to the general agricultural use including barns, grain silos, water towers, and storage facilities for products, machinery and equipment directly related to the agricultural uses taking place on the premises.~~

3. ~~Buildings used for the confinement or protection of animals, animal feed, and agricultural commodities.~~

4. ~~Private equestrian riding arenas and stables.~~

5. ~~Temporary stands for selling goods and products produced on-site, provided that the stands are temporary, 200 square feet or less, located on the premises in which the products sold were raised or grown, no less than 20 feet from a~~

~~public right-of-way, and are placed with the premises no more than 30 days within a 1 year period.~~

17.24.025 Uses Subject to Special Use Permit

Unless stated otherwise, the following uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions:

A. *Wild Animal keeping.*

B. *Recreation, outdoor passive.*

C. *Boarding accommodations for laborers and other persons directly associated with the permitted agricultural use. A principal building is not required for accessory structures incidental to allowed agriculture uses on the premises; however, a principal single-family residential dwelling is required for an accessory dwellings to be approved.*

D. *Boarding accommodations including bed and breakfast inns, dude ranches, and other transient lodging associated with an allowed agricultural use.*

E. *Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.*

F. *Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.*

17.24.030 Minimal Parcel Area

Parcels zoned "A" agricultural must be at least 3 acres, *except for the public utility use listed above in consideration with the special use permit*.

17.24.040 Setback Requirements

Required setbacks for the principal residential dwelling are the minimum setbacks of the abutting zone, but no less than 10 feet. Accessory buildings, including laborer boarding accommodations, must be setback a minimum of 100 feet from any property line. The required setback for other rooming and boarding accommodations, such as bed and breakfast inns and dude ranches allowable by this chapter, are the minimum setbacks of the abutting zone, but no less than 20 feet, unless more stringent setback requirements are imposed as a condition of the special use permit. Setbacks are from the property line except when an encroaching easement exists for the purpose of providing a public or private road, but not driveway (see section 17.12.090 for explanation and illustration).

17.24.050 Height of Buildings and Structures

~~A building, manufactured home, or structure may not~~ *No building may* exceed a height of three stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. Radio, television, other communication antenna, and wind energy turbine support structures are regulated by chapter 17.12.044, Height of buildings and structures.

17.24.060 Home Enterprises

Home enterprises, including in-home child care, are regulated pursuant to chapter 17.12 General provisions.

17.24.070 Minimum Floor Area

No single-family dwelling may have a floor area of less than 800 square feet for a one-bedroom residence; 1,000 square feet for a two-bedroom residence; and 1,200 square feet for a three or more bedroom residence.

Chapter 17.28

C Commercial Zone

Sections:

17.28.010 Applicability
17.28.015 Purpose and intent
17.30.020 Allowed uses
17.28.030 Uses subject to special use permit
17.28.040 Height and width of buildings and structure
17.28.050 Setback requirements

17.28.010 Applicability

The provisions under this chapter apply to the C commercial zone. Uses in the CR commercial-residential zone are regulated by chapter 17.30 Commercial-~~r~~*R*esidential zone and uses in the IC Industrial-~~c~~*C*ommercial zone are regulated by chapter 17.39 Industrial-*C*ommercial zone.

17.28.015 Purpose and Intent

The purpose of the C commercial zone is to provide suitable areas within the county where commercial uses and activities may be established and maintained to promote efficiency by grouping compatible land uses, and to protect the residential areas from adverse impacts that may be associated with commercial uses.

17.28.020 Allowed Uses

The following uses are allowed in the C commercial zone unless stated otherwise:

A. Retail sales and shopping centers including:
   1. 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.
   2. Seasonal holiday sales and uses.
   3. Seasonal farmers markets.

B. Commercial offices and financial institutions:
   1. 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.

2. Building maintenance and services.
3. Business offices and professional buildings.
4. Convention and meeting facilities.

C. Personal services:

1. Barbers, hair stylists, beauticians, manicurists/pedicurists, spas, salons, tailors, massage establishments, and similar type uses.
2. Wedding chapels and travel agencies.
3. Childcare ***facilities.*** ~~where 4 or less children are cared for. A special use permit is required for more than 4 children.~~
4. Laundromats, personal dry cleaning, and laundry services.

D. Boarding accommodations including hotels, motels, hostels, bed and breakfast inns, time shares, and vacation rentals, and other transient lodging.

E. Tourist and visitor services:

1. Eating and drinking establishments such as restaurants, cafes, drive-in diners, fast-food, coffee shops, coffee houses, and soda-fountains; and saloons, taverns, brew-pubs, micro-breweries, and micro-wineries with on- and off-site sales. A special use permit is required for micro-distilleries.
2. Entertainment and casual education services such as docents, guided tours on foot, gold panning, and museums.
3. ~~Equestrian facilities and uses including riding arenas, stables, horse and pony rides, and carriage and stagecoach rides.~~

F. 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, permanent indoor and seasonal or temporary outdoor theatres, and other similar recreational uses and activities.

G. Civic uses:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.
3. Crisis care use, temporary *and permanent*.
4. Libraries and cultural services, governmental offices, post offices, community centers, and courts of law.
5. 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.
6. Highway rest areas, picnicking areas, parks and playgrounds, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and

information kiosks.

7. 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.
8. Indoor veterinarian services ~~and shelters for large and small animals~~.

H. General services:

1. 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.
2. Uses involving the indoor discharge of firearms.
3. Uses involving indoor archery.

I. Automotive services including washing and detailing (manual hand-washing, coin-operated, and production line methods), service and fueling stations, repair (but not body repair and painting), sales, and rental.

J. Congregational establishments including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.

K. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.

~~L. Signs as regulated by chapter 17.84 Signs and billboards.~~

M. Private garages, no outdoor storage.

~~M.~~*N.* 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 17.12.045.

~~N. Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.~~

O. Animal Boarding and Grooming, indoor facilities

P. Beekeeping

17.28.030 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.

A. Automobile paint shops and body repair shops.

B. Buildings and structures constructed for permitted uses as listed in section 17.28.020 that will exceed ~~45~~ *55* feet in height, or that will be less than 25 feet in width.

C. 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.~~ *(this use does not include accessory gaming with 15 or less slots/video machines to a primary non-gaming retail*

establishment).

D. Manufactured home sales lots.

E. Propane sales and storage.

F. Firewood sales and storage.

G. 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.

~~H. Public utility service yards, buildings, electric substations, gas transmission substations, and ancillary uses.~~ *Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.*

~~I.~~*H.* Recreational vehicle (RV) parks.

~~J. Billboards as regulated pursuant to Chapter 17.84 Signs and billboards.~~

~~K.~~*I.* The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

~~L.Commercial kennel. A minimum of 10 acres is required.~~

~~M.~~*J.* Mini-warehouses and storage facilities for rent including recreational vehicle, boat, utility trailer, horse trailer, and similar equipment storage.

~~N.~~*K.* Healthcare facilities including hospital services, medical services, convalescent services, civic convalescent and group care service, continuum of care facilities for seniors, and group care services.

~~O.~~*L.* ~~Crisis care uses and facilities, permanent~~.

~~P.~~*M.* Open-air markets, flea-markets, and similar outdoor venues for the sale of goods, not including farmers markets featuring exclusively the sale of edible and items made from edible products.

~~Q.~~*N.*Trade and craftsman industries, including furniture and carpentry manufacturing and refining, upholstery shops, monument works, and similar uses.

~~R.~~*O.* ~~Outdoor veterinarian services and shelters for small and large animals.~~*Veterinary Services with outdoor facilities*

~~S.~~*P.* Permanent outdoor skateboard parks and related facilities.

~~T.~~*Q.*Display, sale, barter, or trade of items associated with a business outside of a permanent building, except farmer's markets pursuant to this chapter and permitted temporary uses. The sale and display of merchandise and other items, and business that is conducted on the public right-of-way and between the public travelled way and the building is prohibited pursuant 17.12 General provisions.

~~U.~~*R.* ~~The use of up-to one shipping container as an accessory building. Review and approval by the director of planning for conformance with section 17.12.045 is required if the use exceeds 90 days or the period of an active~~

~~building permit for the principal use on the premises.~~

~~V.~~*S.* Uses involving the outdoor discharge of firearms.

~~W.~~*T.* Uses involving outdoor archery.

~~X.U.~~. Fairgrounds, ~~rodeo arenas, horse and other animal~~ competition tracks and arenas, and similar uses.

~~Y.~~*V.* Amusement parks. involving various devices for entertainment such as thrill and theme rides, roller-coasters, water slides, and games and concession booths.

~~Z.~~*W.* Facilities and uses that include outdoor sets and props for the development and production of movies, film, television, and similar visual media.

~~AA.~~*X.* Race tracks and arenas involving the use of automobiles, trucks, tractors, ~~a~~nd other motorized vehicles.

~~BB.~~*Y.* Radio-controlled (RC) cars, vehicles, watercraft, and aircraft facilities and uses.

~~CC. Child care of more than 4~~ *6* ~~children.~~

~~DD.~~*Z.* Education facilities that include student residential and boarding accommodations.

~~EE.~~*AA.* Temporary real-estate tract offices not located within a permanent structure.

~~FF.~~*BB.* Cemeteries, columbariums, crematories, mausoleums, mortuaries, and funeral parlors.

~~GG.~~*CC.* Permanent outdoor theatres and other uses involving the outdoor discharge of firearms

~~HH~~*.DD.* Micro-distilleries

~~II.~~*EE.* Open storage not directly associated with an active construction project on the premises.

~~JJ. The use of two or more shipping containers as accessory buildings exceeding 90 days or the period of an active building permit for the principal use on the premises.~~

~~KK. Zoos, animal theme and amusement parks, and other maintenance, display, or possession of one or more wild animals.~~

~~JJ.~~*FF.* ~~*Zoos, wildlife parks, game farms, and the keeping, maintenance, display, or possession of 1 or more wild animals.*~~ *Wild Animal Keeping*

~~LL~~*GG.* Adult retail, ~~adult bookstore~~, and adult motion picture theatre. The adult use may not exceed 20 percent or 500 square-feet, whichever is less, of the building. When allowed by a granted special use permit, the use must be located within a fully enclosed room which is entirely segregated from the remaining floor area of the business and the room's entrance must be screened from view of the remaining floor area. Establishments featuring the above material in excess of the allowable retail floor area are prohibited.

~~MM. Natural resources river restoration regulated under section 17.12.100.~~

HH. Animal Boarding and Grooming with outdoor facilities, a minimum 10 acres

is required.

II. Equestrian Establishments.

JJ. Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.

17.28.040 Height and Width of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of ~~three stories or 35~~ *55* feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. Radio, television, other communication antenna, and wind energy turbine support structures are regulated by chapter 17.12.044, Height of buildings and structures.

17.28.050 Setback Requirements

Front and side setbacks for commercial uses are 0 (zero) feet unless the use abuts an E or R zone or a permitted detached single-family residential use in other zones. When the commercial building abuts an E or R zone or a detached single-family residential use in other zones, the abutting side minimum setback distance is 8 feet, and the front minimum setback is 20 feet. The minimum rear setback is 10 feet. Setbacks are from the property line except when an encroaching easement exists for the purpose of providing a public or private road, but not driveway (see section 17.12.090 for explanation and illustration).

Chapter 17.30

CR Commercial Residential Zone

Sections:

17.30.010 Applicability
17.30.015 Purpose and intent
17.30.020 Allowed uses
17.30.030 Uses subject to special use permit
17.30.040 Height and width of buildings and structures
17.30.050 Setback requirements
17.30.060 Use density and parcel width
17.30.070 Manufactured and Mobile Home Parks
17.30.080 Home Enterprises
17.30.090 Minimum Floor Area

Appendix A – Virginia City Downtown District boundaries

17.30.010 Applicability

The provisions under this chapter apply to the CR commercial-residential zone. Uses in the C commercial zone are regulated by chapter 17.28 commercial zone, and uses in the IC industrial-commercial zone are regulated by chapter 17.39 industrial-commercial zone.

17.30.015 Purpose and Intent

The commercial-residential zone is intended to serve as a walkable, pedestrian-friendly, live-work community providing a three dimensional center of vertical and horizontal mixed uses including single-family and multi-family residences which are stand-alone and/or integrated with commercial, cultural, and civic uses. It is also intended to become a transportation center in the form of a destination for vehicular, public transit, and rail traffic supporting all allowable uses.

In general, the zone provides for centers and uses of regional importance and provides an integrated and attractive environment for visitors and residents. It is intended to be an area of high intensity uses in which a full range of public facilities (including water, sewer, schools, law enforcement, fire protection, etc.) will generally be focused in accordance with the county master plan and connected to the immediate surrounding residential uses.

17.30.020 Allowed uses

The following uses are allowed in the CR commercial-residential zone unless stated otherwise:

A. Retail uses and shopping centers:

1. General stores, shopping centers, convenience stores, principal grocery stores; and neighborhood stores and shopping centers.
2. Seasonal holiday sales and use.
3. Seasonal farmers markets.
4. The display, sale, lease, or rental of “adult” material is prohibited. Adult material includes books, merchandise, periodicals, video tapes, video disks including DVDs and other recorded video devices, computer disks, instruments, devices or paraphernalia which are distinguished or characterized by the emphasis on matter depicting, describing, or relating to “specific sexual activities” and “specific anatomical areas”.

B. Commercial offices and financial institutions:

1. 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.
2. Building maintenance and services.
3. Business offices and professional buildings.
4. Convention and meeting facilities.

C. Personal Services:

1. Barbers, hair stylists, beauticians, manicurists/pedicurists, spas, salons, tailors, massage establishments, and similar type uses.
2. Wedding chapels and travel agencies. A special use permit is required for cemeteries, columbariums, crematories, mausoleums, mortuaries, and funeral parlors.

~~3. Childcare where 4 6 or less children are cared for. A special use permit is required for more than 4 6 children.~~

~~4.~~ 3. Laundromats.

~~5.~~*4* Laundry and dry cleaning pick-up service. A special use permit is required for personal dry cleaning services.

~~6.~~5. ~~Indoor~~ Veterinary services, indoor. ~~for small animals~~.

6. Childcare facilities.

D. Tourist and visitor services:

1. Eating and drinking establishments such as restaurants, cafes, drive-in diners, fast-food, coffee shops, coffee houses, and soda-fountains; and saloons, taverns, brew-pubs, micro-breweries, and micro-wineries with on- and off-site sales. A special use permit is required for micro-distilleries.

2. Entertainment and casual education services such as docents, guided tours on foot, gold panning, and museums.

3. Equestrian Establishments ~~Equestrian facilities and uses including riding arenas, stables, horse and pony rides, and carriage and stagecoach rides.~~

E. Recreation including 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, permanent indoor and seasonal or temporary outdoor theatres, and other similar recreational uses and activities.

F. Civic uses:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.

2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.

3. Crisis care *facility,* temporary *and permanent.*

4. Libraries and cultural services, governmental offices, post offices, community centers, and courts of law.

5. 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 and boarding accommodations.

6. Highway rest areas, picnicking areas, parks and playgrounds, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.

7. Parking lots and structures, park-and-rides and carpool transfer centers, multi-modal transit hubs, transportation garages and storage, railroad and light rail infrastructures, train tunnels, and railroad switchyards and turntables.

8. Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.

G. General services:

1. Catering, equipment and appliance repair, gun repair, general contractors offices, heavy and light equipment rental, feed and tack stores, pawn brokers, pet sales and grooming, print shops, upholstery shops, video rentals, and other similar general services uses and activities. Businesses featuring "adult material" are prohibited.

2. Uses involving the indoor discharge of firearms.

3. Uses involving indoor and outdoor archery.

H. Congregational establishments including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.

I. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.

J. Boarding accommodations including hotels, motels, hostels, bed and breakfast inns, short-term vacation rentals, time shares, and other transient lodging.

K. Residential uses and buildings of permanent character and permanent location including the following.

~~1. One single-family dwelling, detached~~.

1.~~2~~. ~~One or more~~ single-family dwellings~~, attached.~~

2.~~3~~. Multi-family dwellings.

3.~~4~~. Mixed-uses. This includes any commercial-residential combined uses on a single lot *or within a building on a single lot*.

4.~~5~~. Accessory uses, buildings, and structures if they are clearly incidental to a permitted residential use, placed upon the same lot or parcel with a permitted use, and comply with the regulations of section 17.12.045-046.

~~6. Manufactured and mobile home parks are prohibited.~~

L. Private garages, no outdoor storage..

~~L. Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.~~

M. Animal Grooming and Boarding, all indoor facility.

N. Beekeeping

17.30.030 Uses Subject to Special Use Permit

Unless stated otherwise, the following uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions:

A. Buildings and structures exceeding 45 feet in height or less than 25 feet in width.

B. Recreational vehicle (RV) parks.

C. Regional stores and shopping centers and super regional stores and shopping centers.

D. Automotive washing and detailing using coin-operated and production line methods.

E. Automotive services including service and fueling stations, repair, sales, and rentals.

F. 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 or video machines, and where other forms of gambling such as poker, craps, blackjack, keno, sports book and other similar activities may take place. .~~ *(this use does not include accessory gaming with 15 or less slots/video machines to a primary non-gaming retail establishment).*

G. Golf courses.

H. Fairgrounds, rodeo arenas, ~~horse and other animal~~ competition tracks and arenas, and similar uses.

I. ~~Outdoor veterinary service for small animals.~~*Veterinary Services with outdoor facilities, a minimum of 10 acres is required..*

J. Amusement parks. ~~involving various devices for entertainment such as thrill and theme rides, roller-coasters, water slides, and games and concession booths.~~

K. Facilities and uses that include outdoor sets and props for the development and production of movies, film, television, and similar visual media.

L. Fortune teller, astrology parlor, clairvoyance and palmistry. Uses under this subsection must comply with the requirements 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.

M. Race tracks and arenas involving the use of automobiles, trucks, tractors, and other motorized vehicles.

N. Facilities for the use of radio-controlled (RC) cars, vehicles, watercraft, and aircraft.

O. Healthcare facilities including hospital services, medical services, convalescent services (but not civic convalescent and group care service), continuum of care facilities for seniors, and group care services.

~~P~~. ~~Crisis care uses and facilities, permanent~~.

~~Q.~~ *P.* Education facilities which include student residential and boarding accommodations.

~~R.~~ *Q.* The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

~~S.~~ *R.* ~~Commercial kennels when entirely indoors. A minimum of 10 acres is required.~~ *Animal Boarding and Grooming with outdoor facilities. A minimum of 10 acres is required.*

~~T.~~ *S.* Mini-warehouses and storage facilities for rent, including operable recreational vehicle, boat, utility trailer, horse trailer, and similar equipment storage.

~~U.~~ *T.* 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.

~~V.~~ *U.* Open-air markets, flea-markets, and similar outdoor venues for the sale of goods. A special use permit is not required for farmers markets featuring the sale of edible and items made of edible products.

~~W.~~ *V.* Permanent outdoor skateboard parks and related facilities.

~~X.~~ *W.* Display, sale, barter, or trade of items associated with a business outside of a permanent building, except farmer's markets pursuant to this chapter and permitted temporary uses. The sale and display of merchandise and other items, and business that is conducted on the public right-of-way and between the public travelled way and the building is prohibited pursuant 17.12 General provisions.

~~Y.~~ *X.* Personal dry cleaning.

~~Z.~~ *Y.* Micro-distilleries.

~~AA.~~ *Z.* Childcare facilities (*in-home child care regulated by Chapter 17.12)* ~~where five 5 or more children will be cared for. Childcare must not exceed 15 children.~~

~~BB.~~ *AA.* Cemeteries, columbariums, crematories, mausoleums, mortuaries, and funeral parlors.

~~CC.~~ *BB.* Temporary real-estate tract offices not located within a permanent structure.

~~DD.~~ *CC.* Uses involving the outdoor discharge of firearms.

~~EE. Open Storage not directly associated with an active construction project on the premises.~~

~~FF. The use of a shipping container as an accessory building exceeding 90 days or the period of an active building permit for the principal use on the premises.~~

~~GG.~~*DD.* ~~Zoos, animal theme and amusement parks, and other maintenance, display, or possession of one or more wild animals.~~ ~~*wildlife parks, game farms, and the possession of 1 or more wild animals.*~~ *Wild Animal Keeping*

~~HH.~~*EE.* Multi-family and attached single-family dwellings with density exceeding

1 unit for every 2,000 square feet of gross lot area (see Section 17.30.020).

~~II~~ *FF.* Single-family detached dwellings less than 800 square-feet.

~~JJ. Natural resources river restoration regulated under section 17.12.100.~~

GG. Equestrian Establishments.

HH. Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.

17.30.040 Height and Width of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of 3 stories or 45 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12.044 Height of buildings and structures.

17.30.050 Setback Requirements

The following are the required setback distances for uses in the CR zone. For the purposes of this section, the Virginia City Downtown District means all parcels delineated in Appendix A. Setback distances must also comply with section 17.12.050 Visibility at intersections. Setbacks are from the property line except when an encroaching easement exists for the purpose of providing a public or private road, but not driveway (see section 17.12.090 for explanation and illustration).

Downtown District	***Land Use***	***Front Setback*** *(feet)*	***Side Setback*** *(feet)*	***Rear Setback*** *(feet)*
No	*Commercial Use Or mixed commercial residential use*	*0*	*0*	*0*
No	*Multi-Family Use*	*20*	*5*	*10*
No	*Single-Family ~~and Two-Family Residential Use~~*	*20*	*5*	*10*
Yes	*Commercial Use or mixed commercial residential use*	*0*	*0*	*0*
Yes	*Multi-Family Use*	*0*	*0*	*0*
Yes	*Single-Family ~~and Two-Family Residential Use~~*	*0*	*0*	*0*

Notes: No primary emergency egress doors or windows may be placed on the building side walls unless the subject side walls, doors, and windows are setback a minimum of 5 feet from the side lot line. Exception to the 5 foot setback may be made by the recording of an access easement on the abutting parcel (with the abutting lot owner's consent) for the purpose of establishing and maintaining emergency egress for the abutting building. Primary emergency egress doors and windows are those which provide the only required emergency egress pursuant to currently adopted International Fire Codes (with amendments); National Fire Protection Association (NFPA); or specific agencies having jurisdictional requirements.

In addition, required vehicle parking must be provided.

~~A. Commercial uses~~

1. ~~Virginia City Downtown District. Setbacks are: front, 0 feet; side, 0 feet; and rear, 10 feet. However, if the use abuts an E or R zone, or a permitted detached single-family residential use in other non-CR zones, the abutting minimum side setback is 8 feet, and the front minimum setback is 20 feet. The required rear setback is 10 feet.~~

2. ~~Other areas zoned CR. Setbacks are: front, 0 feet; side, 0 feet; and rear, 10~~ *0* ~~feet. However, if the parcel in which a new commercial building is to be developed abuts on one or both side(s) a parcel(s) containing an existing permitted detached single-family dwelling, the front setback for the new commercial building shall be 20 or more feet, or shall be the average distance~~

~~between the front outside wall (excluding porches and awnings) of the existing detached single-family residential dwelling(s) and the front property line (see Figure 30.1), or otherwise beyond that average distance. If the existing neighboring single-family residential dwelling is setback more than 20 feet from the front property line, the required 20 foot setback, not the actual structure distance, shall be the determining point for establishing the average for the new commercial structure.~~

~~3. State Route 342 Setbacks in Gold Hill. Except under the following circumstances, setback distances must meet the requirements in subsections 1 and 2 above.~~

~~a. For buildings located between the Virginia City/Gold Hill city limits line and Sky Lane in Gold Hill, the minimum setback distance between the building and State Route 342 is 5 feet. This requirement applies to all properties abutting State Route 342.~~

~~b. For buildings located between Sky Lane and the Storey/Lyon County boundary, the minimum setback distance between the building and State Route 342 is 20 feet. This requirement applies to all properties abutting State Route 342.~~

~~B. Residential uses~~

~~1. Virginia City Downtown District~~

~~a. Single-Family Dwelling, Detached. Setbacks are: front, 0 feet; side, 0 feet; and rear, 10 feet. No primary emergency egress doors or windows may be placed on the building side walls, unless the subject side walls, doors, and windows are setback a minimum of 5 feet from the side lot line.*~~

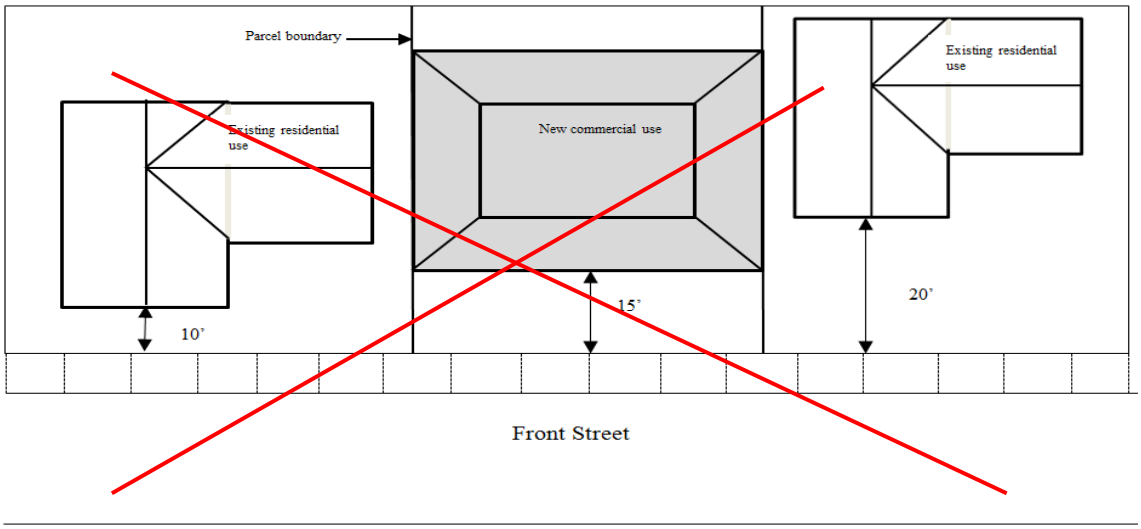
~~b. Single-Family and Multi-Family Dwelling, Attached. Setback distances are: front, 0 feet; side, 0 feet (between each dwelling unit and between the building and property line); and rear, 10 feet. No primary emergency egress doors or windows may be placed on the building side walls, unless the subject side walls, doors, and windows are setback a minimum of 5 feet from the side lot line.*~~

~~*Note: Primary emergency egress doors and windows are those which provide the only required emergency egress pursuant to currently adopted International Fire Codes (with amendments); National Fire Protection Association (NFPA); or specific agencies having jurisdictional requirements. Nothing in this ordinance may replace, amend, or supersede the currently adopted fire codes.~~

~~2. Other areas zoned CR~~

~~Except for parcels described in section (1) above, the required setback distances for single-family attached, single-family detached, and multi-family residential buildings not combined within a commercial use are: front, 20 feet; side, 8 feet (except 0 feet between each attached dwelling unit); and rear, 20 feet. A corner lot abutting two streets shall have a 10 foot side~~

~~setback for the side abutting the street.~~



~~**Figure 30.1:** The figure shows the front setback distance for the new use abutting existing uses to be the average of the front setback distance of the existing uses.~~

17.30.060 Use Density, Minimum Dwelling Area, and Parcel Width

The density for commercial, residential, and mixed uses is regulated as follows. Uses must also comply with setback and minimum parking area requirements in this chapter and chapter 17.12 General provisions.

A. Commercial use, residential use, and mixed-use.

1. The parcel must be at least 2,000 square feet and at least 25 feet in width (the side facing the street).

2. There is no minimum *building* square-foot requirement for a commercial use except as may be required by the International Building Code (IBC).

3. Single-family detached residential dwellings must be at least 800 square-feet unless a special use permit is granted pursuant to section 17.30.030.

~~4. Only one single-family detached dwelling is allowed on a lot.~~

~~5.~~*4.* ~~For single-family attached and multifamily dwellings, one~~ *One* dwelling unit is allowed for every 2,000 square feet of gross lot area except when a special use permit is provided to exceed this density pursuant to subsection ~~(5)~~ *(6)* below.

5. There may be one or more separate detached dwellings on the lot.

6. Except for detached single-family residential uses, a special use permit may be granted for increased dwelling units per square feet of gross lot area when the use is located within the Virginia City Downtown District boundaries (see Appendix A of this chapter). Findings for approval of the special use permit for increased density shall, at a minimum, cite no significant adverse

impacts to area vehicular parking, circulation, and egress, and public health, safety, comfort, convenience, and general welfare.

17.30.070 Manufactured and Mobile Home Parks

Manufactured and mobile home parks are prohibited.

17.30.080 Home Enterprises

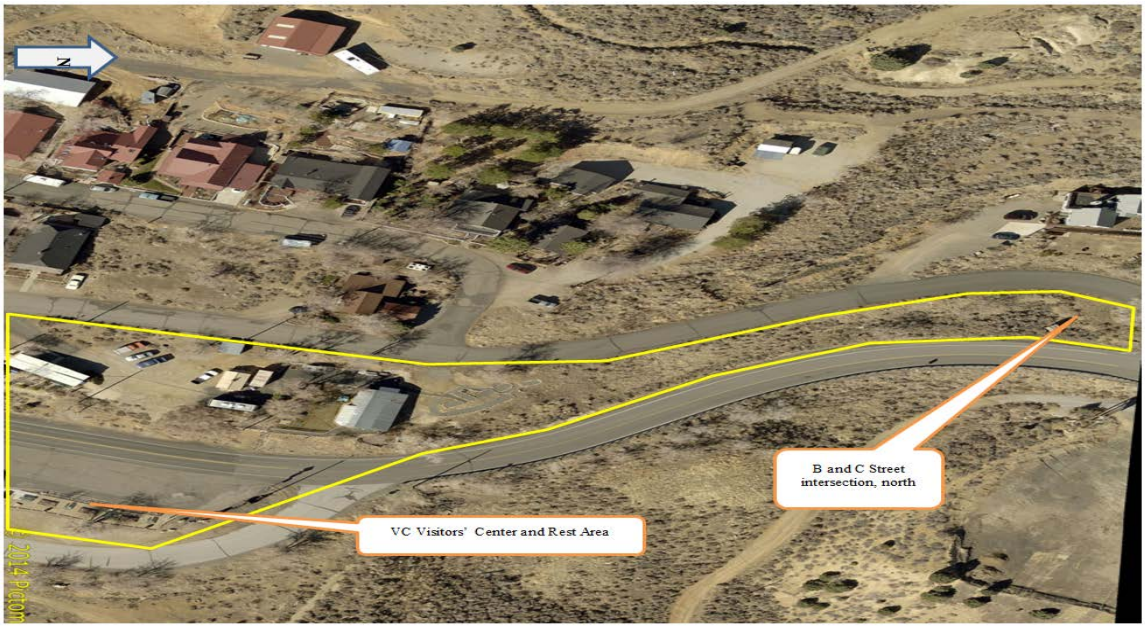
Home enterprises, including in-home child care, are regulated under chapter 17.12 General Provisions.

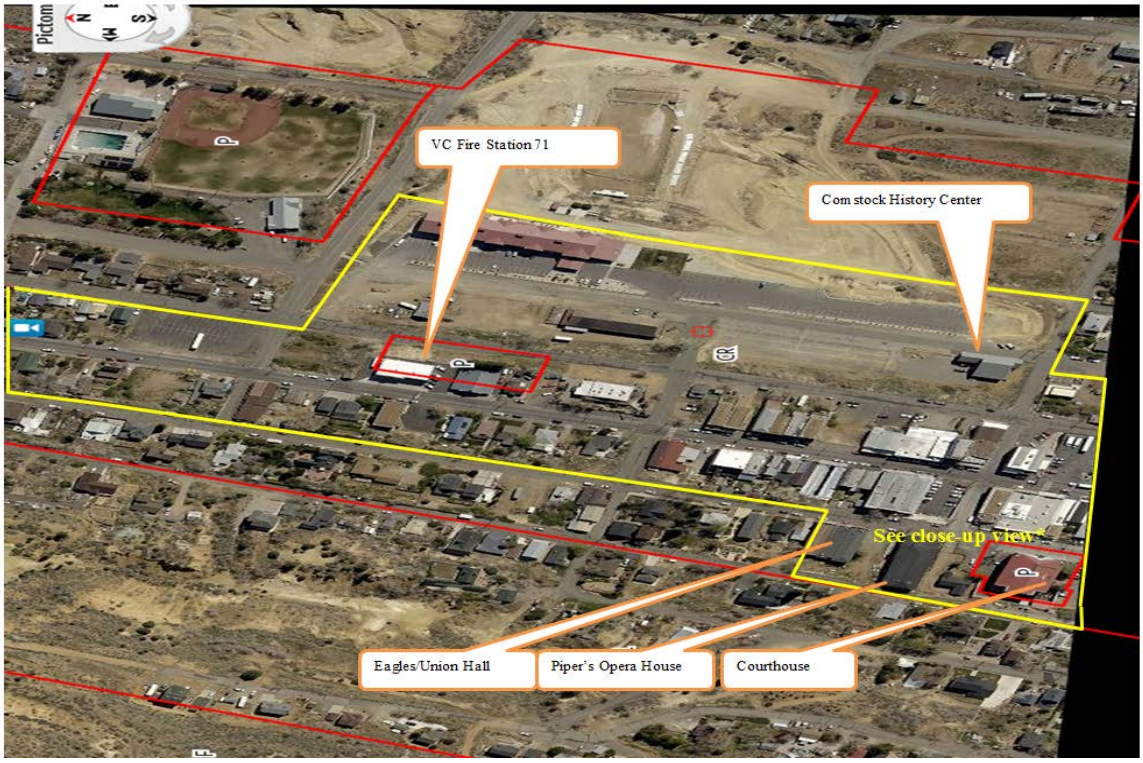
17.30.090 Minimum Floor Area

No single-family dwelling may have a floor area of less than 800 square feet for a one-bedroom residence; 1,000 square feet for a two-bedroom residence; and 1,200 square feet for a three or more bedroom residence, unless a special use permit has been obtained.

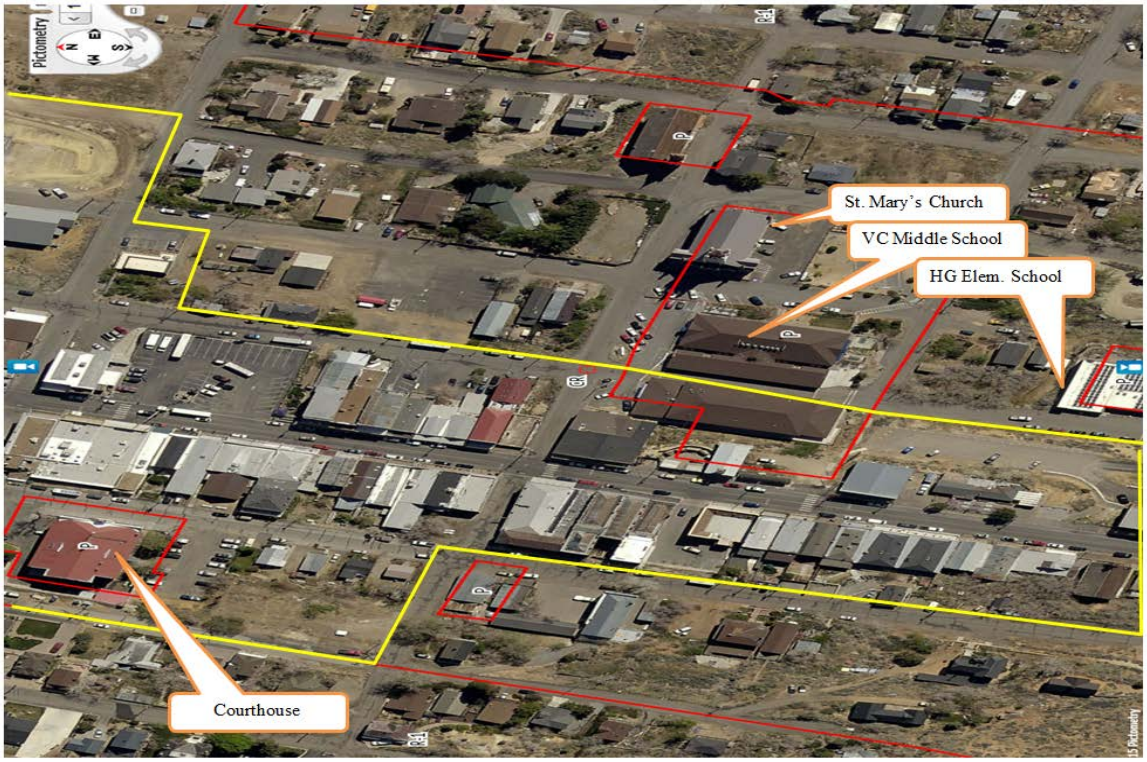
Appendix A: Virginia City Downtown District Boundaries

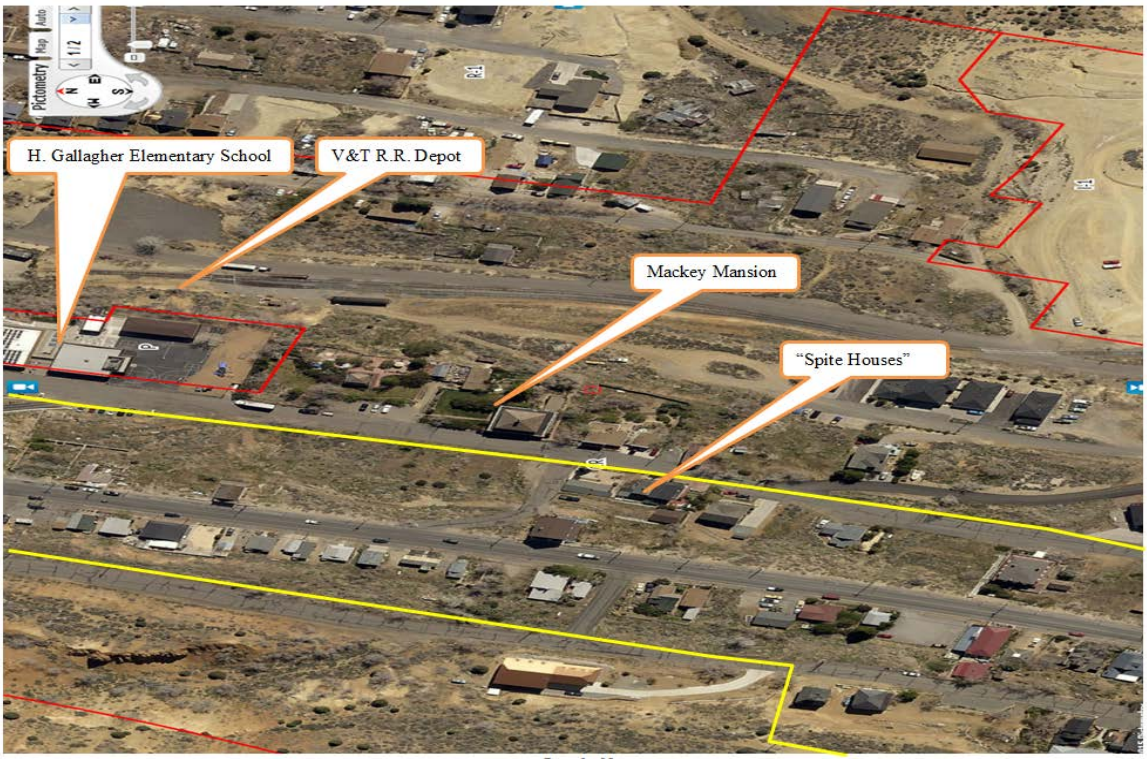
(The "Virginia City Downtown District" (area inside yellow boundary line shown below) includes all parcels shown below, in which a pattern of historic higher-density and mixed-uses are found. The information shown below is approximate and does not represent survey delineation and should not be construed as a replacement of authoritative sources, zone maps, plat maps, deeds, resurveys, etc.)

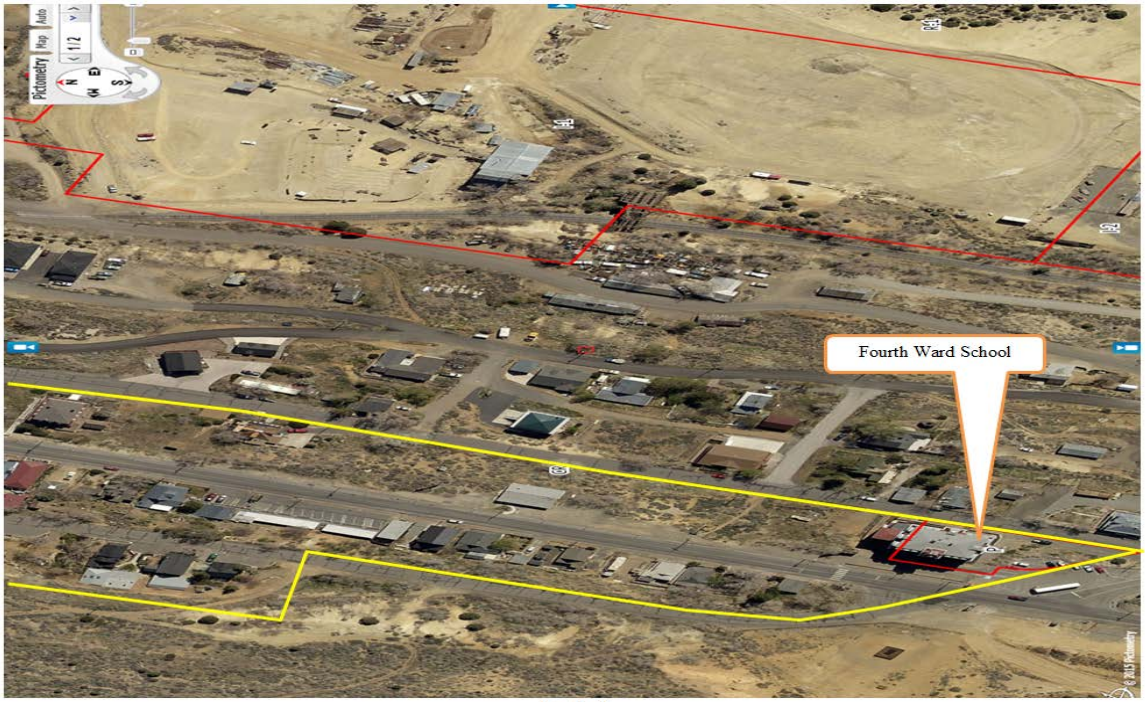




*Close-up view around Courthouse, Piper's Opera House, and Eagles/Union Hall.


St. Mary's Church
VC Middle School
HG Elem. School
Courthouse


H. Gallagher Elementary School
V&T R.R. Depot
Mackey Mansion
"Spite Houses"


Fourth Ward School

CR zone
CR zone
B Street
CR zone
C Street
N

Chapter 17.32

F Forestry Zone

Sections:

17.32.015 Purpose and intent
17.32.017 Allowed uses
17.32.020 Uses subject to special use permit
17.22.025 Accessory uses and structures
17.32.030 Minimum parcel area requirements
17.32.040 Off-street parking
17.32.041 Setback requirements
17.32.050 Height of buildings and structures
17.32.060 Generator restrictions

17.32.070 Home Enterprises

17.32.080 – Minimum Floor Area

17.32.015 Purpose and Intent

The F forestry zone is established to protect areas having important environmental qualities in the county from unnecessary degradation and to provide areas of very low density residential and other uses.

17.32.017 Allowed Uses

In a Forestry (F) zone, land may be used and buildings and structures may be erected, maintained and used if they are arranged, intended and designed for the following uses:

A. *One single-family detached dwelling of permanent character in a permanent location.*

B. *Equestrian Establishments*

C. *Beekeeping*

D. *General agricultural uses, agricultural animal production, agricultural entertainment, and custom animal processing.*

E. *Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.*

17.32.020 Uses Subject to Special Use Permit

The following uses may be permitted subject to securing a special use permit as provided for in Chapter 17.03 Administrative provisions.

~~A. One single family detached dwelling of permanent character and location.~~

~~B. General agricultural uses, agricultural animal production, agricultural entertainment, accessory structures related to the agricultural use, and custom animal processing.~~

~~C. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.~~

A.~~D.~~ The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

B.~~E.~~ *Animal Boarding and Grooming*, ~~BoardCommercial kennel. A~~ *a* minimum of 10 acres is required.

C.~~F.~~ Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. Any other use is prohibited.
3. *Primary, secondary, and post-secondary schools, private or public.* ~~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. Student r~~ *(R*esidential and boarding accommodations are prohibited*)*.
4. Picnicking areas, parks, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.
5. *Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.*

D.~~G.~~ Buildings for the sale and display of products grown or raised on-site.

E.~~H.~~ Recreational uses and buildings, including dude or guest ranches, tennis, golf courses, driving ranges, miniature golf, and country clubs.

F.~~I.~~Cemeteries.

G.~~J.~~Congregational establishments~~. including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.~~

H.~~K.~~ ~~Highway and public utility maintenance camps;~~

~~L. Home enterprises as regulated by chapter 17.12 General provisions.~~

I.~~M.~~Mining and extraction, as regulated by chapter 17.92 Mineral exploration, mining, and extraction, and aggregate facilities.

J.~~N.~~ Milling and processing related to mining.

K.~~O.~~ Commercial energy production use types such as geothermal, hydrological, solar, wind, and other similar low-impact renewable energy generation systems. Commercial energy production from combustion of fossil fuels and other type fuels or other similar power generation systems is prohibited.

~~P. Public utility service yards, buildings, electric substations, gas transmission substations, and ancillary uses.~~

L. Wild Animal Keeping.

M.~~Q.~~ *Concrete or asphalt batch plant, temporary and incidental to on-site project.* ~~Temporary (less than 1 year) concrete plants and asphalt batch plants when clearly incidental to an on-site construction project.~~

~~R. Natural resources river restoration regulated under section 17.12.100.~~

N.~~S.~~ Growing and preservation of trees and nursery stock.

O. Veterinary Services, indoor and outdoor.

~~T. Hunting, fishing and skiing lodges wildlife refuges, game farms and public campgrounds.~~

~~U. The keeping of bees for agricultural purposes when beehives are setback at minimum of 200 feet from CR, E, R, and SPR zones and occupied residential uses within the premises, and 50 feet from any shared access easement or public right-of-way.~~

~~V. The use of a shipping container as an accessory building exceeding 90 days or the period of an active building permit for the principal use on the premises.~~

17.32.025 Accessory Uses and Structures

Accessory uses, buildings, and structures are considered a permitted use if they are clearly incidental to another permitted use, that being a use which has been approved by a special use permit or otherwise by righ*t*. The provisions of section 17.12.045-046 also apply to accessory structures. A principal building is not required for an accessory structure incidental to the allowed uses on the premises; however, a principal single-family residential dwelling is required for an accessory dwelling to be approved.

17.32.030 Minimum Parcel Area Requirements

A minimum area of 40 acres is required for a parcel of land, *with an exception for civic uses listed above in consideration with the special use permit. Legally non-conforming parcels with less than the minimum 40 acres in size may be developed with allowed uses, but the size of the parcel will be a consideration in the processing of any use subject to a Special Use Permit.*

17.32.040 Off-street parking

Off-street parking must be sufficient to handle the automobile and other vehicular parking demands of the use.

17.32.041 Setback Requirements

Minimum setbacks for a principal building and accessory building in the F zone are: front, 30 feet; rear, 40 feet; and side, 30 feet.

17.32.050 Height of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of three stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes,

chimneys, grain silos, water towers, or flagpoles. Radio, television, other communication antenna, and wind energy turbine support structures are regulated by chapter 17.12.044, Height of buildings and structures.

17.32.060 Generator Restrictions

Installation of a generator as a power source is not permitted unless the generator is muffled and installed in a sound-insulated building sufficient in design to maintain compliance with noise regulations in chapter 8.04 of the county code. Generators that are used solely for power in emergencies or power outages need not be muffled or in a sound-insulated building.

17.32.070 Home Enterprises

Home enterprises, including in-home child care, are regulated under chapter 17.12 General Provisions.

17.32.080 Minimum Floor Area

No single-family dwelling may have a floor area of less than 800 square feet for a one-bedroom residence; 1,000 square feet for a two-bedroom residence; and 1,200 square feet for a three or more bedroom residence.

Chapter 17.34

I1 Light Industrial Zone

Sections:

17.34.015 Purpose and intent
17.34.020 Allowed uses
17.34.030 Uses subject to special use permit
17.34.040 Minimum parcel area
17.34.050 Setback requirements
17.34.060 Loading area
17.34.070 Height of buildings and structures

17.34.015 Purpose and Intent

The I1 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.

17.34.020 Allowed Uses

The following uses are allowed in the I1 light industrial zone:

A. Ten percent of the total area in the light industrial zone as designated in the county master plan may be utilized for commercial use. A site plan must be approved by the building department. No special use permit is required for commercial uses in the I1 zone, but the provisions under chapter 17.28 apply to commercial uses in an I1 zone.

B. 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, but not including such operations as paper, sawmills, milling, steel, iron or other metal works, rolling mills, or any manufacturing uses involving primary production of commodities of raw material.

C. Trade and craftsman industries, including furniture and carpentry, manufacturing and refining, upholstery shops, monument works, welding shops, and similar uses.

D. Contractor services, including general contractor offices, contractor service shops, carpet cleaning, pest control, printing and publishing, and similar uses.

E. Agricultural use types including general agricultural uses, agricultural animal production, custom animal processing, agricultural research, agricultural supplies sales, and agricultural entertainment and commercial uses.

F. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. These uses also include community gardens.

G. Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.
3. Libraries, governmental offices, post offices, community centers, and courts of law.
4. 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 student residential and boarding accommodations.
5. Highway rest areas, picnicking areas, parks and playgrounds, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.
6. Parking lots and structures, park-and-rides and carpool transfer centers, multi-modal transit hubs, parking garages, railroad and light rail infrastructures, train tunnels, and railroad switchyards and turntables.
7. *Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.*

~~Veterinarian services and animal shelters.~~

H. Warehouses, warehouse complexes, distribution operations, and wholesale distribution.

I. Storage and distribution of paints, shellac, turpentine, varnishes, and similar materials within a warehouse facility.

J. Storage and distribution of petroleum products within a warehouse facility.
K. Temporary (less than 1 year) concrete and asphalt batch plants when incidental to an on-site construction project.
L. Laundromats and personal dry-cleaning.
M. Laboratory and testing services. The use of live animals in laboratory, testing, and experimentation is prohibited.
N. Retail sales and shopping centers including:
   1. Stores; shopping centers; convenience stores; principal grocery stores; neighborhood stores and shopping centers; regional stores and shopping centers; super regional store and shopping centers; seasonal holiday sales and use; and seasonal farmers markets.
O. Mini-warehouses and storage facilities for rent including operable recreational vehicle, boat, utility trailer, horse trailer, and similar equipment storage.
P. Gaming when incidental to a primary use and limited to no more than 15 slot or video machines.
Q. Heavy equipment sales and service.
~~R. The use of up to one shipping container as an accessory building. Review and approval by the director of planning for conformance with section 17.12.045 is required if the use exceeds 90 days or the period of an active building permit for the principal use on the premises. Additional shipping containers may be used incidentally for shipping products to and from the permitted principal use when the containers remain on the premises for no longer than 90 days.~~
~~S.~~*R.* 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.
~~T.~~*S.* Accessory use, buildings and structures when incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and compliant with section 17.12.045.

U. Animal Boarding and Grooming, indoor facilities

V. Veterinary Services, indoor.

17.34.030 Uses Subject to Special Use Permit

The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions.

A. Casinos and gaming establishments ~~over 5,000 square feet, where more than 15 slots or video machines are located and where other forms of gambling may take place such as poker, craps, blackjack, sports book and other similar activities.~~*(this use does not include accessory gaming with 15 or less slots/video machines to a primary non-gaming retail establishment.)*
B. Watchman's dwelling, permanent or temporary as regulated by section 17.12.046.
C. ~~Buildings and structures constructed for uses listed in sections 17.34.020 and 17.34.030 that will exceed 50 feet in height.~~

D. The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

E. ~~Commercial kennel~~. *Animal Grooming and Boarding, outdoor facilities*. A minimum of 10 acres is required.

F. Health care facilities including hospital services, medical services, convalescent services (but not civic convalescent and group care service), continuum of care facilities for seniors, and group care services.

G. ~~Billboards as regulated by chapter 17.84 Signs and billboards.~~

H. Commercial energy production use types such as geothermal, hydrological, solar, wind, and other similar low-impact renewable energy generation systems. Commercial energy production from combustion of fossil fuels and other type fuels or other similar power generation systems is prohibited.

I. Hunting, fishing, and skiing facilities and lodges ~~wildlife refuges, and game farms.~~

J. Truck stops.

K. Cemeteries, columbariums, crematories, mausoleums, mortuaries, and funeral parlors.

L. Solid waste recycling collection center.

M. Solid waste recycling center.

N. Solid waste transfer station.

O. Solid waste collection center.

P. Temporary (less than 1 year) concrete and asphalt batch plants when not incidental to an on-site construction project or located within 2,500 feet of a CR, E, R, or SPR zone. Permanent batch plants are prohibited.

Q. Education facilities which include student residential and boarding accommodations.

~~R. Natural resources river restoration regulated under section 17.12.100.~~

~~S.~~*R.* Open storage not directly associated with an active construction project on the premises.

~~T.~~*S.* Auction facilities involving open storage.

~~U.~~*T.* Public utility service yards, buildings, ~~electric substations, gas transmission substations~~, and ancillary uses.

U. Wild Animal keeping

V. Equestrian Establishments ~~*centers; commercial and private corrals and stables; rodeo arenas; and carriage/coach rides.*~~

W. Veterinary Services, outdoor facilities

X. Animal Boarding and Grooming, outdoor facilities

~~V. The use of two or more shipping containers as accessory buildings exceeding 90 days or the period of an active building permit for the principal use on the premises.~~

W. Other uses similar to the above which 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.

17.34.040 Minimum Parcel Area

The minimum parcel area required in the I1 zone is 1 acre, except for commercial uses in the I1 zone area for which there is a 15,000 square feet area minimum *and with the exception for civic uses.*

17.34.050 Setback Requirements

The required distance between the building and the property line is ~~20~~ *0* feet. *The principal building must be setback at least 20 feet from an abutting CR, E, R1, R2, and SPR zone and existing residential uses. Building setbacks must also conform to section 17.34.060 and building and fire codes.*

Setback requirements for accessory structures must comply with section 17.12.045. Setbacks are from the property line except when an encroaching easement exists for the purpose of providing a public or private road, but not driveway (see section 17.12.090 for explanation and illustration).

17.34.060 Loading Area

Loading area must have adequate room for *truck, trailer, and* vehicul*e*~~ar~~ circulation, *egress,* and staging. All truck *and trailer* parking and docking areas must be designed so that right-of-ways and travelled ways are not adversely impacted.

17.34.070 Height of Buildings and Structures

~~A building, manufactured home, or structure may~~ *No building may* ~~not~~ exceed ~~a height of three~~ *6* stories or ~~35 feet~~*75 feet* whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. Radio, television, other communication antenna, and wind energy turbine support structures are regulated by chapter 17.12.044, Height of buildings and structures.

Chapter 17.35
I2 Heavy Industrial Zone

Sections:

17.35.010 Purpose and intent
17.35.020 Allowed uses
17.35.030 Uses subject to special use permit
17.35.040 Minimum parcel area
17.35.050 Setback requirements
17.35.060 Loading area
17.35.070 Height of buildings and structures

17.35.010 Purpose and Intent

The I2 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.

17.35.020 Allowed Uses

The uses listed in this section are allowed in the I2 heavy industrial zone. They include all uses allowed in the I1 light industrial zone if they are compatible with the surrounding heavy industrial uses. I1 light industrial uses in the I2 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 17.35.030 as requiring a special use permit. The following heavy industrial uses are allowed:

A. Ten percent of the total area in the heavy industrial zone as designated in the county master plan may be utilized for commercial use. A site plan must be approved by the building department. No special use permit is required for commercial uses, but the provisions under chapter 17.28 apply to commercial uses in an I2 zone.

B. 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 uses listed in section 17.35.040 as requiring a special use permit.

C. Trade and craftsman industries, including furniture and carpentry manufacturing and refining, upholstery shops, blacksmithing, monument works, ornamental ironworks, and similar uses.

D. Contractor services, including general contractor offices, contractor service shops, carpet cleaning, pest control, printing and publishing, and similar uses.

E. Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.
3. Libraries, governmental offices, post offices, community centers, and courts of law.
4. 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 student residential and boarding accommodations.
5. Highway rest areas, picnicking areas, parks and playgrounds, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.
6. Parking lots and structures, park-and-rides and carpool transfer centers, multi-modal transit hubs, parking garages, railroad and light rail infrastructures, train tunnels, and railroad switchyards and turntables.

F. Agricultural use types including general agricultural uses, agricultural animal production, custom animal processing, agricultural research, agricultural supplies sales, and agricultural entertainment and commercial uses.

G. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.

H. Laboratories and testing services. The use of live animals in laboratory~~,~~ testing~~,~~ and experimentation is prohibited.

I. Bottling and canning plants.

J. Building material manufacturing.

K. Breweries, distilleries, wineries.

L. Warehouses, warehouse complexes, distribution operations, and wholesale distribution.

M. Mini-warehouses and storage facilities for rent including operable recreational vehicle, boat, utility trailer, horse trailer, and similar equipment storage.

N. Storage and distribution of paint, shellac, turpentine, varnishes, and similar materials within a warehouse facility.

O. Storage and distribution of liquid petroleum products within a warehouse facility.

P. Laundromats and personal dry cleaning.

Q. 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.

R. Truck stops.

S. Indoor and outdoor archery uses.

T. Uses involving the indoor discharge of firearms.

U. Recovery of methane and other combustible gasses emitted from a permitted solid waste landfill and used for the generation of energy.

V. Temporary (less than one year) concrete and asphalt batch plants when incidental to an on-site construction project.

W. Solid waste recycling collection center.

X. Solid waste recycling center.

Y. Healthcare facilities including medical services, convalescent services (but not civic convalescent and group care service), continuum of care facilities for seniors, and group care services.

Z. Seasonal farmers markets.

AA. Public utility service yards, buildings, ~~electric substations, gas transmission substations, and ancillary uses~~ *utility and transmission substations, water storage*

facilities and storm water drainage, detention, retention and storage.

BB. Veterinary services ~~for small and large animals~~, *indoor and outdoor facilities*.

CC. Animal Boarding and Grooming, indoor and outdoor facilities.

~~CC. The use of up to one shipping container as an accessory building. Review and approval by the director of planning for conformance with section 17.12.045 is required if the use exceeds 90 days or the period of an active building permit for the principal use on the premises. Additional shipping containers may be used incidentally for shipping products to and from the permitted principal use when the container(s) remain on the premises for no longer than 90 days.~~

~~EE.~~*DD.* Accessory use, buildings and structures when incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and compliant with the regulations of section 17.12.045-046.

EE~~.~~ Equestrian Establishments

~~FF. Other uses similar to the above which are determined by the board with action by the planning commission to be consistent and compatible with the other uses permitted within the zone.~~

17.35.030 Uses Subject to Special Use Permit

The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions:

A. Industrial agricultural uses including intensive agricultural uses, slaughter houses, agricultural packing and processing, stockyards and livestock auction facilities. Industrial agricultural uses must be located no closer than 500 feet to any CR, E, or R zone and 50 feet from a parcel or lot boundary.

B. Manufacturing of paint, shellac, turpentine, varnishes, and similar materials.

C. Manufacturing, reclaiming, and refining of liquid petroleum products.

D. Storage and distribution of liquid petroleum products, except from within a warehouse facility.

F. Manufacturing, reclaiming, refining, storage, distribution, and use of hazardous material.

G. 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, and 1,000 feet of an IC zone.

H. Permanent (1 year or more) concrete and asphalt batch plants.

I. Junk, salvage, reclamation, or auto wrecking and dismantling yards.

J. Brick, tile or terra cotta products manufacturing.

K. Cemeteries, columbariums, crematories, mausoleums, mortuaries, and funeral parlors.

L. Congregational establishments, including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.

M. Uses involving the outdoor discharge of firearms.

N. Race tracks and arenas involving the use of automobiles, trucks, motorcycles (e.g., motocross), tractors, and other motorized vehicles.

O. Radio-controlled (RC) cars, vehicles, watercraft, and aircraft facilities and uses.

P. Facilities and uses that include outdoor sets and props for the development and production of movies, film, television, and similar visual media.

Q. Mining and extraction as regulated by chapter 17.92 Exploration, mining, and extraction, and aggregate facilities.

R. Milling and processing related to mining and extraction.

S. Dry cleaning plants and laundry services.

~~T. Natural resources river restoration regulated under section 17.12.100.~~

~~U.~~ *T.* Paper manufacturing.

~~V.~~ *U.* Hunting, fishing, and skiing facilities and lodges, wildlife refuges, and game farms.

~~W.~~ *V.* Saw mills.

~~X.~~ *W.* Temporary real-estate tract offices not located within a permanent structure

~~Y.~~ *X.* Manufacturing, reclaiming, refining, storage, distribution, and use of explosives or propellants.

~~Z.~~ *Y.* Waste to energy type production and generation facilities involving use, recovery or residue of petroleum and petroleum related wastes, biomass wastes, bio-hazardous wastes, solid wastes, and other non-hazardous wastes and waste products.

~~AA.~~ *Z.* Facilities and recycling facilities involving use, recovery, or residue of hazardous materials and/or wastes.

~~BB.~~ *AA.* The keeping of 5 or more dogs or 3 or more potbelly pigs more than 12 weeks of age. A minimum of 10 acres is required.

~~CC.~~ *BB.* ~~Commercial kennel. A minimum of 10 acres is required~~

~~DD.~~ *CC.* Recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes.

~~EE.~~ *DD.* Sewage treatment plants and facilities and other sewage or sludge processing, treatment, or storage.

~~FF.~~ *EE.* Blast furnaces and incinerators, of any type and used for any purpose.

~~GG. Crisis care facility, permanent.~~

~~HH~~ *FF.* Watchman's dwelling, permanent or temporary as regulated by section 17.12.046.

~~II.~~*GG.* Commercial energy production from coal, petroleum, natural gas, propane, other fossil fuels, and other non-renewable energy generation.

~~JJ.~~*HH.* Commercial energy production use types such as geothermal, hydrological, solar, wind, and other similar low-impact renewable energy generation systems.

~~KK.~~*II.* Education facilities which include student residential and boarding accommodations.

~~LL.~~*JJ.* Open storage not directly associated with an active construction project on the premises.

~~MM. The use of two or more shipping containers as accessory buildings exceeding 90 days or the period of an active building permit for the principal use on the premises.~~

~~NN~~*KK.* Auction facilities involving open storage.

~~OO~~*LL.* Healthcare facilities including hospital services.

~~PP.~~*MM.* Tattoo, permanent cosmetics, and invasive body piercing facilities. These uses are only allowable within the boundaries of the Tahoe-Reno Industrial Center which is zoned I2 Heavy Industrial. They are prohibited within 1,500 feet of a public or private school or religious institution, and another permitted tattoo, permanent cosmetics, and invasive piercing facility.

~~RR. Billboards as regulated by chapter 17.68 Signs and billboards.~~

~~*SS*~~.NN. ~~*Wildlife parks and the possession of 1 or more wild animals*~~. *Wild Animal Keeping.*

~~RR.~~ *OO.* Other uses similar to the above which 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.

17.35.040 Minimum Parcel Area

The minimum parcel areas required in the I2 zone is 3 acres, *with the exception for civic uses and* except for commercial uses in a heavy industrial zone area for which there is a 15,000 square foot minimum. For *I1* light industrial uses in a heavy industrial zone area, there is a 1 acre minimum.

17.35.050 Setback Requirements

The required distance between the building and the property line is ~~50~~ *0* feet. *The principal building must be setback at least 50 feet from an abutting CR, E, R and SPR zone and existing residential uses. Building setbacks must also conform to section 17.35.060 and building and fire codes.* Setback requirements for accessory structures must comply with section 17.12.045. Setbacks are from the property line except when an encroaching easement exists for the purpose of providing a public or private road, but not driveway (see section 17.12.090 for explanation and illustration).

17.35.060 Loading Area

Loading area must have adequate room for *truck, trailer, and* vehicul*e*~~ar~~ circulation, *egress,* and staging. All truck *and trailer* parking and docking areas must be designed so that right-of-ways and travelled ways are not adversely impacted.

17.35.070 Height of Buildings and Structures

~~A building or structure may not~~ *No building may* exceed 6 stories or 75 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. These requirements do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12 General provisions.

Chapter 17.36

I3 HEAVY INDUSTRIAL ZONE

Sections:

17.36.010 Purpose and intent
17.36.020 Permitted uses
17.36.030 Minimum parcel area
17.36.040 Required criteria for permitted uses
17.36.050 Special zoning limitations to assure separation of incompatible uses
17.36.060 Height of buildings and structures

17.36.010 Purpose and Intent.

The I3 heavy industrial zone is intended to provide areas for the development and operation of industrial, distribution, and manufacturing uses which, by nature of their intensity, may be incompatible with other types of land uses. Permitted uses in the I3 zone may be more intensive than those allowable in the I1 and I2 zone. The remote location of the I3 zone is suitable for the allowable uses under this chapter.

17.36.020 Permitted Uses.

The following uses are permitted in the I3 zone and include all uses allowed in the I1 light industrial zone if they are compatible with the surrounding heavy industrial uses. I1 light industrial uses in the I3 zone are governed by the provisions in 17.34, except that a special use permit pursuant to section 17.34.030 is not required. The following uses are permitted in the I3 zone:

A. Manufacturing and assembly operations which create a finished or partially assembled product for sale or distribution.
B. Commercial uses listed as permitted under chapter 17.28 Commercial zone. Uses listed as requiring a special use permit under section 17.28.040 are permitted in the I3 zone without a special use permit. The provisions under 17.28 otherwise apply to the regulation of commercial uses in the I3 zone.

C. Agricultural use types including general agricultural uses, agricultural animal production, custom animal processing, agricultural research, agricultural supplies sales, and agricultural entertainment and commercial uses.
D. Industrial agricultural uses including intensive agricultural uses, slaughter houses, agricultural packing and processing, stockyards and auction facilities.
E. Waste to energy type production and generation facilities involving use, recovery or residue of petroleum and petroleum related wastes, biomass wastes, bio-hazardous wastes, solid wastes, and other non-hazardous wastes and waste products.
F. Ammunition and explosives manufacturing, reclaiming, refining, storage, distribution, and use.
G. Paints, shellac, turpentine, varnishes, and other chemical manufacturing.
H. Storage and distribution of paints, shellac, turpentine, varnishes, and other chemicals within a warehouse facility.
I. Petroleum and liquid petroleum products manufacturing, reclaiming, and refining.
J. Storage and distribution of petroleum and liquid petroleum products.
K. Fertilizer products storage, distribution, manufacturing, reclaiming, and refining.
L. Air bag and other supplementary restraint system manufacturing, testing, storage, and use.
M. Explosive, propellant, and pyrotechnic manufacturing, testing, storage, and use.
N. Lithium and other volatile or unstable fuels and materials manufacturing, testing, storage, and use.
O. Hazardous waste management facilities involving the use, recovery, recycling, storage, treatment, and management of hazardous materials for hazardous materials produced or use on the site.
P. Rocket fuel manufacturing, testing, and storage.
Q. Blast furnaces and incinerators of any type and for any purpose.
R. Rock and gravel excavating, crushing, processing, and distribution.
S. Mineral exploration, mining, and extraction. A special use permit for large operations is required pursuant to chapter 17.92 Exploration and mining.
T. Environmental testing facilities such as simulation of temperature, vibration, fire, explosion, or high-altitude conditions.
U. Open air testing of materials developed for any of the uses described in this section, including testing to obtain design criteria for building construction, personnel safety, shipping requirements, and anything useful for those purposes.
V. Igniter and ignition systems manufacturing, testing and storage and use.
W. Public utility service yards, buildings, electric substations, gas transmission substations, and ancillary uses.
X. Recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes.
Y. Cyanide and other hazardous chemicals and materials manufacturing, reclaiming, refining, storage, distribution, and use.
Z. Commercial energy production use types such as geothermal, hydrological, solar, wind, and other similar low-impact renewable energy generation systems.

AA. Commercial energy production from coal, petroleum, natural gas, propane, other fossil fuels, and other non-renewable energy generation.

BB. Uses that include the testing, manufacturing, research, development, and storage of lasers, pharmaceuticals, drones, military and civilian devices, chemicals, and products that require special treatment, buffering, and high levels of security.

CC. Milling and processing related to mining and extraction.

DD. Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.
3. Governmental offices and courts of law.
4. 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.

EE. Laboratories and testing services. The use of live animals in laboratory, testing, and experimentation is prohibited.

FF. Bottling plants.

GG. Building material manufacturing.

HH. Breweries, distilleries, wineries.

II. Warehouses, warehouse complexes, distribution operations, and wholesale distribution.

JJ. Mini-warehouses and storage facilities for rent including recreational vehicle, boat, utility trailer, horse trailer, and similar equipment storage.

KK. Laundromats and personal dry cleaning.

LL. 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.

MM. Manufacturing of signs and billboards.

NN. Dumps and refuse disposal areas. (These uses are subject to existing franchise agreement(s) in Storey County).

OO. Truck stops.

PP. Truck terminals.

QQ. Uses involving the indoor discharge of firearms.

RR. Public utility service yards, buildings, electric substations, gas transmission substations, and ancillary uses.

SS. Veterinary services for small and large animals.

TT. Accessory use, buildings and structures when incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and compliant with the regulations of section 17.12.045.

UU. Temporary (less than 1 year) and permanent (1 year or more) concrete and asphalt batch plants.

VV. Cement and lime manufacturing.

WW. Building materials sales and storage yards.

XX. Junk, salvage, reclamation, or auto wrecking and dismantling yards.
YY. Brick, tile or terra cotta products manufacturing.
ZZ. Cemeteries, columbariums, crematories, mausoleums, mortuaries, and funeral parlors.
AAA. Uses involving the outdoor discharge of firearms.
BBB. Mining, extraction, and mineral exploration as regulated by chapter 17.92 Exploration, mining, and extraction. A special use permit is required for large operations as defined under chapter 17.92.
CCC. Dry cleaning plants and laundry services.
DDD. Natural resources restoration regulated under section 17.12.100.
EEE. Paper manufacturing.
FFF. Saw mills.
GGG. Temporary real-estate tract offices not located within a permanent structure.
HHH. The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age.
III. Commercial kennel.
JJJ. Sewage treatment plants and facilities and other sewage or sludge processing, treatment, or storage.
KKK. Watchman's dwelling, permanent or temporary as regulated by section 17.12.046.
LLL. Research and development activities related to any of the uses described in this section.

MMM. Other commercial and industrial uses that are not specifically listed but are similar to the existing permitted uses when they are found by the board of commissioners with action by the planning commission to be compatible with abutting land uses and other uses in the zone and consistent with the county master plan.

17.36.030 Minimum Parcel Area.

The minimum parcel areas required in the I3 zone is 3 acres, except for commercial uses in the I3 zone area for which there is a 15,000 square foot minimum. For I1 light industrial uses in the I3 zone area, there is a 1 acre minimum.

17.36.040 Required Criteria for Permitted Uses.

Any use listed in section 17.38.020 which can be demonstrated by the applicant to meet the following criteria is a permitted use in the I3 zone. Any use listed in section 17.36.020 which does not meet all of the following criteria may be permitted by special use permit pursuant to chapter 17.03 Administrative provisions.

A. No use or building except structures used for office or employee service facilities may be located closer than 500 feet from the boundary of the site unless the applicant can demonstrate that the distance from the boundary of the site is adequate to protect surrounding uses.
B. In lieu of subsection A, the boundaries of the site may be surrounded by a buffer area of the same distance. The buffer area may not contain any uses or buildings except that a use or building permitted in the I3 zone may be allowed provided such use or building is not less than 500 feet from the boundaries of

the property making the application unless the applicant can demonstrate that the distance from the boundary of the site is adequate to protect surrounding uses. The buffer area may consist of property restricted by fee ownership, lease, easement, license or other manner which the applicant demonstrates will assure the existence of the buffer area for as long as the permitted use remains. The buffer area may be provided by open space areas, wilderness land or land restricted in use by a governmental agency or private entity, if the applicant demonstrates that the buffer area requirements will be met and retained for the life of the permitted use.

C. The boundaries of the property may not be located closer than 1 mile to property which permits a residential use, except for those boundaries permitting a residential use at the time of the passage of this title.

D. The boundaries of the property may not be closer than 2 miles from a permitted city or town.

E. Posting, marking and fencing of the property must comply with the requirements of agencies having regulatory jurisdiction of the activity.

F. Weaponry, ammunition or explosives testing may not include the intentional flight of any missile, aircraft or projectile outside of the area zoned I3 heavy industrial or I-S special industrial owned or leased by the applicant.

17.36.050 Special Zoning Limitations to Assure Separation of Incompatible Uses.

The purpose of these special limitations is to prohibit the encroachment of incompatible uses into areas adjacent to lands zoned for I3 heavy industrial use. Such limitations are intended to preserve the continued usability of those areas zoned I3 for permitted uses and to protect other uses from the impacts and hazards which could result if such uses were established near areas zoned I3.

All properties zoned within 1 mile of any area zoned I3 must be zoned and maintained in one or more of the following zones: F, forestry; I3 heavy industrial; I-4 heavy industrial; or IS special industrial.

In addition, no high explosives structures may be constructed on the property within one 1,320 feet of the boundary of the I3 zone, except for portions abutting an IS special industrial zone owned or leased by the applicant.

17.36.060 Height of Buildings and Structures.

No building or structure may exceed 6 stories or 75 feet, whichever is higher, except as may be allowed by a variance. These requirements do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12 General provisions.

Chapter 17.40

E Estate Zone

Sections:

17.40.010 Purpose and intent
17.40.020 Allowed uses
17.40.025 Uses subject to special use permit
17.40.030 Minimum lot size
17.40.040 Lot dimensions
17.40.045 Height of buildings and structures
17.40.050 Setback *and Minimum Floor Area* requirements
17.40.060 Home enterprises
17.40.070 Generator restrictions
17.40.080 Easements and rights-of-way
17.40.090 Effect of covenants, conditions, and restrictions

17.40.010 Purpose and Intent.

The E estates zone is established for areas particularly suited for low density residential use, to further enhance the quality of life for residents, to prohibit the development of uses which are incompatible and detrimental to a rural residential environment, and to allow for the keeping of a limited number of large domestic animals for non-commercial purposes.

17.40.020 Allowed Uses.

The following uses are allowed in the E estates zone:

A. One single-family detached dwelling of permanent character in a permanent location. ~~The minimum floor area requirement for residences is 800 square feet for a one bedroom structure, 1,000 square feet for a two bedroom structure, and 1,200 square feet for a three bedroom structure.~~

B. Accessory uses customarily incidental to a permitted use, located on the same lot or parcel with a permitted use, and in compliance with the provisions under section 17.12.048, Accessory uses

C. Storage parking for recreational vehicles, boats, utility trailers, horse trailers and similar equipment owned by the occupant of the permitted principal use, provided that such items are stored entirely within the private property.

D. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Use also includes community gardens.

~~E. Childcare where 4 or less children are cared for.~~

~~F. The use of up to one shipping container as an accessory building. Review and approval by the director of planning for conformance with section 17.12.045 is required if the use exceeds 90 days or the period of an active building permit for the principal use on the premises.~~

~~G.~~ *E.* The keeping of large domestic animals such as sheep, bovine, swine, llamas, horses, goats, and other similar domestic farm animals under the ownership of the resident occupant of the lot, provided that any combination of such animals on any one lot does not exceed the following:

See section 17.40.030 for minimum lot size requirements.	
E-1	4 or less large domestic animals

E-2.5	4 or less large domestic animals
E-5	6 or less large domestic animals
E-10	8 or less large domestic animals
E-40	16 or less large domestic animals
E-1-VCH	4 or less large domestic animals
E-10-HR	8 or less large domestic animals
E-40-VR	16 or less large domestic animals

1 A special use permit is required to exceed the above maximums for large domestic animals.
2. Sanitary conditions must be maintained at all times in order to prevent a nuisance or health hazard from occurring.
3. There must be a minimum of 400 square feet per penned land area per large domestic animal, which must be on less than 10 percent slope grade.

17.40.025 Uses Subject to Special Use Permit.

The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions.

~~A. Child care facilities where more than 4 children are cared for. Child care must not exceed 15 children.~~

~~B.~~ *A.* The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks old, but not a commercial kennel. A minimum of 10 acres is required.

~~C.~~ *B.* The keeping of large domestic animals exceeding the maximum number allowed pursuant to section 17.40.020.

~~D. The keeping, maintenance, display, or possession of 1 or more wild animals.~~

C. Wild animal keeping.

D. ~~E.~~ Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.

~~3. Crisis care use, temporary.~~

~~2.~~*3.* Libraries, governmental offices, post offices, and community centers.

4. 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. Student residential and boarding accommodations are prohibited*)*.

5.~~6.~~ Picnicking areas, parks, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.

6. Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.

~~F. Natural resources river restoration regulated under section 17.12.100.~~

~~G. One attached or detached accessory dwelling unit (i.e., mother-in-law quarters) as regulated by section 17.12.046, Accessory dwelling, location and placement.~~

~~H. The use of two or more shipping containers as accessory buildings exceeding 90 days or the period of an active building permit for the principal use on the premises.~~

E. Equestrian Establishments, 10 acre minimum requirement

F. Animal Boarding and Grooming, 10 acre minimum

17.40.030 Minimum Lot Size.

Each E estate zone must have a minimum acreage limit *with an exception for civic uses listed above in consideration with the special use permit.* The minimum acreage limit number must be the suffix for the respective zone (e.g., "E-1" represents the E estate zone with 1 acre minimum parcel area). A parcel zoned E must be at least 1 acre. The area contained within the E estate parcel must be inclusive of all easements, including easements for access to an adjacent parcel. The acreage in each E estate zone is shown in the following table:

Zone and Suffix	Minimum Acreage
E-1	1 acre
E-2.5	2.5 acres
E-5	5 acres
E-10	10 acres
E-40	40 acres
E-1-VCH	1 acre located in Virginia City Highlands
E-10-HR	10 acres located in Highland Ranches
E-40-VR	40 acres located in Virginia Ranches
Other suffix	E estate zones with minimum acreage between the above numbers or larger than 40 acres may be permitted so long as the minimum acreage limitation in the zone existing at the time of adoption of this title is met.

17.40.040 Lot Dimensions

For the creation of new parcels subject to a Parcel or Subdivision map, t~~T~~he average dimension of a lot in one direction (front to rear or side to side) may not exceed 4 times the average dimension in the other direction.

17.40.045 Height of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of 3 stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12 General provisions.

17.40.050 Setback *and Minimum Floor Area* Requirements

Unless stated otherwise in this section, the *minimum square feet for a residence, and the* distance between the *principal* building and the property line must be as shown in the following table. Setback requirements for accessory buildings must comply with section 17.12.045. Setbacks are from the property line except when an encroaching easement exists for the purpose of providing a public or private road, but not driveway (see section 17.12.090 for explanation and illustration).

Estates Zone	***Minimum Floor Area (square-feet)***			**Front Setback**	**Rear Setback**	**Side Setback**
	1 bdrm.	*2 bdrm.*	*3 bdrm.*			
E-1	*800*	*1,000*	*1,200*	20 ft.	12 ft.	12 ft.
E-2.5	*800*	*1,000*	*1,200*	30 ft.	~~50~~*40* ft.	~~30~~*15* ft.
E-5	*800*	*1,000*	*1,200*	30 ft.	~~50~~*40* ft.	~~30~~*15* ft.
E-10	*800*	*1,000*	*1,200*	~~50~~*30* ft.	~~80~~*40* ft.	~~50~~*15* ft.
E-40	*800*	*1,000*	*1,200*	~~80~~*30* ft.	~~50~~*40*ft.	~~80~~*30* ft.
E-I-VCH	*1,200*	*1,200*	*1,200*	30 ft.	40 ft.	15 ft.
E-10-HR	*1,200*	*1,200*	*1,200*	30 ft.	40 ft.	15 ft.
E-40-VR	*800*	*1,000*	*1,200*	30 ft.	40 ft.	15 ft.

17.40.060 Home-enterprises

Home enterprises*, including in-home childcare*, are regulated pursuant to chapter 17.12 General provisions.

17.40.070 Generator Restrictions.

Installation of a generator as a power source is not permitted unless the generator is muffled and installed in a sound-insulated building sufficient in design to maintain compliance with noise regulations in chapter 8.04 Health and safety. Generators that are used solely for power in emergencies or power outages need not be muffled or in a sound-insulated building.

17.40.080 Easements and Rights-of-Ways.

All land zoned E estate is subject to existing easements and right-of-ways, including those described in chapter 17.12 General provisions.

17.40.090 Effect of Covenants, Conditions, and Restrictions.

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

Chapter 17.44

SPR Special Planning Review Zone

Sections:

17.44.010 Purpose and intent
17.44.020 Allowed uses
17.44.030 Uses subject to special use permit
17.44.040 Minimum floor area
17.44.050 Minimum parcel area and width requirements
17.44.060 Setback requirements
17.44.065 Building height
17.44.070 Home ~~occupations~~ *Enterprises*
17.44.080 ~~Distance between buildings on the same lot~~ *Minimum Floor Area*

17.44.010 Purpose and Intent

The SPR special planning review zone is intended to provide protections to current mining and milling and the historical remnants within American Flat, Gold Hill, and Virginia City. It provides mechanisms by which remnants of historical mining and milling are preserved. It provides for an environment that remains suitable for current and future mining and milling practices when findings of fact show no substantial impact to surrounding uses and the community. Preserving remnants of historical mining and milling extends to permanent historic structures, cemeteries, mine dumps, and other artifacts existing at or predating the year 1942, and remaining cultural landscapes that are identified in the county master plan as needing special attention when land use are proposed.

17.44.020 Allowed Uses

All allowed uses in the SPR special planning review zone must comply with the applicable provisions of chapter 17.12 General provisions, and must be reviewed and approved by the board with action by the planning commission. The allowed uses are as follows:

A. One single-family dwelling of permanent character in a permanent location
B. 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 compliance with section 17.12.045-046.
C. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses included community gardens.
D. *Equestrian Establishments.* ~~Private and commercial equestrian facilities and uses, including riding arenas, rodeos and equestrian events, stables, horse and pony rides, and carriage and stagecoach rides.~~
~~E. Childcare where 4 or less children are cared for.~~
~~F.~~ *E.* Museums including those related to history, natural resources, mining, milling, trains, railroads, and other subjects.
~~G.~~ *F*. Library and cultural services.

~~H.~~*G.* ~~Signs as regulated by chapter 17.84 Signs and billboards.~~

~~I.~~ *H.* Any material or site improvement to enhance and promote the V&T Railroad and/or V&T Railway.

~~J.~~ *I.*Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.
3. ~~Crisis care facilities use, temporary.~~ *Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.*
4. Libraries, governmental offices, post offices, and community centers.
5. 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 student residential and boarding accommodations.
6. Picnicking areas, parks, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.

~~K. The use of up to one shipping container as an accessory building. Review and approval by the director of planning for conformance with section 17.12.045 is required if the use exceeds 90 days or the period of an active building permit for the principal use on the premises.~~

17.44.030 Uses Subject to Special Use Permit

A special use permit will be required for following uses or development which is determined by the board with action by the planning commission to be potentially incompatible or detrimental to the purpose and intent of the SPR special planning review zone.

A. Mining and extraction as regulated by chapter 17.92 Exploration, mining, and extraction.

B. Milling and processing associated with mining and extraction.

C. 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 of a CR, E, R, or SPR zone.

D. Bed and breakfast inns offering accommodations for up to 8 guests, subject to providing one off-street parking space for each additional 10,000 square feet of lot area.

E. Education facilities that include student residential and boarding accommodations.

F. Indoor and outdoor archery clubs and indoor gun club for the sport of shooting at moving or stationary targets or education related to the use and safety of firearms and archery.

G. The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks

of age. A minimum of 10 acres is required.

H. ~~Commercial kennel~~. *Animal Boarding and Grooming*. *Outside facilities require a* ~~A~~ minimum of 10 acres ~~is required~~.

I. Cemeteries, but not columbariums, crematories, mausoleums, mortuaries, or funeral parlors.

J. Congregational establishments, including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs

K. ~~Maintenance, display, or possession of one or more wild animals.~~ *Wild Animal Keeping*

L. Open storage.

M. ~~Natural resources river restoration regulated under section 17.12.100.~~

N. *Bee keeping.*

O. Child Care Facilities.

P. Single family dwellings less than 800 square feet

~~N~~ *Q.* Other similar uses to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.

17.44.050 Minimum Parcel Area and Width Requirements

The SPR special planning review zone must have a minimum acreage limit. The minimum acreage limit number is the suffix for the respective zone (e.g., "SPR-5" is an SPR Zone with 5,000 square feet minimum parcel area). A parcel zoned SPR must be at least 5,000 square feet. The area contained within the SPR zoned parcel includes all easements, including easements for access to an adjacent parcel. SPR zones have the following designated minimum parcel area and minimum parcel width: The minimum area and width for each SPR zone is indicated in the following table:

Zone and Suffix	Minimum Lot Area (square feet)	Minimum Width From Street (feet)
SPR-5	5,000	50
SPR-6	6,000	50
SPR-8	8,000	60
SPR10	10,000	60
SPR15	15,000	80
SPR20	20,000	100

17.44.060 Setback Requirements

The required distance between the building and the property line is indicated in the following table. Setback requirements for accessory structures must comply with section 17.12.045.

Zone and Suffix and Lot Configuration	Front Setback	Side Setback	Rear Setback
SPR-5, SPR-6, SPR-8, and SPR10	20 feet	8 feet	20 feet
SPR15	30 feet	8 feet	20 feet
SPR20	40 feet	8 feet	20 feet
Corner lot facing two streets	Same as above	10 feet street side; 8 feet non-street side	Same as above

17.44.065 Height of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of 3 stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12, General provisions.

17.44.070 Home Enterprises

Home enterprises*, including in-home childcare,* are regulated under chapter 17.12 General provisions.

~~**17.44.080 Distance Between Buildings on the Same Lot**~~

~~A minimum distance of 6 feet is required between buildings. Setbacks and distances for accessory structures is regulated by section 17.12.045.~~

17.44.080 Minimum Floor Area

No single-family dwelling may have a floor area of less than 800 square feet for a one-bedroom residence; 1,000 square feet for a two-bedroom residence; and 1,200 square feet for a three or more bedroom residence, unless a special use permit has been obtained.

Chapter 17.76

NR Natural Resources Zone

Sections:

17.76.010 Purpose
17.76.015 Allowed Uses
17.76.020 Uses subject to a special use permit

17.76.030 Accessory Uses and Structures
17.76.040 Minimum Parcel Area Requirements
17.76.050 Setback Requirements
17.76.060 Height of Buildings and Structures
17.76.070 Generator Restrictions
17.76.080 Home Enterprises
~~17.76.030 Uses subject to a special use permit~~

~~***17.76.040 Accessory uses and structures***~~

~~***17.76.050 Minimum parcel area requirements***~~

~~***17.76.060 Setback requirements***~~

~~***17.76.070 Height of buildings and structures***~~

~~***17.76.080 Generator restrictions***~~

17.76.010 Purpose

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

17.76.015 Allowed Uses. *The following uses are allowed in the NR natural resources zone:*

A. One single-family detached dwelling of permanent character and location. A minimum of 40 acres is required.

B. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses include community gardens.

C. Beekeeping

D. General agriculture, agricultural animal production, agricultural entertainment, accessory structures related to the agricultural use, and custom animal processing.

17.76.020 Uses Subject to a Special Use Permit

The following uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions:

~~A. One single-family detached dwelling of permanent character and location. A minimum of 40 acres is required.~~

~~B. General agricultural uses *agriculture*, agricultural animal production, agricultural entertainment, accessory structures related to the agricultural use, and custom animal processing.~~

~~C. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses include community gardens.~~

A.~~D.~~ The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

~~F. The keeping of bees for agricultural purposes when beehives are setback at minimum of 200 feet from CR, E, R, and SPR zones and occupied residential uses within the premises, and 50 feet from any shared access easement or public right-of-way.~~

B.~~G.~~ Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. Any other use is prohibited.
3. *Primary, secondary, and post-secondary schools, private or public.* ~~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. Student residential and boarding accommodations are prohibited.~~
4. Picnicking areas, parks, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.
5. *Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.*

C. ~~H.~~ Cemeteries.

D. ~~I.~~ Natural resources river restoration regulated under section 17.12.100.

E. ~~J.~~ Archeological discovery and research sites.

F. ~~K.~~ Growing and preservation of trees and nursery stock.

G. ~~L.~~ Hunting, fishing and skiing lodges wildlife refuges; game farms and public campgrounds;

H. Wild animal keeping.

I. ~~M.~~ Accessory use, buildings, and structures incidental to allowed uses in this section, placed upon the same lot or parcel with the allowed uses, and compliant with section 17.12.045. Accessory dwelling units must conform to section 17.12.046. A principal building may not be required for an accessory structure incidental to the allowed uses on the premises; however, a principal single-family residential dwelling is required for an accessory dwelling to be approved.

17.76.030 Accessory Uses and Structures

Accessory uses, buildings, and structures are considered a permitted use if they are clearly incidental to another permitted use listed in section 17.76.020. The provisions of section 17.12.045 also apply to accessory structures.

17.76.040 Minimum Parcel Area Requirements

No parcel may be less than 1 acre. A minimum of 40 acres is required for a residential use. feet *with an exception for civic uses listed above in consideration with the special use permit.*

17.76.050 Setback Requirements

Minimum building setbacks in the NR zone are: front, 30 feet; rear, 40 feet; and side, 15 feet.

17.76.060 Height of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of 3 stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12 General provisions.

17.76.070 Generator Restrictions

Installation of a generator as a power source is not permitted unless the generator is muffled and installed in a sound-insulated building sufficient in design to maintain compliance with noise regulations in chapter 8.04 Health and safety. Generators that are used solely for power in emergencies or power outages need not be muffled or in a sound-insulated building.

17.76.080 *Home enterprises, including in-home child care, are regulated under chapter 17.12 General Provisions*.