

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

April 30, 2024

1. Call to Order:

The workshop meeting of the Planning Commission was called to order at 6:30 p.m. on April 30, 2024 by Chair Eric Blakey.

Present: Eric Blakey, Chair, Jeff Goings, Member, and Zack Bunyard, Member.

Absent: Mark Hyde, Member; Paul Picotte, Member; Deanna Diehl, Member; and Scott Nelson, Vice Chair.

Planning Staff Present:

Randy Hines, Public Works Director
Dean Patterson, Senior Planner
Alexa Robinson, Office Specialist

DA Staff Present:

Joe Sanford, Civil District Attorney

2. Public Comment:

There were none.

3. Verification of the Posting of the Agenda:

It was verified by Alexa Robinson, Office Specialist, that the agenda for this meeting was posted on April 23, 2024, between 8:30 a.m. and 4:30 p.m., at all of the locations listed on the agenda, in accordance with NRS 241 and the Churchill County Code.

Chair Blakey stated that due to a lack of quorum the April 30th Workshop meeting would not be conducted in an official capacity and would be a discussion for informational purposes only.

5. Discussion Item

- A. Consideration and possible action re: Review and discussion of potential amendments to the Churchill County Code regarding Temporary Use Permits.

Joe Sanford, Deputy District Attorney–Civil, explained that temporary use permits were the approvals for RVs to be lived in for more than ninety (90) days within a given year. The new code language would allow the permits to come before the Planning Director for initial approval. Any appeals of the permits would go through the Board of County Commissioners. This would remove the burden on applicants of presenting their often personal reasons for needing a temporary use permit before the public and the board. It would also reduce the length of commissioner meetings and ease the mind of potential applicants who circumvent getting the permit because they are intimidated by appearing before the Planning Commission. Many Temporary Use Permits (TUPs) have a set of conditions and once they are met there isn't much else needed for approval, so a public hearing could seem extraneous in those instances. Especially when it comes to the caretaker/medical provider situation. It is also quite a wait to get on to a meeting (up to thirty (30) days) which can also feel daunting.

Mr. Sanford also suggested adding some more definite requirements, especially concerning the home construction permit and its renewal process. Currently, all renewals are set for one year

and it is not universally the best time frame. He mentioned that some notable changes would include no public hearings. The director would review the application and appeals would go to the Planning Commission. The Planning Commission decisions could be appealed with the Board of County Commission. Renewals are typically for a year with a fee applied for cases where the renewal was for a full year. Home construction would now require a site plan as well as either drawings or a building permit and a contractor agreement or statement of who will do the work with a timeline. The final change would be placing a limit on the number of times a home construction TUP can be renewed up to three years.

When it comes time for renewal, if the permit expires, then it expires. They can pay a fee up to thirty (30) days past the due date, but after that time if the permit is not renewed it is terminated. At that time, they could apply again but it wouldn't be renewing the same permit, and they would pay the initial fee again not the renewal fee.

Jeff Goings, Planning Commission, asked if there is any provision for hardships in the proposed changes. Mr. Sanford responded that hardships would not be an issue the same way they were under the old code phrasing. He elaborated that once a hardship for home construction prevented the home from being constructed then the need no longer existed for the TUP as there was no construction taking place and the RV would need to go to a facility/park approved for that use. Churchill County code does not permit living in RVs for greater than 90 days in a year without a reason and hardship is not one of the designated reasons. The code could be changed to designate hardship as an approved reason for obtaining a TUP if the Commission should choose.

Alexa Robinson, Office Specialist, asked if after the three years were up and due to a hardship, the applicant was unable to complete their home construction and the Planning Director had to terminate the permit, could the applicant at that time then appeal to the Planning Commission and the Commissioners could at that time decide if the hardship warranted an extension beyond the three years in the code. Mr. Sanford responded that presently not for the three years. He explained that if a hardship occurred within the three years, the Director could extend it up to those three years. But after those three years, if there's no home construction, the Director could not extend it at that time. Mr. Goings asked for clarification that the Director would not be able to extend it, however, would it come before the Planning Commission, or would it just terminate? Mr. Sanford replied that it would just terminate, and the applicant would ask for another permit, be denied, and then they could appeal to the Planning Commission. Mr. Goings reiterated that if they could apply again, then they would have an option to come before the Planning Commission for a hardship. Mr. Sanford agreed with the caveat that it would not be a renewal, it would be an appeal for a denial of an application. He stated that though the difference may seem nuanced there could be unique standards for those extending a permit versus those appealing a denied permit.

Zack Bunyard, Planning Commission, added that if they had been operating with the three year limit for as long as he had been a member of the Planning Commission then most of their TUPs would have ended up terminated. He could not think of a single instance where one had a true hardship that prevented the construction. Mr. Bunyard also stated that there was nothing in the code previously that allowed them to not renew these permits indefinitely whether a hardship existed or not. Mr. Bunyard stated that this would give them a way to discern when there is truly a hardship as those cases would apply again and appeal. Mr. Goings agreed that having an end point for the construction TUPs would be beneficial. He also added that those who hire a contractor wouldn't take three years to finish their home construction, but the self-builders might take three

years just to get started so the limit would help applicants understand the timeframe for the project.

Eric Blakey, Planning Commission, said that usually TUPs aren't needed for those who have hired a contractor. Dean Patterson, Senior Planner, agreed that almost none of the TUP applications submitted have professional drawings or contractors attached to the project. Normally what he sees with the application is a little hand drawing missing most details you would get with a professional drawing. Mr. Sanford explained that the purpose of the code changes would be to narrow down the purpose of the TUP. For example, for the home construction TUP it is for the purpose of allowing applicants to live in an RV temporarily while the home is being constructed. Currently, there seems to be a number of individuals with active TUPs who have either no or little intention of actually building a legal residence. There is a point where the permit has now become a way to avoid the requirement that living in a RV needs to happen in a RV park past those ninety (90) days. The three year limit proposed could be changed if the Commission feels it's too long or too short, but an end date to the construction permits should be installed. Mr. Sanford further explained his reasoning for imposing a termination period.

Mr. Patterson explained that before there was a code enforcement officer, those tasks fell to the Director of the department and many of the TUPs currently active are from code enforcement actions where there was no intention to build a house, but it was a way to get the violator in some kind of compliance with county code. Mr. Blakey agreed that it is becoming an issue in the county. He asked if the applications would be adjusted to obtain more detailed information. Mr. Patterson said he had been working on new forms already that will go on the department's new digital tracking platform. Mr. Blakey then asked if the fee for the TUP had been discussed. Mr. Sanford responded that it had not been discussed to date, but that they were considering updates for how the county is handling its fees to get those more consistent. If the fee was to be raised, it would go before the County Commission. Randy Hines, Planning Director, brought up that the requirements, such as for the site plan, for the applications would be looking to obtain more uniform information about the project such as setbacks and easements and locations of structures. Mr. Sanford agreed that the code changes would be to move toward that goal of uniformity.

Chair Blakey asked for any public comment, there being none he proceeded to the next item in the agenda.

B. Consideration and possible action re: Review and discussion of potential amendments to the Churchill County Code regarding Storage Container Limits.

Joe Sanford, Deputy District Attorney–Civil, explained that our current site development requirements applies throughout the county to every parcel in the county. The discussion had been to separate the parcels into regions of development and to differentiate what those requirements would be for those regions. There were five regions that Mr. Sanford had proposed: urban, rural, the gateway corridor, industrial center, and renewable energy zones. Mr. Sanford displayed a map with proposed designations for the new regions. Parcels would not be rezoned; development standards would instead be based on the actual use of the property. Example is an industrial zoned parcel in an urban area would have tighter restrictions on storage container limits than in the industrial center. Mr. Sanford had a table describing the storage container limits for each of the five proposed regions.

Mr. Sanford reviewed the main questions used to narrow down the requirements. One question would be if the maximum number of containers would be either per acre or a flat number.

Another question would be if they wanted to have categorical exclusions for certain business types, such as storage container-based businesses like transloading facilities or storage container manufacturers. Another thing to consider would be dealing with extremely large parcels and the aggregation of storage containers in a single location. In addition to overall storage container limits there might need to be a spacing requirement depending on the region and an overall cap if we are allowing a number of storage containers per acre. There should also be considered a limit placed on stacking per region.

Mr. Bunyard agreed that a cap would be beneficial for those extra large parcels. Individuals could then apply for a variance as needed. Mr. Sanford echoed that a cap with a variance would be better than no cap and that it was up to the county to pick a number for the cap that made the most sense. The cap would, however, not be beneficial or applicable to parcels with storage container specific industries and there would be a categorical exclusion in that case. Mr. Goings mentioned that the county should also apply that exclusion to companies that move around a lot of containers as well. Mr. Hines explained that there would be an exclusion for those industries but if a business found they exceeded their cap they could always apply for a variance as well. Mr. Patterson reiterated that when talking about storage container businesses there would be a waiver for the cap in those cases. Then the county would need to consider a regulation on how high the business could stack their containers. Mr. Goings used an existing business to gain insight on his questions about the cap. Mr. Hines verified that one time exclusions within an area could apply for a variance, but also that if the county began to see a lot of a certain type of business that qualified for a categorical exclusion it could be added to the definition. Mr. Patterson corrected that the code would be generic enough to just state that storage containers were integral to the business, not attempt to list every single type of business which might fit the exclusion.

Mr. Sanford summarized that the general idea is that there would be a table to reference, and for example in the residential region currently zoned R1, R2, and R3 the table would show zero (0). In E1, A5, A10 it would remain one (1) per acre with a maximum of two (2). C1, C2, and Industrial would have increases in that order. The table does not show maximums, but Mr. Sanford believes that there should be maximums. A low maximum would be better as requesting a variance is simpler than imposing restrictions counter to the code. Mr. Bunyard asked about existing containers and if code enforcement would make the property owners reduce their number of containers to meet the new code. Mr. Sanford replied that the table he proposed, for the most part, kept current standards or increased the allowed number. The only area it would differ would be the R1, R2, R3 zones where that would be a pre-existing non-conforming use and they may be able to keep what they have. Mr. Patterson explained that a change in the code applies at the date that the code was changed. Mr. Bunyard then asked if it would become an issue then if the property changed hands. Mr. Sanford replied that just like with businesses, if they keep the use the same then the grandfathering-in is passed to the new owner. If the use is changed or expanded, then they have to come into compliance with the current code.

Mr. Goings asked for clarification on what constitutes a storage container. Mr. Patterson explained that there was no single definition, such as a cargo box, but that the generic wording can be applied to any fitting structure. Mr. Sanford explained that the difficulty was coming up with wording that would not include sheds. Ms. Robinson inquired about shipping containers used as residences. Mr. Patterson said that it is an issue that could happen but at that point the structure would no longer be treated as a shipping container and not counted in the limit. Mr. Patterson mentioned that they could differentiate sheds from shipping containers by their architecture as

sheds usually have more of a house shape.

Mr. Sanford inquired about what the Planning Commission thought of the issue of screening shipping containers based on the new regions proposed. He wanted to see if screening would be required everywhere or if there were areas where they would not require screening. Mr. Hines added that when considering the screening height, they should also consider how high the shipping containers are allowed to be stacked in that region. Mr. Goings felt that the industrial areas perhaps did not need screening and maybe only the gateway corridor really needed the screening requirements. Mr. Hines agreed but was concerned about industrial zoned parcels on the gateway corridor. Mr. Blakey expressed that sometimes the topography in Churchill County made screening ineffective. Mr. Sanford said that he had proposed stacking of containers only be allowed in C-2 and Industrial districts which would require sixteen (16) foot fences for a maximum of two-high stacked containers.

Mr. Bunyard asked if the screening requirements would follow any parcel zoned for a certain region even if that parcel was way out in the middle of nowhere. Mr. Sanford replied that his designations were just proposed examples and could be adjusted to fit the actual needs of the county. Mr. Bunyard felt that if the screening zones were too broad then he would be against most screening for multiple reasons, but foremost the difficulty of enforcement. He would not be opposed to just the corridor though he does find it somewhat off putting, but expanded screening requirements to other regions he would be against. Mr. Goings added that seeing businesses operations can be encouraging and show a productive community. Mr. Sanford agreed that the final code decided by the Commissioners should reflect the actual need of the community.

Mr. Bunyard asked if it could be left out of automatic requirements and be a condition the Commission could add based on use. Mr. Sanford said it would not be pertinent for the county to decide on individual cases when certain requirements would apply. Mr. Bunyard also had concerns about the discrepancy between the requirements in the county versus those in the city limits. Mr. Hines expressed that due diligence on behalf of the business owner prior to purchasing a property should mitigate that problem. Mr. Blakey expressed concerns over the potential for a barrier to growth in the county if the code became too burdensome. Mr. Sanford agreed that this would all be considered before any changes were made to the code.

Chair Blakey asked for any public comment.

Mr. Bob Getto brought up that other communities have had to deal with an increase in shipping containers and thought it would be beneficial for the county to reach out to those other locations to see how they are handling the increase of shipping container use. He also asked if there were installation requirements or were people allowed to just put them on the ground without leveling. He wondered if there would be setback requirements, as well. He had concerns about individuals linking shipping containers with trusses or some kind of makeshift roof to create some new kind of structure.

C. Consideration and possible action re: Review and discussion of potential amendments to the Churchill County Code regarding Landscaping Requirements.

Joe Sanford, Deputy District Attorney–Civil, expressed that for the landscape requirements the Commission should consider the base requirements for the proposed development regions. In particular, he wanted to address new construction, changes, or expanded uses. People who do not change or expand the use are grandfathered in with a per-existing non-conforming parcel.

Sometimes there are different levels of abilities between those starting out new and those that are already operating and would like to expand the use. Expanding the use may trigger additional requirements that weren't planned for. Mr. Sanford suggests separate requirements for developments that start from new versus expanded use of a pre-existing. Mr. Sanford displayed a table showing his suggested standards. Individuals who want to build or expand their use would submit a landscape plan to the Planning Department and the Director would choose to accept landscape up to the standards but could not ask for more.

Plans for new construction would be based off of the proposed regions for the county. For example, the rural area may not need any requirements, it could be Director discretion, but the gateway corridor would have code requirements that have to be met. Mr. Bunyard agreed that the Planning Director should be able to review landscape plans. Mr. Hines explained that typically with new construction it will be commercial, and you will get a set of improvement plans that will include landscaping and the code would be more pertinent to new construction. Existing businesses that need to meet requirements would be more difficult as it could be difficult to retrofit landscaping requirements into an existing setup. There is also the problem of the upkeep of the landscaping requirements. Mr. Goings asked if existing landscaping would have to be improved to meet the standard if there were expansion. Mr. Sanford replied that it would depend on where the Commission decided on locations that were discretionary versus locations that had to follow code. Mr. Blakey suggested that looking at the master plan may help make that decision. He also suggested a line in the code for those who disagree with the Director's decision to appeal to the Commission. Mr. Sanford replied that was an existing stipulation in the code. The Director's discretion would be less than the code requirements so it wouldn't incur an appeal.

Chair Blakey asked for any public comment.

Mr. Getto brought up the hardscaping or all asphalt options and he wondered about areas in the gateway corridor where nothing will grow. How will that affect landscaping requirements? Or if those requirements could be transferred to another project if they are unable to be met at that location. Mr. Hines expressed a concern about the maintenance of the landscaping transferred versus landscaping that was the responsibility of the developer. Mr. Getto then proposed that the landscape credits be used toward county owned and already maintained properties. Mr. Hines could see the merit in such a program especially for places like the county owned golf course. Mr. Sanford appreciated the idea of creating a cap on the expenditure for landscaping requirements. The county could collect a fee for locations that can't meet the landscaping requirements and redistribute it back into the county.

D. Consideration and possible action re: Review and discussion of potential amendments to the Churchill County Code regarding Outside Storage Requirements.

Joe Sanford, Deputy District Attorney-Civil, stated that the main concerns for outside storage requirements were for new construction versus existing use. For new construction the county might be able to require screening as part of the development whereas with a change in use of an existing business it might be difficult to retrofit screening or other requirements. He also expressed that the Commission should consider which regions they wanted to enforce outside storage requirements just like with the screening requirements. Such as only requiring it on the gateway corridor. Mr. Bunyard expressed concerns over the type of businesses within a region. Maybe not all businesses in the industrial zone should need screening but a landfill out in that same zoning should. Mr. Sanford mentioned that a way to mitigate that would be that it became a

condition of a special use permit.

They discussed different types of businesses that would need a special use permit that would entail screening. They then discussed which areas, even in the corridor, that might not require screening. Mr. Sanford mentioned redefining the gateway corridor, currently the gateway corridor is on our master plan maps as ½ mile from the highways and interstate traversing our county. They further discussed specifics of screening requirements based on location versus property use. There was discussion of removing the screening requirement altogether. Mr. Patterson emphasized that screening requirements were for materials sitting on the ground, not for businesses with products to display. Mr. Bunyard expressed concern about interfering too much with business practices. Mr. Hines had concern about the man hours for code enforcement if the county personalized storage requirements to every type of business instead of requiring it for a certain region. Mr. Sanford agreed and added that any time you try to capture everything specifically in a definition you will inevitable miss something. Mr. Patterson said that there are cases where you could specify certain industries that you notice being repeat problems in addition to the broad definition. Mr. Goings suggested looking at other municipalities who require screening to see how they designated who would need to meet the requirements.

Chair Blakey asked for any public comment, there being none he proceeded to the next item in the agenda.

E. Consideration and possible action re: Prioritization of Reno Highway zoning changes and review of strategies.

Dean Patterson, Senior Planner, preceded the change in discussion by explaining that he had only just received the code changes that day and he had limited time to review them before the meeting. He will have to review them with the director to see which ones will fit in the code. Mr. Hines agreed and said he thinks Joe Sanford, deputy District Attorney–Civil, did a lot of great work and that the discussion will be helpful during their review of the proposed changes.

Mr. Bunyard commented that for the zoning changes on the Reno Highway it might behoove the planning department and the commissioners to look at the proposed gateway corridor with scrutiny because from Sheckler Road into the city limits is where he feels the most focus for rezones needs to be.

Mr. Patterson then described the strategies for approaching zone changes. He said that close to the city there are some areas with zoning problems. There are areas with C-2 zoning designations when the uses are more in line with C-1 zoning. He wondered if that was an area they wanted to address and change. Also, south of the highway on Taylor Place there is another patch of C-2 zoning for parcels that are used primarily for retail, a C-1 use. He brought up if the county even wanted those areas to be able to do the heavier uses allowed under the current C-2 zoning. A lot of those uses make more sense in an industrial setting. His main concerns are for the C-2 zones near the city and the industrial zones in the east. Regan Place and Auction Road have large equipment out there that could be a C-2 use instead of industrial as it is currently zoned.

Mr. Bunyard asked how big of a problem it would be to make those C-2 retail parcels all C-1. Mr. Patterson replied that the businesses there probably wouldn't care about the change since it matches their use. Mr. Bunyard asked what the process to do that looked like. Mr. Patterson answered that for broad scale changes the notification process was more flexible but that it may still be a good idea to notify the property owners affected by the change to give them a chance to

Speak regarding the changes. Mr. Sanford mentioned that if they did change those parcels to C-1 and there was one that didn't match the use it could just be a pre-existing non-conforming use. The caveat being, if a future business wanted to change the use it would have to be one permitted in C-1 zones.

Mr. Patterson displayed a map showing a mixed zoning area where he proposed the parcels be rezoned as they have more industrial type uses and should be C-2 commercial. This would broaden the options business owners had beyond the C-1 uses. There are also residential parcels that had been zoned C-1 and he suggested looking at those parcels and rezoning them. He emphasized that in those areas the home would be considered non-conforming and could cause problems for the owners if they wanted to get financing or needed to expand. He stated that the department has received requests for rezone specifically because the home was in commercial zoning, and they were having difficulty getting financing.

Mr. Patterson then pointed to an area near Soda Lake where there were groups of residential parcels zoned for commercial use. He stated he knew that one of those properties would be coming in soon for a rezone because they can't expand anything on their farm due to their zoning. Mr. Patterson suggested they consider adding these commercially zoned residential areas to their rezone efforts. The businesses out near the intersection of Soda Lake and the highway are pretty mixed but the uses are primarily retail. He said that they could look into zoning that area C-1 or blanket it all C-2 as that would still allow for retail use plus more industrial type uses. However, making the zoning C-1 would create more consistency in use.

West of Soda Lake the recommendation would be to zone C-2 commercial to allow for those more industrial uses. There are some patches of residential in there as well that might need to be looked at.

Going west there is consistent commercial zoning but there are residential areas that are near E-1 zoned areas and so maybe those patches should be zoned E-1 as well. Further out there are residential neighborhoods that are not near E-1 so it may be more appropriate to rezone those as A-5 or A-10. Mr. Bunyard remembered a proposal for R-1 or R-2 zoning. Mr. Patterson responded that those are reserved for small lot zoning close to the city limits that require public sewer and water access. Mr. Bunyard referenced a section in the master plan that suggested changing some A-5 and A-10 zonings for larger parcels without surface water rights to R-5 or R-10. Mr. Patterson said that this is also something that should be looked at as those designations do not currently exist in the code, but the A-5 designation no longer fits all parcels of that size as there is no agriculture use on some of them. He further explained that the department was attempting to get more cohesive zoning in the county before it looked at adding new zoning designations.

Mr. Goings asked about the area west from York Lane towards Soda Lake where there were two small parcels marked potentially as R-2. Mr. Patterson explained that these parcels each had a triplex located on them and were outliers that maybe should be zoned R-2 for the residential density. Mr. Goings asked if there was a retroactive fix for residential parcels that might get rezoned to C-2 in these upcoming changes. Mr. Patterson replied that they could look at outliers that didn't fit the zoning and match them to any residential zoning close to their area. And if a business later bought the property and needed to be commercial then they could ask for a rezone, and it would be easy to grant. Mr. Sanford reiterated the problems with financing for commercially zoned residences. Mr. Patterson brought up that in the instances of just a single house surrounded by commercially zoned properties the county should consider whether or not they want to give that one parcel residential zoning or encourage it to have a commercial use by leaving it

commercially zoned.

Mr. Patterson asked if there was any opinion on which areas to tackle the rezone first. Mr. Bunyard replied that the areas closest to town would be the best place to start. Mr. Blakey recommended talking to owners who are facing zone changes to get an idea of their perception of the rezone and any problems they foresee for themselves. Mr. Patterson displayed a list of the permitted uses in C-1 versus C-2 to show that everything that is allowed in C-1 is also allowed in C-2. C-2 allows for extra uses and does not take uses away. There could also be the possibility of something that would require a special use permit in C-1 would only require a zoning review in C-2. Mr. Blakey commented that it may be beneficial to use C-2 as the base for the rezone in the Reno Highway area. There was some discussion about the area near Taylor Place or Auction Road being zoned C-1 because the roadway would not be sufficient to handle heavy equipment. There was some discussion about a soda distributor on Taylor Place and the conclusion was that beverage distribution was allowed under C-1 zoning per the code. There was further talk about an industrial parcel close to the city limits on Auction Road that would need to be considered for rezone. That business would also be allowed in C-2 zoning so a rezone would not impact that use.

Mr. Patterson asked if the consensus on where to start the rezone was the area closest to the city limits. It was agreed, and from there the rezone should move west along the highway.

Chair Blakey asked for any public comment, there being none he proceeded to the next item in the agenda.

6. Public Comment

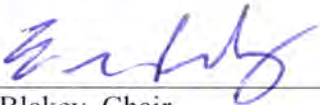
Chair Blakey asked for any other public comments, and there were none.

7. Adjournment:

Chair Blakey thanked everyone for coming to participate. There were no further comments or questions, so he adjourned the meeting at 8:43 p.m.

13. Appendix:

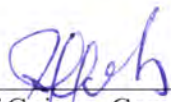
Supporting Documentation

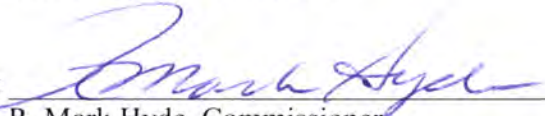
Approved: 
Eric Blakey, Chair

Approved: NOT AVAILABLE
Scott Nelson, Vice Chair

Approved: 
Zack Bunyard, Commissioner

Approved: NOT AVAILABLE
Deanna Diehl, Commissioner

Approved: 
Jeff Goings, Commissioner

Approved: 
R. Mark Hyde, Commissioner

Approved: NOT AVAILABLE
Paul Picotte, Commissioner

ATTEST:



Alexa Robinson, Office Specialist

ADMINISTRATIVE TUP

PRIMARY PURPOSE

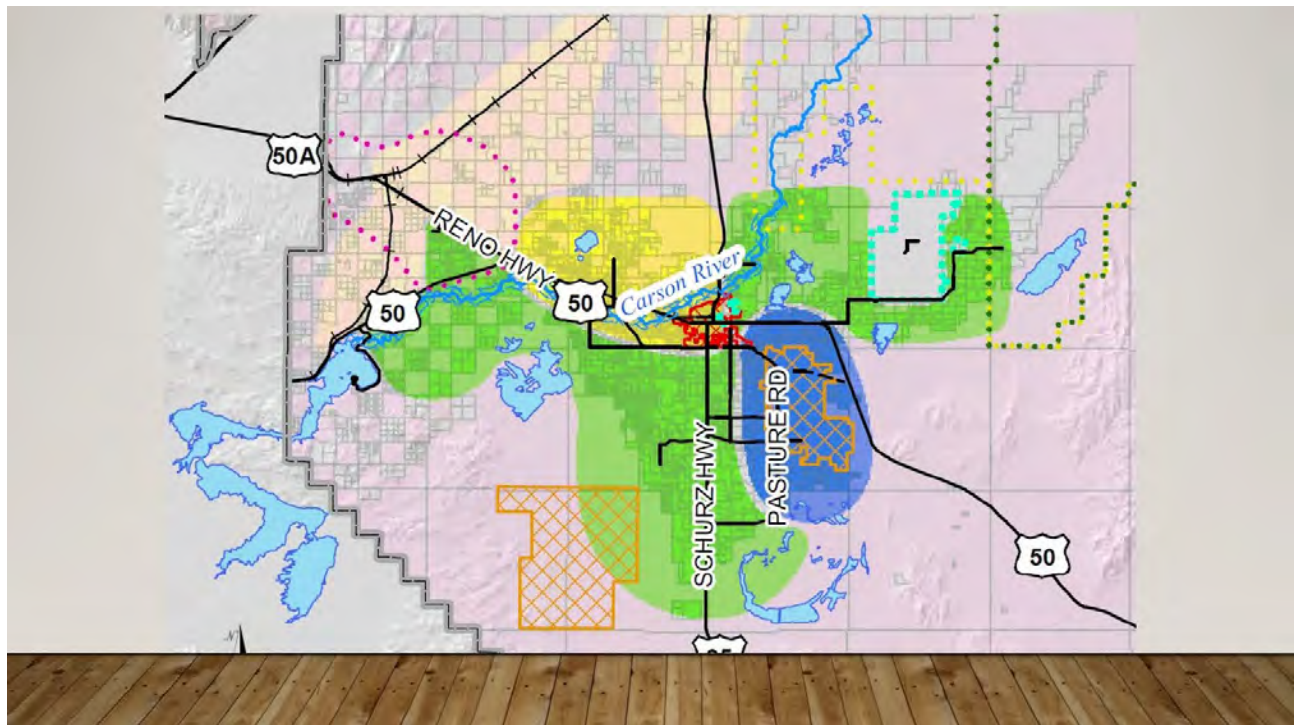
- REDUCE BURDEN ON APPLICANTS
- REDUCE UNNECESSARY PUBLIC MEETING TIME
- EXPEDITE PROCESS
- DEFINITE REQUIREMENTS
- TIGHTEN RENEWAL PARAMETERS

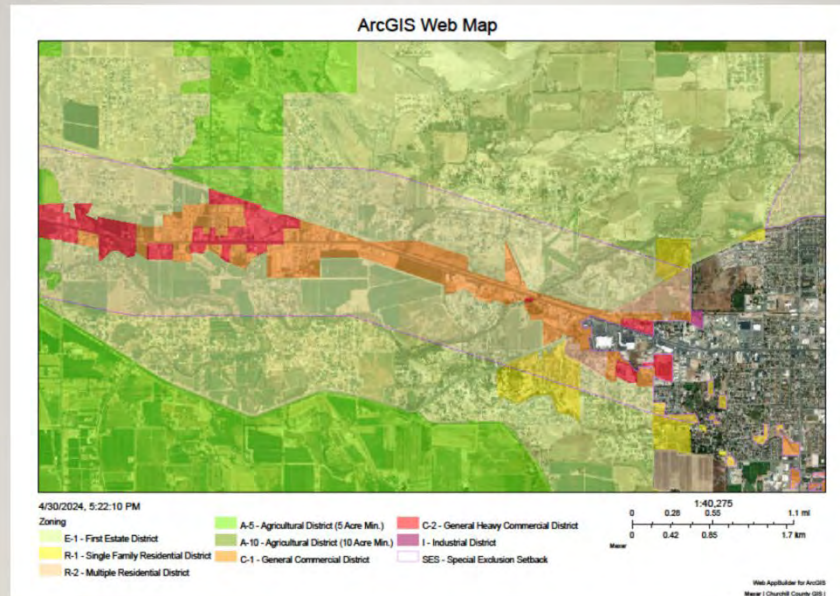
NOTABLE CHANGES

- No public hearing, director will review and approve permits with an appeal available to the Planning Commission and Board of County Commissioners.
- Renewals may be allowed for less than a year by director, fee only applies to yearly renewals.
- Home Construction requires site plan + Drawings/building permit + contractor or timeline of construction. No longer than 3 years.
- Permits not timely renewed (30 days after expiration at latest) are terminated and must be reapplied for.

LANDSCAPING/OUTSIDE STORAGE SCREENING

- CREATION OF MULTIPLE DEVELOPMENT AREAS/REGIONS WITHIN THE COUNTY TO PROVIDE PRACTICAL APPLICATION OF SITE REQUIREMENTS
 - Urban
 - Rural
 - Gateway Corridor
 - Industrial Center
 - Renewable Energy





LANDSCAPING

- MAJOR QUESTIONS FOR EACH TYPE OF DEVELOPMENT REGION:
 - Base Requirements for New Construction vs Change in Use / Expanded Use
 - Requirements for deviation are a variance or landscape plan with director approval up to new construction standards

OUTSIDE SCREENING

- MAJOR QUESTIONS FOR EACH TYPE OF ZONE:
 - Base Requirements in height/material New Construction vs Change in Use / Expanded Use
 - Requirements for deviation are a variance or site plan with director approval up to new construction standards
 - Types of outside storage that may be exempted from the requirement in each zone

STORAGE CONTAINERS

- MAJOR QUESTION FOR EACH DEVELOPMENT REGION:
 - MAXIMUM NUMBER OF CONTAINERS FOR EACH TYPE OF ZONING
 - POTENTIAL EXCLUSIONS IN TYPE OF BUSINESS OPERATION
 - DEALING WITH LARGE PARCELS AND AGGREGATING STORAGE IN A SINGLE LOCATION

LANDSCAPE REQUIREMENTS

DEVELOPMENT AREA (C1-C2-I ONLY)	NEW CONSTRUCTION	EXPANDED USE OR CHANGE IN USE	REQUIREMENTS New Construction	REQUIREMENTS Expanded Use
RURAL	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT		
URBAN	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT		
GATEWAY CORRIDOR	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT		
INDUSTRIAL CENTER	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT		
RENEWABLE ENERGY	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT		

STORAGE SCREENING REQUIREMENTS

DEVELOPMENT AREA (C1-C2-I ONLY)	NEW CONSTRUCTION	EXPANDED USE OR CHANGE IN USE	REQUIREMENTS New Construction	REQUIREMENTS Expanded Use
RURAL	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT		
URBAN	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT		
GATEWAY CORRIDOR	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT		
INDUSTRIAL CENTER	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT		
RENEWABLE ENERGY	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT	☐ DIRECTOR DISCRETION ☐ STRICT REQUIREMENT		

Chapter 16.04 ADMINISTRATION

16.04.010. Land use development.

Land use establishes a planned pattern for the development of Churchill County.

(Bill No. 2018-E, 2019)

16.04.020. General provisions.

- A. *Purpose of provisions.* To promote the public health, safety, morals, convenience, general welfare; to lessen traffic congestion in the streets; to provide light and air for all buildings; to avoid undesirable concentrations of population; to prevent overcrowding of land and to facilitate adequate provision of transportation, water, sewage, schools, parks; to protect, enhance and preserve the county's vast and valuable agricultural lands and related water resources, to provide for the continued beneficial use of all irrigation waters allocated to lands and other public requirements; and to provide the economic and social advantages gained from a comprehensively planned use of resources, there is established a land use plan for the county.

It is also the purpose of this title to establish minimum standards for design, improvements, construction of the land developments, and ensure the orderly growth and development of the land and its resources. It is also the purpose of this title to encourage new and innovative concepts in land development and protect, enhance and preserve the county's valuable agricultural lands and related water resources.

- B. *Interpretation.* In interpretation and application, the provisions of this title shall be held to be minimum provisions only for the promotion of the health, safety, morals, convenience, property and general welfare of the public. It is not intended that the ordinance codified in this title repeal or in any way interfere with existing law or ordinances, regulations or permits other than those relating to land use and land development.

In the event that this development code requires interpretation, the planning director may refer the matter to the planning commission for action.

- C. *Conflict with other provisions.* When this title imposes a greater restriction upon the use of land or upon height, bulk, location or use of buildings than is required by existing provisions of law or of private covenant or other restrictions, the provisions of this title shall prevail.
- D. *Control of lands with water rights.* The continued beneficial use of irrigation waters allocated to lands is vital for the general welfare of the county; therefore, it is the intent of this title to control, limit and prohibit certain uses of lands with water rights and related lands, and to preserve, enhance, improve and protect all such lands.
- E. *Adoption of provisions; statutory authority.* The land use plan of the county is made a part of this title, adopted as constituting a part of the master plan of the county pursuant to the provisions of NRS ch. 278, as they may be amended or supplemented.
- F. *Right to farm.* It is the declared policy of Churchill County to conserve, protect, enhance, and encourage agricultural operations within the county. Farming includes, but is not limited to, the raising of crops and livestock, and shall also include the right to use the land for feed storage, feedlots, grazing by farm animals and dairy operations, sale of agricultural products from the land on which it was produced, and the transportation of agricultural products to and from a farm, ranch, or dairy for the use of that specific agricultural operation. The right to farm all land is recognized to exist as a natural right and is a permitted use everywhere in the county except where prohibited under this title, subject only to state health and sanitary codes.

The right to farm as it is used in this subsection includes all activities associated with generally accepted farming practices. Examples of some of these activities include, but are not limited to, the use of large equipment, aerial and ground seeding and spraying, and the application of natural and chemical fertilizers, insecticides and herbicides, all for the purposes of producing from the land agricultural products such as vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers, and seeds.

The foregoing uses and activities included in the right to farm, when reasonable and necessary for the particular farming, livestock or fowl production, and when conducted in accordance with the generally accepted agricultural practices, may occur on holidays, Sundays and weekends, at night and in the day, and noise, odors, dust and fumes that are caused by such activities are also specifically permitted as part of the exercise of this right.

Where nonagricultural land uses, and especially residential developments, extend into agricultural areas or exist side by side, agricultural operations have often become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to cease or curtail operations and many others are discouraged from making investments in farm improvements to the detriment of adjacent agricultural uses and economic viability of the county's agricultural industry as a whole. It is the purpose of this chapter to protect agricultural resources and to reduce the loss to the county's agricultural lands by limiting the circumstances under which agricultural operations may be considered a nuisance. This chapter is not to be construed as in any way modifying or abridging any provision of Nevada Revised Statutes relative to nuisances, but rather is only to be utilized in the interpretation and enforcement of the provisions of this Code and county regulations.

Churchill County promotes a good neighbor policy between farmers, ranchers and residents of property adjacent to or near agricultural operations. The county requires proper notification of the county's recognition of agriculture's right to farm as follows:

1. As a condition of approval of any subdivision or parcel map of any land in Churchill County, the owner or developer of such land and their heirs, assigns and successors, shall agree to provide notice to any and all subsequent purchasers of the provision of NRS § 40.140 and this chapter. Such notice shall include a signed acknowledgment on the tentative and final maps. Thereafter, such notice shall be included in the chain of title.
 2. As a condition of approval of any subdivision or parcel map of any land in Churchill County adjacent to an existing agricultural operation such as a dairy, hog farm, feedlot, goat farm/dairy, alfalfa/grain farm or other operation, the developer shall include a plan to buffer the odors, sights, and noises of the existing agricultural operation from the proposed residences and/or businesses.
- G. *Schedule and fees.* The planning department shall establish a schedule for submittal of applications for all development and land division applications. This schedule shall be made available to the public and also on file at the Churchill County planning department.

The Churchill County commission shall establish a fee schedule for the processing of all development and land division applications. This schedule shall be made available to the public and also on file at the Churchill County planning department.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2007-I, 2007; Bill No. 2012-F, 2012)

16.04.030. Procedures for planning, zoning and land division.

All development that occurs within Churchill County must be done in accordance with the provisions of this title, and issued the appropriate permits. Development is considered activities that could include "site work", defined as filling, grading, paving, excavating, construction or demolition of public roadways, construction or modification of a building or structure or a change in the land use that increases the activity and service level of the site or business.

- A. Development permits shall be classified into land use (zoning) permits and land division permits. Zoning permits include the following types of applications:

1. Master land use plan amendments;
 2. Zoning map amendments;
 3. Zoning code amendments;
 4. Temporary use permits;
 5. Special use permits;
 6. Variances.
- B. Land division permits include the following development applications:
1. Tentative subdivision map;
 2. Final subdivision map;
 3. Tentative parceling map;
 4. Parcel map;
 5. Land division map;
 6. Boundary line adjustment;
 7. Reversion to acreage.

(Bill No. 2005-F § 2.2, 2005)

16.04.040. Application process.

- A. *Standard forms.* The Churchill County planning department shall provide application forms, submittal requirements, process and procedures and instructions for completing the applications. Submittal schedules and fee schedules will also be available at the Churchill County planning department, which will identify submittal dates, applicant review meetings and public hearings.
- B. *Completeness.* Any application submitted to the planning department may not be accepted if the application is incomplete. The planning director or assigned staff shall determine preliminary completeness of the application at the time of submittal, with formal determination to be completed within seven days of submittal of the application. If the planning department returns an incomplete application, they must provide to the applicant a description of the additional information required and, if requested by the applicant, a copy of the relevant provision of the ordinance, resolution or regulation which specifically requires the additional information or an explanation of why the additional information is necessary.
- C. *Design standards.* Churchill County has adopted development standards, which shall be complied with in all application submittals.
- D. *Processing.* Applications shall be submitted to the planning department in accordance with the application filing schedule. Once the application is deemed complete, the request can be distributed to the appropriate departments and agencies for review and comment. The planning staff compiles all of the comments and further evaluates the request for conformance with the appropriate criteria and findings, and prepares a staff report which the planning commission considers when making a decision for approval, denial, or redesign of the project.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010)

16.04.050. Conditional approval.

- A. *Conditional development approval.* The planning director, planning commission or county commissioners are authorized to apply conditions to applications for development. Conditions are employed to development projects to ensure:
1. Conformity with the master plan.
 2. Compatibility with existing adjacent properties and uses.
 3. Protection of the public health, safety and general welfare.
 4. That adequate public facilities and services are available to the development.
 5. As a part of the review and analysis of the development request, findings of conformance with the goals and objectives of the Code and the master plan must be made in order to recommend approval and impose conditions. The conditions imposed by the staff may be modified by the final decision-making body.
 6. Final conditions placed upon the development will be documented as a record of decision filed with the Churchill County planning department and/or board of county commissioners.

(Bill No. 2005-F § 2.2, 2005)

16.04.060. Nonconformities.

- A. *Conditions of continuance.* A preexisting lawful use of land or buildings not in conformance with the regulations prescribed in this Code may be continued subject to the following conditions:
1. A lawful nonconforming use which is abandoned or discontinued for a period of more than 365 consecutive days shall constitute termination of that nonconforming use. Intent to abandon this nonconforming use is not required.
 2. The nonconforming use shall not be extended or expanded.
 3. Any building or structure existing as a nonconforming use which has been damaged or destroyed by natural calamity may be repaired without losing the right to maintain the nonconforming use in that particular zone, provided that the repairs conform to the standards of the latest building code adopted by the county. Any single-family dwelling, existing as a nonconforming use, or existing as a lawful use of land but placed or constructed lawfully prior to existing building codes or placement requirements for manufactured homes or mobile homes, may be repaired, replaced, or expanded upon provided that the current building codes or placement requirements outlined in title 14 of this Code are met, without losing the right to maintain the nonconforming use in that particular zone.
 4. No nonconforming use shall be changed to another nonconforming use.
- B. *Applicability to future nonconforming uses.* Provisions of this section shall apply to uses of property or to buildings, which may become nonconforming by reason of amendment or supplement to this title or to the land use plan.

(Bill No. 2005-F § 2.2, 2005)

16.04.070. Enforcement procedures.

All enforcement procedures are outlined in title 1, chapter 1.12, "Code Enforcement", of this Code.

(Bill No. 2012-F, 2012)

Chapter 16.08 ZONING AND LAND USE

ARTICLE I. ADMINISTRATIVE PROVISIONS

16.08.010. Short title.

This title shall be known and may be cited in all proceedings as the "Churchill County Consolidated Code."
(Bill No. 2005-F § 2.2, 2005)

16.08.020. Power of board of county commissioners.

- A. The board of county commissioners (hereinafter in this title referred to as "board") may:
 - 1. Divide Churchill County into districts and regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within those districts.
 - 2. Adopt master plans for Churchill County that will serve as a pattern and guide for the kind of orderly physical growth and development of the overall county that will minimize impairment of the natural resources.
 - 3. Establish and adopt ordinances and regulations relating to the subdivision of land.
- B. The board shall carry out the provisions of subsection A1 of this section in the manner prescribed by NRS chs. 278 and 278A.

(Bill No. 2005-F § 2.2, 2005)

16.08.030. Planning commission.

- A. *Purpose.* The purpose of this section is to specify the establishment and authority of the county planning commission (hereinafter in this title referred to as "commission").
- B. *Authority; powers; duties; review by the board.*
 - 1. The commission is hereby created pursuant to NRS § 278.030.
 - 2. The commission shall perform all duties and functions delegated to a county planning commission by the terms of NRS §§ 278.010 to 278.630.
 - 3. The commission shall take action to approve, conditionally approve or deny special use permits, variances, and appeals of administrative decisions. The commission shall hear applications and recommend to the board of county commissioners' action on changes to the master plan, zoning districts, amendments to ordinances, and all other appropriate subjects.
 - 4. On matters where the commission takes final action, the proponent, any aggrieved party, or member of the board may appeal the decision to the board.
 - 5. On matters where the commission makes a recommendation to the board, the board by majority vote may affirm, deny, or return the recommendation to the commission for further consideration of any proposed recommendations.
- C. *Membership; terms of office; vacancies; removal; attendance by director.*
 - 1. There shall be seven members of the commission.

2. The terms of the members shall be four years or until a successor takes office.
 3. Vacancies occurring before the expiration of a commissioner's term shall be filled for the remaining unexpired portion of the term.
 4. Members shall perform their duties pursuant to the planning commission bylaws and may be removed, after a public hearing, by a majority vote of the board for inefficiency, neglect of duty, or malfeasance in office.
 5. The planning director (hereinafter in this title referred to as "director") or his/her designee shall be in attendance at all commission meetings.
- D. *Qualifications.*
1. The board shall appoint the members of the commission.
 2. The members shall be residents of Churchill County therein at the time of their appointment and continuously throughout their term.
- E. *Compensation.* All members of the commission shall serve with compensation as approved by the Churchill County commissioners.
- F. *Meetings and records.*
1. The commission shall hold at least one regular meeting each quarter.
 2.  The commission shall adopt bylaws and rules for the transaction of their business and shall keep a record of its decisions and findings. This record shall be a public record.
 3. Complete records of official actions of the commission shall be kept on file in the office of the planning department.
- G. *Chairman and other officers.*
1. The commission shall elect yearly its chairman from among the appointed members.
 2. The commission shall elect yearly other officers as it may determine necessary.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2010-G, 2010)

16.08.040. Purpose.

- A. *Purpose of title.* The purpose of this title is to promote the health, safety and general welfare of Churchill County's citizens through implementation of the Churchill County master plan and its elements. It is the intent of the board and the commission that regulatory decisions made pursuant to this title shall promote orderly and appropriate use of land throughout Churchill County and be consistent with the goals, policies, objectives and programs of the master plan and its elements.
- B. *Purpose of board and commission.* It is the purpose and intent of the board and commission that this title promotes NRS §§ 278.010 through 278.630, inclusive, and the following purposes:
1. To coordinate and ensure the execution of the Churchill County master plan and its elements through effective implementation of development review requirements, adequate facility and services review.
 2. To establish a system of comprehensive, consistent and equitable regulations, standards and procedures for the review and approval of all proposed land development within the county.
 3. To implement the process-oriented standards located in this title.
 4. To implement design-oriented standards contained in the development standards, which is parallel authority to this title.

- C. *Administration of this title.* The Churchill County planning director shall administer this title. For the purposes of this title, the term "director" means the director of the planning department or the director's designee. The director shall determine when any application under his/her jurisdiction is complete.
- D. *Jurisdiction, interpretation and application.* The provisions and standards contained in this title, as well as the standards contained in the development standards, shall be deemed to be minimum standards with which compliance is essential to the permitted uses, and shall not be construed as limiting the legislative discretion of the board to further restrict the permitted uses or to withhold or revoke permits for uses when the protection of the public health, safety, and welfare is necessary. Ordinance requirements found in this title and the corresponding development standards ordinance requirements shall apply to all properties within Churchill County.
1. *Conflicts with other provisions.* When this title imposes a greater restriction upon the use of land, or upon height, bulk, location or use of buildings than is required by existing provisions of law or by private covenant or other restriction, the provisions of this title shall prevail.
 2. *Rules of interpretation.* In interpreting the language of this title, the rules set out in this chapter shall be observed unless the interpretation would be inconsistent with the expressed language of this title.
 3. *Text control.* In case of any conflict between the text of this title and any figure, the text shall control.
 4. *Computation of time.* The time within which an act is to be performed shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or legal holiday, the period runs until the next day which is not a Saturday, Sunday, or legal holiday. The following time related words shall have the meanings ascribed below:

DAY: A calendar day unless otherwise stated.

MONTH: One calendar month.

WEEK: Seven calendar days.

YEAR: A calendar year, unless a fiscal year is indicated.
 5. *Other clarifications.*
 - a. *Headings.* The headings contained in this title are for convenience only and do not limit or modify the intent or meaning of the provisions.
 - b. *Tense.* Unless clearly indicated to the contrary, words used in the present tense shall include the future, words used in the plural shall include the singular, words used in the singular shall include the plural and words of one gender shall include the other.
 - c. *Use Of Certain Words.* The words "shall", "must", and "will" are always mandatory. The term "may" is discretionary. Words and phrases shall be construed according to the common and approved usage in the language, except for technical words and phrases that may have acquired a peculiar and appropriate meaning.
 - d. *Conjunctions.* Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:
 - (1) "And" indicates that all connected items or provisions apply; and
 - (2) "Or" indicates that the connected items or provisions may apply singularly or in any combination.
 6. *Delegation of authority.* Whenever reference is made to the head of a department or to some other county officer or employee, the reference shall be construed as authorizing the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or duty, unless expressly provided otherwise.

7. *Nonconforming uses.* Amendments to this title may create nonconforming uses. In this instance, standards from the previous code still apply to property made nonconforming by the amended code. All applications and permits that have been filed and are in process of review and approval, or when construction is occurring at the time of zoning changes to this title, will be reviewed and approved under the terms of the previous title in effect at the time of application.
8. *Enforcement.* It is unlawful for any person, firm or corporation, whether as a principal, agent, employee, or otherwise (hereinafter referred to as "party"), to construct, build, convert, alter, erect, and maintain a building, structure or any use of property, equipment, or operation in violation of a provision of this title.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2007-G, 2007; Bill No. 2007-I, 2007)

16.08.050. Violations, penalties, enforcement procedures and general administrative procedures.

16.08.050.1. Violations deemed public nuisance.

Any building or structure erected or maintained or any use of property contrary to the provisions of this title is declared to be unlawful and a public nuisance.

All remedies provided for in this title shall be cumulative and not exclusive. The conviction and punishment of any person under this title shall not relieve such person from the responsibilities of correcting prohibited conditions or removing prohibited buildings, structures or improvements nor prevent the enforced correction or removal thereof.

(Bill No. 2005-F § 2.2, 2005)

16.08.050.2. Penalty for violation.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this title, or violating or failing to comply with any order or regulation made under this title, is guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the county jail for a period not to exceed six months, or both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which such violation of this title or failure to comply with any order or regulation is committed, continued or otherwise maintained.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2010-H, 2010)

16.08.050.3. Enforcement procedures.

- A. *Filing of a complaint.* Any person living in Churchill County or any landowner in Churchill County may file a complaint against any property or business within Churchill County for violating the provisions of this Title. A written complaint must be filed with the Churchill County planning department specifically describing the portion of the Title alleged to be in violation and provide evidence of the violation available to the complainant. Complaint forms may be completed at the planning department or mailed, emailed, delivered, or faxed to said department. The code enforcement officer may also be responsible for filing complaints and documenting violations he/she sees in the normal course of his/her duty.
- B. *Upon receiving a complaint.* The code enforcement officer shall inspect the property and determine if there is a violation of the Churchill County Codes. Once a determination has been made that there is a violation,

the code enforcement officer shall contact the property owner by one of the following methods: 1) regular mail, 2) certified mail, or 3) in person.

C. *Enforcement action.* The code enforcement officer will take any of the following steps needed to correct the violation and bring the property or business into compliance:

1. The code enforcement officer will attempt to gain voluntary compliance for the correction of all noted violations.
2. The code enforcement officer may, at any time, issue a citation to the property owner or any other responsible person(s) for any and all code violations. (For the purposes of this section "responsible person" is one that has the legal right to possess the property.)
3. The code enforcement officer may, at any time, refer a case to the Churchill County district attorney for prosecution of any and all code violations.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2020-A , 7-2-2020)

16.08.050.4. General administrative procedures.

A. *Commission applications.*

1. *Completing application.*

- a. *Application submittal.* Should a person wish to apply for a variance, temporary use permit, a special use permit, a zoning map amendment, consolidated development code amendment, a planned unit development conceptual map, a planned unit development application, a planned unit development tentative map, an abandonment of street or easement, an amendment to this title, or an appeal of an administrative decision, the applicant shall have a preapplication meeting with the director, or his/her designee, to discuss application submittal and review requirements and procedures. Following this meeting the applicant may proceed with completing an application and compiling necessary supplemental information.
- b. *Completeness review.* Upon completing the application and compiling all the necessary supplemental information, and prior to signing the application and making copies, the applicant is strongly encouraged to meet with the director or his/her designee to review the application for completeness. At this meeting, or no later than three working days after said meeting, the director shall determine if there is need for an expert panel's review of the application and shall advise the applicant of the required deposit, an amount to be determined, up to \$50,000.00 to cover the cost of the panel's review and the number of additional copies of the application packet that must be submitted. If the application is denied, the outstanding balance of the deposit shall be returned to applicant after the time for filing appeals and petitions for judicial review have expired. If the application is approved, the deposit shall be retained and utilized by the county for services provided by specialized or skilled professionals retained by the county to monitor compliance with the conditions for approval. At the time the application is approved, the applicant, as a condition of approval, may be required to deposit additional funds with the county to bring the balance of the deposit back up to \$50,000.00.
- c. *Determination of completeness.* Within seven days of filing the application packet and filing fee, the director shall make a determination of completeness and forward written notice to the applicant. A determination of completeness shall not constitute a determination of compliance with other requirements of this title or Nevada Revised Statutes.
- d. *Processing.* Following the determination of completeness, the applicant may then sign the application, make the necessary copies of the application and supplemental information. The application fee, the deposit for the expert panel review and the complete application packet may then be filed with the planning department.

2. *Official filing date.* The time for processing and acting on commission applications as established by Nevada Revised Statutes or this title shall commence on the date that the application packet, application fee and the deposit are filed with the planning department. Material modifications of any application by the applicant following the filing of the application shall reestablish the time for processing and acting on the application upon the director's determination that the modified application is complete.
- B. *Application limitations.* A second or subsequent application substantially similar to the first for a variance, temporary use permit, special use permit, zoning map amendment, consolidated development code amendment, or planned unit development application shall not be submitted for review within one year of the first application's denial by the commission or board with respect to that parcel or any portion of that parcel under the same ownership or if ownership changes unless the director determines that the subsequent application is substantially different such that the facts supporting the previous denial from the commission or board no longer exist.

Where the holder of an application for a development approval wishes to file a subsequent application for a project which is substantially different from the first project, the new development application shall supersede the previous development application, and the applicant shall state on his application that, upon approval by the commission of the subsequent application, he requests review and action to approve the withdrawal of the first development approval.

C. *Notice of hearings.*

1. *Commission hearings.* Hearings on an application for a variance, special use permit, zoning map amendment, development agreement application, planned unit development conceptual map, planned unit development application and planned unit development tentative map the commission shall mail to the applicant, and to all property owners of record, as shown on the latest equalized assessment rolls, within 300 feet of the exterior boundaries of the subject property, and to each tenant of a manufactured/mobile home park if that park is located within 300 feet of the property in question, written notice of the time, place and date of such hearing, the general location of the property of the addressee and a description of the application/development. Such written notice shall be mailed not less than ten days prior to the public hearing date. At least 30 property owners nearest the subject site must be noticed; if there are not 30 property owners within 300 feet of the subject site then expand notification distance until 30 property owners are identified, except for a temporary use permit where only property owners within 100 feet need to be notified. Notice of time and place of commission hearings shall also be published in a newspaper of general circulation in Churchill County, not less than ten days prior to the date of such hearing for a master plan amendment, an application for a zone change, consolidated development code amendment, a planned unit development application, a planned unit development tentative map, and abandonment of street or easement.

Upon application for a right-of-way or public easement abandonment, the commission shall notify by certified mail the applicant and all abutting property owners of record as shown on the latest equalized assessment rolls, written notice of the time, place, date of such hearing and the general location of the property of the addressee with reference to the proposed street abandonment, not less than ten days prior to the public hearing date.

Following the public hearing held on a right-of-way or public easement abandonment, zoning map change, a planned unit development application, a planned unit development tentative map, master plan amendment and consolidated code amendment, the commission shall forward a recommendation to the board.

2. *Board hearings.* Notice of time and place of board hearings shall be published in a newspaper of general circulation in Churchill County, not less than ten days prior to the date of such hearing. Such notice shall be required for an application for a zoning map amendment, consolidated development code amendment, a planned unit development application and a planned unit development tentative map, a master plan amendment, a development agreement application, an abandonment of street or

easement and an appeal from the decision of the commission. For hearings on an application for a zoning map amendment, a development agreement application, planned unit development application and a planned unit development tentative map, the board shall also mail to the applicant, and to all record property owners, as shown on the latest equalized assessment rolls, within 300 feet of the exterior boundaries of the subject property, and to each tenant of a manufactured/mobile home park if that park is located within 300 feet of the property in question, written notice of the time, place and date of such hearing, the general location of the property of the addressee and a description of the application/development. Such written notice shall be mailed not less than ten days prior to the public hearing date. At least 30 property owners nearest the subject site must be noticed; if there are not 30 property owners within 300 feet of the subject site then expand notification distance until 30 property owners are identified.

Upon application for a right-of-way or public easement abandonment, the board shall notify by certified mail the applicant and all abutting property owners of record as shown on the latest equalized assessment rolls, written notice of the time, place, date of such hearing and the general location of the property of the addressee with reference to the proposed street abandonment, not less than ten days prior to the public hearing date.

D. *Review.*

1. The commission and board in reviewing and judging the merit of any proposal shall find that the regulations and standards in this title or state law are met.
2. The commission and the board, after reviewing a proposal and taking public testimony, shall reduce their respective recommendations and decisions to writing and shall include therein the recommendation or decision in a concise and explicit statement of the evidence. A copy of the commission and board recommendation, decision and final action must be mailed by certified mail or hand delivered to the applicant. The applicant must sign the notice of decision and return the notice of decision to the planning department or board secretary within ten working days of receipt. A copy of this recommendation and decision shall be placed in the planning department files as a record of the commission and board decisions. Failure of the applicant to return the notice of decision within the required time frame may be cause to place the application on the next commission or board agenda for further review.
3. The board shall have the power to review the recommendations and decisions of the commission on right-of-way or public easement abandonment, zoning map, planned unit development application and tentative map, and master plan amendment, and by majority vote may affirm, deny, modify or return the recommendations or decisions to the commission for further consideration. Master plan amendments require a two-thirds majority vote to pass.

E. *Fees and service charges.* Before accepting any application required by this title, fees as adopted by resolution of the board, including service charges, shall be charged, collected and deposited with the planning department. A fee sheet is available to the general public at the main desk of the planning department.

F. *Appeals.*

1. *Appeals of planning director decisions.* A final decision of the planning director in the issuance of a permit may be appealed by any aggrieved party or the district attorney's office to the commission following the procedures in subsection F4 of this section. The commission may affirm, modify or reverse the decision.
2. *Appeals of commission decisions.* A decision of the planning commission may be appealed by any aggrieved party or the district attorney's office to the board following the procedures in subsection F4 of this section. The board may affirm, modify or reverse the decision after a de novo hearing.
3. *Appeals of board decisions.* A decision of the board is final. Any appeal of its decision shall be in a court of competent jurisdiction within the time frames established by the Nevada Revised Statutes.

4. *Procedures for filing an appeal.*

- a. *Time limit for filing.* An appeal of the planning director's decision must be submitted to the planning department within ten days after the planning director has rendered his or her decision. An appeal of the commission's decision must be submitted in writing to the clerk of the board within ten days after the commission has rendered its decision. The appeal must be delivered in person, by mail or by courier by 12:00 noon the first business day following the ten-day time limit. If no appeal is received within the time allowed, such decision may not be appealed.
- b. *Appeal application.* All appeals shall be filed in writing accompanied with a filing fee, by filing a signed written notice of appeal and application stating therein the reasons why the decision of staff or the commission should be amended, modified or reversed.

The appeal application shall specify the project or decision for which the appeal is being requested. The application shall indicate which aspects of the decision are being appealed. The appeal application shall provide the necessary facts or other information that supports the appellant's contention that the staff or commission erred in its consideration or findings supporting its decision.

- c. *Setting of appeal.* The appeal must be scheduled for hearing and a decision rendered within 60 days of said appeal being received.
- d. *Withdrawal of appeal.* Upon delivery of a signed written statement the appellant may withdraw its appeal at any time prior to the date of the appeal hearing.
- e. *Notice of appeal hearings.*
 - (1) Notice of appeal hearings shall be given to all parties involved ten days before the date set for hearing; notices shall be issued by the clerk of the board for hearings set before the board.
 - (2) Continuances of appeals shall not require written notice ten days prior to the date that the hearing will reconvene.
- f. *Evidence.*
 - (1) To ensure that all parties have access to their elected officials, the board shall not be limited to the record of the commission.
 - (2) The board shall consider only the issues raised before the commission, however, all relevant evidence pertaining thereto which is necessary to render a decision based on substantial evidence shall also be considered.
- g. *Decision.* The board may affirm, modify or reverse the decision of the commission by a simple majority vote.

- G. *Administrative abandonment of public utility easements.* For the purposes of this subsection a "public utility easement" is an easement obtained by Churchill County or a public utility which is owned or controlled by Churchill County and which runs in favor of the county. Pursuant to NRS § 278.480(10) and through the use of the procedure contained in this subsection, a public utility easement may be abandoned without a hearing of the board or the commission. The owner of property who seeks abandonment of a public utility easement involving his or her property shall file an application in writing with the planning department on the forms required by that department or through the record of survey/boundary line adjustment process. The application shall also include a legal description and exhibit prepared and signed by a surveyor licensed in the state of Nevada. The director of the planning department, or his or her designee, may issue a written order to the affected parties abandoning a public utility easement after:

- 1. Receiving a complete application;
- 2. Obtaining the written approval of the county engineer or surveyor, or his or her designee; and

3. Determining the subject public utility easement is no longer necessary or useful to Churchill County. The abandonment of a public utility easement pursuant to this subsection does not affect an easement held by a private utility company even if such private utility easement was created by the same instrument or it has the same legal description, and also does not affect an easement held by the public as distinguished from an easement held by Churchill County or a public utility owned or controlled by Churchill County. A decision of the director made under this subsection may be appealed in the manner provided for in this title.

In addition to any other applicable requirements set forth in this section, before vacating or abandoning a public utility easement, the governing body of the local government having jurisdiction over the easement, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide each public utility and video service provider serving the affected area with written notice that a petition has been filed requesting the vacation or abandonment of the easement. After receiving the written notice, the public utility or video service provider, as applicable, shall respond in writing, indicating either that the public utility or video service provider, as applicable, does not require an easement or that the public utility or video service provider, as applicable, wishes to request the reservation of an easement. If a public utility or video service provider indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the easement that is proposed to be vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or video service provider, as applicable, and shall ensure that such easement is recorded in the office of the county recorder.

H. *Abandonment of streets and easements.*

1. Any abutting property owner, or Churchill County, desiring the vacation or abandonment of any street or easement owned by Churchill County, shall file a petition, in writing, with the planning commission. Said petition shall be filed no less than 45 days prior to the day of the planning commission meeting and shall be accompanied by a legal description of the easement, a reason(s) why the easement is no longer required and a filing fee, the amount to be set by the board of county commissioners and amended from time to time.
2. Upon the filing of an application the planning commission shall set the matter for public hearing.
3. Notice of the public hearing shall be published once in a newspaper of general circulation within the county at least ten days prior to the hearing. Each owner of property abutting the proposed abandonment shall be notified by certified mail at least ten days prior to the hearing of the scheduled date and time of the hearing. In addition to any other applicable requirements set forth in this section, before vacating or abandoning a street, the governing body of the local government having jurisdiction over the street, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide each public utility and video service provider serving the affected area with written notice that a petition has been filed requesting the vacation or abandonment of the street. After receiving the written notice, the public utility or video service provider, as applicable, shall respond in writing, indicating either that the public utility or video service provider, as applicable, does not require an easement or that the public utility or video service provider, as applicable, wishes to request the reservation of an easement. If a public utility or video service provider indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the street that is proposed to be vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or video service provider, as applicable, and shall ensure that such easement is recorded in the office of the county recorder.
4. The planning commission shall make a recommendation to the board of county commissioners by a signed resolution.

5. Upon receipt of the resolution from the planning commission, the board of county commissioners shall set the matter for public hearing. Notice of said hearing shall be published once in a newspaper of general circulation in Churchill County at least ten days prior to the hearing. Each owner of property abutting the proposed abandonment shall be notified by certified mail of the public hearing at least ten days prior to the hearing.
6. Upon public hearing, if the board of county commissioners is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The order may be made conditional and the order becomes effective only upon the fulfillment of the conditions prescribed.
7. The order must be recorded in the office of the Churchill County recorder, if all the conditions of the order have been fulfilled.
8. Upon recordation, title to the easement reverts to the abutting property owners in approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, Churchill County may sell the vacated portion upon such terms and conditions as the board of county commissioners deems desirable and in the best interests of Churchill County. If the vacated portion is sold, the board of county commissioners shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his/her property, but no action shall be taken to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property owner.
9. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the Board of county commissioners may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration, as the board of county commissioners determines to be reasonable.

I. *Master plan.*

1. *Purpose.* The purpose of this subsection is to provide for the adoption of the Churchill County master plan and amendments to the master plan.
2. *Adoption of master plan.* The commission shall prepare and adopt a comprehensive, long term master plan for the physical development of Churchill County. This plan shall be known as the county's master plan and must be so prepared that all or portions thereof may be adopted by the board as the basis for the development of the county for a set, reasonable period of time pursuant to NRS § 278.150(4). The master plan will serve as a pattern and guide for sustainable managed growth and development in Churchill County without significant impacts to the natural resources.
3. *Elements of the master plan.* The master plan, along with accompanying charts, drawings, diagrams, schedules and reports, may include, but is not limited to, community design, conservation plans, economic plans, historical preservation plans, housing plans, land use plans, population plans, recreation plans, public services and facilities, transportation plan, solid waste disposal plan, streets and highways plan and as may be the basis for the physical development thereof as stated under NRS § 278.160, as amended from time to time by the Nevada legislature.

The commission may prepare and adopt all or a portion thereof of the master plan for all or any part of the county pursuant to NRS § 278.170.

The commission shall, during the formation of plans for community design and public buildings, notify the school district's governing body to consider the preparation of such plans and to adequately and properly locate school sites.

4. *Interest in master plan.* The commission shall endeavor to promote public interest in and understanding of the master plan and regulations relating thereto. As a means of furthering the purpose of the master plan, the commission shall review the master plan at least every five years, and as needed in between not to exceed state regulations, and make recommendations to the board for the implementation of the master plan and amendments to the master plan. It also shall consult and advise with public officials, agencies and citizens to implement such plans.

The master plan may be amended by the board no more than two times per year unless the applicant can substantiate that one or more of the following criteria apply to the proposal:

- a. The proposed master land use plan amendment is needed by Churchill County for purposes of protecting the public health, resolving an emergency situation, or meeting a public purpose; or
- b. The applicant has been specifically directed by the board or commission to submit a master land use plan amendment as a condition of an agreement or development agreement (exclusive of a planning project approval, building permit approval) between the applicant and county.

Pursuant to NRS § 278.190, subsection 3, the commission members and employees, in the performance of their functions, may enter upon any land and make examinations and surveys. Furthermore, pursuant to subsection 4, the commission shall have power as may be necessary to enable it to fulfill its function and carry out the provisions of this title and NRS §§ 278.010 to 278.630, inclusive.

The county's master plan shall be, but is not limited to, a map, together with such charts, drawings, diagrams, schedules, reports, ordinances, or other printed or published material, or any one or a combination of any of the foregoing as may be considered essential to the purpose of carrying out this title and NRS §§ 278.010 to 278.630, inclusive.

5. *Implementation of master plan by the board.* Whenever the board has approved the commission's adopted master plan or a part thereof, the board shall, upon recommendation of the commission, determine a reasonable and practical means for implementing the master plan or a portion thereof.
6. *Notices for master plan amendments.* Notice for all master plan amendments shall be given in accordance with the provisions of this subsection and NRS § 278.210. If a master plan element contains specific development plans, then notice in addition to this subsection as well as NRS § 278.210 shall be accomplished, and furthermore, noticing of the specific development site shall be in accordance with the provisions of NRS § 278.315(3).
7. *Commission action.* The commission may take action to adopt or deny a master plan amendment. An action to adopt a master plan amendment shall be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership. The resolution shall refer expressly to the maps, descriptive matter, text, or other matter intended by the commission to constitute the amendment. Failure of the commission to hold a public hearing or take action within the time frames provided in this subsection shall constitute a recommendation of approval of the master plan amendment application.
 - a. *Forwarding.* When forwarding its decision to the board for adoption of a master plan amendment, the commission shall, at a minimum, make the following findings of fact:
 - (1) That the proposed amendment is consistent with and not contrary to the present elements of the Churchill County master plan.
 - (2) The proposed amendment addresses changed conditions that have occurred since the plan was adopted by the board.
 - (3) The proposed amendment will promote a desired pattern of orderly physical growth of the county, and/or guides a particular type of development activity within the county, which will be based on the projected population growth with the least amount of natural resource impairment, and/or the efficient expenditure of funds for public services.

8. *Planning commission report.* Within 45 days of the action by the commission on the proposed master plan amendment, a report describing the amendment, discussion at the public hearing, and notice and vote of the commission, along with a certified copy of the proposed amendment shall be transmitted to the board. If the commission does not recommend adoption, it should state why it could not make the required findings for adoption.
9. *Board review.* The board shall review a master plan amendment in accordance with the provisions of this subsection.
 - a. *Time period for hearing.* The county clerk shall schedule a public hearing before the board on the recommendation of an amendment by the commission within 45 days of the filing of the action by the commission.
 - b. *Notice of hearing.* The public hearing shall be noticed as required by NRS § 278.220.
 - c. *Board action.* If the board is considering recommendation of a denial of a master plan amendment request, it may use the record and any additional evidence introduced to the commission and may confirm or uphold the denial based upon its interpretation of the findings required. If new information is submitted at the board meeting which was not considered by the commission, the board, prior to taking action, will refer the matter back to the commission for further review and possible action. Final action to approve the amendment shall require a simple majority (two-thirds majority) vote of the board members in attendance.
10. *Written record.* When taking final action on the commission's action, the board shall make part of the record their affirmation, modification or rejection of the findings of fact provided in the commission's final action, as well as any other findings of fact that the board deems to be relevant.
11. *Effective date.* A master plan amendment shall become effective immediately upon a determination by the board that the amendment is in conformance with the master plan and all noticing procedures have been fully complied with.
12. *One year wait for denials.* After the denial of a master plan amendment, no application for a master plan amendment for the same or similar amendment may be accepted for one year immediately following the denial.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010; Bill No. 2012-F, 2012; Bill No. 2018-C, 2018; Bill No. 2018-E, 2019; Bill No. 2019-A, 2019)

16.08.060. Zoning map amendments and consolidated development code amendments.

- A. *Authority.* This title and the zoning map incorporated herein may be amended, repealed or supplemented by the board. The commission shall review each application and shall make a recommendation to the board. The board, by majority vote, may affirm, deny, modify or return the recommendation to the commission for further consideration.
- B. *Application requirements.*
 1. Amendments to this title or the county's official zoning map may be initiated by the commission, the board, or an owner of a lot or parcel, by filing with the director a signed and complete application, accompanied by the necessary fee, and application materials including all evidence and facts required under this section.
 2. Before an application for a zoning map amendment or consolidated development code amendment may be considered the applicant must meet with planning department staff to discuss the application and procedure prior to completing the application. Once the application is complete (but prior to signing and making copies) the applicant shall meet again with planning department staff to review the application to check for accuracy and detail.

3. All sections of an application must be complete and accurate or the application may be delayed to allow all the necessary information to be obtained.
 4. If a zoning map amendment is denied by the board, an application may not be resubmitted for one year, unless there is a substantial change in circumstances.
- C. *Review.* The director shall review each application to ensure that the proposal is consistent with the requirements of this title.
- D. *Hearing.*
1. The commission shall first hold a public hearing on all proposed amendments.
 2. Such hearings shall be held within 45 days following the acceptance of a complete application.
 3. When the commission deems it proper, it may consider other property for change in addition to that sought in a zoning map amendment application; provided, that proper notice has been given pursuant to this section.
- E. *Findings.* The applicant for a zoning map amendment or consolidated development code amendment shall have the burden of proof to provide facts supporting the proposed zoning map amendment or consolidated development code amendment. For purposes of legal clarity, this shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the commission and the board. Additionally, the applicant shall provide adequate information in the application and on the site plan to substantiate the findings required in this subsection. The commission and board shall determine if the information presented is adequate to support their decisions.
1. Before a zoning map amendment may be recommended for approval, the applicant shall provide evidence to the commission and board concerning the physical use of land and zoning currently existing in the general vicinity, and which have occurred in the previous five-year time period, and describe:
 - a. How growth and/or other development factors in the community support a change in the land use.
 - b. The change in land use represents orderly development and that adequate services and infrastructure to support the proposed land use are available in the area.
 - c. The change in zoning provides for an appropriate use of the land.
 - d. The proposed zoning is in substantial conformance with the master plan and other adopted plans and policies.
 - e. The proposed zoning and project is sensitive to and compatible with the use and development of the adjacent properties.
 2. The commission, in forwarding a recommendation to the board for approval of a zoning map amendment or consolidated development code amendment shall make the following findings of fact:
 - a. That the proposed amendment is in substantial compliance with and supports the goals and policies of the master plan;
 - b. That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity;
 - c. That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.
- F. *Decision.*

1. Following the public hearing, the commission shall determine if there is adequate evidence in the record to support the facts and findings required by this section and shall recommend to approve or deny the request for the zoning map amendment or consolidated development code amendment.
 2. The applicant may request a continuance of any application for a zoning map amendment or consolidated development code amendment to a future meeting. A continuance suspends the time lines established in Nevada Revised Statutes and this title.
- G. *Notice.* Notice of time and place of such hearings shall be published in a newspaper of general circulation in Churchill County, not less than ten days prior to the date of such hearing. Upon application for a zoning map amendment the commission shall mail to the applicant, to all property owners of record as shown on the latest equalized assessment rolls within 300 feet of the exterior boundaries of any property proposed for reclassification and to all property owners of land within such area proposed for reclassification and to each tenant of a manufactured/mobile home park if that park is located within 300 feet of the property in question; and to each unique property owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given above, written notice of the time, place and date of such hearing and the general location of the property of the addressee with reference to the property proposed for change, not less than ten days prior to the public hearing date.
- H. *Report To The Board.*
1. After the hearing of the commission, the commission shall make a recommendation on the application to the board.
 2. The commission shall also forward to the board a copy of its decision and findings in accordance with this section recommending approval, modification or denial of the proposed zoning map amendment or consolidated development code amendment.
 3. Failure of the commission to report within 30 days of the date of its hearing, unless the hearing date has been continued with the applicant's concurrence, shall be deemed a recommendation of approval.
 4. The applicant or the commission, with the applicant's concurrence, may continue any application for a zoning map amendment or consolidated development code amendment to a future meeting in order to ensure that the applicant has adequate time to present required information or other materials needed for consideration of the decision. A continuance, when approved with applicant concurrence, suspends the time lines established in Nevada Revised Statutes and this title.
- I. *Action by board.* The board shall consider the evidence relating to the zoning map amendment or consolidated development code amendment and may approve, modify or deny the recommendation of the commission.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2010-G, 2010)

16.08.070. Temporary use permits.

A temporary use permit is for the placement of temporary living quarters, use, or activity listed below that is intended to cease after a certain period of time. It is unlawful to reside in a recreational vehicle outside a manufactured/mobile home park or recreational vehicle park for longer than 90 cumulative days within a 365-day period except as provided below.

- A. *Authority.* The director shall have the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a temporary use permit.
- B. *Types of temporary use permits and their criteria.*

1. Temporary living quarters for farm labor is only permitted in conjunction with a bona fide functioning farming or ranching operation. Evidence of an active farming or ranching operation and demonstration of need will be required. Demonstrated need must include:
 - a. Evidence that the amount, type and/or frequency of the labor needed in the farm or ranch operation is greater than what could be reasonably expected of the property owner to accomplish without his additional help; and
 - b. Evidence that farm help is an employee of the farm; and/or
 - c. Other circumstances that demonstrate the need of a temporary use permit for farm labor. The planning commission shall determine if these circumstances meet the intent of this temporary use.

The Director will use all available information to judge if the operation is a bona fide farming or ranching operation and the labor needed on the farm or ranch justifies a dwelling for the individual(s) providing the labor.

2. Temporary living quarters for watchman's quarters is only permitted in conjunction with a commercial or industrial operation and is to be used for security purposes only. These security purposes must be proven, established, justified, or demonstrated.
 3. Temporary living quarters on a lot or parcel which has a residence thereon, and the temporary living quarters is to be used to alleviate hardship, as follows:
 - a. A residence for an aged, invalid, or physically or mentally disabled person who requires care;
 - b. A residence used by an attendant caring for an aged, invalid, or physically or mentally disabled person.
 4. On a lot or parcel when the temporary living quarters are parked on the same parcel of land and utilized as a temporary residence during the construction or placement, renovation, or remodel of an on-site permanent dwelling. The temporary use permit shall be subject to yearly, or more frequently at the Director's discretion, renewals and shall terminate upon expiration of the building permit or within 30 days of the issuance of a certificate of occupancy or if the planning commission denies the renewal. Each yearly renewal will require evidence of substantial progress toward the construction or placement of the permanent residence in order to be granted. The temporary quarters shall be a recreational vehicle (RV) or a camper, and will not include a trailer, mobile home or manufactured home that could be used as a long-term residence.
 5. On a lot or parcel in any land use district when a commercial coach is to be used as a temporary office, in conjunction with the issuance of a building permit for construction of permanent nonresidential facilities or uses. The temporary use permit shall run concurrently with the building permit and upon completion of the construction of the permanent facility the use permit shall terminate.
 6. A temporary residence for a person or persons for a purpose that is similar to and not more obnoxious or detrimental to uses listed in subsections B1 through B5 of this section. Evidence must be provided that demonstrates an extraordinary need and demonstrates attempts to find an alternative accommodation.
- C. *Application requirements.* Before a temporary use permit may be considered for approval:
1. The applicant shall file with the planning department plans showing the applicant's intent to meet the temporary use permit application and site plan requirements, including a signature of at least one owner of record of the subject property. Any manufactured/mobile home or commercial coach must be inspected by the Nevada Manufactured Housing Division and a proper

safety certificate issued prior to being occupied. Any RV being used for temporary living quarters under a TUP must meet the setback requirements of an accessory structure.

2. The proposed use shall be listed as a temporary use in the land use district.
 3. All sections of the temporary use permit application must be complete and accurate or the application may be delayed to allow all the necessary information to be obtained. Applicants are strongly advised to discuss the applications and procedure with planning department staff prior to completing the application.
 4. Once the application is complete (but prior to signing and making copies) a meeting should be set with the planning department staff to review the application to check for accuracy.
 5. For temporary use permit types listed in subsections B1 through B5 of this section, evidence demonstrating need, including, but not limited to, letters from a medical practitioner, size and workload of a farming operation, or specifics of a commercial operation will be required.
- D. *Application review.* The director shall review each application to ensure that the proposal is consistent with the requirements of this title.
- E. *Hearing.*
1. The commission shall hold a public hearing no more than 65 days after the filing of an application and shall give notice of time and place and purpose thereof by mailing a notice, pursuant to this title.
 2. The commission shall hear and consider evidence and facts from any person at the public hearing or shall consider written communication from any person relative to the proposed temporary use permit.
- F. *Findings.* Findings from a preponderance of evidence must indicate that the proposed use meets at least one of the criteria listed in subsection B of this section. The applicant for a temporary use permit shall have the burden of proof by a preponderance of the evidence to provide facts supporting the proposed temporary use permit.
- G. *Decision.*
1. Following the public hearing, the commission shall determine if there is a preponderance of evidence in the record to support the criteria established for temporary use permits and shall approve, modify, continue within allowed time frames, or deny the temporary use permit request.
 2. The applicant may request a continuance of any application for a temporary use permit to a future meeting. A continuance suspends the time lines established in this title.
- H. *Conditions of approval.* The commission, in approving any temporary use permit, may require certain conditions under which the lot or parcel may be used, if, in such commission's opinion, the use will otherwise be incompatible with other existing uses within the same general area or will constitute a nuisance or will overburden improvements or facilities.
- I. *Renewal requirements.* Temporary use permits are valid for no more than one year. Temporary quarters and offices are often needed for multiple years and are allowed to request renewal on a yearly basis using appropriate forms and accompanied by required fees.
1. A temporary use permit issued for farm labor must be renewed annually by providing the planning department with an annual renewal fee and evidence that the farming operation is active.
 2. A temporary use permit issued for watchman's quarters must be renewed annually by providing the planning department with an annual renewal fee and evidence that the commercial or industrial operation is active. The absence of an active business license for commercial or

industrial operations that are required to hold a business license will automatically terminate the temporary use permit.

3. Temporary use permits issued for hardship cases must renew their temporary use permit annually by presenting information including, but not limited to, letters from a medical practitioner, showing the original need for said permit still exists. The request will be reviewed by the planning department to determine if evidence exists to justify renewal. If evidence is not provided the renewal application may be forwarded to the planning commission for decision. Notices regarding this title shall not be required unless the planning director, upon review of the renewal request, determines that a rehearing is necessary. The commission may revoke the temporary use permit if any of the conditions represented in the application or attached to the issuance of the permit have been changed. If not renewed in this manner, the temporary use permit terminates.
 4. A temporary use permit while constructing a permanent residence: If the building has not been completed within one year, the temporary use permit must be renewed by the planning commission. The applicant must appear at the meeting and provide the planning department with a renewal letter submitted for commission review, including an estimated time for building completion.
 5. A temporary use permit for a commercial coach (temporary office): If the building has not been completed within a year, the temporary use permit must be renewed by the planning commission. The applicant must appear at the meeting and provide the planning department with a renewal letter submitted for commission review including an estimated time for building completion.
- J. *Termination requirements.* If a renewal review results in the termination of a temporary use permit the temporary living quarters or commercial coach must be removed from the property within 90 days of receipt of a notice of termination. In cases where a travel trailer or recreational vehicle has been utilized for the purposes of a temporary use permit, said vehicle may remain on the subject property but must be disconnected from any and all utilities and cease to be used for the purposes outlined in the temporary use permit.
- K. *Expiration.*
1. A use permitted by an approved temporary use permit must be enacted, which includes, without limitation, setup of temporary residence, connections to existing well and sewer, inspection of connections by the building department, etc., within six months from the date of approval. Failure to enact the permit shall invalidate the temporary use permit. Without further action, the temporary use permit shall be null and void and such use shall not be made of the property except upon the granting of a new temporary use permit.
 2. A temporary use permit that does not receive a yearly renewal will be terminated without further commission action 30 days after the activity granted by such temporary use permit is not renewed or is no longer needed.
 3. In the event that circumstances beyond the control of the applicant result in a failure to complete applicable temporary use permit conditions and construct or commence the use prior to the expiration date, the applicant may, in writing, request one single extension of the expiration date for a period of not to exceed six calendar months from the original date of expiration. The written request for an extension shall be received by the planning department 30 days prior to the expiration date. The director may approve a six-month extension with the option of commission review.
 4. A temporary use permit shall be, upon violation, subject to revocation or termination by the commission.

5. Once the need for which a temporary use permit has been granted no longer exists, or after the termination date for the temporary use permit passes, the permit is considered void and the temporary use granted must be discontinued. In the case of a manufactured/mobile home, the residence must be removed from the property, and in the case of an RV, the residence must be disconnected from all utilities.
- L. *Penalty for delinquent payment.* In all cases where the required renewal fee has not been paid when due and payable as provided in this title, a penalty of 50 percent of the amount of the fee due and payable shall be required.

(Bill No. 2019-A, 2019; Bill No. 2020-A , 7-2-2020)

16.08.080. Special use permits.

- A. *Generally.* A special use permit is authorization for a property owner to develop a use that is only allowed when developed under certain specific conditions. Specially permitted uses are those which are generally compatible with the land uses permitted by right in a given zoning district, with individual review of location, design and configuration to ensure appropriateness of the use. The issuance of a special use permit is discretionary and not a matter of right. All privileges granted pursuant to a special use permit shall be exercised within 365 days of granting the special use permit unless otherwise provided; failure to exercise within 365 days will terminate said special use permit. Annual renewal of a special use permit is not required. However, any expansion in use shall require a new application for a special use permit. The procedure for an expansion of use shall be the same as set forth for a special use permit. Any conditions attached to the special use permit by the commission must be upheld and continued as long as the special use permit remains active. Failure to comply with any of the conditions may result in termination of the special use permit.
- B. *Categories.* There are four categories of special use permit:
 1. *Home business.* These applications include "home based businesses" that cannot meet the conditions of a home business permit and are restricted regarding the permissible uses exceeding the impact of a home business permit.
 2. *General.* These applications will include and be similar to moderate projects requiring some outside research and consideration from other departments regarding possible impacts to the community such as minor aggregate operations.
 3. *Major.* These applications will include all major projects where significant research and review of the application, conceptual plans, etc., must be completed by the planning staff and other county departments, and agents as assigned in order to determine the impacts to the environment, roads and/or community such as energy production and manufacturing.
 4. *Administrative special use permit.* These applications are reviewed and permits are issued by the planning director (see subsection L of this section).
- C. *Required.* The proposed use shall require a special use permit if the use falls into one of the following categories:
 1. The use is listed as a special use in the land use/zoning district or shall be a similar use not listed. The director shall determine whether or not a use not included as a special use is a similar use that does not deviate from the pattern of other special uses in that land use/zoning district and complies with that district's purpose statement.
 2. It is a use that may have impacts to public health and safety and/or adjoining land uses as deemed by the director.
 3. All 24-hour businesses as implied or nighttime business (i.e., bars, clubs, etc.).

4. Any project that is considered a "major traffic generator" defined as the use or uses that generate a total of 500 or more vehicle trips per day to and from the use or uses. Projects that generate over 80 average daily traffic (ADT) are required to prepare a traffic study in accordance with section 16.16.010.8 of this title.
 5. Any use of hazardous materials which includes, without limitation, any substance or combination of substances, including any hazardous material, hazardous waste, hazardous substance or marine pollutant as defined or described in NRS ch. 459.
 6. Projects of any magnitude that have the potential to utilize or transfer significant quantities of water that may result in declining water levels in existing wells or loss of irrigated acreage.
- D. *Authority.* The commission shall have the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a minor, general or major special use permit. The planning director shall have the authority to approve an administrative special use permit.
- E. *Application requirements.*
1. All applicants shall meet with planning department staff to discuss the application and procedure prior to completing the application. Once the application is complete (but prior to signing and making copies) it is strongly recommended that the applicant meet again with planning department staff to review the application for accuracy and detail. If a meeting is impractical, the applicant shall provide a draft copy to the planning department for review.
 2. Any new or amended application for a special use permit of a size or complexity that the county determines warrants specialized/skilled professionals or a panel of experts to assist in the review of the application or future monitoring shall deposit with the county an amount to be determined up to \$50,000.00 at the time the special use permit application is filed with the county. Said deposit shall be used for services provided by specialized or skilled professionals retained by the county to review and provide consultation to be used in determining the possible impacts of the proposed use or conditions to be placed upon granting the special use permit and to assist in oversight of the development of the proposed use. If the deposit is required, no permit shall be issued until the deposit is lodged with the county. If the special use permit application is denied, the outstanding balance of the deposit shall be returned to applicant after the time for filing appeals and petitions for judicial review have expired. If the special use permit is granted, the deposit shall be retained and utilized by the county for services provided by specialized or skilled professionals retained by the county to monitor compliance with the conditions of the special use permit. At the time the special use permit is granted, applicant, as a condition of the special use permit, may be required to deposit additional funds with the county to bring the balance of the deposit back up to \$50,000.00.
 3. The required completed application form and a site plan showing the applicant's intent to meet the special use permit application and site plan requirements, including a signature of at least one owner of record, or if the property is being leased or purchased, a letter from the landowner stating approval for application of the special use permit or a copy of the lease agreement of the subject property, shall be submitted. Only in circumstances where the proposed project encompasses multiple properties, such as a major highway, a transmission line, a natural gas or fuel line, may an application be filed without property owner signatures provided that the applicant provides documentation that demonstrates that the property owners have been made aware of the proposed project.
 4. Every application must include a sworn affidavit that the information presented in the application is true, complete, and correct to the best of the knowledge of the applicant, and an acknowledgement that any material misrepresentation or omission made in the application or at a public hearing by the applicant or an agent of the applicant may constitute grounds for reexamination or revocation of the special use permit if granted.
- F. *Application review.* The director shall review each application to ensure that the proposal is consistent with the requirements of this title.

1. The director shall ensure that each application that has potential impacts upon public services and infrastructure, public health and safety is reviewed for the purposes of assessing the impact of the proposed use by applicable county and state staff including, but not limited to, the county health officer, the sheriff, the Fallon/Churchill fire marshal, the road supervisor, and the building official.
2. In addition to any other review conducted under this section, the director may, when reviewing an application, convene a multidisciplinary panel for purposes of assessing the impact of a proposed use upon public health, safety, convenience and welfare. Where such a panel has not been convened by the director, the commission may also convene such a panel to assess an application.
3. A panel convened by the director or commission under this section shall be composed of such persons bearing the requisite scientific, technical or other specialized knowledge which will assist the director or the commission in determining whether or not to grant a special use permit. The panel thus convened shall prepare written findings and recommendations as to the proposed special use.
4. The cost of any assessment conducted under this section shall be borne by the applicant and shall be made payable to the Churchill County planning department.

G. *Hearing.*

1. The commission shall hold a public hearing, no more than 65 days after filing of a complete application, and shall give notice of time and place and purpose thereof by mailing a notice, pursuant to this title.
2. The commission shall hear and consider evidence and facts from any person at the public hearing, or shall consider written communication from any person relative to the proposed special use permit.

H. *Findings.* Findings from a preponderance of evidence must indicate that the proposed use:

1. Is compatible with the existing surrounding land uses and development;
2. Is in substantial conformance with the master plan and policies and will be constructed and operated in full compliance of this Code;
3. The project will be constructed and operated in a manner that will not overburden public services and infrastructure;
4. Adequately mitigates road and traffic impacts generated by the construction and build-out of the project;
5. Does not create adverse environmental impacts, including, but not limited to, noise, glare, fumes, and odor that may be detrimental either to public health, public safety, or general welfare of the persons or property in the vicinity or the wildlife and/or natural resources.

The applicant for a special use permit shall have the burden of proof by a preponderance of the evidence to provide facts supporting the proposed special use permit. For purposes of legal clarity, this shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact, which are to be determined by the commission and the board. Additionally, the applicant shall provide adequate information in the application to substantiate the findings required in this subsection.

I. *Decision.*

1. Following the public hearing, the commission shall determine if there is a preponderance of evidence in the record to support the findings required by this section and shall approve, conditionally approve, modify, continue within allowed time frames, or deny the special use permit request.
2. The applicant may request a continuance of any application for a special use permit to a future meeting. A continuance suspends the time lines established in Nevada Revised Statutes and this title.

J. *Conditions of approval.* The commission, in approving any special use permit, may require certain conditions under which the lot or parcel may be used or the building constructed if, in such commission's opinion, the

use will otherwise be incompatible with other existing and potential uses within the same general area or will overburden public services, improvements or facilities.

1. *Removal of exterior facilities.* With placement of physical facilities other than a building (i.e., cell tower, geothermal facility, solar field, etc.) the commission may also require a performance bond for all new facilities exterior, including relocation where a previous bond has not been accepted, in a form acceptable to the planning department, or a cash deposit in lieu of the bond, in an amount sufficient to provide for removal, storage or disposal of the facilities plus an additional 15 percent contingency and to restore the site including stabilization and re-vegetation as necessary. An estimate of the removal cost from a licensed company experienced in contracting for removal of standard components shall accompany the bond. Unless the facility is located on property owned by a governmental entity where a guarantee is in place for removal of the facility when no longer in use, a separate bond will be required for each facility regardless of owner(s) or location. All bonds shall provide for the county to collect the full amount of the guarantee if the applicant fails to maintain the guarantee. Any government entity or public utility company shall be exempt from this requirement.

If no bond is in place, or if the county cannot collect on a bond issued pursuant to the previous paragraph, then the following procedure shall apply. Any abandoned or unused facility, and the associated components, shall be removed within 12 months of the cessation of operations of the facility. In the event that timely removal is not performed, the county may remove or cause the removal of the components and assess the costs of removal against the property after notice and an opportunity to be heard is provided. Before taking such action, the county must mail to the property owner a notice of the county's intent to do so. The property owner served with such notice shall have 30 days from the date the notice is mailed to respond in writing to request a hearing before the board to show cause why the abandoned components should not be removed from the property at the property owner's expense. The failure to request a hearing within 30 days shall be deemed a waiver of the right to be heard and the county may immediately cause the removal of the components, and may assess the costs of removal, storage and disposal against the property.

K. *Expiration; termination.*

1. An approved special use permit must be enacted within 365 days from the date of approval. Enactment includes, without limitation, submittal of permit applications, applications for building permits, construction of the project, etc. If no action is taken, the special use permit shall be null and void and such use shall not be made of the property except upon the granting of a new special use permit.
2. In the event that the use authorized by the special use permit is abandoned for a period of more than 365 calendar days from the date of last producing operations, the 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, flood, damage, or destruction of the access to the site, earthquake, or other events beyond the control of the county or 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. The special use 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 county, state and federal regulations. In the event that the permit lapses or the use is discontinued or abandoned, the permit holder/owner, its heirs, assigns or successors shall remain responsible for environmental compliance until postclosure reclamation requirements are met. If the business or facility is not being abandoned, but is not in operation for greater than 365 days for a reason such as equipment failure, replacement or maintenance, the permit holder shall notify the planning department in writing indicating an estimated time line for operations to commence.
3. In the event that circumstances beyond the control of the applicant result in a failure to complete applicable special use permit conditions and construct or commence the use prior to the expiration date, the applicant may, in writing, request one single extension of the expiration date for a period of not to exceed 365 days from the original date of expiration. The written request for an extension shall

be received by the planning department 30 days prior to the expiration date. The director may approve a one-year extension with the option of commission review.

4. A special use permit shall be, upon violation, subject to reexamination or revocation by the commission pursuant to section 16.08.100 of this article.
5. A special use permit granted for a home-based business shall terminate upon the close of the business or relocation of the business owner.

L. *Administrative special use permits.*

1. The planning director, pursuant to the process established in this title, has the authority to grant an administrative special use permit for the uses identified in section 16.08.250, "Use table for all zoning districts", of this chapter. The applicant shall provide a site plan drawing of the property indicating locations of existing houses, wells and septic tanks, improvements, setbacks, access and location of the proposed improvements.
2. Prior to consideration of an administrative special use permit the planning director shall provide written notice of the requested special use permit to each owner, as listed on the county assessor's records, of real property located within 100 feet of the exterior limits of the property in question as shown by the latest assessment rolls of the county. Notice by mail to the last known address of real property owners as shown by the assessor's records shall be sufficient.
3. The planning director may grant the special use permit if the proposed use will not impair the purpose of the zoning district or any other provisions of this Code. The planning director may impose conditions that will mitigate potential impacts and ensure conformance with this Code.
4. The administrative special use permit is subject to the same expiration deadline as a special use permit and has the same requirement for an extension of the deadline (see subsection K of this section).

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010; Bill No. 2012-F, 2012; Bill No. 2015-D, 2015; Bill No. 2018-E, 2019; Bill No. 2019-A, 2019; Bill No. 2020-A, 7-2-2020)

16.08.090. Variances.

- A. *Generally.* A variance is authorization for a property owner to depart from the literal requirements/development standards of a zoning ordinance as it applies to his/her land. The applicant has the burden of demonstrating that unnecessary hardship or practical difficulties will result from the literal application of the zoning ordinance to the applicant's property.

Variance requests that are within ten percent deviation from the development standards of this title are considered minor administrative requests and are reviewed by the planning director. Administrative variances follow a modified application.

A variance, once granted, shall run with the land. All privileges granted pursuant to a variance application shall be exercised within 365 days of granting the variance unless otherwise provided.

- B. *Authority.* The commission shall have the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a variance. Variations under this section allow for consideration of land use regulations only, and do not include building code variations.

C. *Application requirements.*

1. All applicants shall meet with planning department staff to discuss the application and procedure prior to completing the application. Once the application is complete (but prior to signing and making copies) it is strongly recommended that the applicant meet again with planning department staff to review the application for accuracy and detail. If a meeting is impractical, the applicant shall provide a draft copy to the planning department for review.

2. All sections of the application must be complete and accurate or the application may be delayed to allow the necessary information to be obtained.
 3. The required completed application form and a site plan showing the applicant's intent to meet the variance application and site plan requirements, including a signature of at least one owner of record, or if the property is being leased or purchased, a letter from the landowner stating approval for application of the variance or a copy of the lease agreement of the subject property, shall be submitted.
- D. *Application review.* The director shall review each application to ensure that the proposal is consistent with the requirements of this title.
- E. *Hearing.*
1. The commission shall hold a public hearing no more than 65 days after the filing of a complete application, and shall give notice of time and place and purpose thereof by mailing a notice, pursuant to this title.
 2. The commission shall hear and consider evidence and facts from any person at the public hearing, or shall consider written communication from any person relative to the proposed variance.
- F. *Findings.* In order to approve a variance, the commission shall make the following findings:
1. The property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness or shape, or it has exceptional topographic conditions at the time of enactment of the regulations.
 2. The strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.
 3. Granting of this variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity.
 4. The proposed variance is consistent with the intent and purpose of this title.
- The applicant shall have the burden of proof by a preponderance of evidence to provide facts supporting the proposed variance. For purposes of legal clarity, this shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the commission and, if on appeal, by the board. Additionally, the applicant shall provide adequate information in the application and on the site plan to substantiate the findings required in this section.
- G. *Decision.*
1. Following the public hearing, the commission shall determine if there is adequate evidence in the record to support the findings required by this section and shall approve, conditionally approve, modify, continue within allowed time frames, or deny the variance request.
 2. The applicant may request a continuance of any application for a variance to a future meeting. A continuance suspends the time lines established in Nevada Revised Statutes and this title.
 3. If the commission determines that practical difficulties exist and variance from paving and grade gravel road construction is warranted, conditions of approval must include:
 - a. Road specifications that are no less than the minimum access road requirements.
 - b. Justification for either cost sharing or no cost sharing.
 - c. The amount of cost sharing and how and when and for what period of time.
- H. *Conditions of approval.* The commission, in approving any variance, may require conditions under which the lot or parcel may be used or the building constructed which, in such commission's opinion, will prevent

material damage or prejudice to adjacent properties. These conditions become a part of the public record and approval process.

I. *Expiration; termination.*

1. An approved variance must be developed or exercised within 365 days of the date of approval. Developed or exercised includes, without limitation, submittal of permit applications, application for building permits, construction of the project, etc. If an approved variance is not developed or exercised within 365 days, then, without further action, the variance shall be null and void and such development activity shall not be made of the property except on the granting of a new variance.
2. In the event that circumstances beyond the control of the applicant result in a failure to complete applicable variance conditions and develop or exercise the variance prior to the expiration date, the applicant may request in writing one single extension of the expiration date for a period not to exceed 365 days from the original date of expiration. The written request for an extension shall be received by the planning department 30 days prior to the expiration date. The director may approve a one-year extension with the option of commission review.

J. *Administrative variances.*

1. The planning director has the authority to grant an administrative variance for variances of less than ten percent in deviation from the area, size, required setbacks, building height and other similar development standards and requirements of the land use districts.
2. An administrative variance is not applicable to the age or size requirements of a manufactured home or the paving or bridge requirements of any land division.
3. Prior to consideration of an administrative variance the planning director shall provide written notice of the requested variance to each owner, as listed on the county assessor's records, of real property located within 100 feet of the exterior limits of the property in question as shown by the latest assessment rolls of the county. Notice by mail to the last known address of real property owners as shown by the assessor's records shall be sufficient.
4. The planning director shall consider the effect of any requested variance. Provided that the deviation will not impair the purpose of the zoning district or any other provisions of this Code the planning director may grant the administrative variance.
5. The administrative variance is subject to the same expiration deadline as a variance and has the same requirement for an extension of the deadline.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010; Bill No. 2012-F, 2012)

16.08.100. Reexamination or revocation of special use permit.

Any of the following reasons or occurrences is grounds for a hearing on reexamination or revocation of a special use permit, pursuant to this title:

- A. A failure or refusal of the permittee to comply with any of the terms or conditions of a special use permit.
- B. Any act or failure to act by the permittee or its agents or employees directly related to the special use permit which would be a violation of federal or state law or a violation of this Code.
- C. A failure to return a signed copy of the notice of decision 21 days from receipt of said notice.
- D. A material misrepresentation or omission by the applicant or an agent of the applicant made on the application or during a public hearing.

- E. Further use of a revoked special use permit shall constitute a violation of this title and shall be punishable as herein provided.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2010-G, 2010; Bill No. 2012-F, 2012; Bill No. 2015-D, 2015)

16.08.110. Procedure to determine violation of special use permit.

A. Preliminary procedures.

1. a. Upon its own motion, or upon the complaint filed with the planning department (hereinafter, the party filing a formal complaint is referred to as the "complainant"), the planning department shall conduct a preliminary investigation to determine whether or not there is probable cause to believe that any of the violations specified in section 16.08.100 of this article have occurred. If the matter is brought forward on the motion of the planning department without a formal complaint being filed, the planning director shall have the rights and responsibilities of the complainant as provided herein.
 - b. If the matter is brought forward on the motion of the planning department, the planning director in consultation with an enforcement official shall determine whether enforcement action under the administrative procedures outlined in title 1, chapter 1.12 of this Code or the provisions outlined herein shall be followed.
2. Once the planning department has initiated an investigation pursuant to subsection A1a of this section, the planning department shall provide notice to the permittee of the investigation and the nature of the complaint.
3. The investigation shall be completed within 30 days of receipt of the complaint unless there is good cause to extend the completion of the investigation. Good cause exists in cases where, due to the complexity of the permit and the issues raised, the investigation requires additional time, in which case the planning director shall provide notice to the complainant when the investigation will be finished.
4. Upon completion of the investigation, the planning director, in consultation with the district attorney, shall determine if the matter should be brought before the commission. It may only be brought before the commission if there is probable cause to believe that one of the grounds listed in section 16.08.100 of this article has been violated by the permittee. Upon a finding that the complaint will not go forward, the planning department must notify complainant. The decision to not bring a complaint before the commission may be appealed within ten days of delivering the notice. The matter must then be brought before the commission at the next scheduled commission meeting, and the permittee and the complainant must be notified. The commission may overturn the determination to not go forward with the complaint only if the commission finds that the decision was arbitrary or capricious.
5. If the planning director determines that the matter should be brought before the commission, the matter shall be set for a public hearing to determine reexamination or revocation of the special use permit within 60 days of that determination.
6. The planning department shall ensure that the complainant and the permittee are provided mailed notice of the hearing to determine reexamination or revocation of the special use permit within 30 days of the hearing date. It is the responsibility of the complainant to notify any other persons who may provide information to the commission regarding the complaint.
7. The results of the investigation conducted by the planning department shall be presented in report form to the commission at the hearing to determine reexamination or revocation of the special use permit. The report shall be submitted to the complainant and the permittee seven days prior to the hearing.

B. Hearing procedures.

1. At the hearing to determine reexamination or revocation of the special use permit, the planning director, the complainant and the permittee shall be allowed an opportunity to argue the merits of the complaint and present evidence that will assist the commission in making the required findings.
 2. The formal rules of evidence shall not apply to this hearing. The commission may receive any information, either oral or written that will assist in making the required findings.
 3. All persons at the hearing shall be entitled to be represented by attorneys.
 4. The hearing shall be conducted informally; however the following order of presentation shall apply:
 - a. The planning department may provide any additional information to supplement the information provided in the report;
 - b. The complainant shall provide information regarding the complaint and any evidence or argument regarding the complaint;
 - c. The permittee may provide any additional argument or evidence;
 - d. The general public shall be invited to make any comments on the matter before the commission; and then
 - e. The commission shall deliberate, and that deliberation may include the questioning of any person who had previously spoken.
- C. *Required findings.* The burden of proof is on the complainant to present clear and convincing evidence that grounds exist as defined in section 16.08.100 of this article that the special use permit should be reexamined or revoked.
- D. *Commission action.*
1. At the conclusion of the hearing, the commission may order additional investigation by the planning department or independent investigators, continue the matter to allow for correction of the problem by the permittee, reexamine the special use permit and add additional conditions, recommend revocation of the special use permit, or take no action on the complaint.
 2. Prior to reexamining the special use permit or recommending revocation of the special use permit, the commission must find by clear and convincing evidence that the permittee failed to or refused to comply with any terms or conditions of the special use permit, there was an act or failure to act by the permittee or its agents or employees directly related to the special use permit which would be a violation of federal or state law or a violation of this Code, the applicant or an agent of the applicant made a material misrepresentation or omission on the application or during a public hearing that affected the decision of the commission or that there was a failure to return a signed copy of the notice of decision 21 days from receipt of said notice.
 3. A reexamination of the special use permit may only address the reexamination by the commission of the specific condition or item that is the subject of the complaint.
 4. Upon a recommendation of revocation of the special use permit, the matter shall be heard by the board within 45 days of the notice of final action being filed by the commission. The board shall conduct a de novo hearing whereby the procedures set forth in subsection B of this section shall be followed. Notice for the hearing shall be required as defined in subsection A6 of this section. The board may also review the minutes and any material provided to the commission. At the conclusion of the hearing, the board may order additional investigation by either the planning department or independent investigators, continue the matter to allow for the correction of the problem by the permittee, reexamine the special use permit, revoke the special use permit, or take no further action on the complaint. Prior to reexamining the conditions of the special use permit or revoking the special use permit, the board must find by clear and convincing evidence that the permittee failed to or refused to comply with any terms or conditions of the special use permit, or there was an act or failure to act by the permittee or its agents or employees directly related to the special use permit which

would be a violation of federal or state law or a violation of this Code, that the applicant or an agent of the applicant made a material misrepresentation or omission on the application or during a public hearing that affected the decision of the commission, or that there was a failure to return a signed copy of the notice of decision 21 days from receipt of said notice.

E. *Appeal of commission determination.*

1. Any affected person or entity may appeal any final decision of the commission regarding a violation of a special use permit to the board provided the appellant has participated in the administrative process prior to filing the appeal.
2. The procedures for appeal are set forth in subsection 16.08.050.4F4 of this article.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010; Bill No. 2012-F, 2012; Bill No. 2015-D, 2015; Bill No. 2018-E, 2019)

16.08.115. Development agreements.

A. *Purpose.* This section provides procedures and requirements for the consideration of development agreements for the purposes specified in and as authorized by NRS ch. 278.

B. *General provisions.* All development agreements filed with the County shall be in compliance with the following:

1. Only a qualified applicant may file an application for a development agreement. A qualified applicant is a person who has a legal or equitable interest in the real property which is the subject of the development agreement, or an authorized agent of a person who has a legal or equitable interest. The planning department may require an applicant to submit a title report or other evidence to verify the applicant's interest in the real property and of the authority of the agent to act for the applicant.
2. An application for a development agreement may be filed concurrently with any other applications having a direct relationship to the property which is the subject of the proposed agreement.
3. An application for a development agreement shall be made on a form provided for that purpose by the planning department, along with the required fee.
4. The required fee to accompany an application for a development agreement is established as follows:

\$1,000.00	Developments that are less than 100 acres
2,000.00	Developments that are 100 acres or greater

5. A draft of the proposed development agreement along with the required number of copies and any other required submittal materials must be submitted along with the application. The draft shall include the items described in NRS § 278.0201.
6. The planning department may require additional information to enable the planning commission and the board of county commissioners to determine whether the development agreement is consistent with the objectives of the adopted master plan and any applicable specific plan, with this title, and with any development permit approvals the development agreement is intended to implement.

C. *Review procedure.*

1. The planning department shall review each application for a development agreement to ensure that the proposal is consistent with the requirements of this title and the county's master plan and shall provide a recommendation to the planning commission. The planning commission shall consider the request at a regular public meeting and forward its recommendation for approval or denial to the board of county commissioners.

2. Upon receiving a recommendation from the planning commission on a proposed development agreement, the board of county commissioners shall hold a public hearing. The hearing shall be set and notice given as prescribed in subsection 16.08.050.4C of this chapter. The hearing may be continued.
 3. The board shall determine if the development agreement is consistent with this title, with the master plan, and with any development permit approvals to be implemented by the agreement. If determined to be consistent, the board may choose to move forward with the request, and introduce an ordinance adopting the development agreement.
 4. Following introduction, a second reading shall be held and based on the testimony provided at the hearing, the ordinance shall be adopted, modified, denied or continued.
- D. *Ongoing review.* The planning director shall review all approved development agreements at least once every 24 months to determine whether the applicant, or successor in interest, is demonstrating good faith compliance with the terms of the agreement, and whether there are conditions as provided in NRS §§ 278.0205 through 02053 that may necessitate consideration to amend or cancel the development agreement; and shall forward a recommendation to the board of county commissioners for consideration at a regular public meeting to allow the continuation of the development agreement, or direct action to amend or cancel the agreement.
- E. *Amendments to or cancellation of approved development agreements.* Any amendment to or cancellation of an approved development agreement agreed to by both parties shall be reviewed pursuant to the procedures outlined in this chapter for a new application. If the board chooses to take action to amend or cancel an approved development agreement without consent of the other parties, the planning department shall initiate the review process and follow the procedures established in NRS § 278.02053.
- F. *Application of ordinances and regulations.* Unless the development agreement or other agreement specific to the development otherwise provides, and except as provided in NRS § 278.0201 subsection 7, the ordinances, resolutions or regulations applicable to that land and governing the permitted uses of that land, density and standards for design, improvements and construction are those in effect at the time the agreement is made.

(Bill No. 2018-C, 2018)

16.08.120. Moratorium.

The board may declare a moratorium on the acceptance and processing of planning applications, or permits for a specific type of application or a specific geographical area and for a specified length of time for the purposes of preparing county applications.

- A. *Initiation.* Only the board through resolution may initiate the process for declaring a moratorium for this purpose. The commission may recommend a resolution to initiate the process for declaring a moratorium to the board.
- B. *Commission hearing.* Should the board initiate the process to declare a moratorium, prior to taking final action they shall first refer the matter to the commission for a recommendation. The commission shall then conduct a public hearing within 45 days from the date of referral by the board.
- C. *Notice of commission hearing.* Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Churchill County not less than ten days prior to the date of the public hearing to be conducted by the commission. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- D. *Commission recommendation.* After completion of the public hearing by the commission, it may recommend that the board approve a moratorium, modify the extent and area of the moratorium, or

that the moratorium not be imposed. A recommendation to declare a moratorium shall require a two-thirds vote of the total membership of the commission.

- E. *Findings.* When making its recommendation for approval or modification, the commission shall, at a minimum, make the following findings of fact:
 - 1. The moratorium is necessary to promote the health, safety and welfare of the area described in the moratorium declaration;
 - 2. The moratorium is necessary to permit the staff, commission, board and public to focus on the efficient and effective preparation of an amendment to the master plan; and
 - 3. The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the plan amendment.
- F. *Commission report.* Within 45 days of the action by the commission, a report describing the proposed moratorium, discussion at the public hearing, and the action and vote by the commission shall be transmitted to the board. Failure to report within the time limit provided in this subsection or failure to schedule a hearing within 45 days of the date of referral of the matter by the board to the commission shall constitute a recommendation not to declare a moratorium.
- G. *Board hearing.* The director shall schedule a public hearing before the board within 30 days of receipt of the report describing the commission's action.
- H. *Notice of board hearing.* Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Churchill County not less than ten days prior to the public hearing date. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- I. *Required vote.* After completion of the public hearing by the board, it may declare a moratorium by a simple majority vote of the board members in attendance.
- J. *Affirmation of findings.* In declaring a moratorium, the board shall, at a minimum, affirm the findings of fact contained in the commission's recommendation or, if the commission did not make these findings, shall, at a minimum, make the findings of fact in subsection E of this section.
- K. *Period in effect.* A moratorium declared by the board shall be in effect for a period of no less than 90 days and no more than 180 days from the date of effectuation. The board may only extend the moratorium for an additional 60-day period before holding another public hearing pursuant to the provisions of this section.

(Bill No. 2005-F § 2.2, 2005)

16.08.125. Planned unit developments generally.

- A. *Authority.* Planned unit developments shall be approved, denied or modified by the board.
- B. *Application requirements.* Before a planned unit development may be considered for approval:
 - 1. The applicant shall file with the planning department a conceptual plan and required supporting information.
 - 2. The planned unit development conceptual plan along with supporting material is presented to the planning commission at a public hearing for discussion only.
 - 3. Following input from the planning commission on the conceptual planned unit development plan the applicant can move forward to prepare the planned unit development application.

4. The applicant shall file with the planning department the planned unit development application and supporting information.
 5. The planned unit development application will then be scheduled as a public hearing at a regularly scheduled planning commission meeting for review and recommendation.
 6. Following the planning commission meeting the planned unit development application will be forwarded to the county commission with the planning commission recommendation.
 7. The planned unit development application will then be scheduled as a public hearing for action by the board.
- C. *Investigation.* The director shall investigate each application to assure that the proposal is consistent with the requirements of this title.
- D. *Hearing.*
1. The commission and the board shall hold public hearings on the following submittals for a planned unit development:
 - a. Conceptual plan (only one public hearing is held at a planning commission meeting).
 - b. Planned unit development application.
 - c. Planned unit development tentative map(s).
 2. Such hearings before the planning commission shall be held within 45 days following the acceptance of a complete application.
- E. *Findings.*
1. The applicant for a planned unit development application shall have the burden of proof to provide facts supporting the proposed development. Additionally, the applicant shall provide adequate information in the application and on plans submitted to substantiate the findings required in chapter 16.12 of this title. The commission and board shall determine if the information presented is adequate to support their decisions.
 2. The commission, in forwarding a recommendation to the board for approval of a planned unit development application shall make the following findings of fact:
 - a. Growth and/or other development factors in the community support a change in the land use.
 - b. The change in land use represents orderly development, and that adequate services and infrastructure to support the proposed land use are available in the area.
 - c. The change in land use provides for an appropriate use of the land.
 - d. The proposed land use is in substantial conformance with the master plan and other adopted plans and policies.
 - e. The proposed land use and project is sensitive to and compatible with the use and development of the adjacent properties.
- F. *Decision.*
1. Following the public hearing, the commission shall determine if there is adequate evidence in the record to support the facts and findings required by this section and shall recommend to approve or deny the request for the planned unit development application.
 2. The applicant may request a continuance of any application for a planned unit development application to a future meeting. A continuance suspends the time lines established in Nevada Revised Statutes and this title.

- G. *Notice.* Notice of time and place of such hearings shall be published in a newspaper of general circulation in Churchill County, not less than ten days prior to the date of such hearing. Upon application for a conceptual map, a planned unit development application or a tentative map the commission and board shall mail to the applicant, to all property owners of record as shown on the latest equalized assessment rolls within 300 feet of the exterior boundaries of any property proposed for reclassification and to all property owners of land within such area proposed for reclassification and to each tenant of a mobile home park if that park is located within 300 feet of the property in question; and to each unique property owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given above, written notice of the time, place and date of such hearing and the general location of the property of the addressee with reference to the property proposed for change, not less than ten days prior to the public hearing date.
- H. *Report to the board.*
1. After the hearing of the commission, the commission shall make a recommendation on the application to the board.
 2. The commission shall also forward to the board a copy of its decision and findings in accordance with this section recommending approval, modification or denial of the proposed planned unit development application or tentative map.
 3. Failure of the commission to report within 30 days of the date of its hearing, unless the hearing date has been continued with the applicant's concurrence, shall be deemed a recommendation of approval.
 4. The applicant or the commission, with the applicant's concurrence, may continue any application for a planned unit development application or tentative map to a future meeting in order to ensure that the applicant has adequate time to present required information or other materials needed for consideration of the decision. A continuance, when approved with applicant concurrence, suspends the time lines established in Nevada Revised Statutes and this title.
- I. *Board action.* The board shall consider the evidence relating to the planned unit development application or tentative map and may approve, modify or deny the recommendation of the commission.

(Bill No. 2006-G, 2006)

ARTICLE II. LAND USE DISTRICTS

16.08.130. Land use districts; general overview.

All lands in the county are hereby assigned a zoning district, as described in sections 16.08.140 through 16.08.240 of this article, and as shown on the Churchill County zoning map. All uses subject to this development code must conform with the use limits and permitting requirements of the zoning district as provided in the land use table in section 16.08.250 of this article, and as further provided in this title.

(Bill No. 2018-E, 2019)

16.08.140. Agricultural district (A-5).

This district is intended to preclude premature development of rural land on the fringes of the urban area while protecting the environment and providing for large lot single-family uses (five acre minimum) that may include agricultural uses. The purpose of this district is for agricultural uses, with large lot single-family residences. Refer to section 14.04.030 of this Code and section 16.16.020 of this title for additional regulations that might affect uses in this district. Specific land uses are listed in the land use table under section 16.08.250 of this article.

(Bill No. 2018-E, 2019)

16.08.150. Agricultural district (A-10).

This district is intended to preclude premature development of rural land on the fringes of the urban area while protecting the environment and providing for large lot single-family uses (ten-acre minimum) that may include agricultural uses. The purpose of this district is for agricultural uses, with large lot single-family residences. Refer to section 14.04.030 of this Code and section 16.16.020 of this title for additional regulations that might affect uses in this district. Specific land uses are listed in the land use table under section 16.08.250 of this article.

(Bill No. 2018-E, 2019)

16.08.160. First estate district (E-1).

The purpose of this district is to provide for low to medium density single-family development. Minimum lot size is one-half acre if water or sewer facilities are provided; one acre if facilities are not provided. In a planned unit development, provisions of subsection 16.12.040.3C2 of this title with regard to density apply. This zoning district is intended to provide for development of sites with water and sewer utilities. Refer to section 14.04.030 of this Code and section 16.16.020 of this title for additional regulations that might affect uses in this district. Specific land uses are listed in the land use table under section 16.08.250 of this article.

(Bill No. 2018-E, 2019)

16.08.170. Single-family residential district (R-1).

The purpose of this district is to provide for medium density single-family residential land uses with minimum lot size of 7,000 square feet. Refer to section 14.04.030 of this Code and section 16.16.020 of this title for additional regulations that might affect uses in this district. Specific land uses are listed in the land use table under section 16.08.250 of this article.

(Bill No. 2018-E, 2019)

16.08.180. Multi-family residential district (R-2).

The purpose of this district is to provide for higher density single-family and moderate density multi-family (minimum of 5,000 square foot lot area) residential developments. This type of residential zoning is considered compatible with medium density residential. More intensive developments, as determined by the director, will need to connect to the county's water and sewer system or establish community systems. Refer to section 14.04.030 of this Code and section 16.16.020 of this title for additional regulations that might affect uses in this district, and requirements specific to multi-family developments in section 16.16.010.8. Specific land uses are listed in the land use table under section 16.08.250 of this article.

(Bill No. 2018-E, 2019; Bill No. 2022-A , 4-20-2022)

16.08.185. Intensive multi-family residential district (R-3).

The purpose of this district is to provide for high density multi-family residential developments and limited commercial uses suitable for serving multi-family developments. Such high intensity development will need to connect to the county's water and sewer system, and the establishment of new R-3 zoning districts must be in proximity to such services. Refer to section 14.04.030 of this Code and section 16.16.020 of this title for additional regulations that might affect uses in this district, and requirements specific to multi-family developments in section 16.16.010.8. Specific land uses are listed in the land use table under section 16.08.250 of this article.

(Bill No. 2022-A , 4-20-2022)

16.08.190. General commercial district (C-1).

The purpose of this district is to promote mixed use commercial and associated land uses including regional centers and transit oriented commercial development (primarily retail sales, wholesales of new and used goods, and service facilities). Refer to section 14.04.030 of this Code and section 16.16.020 of this title for additional regulations that might affect uses in this district. Specific land uses are listed in the land use table under section 16.08.250 of this article.

(Bill No. 2018-E, 2019)

16.08.200. General heavy commercial district (C-2).

The purpose of this district is to provide for general heavy commercial and service enterprises for the community at large. Refer to section 14.04.030 of this Code and section 16.16.020 of this title for additional regulations that might affect uses in this district. Specific land uses are listed in the land use table under section 16.08.250 of this article.

(Bill No. 2018-E, 2019)

16.08.210. Industrial district (I).

The purpose of this district is to provide for industrial activities and land uses that have the most potential for impacting adjacent land uses and infrastructure (e.g., heavy industrial). This type of zoning should be located in areas with good access to roadway and/or railway transportation systems. Refer to section 14.04.030 of this Code and section 16.16.020 of this title for additional regulations that might affect uses in this district. Specific land uses are listed in the land use table under section 16.08.250 of this article.

(Bill No. 2018-E, 2019)

16.08.220. Rural resource district (RR-20).

The purpose of this district is to protect and enhance all natural resources including historical and archaeological sites by limiting, controlling and prohibiting certain use of lands. Refer to section 14.04.030 of this Code and section 16.16.020 of this title for additional regulations that might affect uses in this district. Specific land uses are listed in the land use table under section 16.08.250 of this article.

(Bill No. 2018-E, 2019)

16.08.230. Fallon Municipal Airport overlay zone.

- A. *Applicability of provisions.* Whenever the provisions of this section impose stricter requirements than those of other ordinances or underlying land use districts, the provisions of this section shall prevail. Whenever the provisions of other ordinances or underlying land use districts impose stricter requirements than those of this section, such stricter requirements shall prevail.
- B. *Hazards designated.* "Hazards" are determined to be any structure or object of natural growth located on or in the vicinity of the Fallon Municipal Airport or any use of land near Fallon Municipal Airport which obstructs the airspace required for the flight of aircraft in landing or takeoff at the airport or is otherwise hazardous to such landing and takeoff of aircraft.
- C. *Clear zone restrictions.* No structures will be allowed in the clear zone as shown on the map entitled "Fallon Municipal Airport Zoning Regulations".

- D. *Height limits; visual approach zone.* No structure or tree shall be erected, altered, allowed to grow or be maintained so as to penetrate through and be higher in elevation than the runway visual approach zone of the Fallon Municipal Airport; i.e., within an area which slopes upward (20 feet horizontally for each foot vertically) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance, as shown on the map entitled "Fallon Municipal Airport Zoning Regulations", along the extended runway centerline. (Note: The primary surface is the surface centered on the runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of the runway.)
- E. *Height limits; horizontal surface.* The horizontal surface is a plane, circular in shape, with its height 150 feet above the established airport elevation (Fallon airport elevation is 3,955 feet above sea level) and having a radius as shown on the map entitled "Fallon Municipal Airport Zoning Regulations". In any area that is within the same radius of the airport reference point as the radius of the horizontal surface, no object shall exceed a height of 150 feet above the established elevation of the Fallon Municipal Airport. The maximum elevation permitted in horizontal surface is 4,105 feet above sea level. (Note: Airport reference point is a point selected as the approximate geometric center of the airport landing area and is marked as "ARP" on the map entitled "Fallon Municipal Airport Zoning Regulations".)
- F. *Height limits; conical surface.* The conical surface extends upward and outward from the periphery of the horizontal surface with a slope of 20 to one measured in a vertical plane passing through the airport reference point. No structure or tree shall be erected, altered, allowed to grow or be maintained so as to penetrate through and be higher in elevation than the conical surface described in this subsection.
- G. *Effect on zoning provisions.* The visual approach zone, the horizontal surface and the conical surface are as shown on the map entitled "Fallon Municipal Airport Zoning Regulations", which is hereby made a part of this title and which overlays existing county land use districts.
- H. *Nonconforming uses.* Nothing contained in this section shall require any change in any structure, the construction or alteration of which was begun prior to August 5, 1975; provided, however, that all of the provisions of this section shall also apply.

(Bill No. 2005-F § 2.2, 2005)

16.08.240. Naval Air Station Fallon overlay (NAS overlay) and protection standards.

The land use protection standards for NAS Fallon are composed of the NAS overlay zone, which is also known as NAS Fallon Naval Air Station and associated ranges notification area map, protection standards that apply within the NAS overlay zone, and other standards that apply outside the NAS overlay zone.

- A. *Applicability of other code provisions.* Whenever the provisions of this section impose stricter requirements than those of other ordinances or underlying land use districts, the provisions of this section shall prevail. Whenever the provisions of other ordinances or underlying land use districts impose stricter requirements than those of this section, such stricter requirements shall prevail.
- B. *Definitions.* As used in this section, unless the text otherwise requires:
 - AICUZ.* Naval Air Station Fallon, Nevada, "Air Installation Compatible Use Zones 1999", detailing compatible use zones and suggested land use compatibility in accident potential zones.
 - Airfield.* Naval Air Station Fallon.
 - Flight hazard.* Any structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off, at any airport, or is otherwise hazardous to such landing or taking off of aircraft.
 - NAS Fallon Air Station and associated ranges notification area map.* A composite map on file at the office of the Churchill County planning department dated September 2006. Said map was developed from the updated interlocal agreement between Churchill County and NAS Fallon dated

August 2006, and data contained in the "Air Installation Compatible Use Zones Program Update 1999", regarding jet aircraft accident potentials and noise levels.

- C. *Nonconforming uses.* The regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or natural growth not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of any nonconforming use.
- D. *Variances.* Any person desiring to erect any structure or increase the height of any structure, or permit natural growth, or use his property, not in accordance with the regulations prescribed in this section, may apply to the planning commission for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest and will be in accordance with the spirit of this section.
- E. *Future uses.* No change shall be made in the existing zoning districts underlying the NAS Fallon Naval Air Station and associated ranges notification area map without notice to and input from NAS Fallon. All proposed development within the NAS overlay zone must conform with the additional land uses limits and permit requirements provided in the land use table under section 16.08.250 of this article. Some uses that may otherwise be allowed may be prohibited, and some uses may require a higher level of permitting than may otherwise be required. Uses so identified in the land use table must also include notification to NAS Fallon to allow input regarding issues of concern. Concerns may include noise impacts on the use, crash hazard to large population or occupancy numbers, navigation hazards (height, aircraft, bird attraction), firearm use, exhaust plumes, visual interference, electromagnetic interference, etc.
- F. *Notification.* The county shall notify NAS Fallon of any proposal for a zoning district change within the NAS overlay. The county shall notify NAS Fallon of any permit within the NAS overlay for which the land use table in section 16.08.250 of this article identifies a special review need in the "NAS" column. The county shall notify NAS Fallon of any proposal for a variance from the standards in this section. The county shall notify NAS Fallon of any proposal for a structure greater than 200 feet in height between three miles and nine miles from the NAS Fallon boundary or of any proposed structure greater than 75 feet within three miles of NAS Fallon's boundary. All new, redevelopment, or rehabilitated buildings and structures including transmission, communications, or energy generation structures planned or proposed within the boundaries of the MCA [three-mile radius of NAS Fallon boundary], with heights of structures exceeding 75 feet, will also require notification to NAS Fallon to ensure navigable airspace for military training activities.

Notice shall be sent by the planning department as provided for by NRS § 155.010 to:

Commanding Officer
NAS Fallon
4755 Pasture Road
Fallon, NV 89406

The NAS Fallon Commanding Officer or his designee shall respond to the notice within 30 days of receipt of said notice to:

Churchill County
Planning Department
155 N. Taylor St. Suite 194
Fallon, NV 89406

In the event the commanding officer or his designee fails to respond within 30 days of receipt of said notice, the Churchill County planning department shall deem the lack of response as an indication in the affirmative that NAS Fallon has no objection or reservation with respect to the issuance of a permit.

- G. *Existing uses.* Existing uses and structures may only be replaced, substantially altered, repaired or rebuilt within any of the zoning districts underlying the NAS Fallon notification area, provided any replacement, alteration, or repair that may be undertaken would not create a hazard to air navigation or permit a nonconforming use or structure to be made or become significantly taller on the subject property than it was on the effective date hereof or than it was when the application for a permit was made. Except as indicated, all applications for a permit for replacement, remodel, or repair of existing use or structure shall be granted.
- H. *Hazard marking.* Any permit or variance granted under this section may, if such action is considered advisable to effectuate the purposes of this section and reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to permit the Naval Air Station Fallon, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to aircraft pilots the presence of a flight hazard.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-B, 2006; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2012-F, 2012; Bill No. 2015-D, 2015; Bill No. 2018-E, 2019)

16.08.250. Use table for all zoning districts.

- A. All proposed uses and developments must be categorized according to the use listings in the land use table of this section. Where a proposed use or development does not clearly match a listing in the table, the planning director shall perform a similar use determination to classify the proposed use or development as the closest applicable use listing in the table. A similar use determination may be appealed to the planning commission, or the planning commission may modify the determination during a normal permit hearing for the project.
- B. All proposed uses and developments must be consistent with the use limits and permitting requirements provided in the land use table of this section for the zoning district in which they are located. Variances may not be requested or approved to allow prohibited uses, nor to change the required permit or review for allowed uses.
- C. Refer to section 14.04.030 of this Code and section 16.16.020 of this title for additional regulations that might affect uses in these districts.
- D. Uses in the land use table of this section are identified with use limits, permit process requirements, and establish use limits and permit processes for specific instances, as provided below:

(Blank) or x	=	Use is prohibited
S	=	Use is allowed through a special use permit
R	=	Use is allowed through a zoning review
T	=	Use is allowed through a temporary use permit
HB	=	Use is allowed through a home business permit
A	=	Use is allowed through an administrative special use permit
-	=	Use is allowed without a zoning review or other permit
* / ⁺	=	Either or both notations are used to identify and reference modifications to use limits or permit processes that apply in specific situations for the land use in the same row, and described under the land use name.
†	=	Notation to identify modifications to use limits or permit processes within the NAS overlay. These apply only when a use is allowed, not prohibited. This notation increases the level of review normally required in a situation and is accompanied by one of the above symbols to indicate the minimum level of review. It may also indicate that a use that might be allowed is prohibited in the NAS overlay due to operational concerns.

"Uses in NAS Fallon overlay may be †X - Prohibited, or †S - must have at least a SUP review, or †A - must have at least a administrative SUP review."

Uses ^A	RR-20	A-10	A-5	E-1	R-1	R-2	R-3	C-1	C-2	I	NAS†B
<u>Agriculture and Resource Production and Support:</u> NOTE: Transportation of resource products to and from an operation is allowed under the definition for the specific resource											n/a
Agricultural Production - not included in specific listings Rangeland Agriculture (Dispersed grazing, nut harvesting, etc.) Timber Growing and Harvesting (fence poles, pulp trees, Christmas tree, etc.) Farming/Cropland Pasture Grazing (incl. small scale livestock feeding and hobby farms) *with an Agricultural Support Building	-/R*	-/R*	-/R*	-/R*	-/R*	-/R*	-/R*	-/R*	-/R*	-/R*	n/a
Aquaculture *If hydrologically connected to fish habitat areas	R/S*	R/S*	R/S*						R/S*	R/S*	n/a
Animal Feeding Operation - Small (feeding 100 to 1,000 animal units) *If with buildings	-/R*	-/R*	-/R*							-/R*	†S
Dairy/Feed Lot, minor alterations of existing buildings NOTE: new or major expansion treated as Animal Feeding Operation	R	R	R	R	R	R	R	R	R	R	†S
Animal Feeding Operation - Large (feeding more than 1,000 animal units)	R	R	A							S	†S
Land Application of Domestic Septage	S	S	S								n/a
Exotic Animal Farm (fur farm etc.) Excludes zoos and similar uses - see recreation uses	S	S	S								†S
Game Hunting Ranch Also see Recreation Resort in lodging uses	S	S	S								†S
NOTE: Review dog/cat/pet breeding facility as kennel in commercial uses											
<u>Agriculture and Resource Related Retail:</u>											
Farm Stand/Direct Resource Product Sales Site Review sales not associated with the growing farm, and sales not on the farm site as	R	R	R	R	R	R	R				n/a

[illegible]

businesses locations see commercial uses											
Light Manufacturing (indoors) Also see Laboratory in commercial uses; also see Note ^A								S	R	R	†X
Industrial/Fabrication (indoors or outdoors) * Prohibited unless all processes are indoors (excluding storage) † If processes take place outdoors (excluding storage) Also see natural resource processing								S*	R/S+	R/S+	†X
Chemical Manufacturing or Storage (including fuels)										S	†X
Bulk Fuel Storage and Distribution - small (<100,000 gal.) Includes incidental retail sales Excludes vehicle fuel sales and storage incidental to other use									S	S	†S
Explosion/Combustion Testing See CCC 16.16.020.2 for ½ mi. setback from highways										S	†X
Tire Retreading/Rebuilding Excludes tire distilling - see Chemical Manufacturing									S	S	†X
Junkyard, Salvage Yard, Wrecking Yard See CCC 16.16.020.2 for ½ mi. setback from highways										S	†X
Asphalt and Concrete Batch Plants - also see mining * Prohibited unless temporary and for specific project		S*	S*						S	S	†S*
<u>Outdoor Recreation Uses:</u> (for indoor recreation see commercial listings)											
Wildland and Unimproved Outdoor Recreation (hiking, riding, hunting, etc.)	-	-	-	-	-	-	-	-	-	-	n/a
Improved Passive Outdoor Recreation (park, trailhead parking, fishing facility)	R	R	R	R	R	R	R	R	R	R	n/a
Improved Active Outdoor Recreation Facility (sport complex w/multiple ball fields/courts, golf course, boat launch, zoo) also see Game Hunting Ranch in agricultural uses * If approved in a PUD	S	S	S	R*	R*	R*	R*	S/R*	S/R*	S/R*	†S
Equestrian Boarding and Training Facility May also need event venue permit, below	S	S	S	S							†S

Outdoor Recreation and Entertainment Facility (See definition CCC 16.24 under Recreation)	S								S	S	†X
Rodeo and Farm Animal Event Venue (racing, showing, equestrian events) NOTE: Also see Outdoor Recreation and Entertainment Facility for other zones.		S	S								†X
Outdoor Shooting Range	S	S								S	†X
Motorized Racetrack - with events or gatherings [[DEF- Established tracks with events for large and small vehicles]]	S	S	S								†X
Motorized riding track - personal use	-	-	-	-	-	-	-	-	-	-	n/a
<u>Residential Uses:</u>											
Single-Family Dwelling (the following are also SFDs - see definition) + Prohibited except for certain on-site businesses in CCC 16.16.020.8 * Prohibited unless residential lot was approved in a PUD or tentative map NOTE: Also see Community Residential Facilities and definition. Home for Individual Residential Care (1—2 + caretaker) Home for Groups with Disabilities (3—10 + caretaker) Halfway House for Substance Abuse Recovery (<11 resid.) Domestic Violence Shelter (<11 residents) Foster Home (1—6)	R	R	R	R	R	R	R*	S ⁺ /R*	S ⁺ /R*	S ⁺ /R*	n/a
Accessory Dwelling Unit * Prohibited unless with existing legal permanent Single-Family Dwelling	A	A	A	A	A	A	A*	A*	A*	A*	n/a
Second Permanent Dwelling	A	A	A	A	A	A					n/a
2—4 Multi-Family Dwellings on a parcel * Only if approved in a PUD				R*	R*	R	R	R*	R*	R*	†X
5+ Multi-Family Dwellings on a parcel * Only if approved in a PUD				S*	S*	S*	S	S*	S*	S*	†X
Boarding House				S	S	S	S				†X
Permanent Housing for Farm Labor (single and multi-family) * Multi-family prohibited - single-family only	S	S	S	S*							n/a

[illegible]

Emergency and Law Services (police, jail, court, fire, ambulance, etc.)	S	S	S				S	S	S	S	†S
Emergency and Surgical Medical Facility (Hospitals, etc.) Review stand-alone day-surgery center as Medical Services in commercial Medical Offices and Helipads may be approved as accessory uses			S					S	S	S	†X
Extended Care Medical Facility (convalescent services, nursing home, mental health facility, hospice, etc.)			S	S			S	S	S		†X
Elder Care Facility (see definition)			S	S		S	S	S	S		†X
Community Residential Facility (also see Single Family Dwelling): Group Foster Home (7—15 children - see definition) Home for Groups with Disabilities (11—20; see definition) Domestic Violence Shelter (11+) Treatment Center or Halfway House for Substance Abuse Recovery (11+) Halfway House for Incarceration Transition (any number)	S S S S S	S S S S S	 S S S S	 S S S S		 R R R	 R R R		 S S S	 S	 †S †S †S †S
Cemetery	S	S	S					R	R	R	n/a
Funeral and Interment Services (including crematory)		S	S					R	R	R	†S
<u>Lodging Uses:</u>											
NOTE: Review Vacation Home Rental as a Single-Family Dwelling Rental of whole home only, otherwise see Vacation Room Rentals											
Bed and Breakfast Inn and Vacation Room Rental (see definitions) * Prohibited unless with existing legal permanent Single-Family Dwelling	S	S	S	S	S	S	S	R*	R*	S*	†S
Motel (does not include accessory uses)								S	S		†X
Hotel (includes accessory uses)								S	S		†X
Lodging approved in a PUD				R	R	R	R				†X
Recreation Resort (see definition) Also see Game Hunting Ranch	S	S	S								†S

Campground and Recreational Vehicle Facility (public and private)	S	S	S					S	S		†X
Commercial Uses: NOTE: Some businesses may qualify as a small-scale Home-Based Business											
Retail and Wholesale Sales Rentals and Repair - not included in specific listing (food, merchandise, hardware, etc.; new/used) For vehicle sales/rentals see Vehicle and Equipment category * If over 50,000 sf building; or if outdoor sales or storage area included; or if drive through services included; or if paint or chemical sales included + Prohibited if over 10,000 sf building, or if over 50 employees								R/S*	R/S*	R/S*	†S+
Multi-Tenant Business Complex (incl. shopping centers) * If over 10,000 sf. Each use in complex must be reviewed individually								R/S*	R/S*	R/S*	†X
Beverage Distributor + Prohibited if over 50 employees		S	S					R	R	R	†S+
Auction House * With outside sales area or outside speakers								R/S*	R/S*	R/S*	†S
Flea markets, swap meets, and special events		S	S					S	S		†S
Marijuana Establishment											n/a
Manufactured/Modular/Mobile Home Sales For construction of homes - see Industrial/Fabrication								S	R	R	†S
Firearm, Explosive, or Weapon Sales/Service/Rental - requiring an FFL								S	S		†S
Personal Storage (ministorage, RV, boat, etc.)	S	S	S					R	R	R	n/a
Off-Premises Storage (for business/personal use - not renting spaces) Inside a building Outside a building	R	R	R	R	R	R	R	R	R S	R S	n/a
Home Based Businesses * If not meeting basic HB criteria + Prohibited unless associated with existing legal residence	HB/S*	HB/S*	HB/S*	HB/S*	HB/S*	HB/S*	HB/S*	HB ⁺ /S**	HB ⁺ /S**	HB ⁺ /S**	n/a
General Offices and Services - not included in a specific listing								R	R	R	†S+

+ Prohibited if over 50 employees											
Office for Mobile Animal Slaughtering Business	S	S	S	S				S	S	S	n/a
Temporary Real Estate Office within a subdivision	R	R	R	R	R	R	R	R	R	R	n/a
Temporary Office (using a commercial coach)	T	T	T	T	T	T	T	T	T	T	n/a
Eating and Drinking Establishment * Prohibited unless fronting the I-80, US 50, US 50A and US 95 corridors + Prohibited unless approved in a PUD	S*	S*	S*	S*/R+	R+	R+	S	S	S	S	†S
Eating and Drinking Establishments - Farm Specialty (serving food from own farm - for other zones see regular uses above)		S	S								†S
NOTE: An Eating and Drinking Establishment serving alcohol requires a SUP											
Financial Service (banking, stocks, commodities, etc.) * If drive up services are included								R/S*	R/S*	R/S*	n/a
Medical and Counseling Services (doctor offices, clinics, physical therapy, etc.)								R	R	R	†S
Personal Health and Beauty Service (hair, nails, spa, massage, etc.)							S	R	R	R	n/a
Body Marking Service (tattoo, piercing (excl. earrings), etc. - see definition)								S	S		n/a
Personal Training Service and Classes (professional, health, fitness, arts, etc.)							S	S	S	S	†S
Laundromat							S	R	R	R	n/a
Dry Cleaner								S	S	S	n/a
Baking Facility								S	S	S	†S
Craft/Art Studio (welding/pottery/painters/etc.; includes sales)	S	S	S					R	R	R	†A
Testing Service (office and sample collection; processing 1-use and field kits)								R	R		†A
Laboratory (chemical testing)								S	S	S	†X
Materials Testing Excludes Explosive and Combustion Testing - see industrial uses									S	S	†S
Veterinary Clinic	S	S	S					R	R	S	†S
Pet Grooming (for sales see retail)	S	S	S					R	R	R	†A

Mobile Animal Care Service Office (Grooming, Farrier, etc.)								R	R	R	n/a
Animal Boarding or Kennel	S	S	S						S	S	†S
Taxidermy	S	S						S	S	S	n/a
Construction Contractors and Property Services (incl. repair; plumbers, electricians, sign co., well drilling, etc.) * For painting contractors, or outdoor material/heavy equipment storage								R/S*	R/S*	R/S*	†S
Utility and Telecom Offices/Shop * If fleet vehicle storage and maintenance is included	S							R/S*	R/S*	R/S*	†S
Waste Collection Service (solid/garbage and liquid/septage) Also see Industrial category and septage application in natural resources	S								S	S	n/a
Pest Control Service								S	S	S	n/a
Janitorial/Cleaning Service								R	R	R	n/a
Private Gathering/Reception Facility (including clubs and fraternal orgs.) * Prohibited unless designed and approved for 100 people or less + Prohibited unless approved in a PUD	S*	S*	S*	S+	S+	S+	S+	S	S		†S
Indoor Entertainment Use - not in a separate listing (billiards, game parlor)							S	R	R		†S
Indoor Recreation and Entertainment Facility (see definition CCC 16.24 under Recreation)(auditorium, theater, playhouse, equestrian, bowling, ice/roller rink, soccer)								S	S		†X
Indoor Shooting Range	S	S						S	S	S	n/a
Casino/Gaming Establishment Additional uses are reviewed individually (food, hotel, theater, spa, etc.)								S	S		†X
Adult Entertainment (See Title 9)										S	n/a
Brothel, House of Prostitution (See Title 5) See CCC 16.16.020.2 for ½ mi. setback from highways	S										n/a
On-Site Advertising	S	S	S	S	S	S	S	R	R	R	n/a
Off-Site Advertising - billboards, highway signs, etc. * If meeting exceptions in 16.16.020.6.B	S/R*	S/R*	S/R*	S/R*	S/R*	S/R*	S/R*	R	R	R	n/a

<u>Vehicle and Equipment Uses:</u> (Also see Transportation Section)											
Small Vehicle/Equipment Sales or Rental (see definition) (standard personal vehicle, ATV, motorcycle, assoc. trailer, and similar size)								R	R	R	†A
Large Vehicle/Equipment Sales or Rental (see definition) (larger than passenger vehicles, RVs, construction equip., assoc. trailers)									S	S	†S
Vehicle/Equipment Service and Repair (including temporary storage of associated vehicles)	S	S	S					R	R	R	†S
Vehicle Fuel Sales and Travel Services (including Truck Stops) * Prohibited if a truck stop or travel center + If approved to be within a Planned Unit Development Additional uses are reviewed individually (food, hotel, vehicle service and repair, casino, laundromat, etc.)				S ⁺	S ⁺	S ⁺	S ⁺	S	S	S	†S*
Vehicle Washing Facility								S	S	S	n/a
Parking Lot for Operable Vehicles - Stand Alone Short Term Long Term - more than one week Not for other on-site use; vehicles must come and go	R	R	R					R S	R S	R S	n/a n/a
NOTE: Also see storage uses in Commercial section for uses that may include vehicle storage											
Towing Business (including fleet parking and vehicle storage) Excluding Wrecking Yard/Junkyard - see Industrial category								S	S	S	n/a
Trucking Business/Package Delivery (including fleet parking) NOTE: Transport of on-site resource products is included with main use	S	S	S						R	R	†S
Fleet Vehicle Parking and Maintenance Facility (10+; bus barn, utility, etc.) Excluding uses with inherent parking (fire, police, trucking, etc.)	S							S	S	S	n/a

NOTE: For vehicle racing etc. see Indoor Recreation and Entertainment Facility in Commercial, or Outdoor Recreation Uses											
<u>Transportation Facilities:</u>											
Streets, roads, highways, and rail lines	-	-	-	-	-	-	-	-	-	-	n/a
Highway/Road Maintenance Facility	R	R	S						R	R	n/a
Ground Transportation Terminal and Park and Ride Lot (bus, rail, etc.) * Prohibited unless fronting I-80, US 50, US 50A and US 95, or a rail corridor	S*	S*	S*					S*	S*	S*	†S
Airport	S									S	†X
Airstrip/landing strip/helicopter pad	S	S	S							S	†X
Railroad Company Operations Yard (sidings, car storage, switching)	-	-	-	-	-	-	-	-	-	-	n/a
Rail-Based Services and Industrial Parks (transloading, rental space, rail services, etc.) Each use must be reviewed individually.									S	S	†S
<u>Utilities Facilities, Transmission, and Waste Handling:</u>											
Local Utility Distribution Lines and Mains	-	-	-	-	-	-	-	-	-	-	n/a
Utility Transmission Line - Level 1 (within approved corridors)	-	-	-	-	-	-	-	-	-	-	n/a
Utility Transmission Line - Level 2 (not within approved corridors)	S	S	S	S	S	S	S	S	S	S	†S
Utility Handling Facility - Level 1 (small scale in-line)	R	R	R	R	R	R	R	R	R	R	n/a
Utility Handling Facility - Level 2 (treatment of less hazardous substances)	S	S	S	S	S	S	S	S	S	S	†S
Utility Handling Facility - Level 3 (treatment of more hazardous substances) * If previously approved in a PUD	S	S	S					R*	R*	S/R*	†S
NOTE: Review utility company offices/ maintenance facility as other uses.											
Communication tower and antennas (and accompanying facilities) * When co-locating the transmitter/receiver on existing towers, structures, or buildings.	S/R*	S/R*	S/R*	S/R*	R*	R*	R*	S/R*	S/R*	S/R*	†S

Recycling Drop Box/Station	R	R	R	S	S	S	S	R	R	R	n/a
Recycling Facility * If all operations inside of a building	S/R*								S/R*	S/R*	n/a
Solid Waste Transfer Station	S	S								S	†X
Solid Waste Landfill (sanitary, construction waste, petroleum contaminated soil, hazardous waste, etc.) See CCC 16.16.020.2 for ½ mi. setback from highways	S									S	†X
<u>Energy Production:</u> NOTE: See definition for Power Generation											
Private Power Generation and Alternatives (renewable or fuel-based) Not for electricity generation (windmill water pumps, solar hot water, geothermal heating, etc.) OR Power generation for personal/on-site power needs only and less than 20 kw and 40 feet or less high	-	-	-	-	-	-	-	-	-	-	n/a
Minor Power Generation (renewable or fuel-based) Same as Private Power Generation and Alternatives, plus producing up to 500 Kw, and may be over 40' high * If over 40 in height	R/S*	R/S*	R/S*	R/S*	R/S*	R/S*	R/S*	R/S*	R/S*	R/S*	†S
Major Power Generation (renewable or fuel-based) Not qualifying for Private or Minor Power Generation See CCC 16.16.020.2 for ½ mi. setback from highways + Prohibited if fuel based, or wind powered, or concentrated solar	S	S								S	†S/X+

Notes:

^A CCC 16.08.080(C) requires certain uses, when allowed, to obtain a SUP, including: 24 hr./night uses, handling hazardous materials, using large water volumes, and major traffic generators. CCC 12.24 requires any permanent use, when allowed, that serves alcoholic beverages to obtain a SUP.

(Bill No. 2019-A, 2019; Bill No. 2020-A , 7-2-2020; Bill No. 2022-A , 4-20-2022)

Chapter 16.12 DIVISION OF LAND

16.12.010. Description of action.

- A. The general purpose of this chapter is to safeguard the public health, safety and general welfare by regulating the division of land and requiring certain improvements as a result of that division of land. The specific purpose of this chapter is:
 - 1. To preserve and protect the natural environment by protecting the land through limiting stormwater runoff, erosion, fire, flooding and pollution.
 - 2. To conserve agricultural resources.
 - 3. To provide adequate open spaces through efficient design and development.
 - 4. To preserve topographic elements and features.
 - 5. To facilitate through the orderly planning and subsequent development provision of police, fire and other public services.
 - 6. To promote the public health, safety and welfare by ensuring proper development that is consistent and compatible with the existing community.
 - 7. To provide at the time of land division the proper infrastructure for water, sewer, and drainage, and other utilities.
 - 8. To encourage the preservation and conservation of natural resources, including water, streams, hills, scenic areas and open space.
- B. The division of land in Churchill County by policy must consider the division of the land and subsequent development subject to the control of the county pursuant to the adopted zoning code to provide for the orderly planned and economical development of the community. The land shall be divided and developed in a manner that is safe, appropriate and suitable for the land, has the ability to access adequate public utilities and infrastructure and can be effectively provided with public services.

While all types of land division have the same purpose and must follow the aforementioned general guidelines, the specific processes and procedures are tailored differently for the specific land divisions. In accordance with this chapter there are seven identified methods of land division utilized within Churchill County. These land division types include subdivisions, parcel maps, map of division into large parcels, planned unit developments, cluster developments, boundary line adjustments and records of survey. These land division types are defined in more detail in this chapter.

(Bill No. 2005-F § 2.2, 2005)

16.12.020. Review procedure.

- A. Prior to the submittal of any map the developer or land divider shall meet with the planning department for a conference to determine the feasibility of the project and the applicable development standards.
- B. All land division maps must be submitted to the planning department 45 days prior to a scheduled planning commission meeting, except a record of survey (ROS) or record of survey/boundary line adjustment (ROS/BLA) that is reviewed by the planning department and county surveyor for compliance.
- C. All land division maps shall be submitted to and approved by the Truckee-Carson Irrigation District (TCID), for the purpose of calculating the amount of water rights appurtenant to the subject property and to verify all drainage, district road and ditch easements. All land division maps shall be in compliance with current Truckee-Carson Irrigation District policy.
- D. All land divisions retaining water rights shall be subject to review and recommendation by Truckee-Carson Irrigation District for irrigation and drainage distribution systems.

- E. All certificates, except that of the planning commission, the county commissioners, and the county clerk-treasurer, shall be signed by the designated authority prior to its presentation to the planning commission.
- F. All land division maps, except an ROS and an ROS/BLA, are reviewed by the planning commission and forwarded with a recommendation to the board of county commissioners for final action.
- G. All filing fees are due upon receipt by the land divider of a letter from the planning department indicating the submittal package is complete.
- H. All land division maps for parcels within the Naval Air Station Fallon and its associated bombing ranges notification area will be provided to the planning division of NAS Fallon for their review and comment.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006)

16.12.030. Land division requirements.

16.12.030.1. General provisions.

All land division maps must be:

- A. Prepared by a registered land surveyor.
- B. Based upon an actual survey by the preparer and show the date of such survey or based upon the most recent government survey and show the date of approval of such government survey and contain a certificate by the preparer that the parcels contain the number of acres shown for each parcel.
- C. Clearly and legibly drawn in black waterproof ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession, but affidavits, certificates and acknowledgment must be legibly stamped or printed upon the map with opaque ink.
- D. Twenty-four by 32 inches in size with a marginal line drawn completely around each sheet, leaving an entirely blank margin of one inch at the top, bottom and right edges, and of two inches at the left edge along the twenty-four-inch dimension.
- E. Of scale large enough to show clearly all details. The scale shall be shown on each sheet containing a map.
- F. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.
- G. Prepared and drawn in full compliance with Nevada Revised Statutes, all provisions of this title and in full compliance with title 19, "Flood Damage Prevention", of this Code.
- H. Final maps and tentative maps shall be submitted in digitized form in any CAD format compatible with AutoCAD.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2012-F, 2012)

16.12.030.2. Surveys.

- A. *Survey required for all land division maps.* Before a final map of a land development can be prepared or submitted, an accurate and complete boundary survey of the building sites, blocks, road easements, and boundaries shall be made by a professional land surveyor registered in the state of Nevada. The standards of practice for the survey and preparation of the final map shall conform to the guidelines and requirements as set forth in the Nevada Revised Statutes and Nevada Administrative Code, regarding surveying and mapping.
- B. *Monuments; generally.*

1. *Marking.* Monuments shall have a mark for the exact point and stamped "PLS" followed by the professional surveyor's number, and description of each monument to be set subsequent to recordation shall be shown on the final map. The Nevada Administrative Code 625.010 to 625.795 shall be followed/accepted as the standard of practice for professional land surveyors.
2. *Setting.* The surveyor in charge of surveys shall cause permanent monuments to be set in accordance with this subsection B2. When second and subsequent parcel maps are filed for parcel areas of less than ten acres, they shall comply with NRS § 278.371. For purposes of this subsection, NRS § 278.371, subsection 4, "centerline of streets" is interpreted to be centerline of easements or rights of way.

A monument shall be set as follows:

- a. On each corner of the land development boundary;
 - b. At any point necessary to ensure that each monument on a given boundary can be seen from the next monument on that boundary; intervals not to exceed one-fourth of a mile;
 - c. The beginning or end of a curve or angle point of a tangent and also the intersection of a centerline of right of way or easement with the boundary of the development boundary;
 - d. At each parcel corner and building site corner.
3. Specifications: Monuments shall consist of either:
 - a. An iron pipe having an inside diameter of three-fourths of an inch or more and at least 18 inches long, driven at least 12 inches in the ground. Pipe to be filled with concrete and a surveyor's brass tag affixed in it. Tag to be stamped "PLS" followed by the surveyor's registration number; or
 - b. A reinforcing bar or metallic shaft, with a minimum diameter of five-eighths of an inch, solidly embedded in the ground with a nonferrous tablet, disk or plastic cup securely attached to the top and stamped "PLS" followed by the surveyor's registration number.

By order entered in the minutes, the governing body may authorize placement of other specified kinds of monuments in a specific development.

- C. *Marking lots for identification purposes.* The developer shall indicate or post markers which will show the approximate corners of building sites so as to enable a determination whether such development will comply with applicable sanitary, pollution and other provisions of county and state law.

(Bill No. 2005-F § 2.2, 2005)

16.12.030.3. Bonding/securities for improvements.

- A. *Bonding to record.* In circumstances where the land divider/developer wishes to record a final map or parcel map prior to construction of any improvements, an agreement shall be entered into with the county and a security deposited to ensure improvements are completed.

The agreement shall:

1. Be approved by the district attorney, guaranteeing that the developer will complete the construction of all improvements within a time period specified by the board of county commissioners and will make full payment therefor.
2. Be accompanied by a faithful performance bond or other satisfactory guarantee of completion ensuring the faithful performance of all work including the estimated cost of construction of the improvements and monuments, guaranteeing performance of work, payment for labor and materials, and any other claims that may arise as a result of the improvement work, as set forth in the agreement. The penal sum of the bond shall be in a sum which, in the opinion of the road supervisor and county engineer, equals the cost, plus a contingency amount, of improvements to which the land divider has agreed.

3. Provide for the acceptance of the work as it progresses, and for withdrawal of that portion of any security posted as required equal to 90 percent of the estimated cost of that portion of the work so accepted, as shown by the certificate of the county engineer.
4. Provide that the developer shall repair, at his sole cost and expense, any hidden defect in workmanship or materials which appears in the work within one year following acceptance of the work by the board of county commissioners and for retention of ten percent of the original amount of the security posted as required to secure developer's obligation to repair such defects.

If any land divider fails to complete any improvement as agreed within the time specified, the board of county commissioners may cause the bond to be forfeited in the amount necessary to finish the uncompleted portion of the work. If a security was previously posted to guarantee completion of improvements for two or more contiguous parcels and those improvements will not be completed because of a merger and subsequent redivision pursuant to this chapter, a credit on a pro rata basis of the security posted by the owner shall be credited toward the financial assurance required for the map redivision.

B. *Improvements by assessment district proceedings.*

1. Where all or part of the improvements required in a land division are made by assessment district proceedings providing for an awarded contract to construct such improvements and the faithful performance of such contract is secured by a surety bond approved by the district attorney in the amount of the contract price, the amount of the bond or cash deposit required by this title may be reduced by an amount equal to 75 percent of such faithful performance bond from and after filing of such approved faithful performance bond with the board of county commissioners.
2. In lieu of the agreement to make the improvements required by the board of county commissioners, the developer shall submit an agreement to initiate and consummate proceedings under an appropriate special assessment act or acts for the formation of a special assessment district including the development or a part thereof for the financing and construction of the improvements required. Any such agreement shall incorporate also the requirements and procedures contained in the resolution establishing procedures for acquisition of public improvements by assessment district proceedings and any revision thereof adopted by the board of county commissioners. The agreement to consummate assessment district proceedings shall provide for the acceptance of the work as it progresses and partial withdrawal of any deposit made, in money or bond, to secure the faithful performance of the agreement upon the certificate of the county engineer under the "Rules for the Disposition of Subdivision Bonds and Deposits" adopted by resolution of the board of county commissioners. Any such agreement shall be in a form approved by the district attorney.

(Bill No. 2005-F § 2.2, 2005)

16.12.030.4. Reserved.

Editor's note(s)—Bill No. 2008-A, adopted 2008, repealed § 16.12.030.4, which pertained to water and sewer resource requirements. See Ordinance List and Disposition Table for complete derivation. For similar provisions see title 13, chapter 13.02 of this Code.

16.12.030.5. Dedication of facilities and water rights.

- A. *Purpose.* Water, being an invaluable resource essential to the existence of life and paramount to the future growth of Churchill County, must be preserved and the impact on its diminishing availability minimized. In 1903, the United States Congress authorized the Newlands project. Subsequent federal decrees on the Carson and Truckee Rivers secured water rights that have allowed and enhanced this community's growth.

To ensure the long-term sustainability of the water resources in Churchill County and to ensure that a balance is maintained between aquifer recharge and water withdrawal, water rights shall be dedicated to Churchill County for all new development. To ensure an adequate, sustained water supply for the intended use or permit, the developer, property owner, or contractor, shall dedicate to Churchill County, as a condition precedent to the issuance of a permit or approval of the land division or development, any water resources reasonably necessary to either serve or sustain the intended use or development.

Furthermore, the purpose of these requirements is to encourage the development of water and sewer facilities in the urbanizing area and to eliminate the use of individual domestic wells and septic tanks on lots created in a subdivision that is less than five acres in size.

B. *Applicability.* The provisions of this section shall apply to all permits, approvals, land divisions, subdivisions, planned unit developments or development projects in the county with the following exceptions:

1. The provisions of this section do not apply to land divisions and development within hydrographic basins 128 (Dixie Valley), 73 and 74 (Humboldt Sink region), 75 (Hot Springs Flat area), 76 (Fernley area), 77 (North Valley), 78 (Granite Springs Valley), 123 (Rawhide Flats), 124 (Fairview Valley), 125 (Stingaree Valley), 126 (Cowkick Valley), 127 (Eastgate Valley area), 133 (Edwards Creek Valley), and 134 (Smith Creek Valley).
2. The provisions of this section may not apply to the development of a cluster development where the agricultural reservation or conservation easement being established will continue irrigation and retain the surface water rights on the subject parcel in perpetuity.

Approval of the tentative map, or a parcel map when a tentative map is not required, shall include a recommendation from the planning director as to whether water right dedication should be required with recordation of each parcel map. The board of county commissioners shall make the final determination.

The board of county commissioners shall determine if water right dedication requirements apply for cluster developments approved prior to 2016. Simultaneously with submittal of a parcel map or an application for a building permit, the property owner shall submit a letter requesting a determination if water rights dedication is required. Upon receipt of said letter, the planning director shall review the record and present a written recommendation to the board of county commissioners who shall determine if the provisions of this section shall apply.

3. The provisions of this section may not apply to developments being served by existing water systems owned and operated by a utility on the effective date hereof but compliance with title 13, chapter 13.02 of this Code must be achieved.
4. The provisions of this section may not apply to a proposed sending site in the transfer of development rights (TDR) program where the conservation easement being established will continue irrigation and retain the surface water rights on the subject parcel in perpetuity.
 - a. When a property owner does not participate in the navy-county encroachment partnering program to purchase conservation easements, prior to recordation of the conservation easement the property owner shall submit a letter to the planning department requesting a determination regarding dedication of water rights for future development on the parcel(s) to be encumbered by a conservation easement. The planning director shall present a written recommendation to the board of county commissioners for final determination.
 - b. When a property owner participates in the navy-county encroachment partnering agreement to purchase conservation easements, dedication of water rights is not required for any development on the parcel(s) that will be encumbered by the conservation easement, including construction or replacement of a single-family residence, a land division or record of survey/boundary line adjustment.

- C. *Water resources.* The development owner, land divider or property owner shall be required to dedicate to Churchill County, as a condition precedent to the permit or approval, any water rights reasonably necessary to ensure an adequate water supply for the intended or permitted use. The amount of water rights necessary shall be determined by the county planning department and the building department and the state engineer. In the event the state and the county have different requirements under this section, both the county and state requirements, and the more stringent of the two, must be satisfied.
- D. *Water right dedication requirements.* The amount and type of water rights to be dedicated shall be in compliance with this section and title 13, chapter 13.02 of this Code.
1. Subdivisions, planned unit developments and parcel maps connecting to the county water system shall be required to dedicate the amount and type of water necessary to be served by the county system.
 2. Parcel maps where lots created are undeveloped and are less than one gross acre in size and a county water line exists within 180 feet of the property line shall be required to connect to the county system and shall be required to dedicate the amount and type of water necessary to be served by the county.
 3. Parcel maps, division into large parcels, second and subsequent parcel maps and industrial or subdivision maps that are not connecting to the county water system as a condition of approval, shall dedicate to Churchill County 2.0 acre-feet of surface water per parcel that may be used by the county to ensure the long-term sustainability of the county water resources and to ensure that a balance is maintained between aquifer recharge and water withdrawal. The total number of lots represented on the map determines how many acre-feet will be dedicated regardless of existing buildings and wells.
- E. *Water right satisfaction.*
1. The quantity of water rights required to be dedicated shall follow the above requirements unless otherwise required by the board or the state engineer. Final determination of the type and amount of water rights to be dedicated shall be by the county planning department and building department.
 2. Dedication of groundwater rights to Churchill County under the provisions of this section must be evidenced by any requisite permits from the state engineer including permits approving changes of place and/or manner of use, and may further be accomplished by quitclaim deed from the holder of the water rights to Churchill County. The deed must be in such form and executed in such a manner that is acceptable to the planning department.
 3. It shall be the duty of the land divider or contractor to take all steps necessary to complete any dedication made pursuant to the provisions of this subsection E.
 4. The dedication of water rights to Churchill County shall be achieved as follows:
 - a. Before approval of any tentative subdivision or planned unit development map the land divider or contractor shall submit a statement of intent to dedicate to Churchill County at the time of final map submittal the type and amount of water rights required to serve the subdivision.
 - b. Before submittal of a final subdivision map the land divider shall dedicate to Churchill County the quantity and type of water rights required to serve the portion of the subdivision reflected in the final map.
 - c. Prior to recordation of a parcel map where development will be connecting to the county system adequate groundwater rights to serve the land division shall be dedicated to the county unless the board accepts alternative water right dedication requirements as outlined in title 13, chapter 13.02 of this Code.
 - d. Prior to recordation of a parcel map, second and subsequent parcel map, division into large parcels, where development is not connecting to the County water system, surface water rights shall be dedicated to the County.
 - e. Upon demonstration by the applicant that ground or surface water rights cannot be secured a cash in lieu payment may be accepted only in the following circumstances:

- (1) *Land divisions; parcel maps, division into large parcels, and commercial or industrial subdivisions.* Cash in lieu payment for any parcel map, map of division into large parcels, or final map will only be accepted in circumstances where the parcel to be divided has no surface water rights appurtenant to it, and the proposed land division will be served with domestic or commercial wells.
- (2) *Second and subsequent parcel maps (parcel maps filed following the approval of a tentative parceling map).* Cash in lieu payment for all second and subsequent parcel maps will only be accepted in circumstances where the parcel to be divided has no surface water rights appurtenant to it. Where a tentative parceling map has been approved and at least one parcel map has been recorded water right dedication requirements in effect at the time of parcel map approval shall apply.
- (3) *Cash in lieu payment defined.* A "cash in lieu payment" is an amount of cash equal to one and one-half times the fair market value of water rights required for dedication in lieu of the requirements.
- (4) *Fair market value.* Fair market value shall be determined from time to time, based upon a market analysis conducted by the county and will be established by resolution of the board.
- (5) *Reserve fund.* Upon receipt of such monies in lieu of dedication of water rights, the county clerk-treasurer shall place such monies in a special reserve fund for the purchase of water rights adequate to directly serve or indirectly recharge the source of water servicing the subject real property.
- (6) *Water rights status verification.* Water rights status of such lands shall be verified by the Truckee-Carson Irrigation District.

5. a. The dedication of groundwater rights and facilities required by this section will be satisfied if the development owner or property owner enters into an agreement with the county, secured by a performance bond or other undertaking acceptable to the county. This agreement must constitute a binding offer to dedicate, conditioned only upon failure to receive final project approval, or, in case where a building permit is the only approval needed, failure to receive a building permit for the project. No building permit or recordation of a subdivision map shall be granted until dedication is accepted or an agreement conforming to this section has been accepted by the board.

- b. The county will evaluate the water rights offered for dedication based on, but not limited to, the following criteria:
- (1) *Adequacy of amount.* The adequacy of the amount of water resources offered for dedication to the county for the intended use;
 - (2) *Type/source of water rights.* The ability of the county to use the type of water rights being offered for dedication;
 - (3) *Proof of ownership.* Valid proof of ownership, including a chain of title to the original water right holder, for the water rights offered for dedication to the county;
 - (4) *Status of water right.* The priority and yield of the water right, the current manner and place of use, and the status of the permits or certificates issued by the state engineer, or the status of the water right established in a court decree, which are offered for dedication to the county; and
 - (5) *Point of diversion.* The ability of the county to obtain from the state engineer the necessary permits to change the point of diversion, and the manner and place of use of the water right for the intended use.

F. *Authority to utilize dedicated water rights and collect administrative fees.*

1. The planning department, or an appointed county agent, may file applications with the state engineer's office to change the point of diversion, and the manner and place of use of the dedicated water rights to put the water resources to beneficial use and to otherwise utilize and maintain the validity of the dedicated water rights.
2. The development owner or property owner shall:
 - a. Pay all state engineer's office application fees to transfer the dedicated water rights to the proposed delivery facilities;
 - b. Allow county personnel to enter the property in order to read water meters on all wells and delivery facilities, or perform other related inspections as necessary;
 - c. Comply with the terms of the water right permits or certificates as issued by the state engineer's office; and
 - d. Pay reasonable administrative fees and service fees to read and maintain water meters or carry out other activities as necessary to maintain the validity of the dedicated water right.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2008-A, 2008; Bill No. 2010-G, 2010; Bill No. 2015-D, 2015; Bill No. 2018-E, 2019)

16.12.030.6. Dedication of other facilities.

- A. *Required facilities.* Except as otherwise provided under subsection B, "Irrevocable trust", of this section, the land divider or contractor shall also dedicate, before approval of the final subdivision map, the required water rights to serve the project depicted on the final map and any facilities for stormwater drainage, or the treatment, supply, storage, transportation or distribution of water and any appurtenances thereto including wells, pipelines, pumps, storage tanks, and all associated easements and rights-of-way located within or outside of the project area depicted on the final map which are necessary to ensure an adequate supply of water and a system for the collection and disposal of stormwater within the project area depicted on the final map.
 1. The following facilities are not required to be dedicated pursuant to the provisions of this subsection A:
 - a. Any facilities which serve only one single-family residence;
 - b. Any facilities which were constructed before the effective date hereof; and
 - c. Any facilities, including improvements and additions to existing facilities constructed after the effective date hereof which serve the proposed development and are owned or operated by a utility which was operating pursuant to a certificate of public convenience and necessity issued before the effective date hereof.
 2. Any facilities required to be dedicated to Churchill County pursuant to the provisions of this subsection A must be constructed in accordance with the requirements of the Churchill County building code and facility standards and to the satisfaction of the Churchill County planning department.
- B. *Irrevocable trust.* The board of county commissioners may allow the land divider or contractor to establish an irrevocable trust in accordance with NRS § 704.340, in lieu of the requirements set forth in subsection A of this section. Such a trust must be established pursuant to the authority and requirements set forth in NRS § 704.340, and the following requirements:
 1. The land divider or contractor shall be the trustor and trustee of the trust, unless the board of county commissioners approves otherwise;
 2. Churchill County shall be the beneficiary of the trust;
 3. The purpose of any such trust shall be to construct, operate and own a water or sewer treatment system required to provide service within the land divider's or contractor's subdivision or parcel;

4. Any such trust shall be for a term of ten years, or such other term as approved by the board of county commissioners but shall be subject to termination at the option of the board of county commissioners at any time; and
5. All rates for services provided by the trust, including rates related to operation and maintenance expenses, depreciation, or reserves for replacement and any debt service, whether original or subsequent to the creation of the trust, must be approved by the board of county commissioners.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2010-G, 2010)

16.12.030.7. Lease of water rights.

Churchill County may lease dedicated water rights.

(Bill No. 2005-F § 2.2, 2005)

16.12.030.8. Reimbursement; off site infrastructure.

- A. *Reimbursement eligibility.* A land divider required to construct improvements on or in any public right-of-way as a condition by Churchill County to a land division may be reimbursed for:
 1. Fifty percent of the cost of the common improvements when an adjacent property owner divides or develops on the adjacent property; and
 2. A proportionate share of the cost for improvements constructed to the land division which are off site from the land division, when properties directly benefiting from the improvements are divided.
- B. *Conditions for reimbursement.*
 1. Improvements must be constructed by the divider within the time frame approved by the County in the reimbursement agreement.
 2. A document indicating intent to execute a reimbursement contract shall be submitted to the Churchill County planning department with any land division map in which the owner or developer wishes to be reimbursed for improvements. The planning department shall review the proposed contract and forward to the board of county commissioners for action.
 3. Reimbursement will occur only after owners of property directly benefiting from the improvements apply for division of their property and only after monies to be reimbursed have been collected.
 4. Private streets will not be eligible for the reimbursement procedure.
 5. After required improvements are completed, approved and accepted by Churchill County a developer seeking reimbursement shall enter into an agreement or contract with Churchill County, approved by the Churchill County district attorney's office, defining the terms of reimbursement, said contract shall be filed for record in the office of the Churchill County recorder. The contract for reimbursement shall expire ten years from the date of approval and acceptance of improvements by the county and no reimbursement shall be forthcoming for division on properties directly benefiting from the covered improvements occurring after the expiration date of the agreement.
- C. *Calculation of reimbursable amounts.*
 1. Reimbursements shall be based upon the actual cost of improvements not to exceed the average cost of the construction at the time. Costs of construction, involving access improvements, considered for reimbursement shall be submitted to the Churchill County road supervisor and the county engineer for review and approval.

2. Reimbursement shall include interest not to exceed ten percent simple interest per year. Actual interest shall be computed based upon "engineering news-record" construction cost index and the most current base index shall be included in the agreement for reimbursement.
3. Reimbursement shall not be provided until all improvements are completed, approved and accepted by Churchill County.

D. *Collection and payment of reimbursement.*

1. Collections of reimbursement shall be submitted to the Churchill County clerk-treasurer's office where it will be maintained in a special fund until such time as payment of reimbursements are completed. Before any reimbursement shall take place, the Churchill County planning department shall provide written notice to the clerk's office that all improvements have been completed, approved and accepted by Churchill County, except when involving access improvements including signage, then said written notice shall be provided by the Churchill County road department.
2. All reimbursements shall be made to the property owner(s) of record of the improving parcel(s) as shown on the current assessor's tax roll. This condition shall be waived in favor of the developer if written, recorded agreements between the developer and subsequent first purchasers of affected properties are filed with the Churchill County recorder's office.
3. It shall be the obligation of the property owners and/or developers to keep their addresses current with the Churchill County planning department. Reimbursements shall be mailed by certified mail to the last property owner/developer of record as shown on the current assessor's tax roll. Neither Churchill County nor any of its agencies are responsible for the correctness of names and addresses of those eligible for refunds except as to those which have shown proof of ownership or eligibility for refund and filed their names and current addresses with the Churchill County planning department.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2007-I, 2007)

16.12.040. Types of land divisions.

16.12.040.1. Subdivisions.

- A. *General provisions.* The purpose of this title is to safeguard the public health, safety and general welfare by establishing certain minimum standards of design, improvement, survey and construction of land developments hereafter platted in all areas of the county in order to provide and ensure the orderly and proper growth thereof to aid in the prevention of pollution of land or water resources. It is the purpose of this title to encourage new concepts and innovations in land development to protect, enhance and preserve the county's valuable agricultural lands and related water resources, and to ensure optimum use of our natural resources.
- B. *Mapping for industrial or commercial development.*
1. Pursuant to NRS § 278.325, if a subdivision is proposed on land which is zoned for industrial or commercial development, neither the tentative nor the final map need show any division of the land into lots or parcels, but the streets and any other required improvements are subject to the requirements of NRS §§ 278.010 to 278.630, inclusive, and chapter 16.16, "Development Standards", of this title.
 2. A tentative map and a final map are required for industrial and commercial subdivisions.
 3. No parcel of land may be sold for residential use from a subdivision whose final map does not show a division of the land into lots.
 4. A boundary or line must not be created by a conveyance of a parcel from an industrial or commercial subdivision unless a professional land surveyor has surveyed the boundary or line and set the

monuments. The surveyor shall file a record of the survey pursuant to the requirements set forth in NRS § 625.340. Any conveyance of such a parcel must contain a legal description of the parcel that is independent of the record of survey.

5. Records of survey creating individual lots on industrial or commercial land with an approved tentative and recorded final map(s) shall be submitted to the planning department for review and approval prior to recording.
- C. *Tentative maps.* The tentative map process in Churchill County is designed to provide a mechanism in order to divide a parcel or parcels of land into five or more lots, parcels, site units or plots for the purpose of transfer or development. In order to adequately and accurately review these requests to provide recommendations, the following process has been outlined, followed by the submittal checklist. The tentative map submittal packet must include all of the following information. Submittals that do not contain all of the information will be deemed incomplete and not reviewed until the required deficiencies are completed. It is the responsibility of the applicant to supply all of the information in order for the staff and commission to make informed and proper recommendations.
1. *Process.* The following process has been prepared to guide the applicant through the submittal process for tentative maps within Churchill County. The steps are as follows:
 - a. Initial meeting with planning department staff to discuss the proposed tentative map, project concept and applied requirements for submittal.
 - b. Applicant prepares conceptual tentative map (preliminary tentative map). If a subdivision is proposed on land which is zoned for industrial or commercial development, the conceptual tentative map need not show any division of the land into lots or parcels, as per NRS § 278.325.
 - c. Applicant reviews conceptual tentative map with the planning department and receives preliminary comments from the staff.
 - d. Following input from the staff, the applicant can move forward to prepare the tentative map and submittal application.
 - e. Upon completion of the tentative map and supporting information, the applicant can submit the application and tentative map to the planning department. Submittal should specifically address all concerns and comments that were raised by the staff during the conceptual review process.
 - f. The planning staff will review the submittal for completeness and accept or reject the application (one week following submittal).
 - g. When the request is deemed complete the staff begins their review.
 - h. Approximately two to three weeks after initial submittal, staff will have a meeting with the applicant to review the request, ask for any additional information needed, and review comments from other county departments.
 - i. Additional information must be submitted to the planning staff within one week of the aforementioned meeting in order to stay in the current review cycle.
 - j. Upon completion of staff's review, a report will be drafted approximately one week prior to the commission meeting.
 - k. The request will then be placed on the agenda for the next commission meeting for review and recommendation.
 - l. Following the commission meeting, the item will be forwarded to the board for action.
 2. *Map checklist.* All tentative maps shall include, at a minimum, the following information:
 - a. A vicinity map showing roads, adjoining developments, places, canals, rivers and other data sufficient to locate the proposed development and show its relation to community factors;

- b. Name of subdivision;
- c. Scale; north arrow; date;
- d. Title block; legend;
- e. Name and address of developer and owner of record;
- f. Name and address of land planner, surveyor or engineer who prepared the map;
- g. Legal description defining the boundaries of the development;
- h. Section corner tie;
- i. The basis-of-bearing of the map shall include: the survey control points used for horizontal control with a description, coordinates for each point, and a statement identifying the basis-of-bearing and the coordinate system utilized. Include coordinates for the basis-of-bearing and any section corners shown on the map. Coordinates are required to be in the NAD 1983 Nevada West State Plane Coordinate System;
- j. Number of sheets;
- k. The locations, names and widths of all adjacent streets and easements;
- l. The location and names of farming operations adjacent to the subject property;
- m. Existing and proposed system of streets and roads providing access and traffic flow within the development, including existing and proposed bridges, pedestrian trails and bikeways;
- n. Existing and proposed road names;
- o. Limits of existing publicly maintained roads abutting or outside the development that will be utilized for primary or secondary access;
- p. The widths and approximate locations of all existing or proposed easements (public or private) for roads, drainage, sewers, irrigation or public utility purposes;
- q. The number, size and proposed use of all building sites, lot layout;
- r. Zoning designation;
- s. Assessor's parcel number(s);
- t. Total acreage and total number of lots;
- u. Source of water supply and proposed method of sewage disposal;
- v. Those lands that may be considered potential wetlands by the United States Natural Resources Conservation Service in their technical guide information and information regarding soils and interpretations; or those lands that may be considered potential wetlands by another state or federal agency;
- w. Numbering of all parcels or building lots;
- x. Project density - land use percentages;
- y. Location of all park spaces and open space;
- z. Noise contour lines from the most recent projections of the "Fallon Naval Air Station Air Impact Compatibility Use Zone Study";
- aa. Septic density within a square mile (transcribe a circle with a 2,979-foot radius from the center of the development);
- bb. The location and outline to scale of each existing building and improvements showing distances between structures and rights- of-way;

- cc. Boundaries or areas subject to flood hazard, geologic hazard, excessive depth or slope of cuts or fills, groundwater or seepage conditions, or similar hazards to public safety and the probable use of these areas;
 - dd. A topographic contour map showing accurately the existing terrain within the land development, existing drainage channels, roads, culverts, underground utility lines, wells and springs, major structures, irrigation ditches, utility poles and other improvements in their correct location, drawn to a scale not smaller than one inch equals 100 feet; contour intervals shall not be greater than two feet if the ground slope is less than ten percent or at intervals of five feet if the slopes are greater than ten percent;
 - ee. Existing property lines and boundaries of existing easements within the development with the names of the owners of record of easement exclusions, and the abutting properties;
 - ff. A typical building site showing setbacks and typical building area;
 - gg. Location, approximate grade, direction of flow and type of facility of existing and proposed drainage channels and storm drains;
 - hh. The line of high and low water on all sides abutting any lake, river, stream, reservoir, and/or any other body of water;
 - ii. Statements of intent regarding proposed deed restrictions, home associations, and other legal instruments relating to the reservation, maintenance and liability of any common area, park or recreation areas;
 - jj. Each phase shall be delineated and a proposed schedule of development with proposed schedules for the construction of roads, bridges, secondary access and utilities noted;
 - kk. Amount of surface water rights as determined by Truckee-Carson Irrigation District;
 - ll. Water right dedication note:
Water right dedication requirements of the Churchill County Code will be met concurrently with recordation of final maps.;
 - mm. Statement of intent regarding the dedication of water rights to serve the subdivision;
 - nn. Any other information the county specifically requests.
3. *Studies, reports and supplemental information.*
- a. Traffic study [applicable if over 80 average daily traffic (ADT) per section 16.16.010.8 of this title];
 - b. Potential risks and proposed mitigation measures to address failures in irrigation facilities;
 - c. Preliminary grading plan;
 - d. Erosion/dust control plan (if applicable);
 - e. A letter of review from the Truckee-Carson Irrigation District or the agency having jurisdiction over irrigation waters in the area.
4. *Time line.* A tentative map will expire four years after approval by the board unless a final map is presented to the board prior to the expiration date of the tentative map. The map may be for one phase or the entire project. Failure to present a final map terminates all proceedings regarding the tentative map, requiring an entirely new tentative map approval.
- D. *Final maps.*
- 1. *Time period for submittal.* The final map, prepared in accordance with the tentative map for the entire subdivision, or the first of a series of final maps covering a portion of the approved tentative map of a subdivision, must be presented to the board within four years after the approval or conditional approval of the tentative map of the development. Failure to do so terminates all proceedings,

requiring an entirely new tentative plat approval. Each subsequent final map shall be presented to the board within two years of the date the previous map was recorded. The board may extend the period for presentation of any final subdivision map for not more than two years after the expiration of the initial two-year period for presenting a successive final map has expired.

Partial final maps covering only a portion of the approved tentative map shall be given a separate number and all of the requirements required for approval of a full final map shall apply to an approval for a partial final map and the agreement required of the developer shall provide for the construction of such improvements as may be necessary to constitute a logical and orderly development of the whole land development by units.

If a subdivision is proposed on land which is zoned for industrial or commercial development, the final map need not show any division of the land into lots or parcels, as per NRS § 278.325.

2. *Application fees.* All applicable fees shall be fully paid at the time of filing the map with the planning department for review.
3. *Required information.* Every final map shall closely conform to the approved tentative map and shall comply with NRS §§ 278.360 through 278.460 and shall also show at a minimum, all the following information:
 - a. Sufficient linear, angular, and radial data to determine the bearings and lengths of the boundary lines of the land development and the boundary lines of each and every building site or parcel which is a part thereof.
 - b. Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication, and the notarial seals required by law and this title.
 - c. The basis of bearing of the map shall include: the survey control points used for horizontal control with a description, coordinates for each point, and a statement identifying the basis-of-bearing and the coordinate system utilized. Include coordinates for the basis-of-bearing and any section corners shown on the map. Coordinates are required to be in the NAD 1983 Nevada West State Plane Coordinate System.
 - d. All easements required to be dedicated for acceptance and their particular use shall be shown.
 - e. The final map shall show easements not disclosed by the records in the office of the county recorder and found by the surveyor or engineer to be existing in the development prior to the date of filing for record of the final map, naming the party or parties using said easement and describing the specific purpose for which the easement is being used.
 - f. The final map shall show easements evidenced by the records in the office of the county recorder prior to the date of filing for record of the final map, by the volume and page of the conveyance which established said easement and the name also of the grantee in said conveyance who or which reserved said easement.
 - g. If any portion of the land within the boundaries of the final map is subject to inundation, storm flow conditions, geologic hazard or other hazard, the land so affected shall be clearly marked by a prominent note on each sheet.
 - h. Each building site must be shown in its entirety on one sheet of the final map and may not be divided between sheets.
 - i. Each lot must be numbered or lettered.
 - j. Each street must be named.
 - k. The exterior boundary of the land included within the subdivision must be indicated by graphic border; all existing farming operations abutting the exterior boundary must be identified on the

final map and a buffer separating the proposed lots from the farming operations shall be delineated on the final map.

- I. The final map must show:
 - (1) The definite location of the subdivision, particularly its relation to surrounding surveys.
 - (2) The area of each lot and total area of the land in the subdivision in the following manner:
 - (A) In acres, calculated to the nearest one-hundredth of an acre, if the area is two acres or more; or
 - (B) In square feet if the area is less than two acres.
- m. The final map must also satisfy any additional survey and map requirements, including the delineation of Nevada State Plane coordinates established pursuant to NRS ch. 327, for any corner of any subdivision or any other point as required by the county.
- n. If applicable, location and size of permanent identification signs at the entrance to the subdivision or residential development according to subsection 16.16.020.6B2g(6)(B) of this title.
4. *Certificates.* The following certificates and acknowledgments shall appear on the final map and may be combined when appropriate. A copy and the appropriate wording for each certificate is available from the planning department.
 - a. A certificate signed and acknowledged by all record owners consenting to the preparation and recordation of the map;
 - b. A certificate signed and acknowledged as above, offering for dedication for certain specified public uses those certain parcels of land which the parties desire so to dedicate;
 - c. A certificate by the surveyor responsible for the survey and final map, giving date of the survey and stating that the survey was made by him or under his direction, and that the survey is true and complete as shown and bearing his registration number and seal;
 - d. A certificate of the county engineer stating that he has examined the final map, that all provisions of the law have been met and that he is satisfied with the map as being technically correct;
 - e. The certificate of the county recorder that the map is acceptable by him for recording in his office;
 - f. The certificate of the county tax receiver that there are no liens against any of the land in the land development for unpaid taxes of state, county, city or local taxes or special assessments except those that are not yet payable; in the event of assessments or liens, a certificate from the board acknowledging bond for amount of lien and/or assessment is necessary;
 - g. A certificate for execution by the county clerk stating that the county has officially approved the map and accepted (or deferred) on behalf of the public any parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication;
 - h. A certificate of the commission that the map conforms to the approved tentative map and all conditions imposed upon such approval have been satisfied;
 - i. Proper certificates of a notary public authorized to do business in the state as required;
 - j. Certificate of appropriate health official indicating a proper and adequate sewage disposal system and domestic water supply system.
5. *Supplementary material.* A final map presented for recording must include:
 - a. *Title report.* A report from a title company in which the title company certifies that it has issued a guarantee for the benefit of the local government that lists the names of:

- (1) Each owner of record of the land to be divided;
 - (2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust;
- b. *Guarantee.* The guarantee accompanying said final map must also show that there are no liens of record against the parcels or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments;
- c. *Written consent.* The written consent of each holder of record of a security interest listed pursuant to subsection C5a(2) of this section, to the preparation and recordation of the final map. A holder of record may consent by signing:
 - (1) Deeds for easements or rights-of-way required for road, drainage or other purposes which have not been dedicated on the final map;
 - (2) Copies of any deed restrictions, reciprocal restrictions and articles of incorporation of a home association if the same is a part thereof;
 - (3) An agreement dedicating sufficient water rights and applicable facilities to serve the development depicted on the final map;
 - (4) An agreement as outlined in this chapter to complete all of such improvements prior to the date fixed by the county engineer and specified in the agreement if, at the time the final map of the land development is considered for approval, any of the improvements required by this title have not been completed.
- 6. *Required improvements.* All subdivisions shall comply with the development standards of this title.
- 7. *Single final map.* Where a commercial or industrial subdivision is proposed pursuant to NRS § 278.325, and the subdivider desires to record a single final map, the board may approve the map and allow recording of the final map subject to the following:
 - a. A tentative map is submitted indicating the proposed development phasing, including a general description of improvements, on and off site, to be constructed with each development phase.
 - b. Improvement plans are to be submitted and approved for the entire project site.
 - c. A security agreement shall be prepared and approved subsequent to the filing of the final map. In addition to the standard provisions, the plan must provide a detailed description of on and off-site improvements to be provided prior to the issuance of a building permit within a given development phase.
 - d. No building permit will be issued on the site until any and all required improvements are constructed or secured.
 - e. Records of survey creating individual lots shall be reviewed by the planning department prior to recording.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010; Bill No. 2012-F, 2012; Bill No. 2018-E, 2019)

16.12.040.2. Parcel maps; map of division into large parcels.

The parcel map process in Churchill County is designed to provide an orderly mechanism to divide a parcel or parcels of land into four or less lots, parcels, site units or plots for the purpose of transfer or development.

- A. *Parcel maps.*

1. *Required information.* All parcel maps filed shall be based upon a current field survey and conducted in conformance with the Nevada Administrative Code 625.010 and shall contain at a minimum, all of the following information:
 - a. Title block;
 - b. Owner name and address;
 - c. APN;
 - d. Vicinity map;
 - e. Parcel area and parcel width;
 - f. Statement of scale; graphic scale; north arrow;
 - g. Zoning;
 - h. The basis-of-bearing of the map shall include: the survey control points used for horizontal control with a description, coordinates for each point, and a statement identifying the basis-of-bearing and the coordinate system utilized. Include coordinates for the basis-of-bearing and any section corners shown on the map. Coordinates are required to be in the NAD 1983 Nevada West State Plane Coordinate System;
 - i. Bearings; distances; curve data;
 - j. Section corner tie;
 - k. Adjacent property owners; all existing farming operations abutting the exterior boundary must be identified on the parcel map and a buffer separating the proposed parcels from the farming operations shall be delineated;
 - l. Parcel designation;
 - m. Parcels that are of common ownership but are not made a part of the parceling process shall be clearly defined;
 - n. Road names;
 - o. Approximate road traveled way; road turnaround if required;
 - p. Floodway/flood zone boundary;
 - q. Those lands that may be considered potential wetlands by the United States Natural Resources Conservation Service in their technical guide information and information regarding soils and interpretations;
 - r. Total water righted acreage;
 - s. Clear definition of amount of water righted areas, not location, as calculated by Truckee-Carson Irrigation District. If no ground is water righted, a statement to that effect;
 - t. Water right agreement number;
 - u. Proposed irrigation and drainage easements;
 - v. Existing roadways, easements and supporting documentation;
 - w. Proposed roadways (with approved name) and easements;
 - x. Existing and proposed bridges;
 - y. NDOT encroachment permit;

- z. Noise contour lines from the most recent projections of the "Fallon Naval Air Station Air Impact Compatibility Use Zone Study" and the certificate informing purchasers of the AICUZ;
- aa. Existing improvements (dwelling units, accessory buildings, well and septic facilities and leach fields);
- bb. Signatures from the following agencies or officers:
 - (1) Truckee-Carson Irrigation District,
 - (2) CC Communications,
 - (3) NV Energy,
 - (4) County road department,
 - (5) County fire department,
 - (6) Southwest Gas Corporation;
- cc. Certificates from the following:
 - (1) Planning commission,
 - (2) Board of county commissioners,
 - (3) County clerk-treasurer.

A copy of the certificate with the appropriate wording is available from the planning department;

- dd. Jurats required by statute and the following jurats and notes:
 - (1) A jurat indicating that Nevada is an open range state and it is the responsibility of property owners to fence out livestock. Said jurat shall be in substantially the following form:

The undersigned, the owner of the real property depicted herein, warrants that all purchasers, prior to the consummation of any sale of the property shown herein, have been or will be informed that pursuant to NRS 569.440 and NRS 569.450, Nevada is an open-range state and it is the responsibility of property owners to fence out livestock.
 - (2) A certificate stating that all purchasers shall be informed prior to the consummation of any sale of the provisions of NRS § 40.130 and provisions in this Code, regarding the right to farm.
 - (3) Proper certificates of a notary public authorized to do business in the state as required.
 - (4) A jurat for the county clerk-treasurer certifying that there are no liens against any of the lands in the land development for unpaid taxes of the state or county or special assessments, and that all taxes for the current tax year are paid in full.
 - (5) A note stating that acceptance by Churchill County of this parcel map constitutes acceptance of all easements depicted in said map, including those underlying easements associated with the designated roads. Roadways designated as public roads as shown on this map will not be accepted by the county or be eligible for county maintenance until said roads are improved (at no cost to the county) to minimum county specifications and approved by the

board of county commissioners for acceptance into the county's road maintenance system.

- (6) A note stating that acceptance by Churchill County of the parcel map is not a commitment that any or all of the lots are eligible for a county building permit.
- (7) Water right dedication certificate.
- (8) Road note.
- (9) Surveyor's certificate and county surveyor's certificate.
- (10) Signatures from all utility companies.
- (11) TCID subdivision policy note.
- (12) TCID note regarding water rights.
- (13) Recorder's certificate.
- (14) Health division certificate.
- (15) Title certificate.
- (16) A note stating that, in accordance with NRS chs. 247 and 239, to obtain an official copy of this map, contact the Churchill County recorder.
- (17) Speed limit jurat, if applicable.

A copy of all notes, jurats and certificates with appropriate wording is available from the planning department.

2. *Supplementary material.* A parcel map presented for recording must include:

- a. A report from a title company in which the title company certifies that it has issued a guarantee for the benefit of the local government that lists the names of:
 - (1) Each owner of record of the land to be divided;
 - (2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust;

The guarantee accompanying said parcel map must also show that there are no liens of record against the parcels or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments;

- b. The written consent of each holder of record of a security interest listed pursuant to subsection A2a(2) of this section, to the preparation and recordation of the final map. A holder of record may consent by signing:
 - (1) Deeds for easements or rights of way required for road, drainage or other purposes which have not been dedicated on the final map.

3. *Requirements for recordation.*

- a. Unless the time is extended the land divider shall record a parcel map within one year after the date of approval or conditional approval by the governing body, otherwise all proceedings concerning the land division are terminated.
- b. The governing body may grant one extension of not more than one year provided the developer can show just cause for the extension.
- c. All conditions of parcel map approval must be fulfilled prior to recordation unless an agreement is entered into and a sufficient performance bond or security to complete all required improvements is posted with the county.

4. *Required improvements.*

a. *Roads and bridges.*

- (1) Each parcel created must be provided with roads and bridges as set forth in the development standards.

Parcels created by a parcel map that are 20 acres in size or less shall be provided with paved roads as specified in the development standards. Parcels created that are more than 20 acres in size shall be provided with grade gravel roads built according to the development standards unless the board of county commissioners requires the road to be built to paved standards in the interest of public health and safety.

- (2) Roadway easements shall be a minimum of 60 feet in total width. Where a roadway easement is provided on both sides of a property line a minimum of 30 feet measured from the property line to the edge of the easement shall be provided on all parcels being created. Additional easement width may be required to accommodate TCID easements or other circumstances.
- (3) Roadway easements for future roads must be provided to all parcels of land under the same or different ownership that have not been divided to their fullest divisional potential under the existing zoning.
- (4) Proposed road easements to a development, including secondary access, must be provided to the development from the nearest existing, publicly maintained road.
- (5) Paved roads shall be provided back to the nearest publicly maintained road and shall be constructed through or to the parcels created, as determined by Churchill County, with an adequate paved turnaround approved by the road department.
- (6) Road names and suffixes shall be designated by the developer, subject to approval of the planning department and in accordance with the following general policy, shall:
 - (A) Be short (under 12 letters if possible) and preferably in one word;
 - (B) Have a simple spelling and easy pronunciation;
 - (C) Avoid prefixes such as "north" and "south", "east" and "west", "upper" and "lower", etc.;
 - (D) Be related to the type and importance of the street (e.g., the suffix "boulevard" should not be attached to the name of a minor residential street);
 - (E) Avoid the use of numbers or letters as street names;
 - (F) Not be incongruous, offensive or geographically misleading;
 - (G) Not be repetitive or similar in sound and character;
 - (H) Have a single name for a street having a continuous alignment;
 - (I) When to be connected in the future into a continuous alignment, or extended, bear the same name as the existing street.
- (7) If roads are to be constructed, a geotechnical investigation, a drainage report, and a paving schedule and phasing plan performed by a professional engineer

must be submitted to the planning department with the road construction plans.

- (8) If a parcel map is submitted that meets the qualifying criteria for a minimum access road or unpaved road, the parcel map can be processed provided that the required maintenance document as outlined in subsection 16.16.010.7B of this title is submitted with the map.

- b. *Water and sewer.* Adequate water resources and sewer facilities are required for all parcel maps. Proposed provision of these services must be clearly outlined on all parcel maps.

5. *Time line.*

- a. A parcel map must be recorded within one year of approval by the board. The board may grant a onetime one-year extension. A longer time for extension may be provided in an agreement with the board. Failure to record the parcel map within the time frame terminates all proceedings, requiring an entirely new parcel map approval.
- b. The first parcel map in a series of second and subsequent parcel maps must be presented to the board within four years of board approval of the tentative map. Failure to meet this deadline shall terminate all proceedings of the tentative map. Subsequent parcel map(s) shall be recorded within two years of recordation of the prior parcel map.

B. *Second or subsequent parcel map.*

1. *When permitted.* Second and subsequent parceling shall only be permitted in the following circumstances:
 - a. On land development where a tentative map has been approved by the county and at least one final map has been recorded prior to August 2003. This shall include developments where the master plan was approved and a tentative map for at least two phases of the development have had final maps recorded on them.
 - b. Cluster developments.
 - c. Agricultural or residential development where each parcel created is no less than five acres in area.

A tentative map shall be required prior to filing a second and subsequent parcel map if six or more parcels will be created in the land division.

2. *Required improvements.*

- a. *Roads and bridges.*
 - (1) Each parcel created must be provided with roads and bridges as set forth in the development standards.

Parcels created by a parcel map that are 20 acres in size or less shall be provided with paved roads as specified in the development standards. Parcels created that are more than 20 acres in size shall be provided with grade gravel roads built according to the development standards unless the board of county commissioners requires the road to be built to paved standards in the interest of public health and safety.
 - (2) Roadway easements shall be a minimum of 60 feet in total width. Where a roadway easement is provided on both sides of a property line a minimum of 30 feet measured from the property line to the edge of the easement shall be provided on all parcels being created. Additional easement width may be required to accommodate TCID easements or other circumstances.

- (3) Roadway easements for future roads must be provided to all parcels of land under the same or different ownership that have not been divided to their fullest divisional potential under the existing zoning.
- (4) Proposed road easements to a development, including secondary access, must be provided to the development from the nearest existing publicly maintained road.
- (5) Paved roads shall be provided back to the nearest publicly maintained road and shall be constructed to the parcels created with an adequate paved turnaround approved by the road department.
- (6) Street names and suffixes shall be designated by the developer, subject to approval of the planning department and in accordance with the following general policy shall:
 - (A) Be short (under 12 letters if possible) and preferably in one word;
 - (B) Have a simple spelling and easy pronunciation;
 - (C) Avoid prefixes such as "north" and "south", "east" and "west", "upper" and "lower", etc.;
 - (D) Be related to the type and importance of the street (e.g., the suffix "boulevard" should not be attached to the name of a minor residential street);
 - (E) Avoid the use of numbers or letters as street names;
 - (F) Not be incongruous, offensive or geographically misleading;
 - (G) Not be repetitive or similar in sound and character;
 - (H) Have a single name for a street having a continuous alignment;
 - (I) When to be connected in the future into a continuous alignment, or extended, bear the same name as the existing street.
- (7) If roads are to be constructed, a geotechnical investigation, a drainage report, and a paving schedule and phasing plan performed by a professional engineer must be submitted to the planning department with the road construction plans.
- (8) Parcel maps that do not meet the minimum access road requirements must comply with this Code's road requirements. If extenuating circumstances and practical difficulties exist so that the property owner cannot meet the literal requirements of the Code, a variance may be applied for. The applicant must demonstrate practical difficulties and show insignificant public benefit.

- b. *Water and sewer.* Adequate water resources and sewer facilities are required for all parcel maps. Proposed provision of these services must be clearly outlined on all parcel maps.

C. *Map of division into large parcels.* A map or division into large parcels shall be filed in accordance with all provisions of a parcel map application and shall be subject to the same requirements for recordation. A map of division into large parcels is the creation of any number of land units from the same parcel where each land unit created is 40 acres or more; or one-sixteenth of a section as described by a government land survey.

1. *Required improvements.*

- a. *Roads and bridges.*

- (1) All land units created which consist of more than 20 acres shall be provided with grade gravel roads constructed to Churchill County design standard specifications, unless the board of county commissioners determines that in the interest of public health and safety more stringent requirements are necessary. Grade gravel roads shall be provided back to the nearest publicly maintained road and shall be constructed to the parcels created with an adequate turnaround approved by the road department.
- (2) Roadway easements shall be a minimum of 60 feet in total width. Where a roadway easement is provided on both sides of a property line a minimum of 30 feet measured from the property line to the edge of the easement shall be provided on all parcels being created. Additional easement width may be required to accommodate TCID easements or other circumstances.
- (3) Roadway easements for future roads must be provided to all parcels of land under the same or different ownership, that have not been divided to their fullest divisional potential under the existing zoning.
- (4) All bridges shall be constructed to Churchill County design standards.
- (5) A geotechnical investigation, a drainage report, and a paving schedule and phasing plan performed by a professional engineer must be submitted to the planning department with the road construction plans.
- (6) Road names and suffixes shall be designated by the developer, subject to approval of the planning department and in accordance with subsection A4a(6) of this section.

- b. *Water and sewer.* Adequate water resources and sewer facilities are required for all parcel maps. Proposed provision of these services must be clearly outlined on all parcel maps.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010; Bill No. 2018-E, 2019)

16.12.040.3. Planned unit developments.

The purpose of a PUD is to encourage more efficient use of the land and public and private services; to encourage flexibility to promote the most appropriate and compatible use; to facilitate adequate and economical provision of streets and utilities; and to preserve the agricultural lands and open space areas of our community.

- A. *PUD Criteria.* Planned unit developments can be used as a development alternative when the following criteria are met:
 1. For residential PUDs, the project is within the urbanizing area of the county as described in the Churchill County master plan;
 2. The project will provide water and sewer services in conformance with the county master plan policies, the utilities master plan, and county code requirements;
 3. The project is consistent with the master plan in the provision for potential sites for parks, schools, and utility treatment facilities;
 4. The proposed development is consistent with the transportation plan in the identification of appropriate improvements.
- B. *Approval requirements and required findings.* In approving a PUD, the planning commission and the county commissioners shall find the following:
 1. Growth and/or other development factors in the community support a change in the land use.

2. The change in land use represents orderly development, and that adequate services and infrastructure to support the proposed land use are available in the area.
3. The change in land use provides for an appropriate use of the land.
4. The proposed land use is in substantial conformance with the master plan and other adopted plans and policies.

C. *General provisions.*

1. *Intent.* The intent of the PUD ordinance is to provide for well designed developments that creatively utilize the physical features of a parcel of land and include design elements that protect surrounding properties, and provide features that mitigate potential impacts caused by development. Both mixed uses and higher densities than those designated in the underlying zoning district are permissible in a PUD. However, the type, intensity and location of proposed land uses must be justified and offset with design elements that demonstrate compliance with the recreation and open space elements of the master plan and provide open spaces throughout the development that create an atmosphere of healthful, rural living such as common open space and large lots.
2. *General development provisions.*
 - a. A PUD is a specialized form of subdivision. A proposed PUD shall therefore conform to all subdivision requirements unless varied by the provisions of this chapter.
 - b. The minimum project size shall be five acres. The minimum size requirement may be reduced if justified by the developer and supported by the commission.
 - c. Buffering and setbacks for all planned unit developments will be based upon and further evaluated by the impacts to the adjacent properties. Exterior project setbacks and buffering will be at a minimum the underlying zoning standards of the site. Interior setbacks shall be consistent with the standards of the highest density located within the development. Adequate buffering shall be provided to existing agricultural operations adjacent to the development.
 - d. Planned unit developments may be proposed in the E-1, R-1, R-2, R-3, C-1, C-2 and I zoning districts provided that the type and intensity of the use is justified and offset with appropriate design elements and the following criteria are met:
 - (1) In the E-1 zoning district residential uses must be the predominant land use. Commercial uses shall not exceed five percent of the gross project area, and must be excluded from the area used to calculate the number of residential units. The overall density of the residential component of the PUD may not exceed 3.2 units an acre unless the commission determines that the development provides benefits to the community such as protection and access to the Carson River corridor; or protection of agriculture through the transfer of development rights from active agricultural lands or continuance of agricultural production within the development. The commission may allow up to five units per acre should it determine that the benefits to the community warrant an increase in density.
 - (2) In the R-1, R-2, and R-3 zoning districts residential uses must be the predominant land use. Commercial uses shall not exceed 20 percent of the gross project area, and must be excluded from the area used to calculate the number of residential units. Density may not exceed the densities listed below unless the commission determines that the development provides benefits to the community such as protection and access to the Carson River corridor; protection of agriculture through the transfer of development rights from

active agricultural lands or continuance of agricultural production within the development. The commission may allow bonus densities up to the amount listed below should it determine that the benefits to the community warrant an increase in density.

- (A) R-1 zoning district: Five units per acre maximum base density. Eight units per acre maximum bonus density.
- (B) R-2 zoning district: Ten units per acre maximum base density. Sixteen units per acre maximum bonus density.
- (C) R-3 zoning district: Sixteen units per acre maximum base density. Twenty-four units per acre maximum bonus density.

- (3) In the C-1 and C-2 zoning districts commercial uses must be the predominant land use. Residential uses shall not exceed five percent of the gross project area. Within the residential area residential density may not exceed eight units an acre. The residential component must comply with all open space requirements and standards of a residential PUD.
- (4) In the I industrial zoning district industrial and commercial uses must be the predominant land use. Residential uses shall not exceed five percent of the gross project area. Within the residential area residential density may not exceed an overall density of four units an acre. The residential component must comply with all open space requirements and standards of a residential PUD.
- (5) Type and intensity of land uses shall be incorporated into and approved as part of the PUD application process. Additional rezoning applications within a PUD are not required. Density and open space requirements of the residential components may be met by demonstrating community benefit to the commission such as protection of agriculture through the transfer of development rights from active agricultural lands or continuance of agricultural production within the development or protection of the floodplain.

- e. If a panel of experts is needed to review the project, the applicant shall be responsible for all costs incurred.

D. *Planned unit development standards.* Open space within a PUD, whether it is designated private or public is meant to primarily benefit the people living in the development.

1. *Open space requirements.*

- a. *Residential PUDs.* For exclusively residential projects, and the residential components of industrial and commercial PUDs, except as provided below, a minimum of 20 percent of the project site must be retained in common open space that must be improved in a parklike setting with active recreational areas.

- (1) A single-family residential project may be exempted from providing 15 percent of the 20 percent required common open space if the project utilizes transfer of development rights from lands protected through conservation easements.
- (2) A residential project may be exempted from providing 15 percent of the required common open space if the project provides open space for a community or neighborhood park as designated in the master plan recreation element and recommended by the parks and recreation department.

- b. *Commercial and industrial PUDs.*

- (1) Twenty percent of the project site to be developed for industrial and commercial uses must be devoted to common open space improved in a

parklike setting with active recreational areas. Fifty percent of this requirement may be satisfied by some or all of the following:

- (A) Protection of agriculture and open space through the transfer of development rights;
 - (B) A payment in lieu for the development of community or regional parks that will benefit the residents of the county;
 - (C) Protection of the floodplain by setting aside unimproved land that is located within the 100-year floodplain.
- (2) The residential component of any commercial or industrial PUD must meet all the same requirements for open space and density of a residential PUD.

c. *Open space standards.*

- (1) *Common open space.* Where possible, on-site recreation areas should be linked with any appropriate transportation, bicycle, open space, trails or other similar approved plan. When the property is on a trail or biking lane or path designated by an adopted plan, the trail or separated bike path shall be provided and that area developed for the trail or separated bike path may be counted as part of the required open space, even if the trail or bike path is dedicated to the county.

Open space areas that enhance circulation within a site, promote pedestrian use and safety, and improve a site's aesthetic qualities are expected to satisfy the following criteria:

- (A) Open space should be designed to provide a mix of active and passive activity areas. Small pocket areas should be avoided whenever possible and combined into one aggregate area which includes amenities.
 - (B) Open space areas should be accessible to all property owners within the development and connected by a comprehensive on-site pedestrian circulation system.
 - (C) Open space areas, including plazas and courtyards, should be designed, located and landscaped to take advantage of solar orientation, maximize water conservation measures and afford summer shade and winter sunshine.
 - (D) Open space shall consist of connected, contiguous areas that are greater than or equal to 200 square feet with widths no smaller than ten feet and must be within the development boundaries. Open space shall not include the following: required street landscaping, drives or driveways, streets and sidewalks, parking lots or bays and loading areas, retention ponds, canals, ditches and drains, and utility or service areas. Perimeter landscaping and entranceways may not be included in the open space calculation.
- (2) *Types of open space.*
- (A) Common open space may be comprised of one or more of the following and shall be accessible to all the living units it serves:
 - (i) Courtyard.
 - (ii) Large lawn area.
 - (iii) Playground.

- (iv) Tennis court.
- (v) Basketball court.
- (vi) Swimming pool.
- (vii) Similar outdoor recreation facilities as approved by the commission.

(B) Community benefit open space:

- (i) Public access to the Carson River.
- (ii) Floodplain protection.
- (iii) Wildlife habitat.
- (iv) Designated wetlands.
- (v) Irrigated agricultural fields in production within the development.
- (vi) Provision of transfer of development right (TDR) certificates.

2. *Streets.* Streets within the development may be public or private, constructed to Churchill County specifications in accordance with "standard specifications for public works construction" ("orange book"). All specifications and standard details are to be obtained through the Churchill County road department. All streets are to be inspected and approved by the Churchill County road department.

When streets are proposed to be privately maintained the developer shall present to the Board the mechanism to be established that will guarantee that adequate funding will be provided or collected to ensure private maintenance of the streets for the life of the development. The Board shall determine if privately maintained streets are permissible.

3. *Residential units.* Residential units within the development may consist of attached or detached single-family units, multi-family units, including, but not limited to, apartments, townhouses, cluster units or condominiums, or commercial uses approved by the commission.
4. *Drainage.* Drainage shall be designed pursuant to the Churchill County design standards. The drainage/design must accommodate any potential flooding from failure of irrigation facilities.
5. *Lighting.* Lighting for the project shall be designed in accordance with recommendations from the county engineer and road department. The developer must propose a special assessment district (SAD) or like mechanism whereby the maintenance of and payment for lighting shall be the responsibility of the residents.
6. *Public facilities.* All public facilities, sewer storm drainage, etc., shall be designed in accordance with Churchill County standards.

E. *Application process.*

1. Initial meeting with planning staff to discuss the planned unit development project concept and requirements for submittal. (Establish if there is an actual project, and if a PUD is the best alternative.)
2. Applicant prepares conceptual planned unit development application and required supporting information in accordance with the conceptual planned unit development submittal requirements and checklist.
3. Conceptual plan is discussed in general terms with the planning commission at a workshop.
4. Applicant submits conceptual planned unit development application and required supporting information to the planning department.

5. Planning staff reviews the application for completeness and either deems the application complete or incomplete (one week after submittal).
 6. If application is deemed complete the staff initially reviews the submittal to identify key issues and general information regarding the proposal and drafts a summary for the planning commission.
 7. The planned unit development conceptual plan along with supporting material and the staff summary is then presented to the planning commission at a public hearing for discussion only. The applicant is required to present the concept and material during this hearing.
 8. Following input from the planning commission on the conceptual planned unit development application the applicant can move forward to prepare the planned unit development submittal application.
 9. a. Upon completion of the planned unit development application and supporting information the applicant can submit to the planning department. Submittal should specifically address all concerns and comments that were raised by the staff and planning commission during the conceptual review process.
 - b. If the planned unit development is of a size and complexity that the county determines warrants the services of specialized and skilled professionals outside the employ of the county, the developer shall deposit with the county an amount to be determined up to \$50,000.00 at the time the application for a planned unit development is filed. If the deposit is required, no permit shall be issued until the deposit is lodged with the county. If the special use permit application is denied, the outstanding balance of the deposit shall be returned to applicant after the time for filing appeals and petitions for judicial review have expired. If the special use permit is granted, the deposit shall be retained and utilized by the county for services provided by specialized or skilled professionals retained by the county to monitor compliance with the conditions of the special use permit. At the time the special use permit is granted, applicant, as a condition of the special use permit, may be required to deposit additional funds with the county to bring the balance of the deposit back up to \$50,000.00.
 10. The planning staff will review the submittal for completeness and accept or reject the application (one week following submittal).
 11. When the request is deemed complete the staff begins review.
 12. Approximately two to three weeks after initial submittal, staff will have a meeting with the applicant to review the request and ask for any additional information needed and review comments from other county departments.
 13. Upon completion of staff review the request will then be placed on the agenda for the next planning commission meeting for review and recommendation.
 14. Following the planning commission meeting the item will be forwarded to the county commission for action.
 15. Following approval of the planned unit development application the applicant may proceed with preparation of a tentative map(s). Tentative maps must be prepared in accordance with requirements of a subdivision tentative map. Where a tentative map will be filed simultaneously with a PUD application the applicant must meet with staff following the public hearing on the conceptual map to determine development standards and design elements.
- F. *Application requirements.*
1. *Conceptual plan application requirements.*
 - a. *Site description.*

- (1) Description of property and location.
- (2) Description of land uses surrounding the property within one mile.
- (3) Describe the proposed project design elements and property characteristics that make the property eligible for a PUD.

b. *Project description.*

- (1) Describe the project elements.
- (2) Proposed land uses.
- (3) Proposed densities.
- (4) Describe how the proposed densities will compare to existing surrounding area.
- (5) Describe mitigation measures employed to ensure that project is not detrimental to surrounding area.
- (6) Describe access.
- (7) Discuss infrastructure requirements and how project will be serviced.
- (8) Describe proposed effects on public services.
- (9) Discuss drainage of the project and how it will be addressed.
- (10) Describe proposed open space areas.
- (11) Potential public sites and services, dedication.
- (12) Describe proposed project phasing.

c. *Site plan.* The site plan area shall be prepared to the following scales: for smaller sites (less than ten acres) one-inch equals 40 feet; for sites in excess of ten acres the site plans will be prepared at one-inch equals 100 feet. The map should include sufficient information to describe the development and will include at a minimum the following:

- (1) Parcel number.
- (2) Total acreage.
- (3) North arrow.
- (4) Scale.
- (5) Existing zoning.
- (6) Existing master plan.
- (7) Proposed densities.
- (8) Proposed access.
- (9) Proposed location of parks and open space.
- (10) Location of flood designations.
- (11) Existing structures.
- (12) Adjacent zoning designations and land uses within 300 feet.

2. *Planned unit development application requirements.* In order to adequately evaluate these PUD submittal requests; the following items are to be included as part of the application and supporting information for planned unit developments. While some items on the following list were included in the conceptual planned unit development application, these items are expected

to be addressed in more detail as a part of this application. (Failure to provide all of the listed information could result in an incomplete submittal packet.)

a. *Site description.*

- (1) Description of property and location.
- (2) Description of land uses surrounding the property within one mile.
- (3) Describe the proposed design elements and property characteristics that make the property eligible for a PUD.

b. *Project narrative.*

- (1) Describe the project elements.
- (2) Proposed land uses.
- (3) Proposed densities.
- (4) Describe how the proposed densities will compare to existing surrounding area.
- (5) Describe mitigation measures employed to ensure that project is not detrimental to surrounding area.
- (6) Describe access.
- (7) Discuss infrastructure requirements and how project will be serviced.
- (8) Describe expected effects on public services.
- (9) Describe the open space areas.
- (10) Potential public sites and services, dedication.
- (11) List and explain findings for this project pursuant to this Code.
- (12) Existing zoning and master plan designation.
- (13) Proposed CC&Rs.
- (14) Adjacent zoning designations within 300 feet.

c. *Site plan.* The site plan area shall be prepared to the following scales: for smaller sites (less than ten acres) one-inch equals 40 feet; for sites in excess of ten acres the site plans will be prepared at one-inch equals 100 feet with five-foot contour intervals. The map will include at a minimum the following:

- (1) Name of project, developers and engineer preparing plan.
- (2) Location and size of the site - total acreage.
- (3) Legal description.
- (4) Vicinity map.
- (5) Identify proposed land uses and densities (pods or neighborhoods).
- (6) Location and size of any parks or open space (ownership/proposed maintenance).
- (7) Proposed building elevations.
- (8) Show adjacent land uses, zoning and ownership.
- (9) North arrow.
- (10) Scale.

- (11) Existing structures.
- (12) Exterior setbacks and proposed buffers.
- (13) Areas not a part.

d. *Reports.*

- (1) Preliminary drainage report.
- (2) Soils report.
- (3) Those lands that may be considered potential wetlands by the United States Natural Resources Conservation Service in their technical guide information and information regarding soils and interpretations.
- (4) Traffic study per section 16.16.010.8 of this title.
- (5) Potential risks and proposed mitigation measures to address failures in irrigation facilities.

e. *Supplemental information.* Supplemental information to be included in narrative or as exhibits:

- (1) General infrastructure plan.
- (2) Phasing of the project.

- 3. *Planned unit development tentative map application.* PUD tentative maps shall be submitted in accordance with requirements of a tentative subdivision. The first tentative map either depicting the total development or a portion of the development must be submitted to the board within three years of the PUD application approval unless an extended time line is specifically agreed upon during the PUD approval process. One extension of no longer than two years may be requested by the developer and approval may be granted by the board through a development agreement.
- 4. *Planned unit development final map application.* PUD final maps shall be submitted in accordance with requirements of a subdivision map.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010; Bill No. 2012-F, 2012; Bill No. 2018-E, 2019; Bill No. 2022-A , 4-20-2022)

16.12.040.4. Cluster developments.

A. *Purpose.* The purpose of a cluster development is to provide the agricultural community an alternative to taking land out of production or irrigation through land division. Cluster developments are discouraged within a three-mile buffer around Naval Air Station (NAS) Fallon to be reviewed on a case-by-case basis, and they will not be permitted in NAS Fallon's Accident Potential Zone I. Clustered developments provide a mechanism to preserve agricultural lands and open space by allowing the agricultural community to utilize the fullest divisional potential of their land (a parcel, or adjoining parcels under the same ownership) by either:

- 1. Locating housing in clustered areas on a parcel, which can be readily served by emergency services, utilities, etc., and designating the remainder of the parcel as an agricultural easement or open space; or
- 2. Locating housing on an adjoining parcel under the same ownership, which can be readily served by emergency services, utilities, etc., and transferring the development rights provided by a clustered development to less productive land, thereby providing the agricultural community an alternative to

taking land out of production or irrigation. The parcel from which the development rights have been transferred shall be designated as an agricultural reservation or conservation easement.

B. *Requirements.*

1. The minimum parcel size for clustered lots is one acre if individual wells and septic tanks are to be provided. Parcel sizes may be reduced if provisions are made for connection to a community water and sewer system. Individual parcels are not to exceed two net acres. Individual parcels may be water righted.
2. The number of clustered lots created for the project may not exceed the density requirements for the underlying zoning district. The clustered development in the project may be under different ownership than the conservation easement parcel. The number of lots created within the cluster development may not exceed the fullest divisional potential of the project. (For example, if the total project has 120 acres in the A-5 zoning district the total number of lots created within the cluster may not exceed 24 buildable lots.) If an adjoining parcel is to be used for the residential lots the full developmental rights of the parcel to be placed under the conservation easement may be transferred to the adjoining parcel.
3. Where an agricultural easement is being created, agricultural buildings including one single-family residence used by the owner/operator of the farm may be included on each agricultural reservation. Such single-family residence may be in addition to the fullest divisional potential of the property.
4. The parcels designated as an agricultural reservation, open space or conservation easement are restricted to ranching, farming, recreational or agricultural open space as designated and cannot be developed for any other use. These parcels shall be further restricted by including Churchill County in a deed restriction on the land or an open space or conservation easement in favor of the county.

C. *Procedure/Process.*

1. A tentative map must be submitted for any cluster developments creating six or more lots in the cluster. A draft agricultural reservation deed or conservation easement deed initialed by the applicant/landowner is required at the time of tentative map submittal.
2. Following approval of the tentative map, second and subsequent parcel maps may be filed per the submittal and review procedure outlined above.
3. A signed agricultural reservation deed approved by the district attorney's office must be submitted with the first parcel map.

D. *Required improvements.*

1. ***Roads.***
 - a. All roadways shall be constructed to Churchill County specifications in accordance with "standard specifications for public works construction" ("orange book"). All specifications and standard details are to be obtained through the Churchill County road department. All roads are to be inspected and approved by the Churchill County road department in order to accommodate local conditions and shall incorporate provision for adequate drainage and bridges where deemed necessary.
 - b. Road names and suffixes shall be designated by the developer, subject to approval of the planning department and in accordance with section 16.16.010.7A16 of this title.
 - c. All roads constructed under the provisions of this chapter shall be constructed to intersect with the nearest public road. As used in this subsection, "public road" means a road which is maintained by any public authority.
2. ***Bridges.*** All bridges and culverts shall be constructed in accordance with provisions outlined in the Churchill County specifications in accordance with "standard specifications for public works construction" ("orange book"). All specifications and standard details are to be obtained through the

Churchill County road department. All bridges are to be inspected and approved by the Churchill County road department.

3. *Water and sewer.* Adequate water and sewer facilities shall be provided for all cluster developments.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010; Bill No. 2015-D, 2015)

16.12.040.5. Boundary line adjustment/record of survey.

This section includes administrative procedures for boundary line adjustments/record of survey.

Each of the aforementioned elements is described generally, followed by specific procedures and application requirements.

A. *Boundary line adjustment.*

1. *Generally.* The granting of a boundary line adjustment may be only accomplished between two adjacent landowners in the manner set forth hereinafter.
2. *Procedure.* The adjustment of the boundary line between abutting parcels or the transfer of land between two owners of abutting parcels may be approved by the planning department without conditions or further administrative proceedings when:
 - a. The adjustment does not create a nonconforming parcel relative to its respective zoning;
 - b. If the parcels are nonconforming, neither parcel's nonconformance may be increased thereby;
 - c. No new parcels are created;
 - d. The map meets the formal requirements of NRS § 278.5693;
 - e. The map is not in conflict with the provisions of this title; and
 - f. The map is submitted to the planning department with the applicable application and filing fee.
3. *Exclusions.* An adjustment of the boundary line between abutting parcels or the transfer of land between two owners of abutting parcels may be disapproved if it reduces the size of a nonconforming parcel or results in the creation of a nonconforming parcel. In cases where both abutting parcels have been developed, and where the boundary line adjustment will not change the character of the surrounding neighborhood and meets the spirit of the zoning ordinance a variance of area may be granted by the planning commission in accordance with this title.

An adjustment of the boundary line between abutting parcels or the transfer of land between two owners of abutting parcels may be disapproved if it does not contain adequate access, utility, water conveyance and drainage easements to serve the resulting parcels.

- ##### **B. *Record of survey and recording maps.*** After making a survey in conformity with the practices of land surveying, the licensed land surveyor shall, within 90 days (after the establishment of points or lines), file, with the county recorder in the county in which the survey was made, a map of such survey relating to land boundaries and property lines.

1. *Requirements.*

- a. "Record of survey" shall be a map legibly drawn in waterproof ink on tracing cloth, or produced by the use of other materials of a permanent nature, generally used for such purposes in the engineering profession; the size is to be 24 inches by 32 inches.
- b. "Record of survey" shall show:

- (1) All monuments found, set, reset, or replaced, describing their kind, size and location, and giving other data relating thereto;
- (2) Bearing or witness monuments, basis of bearings, bearing and length of lines, scale of map. The basis-of-bearing of the map shall include: the survey control points used for horizontal control with a description, coordinates for each point, and a statement identifying the basis-of-bearing and the coordinate system utilized. Include coordinates for the basis-of-bearing and any section corners shown on the map. Coordinates are required to be in the NAD 1983 Nevada West State Plane Coordinate System;
- (3) Name and legal description of the tract in which the survey is located and ties to adjoining tracts;
- (4) Tie to coast and geodetic survey control system, if points of the system are established in the area in which the survey is made;
- (5) Memorandum of oaths, if any;
- (6) Signature and seal of surveyor;
- (7) Dates of survey;
- (8) Name of the person or persons for whom the survey is made;
- (9) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.

c. Where a commercial or industrial subdivision is proposed pursuant to NRS § 278.325, a tentative map was approved by the board of county commissioners, and a final map was recorded, records of survey creating individual lots shall be filed with the planning department for review prior to recording.

2. *Prohibition and penalty.* It is unlawful for any person to fail to file with the county recorder a "record of survey" within 90 days after the establishment of points or lines. Any person found to have violated this provision is guilty of a gross misdemeanor.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2012-F, 2012; Bill No. 2018-E, 2019)

16.12.040.6. Revocation and reversion to acreage.

- A. Revocation of a final subdivision map shall be made in accordance with state law, provided that no building sites have been sold within the development and no improvements required by this title have been made within two years from the date of recordation. Requests for revocation shall be made to the planning commission who shall advise the board of county commissioners whether or not to hold a public hearing on the matter.
- B. Revocation of a parcel map shall follow the same provisions as revocation of a final subdivision map.
- C. Reversions to acreage for final subdivision maps or parcel maps shall be subject to planning commission review and of county commissioners' approval.
- D. Maps filed for the purpose of showing as acreage lands previously divided into numbered or lettered parcels shall be conspicuously marked under the title "The purpose of this map is to revert to acreage".
- E. Reversion to acreage of parcels created by deed shall follow the provisions of a boundary line adjustment/record of survey.

(Bill No. 2005-F § 2.2, 2005)

Chapter 16.13 MAINTENANCE DISTRICTS

16.13.010. Short title.

This chapter shall be known as the "Churchill County Maintenance District Ordinance."

(Bill No. 2006-D § 1, 2006)

16.13.015. Legislative findings.

- A. The division of lands into four or more lots, pursuant to NRS §§ 278.360 to 278.460, or NRS ch. 278A (planned unit developments), creates a unity of interest, or a common interest, in improvements made to the land, by all owners, and their successors in interest, including landscaping, security walls, trails, parks and open space which provide a substantial public benefit or which are required by the governing body for the primary use of the public.
- B. Two common methods exist for the maintenance of improvements made to land: 1) the creation of an association for a common interest community, pursuant to NRS § 116.001 et seq., to provide for maintenance; or 2) the assumption of such maintenance by a governing body.
- C. The intent of this chapter is to secure maintenance of common interest improvements made to land.
- D. The board specifically finds that the procedures governing maintenance of common interest improvements to land must be made and provided for at the time of approval of a final map, so as to eliminate the possibility that as a subdivision or planned unit development is built out, that maintenance of common interest improvements be neglected or not be otherwise provided for.
- E. The board further finds that the owner or owners of land seeking maintenance of common interest improvements to land, by the county, must provide for full disclosure of all maintenance assessment duties and costs to all successors in interest to all properties which shall be subject to an assessment for maintenance under this chapter.

(Bill No. 2006-D § 1, 2006)

16.13.020. Contents of final map and notice requirements where a maintenance district has been approved.

- A. Except as otherwise provided for by NRS § 278.372 to 278.378, any final map presented for approval under NRS §§ 278.360 to 278.460, or 278A.010 et seq., must include a certificate by the parks and recreation director for Churchill County, stating that he has accepted or rejected on behalf of the public any maintenance associated with common interest improvements made to the land.
- B. Any acceptance or rejection of maintenance district made pursuant to this section must bear, in substantial form, the following:

COMMON INTEREST IMPROVEMENTS TO LAND

CHURCHILL COUNTY ASSUMES/REJECTS DUTIES OF MAINTENANCE FOR COMMON INTEREST IMPROVEMENTS TO LAND _____ CONSISTING OF ____ACRES OF OPEN SPACE; THAT AN ASSESSMENT DISTRICT FOR MAINTENANCE HAS BEEN CREATED PURSUANT TO TITLE ____, CHAPTER ____ OF THE CHURCHILL COUNTY CODE UPON PETITION MADE BY THE OWNER ON THIS ____DAY OF ____, 20____.

PARKS AND RECREATION DIRECTOR

- C. The owner of land shall provide notice of any assessment district created under this chapter to any subsequent owner or successor in interest by inclusion in a document of transfer disclosure of any assessment made and a duty to pay such assessment running with the land.

(Bill No. 2006-D § 1, 2006)

16.13.030. Definitions.

- A. Unless otherwise defined herein, the terms listed in chapter 16.24 of this title, as amended, shall have the meanings ascribed to them therein.

- B. As used in this chapter, the following words and terms shall have the meanings ascribed to them herein:

Assessed property. Each lot, parcel, or residential dwelling will be assessed in the district to pay for a portion of the project costs. Property within a maintenance district, which is owned by a school district, county, state or the federal government, shall not be assessed property.

Developer. A person, firm, individual, corporation, trust, syndicate, partnership or owner engaged in the act of causing a land development.

Land development or development. 1. Any real property, improved or unimproved, or portion thereof, shown on the latest adopted tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease or financing, whether immediate or future, by anyone into five or more parcels within any one calendar year or, if the intent of offering over four lots for sale regardless of time period is evident, the planning commission may declare an act of subdividing.

2. "Subdivision" does not include the following:

- a. Any parcel of land in which all of the following conditions exist:
 - (1) Contains less than five lots, parcels, sites, units or plots, for the purpose of any transfer, development or any proposed transfer or development,
 - (2) Abuts dedicated street/road rights of way,
 - (3) No street openings are required to divide lots,
 - (4) Lot design meets the approval of the governing body;
- b. Any parcel of land divided into lots or parcels each of which net five acres or more, a tentative plat of which has been approved by the governing body as to street alignments, widths, drainage and lot design;
- c. Any land platted for cemetery purposes.

Land divider. A person or governmental entity which causes land to be divided into two or more parcels or a subdivision for himself or for others.

Petitioner. The developer or owners of the assessed property who petition to the county to maintain the project under section 16.13.050 or 16.13.060 of this chapter.

Project. All improvements to be maintained by the county and for which a maintenance district is authorized under NRS § 278.4787, as amended and existing at the time a petition is filed with the county, including:

- 1. Landscaping on the perimeter or median strip of a development (as defined in NRS § 278.4781).
- 2. Trails, parks and open space which provide a substantial public benefit or which are required by the county commission for the primary use of the public, per NRS § 278.4787(1)(d). Trails, as designated in the county master plan, described under NRS § 278.4787(5) are not included in this definition.

Project costs. All costs that are or will be incurred in maintaining the project in accordance with the approved maintenance plan, including, but not limited to, the costs identified in section 16.13.090 of this chapter.

Project land. The real property (including fixtures) on which the project is located.

Regulations. Administrative regulations adopted by the county regarding the administration of maintenance districts under this chapter.

(Bill No. 2006-D § 1, 2006)

16.13.040. Appointment of parks and recreation director and county commission responsibilities.

- A. The parks and recreation director is hereby designated under NRS § 278.4787(3) to recommend to the county commission to approve or disapprove petitions and administer maintenance districts in accordance with the provisions of this chapter.
- B. The county commission is hereby delegated the authority to conduct fiscal year reviews and approvals of ongoing project costs, budgets and assessments.
- C. The parks and recreation director and parks and recreation commission shall establish and may from time to time amend administrative regulations consistent with this chapter. Administrative regulations and amendments need not be approved by the county commission prior to their enactment, but the county commission must be advised of such amendments. Administrative regulations and amendments may be reviewed by the county commission at any time.

(Bill No. 2006-D § 1, 2006)

16.13.050. Requests for county commission to assume maintenance of a project to be made concurrently at time of submission of tentative map.

- A. A developer may declare, at the time of submission of a tentative map, for a planned unit development or subdivision, his intent as follows:
 - 1. That the county assume maintenance responsibilities for a project to be constructed in a subdivision or planned unit development;
 - 2. To establish a master maintenance district for a series of subdivisions within a planned unit development where all of the requirements for a maintenance district for a single subdivision would be established, and individual units of the planned unit development would be added, by petition, as they are developed. The petition shall include: a) all of the requirements under section 16.13.060 of this chapter for the first development and b) a copy of the CC&Rs and the conditions of approval for the planned unit development which must include, to the satisfaction of the parks and recreation director and the parks and recreation commission, provisions allowing maintenance districts to be established.
- B. The parks and recreation director and the parks and recreation commission shall review the request for a maintenance district prior to the approval of a final map of a planned unit development.
 - 1. Prior to the submittal of a final map, a developer must submit the request for a maintenance district to the parks and recreation director.
 - 2. The parks and recreation director and the parks and recreation commission shall file a recommendation with the planning commission prior to final map approval.
- C. If the parks and recreation director and the parks and recreation commission determine that it is desirable to establish the maintenance district, the parks and recreation director and the parks and recreation commission shall prepare and review the following with the county clerk/treasurer and the district attorney:

1. A maintenance plan detailing the improvements to be maintained, the schedule and levels of maintenance (including long term maintenance and replacement costs) and the estimated time and expense that may be involved.
 2. An allocation plan which determines the relative benefits and allocates costs between the county and the assessed property in accordance with section 16.13.070 of this chapter.
 3. A financing plan prepared in accordance with the regulations detailing project costs, district setup costs and initial reserves to be established, and how initial and annual costs are to be allocated and the projected revenues and expenses for the first year of operations.
 4. An assessment roll for that portion of costs to be paid by the owners of assessed properties, which includes the amount of assessment for each assessed property as defined in the final map, calculated as set forth in section 16.13.080 of this chapter and how and where the assessments are to be paid.
 5. If the project is to be included as part of an existing district, an analysis whether existing property owners in the district will be benefited by the assumption of maintenance of the project and whether the new assessments allocated to them are reasonably related to the benefits received from the project.
- D. Upon completion and approval of any final agreement for the creation of a maintenance district, by the parks and recreation commission, any such agreement shall next be presented to the planning commission for its approval concurrently with the final map. The board of county commissioners shall have final authority to approve or disapprove a maintenance district at the time of submission of a final map.
- E. Once a maintenance district is approved by the board of county commissioners, the parks and recreation director shall file an order with the county clerk/treasurer which:
1. Creates a new maintenance district or a new unit of assessment in an existing district, or includes new units of assessed property in an existing district. The description of the new assessed property shall include the assessor's parcel number and legal description prepared in form and with sufficient detail suitable for recording in the official records of Churchill County.
 2. Adopts the maintenance plan, allocation plan, finance plan, and agreement with the developer on file with the county clerk/treasurer, and states that they are subject to change by the parks and recreation director and the parks and recreation commission after consultation with the county commission.
 3. Approves the assessment roll, which shall be attached to the order, and states that assessment amounts are subject to change by the parks and recreation director and the parks and recreation commission after consultation with the county commission.
 4. States that the assessment constitutes a lien upon the assessed property and that the lien must be executed, and has the same priority, as a lien for property taxes, or as may otherwise be provided by law, including NRS § 278.4787.
 5. States that the maintenance district shall be administered in accordance with this chapter, and any administrative regulations established by the county.
 6. Lists all conditions which must be met before the county accepts dedication of the project and assumes the maintenance responsibilities.
 7. Addresses any other matters that the parks and recreation director and parks and recreation commission determine to be relevant to the maintenance of the improvements.

The parks and recreation director shall hand deliver, or mail by first class mail, the order to the developer and property owner(s).

Unless otherwise agreed, project land shall be dedicated to the county which may be accomplished either by notation on the final subdivision map (which notation shall include a reference

to this chapter) or by separate deed. If the land is not to be dedicated, an easement shall be granted by the project land owner(s) sufficient to enable the county to maintain the project.

(Bill No. 2006-D § 1, 2006)

16.13.060. Procedures for review of petitions and establishment of maintenance districts in cases when a maintenance district was not established as part of a subdivision or planned unit development approval.

- A. The owners of assessed property may, by petition, request that the county assume maintenance responsibilities for an existing project in an existing development under the conditions set forth in NRS § 278.4787(7) and this chapter.
- B. The petition must be signed by a majority of the owners of the assessed property, and must request that the county agree to assume maintenance responsibilities and establish a maintenance district under this chapter and NRS § 278.4787, and must provide the information required by an application for petition.
- C. The parks and recreation director and parks and recreation commission may enter into agreements to convert or combine preexisting maintenance districts into districts under this chapter provided that the conversion is authorized by NRS § 278.4787 and the conversion or combination would be in accordance with this chapter. The county commission must be advised of the conversion.
- D. Within 30 working days after receiving a petition, the parks and recreation director and parks and recreation commission shall determine whether the petition is complete and shall reject it if it does not comply or it is incomplete. If the parks and recreation director fails to reject the petition within 30 working days after it is received, the petition will be deemed accepted. Petitions that have been rejected may be resubmitted at any time.
- E. If a petition is accepted (but it has not yet been determined complete) for consideration and the parks and recreation director later seeks information from the petitioner, the time period set forth in subsection G of this section is not tolled until the information is received, and if the petitioner fails to provide it within 30 days, the petition is deemed rejected.
- F. Upon acceptance of a petition, the parks and recreation commission and the parks and recreation director shall review the petition with the county clerk/treasurer and the director of planning and shall consult with them in determining whether it would be desirable for the county to assume the maintenance of the proposed improvements and establish a maintenance district.
- G. Within 60 days after the petition is accepted, the parks and recreation director shall schedule the petition for a county commission hearing. The parks and recreation director shall give notice of the hearing to the petitioner and to all owners of assessed property by mailing a copy of the notice by first class U.S. mail, postage prepaid, not less than ten nor more than 30 days before the hearing. The notice shall include: 1) a map or description of the maintenance district area; 2) a statement whether a separate maintenance district will be established or whether the district will be included in another maintenance district; 3) a general description of the maintenance services to be performed; 4) a general description of the assessed property; 5) the proposed amount of the annual assessments or a description of where the proposed assessment roll may be obtained; 6) the date, time and location of the public hearing; 7) a statement that all persons may present their views at the hearing; and 8) a statement that decisions of the parks and recreation commission may be appealed to the county commission. A copy of the notice shall be published in a newspaper of general circulation once not less than ten nor more than 30 days before the hearing.
- H. If the parks and recreation commission determines that it is desirable to establish the maintenance district, the parks and recreation director shall submit the following to the county commission:

1. A maintenance plan detailing the improvements to be maintained, the schedule and levels of maintenance (including long term maintenance and replacement costs) and the estimated time and expense that may be involved.
 2. An allocation plan which determines the relative benefits and allocates costs between the county and the assessed property in accordance with section 16.13.070 of this chapter.
 3. A financing plan prepared in accordance with the regulations detailing project costs, district setup costs and initial reserves to be established, and how initial and annual costs are to be allocated and the projected revenues and expenses for the first year of operations.
 4. An assessment roll for that portion of costs to be paid by the owners, and successors, of assessed properties, which includes the amount of assessment for each assessed property calculated as set forth in section 16.13.080 of this chapter and how and where the assessments are to be paid.
 5. If the project is to be included as part of an existing district, an analysis whether existing property owners in the district will be benefited by the assumption of maintenance of the project and whether the new assessments allocated to them are reasonably related to the benefits received from the project.
- I. If the parks and recreation commission determines that it is not desirable for the county to approve the petition and establish a maintenance district, the parks and recreation director shall submit his report and justification to the county commission.
 - J. The county commission shall review the petition and either approve the maintenance plan as proposed by the parks and recreation director, approve the maintenance plan with modifications or deny the petition and maintenance plan.
 - K. If the petition and maintenance plan are approved by the county commission, the parks and recreation director shall file an order with the county clerk/treasurer, which:
 1. Creates a new maintenance district or a new unit of assessment in an existing district or which includes new units of assessed property in an existing district. The description of the new assessed property shall include the assessor's parcel number and legal description prepared in form and with sufficient detail suitable for recording in the official records of Churchill County.
 2. Adopts the maintenance plan, allocation plan, finance plan, and agreement with the developer on file with the county clerk/treasurer, and states that they are subject to change by the parks and recreation commission after consultation with the county commission.
 3. Approves the assessment roll, which shall be attached to the order, and states that assessment amounts are subject to change by the parks and recreation commission after consultation with the county commission.
 4. States that the assessment constitutes a lien upon the assessed property and that the lien must be executed, and has the same priority, as a lien for property taxes, or as may otherwise be provided by law, including NRS § 278.4787.
 5. States that the maintenance district shall be administered in accordance with this chapter, and the regulations.
 6. Lists all conditions which must be met before the county accepts dedication of the project and assumes the maintenance responsibilities.
 7. Addresses any other matters that the parks and recreation director and parks and recreation commission determines to be relevant to the maintenance of the improvements.

The parks and recreation director shall mail, by first class mail, the order to each owner of the assessed property, as indicated in the records of the county assessor, and shall deliver a copy to each member of the county commission.

Unless otherwise agreed, project land shall be dedicated to the county which may be accomplished by a deed. If the land is not to be dedicated, an easement shall be granted by the project land owner(s) sufficient to enable the county to maintain the project.

(Bill No. 2006-D § 1, 2006)

16.13.070. Determination of benefit and cost allocations between assessed property and county.

- A. Pursuant to NRS § 278.4787(3)(c), the parks and recreation director shall use the following method to determine the relative proportion in which the assumption of the maintenance project by the county will benefit the assessed properties and the public. To determine the relative proportion of benefits, the parks and recreation director shall use the presumptions listed below, but may evaluate each proposed project on its own merits to determine if a different proportion is warranted based on information presented to him by the petitioner or otherwise available to him. The relative proportions of benefit shall be expressed as percentages. Project costs will then be allocated to the assessed properties (as a group) in the percentage of the benefit to the development and to the county in the percentage of the benefit to the public. The amount of costs allocated to the assessed property as a group will be divided and assessed against individual properties as provided in section 16.13.080 of this chapter.

1. *Landscaping projects.*

- a. Landscaping projects along the interior streets of developments are presumed to benefit the development 100 percent and the public zero percent. This presumption contemplates that the enhanced land values and pedestrian safety benefits inure only to residents in the development and their invitees. However, the parks and recreation commission may determine that some benefit inures to persons outside the development if the landscaping project includes a sidewalk, or similar feature, that connects other developments with commercial facilities, in which case the parks and recreation commission may increase allocations to other developments in the same district, or to the county based on expected pedestrian use along the development frontage.

2. *Trails, parks and open space.*

- a. Regional trail projects as described in NRS § 278.4787(5) (trails listed in the Churchill County master plan) and regional parks shall be presumed to benefit the development and the public as follows. Sports equipment, shade structures and picnic areas shall be presumed to benefit the public and shall be paid and the costs of maintaining them shall be borne by the county. This presumption is based on the regional nature of the trails and parks. The landscaping and playground equipment shall be presumed to benefit the development and the costs of maintaining it shall be allocated to the assessed properties. This presumption is based on the fact that the landscaping provides an aesthetic value for the development and the equipment is used primarily by residents within walking distance.
- b. Neighborhood parks, common open space and nonregional trails are presumed to benefit the development 100 percent and the public zero percent. This presumption is based on the fact that such facilities are positioned for the benefit of and are used primarily by residents within walking distance.

(Bill No. 2006-D § 1, 2006)

16.13.080. Allocation of costs among assessed properties; assessment rolls.

- A. *Allocation of costs among individual lots of assessed property.* Unless a different allocation is set by the parks and recreation commission under subsection B3 of this section or is agreed upon by all of the assessed

property owners existing at the time the order is mailed to them under section 16.13.050 or 16.13.060 of this chapter.

1. Each residential dwelling (including apartments and units in multi-family complexes) shall be assessed an equal amount.
2. Nondwelling units (commercial properties, public facilities, etc.) shall not be included in maintenance districts.

B. *Assessment standards.*

1. Assessments shall be made only against assessed property that is or will be benefited by the project approved by the county. The individual circumstances or desires of a particular property owner do not determine the benefit to the assessed property.
2. The sum of assessments may not exceed "project costs" as defined in this chapter.
3. The parks and recreation commission may establish subareas of similarly situated properties in the assessment roll and adjust assessments according to the benefits relative to other subareas of properties.

(Bill No. 2006-D § 1, 2006)

16.13.090. Administration of district.

- A. *Regulations.* The regulations shall provide for the administration of maintenance districts, including the establishment of budgets.
- B. *Contracts; administration.* Maintenance services performed under this chapter may be performed by the county or by independent contractors retained by the county. The maintenance contracts may be combined with contracts for other activities in order to maximize cost efficiency. The parks and recreation director shall supervise county staff or the contractors, and shall periodically inspect the projects for compliance with the maintenance schedule.
- C. *Project costs.* Project costs which may be included in assessments include all costs involved in performing the maintenance activities undertaken by the county and in administering the maintenance assessment district, including, but not limited to:
1. Cost of county employees or independent contractors (including professional services);
 2. Costs of all materials, supplies, replacements, and parts used;
 3. Utility costs for water and power;
 4. Annual contributions to or replenishment of reserves for long term maintenance cost such as painting, replacements, repaving, repairs, and the like;
 5. Cost of providing insurance for public liability;
 6. Administrative costs, including, but not limited to, mailing and publication costs, copy costs, computer costs (including hardware and software), costs of collecting and enforcing liens, legal fees, consulting fees;
 7. Administrative fees, including accounting fees, supervision fees, legal fees and other administrative costs for administering the district and maintaining the project; and
 8. Repayment of reserves, loans or advances, with interest, made to cover any shortfalls for the previous year.
- D. *Payment of project costs.* The county shall pay its proportionate share of the project costs, and shall levy assessments against the assessed property as provided in the regulations.

- E. *Assessment liens.* Once the assessment roll is mailed, assessments shall constitute a lien upon the assessed property. The lien attaches on July 1 of each year for which the assessment is levied. The lien must be executed, and has the same priority, as a lien for property taxes or as otherwise provided by Nevada law. The lien shall be a perpetual lien against the assessed property until the assessment and any penalty charges and interest which may accrue thereon have been paid in full. The regulations shall establish procedures for collection of assessments and enforcement of liens.
- F. *Penalties for nonpayment.* If any person fails to pay an assessment when due, a penalty shall be imposed in the amount approved by the county.
- G. *NRS ch. 361 provisions applicable.* The following provisions shall apply to assessments made hereunder:

NRS Section	Subject
361.484	Abatement of taxes on real or personal property acquired by federal government, state or political subdivision
361.450	Lien for taxes: attachment; superiority; expiration of lien on mobile or manufactured home
361.330	Effect of noncompliance on assessment and collection of taxes
361.065	Property of school districts and charter schools exempted
361.765	Correction of clerical and typographical errors on tax rolls

(Bill No. 2006-D § 1, 2006)

16.13.100. Dissolution of maintenance district.

- A. A common interest unit owners' association duly established and validly existing for a development under NRS § 116.3101 may apply to the parks and recreation director to dissolve the maintenance district and allow the association to assume all maintenance responsibilities for the project. The parks and recreation commission shall investigate the request to make a determination to decide whether or not the relinquishing of the dedicated property and maintenance responsibility to the association: 1) is likely to result in equal or better maintenance of the facilities taking into account the resources, governance, experience, and resolve of the association, 2) is in the best interest of the general public, 3) is in the best interest of the county, and 4) is in the best interest of the owners of the lots and parcels in the subdivision. Toward that end, the parks and recreation commission may negotiate and execute agreements with the association establishing maintenance standards, releasing reserve funds held by the county, compensating the county for the loss of the dedicated property, and other matters deemed advisable by the parks and recreation commission. If the parks and recreation commission determines that the considerations herein are in favor of doing so, it will dissolve the maintenance district by an order. The regulations shall specify the procedures for dissolution of the district.

(Bill No. 2006-D § 1, 2006)

16.13.110. Review and appeals of decision regarding the dissolution of a maintenance district by the parks and recreation director.

- A. All decisions and orders of the parks and recreation director will be announced at a regular meeting of the Churchill County parks and recreation commission and may be appealed to the county commission in accordance with the following procedures:
1. Any person within the established maintenance district may request an appeal by filing a written request with the parks and recreation director with an application provided by the county. The written request must describe the decision or order being appealed, why the person believes it is erroneous, and what the person desires for the county commission to do.

2. Requests for appeals of decisions and orders of the parks and recreation director must be filed with the parks and recreation director within 30 days after the date of the meeting when the decision or order was made.
3. The county manager, or parks and recreation director, may stay implementation of the decision or order pending determination of the appeal.
4. If implementation of the decision or order has not been stayed, the county clerk/treasurer shall place the appeal on the agenda for the next regularly scheduled county commission meeting for which the normal agenda deadline may be met. If implementation of the order or decision has been stayed, the county clerk/treasurer shall place the appeal on the regularly scheduled county commission meeting within 45 days from the date the appeal was received. The appeal shall be placed on the agenda as a public hearing. Notice of the hearing shall be sent to the petitioner.
5. The parks and recreation director shall prepare a staff report explaining the decision or order, what information was used in making the decision or order, and the procedure that was followed in making the decision or order. A copy of any reports or information used in making the decision or order shall be attached to the staff report. A copy of the staff report and supporting information shall be provided to the appellant at least five days before the appeal is heard by the county commission.
6. The county commission shall conduct a public hearing. The county commission may review the decision or order de novo. The hearing may be continued from time to time.

(Bill No. 2006-D § 1, 2006)

Chapter 16.14 TRANSFER OF DEVELOPMENT RIGHTS

16.14.010. Purpose.

- A. The purpose of the transfer of development rights (TDR) program is to provide a voluntary, incentive-based process for permanently preserving rural resources which provide significant community benefit such as agriculture, open spaces, aquifer recharge for current and future water supply (water recharge area), and a military installation buffer area. The intent of this chapter is to reduce development pressures and minimize development on agricultural lands, habitats, water recharge areas, flood zones and NAS Fallon and associated ranges notification areas by providing landowners a mechanism to sustain existing land uses and develop lands more compatible for urbanization. The TDR provisions are intended to supplement land use regulations, resource protection efforts, open space acquisition programs and to encourage increased residential development density inside designated areas, where those provisions can best accommodate little impact on the natural environment and provide for efficient public services.
- B. The TDR provisions in this chapter shall only apply to "receiving site" development proposals requiring board of county commissioners' approval and "sending site" applications submitted after the enactment hereof.

(Bill No. 2006-F, 2006; Bill No. 2007-I, 2007)

16.14.020. Definitions.

Community benefit. Recommended by the sending site review committee, planning director, planning commission and approved/determined by the board of county commissioners as a benefit to the community, above and beyond those contributions and items required by the consolidated development code, county ordinances or state statute. Examples are preservation of agricultural lands, historic preservation, wildlife habitat preservation, etc.

Conservation plan. A comprehensive land use plan to manage and maintain the long-term protection of the sending site property under the easement established from the transfer of the development rights.

Deed restrictions. When a development right is sold, a legal restriction is recorded on the sending site giving notice that the development right can no longer be used at that site.

Development rights. The difference between the value of the existing use of the parcel (e.g., agricultural) and the value of its potential use (e.g., residential), as permitted by existing law. Thus, development rights indicate the future building potential. Development rights are measured in equivalent residential credits.

Easement, conservation. A legal agreement between a landowner and an eligible organization that restricts future activities on the parcel, parcels or portion thereof to protect its conservation, agricultural, open space or similar value in perpetuity.

Equivalent residential credit (ERC). A unit measure, where the residence "represents a permanent building on property" and is designed for single-family, residential use on a specified and designated zone. These are units of measure used to transfer development rights from designated sending sites to designated receiving sites.

NAS Fallon and associated ranges notification area. Those areas adjoining and surrounding NAS Fallon and its bombing ranges as delineated on a composite map on file at the office of the Churchill County planning department.

Receiving site. Privately owned property within Churchill County that has been designated in this chapter to accommodate urban development.

Sending site. Privately owned property within Churchill County that has been designated per this chapter to transfer development rights.

TDR certificate. A recorded document, issued by Churchill County, listing the number of development rights available from a sending site to be used at a receiving site.

Transfer of development rights (TDR). Refers to a process for protecting land by transferring the "rights to develop" from one area and giving it to another.

Water recharge areas. Areas identified in the water resources plan update or the master plan that provide aquifer recharge for current and future water supplies.

(Bill No. 2006-F, 2006; Bill No. 2007-I, 2007)

16.14.030. Sending sites.

- A. For the purpose of this chapter, "sending site" means the portion of the parcel or parcels qualified under subsection B of this section. Sending sites must be a minimum of 20 acres in size and may not be in public ownership. Other areas may be considered on a case-by-case basis during the site evaluation process if they are special sites with community benefit and are identified as such by the sending site review committee. Sending sites shall be maintained in a natural state, open space suitable for passive recreation, or in agriculture.
- B. A sending site must have properties or characteristics that have a community benefit such as agriculture preservation, retention of surface water rights, water recharge, access and use by the public, military operations compatibility, and would be degraded by increased residential development. The development right of such sites would be used in areas that are better suited for development. A sending site must meet at least one of the following criteria:
 - 1. Designation in the Churchill County master plan.
 - 2. Be located within the NAS Fallon and associated ranges notification areas.
 - 3. Designation in the Churchill County master plan as RR-20, A-10 or A-5, through either:

- a. Existing zoning of the parcel(s), or
- b. Identification of proposed rural or resource area or open space sites that meet the definition of open space, per Churchill County master plan.
- 4. Identification as habitat for federally listed endangered or threatened species in a written determination by Churchill County, Nevada, division of wildlife, United States Fish and Wildlife Service, or a federally recognized tribe that the sending site is appropriate for preservation or acquisition.
- 5. Water recharge areas set aside for the benefit of Churchill County.

Other areas may be considered on a case-by-case basis during the site evaluation process if they are special sites with community benefit and are identified as such by the sending site review committee.

- C. For the purposes of the TDR program, "acquisition" means obtaining fee simple rights in real property, or less than a fee simple right in a form that preserves, in perpetuity, the community benefit supporting the designation or qualification of the property as a sending site.
- D. For parcels where the entire parcel or a portion of the parcel has been removed from irrigation, and/or stripped of vegetation within six years prior to application as a TDR sending site as determined by the planning department, the sending site applicant must provide an affidavit of compliance with the dust control requirements of title 8, chapter 8.15 of this Code and any additional revegetation conditions of their dust permit. If a portion of the parcel has been cleared or graded without any dust permit, that portion shall not be qualified or certified as a TDR sending site for six years, or until the site demonstrates sustainable, successful revegetation or profitable agricultural production.

(Bill No. 2006-F, 2006; Bill No. 2007-I, 2007; Bill No. 2015-D, 2015)

16.14.040. Receiving sites.

- A. *Criteria.* Receiving sites shall be located in the urbanizing area in an approved planned unit development, or in a commercial or industrial planned unit development where the developer proposes to meet some of the open space requirements by the transfer of development rights, except within three miles of NAS Fallon boundary.
- B. *Compliance with title required.* Except as provided in this chapter, development of a receiving site shall remain subject to all provisions of this title.
- C. *ERCs.* A receiving site may accept ERCs from one or more sending sites.
- D. *Property outside receiving areas.* Property located outside designated receiving areas may not accept transfer development rights.

(Bill No. 2006-F, 2006; Bill No. 2007-I, 2007; Bill No. 2015-D, 2015)

16.14.050. TDR calculations on sending sites.

- A. A landowner must have a minimum of 20 contiguous acres to qualify as a sending site unless they are special sites with significant community benefit and are identified as special sites by the sending site review committee.
- B. Existing residential structures that are used by family members or farm employees and are located on a parcel that is under agricultural production may be included in a sending site/conservation easement. A sending site may include one or two additional permanent single-family dwelling(s) if approved by the board of county commissioners. A proposed sending site must exclude sufficient acreage for each proposed residential dwelling and associated agricultural reservation. ERCs will then be calculated for the remaining acreage.

- C. The number of ERCs a qualified sending site is eligible for shall be determined by applying the TDR sending site base density established in subsection F of this section to the area of the sending site and deducting any portion of the sending site already in a conservation easement or other similar encumbrance and any acreage required for proposed residential dwelling units or cluster developments.
- D. Any fractions of ERCs that result from the calculations in subsection F of this section shall follow standard mathematical rounding practices in the final determination of total ERCs available for transfer.
- E. For purposes of calculating the amount of ERCs a sending site can transfer, the amount of land contained within the site shall be determined as follows:
 1. If the sending site is an entire parcel, the square footage or acreage shall be determined:
 - a. By the Churchill County assessor's office records; or
 - b. By a survey that has been prepared and stamped by a surveyor licensed in the state of Nevada; or
 - c. By farm service agency (USDA) aerial photos.
 2. If the sending site is a portion of a parcel, the square footage or acreage shall be determined by a survey that has been prepared and stamped by a surveyor licensed in the state of Nevada.
- F. For the purposes of the TDR program, the following base densities will be used to calculate ERCs:
 1. Sending sites designated on the zoning map as A-5, A-10 or RR-20 and in the master plan as outside of the urbanizing area shall be assigned a base density of one ERC per four acres, and
 2. One ERC per irrigated water righted acre.
- G. For the purposes of the TDR program, the following incentive or bonus densities apply:
 1. Sending sites or a portion thereof located within a water recharge area or NAS Fallon and associated ranges notification area, or FEMA designated 100-year flood zone: 1.5 ERCs per ten acres.
 2. Sending sites providing beneficial public access as defined by the County to recreation areas, walking trails, bicycle paths, wetlands, rivers, lakes, state parks, or federal lands: Ten ERCs per parcel.
 3. Sending sites/parcels which total 100 or more acres: One ERC per ten acres.
 4. Sending sites may qualify for concurrent or additive bonus categories, for example:

EXAMPLE ERC WORKSHEET

101 acres of qualifying land including 75 acres of irrigated agricultural land in a water recharge area, with public access to the Carson River

Base TDRs (subsection F1 of this section)	25
Water right equivalent (subsection F2 of this section)	75
Bonus for water resource protection (subsection G1 of this section)	15
Bonus for beneficial public access (subsection G2 of this section)	10
Bonus for total over 100 acres (subsection G3 of this section)	10
Example TOTAL ERCs	135

- H. The number of ERCs that a sending site is eligible to send to a receiving site shall be proposed by the landowner following the above-described criteria and subject to final approval by the board of county commissioners.
- I. ERCs from one sending site may be allocated to more than one receiving site and one receiving site may accept ERCs from more than one sending site.
- J. The determination of the number of ERCs a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR certificate, and shall be considered a final

determination, not to be revised due to later changes to the sending site's zoning and/or revisions to this document or process.

(Bill No. 2006-F, 2006; Bill No. 2007-I, 2007; Bill No. 2015-D, 2015; Bill No. 2018-E, 2019)

16.14.060. Development limitations.

- A. Following the transfer of ERCs from a sending site, the portion of the parcel or parcels not designated in a conservation easement may accommodate residential structures on the buildable portion of the parcel, or parcels. This site must comply and be consistent with land use regulations of that zoning district.
- B. Nonresidential uses on parcels zoned A-5 or A-10 shall be limited as follows:
 - 1. Only those uses directly related to, and supportive of, the criteria under which the site qualified are allowed on the portion of the parcel designated as a sending site. The limitations shall be included in the conservation easement.
 - 2. The portion of the parcel outside the sending site may develop nonresidential uses consistent with the land use district.
- C. When a development right is purchased and subsequently used in a receiving site, the right to build a residential unit on the sending site is "extinguished".

(Bill No. 2006-F, 2006; Bill No. 2007-I, 2007)

16.14.070. Documentation of restrictions.

- A. A conservation easement granted through the TDR program shall be required for land and water contained in the sending site. The conservation easement may be placed on the entire parcel or parcels or only the portion of the parcel or parcels that is qualified as the sending site. The conservation easement deed that includes a legal description of the sending site and a map shall indicate the portion of the parcel or parcels restricted from future residential development, or limitations on future residential and nonresidential development within the conservation easement and the amount of water right. The map must indicate the boundaries of the conservation easement, existing structures and building envelopes. The following restrictions apply:
 - 1. For a sending site zoned A-5 or A-10, the conservation easement shall preclude division of the subject parcel(s) but may permit additional residential sites and accessory dwelling units if approved by the board of county commissioners upon approval and/or as designated or established prior to acceptance of the conservation easement deed.
 - 2. For a rural nonwater righted sending site, the conservation easement deed shall allow for restoration, maintenance or enhancement of native or established beneficial vegetation. A present conditions report, undertaken by a recognized authority, approved by the sending site review committee, shall be required to document the condition of native or planted vegetation and must be completed prior to approval and acceptance of the conservation easement deed by the board of county commissioners. If residential development will be allowed on the site under the conservation easement deed, the present conditions report shall be used to guide the location of residential development.
 - 3. For a sending site qualifying as habitat for federally listed endangered or threatened species, the conservation easement shall be placed on the portion of the parcel or parcels needed for habitat protection. The conservation easement deed shall allow for restoration, maintenance or enhancement of native or beneficial vegetation. If residential development will be allowed on the site under the conservation easement, the present conditions report shall be used to guide the location of the residential development.

4. Up to five percent of the total acreage encumbered by a conservation easement may be developed in the future exclusively to support agricultural related activities or habitat preservation, or renewable energy production related activities. If these activities no longer require the water appurtenant to the land they have been developed on, the water rights may be sold or transferred by the landowner but only within Basin 101 to another property encumbered with a conservation easement or the water rights must be dedicated to Churchill County, Carson Lake and Pasture, or the Stillwater Wildlife Refuge with all properties being within Basin 101.
5. Once a conservation easement deed has been signed by the landowner and chairman of the board of county commissioners it shall be recorded with the county recorder. The planning director shall inform the board of the recordation of the document and request approval to issue the TDR certificates as outlined in the conservation easement deed. The planning director shall forward the TDR certificate to the beneficiary. The certificate shall document the total number of TDRs approved for the sending site and shall reference the conservation easement deed file number from the office of the county recorder.

(Bill No. 2015-D, 2015)

16.14.080. Sending site application, review and certification process.

A. *Application process.* Responsibility in preparing a completed sending site application rests exclusively with the applicant. The sending site application must include a site plan that shows the proposed conservation easement and a draft conservation easement deed that includes, at a minimum, the following criteria:

1. A description of the site including assessor's plat maps and aerial photos;
2. A brief description of the site resources, to include appurtenant water rights and public benefit tied to the property and preserved in the conservation easement;
3. A site plan depicting the proposed conservation easement area, existing and proposed residential units, existing and proposed farm buildings, any area already in a conservation easement or similar encumbrance;
4. Assessor's map or maps of the parcel or parcels;
5. Any or all of the following written in conformance with criteria established through a public rule consistent with the Churchill County master plan and appropriate Churchill County ordinances, state statutes and federal laws, if the site is qualifying as habitat for a threatened or endangered species:
 - a. A wildlife habitat conservation plan, or
 - b. A wildlife habitat restoration plan, and
 - c. A wildlife present conditions report; and
6. A completed ERC calculation worksheet for estimating the number of available development rights.

The application must be accompanied with a nonrefundable fee, set by the Board, to cover the administrative costs associated with this process.

An application package must be submitted to the planning department for review by the sending site review committee.

B. *Sending site review committee.*

1. *Composition.* The planning director, or his/her designee, shall serve as the nonvoting chair. The sending site review committee will include three members appointed by the board of county commissioners. Members shall include a minimum of two agriculture representatives and one at large representative such as, but not limited to, agriculture, development, business, or real estate. Appointments will be three-year terms, or when a committee member is unwilling/unable to fulfill their obligation. The

exception will be the first sending site review committee appointed. The committee will have a one year, two year and three-year appointment for the first three years. Vacancies will be announced in accordance with county policy. Another nonvoting member may include a representative from NAS Fallon if the property is within the NAS Fallon and associated ranges notification areas or may impact military operations.

2. *Notification.* The following local entities, which have an interest in or may be affected by easement establishment, will be notified and given the opportunity to provide feedback in the sending site qualification process. Entities listed below must provide feedback to the review committee within 30 calendar days following receipt of notification. Lack of comment from any agency contacted will be construed as support.

Churchill County assessor's office

City of Fallon

Fallon Paiute-Shoshone Tribe

Lahontan Conservation District

NAS Fallon

Newlands Water Protective Association

Stillwater Conservation District

Truckee-Carson Irrigation District

U.S. Fish and Wildlife Service

3. *Application review.*
 - a. The sending site review committee will review all applications. Local entity comments will be evaluated, the conservation easement deed and proposed restrictions reviewed, and TDRs verified. A written report shall be forwarded to the planning commission within 60 calendar days of application submittal. The report shall include a recommendation on the sending site, comments on the proposed development restrictions outlined in the conservation easement deed and the number of ERCs calculated.
 - b. At a regular scheduled meeting the planning commission will review the sending site review committee's report, and forward a recommendation to the board of county commissioners.
 - c. The board of county commissioners will approve or reject the sending site application and approve the total number of ERCs.
 - d. If the sending site application is approved by the board of county commissioners the planning department shall prepare a letter of intent to issue TDR certificates upon recordation of a conservation easement. The letter of intent shall indicate the number of development rights available for transfer, a disclaimer that the approval as a sending site in no way commits or obligates Churchill County or the navy to the purchase of the conservation easement or any of the TDRs, and a statement allowing the county to reserve the right to review the current conditions compared to those at the time of the application and determine any change to the eligibility and/or amount of TDRs if a significant amount of time passes before recordation of a conservation easement. The landowner shall sign the letter of intent acknowledging acceptance of the board's approval and conditions.
4. *TDR certification.* A TDR certificate will be issued by the county upon recordation of a conservation easement deed. If a conservation easement deed is prepared by a source outside of the county, the deed must be approved prior to recordation. The board of county commissioners shall review all conservation easement deeds upon recordation and may direct the planning director or his/her

designee to issue the TDR certificates. TDR certificates shall reference the recorded document number of the conservation easement deed and may be sold.

(Bill No. 2006-F, 2006; Bill No. 2007-I, 2007; Bill No. 2015-D, 2015; Bill No. 2018-E, 2019)

16.14.090. Transfer process.

- A. Development rights where both the proposed sending and receiving sites would be within unincorporated Churchill County shall be transferred using the following process:
1. Following application review committee review of the sending site application as described in subsection 16.14.080B3 of this chapter, the sending site review committee shall forward its comments to the planning commission for their review, comment and recommendation. The sending site application package will be forwarded to the board of county commissioners for approval. If the package is approved, a letter of intent to issue TDR certificates will be sent. The letter of intent will authorize transfer of development rights as approved in exchange for the sending site conservation easement to be held in perpetuity. The sending site owner may then market the sending site development rights to potential purchasers.
 2. In applying for receiving site approval, the applicant shall provide the planning department with one of the following:
 - a. A TDR certificate letter issued in the name of the applicant; or
 - b. A TDR certificate letter issued in the name of another person or persons and a copy of a signed option to purchase those sending site development rights.
 3. Until the receiving site applicant delivers the TDR certificate issued in the applicant's name for the number of TDRs being used and the planning department records retirement/extinguishments of development rights executed, a tentative map shall not be approved. The planning department will be responsible for notifying other departments of all transactions.
 4. The public hearing held on the development proposal (either PUD application or PUD tentative map) shall also serve as the hearing on the TDR proposal.
 5. Development rights from a sending site shall be considered transferred to a receiving site when a final decision is made on the PUD application or tentative map.

(Bill No. 2006-F, 2006; Bill No. 2007-I, 2007)

16.14.100. Notice.

Public notice provided for the PUD shall mention the quantity of development rights being transferred and the density bonus being considered for these.

(Bill No. 2006-F, 2006)

16.14.110. Transfer of development right bank.

- A. *Purpose.* The purpose of the TDR bank is to assist in the implementation of the transfer of development rights (TDR) program by purchasing, receiving, holding, selling and recording of transactions pertaining to development rights. The TDR bank may purchase development rights only from sending sites located in the rural area or in an agricultural district as designated in the county master plan. Development rights purchased from the TDR bank may only be used in designated receiving sites.
- B. *Establishment and duties of the TDR bank board.*

1. The TDR bank board is hereby established to oversee the operation of the TDR bank to measure the effectiveness in achieving the policy goals of the TDR program.
2. The TDR bank board shall be composed of the Churchill County manager, comptroller, and legal counsel. The Churchill County manager shall chair the TDR bank board.
3. The Churchill County planning department shall provide staff support to the TDR bank board. Staff duties include, but are not limited to:
 - a. Generating recommendations to the TDR bank board on the TDR program and TDR bank issues on which the TDR bank board must take action;
 - b. Assisting in the implementation of TDR bank board policy in cooperation with other departments;
 - c. Preparing agendas for the TDR bank board;
 - d. Recording TDR executive board meeting minutes;
 - e. Preparing administrative rules in accordance with this Code; and
 - f. Preparing annual reports on progress of the TDR program to the board of county commissioners, with assistance from other departments.

C. *Expenditure and purchase authorization.*

1. The TDR bank may purchase development rights from qualified sending sites at prices not to exceed fair market value and to sell development rights at prices not less than fair market value. The TDR bank may accept donations of development rights from qualified TDR sending sites.
2. The TDR bank may use county funds to facilitate development rights transfers.

D. *Administration of TDR bank.*

1. The planning department, in conjunction with the comptroller, shall administer the TDR bank fund, execute and record purchases and sales of development rights in a timely manner consistent with policy established by the TDR bank board. These responsibilities include, but are not limited to:
 - a. Managing the TDR bank fund;
 - b. Authorizing and monitoring expenditures;
 - c. Maintaining records such as transaction dates, amounts and locations of development rights purchases and sales;
 - d. Executing and recording development rights purchases, sales and conservation easements; and
 - e. Providing quarterly summary reports of TDR bank activity for TDR executive board consideration.

E. *Sale Of Rights By TDR Bank.*

1. The sale of development rights by the TDR bank shall be at a price that equals or exceeds the fair market value of the development rights. The fair market value of the development rights shall be established by the prevailing market conditions.
2. When selling development rights, the TDR bank may select prospective purchasers based on the price offered for the development rights, the number of development rights offered to be purchased, and the potential for the sale to achieve the purposes of the TDR program.
3. The TDR bank may sell ERCs only in whole increments.
4. All offers to purchase development rights from the TDR bank shall be in writing. This document shall include a certification that the development rights, if used, shall be used only inside an identified receiving area, include a minimum ten percent down payment with purchase option, shall include the number of development rights to be purchased, proposed purchase price and the proposed date or

dates for completion of the sale, not later than 120 calendar days after the date of receipt of the purchase offer by the planning department.

5. Payment for purchase of development rights from the TDR bank shall be in full at the time the development rights are transferred, unless otherwise authorized by the planning department.
 6. Although TDRs may be negotiated/traded privately, final extinguishments of TDRs must be recorded at the TDR bank.
- F. *Exception from surplus provisions.* The transfer of development rights from the TDR bank may be completed consistent with Churchill County needs and in accordance with the criteria of this chapter.

(Bill No. 2006-F, 2006)

Chapter 16.16 DEVELOPMENT STANDARDS

16.16.010. General development standards.

16.16.010.1. Easements.

- A. Legal and physical access shall be established prior to any development. A minimum 30-foot-wide legal easement and a 20-foot-wide traveled way built to fire code standards, with an unobstructed width of 20-feet and a surface to provide all weather driving capabilities from the property to a public right of way must be provided for the construction of any primary structure. Where a bridge is included as access to a parcel, it must be constructed with a minimum width of 20 feet. Where an existing bridge is to be utilized as access, evidence must be provided from a professional engineer licensed in the state of Nevada that the bridge is structurally sound. Adequacy of the bridge for use by emergency vehicles shall be at the discretion of the fire marshal.

A minimum 60-foot-wide legal easement with roads and bridges constructed to this Code's and "Orange Book" standards is required for any land division.

- B. The developer shall grant easements not less than a total of ten feet in width for public utility, sanitary sewer and drainage, and other public purposes on yard or open areas wherever necessary. Easements of lesser widths may be allowed when the purposes of same may be accomplished by lesser widths; provided further, that in such determination the planning commission shall prescribe the width of such easements. Overlapping of easements should be avoided if possible.
- C. All natural drainageways and irrigation waterways and drainageways shall be preserved with appropriate easements and/or pedestrian walkways where necessary and required by the planning commission.
- D. A conservation easement of a width to be determined by stream flow requirements shall be provided along all waterways and streams and rivers to contain the channel during flood stages and to maintain the ecological integrity of the watercourse and to prevent encroachment. This easement need not be open to public access, but no tree or brush removal, gravel excavation, filling or side casting of materials shall be allowed within the area and no construction of any kind shall be allowed.
- E. In areas of possible fire hazards, unobstructed fire protection equipment and access easements not less than 20 feet shall be dedicated from the public street to the land development boundary. Such easement shall be located, designed and graded as determined by the planning commission in cooperation with the fire protection agencies.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2007-I, 2007)

16.16.010.2. Grading and drainage.

New development including proposed subdivisions, second and subsequent parceling, and building sites over one acre in size shall provide adequate plans depicting proposed grading of site and proposed storm drainage improvements. Submitted information shall address the following:

- A. A geotechnical report, a drainage report, and a grading plan shall be required with submittal of improvement plans for subdivisions and parceling. A drainage report and grading plan shall be submitted with the building permit application for building sites.
- B. All grading requirements shall be as set forth under this title.
- C. All cleared slopes, all cuts and fills, and all other areas vulnerable to erosion shall be either stabilized with grass or other protective cover or properly mulched to assure establishment, riprapped for slope control, treated with a soil solidifier or be provided with appropriate drainage benches as may be determined by the building official or county engineer. On steep slopes it may be required to provide controls as necessary to the circumstance.
- D. The developer shall design the development so that it is protected from inundation, flood hazard, sheet overflow, and ponding of local stormwater, springs and other surface waters.
- E. The design of improvements shall be such that water occurring within the development will be carried off without injury to any improvements, building sites or residences to be installed on sites within the development or adjoining areas.
- F. Waters occurring within the development shall be carried to a storm drainage facility or to a natural watercourse by such improvements as may be required.
- G. Drainage design within the development shall accommodate reasonable anticipated future improvement within the drainage area.
- H. Any off-tract outlets drainage facility required to carry stormwater from the proposed development to a defined channel or conduit shall be made adequate for the ultimate stage of improvement in the drainage area.
- I. All water shall be discharged into a controlled outlet stabilized storm channel for erosion control.
- J. All such off-site drainage water shall be materially free of silt or other polluting features.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2007-I, 2007)

16.16.010.3. Land dedication.

Dedications of land for park, recreation, school or other public purposes, in an amount and location consistent with the master plan and proposed character and location and engineering need of each development, may be required as condition precedent to tentative and final plat approval.

(Bill No. 2005-F § 2.2, 2005)

16.16.010.4. Land clearing restrictions.

At the time of the tentative plat approval, the planning commission may impose, as a condition of such approval, restrictions on the making of improvements consisting of the clearing of brush and trees or of the moving of earth by mechanical equipment. Such restrictions may include a provision that no such improvements may be made for a given period of time, including the time up to the filing of the final map. In order to impose any of the restrictions authorized by this section, there shall be a determination by the planning commission that such improvements would result in a real danger of the following:

- A. Pollution, contamination or silting of lakes, rivers, streams of domestic water supplies, irrigation waterways; or
- B. Erosion damage; or
- C. Alteration of natural drainage patterns in a manner likely to cause damage to the property or persons from which the normal drainage is diverted.

(Bill No. 2005-F § 2.2, 2005)

16.16.010.5. Preservation of native features and topsoil.

Healthy trees, rock outcrops, and other native features shall be preserved whenever possible and shall be protected during periods of construction. All native growths within the area to be divided will be surveyed for weakness, maturity, decadence, potential hazard, infestation, vigor, density, spacing and type. A preservation and protection plan will be made a part of the tentative plat with an indication thereon of those growths proposed to be removed, those to remain, and where new elements are to be planted. Clearing of topsoil, trees and shrubs, and other native cover prior to site development approval is prohibited. Topsoil shall be removed from building sites, parking areas, driveways, etc., and stored for future use when required by the county engineer. The location of native features shall be considered when designing building sites, underground services, walkways, paved or parking areas, playgrounds and especially finished grade levels.

(Bill No. 2005-F § 2.2, 2005)

16.16.010.6. Common areas.

Where deemed desirable by the planning commission, upon consideration of the particular type of improvement proposed in the development, and especially in large scale neighborhood unit developments, the planning commission may require dedication or reservation of common areas or sites for community purposes of a character, extent and location suitable for the needs created by such development.

- A. *Scenic values; existing flora; other facilities.*
 - 1. The planning commission may require other such measures as will preserve and enhance scenic values and natural features of the area and for conditions encouraging excellence of quality of development.
 - 2. Existing flora shall be preserved within any public way when such growths are suitably located and healthy and when approved grading permits. When required, street trees shall be planted in accordance with the requirements of the planning commission.
 - 3. The developer may be required to provide necessary irrigation facilities and structures such as bridges, concrete boxes, culverts, head walls, cattle guards, appurtenant fencing and other features as stipulated by the planning commission and county engineer.

(Bill No. 2005-F § 2.2, 2005)

16.16.010.7. Streets and storm drains.

- A. *General provisions.* Design standards and specifications for streets and storm drains are adopted by the board of county commissioners and amended as necessary. The Churchill County road department and planning department, hereinafter referred to as "county", will review all developments located within the Churchill County boundaries to evaluate the feasibility of integrating the development, presently or in the future, with Churchill County systems. Developers and their consulting engineers must meet with the county prior to any formal plan submittal to discuss proposed street design, alignment and layout to ensure

compliance with the master plan and transportation plan, compliance with development standards and the feasibility of integration into existing and future systems. Once a project has been determined feasible, complete design and improvement plans are required for county review.

1. *Legal compliance.* The developer and the engineer shall comply with all applicable federal and state laws, county ordinances, the Americans with Disabilities Act and regulations that affect the design of water, alternative water, wastewater systems, storm drainage and street improvements.
2. *Agency approvals.* It is the responsibility of the developer and/or engineer of record to obtain the approvals of any required public agency prior to submitting improvement plans to Churchill County for approval, as the county will require copies of all permits, approvals, correspondence and/or requirements from other agencies directly associated with the development.

Churchill County requires written notice of approval by the appropriate review agency. The planning department of Churchill County may require a special use permit (SUP) for aboveground structures such as tanks and pump station buildings. The engineer of record must verify such requirements.

3. *Approved plans.* Complete designs for storm drainage and street improvements, including any necessary dedications, easements, and rights of way, shall be submitted to and approved by Churchill County prior to the start of the project or final subdivision map being approved.
4. *Facilities and public land.* All Churchill County facilities shall be either on or within land owned by Churchill County, or within public easements.
5. *Improvement plans.*
 - a. *Plans by engineer.* All plans, specifications, calculations, reports, easements, and rights of way submitted to Churchill County shall be prepared, stamped, and signed by the engineer of record in accordance with NRS tit. 54, ch. 625. All submittals must be wet stamped by a civil engineer registered in the state of Nevada. Any improvement plans submitted to Churchill County that are not stamped by a civil engineer registered in the state of Nevada will be cause for rejection and resubmittal.
 - b. *Improvement plan submittal.* The initial submittal of improvement plans to Churchill County shall consist of the following:
 - (1) Three sets of blue line or black line (OCE) plans, complete and in accordance with these review guidelines, along with any required specifications, computations, test data, reports, studies, analysis and other material requested by the county, including two copies of a geotechnical report, three copies of a drainage report, and a phasing plan and paving schedule, if applicable. Site plans and utility plans shall be prepared in a format compatible with Churchill County GIS data for integration with the GIS system. Churchill County uses the North American Datum, 1983 (NAD 83) Nevada State Plane, west zone (2703), U.S. Survey Foot Projection. Vertical datum shall be North American Vertical Datum, 1988 (NAVD 88).
 - (2) The name, address and telephone number of the owner and the engineer of record to be contacted concerning the plans.

Churchill County will review the plans within 30 calendar days of receipt. If alterations or revisions are required to the plans as submitted, the county will return one redlined improvement plan set with the corrections marked or indicated. If the improvement plans submitted are not prepared in accordance with these review guidelines or in keeping with the standards of the profession, Churchill County may return them unmarked and unapproved. Churchill County will not, under any circumstances, provide design by review. It is the engineer of record's responsibility to ensure proper engineering principles are incorporated in each design.

- (3) The county engineer, or designee, is required to sign the cover sheet of all submittals.
- c. *Improvement plan resubmittal.* Plans being resubmitted shall consist of a minimum of three complete sets of plans and the returned redlined markup. Additional sets may be required by Churchill County. Plans being resubmitted that contain revisions or alterations other than those required by the county shall be identified as to the revisions made, and will be treated as an initial submittal.
6. *Approved plans.* Once the improvement plans have been approved by the county, a signed set of approved plans will then be returned by the county to the engineer of record. All other pertinent review/approval agencies must provide authorization (signatures) prior to submitting to Churchill County for approval. Once all signatures are obtained (including, but not limited to, the Churchill County road department and Churchill County planning department), two sets of approved plans will be retained by the county. Improvement plans shall be approved by Churchill County before construction begins. All construction shall be in accordance with the approved plans. Any required revisions to the approved plans shall be submitted by the engineer of record and approved by Churchill County prior to construction.
7. *Project inspection.* Inspection of infrastructure within Churchill County rights of way will be performed by Churchill County or its authorized agent and all costs incurred will be paid by the owner/developer. Prior to construction, one percent of the engineer's estimate for the total project will be deposited with the road department for inspections. All other required materials testing and special inspections shall be performed in accordance with "orange book" guidelines by an independent inspection/quality control entity, which the owner/developer is responsible for securing and all costs incurred will be paid by the owner/developer. The owner/developer shall provide Churchill County with the materials testing firm and/or special inspector contact information in writing. Churchill County reserves the right to inspect the project at any time and to require replacement of the materials testing firm and special inspector used. The county or its authorized agent shall have the authority to approve field changes and shut down projects should this action be necessary in the best interest of the county. Reports of all materials testing and special inspections provided by the owner/developer shall be submitted to Churchill County prior to each phase of construction and a complete summary report shall be provided at the end of construction.
8. *Bonding requirements.* All development projects are required to be bonded prior to project commencement unless the final map is to be filed after completion and acceptance of the improvements. The bond shall be based on a county approved engineer's estimate that includes a ten percent contingency of the project cost. The owner/developer shall be required to post a surety bond, cash or improvement security with Churchill County to guarantee the satisfactory completion of any improvements to county systems. The total bond amount shall be for 110 percent of the total estimated cost that includes contingency. The owner/developer shall enter into a performance agreement with the county when the bond is posted, said agreement to be approved by the county prior to construction.
9. *Preconstruction meeting.* A preconstruction meeting will be conducted by the developer prior to project commencement. A representative of Churchill County, the contractor, testing firm and engineer of record/independent inspector is required to be present at the preconstruction meeting. The developer must schedule the preconstruction meeting and shall provide at least one-week prior notice to the county of the date and time of the meeting. Upon completion of the preconstruction meeting, a notice to proceed will be issued by Churchill County.
10. *Revisions after approval.* Should revisions to the approved plans become necessary, the engineer of record shall submit two sets of plans showing the proposed revisions. Once the plans are approved by Churchill County, one set will be returned to the engineer of record. Major project changes or revisions require approval by the county prior to incorporating the change in the field. Any major revisions to the project that are not approved by the county prior to implementation shall result in removal of the work

associated with the change and replacement. All removal and replacement work required shall be at the developer's expense.

11. *Conflicts, errors and omissions.* Excepted from approval are any features of the plans that are contrary to, in conflict with, or do not conform to Nevada state law, this title or resolution, Churchill County standards, conditions of approval, or generally accepted good engineering practice in keeping with the standards of the profession, even though such error, omissions or conflicts may have been overlooked in Churchill County's review of the plans.
12. *Partial plans.* Where the improvement plans submitted cover only a portion of the ultimate development, the plans submitted shall be accompanied by the approved tentative plans for the entire project. Where no approved tentative plan exists, a conceptual project plan that adequately shows project improvements, topography, and other pertinent features shall be submitted. All phased boundaries shall be clearly identified on the plans.
13. *Plan sheet requirements.* All improvement plans shall be on sheets measuring 24 inches by 36 inches or 22 inches by 34 inches. Upon approval, one set of reduced "½ scale" plans shall also be provided to the county on 11 inch by 17-inch size sheets. All street, storm drain, water and sewer improvement plans require plan and profile for proposed and existing conditions unless waived by Churchill County. Plan and profile sheets shall have a horizontal scale of one-inch equals 20 feet, 40 feet, or 50 feet; and a vertical scale of one-inch equals two feet, four feet, five feet or ten feet. Each sheet shall be drafted in a neat and legible manner. Every professional consideration shall be given to these plans. All improvement plans shall have a title sheet containing the following information:
 - a. Project name.
 - b. Name, address and telephone number of the owner, developer and engineer of record.
 - c. Location map.
 - d. Legal description.
 - e. Parcel numbers.
 - f. List of quantities of all Churchill County system improvements (an affidavit stating that the quantities are not to be used by the contractor for purchasing is acceptable).
 - g. Index of sheets.
 - h. Abbreviations.
 - i. Legend of symbols.
 - j. Signature lines for Churchill County planning department, Churchill County road department, and Truckee-Carson Irrigation District (if applicable due to the proximity of their easements or facilities) approval and any other entity approvals requested by the planning director.
 - k. General notes.
 - l. Each sheet within the set of drawings shall have a title block showing the sheet title, page number, date, scale and the engineer's name, signature and stamp.
 - m. The stationing on plan and profile sheets shall read from left to right. Plans shall be arranged with the north arrow pointing toward the top or upper portion of the sheet, insofar as practical. Bench marks and datum shall be clearly identified on the plans as to location, description, and elevations. Churchill County will not act as the engineer's quality control.
 - n. All grading plans shall conform to the approved hydrology study and indicate as such on the plans.
14. *Standard details.* All roads and bridges are to be constructed to Churchill County specifications in accordance with "standard specifications for public works construction" ("orange book") distributed by

the regional transportation commission. All specifications and standard details are to be obtained through the Churchill County road department. All roads and bridges are to be inspected and approved by the Churchill County road department.

15. *As built drawings.* Upon completion of construction and prior to acceptance of the work, the engineer of record shall submit one blue line or black line hard copy and an electronic copy (a scanned copy is required if the revisions are hand drawn) of as built drawings.

The engineer of record shall provide an as built survey of all utilities and infrastructure within the county right of way. The survey shall be on the NAD 83 Nevada west zone (2703) horizontal datum and NAVD 88 vertical datum. The specific ground to grid factor shall also be provided to allow for integration into the county's GIS database. The survey will include, but not be limited to, water valves, meters, hydrants, manholes, sewer lateral stubs, drop inlets, and centerline monuments. All manholes and drop inlets shall be measured and documented on manhole data forms to verify invert elevations and pipe sizes.

All modifications to the original design shall be clouded on the pertinent sheet and clearly marked and noted in the revision block of that plan sheet. Major revisions shall constitute reprinting of the revised plan. Minor revisions may be hand rendered, clouded, and recorded in the revision block on the plans.

As built drawings must be submitted to Churchill County within 20 days of the construction completion date.

The as built drawings shall be a print of the modified construction plans and shall be identified as "as built drawings" on all sheets.

16. *Naming of existing roads.*

- a. Road names and suffixes shall be designated by the developer, subject to approval of the planning department and in accordance with the following general policy:
- (1) Be short (under 12 letters if possible) and preferably in one word;
 - (2) Have a simple spelling and easy pronunciation;
 - (3) Avoid prefixes such as "north" and "south", "east" and "west", "upper" and "lower";
 - (4) Be related to the type and importance of the street (e.g., the suffix "boulevard" should not be attached to the name of a minor residential street);
 - (5) Avoid the use of numbers or letters as street names;
 - (6) Not be incongruous, offensive or geographically misleading;
 - (7) Not be repetitive or similar in sound and character;
 - (8) Have a single name for a street having a continuous alignment;
 - (9) When to be connected in the future into a continuous alignment, or extended, bear the same name as the existing street;
- b. An existing noncounty maintained road may be named or renamed using the following procedure:
- (1) A landowner fronting the road submits a road name application according to the provisions above using the approved road name application. The application must be complete with three different road names and a list of all other landowners that will be affected.
 - (2) If postmaster, sheriff's office/fire marshal and all landowners agree to the road name, the name is approved by planning department. It is the responsibility of the landowners to provide and maintain street signs and stop signs for roads not maintained by the county.

B. *Street design standards.*

1. *General provisions.*

- a. Unless otherwise specified by Churchill County adopted standards, standard specifications and details for Churchill County construction or items in this chapter, design of all streets and related improvements shall conform to the following: Churchill County specifications in accordance with "standard specifications for public works construction" ("orange book") distributed by the regional transportation commission and "manual for uniform traffic control devices" published by Federal Highway Administration and U.S. Department of Transportation. The more restrictive standard shall prevail for design. All specifications and standard details are to be obtained through the Churchill County road department. All streets are to be inspected and approved by the Churchill County road department.
- b. Street widths, lengths and alignments shall generally conform to these review guidelines and the standard details for Churchill County construction and elements thereof. All streets and alleys within a subdivision or development shall be improved and conform to Churchill County standards and shall be constructed in phases/sections no less than 500 feet in length unless specifically authorized by the county road department. Additional right of way shall be provided near intersections as required by the county in order to facilitate turning movements and ADA accessibility.
- c. Rural paved residential streets shall be constructed on a minimum road easement 60 feet in width. The paved section shall be 26 feet in width with a minimum of four feet wide compacted shoulders. Shoulders will be constructed to facilitate stormwater runoff. Curb and gutters may be required to ensure proper drainage of stormwater runoff, as determined by the road department.
- d. Grade gravel residential streets shall be constructed on a minimum road easement 60 feet in width. The traveled way will be a minimum of 34 feet in width and shoulders will be constructed to facilitate stormwater runoff.
- e. Street design shall conform to standard details and be based on the design subgrade resilience modulus (R-value) provided in a soils (geotechnical) report prepared by a Nevada registered civil engineer, submitted with the improvement plans. All soils report recommendations are to be incorporated into the design of the improvements. A drainage report, prepared by a Nevada registered civil engineer, shall also be submitted with the improvement plans.
- f. All boring and test pit logs shall be shown on the plans. Where groundwater is encountered, the elevation of groundwater shall be indicated in all profiles.

2. *Design standards.* The "standard specifications for public works construction", latest edition ("orange book"), and "Churchill County design standards and review guidelines for streets and storm drains" have been adopted by the board of county commissioners of Churchill County and represent the minimum design and construction criteria. All design, construction and maintenance of streets and storm drains conducted or made within Churchill County, Nevada, shall conform to the adopted standards. The Churchill County road department is and shall be authorized to establish, promulgate and revise as necessary, design, construction and maintenance standards relating to streets and storm drains within Churchill County, Nevada. The most recent version of such standards shall be available at the road department.

3. *Road maintenance.* The developer shall enter into an agreement with the county, said agreement to be approved by the district attorney's office guaranteeing all work performed for a period of one year. The developer shall repair at his sole expense any defects in workmanship or material which appear in the work within one year of an inspection and approval by an appointed county authority. The developer shall also post a security for ten percent of the total engineer's estimate for each phase of road construction for repair and maintenance during the one-year period should the developer not make

the repairs. The agreement shall state that any repair work required within one year from the time of inspection shall cause an additional minimum of one year time period of guarantee by the developer. The county highway commission shall, at the road department's request, cause roads that have been constructed to this Code's and "orange book" standards for paved roads to be expressly accepted by the county and placed on a continuing county maintenance schedule; at no time shall the county consider acceptance of gravel roads for maintenance.

4. *Minimum access roads.*

a. *Criteria.* The minimum access road is the absolute minimum in regard to road specifications for parceling purposes. Parcel splits not meeting the specific criteria for a minimum access road will be subject to road requirements currently specified in this Code. A variance cannot be granted from the specifications of a minimum access road. All of the following criteria must be met to qualify for a minimum access road:

- (1) Subject property to be divided must abut a publicly maintained road and the minimum access road to be provided shall not exceed 750 feet in length.
- (2) Second and subsequent parceling maps must comply with road requirements specified in this Code and are not eligible for minimum access roads.
- (3) The property cannot be zoned for commercial or industrial use.

b. *Minimum specifications.* Minimum specifications for a minimum access road:

- (1) Road shall have an unobstructed width of not less than 20 feet and the Fallon/Churchill fire marshal shall have the authority to require an increase in the width where determined inadequate for fire or rescue operations.
- (2) Road shall be designed and maintained to support a minimum 35-ton load and shall be surfaced to provide year-round, all weather driving capability for emergency vehicles.
- (3) An adequate approved turnaround per the International Fire Code, latest edition, or approved by the Fallon/Churchill fire marshal shall be provided.
- (4) A minimum 30-foot unencumbered road easement to the last parcel created shall be provided if there is no potential for development of immediate or abutting properties.
- (5) A 60-foot unencumbered road easement through the last parcel shall be provided if there is potential for development of adjoining properties or properties in the immediate vicinity that utilize the existing road easements to the subject property.
- (6) Road shall not be named.
- (7) Any upgrades required by the fire marshal shall initially be the responsibility of the party requesting the land division. All further upgrades, maintenance, and repairs shall be the responsibility of each landowner.
- (8) All addresses must be permanently and clearly posted at the entrance to the minimum access road and at the entrance to each property.

c. *Bridges and culverts.*

- (1) On a 60-foot easement, a 34-foot standard crossing (bridge/culvert) is required at surface or traveled way.
- (2) On a 30-foot easement, a 30-foot crossing (bridge/culvert) is required at surface or traveled way.

d. *Maintenance.*

- (1) Original developer must enter into and sign a minimum access road maintenance document that includes the development name and owner name. The document will be signed and recorded by Churchill County.
 - (2) Each property owner is solely responsible for the repair and maintenance of the roadway and road easement located on his/her property. Maintenance or repair of roadway, road easement or crossing shall not be the responsibility of Churchill County.
- C. *Stormwater drainage.* "Churchill County design standards and review guidelines for streets and storm drains" has been adopted by the board of Churchill County and represents the minimum design and construction criteria. All design, construction and maintenance of storm drains conducted or made within Churchill County, Nevada, shall conform to the adopted standards. Churchill County is and shall be authorized to establish, promulgate and revise as necessary, design, construction and maintenance standards relating to storm drains within Churchill County, Nevada. The most recent version of such standards shall be available at the road department.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010)

16.16.010.8. Traffic impact study.

- A. *Purpose.* Traffic studies are required by Churchill County to adequately assess the impact of a proposed development on the existing and/or planned highway system. The developer will have the primary responsibility for assessing the traffic impacts associated with a proposed development, with the county serving in a review and approval capacity.
- B. *Traffic impact study requirements.*
1. Developments that generate 80 or more peak hour weekday trips or 500 average daily traffic (ADT) as determined by the current edition of the Institute of Transportation Engineers (ITE) "trip generation manual".
 2. Developments that generate less than 80 peak hour weekday trips or 500 average daily traffic (ADT) and deemed to have impacts to safety, the neighborhood, intersection capacity, high accident areas, traffic circulation, or other concerns identified by the county or NDOT.
 3. Phased developments that generate over 80 peak hour weekday trips or 500 average daily traffic (ADT) when including traffic from all phases, or at the discretion of the county.
- C. *General provisions.*
1. The traffic engineering consultant is required to contact the county to define and obtain approval of the traffic study area limits.
 2. The traffic study will be the responsibility of the applicant and must be prepared and sealed by a Nevada licensed engineer who has expertise in traffic studies and transportation planning.
 3. Upon receipt of a draft traffic study, the county engineer and road department will review the study data (sources, methods and findings) and will respond with written comments. The developer and engineer will then have an opportunity to incorporate necessary revisions prior to submitting a final report. The county engineer then must approve the final report before an application will be accepted.
 4. All previous traffic studies that are more than two years old at the time that construction commences on the project will require updating. This may be waived if conditions have not significantly changed.
 5. Traffic counts that are over one year old cannot be used in the traffic study, unless prior approval is given by the county.

6. The county must approve the development's trip generation, trip distribution, pass-by rates, internal capture rates, and the methods used to establish a buildout condition, prior to the traffic study submittal.
 7. In the case of jurisdictional overlap, the applicant's traffic engineering consultant should meet with other appropriate jurisdictions, such as NDOT, to define the scope of the project. The applicant will have to satisfy the requirements of all jurisdictions involved in reviewing the traffic study.
- D. *Traffic study report format.* The following format represents the minimum information to be included in the traffic impact study.
1. *Executive summary.* This will contain a brief project description and concise description of the study findings.
 2. *Introduction.*
 - a. Project description.
 - b. Site location.
 - c. Study area boundaries.
 3. *Existing conditions.*
 - a. Adjacent and study roadway description: Describe study roadways including noting bus routes, bike lanes, on street parking, functional class, jurisdiction, shoulder types, median type, speed limits, etc.
 - b. Study intersection description: Describe study intersections including control type, pedestrian control, jurisdiction, etc.
 - c. Current zoning: Call out the existing zoning of the project and adjacent parcels.
 - d. Existing intersection volumes (peak hour): Show the existing peak hour traffic count volumes at study intersections.
 - e. Existing roadway volumes (daily volumes): Show the existing daily traffic volumes, if available, at study road segments.
 - f. Existing intersection and roadway level of service:
 - (1) Perform intersection and roadway level of service analyses as found in the most current version of the "highway capacity manual".
 - (2) State or show the existing vehicle queue lengths at study intersections or driveways.
 - g. Existing accident data: High accident intersections or road segments should be noted when accident data is available. The cause of these high accident locations should also be investigated and included in the report, when accident data is available.
 4. *Site plan analysis.*
 - a. Site plan:
 - (1) Provide a scaled drawing of the site plan as analyzed in this traffic study. Include building and parking locations and note on the site plan the land uses of adjacent parcels.
 - b. Access spacing:
 - (1) The current county access spacing standards should be followed or, with county approval, consult AASHTO's "a policy on geometric design of highways and streets".
 - (2) Show the location of project driveways and all other accesses both adjacent to and on the opposite side of the roadway.

- (3) Clearly identify secondary or emergency accesses and state if they are gated, unrestricted, shared by other properties, and are temporary. Approval from the fire department is required.
 - c. Traffic circulation:
 - (1) Review the site plan for general traffic circulation such as on-site vehicle queuing and ease of access.
 - (2) Access points expected to be used by service vehicles shall have turning paths sufficient to allow service vehicles to enter and exit the site without encroaching upon opposing lanes, curbed areas or unpaved areas.
 - d. Pedestrian circulation:
 - (1) Review the site plan for pedestrian flow, adequacy, and safety.
5. *Project conditions.*
 - a. *Project vehicle trip generation.*
 - (1) Project vehicle trips shall be estimated using the methodologies found in the most current version of the following Institute of Transportation Engineers (ITE) publications:

"Trip generation manual" — estimating project vehicle trips.

"Trip generation handbook" — estimating pass-by and internal trips.

ITE articles and other publications — estimating trips for nontypical projects.
 - (2) The county may require specific trip generation rates to be used in specific cases that differ from the ITE average values when the results of local studies differ from the national values. If ITE values are not available for the proposed land use, a local trip generation study may be performed at comparable land uses.
 - (3) Trip generation should include the following:

Average daily traffic (ADT).

A.M. peak hour trips (in and out).

P.M. peak hour trips (in and out).

Pass-by or diverted trips if applicable (when applicable).

Internal capture rates for large multi-use projects.
 - (4) The county must approve the project trip generation prior to submittal of the traffic study.
 - b. *Trip distribution and assignment.*
 - (1) Project traffic is to be distributed to the road network based on existing traffic counts, proximity to major roadways, and engineering judgment. Project traffic is to be shown separate from background and other traffic.
 - (2) The county must approve the project trip distribution before submittal of the traffic study.
6. *Existing plus project conditions.* Combine the existing background traffic with the estimated project traffic and perform a traffic impact and capacity analysis of the site traffic on the existing road network.
 - a. Existing plus project intersection volumes (peak hour):
 - (1) Show the combined existing plus project peak hour traffic volumes at study intersections.
 - b. Existing plus project roadway volumes (daily volumes):

- (1) Show the combined existing plus project daily traffic volumes at study road segments.
 - (2) All roadways must maintain level of service per the direction of the most current version of the county's adopted long range transportation plan. Currently, LOS C or better is acceptable.
- c. Existing plus project intersection and roadway level of service:
 - (1) Perform a combined existing plus project intersection and roadway level of service analysis as found in the most current version of the "highway capacity manual".
 - (2) State or show the estimated changes in queue lengths when adding project traffic to existing traffic queue lengths at the study intersections or driveways.
 - (3) All intersections must maintain a level of service per the direction in the most current version of the county's adopted long range transportation plan. Currently, LOS C or better is acceptable.
7. *Existing plus project with mitigation.*
 - a. When intersections or roadways fall below an LOS C, mitigation measures are to be analyzed and presented here.
 - b. Other mitigation measures such as unacceptable vehicle queues and poor circulation are to be presented here.
 - c. When signalization is required to mitigate project traffic effects, a signal warrant analysis needs to be provided. The methodologies for signal warrants found in the "manual on uniform traffic control devices" (MUTCD) are to be used.
8. *Buildout condition.*
 - a. This scenario is to represent the project at full buildout including background traffic growth over the life of the project.
 - b. Level of service analyses are to be performed and presented here as in previous sections of the report.
9. *Cumulative/future condition.*
 - a. This scenario is to represent a 20-year horizon and help in determining how the proposed projects fit into the long-range planning efforts of the county. Traffic volumes for this condition can be estimated using long range transportation models, NDOT growth projections, growth factors, or a travel demand model. It is recommended to consult the county to determine available data and acceptable methodologies.
 - b. Include road or other infrastructure projects that are approved or planned as detailed in Churchill County's long range transportation planning documents.
 - c. Show road segment level of service or capacity levels as detailed in the most current Churchill County transportation plan or other jurisdictions' documents.
10. *Conclusions/recommendations.*
 - a. All conclusions and recommendations are to be detailed here in a clear and concise format. Figures may be included to show recommended improvements or mitigations.
- E. *Appendices.*
 1. All raw traffic count data, including hourly, average daily traffic (ADT), turning movements, and peak hour counts, and analysis worksheets shall be provided in appendices. Traffic analysis computer programs and printouts may be used as part of the report.

2. Figures can be included within each of their respective sections or included in the front of the appendix.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2018-E, 2019)

16.16.010.9. Water and wastewater facility standards.

- A. *Introduction.* The Churchill County board of county commissioners adopted ordinance 32. This ordinance, as amended, requires that all new sanitary sewer facilities, water facilities, and appropriate water rights in the unincorporated area of Churchill County which are not appurtenant to an existing public service commission certificated utility company shall be dedicated to Churchill County. The engineering department or an authorized representative is charged with review of the design and improvement plans for these facilities to be dedicated.

This document is meant to assist the consulting engineer with the preparation of the required design and improvement plans. It is impossible to cover all contingencies and possible situations within a single document. Conditions and situations not covered in these standards and guidelines shall be designed in accordance with standard engineering practice and as approved by the engineering department or an authorized representative.

- B. *Compliance with laws.* The developer and the engineer shall comply with all applicable federal and state laws, county ordinances, and regulations which affect the design of water and sanitary sewer systems.
- C. *Agency approvals.*
1. It is the responsibility of the developer and/or engineer to acquire the approvals of any required public agency prior to submitting improvement plans to the engineering department or authorized representative for approval. Agencies which may be involved in approval of water and wastewater sewer plans include:
 - a. Local public utilities — Churchill County.
 - b. Nevada Division of Environmental Protection (NDEP).
 - c. Nevada Division of Environmental Protection (NDEP), bureau of safe drinking water (BSDW).
 - d. Churchill County fire marshal.
 - e. Truckee-Carson Irrigation District (TCID).
 - f. Bureau of reclamation (BOR).
 - g. Nevada Division of Water Resources (NDWR).
 - h. Nevada Department of Transportation (NDOT).

The engineering department may require written notice of approval by the appropriate review agency.

- D. *Approved plans.* Complete designs and plans for water and wastewater systems, including any necessary dedications, easements, and rights-of-way, shall be submitted to and approved by the engineering department prior to the final subdivision or parcel map being submitted for action by the board of county commissioners. Plans shall reflect energy efficient facilities.

- E. *Abbreviations.* Wherever the following abbreviations are used, the intent and meaning shall be as follows:

APWA	-	American Public Works Association
ASCE	-	American Society of Civil Engineers
ASTM	-	American Society for Testing and Materials
AWWA	-	American Water Works Association
CCC	-	Churchill County Board of County Commissioners
IBC	-	International Building Code
IECC	-	International Energy Conservation Code

IFC	-	International Fire Code
IFGC	-	International Fuel Gas Code
IMC	-	International Mechanical Code
IPC	-	International Plumbing Code
IRC	-	International Residential Code
NAC	-	Nevada Administrative Code
NEC	-	National Electrical Code
NRS	-	Nevada Revised Statutes
OSHA	-	Occupational Safety and Health Administration
SDWA	-	Safe Drinking Water Act

F. *Facilities and public land.* All pipelines shall be on or within land owned by Churchill County or public easements. All water tanks, wells, pumping facilities, or structures to be dedicated to the county shall be on land owned by the county.

G. *Improvement plans.*

1. *Plans by engineer of record.* All plans, specifications, calculations, easements, and rights of way submitted to the engineering department shall be prepared, stamped, and signed by the engineer in accordance with NRS ch. 625. All submittals may be either wet stamped or copies of stamped originals.
2. *Improvement plans submittal.* The initial submittal of improvement plans to the engineering department shall consist of the following:
 - a. Three sets of blue line plans, complete and in accordance with these guidelines, along with any required specifications, computations, test data, and other material requested by the engineering department.
 - b. The name, address, and telephone number of the person to be contacted concerning the plans.

Churchill County staff will review the plans within 20 calendar days of receipt. If alterations or revisions are required to the plans as submitted, staff will return one copy with the corrections marked or indicated. If the plans submitted are not prepared in accordance with these guidelines or in keeping with the standards of the profession, staff may return them unmarked and unapproved.

3. *Improvement plan resubmittal.* Plans being resubmitted shall consist of three complete sets of plans. Additional sets may be required by the engineering department. Plans being resubmitted that contain revisions or alterations other than those required by the engineering department shall be identified as to the revisions made, and will be treated as an initial submittal. Per NRS ch. 625, the county will not perform design by review. The engineer of record is responsible for using sound engineering principles in design.
4. *Approved plans.* Improvement plans meeting approval shall be stamped "approved" and signed by an authorized representative of the engineering department. One set of approved plans will be returned and two sets of approved plans will be retained by the engineering department. One set of retained plans will be kept on file in the planning department and the second set will be used by the engineering department and/or the authorized representative charged with inspection. Improvement plans shall be approved by the engineering department. Before the final subdivision map or parcel map is signed by the planning commission, the infrastructure must be inspected and approved, or a bond filed as per the requirements of this chapter. Approval of the improvement plans is valid only while the final map is in good standing. Approved plans shall be required prior to the final map being placed on the agenda for action by the board of county commissioners.

All construction shall be in accordance with the approved plans. Any required revisions to the approved plans shall be submitted by the design engineer and approved by the engineering department prior to construction. Inspection is being provided by the engineering department's

authorized representative and the design engineer is required to certify that construction is in accordance with the plans.

5. *Revisions after approval.* Should revisions to the approved plans become necessary, the engineer shall submit three sets of plans showing the proposed revisions. If the revisions are approved by the engineering department, one set of approved plans will be returned to the engineer.
6. *Conflicts, errors and omissions.* Excepted from approval are any features of the plans that are contrary to, in conflict with, or do not conform to Nevada state law, Churchill County Code or resolution, conditions of approval, or generally accepted good engineering practice in keeping with the standards of the profession, even though such errors, omissions or conflicts may have been overlooked in the engineering or other department's review of the plans.
7. *Partial plans.* Where the improvement plans submitted cover only a portion of the ultimate development, the plans submitted shall be accompanied by the approved tentative plans for the entire project. Where no approved tentative plan exists, a conceptual project plan which adequately shows project improvements, topography, and other pertinent features shall be submitted. Phased projects shall clearly define limits of each phase. All system components shall be sized and calculated for the complete development.
8. *Plan sheet requirements.* All improvement plans shall be on sheets measuring 22 inches by 36 inches or 24 inches by 36 inches. Plan and profile sheets shall have a horizontal scale of one-inch equals 20 feet, 40 feet, or 50 feet; and a vertical scale of one-inch equals two feet, four feet, five feet or ten feet. Each sheet shall be drafted in a neat and legible manner. Every professional consideration shall be given to these plans. All improvement plans shall have a title sheet containing the following information:
 - a. Project name.
 - b. Name, address and telephone number of the owner, developer and engineer.
 - c. Location map.
 - d. Index of sheets.
 - e. Legend of symbols.

Each sheet within the set of drawings shall have a title block showing the sheet title, page number, date, scale and the engineer's name, signature and stamp. The stationing on plan and profile sheets shall read from left to right. Plans shall be arranged with the north arrow pointing toward the top or upper portion of the sheet, insofar as practical. Bench marks and datum shall be clearly identified on the plans as to location, description, and elevations. All site plans and utility plans shall incorporate the county GIS database map for archiving and maintaining updates to the database.

In addition to the plan and profile sheets, water and wastewater systems shall be shown in an overall layout plan on one sheet. All details required for construction of the project shall be shown on a detail sheet(s).

9. *As built plans.* Upon completion of construction and prior to acceptance of the work, the design engineer shall submit one set of as built plans and one digital copy of said plans to the county within 45 days of acceptance. The as built plans shall be a print of the modified construction plans and shall be identified as "as built plans". All changes to the original improvement plans shall be clearly delineated by "clouding" on the plans and the change shall be identified in the "revisions" box on the plans. Water and wastewater system improvements shall be included on the improvement plans submitted in accordance with the requirements of this Code. Any off-site improvements for water and/or sewer infrastructure shall be included with the on-site plans for the proposed development. As built plans must be signed and sealed by a licensed engineer registered in the state of Nevada.

Improvement plans that contain municipal water system improvements must be submitted to the BSDW. Developments requiring wastewater disposal must be reviewed and approved by NDEP. It is the engineer of record's responsibility to obtain approvals for water and sewer infrastructure from the appropriate agencies. Churchill County will not approve improvement plans without verification from BSDW and NDEP or other regulating entities that the proposed improvements meet all applicable codes and regulations and are approved for construction by the governing agencies.

H. *Water distribution and transmission systems.*

1. *Design criteria.* The following design criteria shall govern the design of water distribution and transmission facilities which are to be dedicated to the county. The intent of these criteria is to promote water system designs that will provide safe, adequate, and dependable water service without excessive maintenance costs.
2. *Water supply pressure.* Under peak hour demand conditions any proposed or existing water distribution system shall be capable of supplying operating pressures of not less than 30 psi and not less than 40 psi during maximum day demand conditions per Nevada Administrative Code 445A. Static pressures shall be maintained below 100 psi. It may be necessary to incorporate pressure reducing stations to ensure the pressures do not exceed the specified amount. Normally the use of booster pumps to increase pressures in localized areas will not be allowed.

Review of the use of booster pumps in localized areas will include, but not be limited to, analysis of the 25-year life cycle costs.

3. *Water demand rates.* For design of the distribution systems, average day flow rates shall be 275 gallons per day per person for a metered system. Unmetered systems will not be allowed within the Churchill County service area. An occupancy factor of 2.75 persons per residence shall be used. A peaking factor of 3.5 shall be used to determine the peak day hour demand. A factor of 2.5 shall be used for the maximum day demand factor.
 4. *Required fire flows.* Fire flows shall be as required by the fire control agency having jurisdiction. Minimum residential fire flow shall be as determined by the local fire authority but in no case shall be less than 1,000 gpm with a residual pressure of 20 psi. Calculations to determine the residual pressure shall assume the average maximum day demand is occurring during the fire flow. Commercial fire flow requirements shall conform to the latest revision of the fire code and the fire control agency having jurisdiction.
 5. *Maximum velocities.* Sizing of distribution and transmission mains shall be such that water velocity during peak day demand does not exceed five feet per second (fps). Under fire flow conditions with average water demand the water velocity shall not exceed 7.5 fps.
- I. *Transmission mains.* In addition to the limiting maximum velocities, when pumping is involved the transmission main shall be the most economical size considering costs and the present worth of the incremental pumping costs associated with the pipe diameter under evaluation. This analysis shall be for a 20-year period with an interest rate of ten percent.

Transmission main pipe shall be either DI or PVC in conformance with AWWA C900 or C905. The transmission main shall be pressure rated for the maximum working pressure plus a safety factor of 2.5 for surge pressure resulting from an instantaneous valve closure or pipe break.

- J. *Distribution system piping.* Distribution mains shall be sized to deliver required flows at the pressures specified herein. Minimum size for network piping shall be eight inches. Six-inch diameter pipe will be allowed in cul-de-sacs where the length of pipe is less than 300 feet. All mains shall be adequately looped and networked to provide alternate flow routes. Fire hydrants will not be allowed on four-inch mains or dead-end six-inch mains. A hydraulic analysis using hydraulic model such as EPANET or WaterCad of the proposed distribution system shall be included with the original submittal to the engineering department. The hydraulic analysis shall use a Hazen Williams "C" of 130 or less. All minor losses should be calculated or estimated not less than ten percent of line losses.

- K. *Main location.* All water mains shall be installed in public rights of way or public easements. Minimum easement width shall be 30 feet. Minimum cover over a water main shall be three feet. Location of water mains in public rights of way shall conform to drawing no. 1-2 (142), "typical utility main locations", in the "standard details for public works construction". According to Nevada Administrative Code 445A, water mains will not be permitted to be installed within easements on private property.

For areas with stream and ditch crossings, crossing details of pipe, piers, anchorage, transition coupling, etc., shall be shown on the improvement drawings. Ductile iron pipe with bolted flange fittings shall be used under the full stream or ditch width, and ten feet on each side. All stream and ditch crossings shall have a minimum clearance of five feet between the stream bottom and top of pipe, and shall be enclosed in a pipe sleeve. Consideration shall also be given to protecting the pipe during stream flooding and scour. A scour analysis shall be provided as required by the county. Stream crossing and construction methods shall be approved by the appropriate agency (Nevada Division of Environmental Protection, Nevada Department of Wildlife, Nevada State Lands, Nevada Bureau of Safe Drinking Water, and the U.S. Army Corps of Engineers). See Nevada Administrative Code 445A.

- L. *Valves.* Valves shall be installed at minimum intervals of 2,000 feet on transmission mains and 500 feet on distribution mains. The valves shall be located so that any section of main can be shut down without going to more than three locations to close valves. As a minimum, there shall be at least two valves at every tee fitting and three valves at every cross fitting on pipe ten inches in diameter and smaller. For pipe larger than ten inches there shall be three valves at every tee fitting and four valves at every cross fitting. Valves ten inches and smaller shall be resilient seated gate valves. Valves larger than ten inches shall be butterfly valves. Valves shall be in conformance with AWWA C509 and C504. Butterfly valves shall have traveling nut actuators.

1. *Flush valve assemblies.* A temporary flush valve assembly (FVA) is required at a "dead end" (or cul-de-sac) where future phases will continue. A permanent FVA is required when there are services between the supply connection and the end of the water line (stub-out) for water lines over 500 feet. A fire hydrant may serve as FVA or to purge air if located at the end of a water line only if there will be an extension later. FVA calculations (using a minimum velocity of two fps in the main during flushing and 15 fps in the FVA) must be provided for pipe sizes greater than 12 inches. FVAs shall be installed in accordance with the standard construction details.
2. *Air and vacuum valves and air release valves.* Air and vacuum valves and air release valves shall be installed at all high points in the water mains and where required by the utility. Fire hydrants may be installed at high points in lieu of air and vacuum valves and air release valves. Air and vacuum valves and air release valves shall be tested and approved in accordance with AWWA C512 standard for air release, air/vacuum, and combination air valves for waterworks service.
3. *Pressure reducing valves.* Pressure reducing valves shall be provided on distribution mains as necessary so that the system pressure will not exceed 100 psi static pressure at the lowest ground elevation of a pressure zone or as approved by Churchill County. Pressure reducing valves shall be installed in concrete vaults. Concrete vaults shall be rated for H-20 traffic and shall be equipped with a spring assisted double hatch cover. The installation shall include bypass piping, valving, and isolation valves to allow removal of the pressure reducing valve.
4. *Cross connection.* The term "cross connection" shall mean any unprotected actual or potential connection, auxiliary intake, bypass, or other piping arrangement between a public water supply and any other source through which it is possible to introduce by back siphonage and/or back pressure any used water, industrial fluid, gas, or other substance from a source which does not comply with the primary or secondary drinking water standards. Unprotected cross connections with the public water supply are prohibited.

An approved backflow prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:

- a. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the utility, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard.
- b. In the case of premises on which industrial fluids or other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard.
- c. In the case of premises having: 1) internal cross connection that cannot be permanently corrected or controlled, or 2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.

M. *Backflow protection devices.*

1. *Types.*

- a. *Vacuum breakers.* An atmospheric vacuum breaker or pressure vacuum breaker shall be used only for protection against pollution or contamination under conditions of back siphonage. Vacuum breakers (AVB, PVB or SVB) may be used for irrigation systems, including systems for irrigation of median strips.
- b. *Atmospheric vacuum breaker (AVB).* An "atmospheric vacuum breaker" is an assembly that contains an air inlet valve, a check seat, and an air inlet port(s). The following must be met for AVB installations:
 - (1) The vacuum breaker must be installed not less than six vertical inches above the highest point of downstream piping.
 - (2) Any associated shutoff valve must be located upstream from the vacuum breaker.
 - (3) The vacuum breaker must not be subjected to operating pressure for more than 12 hours in any 24-hour period.
- c. *Pressure vacuum breaker (PVB).* A "pressure vacuum breaker" is an assembly that contains an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The following conditions must be met for PVB installations:
 - (1) The PVB must be installed upstream from the terminal shutoff valve.
 - (2) The PVB must be installed not less than 12 vertical inches above the highest point of the downstream outlet, valve or piping.
- d. *Spill resistant pressure vacuum breaker (SVB).* A "spill resistant pressure vacuum breaker" is an assembly that contains an independently operating loaded air inlet valve located on the discharge side of the check valve. The following conditions must be met for SVB installations:
 - (1) The SVB shall be installed upstream from the terminal shutoff valve.
 - (2) The SVB must be installed not less than 12 vertical inches above the highest point of the downstream outlet, valve or piping.
 - (3) The SVB must not be installed at a location where back pressure will occur.
- e. *Double check valve assembly.*

- (1) A "double check valve assembly" means an assembly that:
 - (A) Is composed of two independently acting, approved check valves;
 - (B) Has tightly closing, resilient seated shutoff valves attached at each end;
 - (C) Is fitted with properly located, resilient seated test cocks; and
 - (D) Has been tested and approved in accordance with American Water Works Association standard C511, by an approved backflow testing laboratory.
- (2) Double check valve assemblies are required in the following:
 - (A) A building that has multiple stories and booster pumps or elevated tanks to distribute potable water.
 - (B) A building that exceeds 40 feet in height, as measured from the service connection to the highest water outlet.
 - (C) Class 1, class 2, or class 3 fire sprinkler system.
 - (D) Irrigation system, including a system for irrigating median strips.

f. *Reduced pressure principle assembly.*

- (1) A "reduced pressure principle assembly" means an assembly that:
 - (A) Contains two independently acting approved check valves; and a hydraulically operating, mechanically independent pressure differential relief valve located between the approved check valves and below the upstream check valve;
 - (B) Has properly located, resilient, seated test cocks and tightly closing, resilient, seated shutoff valves at each end of the assembly;
 - (C) Is designed to protect against pollution and contamination under conditions of back siphonage or back pressure; and
 - (D) Has been tested and approved in accordance with American Water Works Association standard C511, by a backflow testing laboratory.

- (2) Reduced pressure principle assembly or assemblies are required in the following:

A building in which one or more sewage pumps or sewage ejectors have been installed.

Aircraft or missile manufacturing facility.

Any commercial building where a specific business activity has not been identified.

Any facility in which water is used to manufacture, store, compound, or process chemicals for industrial purposes; chemicals are added to water used in the compounding or processing of products; chemicals are added to the supply of water; or the supply of water is used for the transmission or distribution of chemicals.

Baptismal font of a church.

Beverage bottling facility.

Brewery.

Cannery.

Casino.

Class 4, class 5, or class 6 fire sprinkler system.

Cold storage facility.

Condominium/townhouse/apartments.

Convalescent or nursing home.

Dairy processing facility.

Dental clinic.

Dyeing facility.

Film processing or manufacturing facility.

Fishery, fish hatchery, dock, marina, or any facility located on a waterfront.

Food processing facility.

Hospital, medical building, or clinic.

Hotel/motel.

Hydronic heating system that contains any chemical additives.

Ice manufacturing facility.

Irrigation system, including a system for irrigating median strips, if facilities have been installed for pumping, injecting or applying fertilizers, pesticides or other hazardous systems.

Laboratory, including laboratories of teaching institutions or another biological or analytical facility.

Laundry or dry-cleaning facility.

Mechanical, chemical, or electrochemical plating facility.

Metal cleaning, manufacturing, or processing facility.

Mobile home or RV park.

Morgue, mortuary, or facility conducting autopsies.

Motion picture production facility.

Motor manufacture, repair, or cleaning facility.

Natural or synthetic rubber manufacturing facility.

Newspaper printing or publishing facility.

Oil or gas production, storage, or transmission.

Packinghouse or rendering facility.

Paper or paper products manufacturing facility.

Pool or spa.

Power production facility.

Radioactive material storage, handling, or processing facility.

Restaurant or other facility in which food is served.

Sanatorium.

Sand or gravel processing.

School, college, or university.

Veterinary clinic, pet shop, or pet grooming facility.

Any other facility for manufacturing, processing, or fabricating.

g. *Air gap.*

- (1) An "air gap" is a physical separation between a point of free-flowing discharge from a pipe that supplies liquid to an open or nonpressurized vessel and the overflow rim of that vessel which is:

- (A) At least twice the effective diameter of that pipe or, if the pipe is affected by side walls, at least three times the effective diameter of that pipe; and

- (B) In no case less than one inch.

- (2) Air gaps are required for the following:

- (A) Any portable spraying or cleaning equipment.

- (B) Sewage collection, storm drainage, or distribution of reclaimed wastewater.

Conditions not listed above, or that require special consideration, shall be evaluated on a case-by-case basis and the appropriate backflow protection device shall be determined by the county.

2. *Assembly requirements.* Backflow prevention assemblies required herein shall be a make, model and size approved by the Churchill County engineering department. An "approved backflow prevention assembly" shall mean an assembly that has been manufactured in full conformance with AWWA C510 standard for double check valve backflow prevention assembly, and AWWA C511 standard for reduced pressure principle backflow prevention assembly, and have met completely the laboratory and field performance specifications of the foundation for cross-connection control and hydraulic research of the University of Southern California (USC FCCCHR), as established in "specifications of backflow prevention assemblies", section 10 of the most current edition of the "manual of cross-connection control".

3. *Testing requirements.*

- a. It shall be the responsibility of the customer at the premises where backflow prevention assemblies are installed to have certified inspectors and operational tests made at the customer's sole expense at least once per year. In those instances where the county deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be performed by a tester certified by the American Water Works Association, California-Nevada section. The customer shall notify the county two working days in advance when the tests are to be undertaken so that an engineering department representative may witness the tests.

- b. All backflow prevention devices shall be tested:

- (1) Upon installation.

- (2) At least annually.

- (3) Upon relocation or repair.

The county may require a more frequent testing schedule if it is determined to be necessary.

- c. A test report in a form acceptable to the county shall be filed with the county engineering department each time a backflow prevention device is installed, repaired, relocated, or replaced. Approval from the county must be obtained before a backflow prevention device is removed, relocated, repaired, or replaced.

4. *Installation requirements.* Backflow devices shall be installed as described in the following subsections, and as shown in the standard details. The county shall have the final authority in determining the required location of the backflow prevention device.

a. *Air gap.*

- (1) The air gap must be located as close as practical to the service connection, on the opposite side of the service connection from the public water system.
- (2) All piping from the service connection to the receiving tank must be above grade and visible.
- (3) There must be no type of outlet, tee, tap, takeoff or connection to or from the service line between the service connections and the air gap.
- (4) Expansion tanks or pressure relief valves must be provided as appropriate for the potential threat of water hammer and thermal expansion.

b. *Reduced pressure principle assembly.*

- (1) Must be installed in a horizontal and level position, unless specifically designed for operation in vertical position and tested and certified to be suitable for operation in that position by an approved backflow testing laboratory.
- (2) Device should be installed as close as practical to the service connection, on the opposite side of the service connection from the public water system.
- (3) Device shall be aboveground and, to the extent possible, not less than 12 inches nor more than 36 inches above finished grade, as measured from the bottom of the assembly.
- (4) The site shall have adequate drainage, or drain piping, for any fluid that is discharged when the assembly is activated.
- (5) Device shall be installed such that no part of the assembly will be submerged during normal conditions of operation and weather.
- (6) Device shall be easily accessible for maintenance and testing.
- (7) Device must not be installed below grade, in any subsurface vault, or in any vault, chamber, or pit where there is any potential that the relief valve could become submerged.
- (8) Device shall have a free-flowing drain with an air gap.
- (9) There must be no type outlet, tee, tap, takeoff, or connection to or from the service line between the service connection and the device.
- (10) Expansion tanks or pressure relief valves must be provided as appropriate for the potential threat of water hammer and thermal expansion.
- (11) The device may be installed indoors if the installation complies with subsections M4b(1) through M4b(10), inclusive, of this section and has a clearance of:
 - (A) At least 12 inches on top.
 - (B) At least 24 inches on the side with test cocks.
 - (C) At least 12 inches on the other sides.

c. *Double check valve assembly.*

- (1) Must be installed in a horizontal and level position, unless specifically designed for operation in a vertical position and tested and certified to be suitable for operation in that position by an approved backflow testing laboratory.

- (2) Device should be installed as close as practical to the service connection, on the opposite side of the service connection from the public water system.
- (3) Device shall be aboveground and, to the extent possible, not less than 12 inches nor more than 36 inches above finished grade, as measured from the bottom of the assembly.
- (4) Device shall be easily accessible for maintenance and testing.
- (5) There must be no type of outlet, tee, tap, takeoff or connection to or from the service line between the service connection and the device.
- (6) Expansion tanks or pressure relief valves must be provided as appropriate for the potential threat of water hammer and thermal expansion.
- (7) Device may, if above grade installation is impractical and the health authority approves of the installation, be installed in a below grade vault such that:
 - (A) The top of the check valve assembly is not more than eight inches below grade.
 - (B) At least 12 inches of clearance between the bottom of the vault and the bottom of the device.
 - (C) At least 24 inches of clearance between the side of the vault and the side of the double check assembly with test cocks.
 - (D) At least 12 inches of clearance between the side of the vault and the other sides of the device.
 - (E) To the extent warranted by climatic conditions, the device is protected from freezing.
 - (F) The vault has adequate drainage to prevent the accumulation of water, which drains to daylight, to free draining soil or to a sufficient amount of gravel placed under the vault to provide for free drainage and prevent the accumulation of water under the vault. A vault that does not have an integrated bottom must be placed on a layer of gravel that is not less than three inches deep.
 - (G) The vault is protected from vandalism.
 - (H) The vault is not located in an area subject to vehicular traffic.
- (8) The device may be installed indoors if the installation complies with subsections M4c(1) through M4c(7) of this section, inclusive, and has a clearance of:
 - (A) At least 12 inches on top;
 - (B) At least 24 inches on the side with test cocks;
 - (C) At least 12 inches on the other sides.

N. *Fire hydrants.* In all areas where fire hydrants are required along roadways, the spacing between adjacent hydrants shall be determined by the appropriate fire control agency, but shall not exceed 500 feet in residential areas and 300 feet in institutional, commercial, and industrial areas. Hydrant spacing shall be measured along the shortest route within the traveled way of streets which connect the hydrants. Wherever possible, hydrants shall be located at street intersections. All other hydrants along roadways shall be located at the intersection of property lines within the street right of way boundaries.

The spacing between adjacent fire hydrants in areas and locations other than along roadways shall be determined by the appropriate fire control agency. Distribution pipelines which serve fire hydrants shall be not less than eight inches in size. The hydrant lateral which interconnects the pipeline and the hydrant shall be not less than six inches in size. A six-inch gate valve shall be installed in all hydrant laterals.

- O. *Services.* All services shall be metered. Whenever possible, double meter boxes shall be located on property lines between lots with a single service line from the main to the meter box. Minimum service line size is one inch for service to a single meter and two inches to double meters.

Meter boxes shall be Mueller McCullough PVC boxes with copper risers, curb stops, and check valves. Service lines shall be high density polybutelene. The meters shall be three-fourths inch Badger RTR remote read meters with remote read disks located in the meter box lid.

- P. *Locating wire and tape.* All buried, nonmetallic transmission, distribution and service pipes shall have a detectable locating tape installed on top of the pipe envelope. The detectable locating tape shall consist of a metallic layer sandwiched between two layers of inert plastic. The tape shall bear a continuous message "caution—water line buried below" or words of similar nature. The locating wire shall be secured on top of the pipe. The ends of the wire shall be accessible and extend into all valve boxes or other underground vaults.
- Q. *Encroachment permit.* The improvement plans shall clearly indicate that all work in public rights of way requires an encroachment permit. The encroachment permits are issued by the Churchill County road department or the Nevada Department of Transportation.
- R. *Existing pavement.* When any arterial or collector road that has been sealed, paved, or overlaid within the preceding three years is proposed to be cut, the plans shall call for full width sealing with limits to be determined by the county road department.
- S. *Water supply wells.*
1. *General.* This subsection covers the requirements for water supply wells. Because water supply wells are important components of a water system, the engineering department shall be included in the design, construction, development, and testing of any well to be offered for dedication to the county. In addition, any well offered for dedication to the county must have the associated water rights and these rights must be in good standing with the state engineer's office. Because a development requires a water source of sufficient quality and quantity, the engineering department may require completion of the water supply wells prior to approval of a final map. It shall be the responsibility of the developer or engineer to notify the engineering department prior to initiating any well drilling or testing activities. The purpose of this notification is to ensure that the well is constructed and tested in a manner acceptable to the county, the division of water resources, and the bureau of safe drinking water. The engineering department shall have the final decision as to acceptability of the well for dedication to the county. Churchill County can request a secondary water source as per the SDWA.
 2. *Design criteria.* Design criteria for water supply for systems to be dedicated to the county are as follows:
 - a. *Average day criteria.* $275 \text{ gpd per person} \times 2.75 \text{ persons per house} = 756.25 \text{ gpd per EDU}$. This amount does not include fire flow and exercise losses. Average flow per EDU is $Q = 0.525 \text{ gpm}$. Final water demand has to meet projection for minimum system life expectancy, usually 25 or 30 years.
 - b. *Maximum day criterion.* The highest amount of water used in one day over a one-year period. Churchill County's maximum day criterion will be 2.5 times higher than average day usage: $756.25 \times 2.5 = 1,890.625 \text{ gpd per ERU}$. $Q = 1.313 \text{ gpm}$.
 - c. *Maximum hourly demand.* This will be the amount of water used during the time of the day when usage is at its highest. Usually, this is between 5:30 a.m. and 9:30 a.m. and 4:30 p.m. and 7:30 p.m. Churchill County's hourly peak demand is three and one-half times higher than average hourly demand: $Q = 4.6 \text{ gpm per ERU}$.
 - d. *Water quality.* The water from the sources shall meet the EPA primary standards and the state secondary standards. If filtration, arsenic or manganese removal is required based on local water quality, additional water needs to be added for backwash and has to be added through design.

- e. *Location.* Water facilities and all components shall be located according to Churchill County's source water protection standards.
- f. *Preconstruction submittal.* Prior to well construction, the developer or engineer shall submit to the engineering department a hydrogeologic evaluation of the proposed well site. The report shall be prepared by a qualified engineer, geologist or hydrologist licensed in the state of Nevada and shall contain, but not be limited to, the following:
 - (1) A detailed map showing well location (such as a USGS seven and one-half minute quadrangle map).
 - (2) A summary of available hydrogeologic information including reports, logs of nearby wells, water quality data and any other relevant information.
 - (3) A description of the proposed plan for exploration, testing and well construction.
 - (4) A statement of anticipated water demand from the well.

g. *Construction.*

- (1) *State and national requirements.* All wells shall be constructed in accordance with:
 - (A) State engineer requirements, regulations for drilling water wells;
 - (B) AWWA A100 standard for water wells;
- (2) *BSDW requirements.* Additional requirements may be assessed by the engineering department based on site specific conditions. Specific items for which approval of the engineering department is required prior to construction are:
 - (A) Borehole diameter.
 - (B) Production casing diameter.
 - (C) Screen type and slot size.
 - (D) Gravel pack design.
 - (E) Drilling technique.
 - (F) Method for installing sanitary seal and gravel pack.
 - (G) Method for providing access for taking water level measurements in completed well.
 - (H) E-log prior to construction of the production well.
 - (I) Plumbness and alignment test in accordance with AWWA prior to final acceptance.
 - (J) A two-inch diameter monitoring well will be required within 500 feet of the proposed production well.

In addition: Well hydraulics will be required by the engineering department, which will include entrance velocity based on screen and filter material suggested above.

- h. *Development.* Development shall continue until no increase in the specific capacity is achieved and the sand production rate is less than five ppm within the first three to five minutes after starting the pump or for the greatest anticipated pumping rate. The method for determining specific capacity and sand content shall be approved by the engineering department. The engineering department shall have the final determination as to when development is complete and the sand production rate is acceptable.
- i. *Yield and efficiency testing.*

- (1) Yield and efficiency testing shall be conducted under the direct observation of the engineering department. Efficiency testing shall include a four-step efficiency test at pumping rates of 50 percent, 75 percent, 100 percent, and 150 percent of expected capacity of the well. The duration of each step shall be a minimum of 100 minutes. Yield testing shall consist of a constant discharge pumping test at a rate equal to or greater than the estimated demand from the well. Pumping duration shall be a minimum of 72 hours. If data collected during the 72 hours' pumping indicate, in the opinion of the engineering department, that a longer test is necessary, pumping shall continue until the safe long-term yield of the well can be determined to the satisfaction of the engineering department. A DVD color, downhole video must also be supplied to the engineering department.
- (2) Prior to efficiency or yield testing, the hydrologist's or engineer's proposed testing plan shall be submitted to the engineering department. The testing plan shall include, but not be limited to:
 - (A) A description of the pump and driving mechanism to be used, with rated capacities.
 - (B) A description of the method and apparatus to be used for flow rate monitoring.
 - (C) A description of the method and apparatus to be used to measure water levels and drawdown (a one-half inch or larger diameter sounding tube will be required).
 - (D) A proposed time schedule for testing.
 - (E) A plan for disposing of the water produced during the pump test.
 - (F) NDEP permit.

After testing, copies of all data collected shall be submitted to the engineering department.

- j. *Water quality.* Water samples shall be collected at the beginning and at 24-hour intervals during the yield testing (four samples for a 72-hour test). Samples shall be analyzed by a state approved certified laboratory to determine if the water is in conformance with the primary and secondary water quality standards. Water temperature and electrical conductivity are to be monitored during the pump test. The testing of all VOCs, SOCs, and radionuclides is required. In addition, a test to determine the presence or absence of coliform bacteria is required.
- k. *Well construction as built report.* Where groundwater wells are constructed, an as built report containing the following information shall be submitted:
 - (1) A location map showing the location of wells constructed. A summary and recommendation report detailing the capacity and expected long term drawdown effects (20 years) of each well constructed. The report shall include all pertinent comments related to aquifer.
 - (2) Hydraulic characteristics, sand production and water quality.
 - (3) Descriptions and diagrams detailing materials, borehole diameters, surface seal dimensions, screened intervals, depths, static water levels and other pertinent aspects of the well construction.
 - (4) A summary describing the drilling methods, name and address of drilling contractor, name and address of hydrogeologic consultant, and well development methods.
 - (5) A summary report detailing the pumping test program. The report shall include a description of the test equipment, method of measuring discharge rates, method of measuring sand content, and a table outlining the type and duration of pumping tests performed.

- (6) A report detailing the methods of analysis used and the results of analysis of test pumping data. The report shall contain a description of well efficiency at the design production rate and the aquifer parameters determined from the constant discharge pumping test.
- (7) A report detailing water quality. The report shall describe sampling methods, and the results of water quality and bacteriological analysis.
- (8) The submitted report shall contain appendices which shall include:
 - (A) Geologist and drillers logs.
 - (B) Electric well logs.
 - (C) Grain size distribution analysis of selected gravel pack.
 - (D) General materials documentation, including casing and screen invoices, gravel invoices, cement invoices.
- (9) Required permits and logs.
- (10) All pumping test data, including graphs and calculations.
- (11) Water quality analysis report forms.
- (12) Daily hydrologist logs.
- (13) Drawing of the completed well showing all the construction features of the well.

T. *Pumping facilities.*

- 1. *General.* This subsection covers the requirements and equipment for pumping facilities to be offered for dedication to the county. Pumping facilities shall be designed by an engineer with specific related experience. Facilities shall be designed with long term operation and maintenance in mind. Electrical designs shall accompany the design for all pumping facilities.

Operation and maintenance information shall be provided for all equipment and material and shall consist of the names and addresses of the manufacturer, the nearest representative of the manufacturer, the nearest parts supplier, as well as lubrication information, control diagrams, startup procedures, operating procedures, preventative maintenance, overhaul instructions, parts list, and a spare parts list.

- 2. *Well pumps.*

- a. Well pumps shall be either vertical turbine or submersible pumps. The selection of the type of pump to be used depends on the size of the motor, length of the pump column, and other considerations. Submersible pump facilities shall be equipped with a foot valve and pitless adaptor. When a submersible pump is used, the well shall be located outside the pumping facility building. Wells equipped with vertical turbine pumps shall be inside a pump building and shall be equipped with a water lubed shaft and antireverse ratchet. Water lubed pumps shall be equipped with suitable automatic prelube provisions. Please note that prelube requirements are based on depth to water. If the line shaft is exposed (out of water) for a specified distance per manufacturer's recommendations, prelubrication is required, but this does not always apply.
- b. All pumping stations should incorporate positive shutoff on the discharge main with a check valve. The check valve should incorporate speed controls to prevent "slamming" during valve closure.
- c. The pump capacity (discharge and total dynamic head) shall be matched as closely as possible with actual operating conditions. The efficiency of the pump shall be as high as possible, consistent with good design. The water system improvement plans shall identify the following operating conditions and performance criteria:

- (1) All pumps shall be constructed in accordance with AWWA C101.
- (2) Casing diameter.
- (3) Depth of well.
- (4) Static water level.
- (5) Dynamic water level.
- (6) Pump intake setting.
- (7) Required pump discharge.
- (8) Total dynamic head at required discharge.
- (9) Maximum pump speed (rpm).
- (10) Minimum motor horsepower.
- (11) Minimum efficiency.
- (12) Manufacturer's pump curve.

3. *Booster Pumps.*

- a. Booster pumps shall either be the horizontal split case type or the centrifugal type. The improvement plans shall state the following operating conditions and performance criteria:
 - (1) Required pump discharge.
 - (2) Total dynamic head at required discharge.
 - (3) Maximum pump speed.
 - (4) Minimum motor horsepower.
 - (5) Minimum efficiency.
 - (6) Manufacturer's pump curve.

4. *Mechanical requirements.* All pumping facilities shall have sufficient surge control to protect piping and other equipment. Pressure fluctuations shall be maintained within 15 percent of normal operating pressures during pump starting and stopping. Adequate provisions shall be made for pressure surges caused by power outages. All pumping facilities shall be equipped with pressure relief valves. In addition, all submersible pumps in excess of 25 hp shall be equipped with "ramp starters" and all vertical turbine pumps over 25 hp shall be equipped with pump control valves which pump to waste upon startup, then slowly divert the flow to the system and reverse the process when the pump is signaled to stop. All pumping facilities shall be equipped with provisions for pumping water to waste. The facilities shall also have a check valve, discharge meter and pressure gauge. The discharge meter shall indicate total flow and rate of flow. The discharge meter and pressure gauge shall be suitable for remote reading and shall transmit to the station's control center.

5. *Disinfection.* All well pumping facilities shall be equipped with disinfection systems. Disinfection systems can be any system approved by the engineering department.

6. *Buildings.*

- a. *Building specifications.* All vertical turbine pumps, booster pumps, mechanical equipment, disinfection facilities, control equipment, electrical equipment and telemetry equipment shall be enclosed in a building. Buildings shall be masonry block (light tan color) with concrete floor and foundation. The building shall be equipped with hollow steel doors with sliding hasp suitable for use with a padlock. The roof shall be brown in color, constructed of wood with 236 pound, class A

fire rated, 25-year fiberglass shingles. All wood trim shall be painted dark brown. Building design and construction must meet local seismic criteria.

Where vertical turbine pumps are located within a pump building, adequate provisions shall be made for removal and replacement of the motor, column and pump. These provisions may include locating the pump within four feet of the wall with a four foot by four-foot hatch for removal of the assembly or providing removable roof and wall sections.

- b. *Ventilation.* Suitable ventilation shall be required. Where pumps are located within the building, the ventilation equipment shall be suitable to provide five changes of room air per hour. Fans shall be thermostatically controlled. Fans and louvers shall be provided with winter covers.
 - c. *Heating.* The building shall be provided with suitable heaters to keep the interior air temperature above 45 degrees.
 - d. *Drains.* Floor drains shall be provided. The building floor shall slope to the drains.
 - e. *Fencing and access.* All well pumping facilities shall be fenced with six foot high, chainlink fabric topped with three strands of barbed wire. The site access, size and layout shall provide adequate room for maintenance of the facility, including pulling well pumps. When using pulling pumps there needs to be room for the pulling equipment and stem trailer.
 - f. *Standby generator.* A standby engine generator shall be provided with automatic starting via an automatic transfer switch and load transfer equipment to operate the entire pumping load during power failure unless the pumps have a backup v-drive motor with an alternative fuel source. The generator shall be located in a weather protective, soundproofed, and lockable housing with access to all engine and generator components for servicing and maintenance. The generator shall be fueled by diesel with an aboveground storage tank and concrete pad for secondary containment, or by natural gas as approved by the county. The storage tank shall have a capacity to provide a 24-hour continuous run time. The generator and engine block shall be equipped with a block heater and thermostat that will allow for instantaneous startup at minus ten degrees Fahrenheit. The engine shall be protected with shutdown safeguards, gauges and indicator lamps for overtemperature, low oil pressure, overspeed and overcrank. The engine shall be equipped with an automatic battery charger, installed on the hot side of the transfer switch enabling the battery to maintain a charge when idle.
7. *Controls and telemetry.*
- a. Water monitoring and control systems shall consist of a complete radio telemetry system to monitor the status of the pumping facilities. The storage tank level shall control well pumps with the signal to start and stop coming from the telemetry panel. Control panels shall be equipped with start counters and hour meters for all pumps. Typical functions to be monitored include:
 - (1) Pump status.
 - (2) Pump alarms.
 - (3) Water levels in wells.
 - (4) Suction and discharge pressure.
 - (5) Moisture in the pump room.
 - (6) Flow rates.
 - (7) Tank levels.
 - (8) High motor temperature.
 - (9) Successive motor starts.
 - (10) Power fail.

- (11) Voltage and current.
 - (12) Intruder alarm.
 - (13) Pump's wet seal alarm.
- b. Well stations shall be equipped with circular chart recorders, well depth transducers, moisture detectors located on the floor in a low spot in both the pump room and the chemical storage room, and pressure indicators (Ametek 88C, Rosemount, or equal).
- U. *Water storage tanks.*
1. *General.* Water storage facilities shall be provided for all water systems. Where only one phase of a subdivision or planned unit development is being built, the storage facilities shall be sized for the entire subdivision or planned unit development to reduce the possibility of multiple smaller tanks. In addition, where possible, storage tank sizing shall be coordinated with the engineering department to accommodate potential future users/development.
 2. *Design criteria.* Water storage must meet seismic criteria for storage tanks and must be included in static calculation based on the conditions identified in the soil report. The following are the minimum design criteria to be used for the design of water storage facilities.
 - a. *Volume.* Water supply storage facility must be designed based on the usage projection for the estimated minimum life of the facility, 25 or more years. In addition, the storage facility has to meet the following criteria:
 - (1) *Dead storage.* Minimum two feet of dead storage is required to accommodate any solids entering the tank. This volume cannot be included in any usable volume in further calculation.
 - (2) *Fire flow.* This volume shall be established by the fire marshal and will be based on maximum hourly demand multiplied by required number of hours for fire suppression.
 - (3) *Stand by storage.* Maximum daily demand multiplied by minimum two days: $1,890.625 \text{ gpd/ERU} \times 2 \text{ days} = 3,781.25 \text{ GAL per ERU}$. This can be increased based on specific site circumstances and equipment maintenance.
 - (4) *Equalization storage.* Maximum hourly demand multiplied by number of hours. Considering peak flow of seven hours explained above required storage will be: $(1,890.625 \times 3.5)/24 \times 7 \text{ hours} = 1,930.0 \text{ GAL per EDU per day}$.
 - (5) *Operational storage.* Minimum two feet will be required for the water level in the tank for the well pump to start and turn off. Any water for the backwash has to be added to this volume.
 - (6) *Overboard volume.* Minimum two feet of space will be required above the top of the overflow pipe to accommodate any water movement in case of unpredicted circumstances.
 - b. *Overflow.* The tank overflow shall be sized to pass the maximum possible inflow. The overflow outlet shall be screened or protected with a flap gate and shall have a minimum air gap of 18 inches. The drainage path of water being discharged from the overflow pipe must be identified on the plans. The drainage channel must be able to handle maximum possible inflow without damage to the channel or adjacent structures or property. The drainage channel must be within an easement dedicated to the county.
 - c. *Drain.* The water storage tank shall have a drain which is capable of completely draining the tank. The tank drain shall direct water to the overflow channel. The route of the overflow shall be reviewed to determine that the overflow route has the capacity to transmit the maximum overflow amount.

3. *Materials.* All water storage tanks shall be welded steel tanks in accordance with AWWA D100 latest edition; factory coated, bolted steel tanks in accordance with AWWA D103; or prestressed concrete tanks in accordance with AWWA D110. Other types of water storage tanks may be considered by the engineering department. Used tanks, API steel tanks, and wood tanks will not be allowed. All water system components including storage tanks must meet local seismic criteria in combination with soil test results and the risk associated with liquefaction.
4. *Appurtenances.*
 - a. All water storage tanks shall have the following appurtenances:
 - (1) Shell manholes — two each, except for buried tanks.
 - (2) Overflow structure and pipe.
 - (3) Outside ladder.
 - (4) Inside ladder.
 - (5) Outside level indicator.
 - (6) Safety devices — ladder safety cage, rest platforms, handrails or other safety devices as required.
 - (7) Ladder locking device — prevents unauthorized access to the outside ladder.
 - (8) Roof openings — at least one bugproof and a lockable watertight hatch at the access point for the inside ladder.
 - (9) Vents one mushroom vent with screens at center of tank and sidewall vents around the perimeter at the roof/wall.
 - (10) Appropriate water level sensing and telemetering equipment.
 - (11) Intrusion alarm.
5. *Painting.* The tank shall be painted in accordance with AWWA D102. The interior paint shall be a three-coat epoxy system in conformance with "inside paint system no. 1" of AWWA D102. The exterior paint shall be in accordance with "outside paint system no. 3." The final outside color may be set by the Churchill County planning department. Blasting, coating, and seasonal inspections on all tank coating systems are required prior to acceptance. Weather considerations are of primal importance when undertaking coating operations for blast prepped steel.
6. *Site work.*
 - a. The tank site shall be graded for suitable soil stability and drainage. There shall be access to all sides of the tank on a graveled (type 2 base) road, minimum width of 15 feet, circling the tank. The site shall be fenced with chainlink fence, six feet high, topped with three strands of barbed wire. Access shall be through a 16-foot-wide double gate.
 - b. When landscaping is required by the planning commission around any water facilities, an irrigation system with automatic controls shall be installed. The irrigation system shall have backflow prevention and shall have automatic drains to prevent freezing.
 - c. The site work must include drainage of the tank pad and uphill slope. Cut and fill slopes must be recommended by a geotechnical engineer as well as the tank pad/foundation requirements. Blasting may be required in some areas and faulting may be an issue in some areas. These concerns must also be identified prior to selecting and constructing a tank at a particular site.
7. *Tank submittal.*
 - a. *Submittal.* At least three copies of the tank structural design, plans, geotechnical investigation and supporting calculations shall be submitted to the building official for approval. The submittal

shall be made at least 30 days before construction is scheduled to start. Construction shall not start on the tank prior to issuance of a building permit.

All tank design, plans, and calculations shall be stamped by a civil or structural engineer, licensed to do engineering in Nevada.

- b. *Disinfection and volatile organic compound sampling and testing.* All tanks shall be disinfected and tested in accordance with AWWA C652, "standard for disinfection of water storage facilities", and the applicable state health standards. After disinfection, prior to acceptance by the county, and prior to placing the tank into service, water from the facility shall be tested for coliform and volatile organic compounds by an independent testing agency. The test procedures and test results shall comply with the requirements of the Nevada Division of Environmental Protection, bureau of safe drinking water and other appropriate regulatory agencies. Written test results shall be submitted to the county a minimum of two working days before placing the tank into service.
- c. *Controls and alarms.* Control systems, including telemetry shall be above surface grade in suitable lockable housings, or inside buildings. Telemetry shall be provided for all controls and alarms. All telemetry units shall communicate status with the county's central computer. At a minimum, the following alarms and signals shall be provided:
 - (1) Water storage tanks:
 - (A) High level alarm.
 - (B) Redundant float high level alarm.
 - (C) Low level alarm.
 - (D) Radio failure alarm.
 - (E) Power failure alarm.

V. *Sanitary sewer systems.*

1. *Definitions.* The following definitions shall apply when the terms are used herein:

Average daily flow. The average daily flow for a residence is 350 gallons per day. This figure includes inflow and infiltration.

Cleanout. Aboveground access to sewer service for cleaning purposes.

Collector sewer. A sewer line which is in a public right of way or easement that has only service laterals tributary to it.

Deep manhole. Any manhole which is greater than five feet from rim to invert.

Discharge permit. A national pollutant discharge elimination system (NPDES) permit issued by the Nevada Department of Environmental Protection for any sewage facility which generates more than 5,000 gallons of sewage effluent per day. This permit imposes limits on the facility's effluent. Where treatment facilities require a discharge permit, the developer shall pay all the fees and obtain a permit in the name of the developer until such time as the county accepts it.

Equivalent residential unit (ERU). That portion of an industrial or commercial development which is equivalent to a single residence in terms of wastewater flow. An ERU has 25 fixture units, as defined by the plumbing code, and is assumed to generate 350 gallons of sewage per day.

Force main. Pressure sewer main from the discharge of a lift station.

Infiltration. Groundwater which enters sewers and building connections through defective joints and cracks in pipes and manholes.

Inflow. The unauthorized discharge of water into service connections and sewer pipes from roof drains, foundation drains, air conditioners and unpolluted discharges from businesses and industries.

Interceptor sewer. A sewer line that receives flow from a number of collector sewers and conducts such sewage to a point for treatment or disposal.

Lateral. That portion of a sewage collection system that conducts sewage from the edge of a public right of way (customer's property line) to the collector sewer. Maintenance of the lateral from the house to the main is the responsibility of the property owner.

Lift station. Sewer pumping facility designed for transferring sewer flows to a higher elevation.

Main. That portion of a sewer collection system to which collector sewers are tributary.

Peaking factor. A numerical factor by which average flows are multiplied to obtain peak flows. Peaking factors will vary with tributary area and time frame. Appropriate peaking factors will be determined by the engineering department.

Service wyes. The fitting by which a lateral is connected to the collector. Service tees are not acceptable.

Shallow manhole. A manhole which has a dimension of less than five feet from rim to invert.

Side sewer. That portion of a sewage collection system which conducts sewage from a building to the public right of way or customer's property line. Side sewers shall be designed and constructed to engineering department specifications but will not be dedicated to the county.

2. *Design criteria.* The following design criteria shall govern the design of sewage collection systems to be dedicated to the county. The intent of these criteria is to provide safe, adequate, and dependable sewage service without excessive maintenance costs.
 - a. *Flow determination.* The average flow from residential units shall be based on an average daily residential rate of 350 gallons per day with a peaking factor as determined by the county for all calculations. Fixture units may be used to determine the flow from commercial and industrial areas. If fixture unit counts are not available, peak daily flows for commercial property shall be 2,000 gallons per acre for C-1 zoning and 10,000 gallons per acre for C-2 zoning.
 - b. *Pipe size.* The minimum size of collection lines shall be eight inches. Service laterals which serve single residences shall be a minimum of four inches in diameter. All other lines shall be sized using accepted hydraulic analysis techniques. Such sizing analysis shall be performed using peak hour flows.
 - c. *Pipe slope.* The minimum pipe slope is the slope at which the flow velocity is at least two feet per second when flowing half full. In general, slopes which permit sewage velocities in excess of ten feet per second will not be permitted.
 - d. *Depth of flow.* The depth of flow in the sanitary sewer pipes shall not exceed $0.7D$ where "D" is the nominal diameter of the pipe.
 - e. *Capacity.* When sizing a sewage collection system for a given area, the system shall be sized so that it will be adequate to carry the design flow from the entire tributary area even though it is not within the project boundaries.
3. *Depth.* All collection systems shall be designed at a depth to facilitate the following:
 - a. Lateral and side sewer installations with a minimum of three feet of cover at the curb and/or property line, and with a slope of one-fourth inch per foot to the back one-third of each parcel.
 - b. Avoid conflict with existing and proposed utilities.
 - c. Pass under water lines with a minimum vertical clearance of 18 inches in the event that the two utilities should cross.

- d. Provide a minimum of four feet of cover over all lines to be dedicated to the county.
 - e. Buoyancy of sewers shall be considered, and flotation of the pipe shall be prevented with appropriate design and construction where high groundwater conditions are anticipated.
4. *Pipe material.* The following types of pipe are acceptable for large diameter sewer interceptors, gravity sewer mains, force mains and laterals:
- a. Reinforced concrete pipe in accordance with ASTM C76; cement shall be type II or equivalent sulfide resistant cement. Joints shall be watertight and roottight in accordance with ASTM C443.
 - b. Ductile iron pipe in accordance with AWWA C150 and C151.
 - c. PVC pipe shall be solid wall polyvinyl chloride plastic pipe, SDR 35, in accordance with ASTM D3034. Class 150 PVC pipe in accordance with AWWA C900 may be used for force mains or at water line crossings. All sewer force mains shall be clearly marked with foil warning tape placed approximately one foot above the pipe.

In all cases the pipe shall be designed for the internal and external loads that will be applied. The Marston's formula, as outlined in ASCE "manual of engineering practice no. 60", shall be used to determine the load placed on the pipe by the backfill. For flexible conduits the maximum load allowable shall be determined by pipe deflections computed by the Iowa deflection formula (or Spangler's formula). Flexible conduits shall be designed not to exceed a maximum deflection of five percent of the nominal pipe diameter under the installation conditions. The five percent deflection shall not be exceeded at 30 days after completion of backfill. Pipe material may not change between manhole sections.

5. *Location and alignment.* All sanitary sewers shall be placed within rights of way dedicated for public streets unless the use of easements is specifically approved by the engineering department. There shall be a minimum horizontal clearance of ten feet between parallel water and sanitary sewer lines. The water line shall be at least 18 inches above the sewer line. Location of sewer lines in public rights of way shall conform to drawing no. 1-2 (142), "typical utility main locations", in the "standard details for public works construction". Sewer pipe may be concrete encased where 18 inches of vertical clearance cannot be achieved.

In new subdivisions, sewers shall be located as shown in drawing no. W-2 of the "standard details for public works construction". When sanitary sewers are to be installed in existing streets factors such as curbs, gutters, drainage ditches, sidewalks, traffic conditions, pavement conditions, future street improvement plans, and existing utilities shall all be considered.

The minimum width of permanent easements shall be 20 feet. Other factors such as side slopes and structures within the easement may require additional width. All easements shall be dedicated to Churchill County.

Horizontal alignment shall be parallel to the street centerline wherever possible. Minimum radius for sanitary sewers eight inches through 12 inches in diameter shall be 200 feet. A larger radius shall be used wherever practical or where necessary to avoid joint deflection in excess of the pipe manufacturer's recommended maximum.

There shall be a constant slope between manholes. Drop manholes are preferred to vertical curves; the use of vertical curves will be allowed only when approved by the engineering department. In such cases, elevations shall be shown at ten-foot intervals throughout the length of the vertical curve. The maximum deflection shall be two percent at each joint. Inverted siphons are not allowed.

Where curved sewers are used, the plans shall have a note specifying video inspection of the sewer from manhole to manhole of any reach containing curved sewers. The video inspection shall be performed in front of the county engineer. The note shall specify that the video inspection shall be performed by the contractor. The contractor shall provide a color copy of the video inspection to the county prior to acceptance of the sewer by Churchill County.

6. *Manholes.* All manholes must be resistant to sulfates and hydrogen sulfide. Experience in Churchill County has demonstrated that fly ash added to the concrete mix provides satisfactory resistance. Manholes shall be placed at the intersections of all sanitary sewer lines, at the terminal end of all collector lines and at all angle points and grade changes in straight line sewers. Maximum spacing of manholes shall be 400 feet for all straight lines of 12-inch diameter or less. Maximum spacing of manholes shall be 500 feet for all straight lines of 15-inch diameter or greater. A line with radius greater than 400 feet shall be considered as straight for purposes of this subsection. Manhole spacing on lines which are on a continuous curve of 400 foot to 200-foot radius shall be 200 feet. Manhole spacing on curved lines of radius between 200 feet and 400 feet or where only a portion of the line is curved, shall be adjusted proportionately. Reverse curves require a manhole at the point of the reverse curve. Manholes are also required at the tangent points for curves with a radius less than 400 feet.

The invert grade at the exit must be at least one-tenth foot below the invert of the entrance pipe. For two intersecting pipes of different diameters, the crown elevations of the two pipes shall match where they enter the manhole.

Manholes shall be an eccentric cone type I-A as shown in standard detail no. 2-3.2 with the vertical wall on the inflow side. Tight sealing manhole covers shall be used on manholes located in areas subject to flooding. The frames on all manholes located in unimproved areas shall be set between 12 inches and 18 inches above finished grade. All manholes over five feet deep shall have steps installed on the inflow side of the manhole. The manhole steps shall be equal to those provided by MA Industries. Manhole covers shall be type A-107 or approved equal and shall be cast with the words "Churchill County Sanitary Sewer."

Drop manholes shall be type III manholes as shown in standard detail no. 2-5. If the elevation differential is less than 30 inches, an inside drop, beaver tail type manhole will be allowed providing there are no more than two inflow lines. A drop manhole shall be used if the difference in elevation between the outlet invert and the highest inlet invert is 30 inches or greater.

A minimum six-inch-thick concrete collar shall be installed around the frame and cover and shall be a minimum of five feet in diameter. All concrete shall conform to the requirements for freeze-thaw environments in accordance with the "standard specifications for public works construction". Locking lids may also be required, as determined by the county.

7. *Laterals.* Laterals shall conform to standard detail nos. 2-18.1 and 2-18.2. As a minimum, the lateral shall extend from the sewer main or collector to the edge of public right of way or easement and at least one foot beyond the edge of any pavement. A plan and profile of any lateral shall be supplied to the engineering department upon request. The laterals shall be designed to be installed at a minimum slope of two percent.

Normal residential lateral size is four inches. Schools, commercial establishments and other developments expected to contribute high sewage flows shall be served by six inch or larger service sewers. In addition, the service sewer shall be sized according to requirements of the plumbing code and determinations by the engineering department. All service sewers larger than six inches require a manhole at the main. Eight-inch mains and collectors require manholes at tributary six-inch sewer laterals.

If the service has less than three feet of cover measured from the gutter flow line, or drainage ditch invert, cast iron or ductile iron pipe or other high strength pipe approved by the engineering department shall be used. In all other cases, the service shall be SDR 35 PVC pipe or approved equivalent.

When sanitary sewers are constructed as part of subdivision improvements, a lateral shall be constructed to each lot. For lots with greater than a two percent cross slope the sewer lateral shall be installed on the low side. Otherwise the lateral shall be located at the center of the lot. If the property is located such that service is available from both a line located in an easement and a line located in a right of way, the lateral shall be placed in the latter location unless otherwise approved by the

engineering department. No service sewer shall be located such that future on site construction will result in the line being in such proximity to a water well, water main or service that applicable health standards will be violated.

The standard depth of the lateral at the property line is three feet. The engineer shall verify the adequacy of the standard lateral depth to serve the intended parcel. Whenever greater depth is required, the engineer shall designate the invert elevation of the lateral at the property line. Service lines longer than 100 feet must include additional cleanouts.

8. *Stream crossings.* Crossing details of pipe, piers, anchorage, transition coupling, etc., shall be shown on a large-scale detail sheet. For line sizes 16 inches and smaller, ductile iron pipe shall be used under the full stream width, and ten feet on each side. For line sizes larger than 16 inches, pipe used shall be as approved by the engineering department. Depending on the crossing, concrete encasement may also be required. Special care shall be taken to provide a firm base for the pipe bedding. The plans shall specify that all soft or organic material within the stream banks shall be replaced with select imported backfill. If the pipe must cross above the stream, reinforced concrete piers of adequate depth shall be located as necessary for adequate support of the pipe.

The pipe shall be held in cylindrical cradles, formed in the tops of the pier and held down by galvanized steel straps, with galvanized anchor bolts of adequate size. Cushion material shall be placed between the pipe, clamps, and support. Special consideration shall be given to protecting the pipe during stream flooding.

Stream crossings and construction methods shall be in conformance with and be approved by the appropriate agency (Nevada Division of Environmental Protection, Nevada Department of wildlife, Nevada State Lands, and the U.S. Army Corps of Engineers).

9. *Boring or jacking.* All pipe, except RCP, which is bored or jacked shall be placed in a welded steel conductor pipe of sufficient diameter to allow dry sand or grout to be placed into the void between the carrier and the conductor and to allow adjustment of the carrier pipe to grade.

Normally, an inside diameter six inches greater than the outside diameter of the couplings of the carrier pipe is sufficient. The method used for installing the carrier pipe in the conductor pipe shall be specifically approved by the engineering department.

Welded steel conductor pipe shall have a minimum wall thickness of one-fourth inch for sizes up to and including 24 inches in diameter, and 5/16inch for sizes 27 to 35 inches in diameter.

10. *Testing and flushing.* The engineer of record shall be responsible for ensuring that all required tests are performed and submitted to the county. The engineer of record shall notify the county, in writing, a minimum of two working days prior to all tests on sewer lines.

The contractor shall furnish all necessary labor, materials and equipment and shall perform specified tests for each and every length of sewer and each item of appurtenant construction as outlined below, and in accordance with the "standard specifications for public works construction." When other underground utilities are to be installed as a part of the construction or as a part of a larger project or subdivision and planned unit development related to the sewer installation, testing shall be conducted after all other utilities have been installed, and all compaction has been completed, in the area of the new sewer main and laterals. This does not preclude the contractor from also conducting testing at earlier times to ensure to itself that the mains were acceptably installed prior to other utility work in the area. All tests shall be performed under the direct observation of the engineer of record. All remedial work required to correct construction deficiencies discovered as a result of tests or inspections shall be accomplished by the contractor in a manner approved by the county and at the sole expense of the contractor. Portions of the original construction which require remedial work shall be completely retested and/or reinspected following the attempted correction or repair by the contractor.

Prior to final acceptance by the county, all sewer mains and appurtenances shall be subjected to a test or tests to determine their degree of air tightness and a test or tests to ascertain the correctness of their horizontal and vertical alignment. Before a test is performed, the pipe installation shall be cleaned.

The contractor shall furnish an inflatable spherical rubber ball of a size that will inflate to fit snugly into the pipe to be tested. The ball shall be placed in the uppermost manhole on the pipe to be cleaned, and water shall be introduced behind it. The ball shall pass through the pipe with only the force of the water impelling it. All debris flushed out ahead of the ball shall be removed at the first manhole where its presence is noted. In the event cemented or wedged debris or a damaged pipe shall stop the ball, the contractor shall remove the obstruction and/or make necessary repairs. Debris shall not be washed into existing sewer mains, but shall be pumped or vacuumed and disposed of at an approved location.

- a. *Video camera inspection.* All sewer mains shall have a color video camera inspection prior to acceptance by the county and prior to paving, if applicable. All sewer mains and manholes shall be clear of debris prior to video camera inspection. Debris flushed from mains shall be pumped or vacuumed from the main at the nearest manhole and disposed of in an appropriate location. The contractor or developer shall furnish the county with a color VHS recording or digital video disk (DVD) of the video camera inspection. The video camera inspection shall include a record of the distance from the nearest sanitary sewer manhole to each lateral, wye or tee. The inspection record shall also include the location of the manhole using the project stationing. Any low points with standing water (bellies) in main shall be recorded including distances from manholes and stationing of starting point, maximum depth, and ending point. A written summary of all bellies found by camera inspection for the project will be submitted to the county. Bellies will be classified according to maximum depth according to the following table:

Belly Classification	Pipe Diameter					Action
	<12"	12"	15"	18"	24"	
Light	<0.12"	<0.15"	<0.18"	<0.22"	<0.30"	Record
Moderate	0.12—0.25"	0.15—0.30"	0.18—0.37"	0.22—0.45"	0.30—0.60"	Record
Average	0.25—0.50"	0.30—0.60"	0.37—0.75"	0.45—0.90"	0.60—1.20"	*
Heavy	0.50—1.00"	0.60—1.20"	0.75—1.50"	0.90—1.80"	1.20—2.40"	Repair
Severe	>1.00"	>1.20"	>1.50"	>1.80"	>2.40"	Repair

* Notify inspector for determination of acceptance or repair.

All mains having bellies or defects that require repair will be fixed prior to paving and reinspected by video camera after repair over entire length of main from manhole to manhole. Record of camera reinspection will be furnished to the county prior to acceptance. Eleven months after acceptance by the county, and prior to expiration of the warranty period, all sewer mains shall be flushed and reinspected, and the contractor or developer shall furnish the county with a color VHS recording or DVD of the video camera reinspection. A written summary of any bellies or other defects found by inspection will be submitted to county for determination of final acceptance, repair or financial adjustment.

- b. *Alignment test.* Each sewer line shall be lamped between manholes. Horizontally, at least one-half of full pipe shall be visible from manhole to manhole. Vertical deviation shall be limited to plus or minus five-hundredths (± 0.05) of a foot. The contractor may be required to repair or reconstruct that portion of the sewer line with a vertical deviation greater than plus or minus five-hundredths (± 0.05) of a foot, or that portion of a sewer line which does not satisfy the lamp test.
- c. *Deflection test.* The contractor shall conduct a deflection test on all sewer lines except laterals prior to paving. The deflection test limit shall be five percent of the pipe base inside diameter of

the pipe for pipes 12 inches or less in diameter and four percent of the pipe base inside diameter for pipes greater than 12 inches in diameter. This test shall be observed by engineer of record and conducted using a properly sized "go/no-go" deflection mandrel constructed in accordance with ASTM specification D3034. The mandrel shall be furnished by the contractor and be approved by the engineer of record. The mandrel shall be hand pulled through the pipe. No devices except the towrope shall be utilized to assist the mandrel through the pipe. Locations with excessive deflection shall be repaired. Allowable deflection and mandrel sizes shall conform to those listed in table 1, "required mandrel size", of this section.

TABLE 1
REQUIRED MANDREL SIZE

Pipe Size (Inches)	Base Inside Diameter (Inches)	Allowable Deflection (Percent)	Mandrel Diameter (Inches)
6	5.742	5	5.455
8	7.665	5	7.282
10	9.563	5	9.085
12	11.361	5	10.793
15	13.898	4	13.342
18	16.976	4	16.297
21	20.004	4	19.204

- d. *Air test.* The contractor shall conduct an air test following the ball test for cleaning and identifying major pipe defects, the alignment test, and the mandrel test for deflection. All compaction shall be completed prior to conducting the air test.

The contractor shall furnish the necessary equipment and be responsible for conducting all low-pressure air tests. The contractor shall be responsible for repair work on sections that do not pass the test. No sealant shall be used in newly installed sewer. The engineer of record shall witness all low-pressure air tests and verify the accuracy and results of the test, and acceptability of the equipment utilized. To facilitate test verification by the engineer of record, all air used shall pass through a single, aboveground control panel.

The aboveground air control equipment shall include a shutoff valve, pressure regulating valve, pressure relief valve, input pressure gauge and a continuous monitoring pressure gauge having a pressure range from zero to at least ten psi and an accuracy of plus or minus four-hundredths (± 0.04) psi.

Two separate hoses shall be used to: 1) connect the control panel to the sealed line for introducing low pressure air and 2) a separate hose connection for constant monitoring of air pressure buildup in the line. This requirement greatly diminishes the chance for over pressurizing the line.

After a manhole to manhole reach of pipe has been backfilled to final grade and is ready for testing, plugs shall be placed in the line at each manhole (and the end of each lateral if necessary) and secured.

Low pressure air shall be slowly introduced into the sealed line until the internal air pressure reaches four psig greater than the average back pressure of groundwater above the pipe, but not greater than nine psig.

After a constant pressure of four psig (greater than the average groundwater back pressure) is reached, the air supply shall be throttled to maintain that internal pressure for at least two minutes.

When temperatures have been equalized and the pressure stabilized at four psig (greater than the average groundwater back pressure) the air hose from the control panel to the air supply shall be shut off or disconnected. The continuous monitoring pressure gauge shall then be observed while the pressure is decreased to no less than three and one-half psig (greater than the average back pressure of groundwater over the pipe). At a reading of three and one-half psig to four psig (greater than the average groundwater back pressure), timing shall commence with a stopwatch or other accurate timing device.

The section of pipe has passed the air test if the time shown in table 2A (or 2B) of this section for the designated pipe size and length has elapsed before the air pressure drops one psig (or one-half psig).

The section of pipe has failed the test if the pressure drops one psig (or one-half psig) before the appropriate time shown in table 2A (or 2B) of this section has elapsed.

No test section shall be accepted if it loses more than 0.0015 cubic feet per minute per square foot of internal pipe surface area for a portion containing less than 625 square feet internal pipe surface area. The general test time formula is as follows:

$$T = 0.085 \frac{DK}{Q}$$

Where:

T = Shortest time, in seconds, allowed for the air pressure to drop 1.0 psig.

K = 0.000419 DL, but not less than 1.0.

L = Length of pipe being tested in feet.

Q = 0.0015 cubic foot per minute per square foot of internal surface.

D = Nominal pipe diameter in inches.

All lateral sewers within the right of way shall be included in the air test. If lateral sewers are included in the test, their lengths may be ignored for computing required test times.

In the event a test section having a total internal surface area less than 625 square feet fails to pass the air test when lateral sewers have been ignored, the test time shall be recalculated to include all lateral sewers using the following formula:

$$T = 0.085 \frac{D(1)^2 L(1) + D(2)^2 L(2) + \dots + D(n)^2 L(n)}{D(1) L(1) + D(2) L(2) + \dots + D(n) L(n)} \frac{K}{Q}$$

Where:

T = Shortest time, in seconds, allowed for the air pressure to drop 1.0 psig.

K = 0.000419(D(1)L(1) + D(2)L(2) + + D(n)L(n)), but not less than 1.0.

Q = 0.0015 cubic foot per minute per square foot of internal surface.

D(1), D(2), etc. = Nominal diameters of the different size pipes being tested.

L(1), L(2), etc. = Respective lengths of the different size pipes being tested.

The section of pipe has passed the air test, if the recalculated test time based on the above formula has elapsed before the air pressure drops one psig (or one-half psig).

Churchill County
TABLE 2A
1.0 PSIG PRESSURE DROP

Specification time required for a 1.0 psig pressure drop for size and length of pipe indicated for Q = 0.0015

1 Pipe Diameter (Inch)	2 Minimum Time (Min:Sec)	3 Length For Minimum Time (Feet)	4 Time For Longer Length (Sec)	Specification Time For Length (L) Shown (Minutes:Seconds)							
				100 Feet	150 Feet	200 Feet	250 Feet	300 Feet	350 Feet	400 Feet	450 Feet
4	3:46	597	0.380 L	3:46	3:46	3:46	3:46	3:46	3:46	3:46	3:46
6	5:40	398	0.854 L	5:40	5:40	5:40	5:40	5:40	5:40	5:42	6:42
8	7:34	298	1.520 L	7:34	7:34	7:34	7:34	7:36	8:52	10:08	11:24
10	9:26	239	2.374 L	9:26	9:26	9:26	9:53	11:52	13:51	15:49	17:49
12	11:20	199	3.418 L	11:20	11:20	11:24	14:15	17:05	19:56	22:47	25:38
15	14:10	159	5.342 L	14:10	14:10	17:48	22:15	26:42	31:09	35:36	40:04
18	17:00	133	7.692 L	17:00	19:13	25:38	32:03	38:27	44:52	51:16	57:41
21	19:50	114	10.470 L	19:50	26:10	34:54	43:37	52:21	61:00	69:48	78:31
24	22:40	99	13.674 L	22:47	34:11	45:34	56:58	68:22	79:46	91:10	102:33
27	25:30	88	17.306 L	28:51	43:16	57:41	72:07	86:32	100:57	115:22	129:48
30	28:20	80	21.366 L	35:37	53:25	71:13	89:02	106:50	124:38	142:26	160:15
33	31:10	72	25.852 L	43:05	64:38	86:10	107:43	129:16	150:43	172:21	193:53
36	34:00	66	30.768 L	51:17	76:55	102:34	128:12	153:50	179:29	205:07	230:46

TABLE 2B
0.5 PSIG PRESSURE DROP

Specification time required for a 0.50 psig pressure drop for size and length of pipe indicated for Q = 0.0015

1 Pipe Diameter (Inch)	2 Minimum Time (Min:Sec)	3 Length For Minimum Time (Feet)	4 Time For Longer Length (Sec)	Specification Time For Length (L) Shown (Minutes:Seconds)							
				100 Feet	150 Feet	200 Feet	250 Feet	300 Feet	350 Feet	400 Feet	450 Feet
4	1:53	597	0.190 L	1:53	1:53	1:53	1:53	1:53	1:53	1:53	1:53
6	2:50	398	0.427 L	2:50	2:50	2:50	2:50	2:50	2:50	2:51	3:12
8	3:47	298	0.760 L	3:47	3:47	3:47	3:47	3:48	4:26	5:04	5:42
10	4:43	239	1.187 L	4:43	4:43	4:43	4:57	5:56	6:55	7:54	8:54
12	5:40	199	1.709 L	5:40	5:40	5:42	7:08	8:33	9:58	11:24	12:50
15	7:05	159	2.671 L	7:05	7:05	8:54	11:08	13:21	15:35	17:48	20:02

18	8:30	133	3.846 L	8:30	9:37	12:49	16:01	19:14	22:26	25:38	28:51
21	9:55	114	5.235 L	9:55	13:05	17:27	21:49	26:11	30:32	34:54	39:16
24	11:20	99	6.837 L	11:24	17:57	22:48	28:30	34:11	39:53	45:35	51:17
27	12:45	88	8.653 L	14:25	21:38	28:51	36:04	43:16	50:30	57:42	46:54
30	14:10	80	10.683 L	17:48	26:43	35:37	44:31	53:25	62:19	71:13	80:07
33	15:35	72	12.926 L	21:33	32:19	43:56	53:52	64:38	75:24	86:10	96:57
36	17:00	66	15.384 L	25:39	38:28	51:17	64:06	76:55	89:44	102:34	115:23

W. Wastewater pump stations and force mains.

1. **Wet well and dry well.** Wastewater pump stations shall be the wet well, dry well type or wet well submersible as approved by Churchill County. Due consideration shall be given to the selection of materials because of the presence of hydrogen sulfide and other corrosive gases, greases, oils, and other components present in sewage. The dry well shall contain the wastewater pumps and a separate pump equipped with dual check valves to remove leakage or drainage. All floor and walkway surfaces should have an adequate slope to a point of drainage.

The wet well size and control setting shall be such that each pump does not start more than six (times in one hour under any condition and that septic conditions due to excessive detention times are avoided. The wet well floor shall have a minimum slope of one and three-fourths to one, to the hopper bottom. The horizontal area of the hopper bottom shall not be greater than necessary for proper installation and function of the inlet or pumps. The wet well shall be constructed of concrete.

Dry wells shall be equipped with adequate lighting, ventilation, sump pump, dehumidification equipment and safe access. Dry well access shall be by straight stairs. The dry well shall contain a sump pump. The sump pump shall have automatic controls and be capable of pumping 50 gallons per minute. The sump pump shall have dual check valves. The dry well layout shall allow for removal of the wastewater pumps through a hatch at the ground level over each pump. The layout shall allow for personnel access to all sides of installed equipment. All floor and walkway surfaces should have an adequate slope to a point of drainage. Proper cathodic protection of all piping shall be incorporated.

Wet well design calculations shall account for high groundwater conditions during construction and during normal operating conditions. In addition, a soils report, including well logs and soil bearing calculations, shall be provided.

2. **Pumps.** At least two pumps shall be provided. A minimum of three pumps shall be provided for stations pumping more than one MGD average daily flow. All pumps shall have the same capacity. Pumping capacity will be such that the station can handle peak sewage flows, as determined per subsection W7 of this section, with one pump out of service.

Submittals shall consist of one copy of the pump station structural design, plans, geotechnical investigation and supporting calculations, all stamped by a registered civil and/or mechanical engineer and electrical engineer, and shall be submitted to the county for approval. Construction shall not start on the pump station prior to county approval of the submittal. Design calculations should include a hydraulic analysis and a scalable map of the tributary area. NDEP approval is required prior to the county approval.

Operation and maintenance information shall be provided for all equipment and material and shall consist of the names and addresses of the manufacturer, the nearest representative of the manufacturer, the nearest parts supplier, as well as lubrication information, control diagrams, startup

procedures, operating procedures, preventative maintenance, overhaul instructions, parts list, and a spare parts list.

For wet well or dry well installation, the pump shall be placed so that it will operate under a positive suction head during normal operation. A shutoff valve shall be located on the suction line of the pump. A check valve and shutoff valve shall be located on the discharge line of the pump.

Pumps shall be of the nonclog centrifugal type and shall have pump suction and discharge openings at least four inches in diameter, be designed to handle sewage, and shall not operate in excess of 1,750 revolutions per minute (rpm), unless otherwise approved by the engineering department. Pumps shall be capable of passing spheres of at least three inches in diameter, unless otherwise approved by the engineering department. Pumps shall be equipped with mechanical seals, inspection and cleanout ports on the suction piping immediately prior to the front head of the pump and on the discharge portion of the volute, and a bleed valve assembly to the highest portion of the volute or seal housing. One extra set of all mechanical seals shall be provided to the county upon completion of the project and prior to acceptance by the county. Pneumatic ejectors will not be permitted. Suction line velocities shall not exceed five fps and discharge piping velocities shall not exceed eight fps. Submersible pumps shall be Flygt brand equipped with N-type impellers or approved equal.

3. *Piping.* Piping shall be ductile iron with grooved or flanged joints. All fasteners used for joining pipes shall be stainless steel. Pump isolation valves shall be eccentric or full port plug valves. Swing check valves with external levers shall be provided on each pump discharge. The individual pump discharge shall connect into the main header horizontally to prevent grit buildup in the check valve.
4. *Overflow prevention.* Satisfactory means shall be provided to prevent overflows due to wet weather or power failures. As a minimum both of the following shall be incorporated:
 - a. *Standby generator.* A permanent standby generator with automatic transfer switch and sound attenuation shall be provided at all new lift stations.
 - b. *Electrical connector.* On the aboveground electrical panel there shall be installed an electrical connector with appropriate transfer switch to allow the county to connect a standby generator in the event of power failure. The connector shall be an Arktite catalog number AR637 (60 amp) or Arktite catalog number AR1037 (100 amp) as manufactured by Crouse-Hinds Company, or approved equal, to allow connection to the county's generator.

Pump station piping shall incorporate a bypass fitting for an external pump. Cam-loc fittings shall be provided on the bypass line as specified by the county engineer.

5. *Electrical.* A Nevada registered electrical engineer shall stamp drawings which involve electrical systems. Electrical systems and components (generator, motors, lights, cables, conduits, switch boxes, control circuits, etc.) in raw sewage wet wells, or in enclosed or partially enclosed spaces where hazardous concentrations of flammable gases or vapors may be present, shall comply with the National Electrical Code requirements for class 1, group D, division 1 locations. In addition, equipment located in the wet well shall be suitable for use under corrosive conditions.

Each flexible cable shall be provided with watertight seal and separate strain relief. A fused disconnect switch located aboveground shall be provided for all pumping stations. When such equipment is exposed to weather, it shall meet the requirements of weatherproof equipment. Where motors five hp and over are used, they shall be provided with 460 volt, 3-phase power.

6. *Controls and alarm.* Control systems shall be the air bubbler type or the encapsulated type or pressure transducer as approved by the county engineer. The controls shall be located away from the turbulence of incoming flow and pump suction. In all stations provisions shall be made to automatically alternate the pumps in use.

Alarm systems shall be provided for pumping stations. The alarm shall be activated to indicate high and low level wet well. The alarm shall be telemetered to a receiver located at a place determined by the engineering department and shall activate an alarm light at the site.

Control systems shall be configured to allow inspection, service, repair or replacement from the ground surface through the wet well hatch or lid, without confined space or wet well entry. In all stations, control panels shall be equipped with start counters and hour meters for all pumps.

The discharge and suction side of the pump shall have direct read pressure gauges located at the same height with the ability to transmit a four-to-20-amp signal to the telemetry system. Pressure gauges shall be installed in accordance with the manufacturer's recommendations.

7. *Force mains.* A minimum flow velocity of three feet per second shall be maintained in the force main during pump operation. An automatic air relief valve designed for operations in sanitary sewage systems shall be placed at high points in the force main to prevent air locking.

The plans shall call for a water pressure test at a pressure of 150 psi in accordance with the requirements for testing water lines. The plans shall also call for a magnetic locating tape printed with "sanitary sewer force main" to be installed in the trench one foot above the pipe. The force main shall be constructed of either ductile iron pipe in accordance with AWWA C150 and C151 or PVC pipe in conformance with AWWA C900. Trenching and installation of the force main shall be as required for water main.

Provisions for odor control at the air relief valve may be required in applications where the force main empties as part of normal operation sequence. Vacuum relief valves shall be provided as necessary to relieve negative pressures on force mains. The force main configuration and head conditions shall be evaluated to determine the need for and placement of vacuum relief valves.

If PVC pipe is used, it shall be purple in color. Force mains shall enter the gravity sewer at a point not more than two feet above the flow line of the receiving manhole.

8. *Flow metering.* The pump station shall have one magnetic flow meter with a 4-20 milliamp (ma) output (remote readout) installed on the force main in a watertight vault. The flow meter shall include a submergibility kit, and shall be capable of operating in continuously submerged conditions. The vault shall be equipped with a sump pump and flood alarms (remote readout).
9. *Flood protection.* Pumping station structures, access to all spaces, electrical panels, mechanical equipment, and motors shall be at an elevation of at least one foot above the 100-year base flood elevation, or protected from a 100-year flood.
10. *Startup and operation.*
 - a. Prior to approval or acceptance by the county, the developer or owner shall commission all systems including pumps, controls, and equipment to verify performance, function, and correct operation by performing procedures to activate, start up, adjust, test, and demonstrate the system in operating order in accordance with the approved plans and specifications. To ensure that the work is ready for full-time operation, the developer shall include procedures for the verification, balancing, calibration, witness testing, documentation, and inspection by equipment manufacturers. The developer shall also provide training of the county operators.
 - b. The developer shall include the following items in the startup activities, and other items that are necessary to operate and maintain the system:
 - (1) Perform initial lubrication of equipment and have manufacturers check and adjust equipment. Provide maintenance, lubrication and personnel as required for test operation until the county accepts the project.
 - (2) Perform testing of electrical work prior to energizing electrical systems.
 - (3) Calibrate all instruments.

- (4) Test operate all equipment.
- (5) The county shall be notified in writing 45 days before complete facility operation is to occur. The developer shall start up and operate the facility on a complete full-time basis beginning on the indicated date. The developer shall provide a mechanic, electrician, instrument engineer, representatives of manufacturers of equipment, and other personnel to adjust, repair, and correct deficiencies as required to keep the facilities in continuous operation for a period of 30 days. The developer shall also furnish all mechanical and electrical personnel as required to make adjustments to and perform all required maintenance for the operating equipment until the end of the 30-day initial operation period. Maintenance of equipment shall include lubrication, adjustments, replacements, and modifications as required.
- (6) Following completion of the 30-day initial operation period, the county will take over operation and maintenance duties. If continuous operation is interrupted for a period of four consecutive hours or more due to a failure of equipment or work, then the counting of the 30-day period shall be restarted at day one.
- (7) Submit documentation of test reports and calibration results to the county during the 30-day initial startup period.
- (8) Prior to the 30-day initial startup period, the developer shall submit to the county affidavits stating that the equipment has been properly installed, tested, and adjusted. The affidavit shall contain the following wording:

The (name of equipment) has been properly installed, tested, adjusted, lubricated, and calibrated, and is ready for full-time operation. The installation has been inspected and been found to be in accordance with our (the manufacturer's) standards and requirements.
- (9) The developer shall provide training to the county operators which shall include a demonstration of the operation, maintenance, and safety procedures for all facilities. Training of operators shall be performed separate from facility startup and commissioning.

11. *Operations and maintenance manual.*

- a. Four copies of an operations and maintenance manual shall be submitted to the county upon completion of construction and prior to acceptance of facilities or improvements, pump stations, and force mains. The operations and maintenance manual shall contain the following as a minimum:
 - (1) Listing of emergency telephone numbers for the county.
 - (2) Priority calling list.
 - (3) List of abbreviations.
 - (4) General narrative of the facility:
 - (A) Introduction.
 - (B) Objectives of the facility.
 - (C) Facility design criteria.
 - (5) Operating instructions:
 - (A) Facility description.
 - (B) Emergency operation (discussion of potential facility failures and procedures for responding to emergency operations).
 - (6) Operating records.

- (7) Monitoring and treatment processes.
- (8) Maintenance instructions:
 - (A) General instructions.
 - (B) Maintenance records.
 - (C) Maintenance of motors and drives.
 - (D) Maintenance of pumps.
 - (E) Maintenance of treatment/process equipment.
 - (F) Maintenance of valves.
 - (G) Maintenance of instrumentation and meters.
- (9) Facility safety:
 - (A) General.
 - (B) Confined spaces.
 - (C) Electrical safety.
 - (D) Explosion hazards.
 - (E) Process facilities.
 - (F) Pump rooms.
 - (G) Collecting samples.
 - (H) Equipment setup and performance tests.
 - (I) General safety considerations.
- (10) Appendices and required:
 - (A) Permits.
 - (B) Figures and drawings.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2010-G, 2010)

16.16.010.10. Waste control.

- A. *Statement of legislative intent.* It hereby is declared to be the policy of the county that no solid or liquid waste, including, but not limited to, contaminated water, sewage, sewage plant effluent, sewage plant sludge, septic tank sludge, septic tank pumpage, all putrescible and nonputrescible refuse in solid or semisolid form, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, solid or semisolid commercial, industrial, medical infectious waste and asbestos waste, or any waste which may affect health or safety or adversely impact the general welfare may be imported into and disposed of in the county by any person, corporation, or other public or private entity including any political subdivision of the state unless the benefits accruing to the county from such importation and disposal shall exceed any adverse effects resulting therefrom.
- 1. *Statement of purpose.* The purpose of this section is to provide protection to the environment of the county and to provide for the health, safety and general welfare of the residents of the county by providing a procedure for evaluation of proposals for the importation and disposal of waste in the county, approval by the county of those proposals which after such evaluation appear to be acceptable, and rejection of those proposals which appear to be unacceptable. Special use permit

applicants for projects of land application of domestic septage should also refer to section 16.16.010.12, "septage development standards", of this chapter.

- B. *Special use permit required.* Before any person or entity shall import and dispose of waste in the county, the importer and disposer shall obtain authorization from the county planning commission, by way of a special use permit for waste importation and disposal unless the location where the waste will be disposed is a site licensed, permitted and regulated by appropriate federal, state or other governmental entity such as, but not limited to, the city of Fallon landfill.
1. *Evaluation of impact of importation and disposal required.* Before any waste importation and disposal special use permit application shall be considered, the proposal shall be subjected to an evaluation of its prospective impact on health, safety and the general welfare of the county. The evaluation shall include, without limitation, the potential impact of the proposal on air quality, surface and ground water quality, scenic values, agricultural values, recreational values, historic values, economic values, impacts on county and community services, and general welfare values of every kind, together with health and safety values of every kind. The city of Fallon shall be notified if the proposal is within a mile of the city limits and its recommendations, if made, shall be considered.
 2. *County may retain experts for evaluation.* The county planning commission shall require the applicant hereunder to pay all costs of retaining a consultant, expert or experts to conduct field and laboratory tests and experiments, including, but not limited to, an environmental assessment, as may be requested to assist in the evaluation of the proposal.
- No application for a special use permit concerning waste importation and disposal shall be considered for approval by the county planning commission until the applicant has paid all of the above-mentioned costs and has presented to the commission all the requested research summaries and reports.
- C. *Application and monitoring fees.* The board of county commissioners from time to time, by resolution, shall establish application fees to be paid by any applicant for a waste importation and disposal special use permit. The board of county commissioners from time to time, by resolution, shall also establish monitoring fees for any facility importing and disposing of waste in the county, or the planning commission shall require the applicant to provide monitoring data at the applicant's expense. The application fees shall be sufficient to reimburse the county for all costs of processing the application.
1. *Waste control permittee not exempt from building permit.* Possession of a county special use permit for the purpose of waste importation and disposal does not exempt the permittee from compliance with all county building codes or from building permit fee requirements.
- D. *Bonding.* Any applicant for a special use permit for the purpose of waste importation and disposal may be required to post a bond or other form of security acceptable to the county planning commission in consultation with legal counsel in an amount equal to the sum of one and one-half times the estimated cost of terminating the operation and reclaiming the land. The amount of the bond or security shall be reasonably proportionate to the risk incurred by the county in granting the permit. No political subdivision of the state of Nevada, nor an agency of the United States shall be required to post such a bond or security.
- E. *Terms and conditions.* The county shall impose on any special use permit such terms and conditions as may appear reasonably necessary for the protection of health, safety and the general welfare.
- F. *Annual review of waste importation and disposal permit.* Each special use permit shall be subject to not less than an annual review. Upon ten days' written notice, a representative of the state or the county may request the applicant's/operator's special use permit to be the subject of review by the county planning commission.
- G. *Application procedure.* An applicant for a waste importation and disposal special use permit shall submit application to the county planning department on a form prescribed by the director, together with all prescribed fees. The application shall be submitted to the county planning department 45 working days prior

to the hearing thereon by the planning commission. The application shall be processed as a special use permit application in accordance with the application procedures set forth in this title.

- H. *Violation a misdemeanor.* Any violation of this section shall be a misdemeanor, punishable as provided by Nevada Revised Statutes for misdemeanors. Each day of a continuing offense shall constitute a separate offense. If the violator be a corporation or other entity other than a natural person, the chief executive officer of the corporation or other entity shall be liable under this subsection.
- I. *Civil penalties.* A holder of a waste importation and disposal permit who violates any of the terms of the permit is subject to civil penalties. The permit may be revoked following the hearing procedures set forth in this title or if revocation is not desirable or reasonable, the permittee may be required to pay a civil fine of not more than \$25,000.00 plus attorney fees and court costs. Each day of a continuing violation shall constitute a separate violation.
- J. *Appeals.*
 - 1. Any decision hereunder of the county planning commission may be appealed to the board of county commissioners, per subsection 16.08.050.4F of this title. Written notice of such appeal shall be given to the county clerk within ten calendar days of the decision by the planning commission.
 - 2. Any decision hereunder by the board of county commissioners may be appealed to the third judicial district court in and for the county.
 - 3. Any existing county ordinance or sections of this Code in conflict herewith are repealed thereby.
- K. *Severance clause.* If any section or clause of this section shall be found unlawful or void by a court of competent jurisdiction, the remainder hereof shall remain in full force and effect.
- L. *Effective date.* This section shall be in full force and effect upon passage and publication.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2007-I, 2007)

16.16.010.11. Dust and sand control.

Any landowner effecting a division of land as provided for by this title or who is otherwise subject to the provisions of this title, or any person engaging in any construction activity or other disturbance to real property, must comply with all of the provisions of title 8, chapter 8.15, "control of air pollution nuisances including fugitive dust", of this Code.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2005-N, 2005; Bill No. 2006-P, 2007)

16.16.010.12. Septage development standards.

- A. Land application of domestic septage:
 - 1. Septage may be applied to:
 - a. Agricultural fields.
 - b. Forestland.
 - c. Reclamation sites.
 - d. Other feasible sites as determined by state and federal regulation.
- B. Subject to all applicable federal and state regulations.
- C. Dumping site must be at least 600 feet from nearest residence.
- D. Land application of domestic septage will only be allowed if odor, insects, and other nuisances do not adversely affect the neighborhood.

- E. In reviewing special use permit applications for land application of domestic septage, the planning commission should take into consideration the following:
1. Proximity of dumping site to residences, domestic wells (minimum 250 feet), public wells (minimum 1,000 feet), watercourses (ponds, rivers, drains, irrigation canals), property lines, highways, and roads.
 2. Odor, pathogen, and vector control plans.
 3. Soil texture, soil permeability, and existence of an impermeable layer in the soil.
 4. Highest seasonal groundwater table.
 5. Availability of a holding facility during periods of frozen or saturated soil.
 6. Planned treatment of septage prior to soil application.
 7. Fencing and signage.
 8. Issuance of a special use permit is dependent upon acquisition of all required state and federal permits which may include specifications regarding the amount of septage to be applied in a specified length of time, the application method, the vector and pathogen control plan, incorporation of septage into the soil, fencing septage, and other conditions that are appropriate.

(Bill No. 2005-F § 2.2, 2005)

16.16.015. Design standards; illustrations.

LEGEND

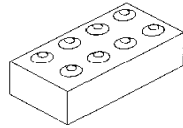
⑤ SIDEWALK, 4'-0" NORMAL

DETECTABLE WARNING PAVERS, SEE NOTE 9.

* ADDITIONAL DEPTH MAY BE REQUIRED UNDER DETECTABLE WARNING PAVERS FOR BEDDING PER MANUFACTURERS INSTALLATION GUIDELINES.

GENERAL NOTES:

1. GRATINGS OR SIMILAR ACCESSES SHALL NOT BE LOCATED IN AREA AT THE BASE OF THE CURB RAMP OR LANDING AREA.
2. NO LIP SHALL BE PERMITTED AT THE CURB RAMP SLOPE TO GUTTER PAN.
3. A.C. PAVING SHALL BE FLUSH WITH THE EDGE OF THE GUTTER PAN IN THE AREA OF THE CURB RAMP, AND FEATHERED AT 12:1 IN LINE WITH THE SIDEWALK.
4. ROUGH BROOM TEXTURE ON CURB RAMPS AND WINGS. TEXTURE SHALL PROVIDE A VISUAL CONTRAST TO THE SIDEWALK.
5. CURB RAMP WINGS DO NOT HAVE TO BE WITHIN CROSS-WALK HOWEVER, THE RAMP ITSELF HAS TO BE INSIDE CROSS-WALK.
6. ALL RAMPS SHALL BE 12:1 OR FLATTER.
7. ALL SLOPE RATES ARE RELATIVE TO LEVEL.
8. RAISE GUTTER FLOW LINE 2" MAX WHEN REQUIRED TO PREVENT PONDING AT THE RAMP AND MAINTAIN POSITIVE DRAINAGE.
9. DETECTABLE WARNING SHALL BE CONSTRUCTED WITH CONCRETE PAVERS AND BEDDING PER MANUFACTURERS INSTALLATION GUIDELINES AND CONFORM TO ADAAG (4.29.2) "CONTRAST". DETECTABLE WARNING PAVERS AND REQUIRED BEDDING WILL BE PAID FOR AS THE APPROPRIATE SIDEWALK AND CURB RAMP BID ITEM.



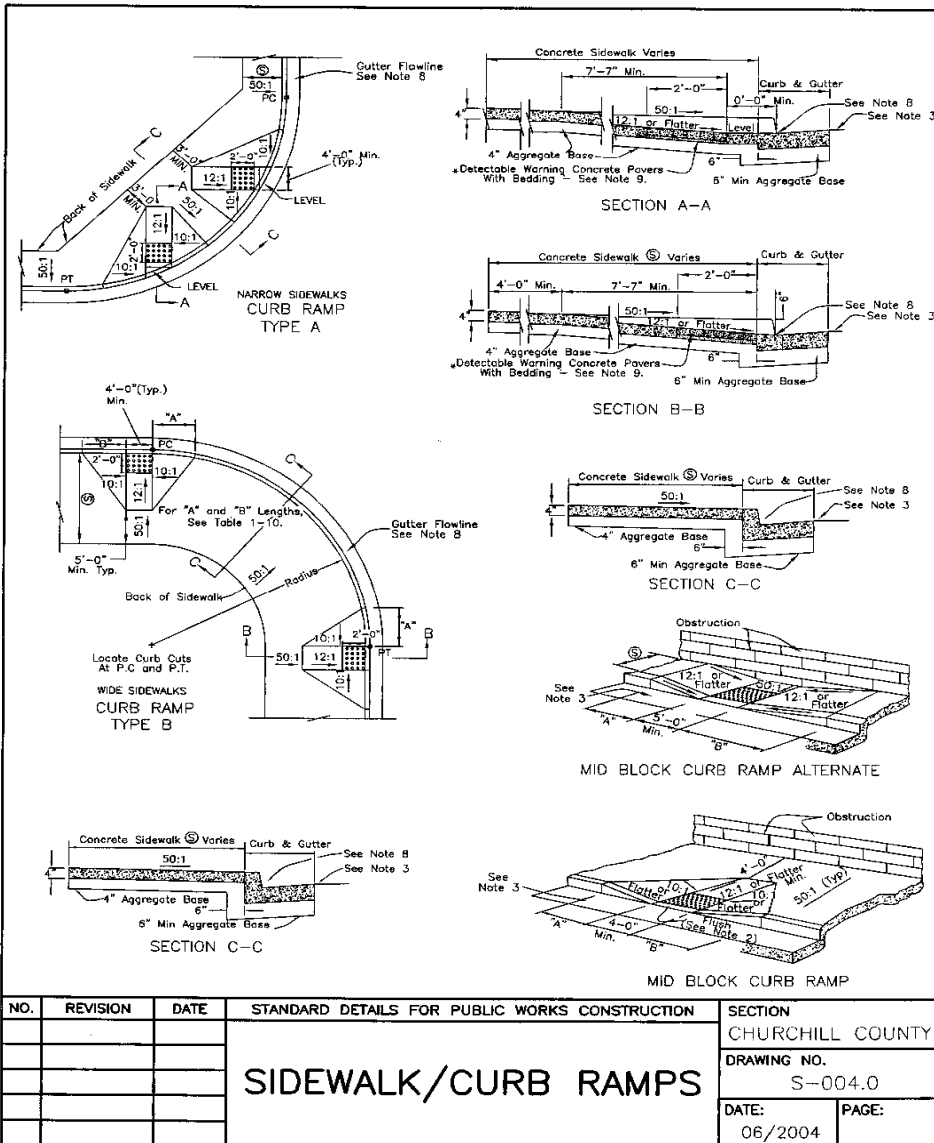
DETECTABLE WARNING PAVER
(Nominal 8" x 4")

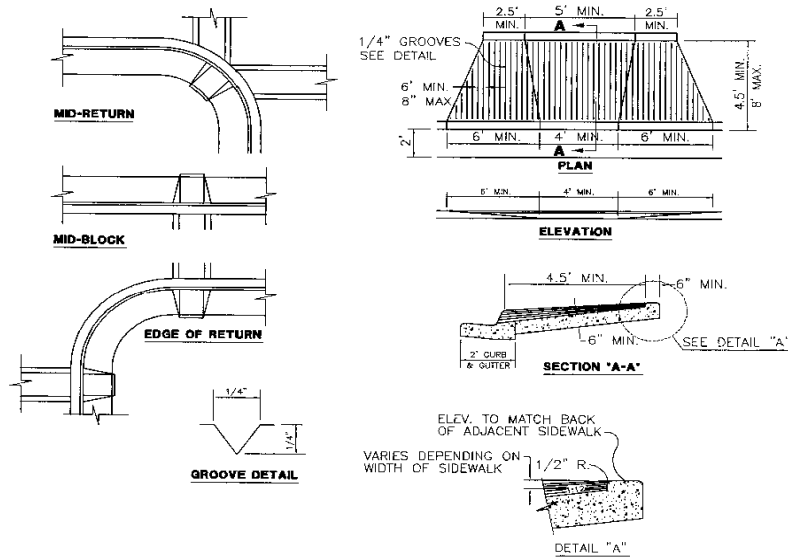
GRADE % "B" TO "A"	"A" MIN.	"B" MIN.
-6 TO -5.01	4'-0"	12'-6"
-5 TO -4.01	4'-0"	10'-0"
-4 TO -3.01	4'-0"	8'-0"
-3 TO -2.01	4'-0"	6'-0"
-2 TO -1.01	4'-0"	4'-0"
-1 TO 1	5'-6"	4'-0"
1.01 TO 2	6'-6"	4'-0"
2.01 TO 3	7'-6"	4'-0"
3.01 TO 4	8'-6"	4'-0"
4.01 TO 5	10'-0"	4'-0"
5.01 TO 6	12'-6"	4'-0"

TABLE 1-10

NO.	REVISION	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION
				CHURCHILL COUNTY
				DRAWING NO.
				S-005.0
				DATE:
				06/2004
				PAGE:

SIDEWALK/CURB RAMPS GENERAL NOTES



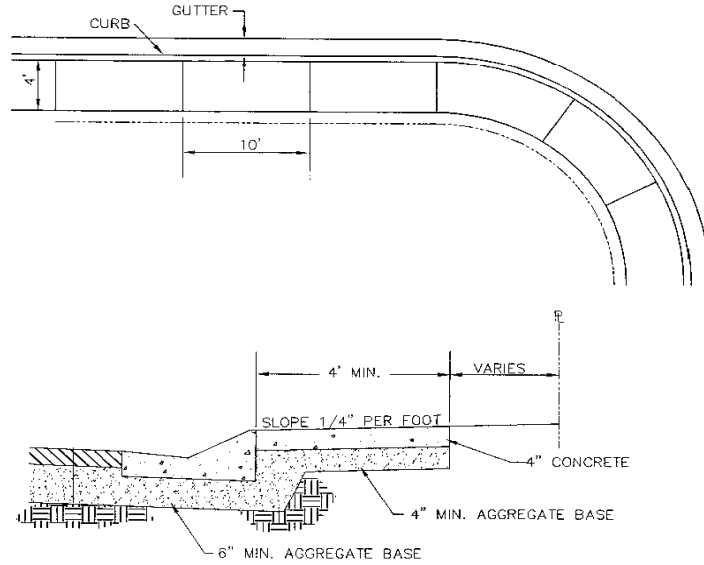


NOTES:

1. IF OBSTRUCTIONS SUCH AS INLETS, UTILITY POLES, FIRE HYDRANTS, ETC. ARE ENCOUNTERED, THE LOCATION AND DIMENSIONS MAY BE ADJUSTED UPON APPROVAL OF THE ENGINEER.
2. TEXTURE TO BE HEAVY BROOM FINISH TRANSVERSE TO AXIS OF RAMP.
3. THE MID-BLOCK RAMP SHOWN IN DETAIL SHALL BE CENTERED IN THE CROSSWALK, AND HAVE A MINIMUM CURB OPENING OF 5 FEET.
4. SLOPE TO MEET EXISTING CONDITIONS.
5. ALL RAMPS SHALL BE LOCATED WITHIN CROSSWALKS AREA.
6. ALL CONCRETE TO BE REMOVED TO SAW CUT OR EXPANSION JOINTS.
7. THE GUTTER PAN - SIDEWALK TRANSITION (SECTION A-A) WILL BE SMOOTH WITH NO LIP AT GUTTER FLOWLINE. THIS TRANSITION SECTION MAY BE A MONOLITHIC POUR.
8. SLOPE ON WINGS AT 1:12, SLOPE ON RAMP FROM FLOW LINE TO BACK OF WALK 1:12 WITH CURB ON BACKSIDE, IF NEEDED.
9. CURB DETAIL "A" USED ONLY WHERE AN ELEVATION DIFFERENCE IS PRESENT BETWEEN REAR EDGE OF WALK AND ADJACENT BACK EDGE OF WALK.

NO.	REVISION	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION
				CHURCHILL COUNTY
				DRAWING NO.
				S-003.0
				DATE:
				06/2004
				PAGE:

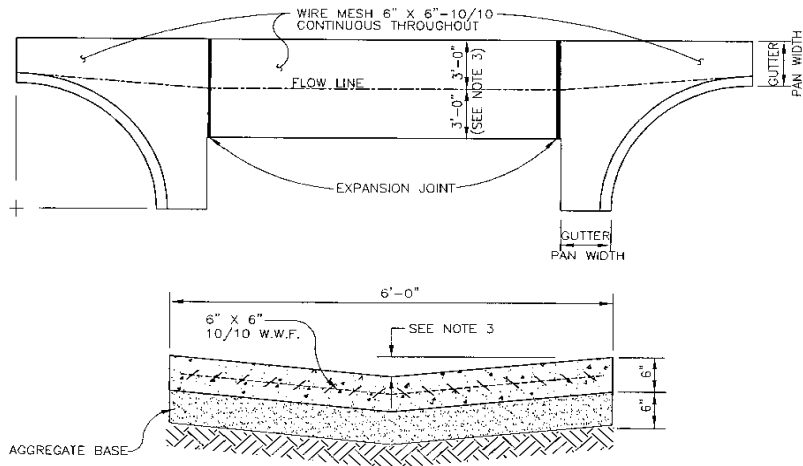
PEDESTRIAN RAMP FOR THE DISABLED



NOTE:

1. MIN. CURB RETURN RADIUS SHALL BE 20 FEET UNLESS OTHERWISE SPECIFIED.
2. (A) ALL CONCRETE CURB/GUTTER/VALLEY GUTTER SHALL HAVE WEAKENED PLANE JOINTS EVERY 10'.
 (B) EXPANSION JOINTS 1/2" WIDE SHALL BE LOCATED IN CURBS AND GUTTERS @ EA. SIDE OF STRUCTURES.
 @ ENDS OF ALL CURB RETURNS, & ABUTTING HARDENED IN-PLACE CURB & GUTTER, EXCEPT THAT EXPANSION JOINTS SHALL NOT BE INSTALLED WITHIN 20' OF AN ISLAND NOSE. EXPANSION JOINTS SHALL BE 1/2" THICK, SHAPED TO THE CROSS-SECTION OF THE CURB AND GUTTER, & SHALL BE CONSTRUCTED @ RIGHT ANGLES TO THE CURB & GUTTER. JOINT FILLER MATERIAL SHALL CONFORM TO SECTION 202.10.
3. ALL AGGREGATE BASE SHALL BE TYPE 2, CLASS B.

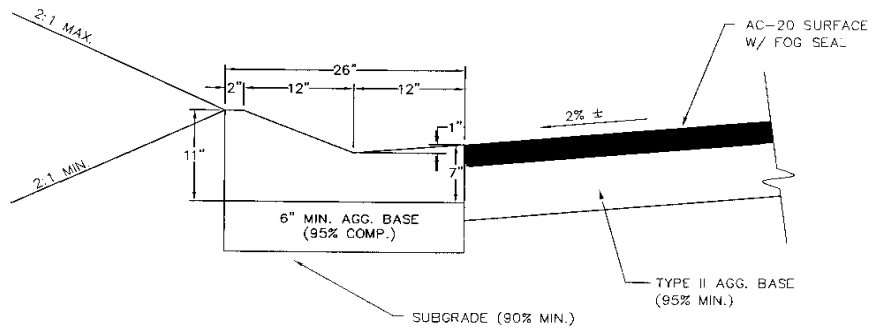
NO.	REVISION	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION
			TYPICAL SIDEWALK	CHURCHILL COUNTY
				DRAWING NO.
				S-015.0
				DATE: 06/2004
				PAGE:



NOTES:

1. AGGREGATE BASE SHALL BE TYPE 2, CLASS B AND BE COMPACTED TO A MIN. 95% OF MAX. DENSITY.
2. PORTLAND CEMENT CONCRETE SHALL BE 4,000 PSI MIN. @ 28 DAYS, 6% ±1.5% ENTRAINED AIR.
3. FLOW LINE VARIES TO MATCH GUTTER - 1 1/2" .

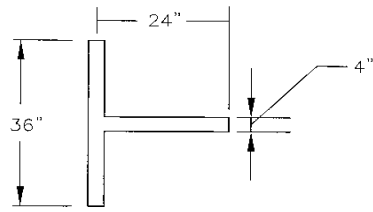
NO.	REVISION	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION
			P.C.C. VALLEY GUTTER	CHURCHILL COUNTY
				DRAWING NO.
				S-014.0
				DATE: 06/2004
				PAGE:



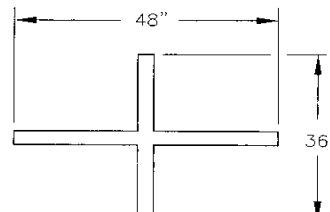
NOTES:

1. ALL P.C.C. CURB, GUTTER, AND SIDEWALK SHALL BE 4,000 PSI MIN. AT 28 DAYS.
2. ALL CONCRETE CURB, GUTTER, AND SIDEWALK SHALL HAVE 1/2" EXPANSION JOINTS EVERY 30' (UNLESS APPROVED OTHERWISE BY THE ENGINEER) AND AT ALL CURB RETURNS AND SHALL HAVE WEAKENED PLANE JOINTS EVERY 10 FEET.
3. AGGREGATE BASE MATERIAL SHALL CONFORM TO THE SPECIFICATIONS FOR TYPE 2 CLASS B AGGREGATE BASE AND BE COMP. TO A MIN. 95% MAX. DRY DENSITY.

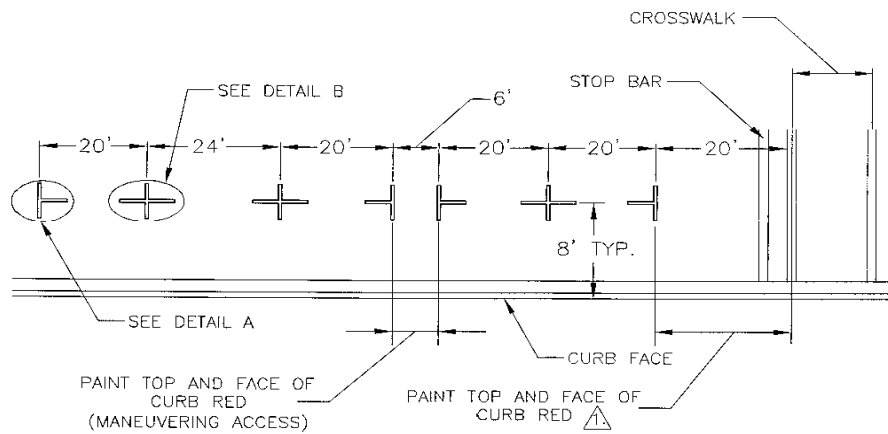
NO.	REVISION	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION
			TYPE 2 P.C.C. CURB AND GUTTER	CHURCHILL COUNTY
				DRAWING NO.
				S-006.0
				DATE: 06/2004
				PAGE:



DETAIL A



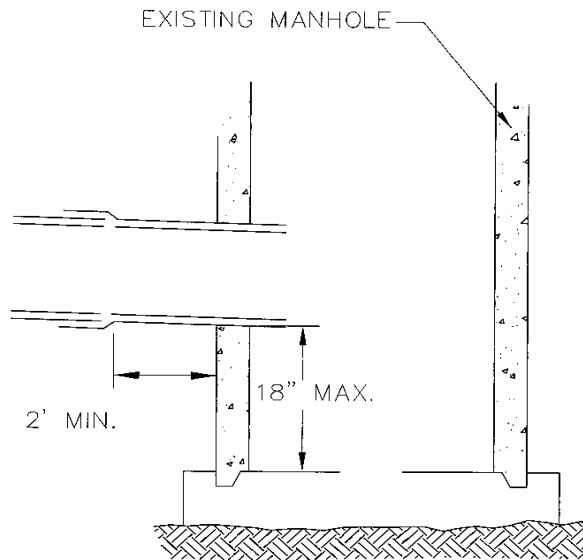
DETAIL B



NOTES:

1. NO PARKING WITHIN 20 FEET OF A CROSSWALK OR 15 FEET ON EITHER SIDE OF A FIRE HYDRANT
2. PARKING SPACE MARKINGS SHALL BE WHITE TRAFFIC PAINT. MATERIAL AND APPLICATION SHALL BE IN ACCORDANCE WITH STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST EDITION.
3. PARKING SPACE MARKINGS SHALL BE SYMMETRICAL ABOUT AXES.

NO.	REVISION	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION
			PARKING SPACE MARKINGS	CHURCHILL COUNTY
				DRAWING NO. S-013.0
				DATE: 06/2004
				PAGE:



NOTES:

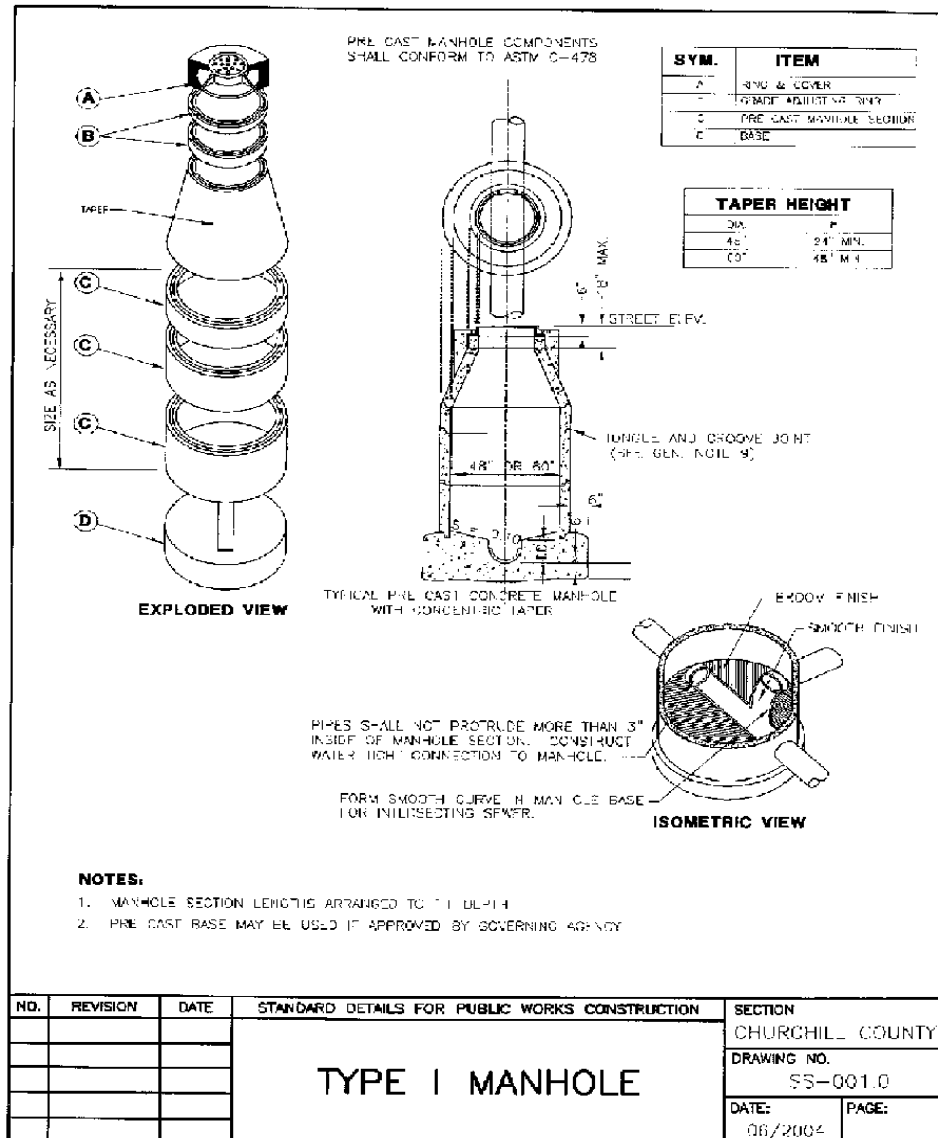
1. PROVIDE JOINT WITHIN 2' OF MANHOLE WALL AT EACH PIPE.
2. CORE HOLE IN SIDE OF MANHOLE 1" LARGER THAN OUTSIDE DIAMETER OF SEWER PIPE. SEAL ANULAR SPACE AROUND PENETRATION WITH NON-SHRINK GROUT OR APPROVED METHOD.

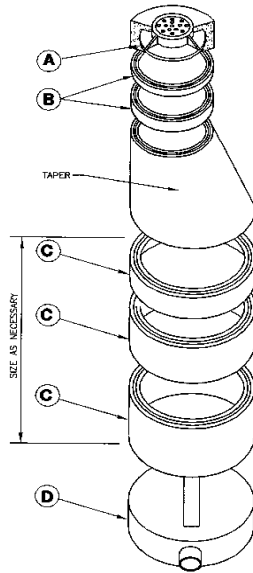
NO.	REVISION	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION
			SSMH TIE-IN	CHURCHILL COUNTY
				DRAWING NO.
				SS-005.0
				DATE: 06/2004
				PAGE:

MANHOLE GENERAL NOTES

1. Manhole materials and construction shall conform to the requirements of Section 204 "Manholes and Catch Basins" of the "Standard Specifications".
2. Concrete shall be Class AA or DA.
3. Reinforcing steel shall be as shown, wired tightly at all intersections and embedded at least one inch clear unless otherwise noted.
4. All manholes shall include Pinkerton #A-107 frame and cover assembly, or equal, with identification of storm drain or sewer clearly displayed on the cover.
5. Excavation and back fill shall be as specified for "Trench Excavation and Back fill" in section 305.00 of the "Standard Specifications".
6. Excavation shall be as nearly vertical as possible, (sheet and shore if soil conditions require), in existing street sections, alley sections and confined areas such as limited easements or adjacent to structures. Natural angle of repose will be allowed in all other areas.
7. Pre cast manhole sections, other than grade rings, shall be joined with flexible plastic gasket material such as "Ram-Nek" or equal as per manufacturer's recommendations.
8. Manhole design for pipe larger than 60" shall be submitted to the governing agency for approval.
9. Manhole design for depths exceeding 18 feet shall be submitted to the governing agency for approval.
10. Type and size of manhole to be constructed in a particular location shall be determined by the pipe size, alignment and grade as follows:
 - TYPE I
 - 48" size
 - a. All cases for pipe 18" and smaller.
 - b. 24" and smaller pipe on tangent line and grade.
 - 60" size
 - a. 27" through 36" pipe on tangent line and grade.
 - b. 21" through 27" pipe at angle points and changes in grade or pipe size.
 - TYPE I-A
 - Used in place of Type I as authorized by the governing agency.
 - TYPE I-B
 - Used in place of Type I only as authorized by the agency when cover above conduit is limited.
 - TYPE II
 - 48" size
 - a. 30" through 60" pipe on tangent line with a change in grade or pipe size.
 - TYPE III
 - Used in place of Type I when 2' or more drop is desired in sewer main.
 - TYPE IV
 - Tangent
 - 60" size
 - a. 39" through 60" pipe on tangent line and grade with no change in pipe size.
 - Angle Point
 - 60" size
 - a. 30" through 60" pipe at angle point in line.
11. Manhole minimum wall thickness shall be 5" when steps are required.

NO.	REVISION	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION
			MANHOLE GENERAL NOTES	CHURCHILL COUNTY
				DRAWING NO.
				SS--004.0
				DATE: 06/2004
				PAGE:



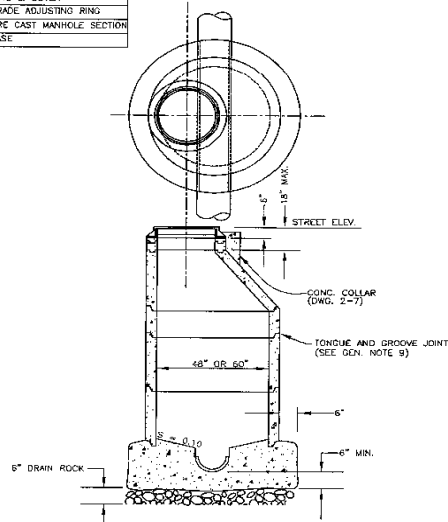


EXPLODED VIEW

TYPICAL PRE CAST CONCRETE MANHOLE
WITH ECCENTRIC TAPER

SYM.	ITEM
A	RING & COVER
B	GRADE ADJUSTING RING
C	PRE CAST MANHOLE SECTION
D	BASE

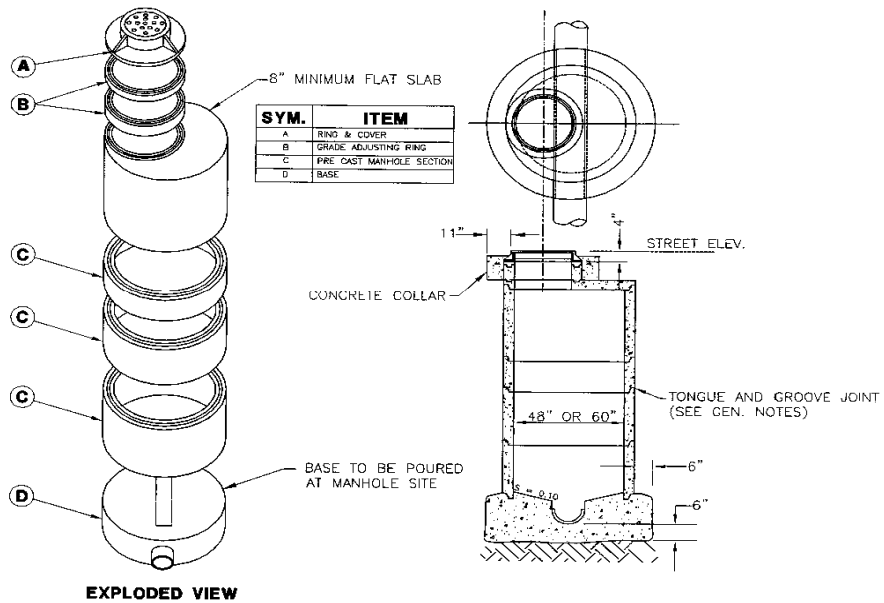
PRE CAST MANHOLE COMPONENTS
SHALL CONFORM TO ASTM C-478



NOTES:

1. MANHOLE SECTION LENGTHS ARRANGED TO FIT DEPTH.
2. PRE CAST BASE MAY BE USED IF APPROVED BY GOVERNING AGENCY.

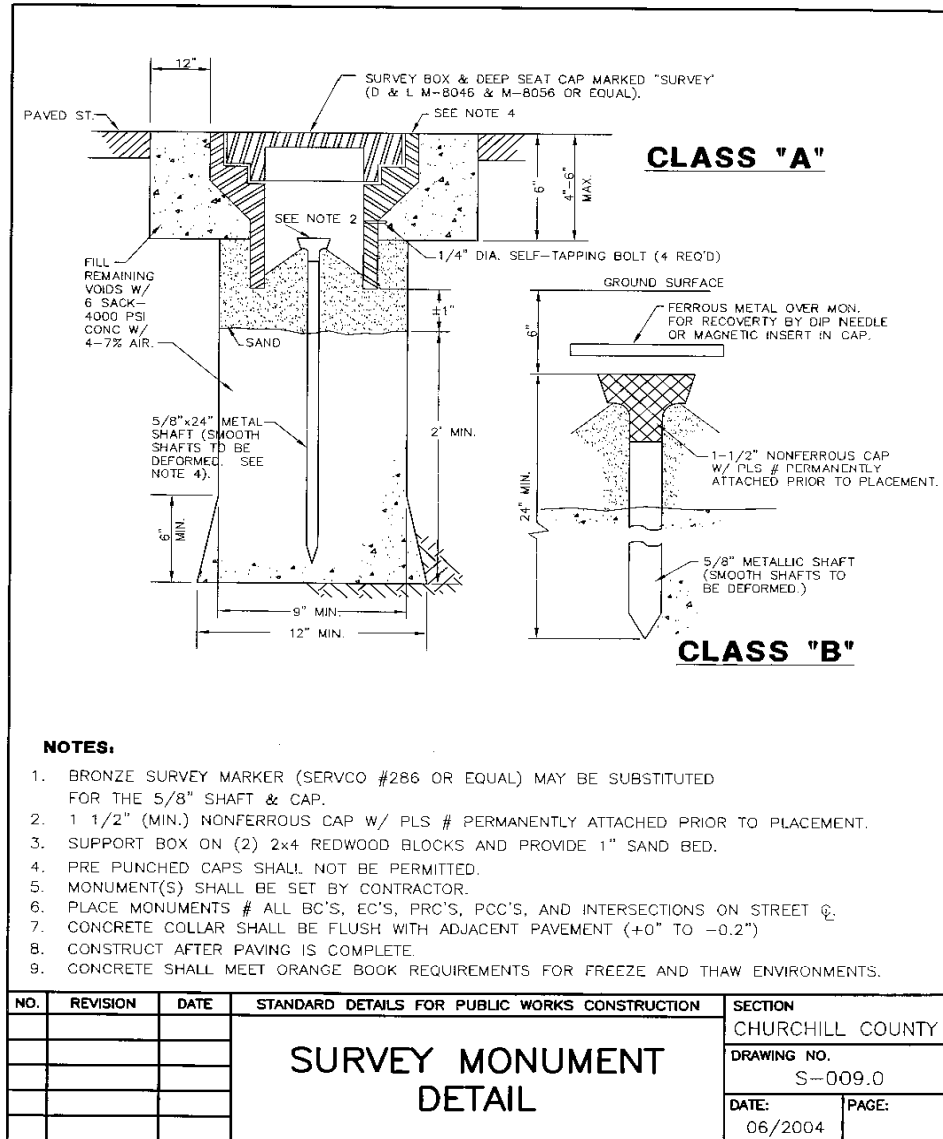
NO.	REVISION	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION
			TYPE I-A MANHOLE	CHURCHILL COUNTY
				DRAWING NO.
				SS-002.0
				DATE: 06/2004
				PAGE:



NOTES:

1. MANHOLE SECTION LENGTHS ARRANGED TO FIT DEPTH.
2. PRE CAST BASE MAY BE USED IF APPROVED BY GOVERNING AGENCY.

NO.	REVISION	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION
			TYPE I-B MANHOLE	CHURCHILL COUNTY
				DRAWING NO.
				SS-003.0
				DATE: 06/2004
				PAGE:



All other illustrations may be reviewed at the Churchill County road department.
(Bill No. 2012-F, 2012)

16.16.020. Site development standards.

16.16.020.1. Intensity and dimension standards.

SITE DEVELOPMENT STANDARDS

Zoning District	Area And Density		Site Dimension Standards				Minimum Setbacks (Ft.)		
	Minimum Parcel Area*	Maximum Residential Density ¹	Minimum Lot Width (Ft.)	Minimum Average Lot	Minimum Distance Between	Maximum Height (Ft.)	Front ^{7,8,10}	Side ^{**8}	Rear ^{**8}

				Width (Ft.)	Dwellings (Ft.)				
A-5 ^{6, 4}	5 acres	1 per 5 acres	150	200	60	35	30	25	40
A-10 ^{6, 4}	10 acres	1 per 10 acres	200	300	60	35	30 ⁵	30 ⁵	40 ⁵
E-1 ^{***}	1 acre ⁹	2 per acre ⁹	60/30 ³	100/80 ²	20	35	30	10	20
R-1 ^{***}	7,000 sq. ft.	5 per acre	60/30 ³	100/80 ²	10	35	20	6	20
	Corner lots 7,500 sq. ft.	5 per acre	75	n/a	10	35	20	6	20
R-2 ^{***}	5,000 sq. ft.	10 per acre	50/30 ³	60/80 ²	10	35	20	5	20
R-3 ^{***}	8,000 sq. ft.	16 per acre	50	60	20	35	20	20	20
RR-20	20 acres	1 per 20 acres	500	600	60	35	30	30	40
C-1 ^{***}	1 acre ¹⁴	n/a - except for PUDs	80/30 ³	100	n/a	35	30 ¹²	n/a	10/20 ¹¹
C-2 ^{***}	1 acre ¹⁴	n/a - except for PUDs	80/30 ³	100	n/a	45	30 ¹²	n/a	20
I ^{***}	1 acre ¹⁴	n/a - except for PUDs	80	100	n/a	65	40	20 ¹³	30

Notes:

* For nonPUD land divisions, the area of road easement or right-of-way may contribute to meeting the minimum parcel area requirement for parcels of one acre or more, and shall be excluded for parcels of less than one acre.

** A detached accessory building may occupy not more than $\frac{1}{2}$ of the total area of a rear yard. No such accessory building shall be nearer than five feet to the rear and side of the property line nor closer to main buildings on the same or adjacent lots.

*** Lot size, density, and dimensional standards for planned unit developments will be established during approval of the project; and where not established shall be determined by the building official and Director at the time of issuance of a building permit.

¹ To determine whether various residential structures are allowed in a zone, refer to the use table in CCC 16.08.250. The maximum residential density for single family dwellings on existing parcels is one per parcel except as allowed elsewhere in this title, such as for accessory dwellings and second permanent dwellings. The maximum residential density for multifamily dwellings and the creation of new parcels for single family residential development is as stated in the table.

² Minimum average width for those lands with frontages abutting a cul-de-sac.

³ Minimum frontage width for those lands with frontages abutting a cul-de-sac.

⁴ Except when the lots are created as part of a cluster development, then the minimum parcel area and maximum residential density shall be in conformance with CCC 16.12.040.4 as an allowed exception to the master plan policies for public services and facilities and section 13.02.010.

⁵ Setbacks for lots within the Hazen or Stillwater town sites shall conform where possible to the following:

Front minimum setback = 30 feet

Side minimum setback = 10 feet

Rear minimum setback = 20 feet

⁶ Lots created as part of a cluster development shall use the site dimension standards and minimum setbacks standards established for the E-1 zoning district.

⁷ Setback is from any road easement; where corner lots shall have 2 front yards.

⁸ Setbacks for detached accessory dwelling unit shall be the same as those for a primary dwelling unit.

⁹ Minimum lot size is one-half acre if water or sewer facilities are provided; one acre if facilities are not provided.

¹⁰ An additional setback of 30 feet more than the listed distance is required along all state and county-maintained roads with speed limits greater than 25 miles per hour, unless the lot is less than 1.5 acres in size.

¹¹ This setback applies when the property abuts a residentially zoned or residentially used parcel.

¹² Ten feet of this setback that is adjacent to the street will be dedicated to landscaping.

¹³ Twenty feet or a width equal to the height of the structure, whichever is greater.

¹⁴ If community sewer and water services are extended to the property, the minimum parcel area is 5,000 square feet.

(Bill No. 2019-A, 2019; Bill No. 2022-A , 4-20-2022)

16.16.020.2. Friction zone typical development standards.

The provisions of this section shall apply to any planned unit development, subdivision or parcel map and any newly constructed or change of commercial or industrial use in commercial or industrial zoning.

Illustrations depicting some of the following descriptions are found at the end of this section.

- A. Single-family adjacent to commercial shall include a 100-foot-wide setback that extends from the rear of the dwelling unit to the commercial building. Within the area between the building and the property line, an eight-foot-wide landscape strip shall be constructed. Buffers along all common property lines to minimize visual and noise pollution may be required up to and including an eight-foot-high sound wall at the discretion of the planning department. When designing residential uses adjacent to commercial uses, avoid single-family residential facing strip commercial, rather promote landscape buffers and rear of lots adjacent to commercial zoning.
- B. Single-family adjacent to a major arterial shall be limited to one story and shall be 50 feet from the property line. Buffers along all common property lines to minimize visual and noise pollution may be required up to and including an eight-foot-high sound wall at the discretion of the planning department. A 20-foot landscape area with walkway and 30-foot setback is required.
- C. Single-family, multi-family or commercial adjacent to an existing agricultural operation such as a dairy, hog farm, feedlot, goat farm/dairy, alfalfa/grain farm or other operation shall include a plan to buffer the odors, sights, and noises of the existing agricultural operation from the proposed residences and/or businesses.
- D. Commercial adjacent to industrial shall include a 75-foot-wide setback that extends from the rear of the industrial building to the front of the commercial building. An eight-foot landscape strip shall be dedicated for landscaping along the commercial side of the property line. The industrial building should be located 50 feet from the property line and the commercial buildings should be located 25 feet from

the property line. Within the 50 feet between the industrial building and the property line, an eight-foot strip should be dedicated for landscaping. Additionally, buffers along all common property lines to minimize visual and noise pollution may be required up to and including an eight-foot-high sound wall at the discretion of the planning department.

- E. Single-family adjacent to multi-family shall include a 100-foot setback between uses. Within that setback, there shall be a 50-foot minimum setback between the rear of the dwelling unit and the property line. Adjacent to the property line shall be a ten-foot landscape strip, included in the 50-foot setback to the multi-family building. The parking area can include carports and be included in the 50-foot setback. Additionally, buffers along all common property lines to minimize visual and noise pollution may be required up to and including an eight-foot-high sound wall at the discretion of the planning department.
- F. Single-family adjacent to industrial shall include a 200-foot-wide setback that extends from the rear of the dwelling unit to the industrial building. Within the area between the building and the property line, an eight-foot-wide landscape strip with buffers along all common property lines to minimize visual and noise pollution that may be required up to and including an eight-foot-high sound wall at the discretion of the Planning Department shall be constructed. There will be a 100-foot minimum distance from the building to the property line.
- G. The following land uses shall include no less than a one-half mile setback from the edge of right-of-way of U.S. 95 north, U.S. 95 south, U.S. 50 east (Austin Highway), U.S. 50 west (Carson Highway), U.S. 50 alternate (Reno Highway) and U.S. Interstate 80:

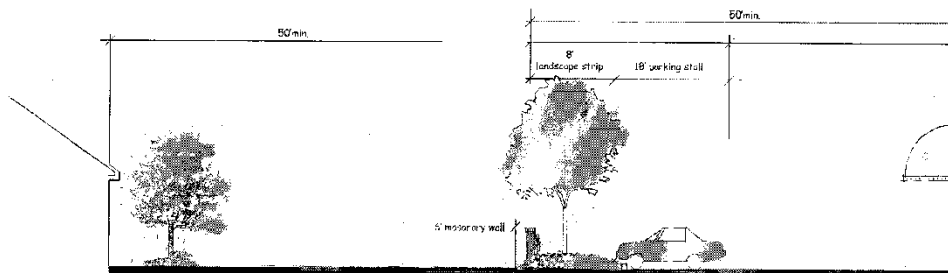
Brothel, house of prostitution.

Explosion and combustion testing.

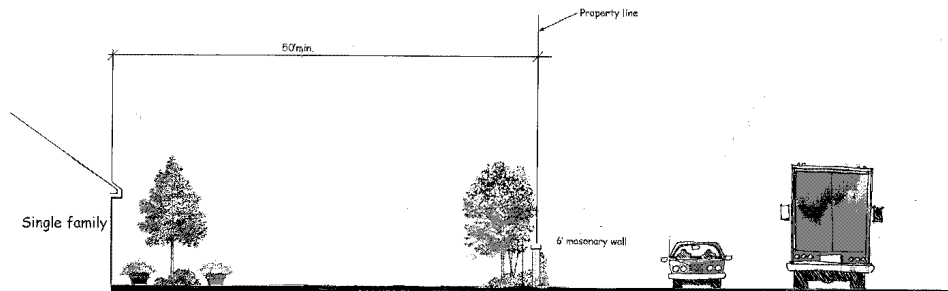
Junkyards, salvage yards, wrecking yards.

Solid waste landfill.

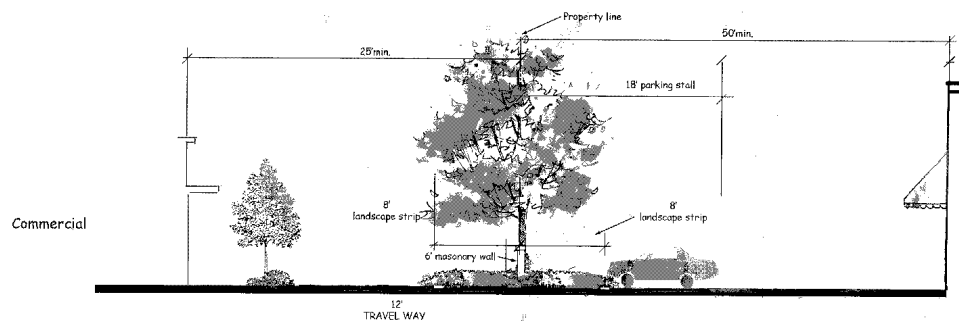
Said setback shall be measured from the edge of the right-of-way to the outer edge of an improvement for the business such as a perimeter fence, perimeter wall, perimeter landscaping, perimeter parking (excluding the entrance driveway). Where the edge of right-of-way is undetermined or highly variable, the planning director shall identify an average line of measurement as a substitute.



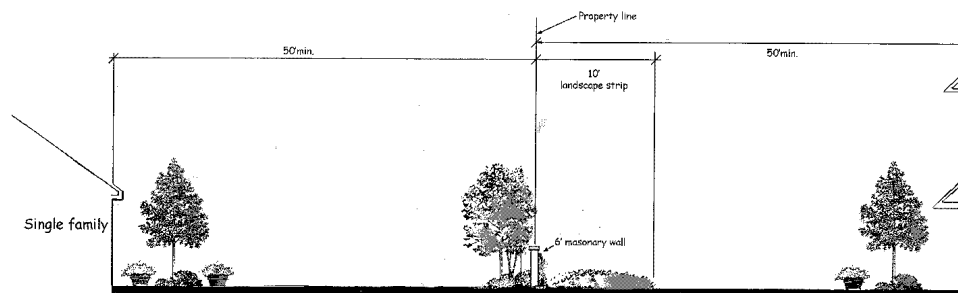
Single family adjacent to Commercial



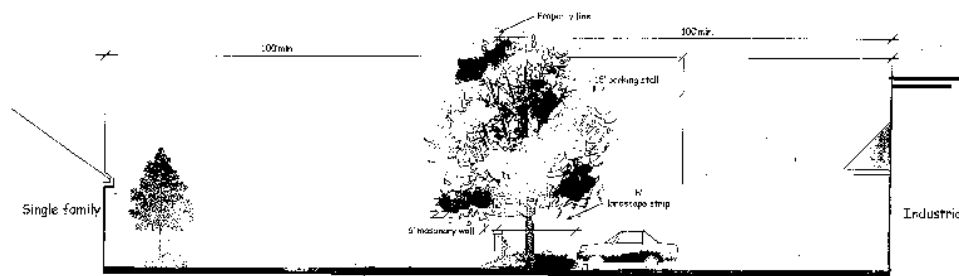
Single family adjacent to Major Arterial



Commercial adjacent to Industrial



Single family adjacent to Multi-family



Single family adjacent to Industrial

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010; Bill No. 2012-F, 2012; Bill No. 2015-D, 2015; Bill No. 2018-E, 2019. Bill No. 2019-A, 2019)

16.16.020.3. Outside storage and outside display of goods and merchandise.

16.16.020.3.1. Outside storage.

"Outside storage" means the use of a portion of a lot or area for the long-term retention (more than 24 hours) of materials, tools, equipment and machinery, regardless of whether the materials, machinery, or equipment are to be bought, sold, repaired, stored, or discarded. This includes, without limitation, pipes, tools, equipment, etc., used to conduct the business and not for retail sale; it does not include, without limitation, trucks, trailers, and large vehicular equipment used for a business, such as drilling rigs and other heavy construction equipment. This term does not include new or used motor vehicles, trailer and other retail display outside the primary business structure that are accessible by the public. Outside storage areas are generally accessible by employees only.

The provisions of this section shall apply to new construction for commercial uses and a change in use of an existing commercial structure, unless otherwise specified herein.

- A. In the C-1, C-2, and I districts, outside storage areas, excluding storage sheds or shipping containers, shall be enclosed by a sight obscuring fence or wall, permanently installed and maintained at a minimum height of six feet; no materials shall be stored therein to a height exceeding that of the wall or fence.
- B. Storage areas shall not be located within any required yard setback or parking areas nor shall they be located in any way which interferes with normal traffic flow onto, within or from the lot, or which impedes sight distance at intersections, or which otherwise impedes driver visibility.
- C. Shipping containers or other similar enclosures used for storage are allowed in all land use districts unless prohibited by legal restriction. There may be only one shipping container per acre on a parcel, and not more than two containers per parcel in the E-1, R-1, R-2, A-5, A-10 and RR-20 districts; bona fide commercial farming or ranching operations are excluded from this limitation. Shipping containers may not be stacked and must be maintained in good condition.

(Bill No. 2018-E, 2019)

16.16.020.3.2. Outside display of goods and merchandise.

"Outside display of goods and merchandise" means the setting up and display of household goods and merchandise outside of a primary structure for the purposes of selling the goods. This includes, but is not limited to, yard/garage sales from homes or ministorage facilities storing personal household goods; temporary outdoor sales and activities (as defined) or promotional events outside the primary structure of a commercial operation such as clearance sales, street vendors, sale of pumpkins and Christmas trees, pet adoptions, etc.; permanent display of merchandise associated with businesses such as nurseries and landscaping, automobile rental and sales, and equipment rental and sales.

- A. *Purpose.* The purpose of this section is to maintain the noncommercial character of residential neighborhoods and to promote orderly development in commercial and industrial zoning districts to attract new business development and enhance our quality of life.
- B. *Application.* The provisions of this section are applicable to existing and new uses in all land use districts with the following limitations:
 - 1. Outside display at residential locations and ministorage facilities:
 - a. Limited to the sale of personal household belongings.
 - b. Limited to four per year (e.g., three consecutive days is calculated as one sale, two weekends in one month is considered two sales).
 - 2. Outside display at commercial locations:
 - a. Any outside display, whether permanent or temporary, shall not be located in easements or street rights-of-way, on sidewalks, in setbacks, in parking areas, nor shall it be located in any way which interferes with normal traffic flow onto, within or from the lot, nor which impedes sight distance at intersections, or which otherwise impedes driver visibility.
 - b. Street vendors must provide for parking out of road easements and rights-of-way, allow for regular traffic flow and prevent congestion in the area. Traffic control signs must be placed to identify parking spaces and traffic flow. Where there are no legally marked parking spaces, the vendor must provide an area for parking that is out of easements and rights-of-way or backs of the curb/sidewalk in the interest of public safety.
 - c. Display of household merchandise and goods, such as clothing, appliances, furniture, books, electronic equipment, toys, and the like, but does not include automobiles, trailers,

equipment, and other items normally used or stored outside, is limited to the hours of operation and cannot be left outside overnight.

(Bill No. 2012-F, 2012; Bill No. 2018-E, 2019)

16.16.020.4. Landscape requirements.

- A. *Purpose.* The purpose of this section is to establish standards for the placement, amount and type of landscape materials and other buffers installed in order to:
1. Enhance the aesthetics of the community;
 2. Encourage the use of xeriscape and hardscape, where appropriate, in order to conserve water resources;
 3. Provide environmental enhancements such as, but not limited to, the reduction of noise, dust and erosion;
 4. Reduce visual pollution which might otherwise occur within an urbanized area; and
 5. Establish a greater sense of privacy from visual and physical intrusion.
- B. *Requirements.*
1. *Determination of permit issuance.* No building permit shall be issued to erect, construct, or expand any commercial, industrial or multi-family structure, as well as manufactured/mobile home parks and recreational vehicle parks, unless the planning department first determines that landscaping, as required by this section, should be installed. Landscape plans shall be incorporated into the building permit process and fee schedule. Landscaping plans for common areas and entrances to subdivisions and planned unit developments may be incorporated into the tentative and final plans and will be reviewed as part of the complete package. Single family dwellings are exempt.
 2. *Preliminary plan.* A preliminary landscape plan shall be filed with the planning department for the following:
 - a. Any new commercial, industrial or multi-family structure, as well as manufactured/mobile home parks and recreational vehicle parks;
 - b. Any expansion of an existing commercial, industrial or multi-family structure, as well as manufactured/mobile home parks and recreational vehicle parks, unless exempted under subsection B11, "existing buildings", of this section.
 3. *Buffers.* Any uses abutting a residentially zoned or used lot shall provide adequate buffering along all common property lines to minimize visual and noise pollution; as an example, buffers may include eight-foot-high sound walls and landscape buffering at the discretion of the planning department.
 4. *Final plan.* A final landscape plan shall be approved by the planning department before a building permit is issued. The final landscape plan shall include the following:
 - a. Scale, north arrow, location of adjacent streets, property lines, easements, sidewalks, drives, paved areas, buildings, existing trees (including street trees) and any other natural or manmade site features influencing the use of the site; and
 - b. Low impact development (LID) designs are encouraged to minimize nonpoint source pollution to reduce runoff.
 5. *Minimum coverage.* The minimum portion of a site to be permanently landscaped, including required trees in subsection B6, "tree requirements", of this section, shall be approved by the planning director. These should include low impact development (LID) designs to minimize nonpoint source pollution to reduce runoff, and should include:

- a. Landscape buffers which are a minimum of ten feet in width shall be provided adjacent to the public right-of-way on all state and county-maintained roads. In all other cases, a minimum of five feet of landscaping shall be provided adjacent to other roads.
 - b. All trees located within parking areas shall be located in planting areas protected by concrete curbs.
 - c. Landscape buffers adjacent to residentially zoned or used properties shall be a minimum of five feet in width along common lot lines.
6. *Tree requirements.* Requirements for trees shall be as follows:
 - a. Within the parking area, one tree must be planted for every 15 parking spaces or fraction thereof as determined by section 16.16.020.5 of this section 16.16.020. These trees must be distributed throughout the parking area surface to provide shading within the parking lot.
 - b. Existing mature, healthy trees, as determined by the planning department, may count toward the total number of trees required above.
7. *Parking lots.* Stormwater from parking lots must be kept on-site, and low impact development (LID) designs are encouraged to minimize nonpoint source pollution to reduce runoff.
8. *Ground cover.* Ground covering over the landscaped or otherwise approved area may include:
 - a. Decorative rock or other inert materials.
 - b. Lawn or turf, subject to the limitations in subsection B9, "water usage", of this section.
 - c. Living ground covers other than lawn or turf must be planted in a manner such that the area designed for the ground cover is fully covered within three years.
9. *Water usage.* In order to reduce water consumption, low impact development (LID) designs are encouraged to minimize nonpoint source pollution to reduce runoff, and all nonturf areas shall emphasize low water consumptive plants.
10. *Certificate of occupancy.* The landscape plan must be implemented before the certificate of occupancy is issued, except in the event of a declared drought or during the winter season, in which case the landscaping may be delayed with a letter written to the planning department or building department indicating the reason for the delay and the expected date of installation of the landscaping.
11. *Existing buildings.* When an existing building not in conformance with this section is expanded or the type of use changes, landscaping shall be provided in accordance with subsection B5, "minimum coverage", of this section as approved by the planning department.
 - a. Change in use of an existing building may require a review by the planning director to determine if additional buffer requirements are needed to mitigate impacts.
 - b. The following are exempted from compliance with this section:
 - (1) Building permits for interior remodel except in change of use from residential to nonresidential or single-family to multi-family;
 - (2) Permits, such as, but not limited to, reroofing, siding, temporary power, change of electrical service, change of furnace, mobile home setup, addition of interior electrical, fencing, on and off premises signs and encroachments;
 - (3) Development projects where the existing vegetation to be retained meets or exceeds the requirements of this section.
12. *Maintenance.*
 - a. All landscaped areas must be maintained, including using acceptable pruning standards. A signed copy of a maintenance agreement must be submitted to the planning department with the final

landscape plan. Any damaged or dead plant must be replaced or repaired within six months following notification by the building inspector. If the season of the year makes this repair or replacement impractical, the person responsible for landscaping shall schedule an appropriate time with the building inspector for the accomplishment of this work.

- b. If the repair or replacement is not accomplished in a timely fashion as described above, the director of planning or his designee may initiate proceedings to revoke the business license or special use permit for the subject property.
 - c. Maintenance must include the checking of the sprinkler pattern and drip systems; weeding; fertilization; pest control; replacement of mulches, weed barrier and dead material; proper pruning; and use of proper mowing heights.
13. *Inspection.* Upon installation of landscaping and irrigation systems, the installer must contact the building inspector and request an inspection. The building inspector will inspect the installation and verify compliance with the approved plans before a certificate of occupancy will be issued.

(Bill No. 2018-E, 2019)

16.16.020.5. Parking.

- A. *Purpose.* The purpose of this section is to establish standards for the placement, amount and type of parking.
- B. *Number of spaces required.* The minimum number of off-street parking spaces for each use is set forth in the following subsections. If there are a number of uses on a single parcel, the parking for each individual use is calculated and the total required is the sum of the separate individual requirements, except as provided in section 16.16.020.8 of this chapter. If a garage is counted as required parking, the driveway access to the garage shall not then be counted as required parking. If an accredited source [e.g., Institute of Transportation Engineers (ITE)] provides an acceptable alternative to a parking standard in this section, the director may consider an alternative.
- C. *Off street parking requirements.* The following standards are applicable to off street parking for the following land uses:

Type Of Use		Parking Requirements
Commercial uses:		
	Bowling alleys	4 per lane
	Casino	1 per 500 square feet of gaming and commercial area
	Childcare facility	1 per employee plus 1 space of drop off area per 10 children
	Churches	1 per each 5 seats
	Drive-through facilities	40 linear feet of stacking area in front of each window or bay plus 1 off street stacking area of 140 linear feet in length (measured from the window)
	Financial institutions	1 per 250 square feet gross floor area
Food and beverage service:		
	High volume restaurant (customer turnover typically less than hourly)	13 per 1,000 square feet plus 1 per employee on largest shift
	Lounge area	1 per each 100 square feet

		Low volume sit down restaurant (customer turnover typically hourly or longer)	1 per each 3 seats plus 1 per employee on largest shift
	General retail, wholesale and services		1 per 300 square feet of retail gross floor area
	Hospitals		1.25 per each bed
	Hotels		0.8 per room plus parking as required for other uses in the hotel
	Manufacturing		1 space per employee for the largest shift and 5 for visitor parking
	Motels		1 per room
	Offices:		
		Medical professional	1 per employee and 6 per physician in attendance during operating hours
		Professional	1 per 275 square feet of gross floor area
	Theaters		1 per each 3 seats
	Warehouse		1 per employee
Residential uses:			
	Boarding house; sorority, fraternity, etc.		1 per each 2 beds
	Common kitchen development		1.25 parking spaces per bedroom plus 1 per guest
	Congregate care or senior citizen housing (publicly owned or subsidized or privately owned and deed restricted to limit the use to senior or congregate housing)		2 per bedroom and 1 per employee per largest shift plus 1 per 5 dwelling units for guest parking
	Multi-family residences		1 ½ spaces per unit
	Rest homes; skilled nursing facility		1 per each 4 beds plus 1 per employee on largest shift
	Single-family residence		2 spaces per dwelling unit including mobile home

Demands and requirements not clearly indicated herein shall be determined by the planning director based on the particular use and its particular off-street parking demands.

Upon submittal of accredited documentation (e.g., latest version of ITE parking manual); the director may modify the parking requirements specified herein up to ten percent, or may request planning commission approval of such a modification.

D. Handicapped parking.

1. All parking areas shall have a minimum of one handicapped parking space. This space shall be 13 feet wide for cars and 16 feet wide for vans, clearly identified with signs and painted loading lane, as described in the handicapped parking sections of the Americans with Disabilities Act, with a painted symbol and located within 100 feet of the building entrance. Such spaces shall conform with the requirements of NRS § 484B.467.
2. The number of handicapped spaces shall be provided in accordance with the following table:

Total Parking Required	Minimum Number Of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over

E. *General parking requirements.*

1. Any off-street parking area proposed for a newly constructed or expanding commercial or industrial use which abuts or faces a single- family, two-family, or multi-family residential district or residential use shall provide screening meeting the director's approval along the side abutting or fronting on such residential district or use.
2. Areas adjacent to gas pumps shall not be considered as required parking.
3. Newly constructed or expanding commercial uses with parking lots are required to provide a lot with a hard surface such as asphalt, concrete, turf stone type pavers, gravel, or other materials approved by the director. Gravel and other similar materials are permitted for storage and display areas.
4. If there is no parking area available on the building site, off street parking as required by this section may be provided on a parcel within 300 feet of the building site upon first securing a special use permit in each case.
5. Parking areas shall be used for automobile parking with no permanent sales, storage of equipment or goods or inoperable, unlicensed vehicles or equipment and may not be used for repair work, dismantling or servicing of any kind. Parking areas shall not be used for overnight sleeping or camping.
6. Appropriately surfaced parking facilities shall be subject to review as part of a special use permit and shall include consideration of the following:
 - a. Number of employees at major shift;
 - b. Customer requirements;
 - c. Special equipment and vehicle requirements;
 - d. Reserve for planned or possible expansion;
 - e. Access and maneuvering space.
7. Driveways or other areas required to move cars in or out of parking spaces shall not be considered in meeting off street parking requirements. Tandem spaces shall only be authorized for individual mobile home units within mobile home parks, RV parks and planned unit developments.
8. In calculations, one-half or greater shall constitute one whole parking space.
9. Open parking of vehicles accessory to a residential use shall be limited to those actually used by the residents or for temporary parking of guests.
10. Owners of public and private parking lots shall not allow recreational vehicles to park and to be occupied for living and/or sleeping purposes.

11. Recreational vehicles shall not be parked for living purposes except in approved recreational vehicle parks or where authorized in accordance with this title.

F. *Off street parking and loading requirements.*

1. *Generally.* Permanently maintained off street parking facilities shall be provided in accordance with the provisions of this subsection. When existing buildings are enlarged, off street parking and loading facilities shall be provided in accordance with the provisions of this subsection for the enlargement. When existing residential structures are converted to office or commercial use or from single-family use to multi-family residential use, off street parking shall be provided in accordance with the provisions of this subsection. When approving a business license from one permitted use within a zoning district to another permitted use, or when there is a change of land use or occupancy, additional parking in accordance with this subsection may be required when the planning department determines that the new use would result in a substantial increase in parking demand.
2. *Location.* Unless otherwise specified, all required off street parking shall be located on the premises.
3. *Use.* Parking areas shall be used for automobile parking. Outdoor sales within parking areas shall be short-term and limited and shall not overburden the parking needs of the business associated with the parking area. Storage, repair work, dismantling or servicing of any kind shall not be permitted in parking areas.
4. *Access.* Unobstructed access to a public right-of-way shall be provided, intersecting the right-of-way at an angle of approximately 90 degrees. The Nevada Department of Transportation or the Churchill County road department shall approve all points of access to newly constructed commercial or industrial properties and an encroachment permit shall be acquired.

Driveway approaches shall comply with applicable NDOT or county standards.

5. *Dimensions.* Automobile off street parking spaces shall be a minimum of eight and one-half feet wide by 20 feet long, or nine feet wide by 19 feet long. Thirty five percent of the required spaces may be designed for compact vehicles eight feet wide and 15 feet long. Adequate ingress, egress, on premises circulation and maneuvering areas shall be provided. A two-foot vehicle overhang may be permitted where parking abuts a sidewalk with a minimum width of six feet.
6. *Compact vehicles.* Each off-street parking space designed for the exclusive use of compact vehicles shall be signed or marked "compact car".
7. *Parking for commercial and industrial uses.* Off street parking areas for newly constructed commercial and industrial uses shall meet orange book and road department standards and requirements.
8. *Markings.* Off street parking areas shall be striped or otherwise marked so that individual spaces and driving lanes are clearly indicated. Directional markers shall be painted on the driveway surface or placed on standards as required by the planning department.
9. *Lighting.* If lighting is required, it shall be so arranged to reflect away from residential areas and any public street or right- of-way.
10. *Off street loading.* All premises devoted to retail trade, wholesale activities, warehousing, supply houses, hotels, hospitals, laundry and cleaning establishments and other uses where large amounts of goods are received and shipped shall provide off street loading areas as follows:
 - a. One off street loading space for the first 10,000 square feet of floor area plus one additional space for each additional 40,000 square feet of floor area.
 - b. Loading space, exclusive of driveways and/or corridors, shall not be considered as off-street parking space; however, for a building containing less than 3,000 square feet of gross floor area, a combined parking and loading area will be acceptable.

- G. *Off street parking; reductions permitted.* The planning commission may permit fewer off-street parking spaces than is otherwise required under the provisions of this section provided as follows:
1. A variance is granted by the planning commission.
 2. With the exception of commercial parking lots in any commercial or industrial zone, all private off street parking areas shall be located on the same property as the use intended to be served.
 3. Existing off street parking facilities shall comply with recognized and approved standards and dimensions of layout commensurate with individual design limitations.

(Bill No. 2012-F, 2012; Bill No. 2018-E, 2019)

16.16.020.6. Advertising signs.

- A. Advertising billboards, off premises signs, on premises freestanding signs, and any sign or advertising device, except as provided in subsection B2e of this section, shall be subject to the issuance of a building permit unless otherwise expressly permitted. Signs shall comply with provisions of all applicable state regulations.
- B. Signs as defined in subsection A of this section shall comply with the following requirements:
1. *Purpose.* The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the county; to enhance the aesthetic environment to attract sources of economic development and growth; to minimize the possible adverse effects of signs on nearby public and private property; to improve traffic safety.
 2. *Computations.* The following principles shall control the computation of sign area:
 - a. *Computation of area.*
 - (1) *Signs with one face.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
 - (2) *Multifaced signs.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from one point. When two identical faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time, and when such faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
 - b. *Computation of height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: 1) existing grade prior to construction, or 2) the newly established grade after construction.
 - c. *General standards.*
 - (1) *Building permit required.* A building permit shall be required for any sign unless expressly exempted.
 - (2) *Compliance with codes.* All signs shall comply with applicable provisions of the latest adopted edition of the uniform building code, the National Electrical Code and the uniform sign code.

- (3) *Maintenance, repair and appearance.* All signs shall be maintained in good repair and shall be neat in appearance. Any sign which is determined by the building inspector to be unsafe or unsightly because of bent, broken or missing parts or poor maintenance generally, may be declared a public nuisance.

- (4) *Definitions.*

Freestanding signs. Any sign, whether on or off premises, supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Monument/ground sign. The entire bottom of a ground sign is generally in contact with, or in close proximity to, the ground.

Pole sign. Signs that are supported by a pole(s) and otherwise separated from the ground by air.

- (5) *Wall signs.* Wall signs may not extend above or beyond the wall or surface to which they are attached and may not project more than one foot from the wall.

- (6) *Roof signs.* Roof signs may not exceed four feet in vertical dimension, may not extend above the upper edge of the roof, below the lower edge of the roof, or beyond the terminating edge of the roof. Roof signs must be constructed separately from the roof surface, must be mounted perpendicular to level grade and parallel to the nearest horizontal roofline, and must have all supports enclosed or otherwise made not visible from the public street or other public area.

- (7) *Location of signs.*

- (A) Signs located on private property shall not extend across property lines into adjacent property or public rights of way.
- (B) No sign shall be constructed or maintained which has less horizontal or vertical clearance from communication or energized electrical power lines than that prescribed by the laws of the state or rules or regulations of the appropriate agencies.
- (C) All freestanding signs must be located sufficiently back from any right of way to provide adequate sight distance for ingress and egress of vehicular traffic.

d. *Permits and enforcement.*

- (1) *Permit required.* Except as otherwise provided in this section, it is unlawful for any person to erect, construct, enlarge, alter or relocate within Churchill County any sign or other advertising structure or install or alter any electrical wiring or fixture therein without first having obtained a building permit from the building department and paying the permit fees. Any freestanding sign located on property abutting a state-maintained road must acquire all necessary permits and approvals from the department of transportation prior to application for a Churchill County building permit.

- (2) *Application.* Application for a building permit to construct/relocate/erect a sign shall be made on forms provided by the county and shall include, or be accompanied by, the following:

- (A) Name, address, telephone number and signature of the property owner;
- (B) Name, address and telephone number of the applicant (owner of the sign);
- (C) Name, address and telephone number of the contractor;

- (D) A plot plan showing the boundaries of the parcel on which the sign(s) is to be located, setbacks from any rights of way, as well as the location of the sign(s) and all structures on the site. Parking and landscaping and other features shall also be indicated;
 - (E) Drawings of the proposed sign(s) showing the design, dimensions, mounting, height, materials of construction and structural details;
 - (F) Drawings of all existing signs on the site showing their sizes and locations and the total area of all existing signs;
 - (G) The location of all freestanding signs within 500 feet of the proposed sign;
 - (H) Any other information deemed necessary by the building official or his designee.
- (3) *Issuance of permits.* Application for a building permit for a sign may be issued when all requirements of this section and this Code have been satisfied and all fees paid.
- (4) *Fees.* At the time of application applicable building permit fees shall apply.
- (5) *Inspection.* Any sign which is subject to this section shall be inspected by the building official to ensure compliance with this section and the building code.
- (6) *Suspension and revocation.* Any permit issued in error, or in reliance on a falsified application, may be revoked by the building department. Any sign erected or partially erected under a permit issued pursuant to a falsified application may be ordered removed at the owner's expense.
- (7) *Variance of area.* Where practical difficulties or extenuating circumstances exist such that the applicant cannot meet the requirements of this title, a variance may be applied for.
- e. *Signs exempt from permit.* No permit shall be required for any of the following signs, but such signs shall be erected and maintained in accordance with the provisions of this section:
 - (1) Official traffic control or regulatory signs, signals or devices, handicapped signs, street name signs or other signs required by law.
 - (2) Professional occupation signs denoting only the name or firm name and profession of an occupant in a commercial building, public institutional building or dwelling house when the area of such sign does not exceed two square feet for each professional occupant therein and placed on or against a building.
 - (3) Memorial tablets, plaques or markers of bronze, stone or concrete.
 - (4) Address numbers or plates and residential nameplates.
 - (5) Bulletin boards not over 15 square feet in area, for public charitable and religious institutions when such bulletin boards are located on the premises of said institutions.
 - (6) Off premises directional signs advertising places of public worship and assembly, hospitals, schools and institutions supported by charitable organizations subject to the following conditions:
 - (A) There shall be not more than two such signs on one parcel advertising any one use unless authorized by the planning commission.
 - (B) Each such sign shall not exceed three square feet in area.
 - (7) Temporary signs and banners of a civic, charitable, educational, municipal or religious nature not to exceed a period of 90 calendar days.

- (8) Pennants, banners, balloons, and similar advertising devices located on private property advertising a special event or sale. Such devices must be removed within seven days of the event.
- (9) Temporary signs on the interior of windows of commercial buildings.
- (10) The changing of advertising copy or message on a painted or printed sign specifically designed for the use of replaceable copy.
- (11) Real estate signs advertising the sale or lease of a property or open house provided no such sign exceeds four square feet in area and three feet in height, in all agricultural and residential zones, or 32 square feet in area and five feet in height in commercial and industrial zones, and is placed on premises.
- (12) Temporary construction signs advertising the name of the contractor, lender or other professional, provided no such sign exceeds 32 square feet in area and six feet in height and is placed on the premises where the structure is being constructed. Temporary signs shall be removed within 30 days after the certificate of occupancy is issued.
- (13) Political signs, signs designed for the purpose of advertising support of or opposition to a candidate or proposition at public election. Political signs shall be removed within 30 days after the election.
- (14) Temporary on and off premises signs with messages such as, but not limited to, "for rent", "for sale", "garage sale", "open" or "closed"; provided, that no such sign shall exceed three square feet in size and must not be affixed to trees or shrubs. Temporary signs shall be removed within seven days after the event.
- (15) On premises directional signs that enhance the flow of traffic and are less than nine square feet in sign area.

f. *Prohibited signs.* The following types of signs and displays are prohibited:

- (1) Signs which constitute a hazard to traffic or pedestrians;
- (2) Signs located within any stream or drainage channel;
- (3) Mobile signs or portable signs unless in conjunction with an approved special event. Said signs must be removed within seven days of the event;
- (4) Signs which produce odor, sound, smoke, flame or other emissions;
- (5) Signs which imitate or simulate official signs, or which use yellow or red blinking or intermittent lights resembling danger or warning signals;
- (6) Signs on public property or rights of way; signs attached to utility poles, streetlight standards, trees or fences;
- (7) Off premises signs in the RR-20, A-10, A-5, E-1, R-1, R-2 zoning districts, unless one of the following criteria apply:
 - (A) It is in conjunction with a bona fide farming operation.
 - (B) It is in conjunction with a land use where a special use permit has been issued by the planning commission. The height and sign area of the sign must not exceed the requirements for signs in the C-2 zoning district as outlined in subsection B2g(4) of this section.

g. *Size requirements per zoning district.*

- (1) Agricultural and residential zoning districts (excluding R-2):

- (A) On premises signs: Only in conjunction with special uses approved by the Churchill County planning commission. The proposed sign design standards must be approved as part of the special use permit application.
 - (B) The maximum height of the sign must not exceed 25 feet.
 - (C) Maximum allowable sign area: 160 square feet.
 - (D) Illumination: Indirect only.
- (2) R-2 zoning district:
- (A) Maximum height of freestanding signs: 12 feet.
 - (B) Maximum allowable sign area: 12 square feet.
 - (C) Illumination: Indirect only.
 - (D) Where a special use permit has been issued for a land use the proposed sign design standards must be approved as part of the special use permit and must not exceed the following:
 - (i) Maximum height: 25 feet;
 - (ii) Maximum sign area: 160 square feet.
- (3) C-1, C-2, west of Sheckler cutoff and Roberson to Lyon County, and I zoning districts:
- (A) *Dimensions.*
 - (i) Pole signs: Maximum height, 25 feet; maximum sign area, 160 square feet; minimum 100 feet between any pole signs and 50 feet between any pole sign and ground sign.
 - (ii) Ground signs: Maximum height, four feet; maximum sign area, 80 square feet; minimum 50 feet between any two ground signs or a ground sign and a pole sign.
 - (iii) Maximum total sign area for all freestanding signs on one parcel of land, except exempted directional signs: 160 square feet.
 - (iv) Projecting signs: Maximum sign area, eight square feet.
 - (v) Wall signs: Maximum sign area, ten percent of total wall area on which it is to be placed.
 - (B) *Prohibited location.* No freestanding sign may be located in a position where it intentionally obstructs the view of any other freestanding sign.
 - (C) *Master signage plan.* A master signage plan may be required when there is more than one business located on one parcel.
 - (D) *Special use permit.* The planning commission may issue a special use permit for any freestanding sign advertising four or more businesses located on one parcel if there are no other freestanding signs within 100 feet of said sign and if the applicant provides sufficient evidence to show that the proposed sign would be more beneficial to the community than several freestanding signs on the same property. The sign area may not exceed 200 square feet.
- (4) C-1, C-2, east of Sheckler cutoff and Roberson to Carson River Bridge and all other C-2 not specified:
- (A) *Dimensions.*

- (i) Pole signs: Maximum height, 20 feet; maximum sign area, 140 square feet; minimum distance between any pole sign 100 feet; minimum distance between any two ground signs or a ground sign and pole sign, 50 feet.
 - (ii) Ground signs: Maximum height, four feet; maximum sign area, 70 square feet; minimum 50 feet between any two ground signs or a pole sign and a ground sign.
 - (iii) Maximum total sign area for all freestanding signs on one parcel of land: 140 square feet.
 - (iv) Projecting signs: Maximum sign area, eight square feet.
 - (v) Wall signs: Maximum sign area, ten percent of total wall area on which it is to be placed.
 - (B) *Prohibited location.* No freestanding sign may be located in a position where it intentionally obstructs the view of any other freestanding sign.
 - (C) *Master signage Plan.* A master signage plan may be required when there is more than one business located on one parcel.
 - (D) *Special use permit.* The planning commission may issue a special use permit for any freestanding sign advertising four or more businesses located on one parcel if there are no other freestanding signs within 100 feet of said sign and if the applicant provides sufficient evidence to show that the proposed sign would be more beneficial to the community than several freestanding signs on the same property. The sign area may not exceed 175 square feet.
- (5) C-1, C-2, east of the Carson River to city limits and any C-1 zoning area not listed above:
- (A) *Dimensions.*
 - (i) Pole signs: Maximum height, 20 feet; maximum sign area, 120 square feet; minimum distance between any pole sign, 75 feet; minimum distance between any two ground signs or a pole sign and ground sign, 50 feet.
 - (ii) Ground signs: Maximum height, four feet; maximum sign area, 60 square feet; minimum 50 feet between any two ground signs or a ground sign and a pole sign.
 - (iii) Maximum total sign area for all freestanding signs on one parcel of land: 120 square feet.
 - (iv) Projecting signs: Maximum sign area, eight square feet.
 - (v) Wall signs: Maximum sign area, ten percent of total wall area on which it is to be placed.
 - (B) *Prohibited location.* No freestanding sign may be located in a position where it intentionally obstructs the view of any other freestanding sign.
 - (C) *Master signage plan.* A master signage plan may be required when there is more than one business located on one parcel.
 - (D) *Special use permit.* The planning commission may issue a special use permit for any freestanding sign advertising four or more businesses located on one parcel if there are no other freestanding signs within 100 feet of said sign and if the applicant provides sufficient evidence to show that the proposed sign would be

more beneficial to the community than several freestanding signs on the same property. The sign area may not exceed 100 square feet.

(6) Subdivision and residential development sales signs:

- (A) *On premises sales signs.* Notwithstanding any other provisions of this section, a total of 40 square feet of sign area used in one or two nonilluminated signs may be affixed to each subdivision of land to identify the name of the development, as well as the name, address and telephone number of the seller or his/her agent, provided that:
 - (i) A building permit is acquired.
 - (ii) The signs must be at least 200 feet apart.
 - (iii) The signs are located on or within the development.
 - (iv) The signs must be maintained in good repair.
 - (v) The signs must be removed upon close of escrow of the last residence constructed by the developer or the close of the sales office, whichever occurs first.
- (B) *Identification/entrance signs.* Permanent identification signs may be placed at the entrance to an approved subdivision or residential development provided that:
 - (i) The size and location of the signs are provided and approved as part of a tentative map or final map submittal or a special use permit is approved by the planning commission for each proposed sign.
 - (ii) The signs are located on or within the development at the primary entrance(s).
 - (iii) The sign area shall not exceed 40 square feet.
 - (iv) The sign must be maintained and in good repair.
 - (v) The signs are nonilluminated.

h. *Nonconforming signs.*

- (1) *Right to maintain and continue the use of a nonconforming sign.* A nonconforming sign may be maintained and continued in use; provided, that:
 - (A) It is not altered, enlarged or relocated without a sign permit;
 - (B) It is maintained in good repair and does not become unsightly or hazardous.
- (2) *Termination of right to nonconforming sign.*
 - (A) Any nonconforming sign which is declared a hazard by the building official shall be removed or repaired within ten days of notice to the owner of the sign.
 - (B) Any nonconforming sign which requires repairs costing in excess of 50 percent of its replacement value shall be removed or made to comply with the provisions of this section.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2015-D, 2015)

16.16.020.7. Lighting (dark skies).

Lighting shall be limited to illuminating the site and will be designed to utilize downward facing lighting and lighting that is shielded to minimize off site light and glare.

(Bill No. 2015-D, 2015)

16.16.020.8. Other development standards for specific land uses.

- A. *Accessory dwelling unit.* "Accessory dwelling unit" refers to a structure on the same parcel of land as the primary dwelling unit and may be attached or detached from other structures. Typical uses include housing for guests, extended family housing and caretakers' quarters. An accessory dwelling unit is not intended as a second permanent dwelling unit. An accessory dwelling unit shall comply with the following conditions:
1. An administrative special use permit approved by the planning director must be acquired.
 2. An accessory dwelling unit shall not exceed 1,000 square feet in total habitable area.
 3. Only one accessory dwelling unit is permitted per parcel.
 4. If manufactured housing or a modular home is being used for the accessory dwelling unit, it must be a new unit that has never been lived in.
 5. A landowner may live in an accessory dwelling unit while the main residence is being constructed if the building permit has been issued and all applicable fees and dedications have been completed for the main residence; or a landowner may live in an accessory dwelling unit prior to application for the building permit for the main residence if all the fees and dedications are completed at the time the building permit for the accessory dwelling unit is issued. A landowner may change the designation of a single-family residence from primary dwelling to accessory dwelling unit if the building meets the accessory dwelling unit criteria and the landowner subsequently builds another single-family residence as the primary dwelling. Impact fees and dedications are not applicable to the new single-family residence if these were paid for the single-family residence that is being redesignated. The landowner must apply for an administrative special use permit for approval of this redesignation.
 6. Kitchen facilities may be installed. A minimum of one bathroom per accessory dwelling unit must be installed.
 7. Permission to rent an accessory dwelling unit requires the unit to meet all listed requirements and the owner of the property must live on the parcel. Parcels with accessory dwelling units in which the property owner does not live on the parcel are prohibited from being rented separately from the main dwelling, and a deed restriction stating the accessory dwelling unit shall not be let, leased or rented separately from the primary dwelling unit will be recorded as part of the approval, except as provided under this section.
 8. The owner of an accessory dwelling unit is not required to comply with the water right dedication ordinance or pay impact fees. A meter shall be installed on the water well per NRS § 534.180(4).
 9. The accessory dwelling unit must use the same property address as the primary dwelling unit.
 10. An accessory dwelling unit may be permitted in any residential land use district or on any parcel where a legal existing permanent dwelling exists. The construction of an accessory dwelling unit must comply with dwelling setbacks, easements, and all other land use regulations for the land use district. Such construction shall also be subject to enforcement of any protective covenants, conditions and restrictions relating to the subject property, by any person having legal standing to do so.
 11. A site plan shall be submitted with the administrative special use permit application indicating the following:

- a. Location of primary residential structure with setback distance, distance to accessory dwelling unit and other accessory structures, and easements.
 - b. Location of all public and private utilities and/or well and septic tank/leach field.
 - c. Access to primary residential structure and accessory dwelling unit.
 - d. Zoning, size of lot, assessor's parcel number, north arrow, scale, location of other outbuildings.
- B. *Home based businesses.* Home based businesses may be approved through a home business permit or a special use permit, as identified for the site's zoning district in the use table under section 16.08.250 of this title. Home based businesses must meet the conditions listed below for the appropriate review process to be approved. If the conditions for a home business permit cannot be met, the applicant may apply for the special use permit if they meet the broader conditions.
- 1. Conditions pursuant to a home business permit may be approved administratively:
 - a. All owners shall reside in the residence. The only employees allowed to work on-site are family members residing in the residence. No other employees can report to the residence for work. In the case of contract work, they shall report directly to the job site and not the applicant's property.
 - b. The appearance of the structure shall not be altered, no new structures built for the business, nor may business activities be conducted outdoors or in such a manner that would take away from the residential characteristics of the property beyond what is allowed in these conditions, i.e., one cannot have merchandise or services visible from outside the dwelling or generate excessive noise.
 - c. The home-based business may involve the use of one commercial vehicle that is approved by the planning department, i.e., vans and medium sized trucks (only one semi-tractor and trailer for an over the road haul truck driver that may occasionally be at the residence).
 - d. Equipment that causes any type of interference in radios, televisions, or telephones, etc., or causes fluctuations in line voltage outside the dwelling unit is prohibited, i.e., excessive usage of power equipment.
 - e. Outside storage of construction or raw materials is not allowed. One cannot store any toxic or hazardous materials at a quantity that requires a permit from the state of Nevada or any other agency charged with the regulation of hazardous materials. Inventories of drugs, alcohol, fireworks, or explosives (excluding ammunition) are not allowed. Storage of business vehicles must meet the vehicle condition. No outside storage of construction or other similar equipment is allowed with the exception that one piece of equipment (such as a trailer) may be allowed with the approval of the planning department; lawn care and other similar equipment may be allowed with approval of the planning department, but not to exceed a quantity that can be hauled and stored on a single pickup and trailer.
 - f. No signs may be placed on the property to advertise the home-based business. One may advertise one's business through public media, business cards, stationery, etc.
 - g. No customer traffic is permissible. Home deliveries, such as UPS, FedEx, etc., in a quantity/frequency that will not be detrimental to the surrounding neighborhood may be permitted.
 - h. If the applicant is not the property owner, the property owner must authorize the use of the property for the proposed home-based business in writing.
 - 2. If any of the conditions for a home business permit cannot be met, the applicant may apply for a special use permit pursuant to section 16.08.080 of this title. The conditions for a home business permit continue to apply and may not be exceeded, except as specifically described in the conditions below.

- a. A limited number of employees that work at or report to the site may be allowed.
 - b. Exterior alterations or new structures to accommodate the business are allowed through a special use permit. Outdoor business activities, other than those allowed in these conditions, are not allowed, except that equestrian businesses, kennels and landscaping businesses with outdoor activities may be approved through a special use permit. Conducting business in a way that takes away from the residential character is not allowed.
 - c. The number and size of commercial vehicles allowed may be increased through a special use permit (for example, tow trucks, construction equipment, or semi tractors and trailers for a trucking company).
 - d. No additional radio, power, or other interference is allowed.
 - e. No additional storage of toxic or hazardous materials, drugs, alcohol, fireworks, explosives, etc., are allowed. Outside storage of business-related materials and equipment is allowed through a special use permit if it is fully enclosed by screened fencing or buildings and is less than one-fourth acre in area.
 - f. Signage up to ten square feet in area may be allowed through a special use permit.
 - g. Additional customer traffic and deliveries may be allowed through a special use permit.
 - h. No exception to obtaining authorization for the business from the property owner is allowed.
- C. *Dwellings attached to commercial operations.*
- 1. Single-family dwelling attached to a ministorage facility, subject to an administrative review and the following conditions:
 - a. The gross square footage of habitable area shall not be greater than 1,200 square feet.
 - b. The habitable area may only be occupied by the owner acting as the manager or caretaker or persons employed by the owner of the property as a manager or caretaker of the storage facility.
 - c. The living area must be attached to the storage facility, preferably on the second floor and be an integral part of the development.
 - d. The office space for the storage facility shall not be a part of the habitable area.
 - 2. Single-family dwellings attached to a small commercial operation shall be allowed pursuant to a special use permit only in the C-1 district such as an art studio, and custom and craft work, and subject to the following conditions:
 - a. The gross square footage of habitable area shall not be greater than 1,200 square feet.
 - b. The habitable area may only be occupied by the owner of the commercial operation.
 - c. The living area must be attached to and be an integral part of the structure for the commercial operation.
 - 3. Single-family dwellings may also be permitted pursuant to a special use permit in the C-1 or C-2 district where one of the following conditions exists:
 - a. The proposed single-family dwelling is to be located on a bona fide farming or ranching operation for use by the owner or manager of the farming operation.
 - b. A home based business related to an agricultural operation will be conducted from the proposed single-family dwelling.
 - c. The single-family dwelling is recognized as part of the heritage and landscape of Churchill County.
- D. *Recreational vehicle uses and standards.*

1. A recreational vehicle may be parked on private property where there is a single-family dwelling in any land use district for an unlimited period of time when not being used for temporary shelter or storage.
 2. A recreational vehicle being used as temporary shelter by persons traveling and visiting friends, family, and relatives may be parked on private property outside the confines of a recreational or mobile home park for a period not to exceed 90 cumulative days.
 3. A recreational vehicle is prohibited from being used as a permanent residence or shelter unless a temporary use permit has been obtained as outlined in chapter 16.08, "Zoning And Land Use", of this title.
- E. *Criteria for permanent housing for farm labor.*
1. Demonstration of the need for farm labor.
 2. The total farm/ranch acreage must be sufficient so that the total number of housing units does not exceed the density of the land use district within which the farm is located (for example, a 500-acre farm in the A-10 land use district may not exceed a total of 50 permanent dwelling units).
 3. The permanent housing must be placed on the ranch or a parcel contiguous to the farming operation.
- F. *Temporary real estate office for sales in subdivision.* A temporary real estate office within an approved subdivision is permitted for the purpose of selling lots in the subdivision and not for the conduct of a general real estate office.
- G. *Nontraditional single family residence construction standards.* The purpose of these standards is to limit the use of small-size substandard alternatives in creating a single-family residence.
1. *Small single-family residences.* Small primary single-family residences, whether stick built or manufactured, with a living space area of under 1,200 square feet are prohibited in the E-1, R-1, and R-2 zoning districts.
 2. *Park model trailers and recreational vehicles.* Park model trailers and recreational vehicles are not considered single family dwellings, and are prohibited as permanent residences. They are constructed by manufacturers to industry standards that are acceptable for temporary living situations. They may be used in a mobile home/recreational vehicle park, or as approved in a temporary use permit.
 3. *Shipping container dwellings.* Shipping containers are prohibited for use in the construction of a permanent or temporary single-family dwelling in the E-1, R-1, and R-2 zoning districts; but may be considered for use in multi-family or manufactured home park development, when such is allowed in the district, and when reviewed through a special use permit. In all allowed cases, shipping containers used in dwellings must meet the International Building Code standards for use as a dwelling, and must meet all other County Code requirements.
 4. *Sheds.* Buildings that are customarily used as storage sheds, garden sheds, tack sheds, or similar buildings, including those that are mobile or on wheels, are prohibited for use as a temporary or permanent residential dwelling in all land use districts regardless of their design, size, or construction.
- H. *Second permanent dwelling.* There may be one or more permanent single-family dwellings on any lot or parcel; provided there is not less than the required minimum acreage for each dwelling and that such dwellings are not less than 40 feet apart. The applicant shall provide a drawing to scale of the property indicating locations of existing houses, wells, and septic tanks, improvements, setbacks, access, and location of the proposed dwelling with the administrative special use permit application. Adequate information must be provided to indicate how the parcel could be divided in the future. Each additional residence is subject to impact fees as provided in this Code.
- I. *Multi-family development shall meet the standards below:*
1. Allowed density is based on the acreage of the subject parcel, except that residential densities for a planned unit development shall be determined with its approval. When calculating the density of

dwellings in a multi-family development, exclude road right-of-way areas, and exclude the area of commercial and other nonmulti-family-residential uses along with the associated parking and accessory features, as determined appropriate by the Director. The area of residential amenities and business office may be included. The calculation does not preclude placement of residential units in the same building as, or above commercial and other uses.

2. All developments shall provide open space in the form of landscaping around the development to a distance at least equal to the required setbacks, excluding private areas assigned to individual units and separated by fencing or other features. The landscaping plan shall use vegetation to the satisfaction of the director, should include areas usable by residents, and shall meet other landscape requirements in this title.
3. Developments of five or more dwelling units shall provide common open space to total at least 20 percent of the developed area. Areas qualifying as open space must be improved with outdoor amenities or landscaping (including required buffers that are landscaped), and may include the landscaping required in paragraph 2. The applicant may request that the director authorize special natural resources, such as wetlands or river corridors, to be included as open space without improvements. Open space may not include building areas, parking spaces or driveways, utility service areas, stormwater basins (unless designed as an amenity), or agricultural easements (for canals, ditches and drains).
4. Developments of 20 or more dwelling units shall provide one active amenity/50 units, with fractions rounded up. Outdoor amenities may be incorporated into the required landscaping and open space areas.
5. All developments shall provide a patio or balcony for each dwelling unit, central or in-unit laundry facilities, and a central trash collection location that is visually screened.
6. Required parking for multi-family developments shall be provided off-street. Where all parking spaces are dedicated to individual dwellings, the decision maker may require additional parking spaces for visitor use.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-B, 2006; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010; Bill No. 2012-F, 2012; Bill No. 2015-D, 2015; Bill No. 2017-D, 2017; Bill No. 2018-E, 2019; Bill No. 2019-A, 2019; Bill No. 2020-A , 7-2-2020; Bill No. 2022-A , 4-20-2022)

16.16.030. Renewable energy facilities.

Unless otherwise indicated, the provisions of this section shall apply to all commercial renewable energy facilities within Churchill County.

- A. *Renewable energy facility (REF).* For the purposes of this section, a "renewable energy facility" shall be defined as any facility or combination of facilities which generate energy for private or commercial use, except those listed as permitted in all land use districts in chapter 16.08 of this title. Such facilities include, but are not limited to, biofuel (liquid, solid biomass, biogas), geothermal, solar, water, wastewater, and wind energy. If such REF generates energy for financial gain or receives compensation through contractual agreements, it is a commercial REF.
- B. *Regulations, general.* All private and commercial REFs shall comply with all applicable Churchill County, state of Nevada, and federal laws, codes, regulations, and necessary permits.
- C. *Siting of renewable energy facilities.*
 1. Commercial REFs shall be sited in areas designated as either industrial (I), rural resource (RR-20), or agricultural district (A-10) on the Churchill County zoning map(s). If necessary, a zone change application must be requested and obtained prior to any permits for the REF system being issued.

2. Placement of facilities on peaks or ridgelines shall be avoided, if at all possible, in order to minimize the impact on the visual character of the site.
 3. Setbacks for the placement of facilities in close proximity to state highways I-80, U.S. 50, U.S. 50A, and U.S. 95 shall be determined by the planning commission on a case-by-case basis to minimize visual impacts through the special use permit process.
- D. *Naval Air Station Fallon Consultation.* Development of REFs within the Naval Air Station Fallon and associated ranges or overlay zone notification area requires consult with Naval Air Station Fallon and compliance with section 16.08.240 of this title.
- E. *Special use permit (SUP).* Commercial REFs, as defined in subsection A of this section, shall be allowed only upon granting of an SUP. Granting of a special use permit is contingent upon completion of an SUP application and the following information:
1. *Other REFs.* Name and address of any other current or past REF developed or operated by the applicant, whether in the state of Nevada or any other state or nation.
 2. *Operator information.* Name, address and phone number of the company and individual(s) responsible for the day-to-day operation of the proposed REF, who will be deemed the operator for purposes of this section, and who will be the contact person for the county.
 3. *Site plan.* In addition to the requirements in the SUP, also include approximate distances to existing structures (i.e., buildings and fencing) and other land features including, but not limited to, bodies of water, springs, federally designated wetlands, sinkholes, mineshafts and tunnels, etc.; location of all existing and proposed transmission lines, substations, driveways, access and maintenance roads, public rights-of-way, etc.; location of all meteorological or wind testing towers; and location of all known active and inactive wells, locations of all water rights in project area on file with department of water resources (DWR), mineshafts, and tunnels within a half mile radius of project boundary.
 4. *Easements, leases and property rights.*
 - a. Copies or proof of signed letters of intent to grant easements, long term leases, or other property rights from all involved landowners and any governmental units responsible for rights-of-way for access, construction, electrical transmission, and distribution lines, during construction and/or throughout the lifetime of the project.
 - b. Verification by letter to the Churchill County planning director that the applicant has conducted a records search to identify existing easements, including conservation or restrictive use easements. Verification may include a statement that a records search has been conducted and a list of recorded documents from the Churchill County recorder's office or preliminary title report.
 5. *Technical studies and assessments.*
 - a. Churchill County may require additional technical studies and assessments to determine the project's overall impact on the surrounding environment. Such studies may include noise review, solar glare, shadow flicker and blade glint, impact on critical communication, impacts to water resources (surface hydrology and aquifers), salt balance impacts, odor control, geothermal water or binary process fluids, general environmental and biological impacts, air quality and lighting. Churchill County will determine the nature and extent of gaps in state and federal regulations requiring additional technical studies and assessments to determine the project's overall impact on the surrounding environment. Notification of the requirement for any such required studies will be timely and within NRS § 278.315 deadlines. Compliance, duration and completion of said studies will be the responsibility of the applicant.

- b. Any analyses and studies undertaken by the applicant or required by state and federal agencies to assess impacts to the environment and community including, but not limited to, aquifers, wildlife, habitat, and cultural resources must be provided with the application.
 - c. If the REF is located on federal or state land and an environmental impact statement (EIS) or environmental assessment (EA) is required to satisfy the state and federal permitting process a copy of the study must be submitted as soon as it is available and preferably with the special use permit application. The EIS or EA may be sufficient to address environmental impacts but Churchill County reserves the right to require additional information to satisfy the requirements of this chapter.
6. *Travel routes and traffic impact.* A detailed map showing travel routes and roads to and within the proposed site(s) and estimates of traffic loads and quantities both during construction and at build-out/operations phase. Churchill County road department (CCRD) will determine, in consultation with the applicant, the potential impact and mitigation measures, if any, that will be required of the applicant. Impact and mitigation requirements shall be proportionate to the harm or changes caused by the applicant. The applicant shall abide by all Churchill County, state of Nevada, and federal laws and regulations that may affect travel and/or ingress/egress to the facilities.
 7. *Connection.* A detailed map showing all transmission lines (above and below ground) connecting from the facility to the local utility's electric distribution lines and/or any residential, commercial, or industrial structure shall be provided. The map shall also show all above and below ground communications lines and fiber optic lines.
 8. *Screening plan.* To the extent reasonable, REF color will match or be, in the county's assessment, compatible with the natural landscape. The facility must propose adequate screening to minimize impacts to surrounding land uses and property.
 9. *Best management practices.* A technical report showing that construction and operation of the REF including, but not limited to, the development, operation, and reclamation of all roads, access corridors, foundation pads, equipment storage and staging areas, and all related facilities, will conform to all Churchill County grading and slope stability requirements and all Nevada Division of Environmental Protection (NDEP) best management practices (BMPs). The report shall be reviewed for compliance with BMPs and approved by the county/agent of the County at the applicant's expense. An SUP may be conditioned upon staff accepting the report when it is submitted.
 10. *Water usage.* The plan shall indicate the amount, place of origin, and place of disposal, if any, of all water and effluent that will be used or reused in connection with construction, management, operation and maintenance of the REF, including that used for drilling, washing facility components, machine components (i.e., blades), and making concrete for foundation pads and other structures within the facility.
 11. *Fire and emergency protection.* A plan in consultation with Fallon/Churchill County emergency management, fire department and fire marshal prior to construction shall address all activities at the planned facilities and site from the start of construction through the end of power generation and the final removal and restoration of the site, and shall result in a response plan to address all identified potential fire, rescue, evacuation and hazardous materials scenarios. Applicant shall also include requirements imposed by the Churchill County emergency management office.
 12. *Lighting plan.* A plan showing lighting on and around the REF and all related facilities. Lighting on an REF shall be lit to FAA minimal standards only using red rather than white lights, if possible. Lighting shall be shielded from ground view to FAA maximum standards. Facility is required to maintain to the extent possible minimal light pollution in conformance with section 16.16.020.7, "Lighting (dark skies)", of this chapter.

13. *Closure, removal, and postclosure.* If a postclosure plan has been required by any state or federal entity a copy of said plan shall be provided to the county. If no state or federal entity has required a postclosure plan, the applicant will enter into an agreement with Churchill County to develop and submit said plan for fundamental commitments to site restoration. The plan shall address regrading and revegetation necessary to return the subject property to the condition existing prior to construction and establishment of the REF.
14. *Minor changes.* Changes to the facility that are minor, as determined by the planning director in consultation with the applicant, do not require an amended SUP. This includes changes that do not increase net production of the facility and do not significantly increase environmental impacts. Such changes must comply with state and federal agency regulations and may require a county building permit. Such changes shall not violate the conditions of the SUP.

F. *Fees and deposits for special use permit projects.*

1. Any new or amended renewable energy facility proposing construction, development, and/or change of use/expansion within Churchill County that is of a size or complexity that the county determines warrants specialized or skilled professionals to assist in the review of the application or future monitoring, shall deposit with the county up to \$50,000.00 as determined by the county at the time the special use permit application is filed with the county. Said deposit shall be used for services provided by specialized or skilled professionals retained by the county to determine the possible impacts of the proposed use or conditions to be placed upon granting the special use permit and to assist with analysis of data, oversight of the monitoring plan, etc. If the deposit is required, no permit shall be issued until the deposit is lodged with the county.

If the special use permit application is denied, the outstanding balance of the deposit shall be returned to applicant after the time for filing appeals and petitions for judicial review have expired. If the special use permit is granted, the deposit shall be retained and utilized by the county for services provided by specialized or skilled professionals retained by the county to monitor compliance with the conditions of the special use permit. At the time the special use permit is granted, applicant, as a condition of the special use permit, may be required to deposit additional funds with the county to bring the balance of the deposit back up to \$50,000.00.

2. With placement of physical facilities other than a building (i.e., operations tower, geothermal facility, solar field, and so forth) the commission may also require a performance bond for all new facilities of this type, including where a previous bond has not been accepted, in a form acceptable to the planning department, or a cash deposit in lieu of the bond, in an amount sufficient to provide for removal, storage or disposal of the facilities plus an additional 15 percent contingency and to restore the site including stabilization and re-vegetation as necessary. An estimate of the removal cost from a Churchill County licensed company experienced in contracting for removal of standard components shall accompany the bond. Unless the facility is located on property owned by a governmental entity where a guarantee is in place for removal of the facility when no longer in use, a separate bond will be required for each facility regardless of owner(s) or location. All bonds shall provide for the County to collect the full amount of the guarantee if the applicant fails to maintain the guarantee. Any government entity or public utility company shall be exempt from this requirement.

If no bond is in place, or if the county cannot collect on a bond issued pursuant to this subsection F2, then the following procedure shall apply. Any abandoned or unused facility, and the associated components shall be removed within 12 months of the cessation of operations of the facility. In the event that timely removal is not performed, the county may remove or cause the removal of the facility and associated components, and assess the costs of removal against the property, after notice and opportunity to be heard is provided. Before taking such action, the county must mail to the property owner a notice of the county's intent to do so. The property owner served with such notice shall have 30 days from the date the notice is mailed to respond in writing to request a hearing before the board to show cause why the abandoned facility and

associated components should not be removed from the property at the property owner's expense. The failure to request a hearing within 30 days shall be deemed a waiver of the right to be heard and the county may immediately cause the removal of the facility and any associated components, and may assess the costs of removal, storage and disposal against the property.

(Bill No. 2017-E, 2017; Bill No. 2019-A, 2019)

16.16.030.1. Facility development and performance standard.

Unless otherwise stated in this section, each restriction and requirement shall apply to all commercial renewable energy facilities (REF). It is recognized that the standards herein are neither exclusive, nor exhaustive. In instances where a health, safety, or environmental concern is known to exist with regard to any REF, additional proportional mitigating conditions may be imposed on the facility by Churchill County. The following shall apply as indicated above:

- A. *Building permit.* In addition to the requirements set forth by this section, applicants shall be required to obtain a Churchill County building permit prior to construction of any REF. The use of nonreflective or minimally reflective construction materials, and solar tracking and other technologies for all new energy projects is recommended to reduce the impact on military operations, residential locations, or roadways.
- B. *Communications and electromagnetic interference.* All REFs shall be sited and operated so that they do not interfere with existing military/departments of defense (DOD) or emergency (fire, police/sheriff, ambulance) radio two-way communications (base stations, mobile, and handheld radios, including digital) and/or paging, television, telephone (including cellular and digital), microwave, satellite (dish), navigational, internet or radio reception to neighboring areas. The REF must comply with Federal Communications Commission (FCC) regulations. The applicant and/or operator of the facility shall be responsible for the full cost of any remediation necessary to provide equivalent alternate service or correct any problems; including relocation or removal of the facility caused or exacerbated by the operation of such equipment and any and all related transmission lines, transformers, and other components related thereto. The applicant shall maintain equivalent communications throughout the life of the REF even as future technologies may change. The applicant must maintain an FCC license to own and operate two-way radio operations. The owner/operator shall fulfill the following requirements when needed throughout the life of the facility:
 - 1. Respond within five business days to any request for communications interference investigation by a property owner within the project boundary and a one-mile radius beyond the project boundary; provided, however, that this requirement shall not apply to repetitive requests pertaining to an issue for which an investigation has previously shown that the REF is not the source of the interference. Testing will commence within ten working days of a substantiated request. The owner/operator is responsible for mitigating within ten working days from the determination of interference known to be caused by the operation of the REF.
 - 2. Respond within one business day to any request for communications interference investigation by any emergency agency (fire, police/sheriff, ambulance). Testing shall commence within two business days of the request. The owner/operator is responsible for mitigating or initiating reasonable efforts to mitigate.
- C. *Public roads and rights-of-way.* Prior to construction and use of roads, the applicant of a commercial REF shall consult with the Churchill County road department (CCRD) and shall be required to enter into an agreement with CCRD regarding public access and proportional maintenance and repair of existing roads, or abandonment of roads.
- D. *Transfer of entitlement.* A commercial REF owner shall notify the planning department of the sale or transfer of property in whole or in part to any person, partnership, joint venture, firm, company, or corporation. The new owner/operator will be provided a copy by the planning department of all

notices of decision regarding the facility and shall be required to acknowledge receipt of such notice(s). This provision shall not apply to financing transactions or any transfer to an affiliate of the owner.

- E. *Special use permit maintenance.* In the event that the use authorized by the special use permit is abandoned for a period of more than 365 calendar days from the date of last producing operations, the permit shall become null and void and a new special use permit shall be required if operations are subsequently resumed. Notwithstanding anything to the contrary contained in this section, or in subsection 16.08.080H2 of this title, or in similar permit expiration or abandonment provisions of this Code, the term "abandonment", as applied to REFs, shall not be construed as applying to a facility with regular on-site employees, maintenance, and security, regardless of whether commercial production at the facility has temporarily lapsed. In the event of a force majeure event, such as, but not limited to, a flood, damage, or destruction of the access to the site, earthquake, or other events beyond the control of the County or 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. The permit holder shall reasonably attempt to establish access to the site. The special use 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 county, state and federal regulations. In the event that the permit lapses or the use is discontinued or abandoned, the permit holder/owner, its heirs, assigns or successors shall remain responsible for environmental compliance until postclosure reclamation requirements are met. If the facility is not being abandoned, but is not in operation for greater than 365 days for a reason such as equipment failure, replacement, or maintenance, the REF contractor shall notify the planning department in writing indicating an estimated time line for operations to recommence.
- F. *Liability insurance.* The REF owner, as well as its assigns, heirs or successors, shall provide proof of liability insurance to Churchill County and maintain satisfactory insurance covering all aspects of the facility operation in the amount of at least \$1,000,000.00 for each REF prior to initiating operations. Churchill County reserves the right to require additional liability insurance coverage as needed by special circumstances such as REF proximity to population, use of large quantities of hazardous/flammable materials, and/or known impact/influence on aquifer(s) used by the public.

(Bill No. 2017-E, 2017)

16.16.030.2. Monitoring requirements.

The applicant shall provide a copy of any monitoring plan submitted to state or federal agencies to Churchill County. If no such plan is required by/submitted to state or federal agencies, Churchill County reserves the right to require submission of a proposed monitoring plan or written justification of why none should be required. Churchill County will determine whether a plan is required, in such case, and will reasonably determine the requirements/parameters of such plan in collaboration with the applicant and appropriate consulting agencies and qualified individuals.

(Bill No. 2010-C, 2010)

16.16.030.3. Geothermal resources.

16.16.030.3.1. General provisions.

- A. *Purpose.* The purpose of this section is to require supplemental provisions to those required for all renewable energy facilities in order to manage the exploration, development and use of geothermal resources.
- B. *Applicability.* The provisions of this section 16.16.030.3 shall apply to all geothermal projects and related power generation facilities. This includes the use of fluid or steam for energy production from any

geothermal well(s) within the unincorporated areas of the county. All geothermal development for commercial and industrial uses shall require a special use permit, unless otherwise specified in the provisions of this section 16.16.030.3. A geothermal development project consists of all wells, access roads, surface equipment, facilities, pipelines and electric transmission lines.

- C. *Required permits.* All geothermal development shall be required to obtain all necessary permits from the regulatory agencies with authority over such development, including the Nevada Division of Minerals, the Nevada Division of Environmental Protection (NDEP), the Nevada Division of Water Resources, the Nevada Division of Public and Behavioral Health, the U.S. Bureau of Land Management (BLM) and U.S. Bureau of Reclamation (BOR) prior to the issuance of any building permits for the project. Each entity above may have separate departments that may have separate requirements, i.e., NDEP requires air pollution permit, water pollution permit, and chemical accident protection program permit, etc.
- D. *Geothermal exploratory project.* A geothermal exploratory project is for the purpose of evaluating the presence and characteristics of geothermal resources prior to starting a geothermal field development project.
 - 1. Prior to commencing a geothermal exploratory project the developer shall provide written notice to the Churchill County planning director that includes the following:
 - a. A description of the project including a map of appropriate scale showing the location of proposed wells and effluent disposal.
 - b. A description of the potential impacts to the local community or natural environment.
 - c. A statement that the applicant agrees to provide to the county access to the data used to develop the conceptual aquifer model. The county shall not take possession of this information, rather the applicant shall make the information available for inspection by county officials, or designated agent(s), provided that the county officials or designated agent(s) who inspect the information sign an agreement that the information will not be disclosed or made available for public dissemination.

(Bill No. 2017-E, 2017)

16.16.030.3.2. Geothermal well field gathering systems and power generation facilities.

- A. *Required Submissions.* The provisions of this section shall apply to geothermal well field gathering systems. All geothermal well field gathering systems and power generating facilities require a special use permit pursuant to section 16.08.080 of this title. Concurrent with submittal of the special use permit application, and specifically subject to, and limited by, the confidentiality requirements of section 16.16.030.3.1 of this chapter the applicant shall provide to the county a conceptual aquifer model and plans for monitoring. In addition, copies of all monitoring and reclamation plans, and any aquifer models, required by federal and state agencies shall be provided as soon as possible, preferably with the application, which may be after issuance of a special use permit. If there is a regulatory gap and no such plans and/or models are required by other agencies, Churchill County reserves the right to require submission of the following:
 - 1. *Monitoring Plan.* The applicant shall prepare a monitoring plan, which must be approved by Churchill County, unless Churchill County grants a waiver based upon its review of the conceptual aquifer model. The monitoring plan shall comply with Nevada Administrative Code (NAC) 445A.810 through 445A.925, Underground Injection Control, and all pertinent laws and regulations established by any other state, federal or local jurisdiction. Prior to commencement of any operations of the geothermal well field and power generating facility, baseline data representation and collection shall be established to the satisfaction of the county. Projection of geothermal fluids use and injection will be presented to the county as well as a conceptual model. The monitoring plan must be approved by Churchill County, or authorized representative, prior to any operation of the facility.

2. *Numerical aquifer model.* The applicant may be required to prepare a numerical aquifer model based on collection of three years of data following commencement of operations. The model shall be designed to show hydrogeological and thermal data to enable modeling of impacts of pumping and injection and potential mitigation actions. The model shall include data on the following:
 - a. Thermal properties of the aquifer which will include local and large-scale impact to local geothermal uses.
 - b. Potential subsidence impact based upon an analysis of existing and predicted conditions based on pumping and injecting volume of the proposed project.
 - c. Changes in radioactive characteristics from pumping, if any.
 - d. Groundwater aquifer: physical and chemical change before and after project completion. This includes pressure, temperature trends, volumes and water chemistry.

Churchill County, or appointed agent, will review and if necessary, revise the numerical aquifer model. Consultant services, if required, for data and model review shall be the financial responsibility of the applicant. The applicant and Churchill County shall enter into an agreement regarding fees and confidentiality prior to consultant review of the data.

- B. *Siting of geothermal well field gathering systems and power generation facilities.* Geothermal well field gathering systems and related power generation facilities shall be sited in areas designated as either: Industrial (I); rural resource (RR-20); or agricultural district (A-10) on the Churchill County zoning map(s). If necessary, a zone change application must be requested and obtained prior to any permits for the geothermal well field gathering system being issued.
- C. *Proximity to water wells.* Geothermal temperature gradient and exploration/development test wells shall be situated with a minimum separation of 3,000 feet from any adjacent private domestic well(s) unless a lease exists between the domestic well owner and the geothermal developer, or one-half mile from state permitted municipal and industrial or quasi-municipal and industrial purpose well(s), unless Churchill County grants a waiver based upon review of the conceptual aquifer model results.
- D. *Minimum standards.* A geothermal well field gathering system and all related surface structures for power generation will satisfy the following minimum standards:
 1. *Visual appearance.* Placement of facilities on peaks or ridgelines shall be avoided, if at all possible, in order to minimize the impact on the visual character of the site.
 2. *Height limits.* Facilities located in the Naval Air Station Fallon and associated ranges notification area shall comply with requirements and standards of section 16.08.240 of this title.
 3. *Screening and lighting.* Screening and/or buffering may be required as a condition of the special use permit to mitigate visual and noise impacts. Where possible all equipment must be a color that blends with the natural surroundings. Lighting shall be so directed to minimize light pollution in conformance with section 16.16.020.7, "Lighting (dark skies)", of this chapter.
 4. *Noise.* Geothermal well field gathering system wells and power generation equipment shall not emit noise levels that are normally or consistently in excess of 65 dBA time weighted average, as measured at the property line at which the facility is located or one-half mile from the plant, whichever is closer. Adjustments for ambient noise will be made and irregular, short periods of exceedance will be tolerated in association with anomalies or maintenance. Acoustical shielding may be required for well heads and equipment in order to comply with this standard.
 5. *Cooling systems and plumes.* New and expanding facilities should utilize dry cooling systems during the winter months to minimize steam, condensation, and other plumes that could impact flight patterns associated with military operations.

16.16.030.3.3. Geothermal direct use wells.

Geothermal direct use wells for commercial or industrial space heating and food dehydration applications require a special use permit pursuant to section 16.08.080 of this title and shall be subject to NRS § 534A.060 and the same development standards as geothermal well field gathering systems.

(Bill No. 2010-C, 2010)

16.16.030.4. Wind energy systems.

16.16.030.4.1. General provisions.

- A. *Purpose.* The purpose of this section 16.16.030.4 is to provide supplemental provisions to those stated in section 16.16.030, "Renewable energy facilities", of this chapter, in order to manage the development and use of wind resources.
- B. *Intent.* The intent of this section 16.16.030.4 is to encourage the use of the wind resource, allow property owners to maximize the available economic incentives, and optimize public safety.
- C. *Required Permits.* A building permit is required for all wind energy systems, regardless of height. A special use permit may be required per this section 16.16.030.4.

(Bill No. 2017-E, 2017)

16.16.030.4.2. Private wind energy systems.

- A. *Standards.* The following standards are for any wind energy system or a combination of systems with an output of 30 kilowatts (kW) or less. The standards apply to systems requiring a special use permit and those that do not require a special use permit (building permit only) and will be binding upon the heirs and successors of the property:
 - 1. *Height.* Wind energy systems 40 feet tall or less are a permitted use on all parcels provided that the setback requirements are met. The height shall be measured from the base of the tower foundation to the top of the blades for tower systems and from the base of the building to the top of the blades for roof mounted systems. Wind energy systems taller than 40 feet require a special use permit. Systems over 200 feet tall are prohibited.
 - 2. *NAS Fallon letter.* A letter shall be provided from NAS Fallon indicating they have been notified of the proposed system and stating any concerns.
 - 3. *Building permit required.* A building permit is required for all systems, regardless of height. The system shall be constructed by an electrical contractor licensed in Nevada.
 - 4. *Setbacks.* Setbacks shall be one and one-half times the total height of the system, measured from the property line.
 - 5. *Noise levels.* Noise levels shall not exceed 65 dB at the property line. Manufacturer's specifications shall be provided with the building permit application indicating that the system does not exceed the noise limit.
 - 6. *Tower design.* The tower shall be designed and installed so that there are no exterior steps, bolts, or a ladder on the tower readily accessible to the public for a minimum height of 12 feet above the ground. For lattice or guyed towers, sheets of metal or wood or other barrier shall be fastened to the bottom tower section such that it cannot readily be climbed. Any guide wires shall be made clearly visible to a minimum of six feet. Support structures may not be used to support or display items such as flags,

- signs, and other advertisement devices, with exception of the wind energy system logo on the generator nacelle.
7. *Wind machines.* Each wind machine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limitations of the system.
 8. *Lighting.* Wind machine towers shall not be artificially lighted unless required, in writing, by the Federal Aviation Administration (FAA), NAS Fallon, or other applicable authority that regulates air safety.
 9. *Maintenance.* Wind energy systems shall be maintained in good repair as recommended by the manufacturer's scheduled maintenance standards.
 10. *Process of removal.* The process of removal shall begin on any wind energy system out of operation for longer than 24 months. The procedure shall include removal of all materials above and below ground including, but not limited to, wind machines, rotors, blades, supporting towers, and associated electrical equipment, not including the concrete foundation. System shall be disconnected and wires shall be removed.
- B. *Additional restrictions.* The planning commission may impose additional reasonable restrictions related to finish, height, color, location, noise, safety or setback as circumstances warrant.
- (Bill No. 2017-E, 2017)

Chapter 16.20 IMPACT FEES

ARTICLE I. ROAD IMPACT FEES

16.20.010. Legislative findings.

The board of county commissioners of Churchill County finds, determines and declares that:

- A. Churchill County must expand its road system in order to maintain current levels of service if new development is to be accommodated without decreasing current levels of service. This must be done in order to promote and protect the public health, safety, and welfare.
- B. The Nevada legislature through the enactment of NRS §§ 278B.150 through 278B.280 has sought to encourage Churchill County to enact impact fees.
- C. The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety, and welfare.
- D. Each of the types of land development described in section 16.20.040 of this chapter will generate traffic necessitating the acquisition of rights of way, road construction, and road improvements.
- E. The fees established by this chapter are derived from, are based upon, and do not exceed the costs of providing additional rights of way, road construction, and road improvements necessitated by the new land developments for which the fees are levied.
- F. The report entitled the "5-Year Road Maintenance Plan" dated May 5, 2005, and the "Churchill County Capital Improvement Plan" dated November 16, 2005, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs of additional rights of way, road construction, and road improvements in Churchill County.

(Bill No. 2005-R, 2005)

16.20.020. Short title, authority and applicability.

- A. This chapter shall be incorporated in the consolidated development code and may be cited as "Chapter 16.20, Impact Fees; Article I, Road Impact Fees."
- B. The board of county commissioners of the county of Churchill, a political subdivision of the state of Nevada, is authorized by NRS § 244.157 to exercise any of the powers in the unincorporated area within its county that a board of trustees of any general improvement district, if organized, would be permitted to exercise.
- C. This chapter shall apply to the unincorporated area of Churchill County.

(Bill No. 2005-R, 2005)

16.20.030. Intent and purpose.

- A. This chapter is intended to assist in the implementation of the Churchill County master plan specifically section 10 transportation, and the Fallon area transportation study adopted by the board of county commissioners on June 15, 2005. Churchill County has prepared a five-year road maintenance plan and a capital improvement plan for the urbanizing area, adopted by the board of county commissioners on November 16, 2005.
- B. The purpose of this chapter is to regulate the use of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide roads in Churchill County. The above stated intent is accomplished in this chapter by the establishment of a system for the imposition of road impact fees within the service area to assure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of, the road capital improvements identified as needed to be built in the road capital improvement plan of the service area.

(Bill No. 2005-R, 2005)

16.20.040. Definitions.

Definitions found in chapter 16.24 of this title shall be applicable. In addition the following definitions shall apply in this chapter:

Site related improvement. Those road capital improvements and right-of-way dedications that provide direct access to the development. Direct access improvements include, but are not limited to, the following:

- A. Driveways and streets leading to and from the development.
- B. Right and left turn lanes leading to those driveways and streets.
- C. Traffic control measures for those driveways.
- D. Internal streets.

Traffic generating development, commencement of. Occurs upon the issuance of a final map for a subdivision, a final map for a planned unit development, or the issuance of a building permit or placement permit for a manufactured home, whichever occurs first, after the effective date hereof.

(Bill No. 2005-R, 2005)

16.20.050. Imposition of road impact fee.

- A. *Fee required henceforth.* After the effective date hereof, any person, government body or any legal entity that causes the commencement of traffic generating development within unincorporated Churchill County

shall be obligated to pay a road impact fee, pursuant to the terms of this chapter. The fee shall be determined and paid to the Churchill County planning department at the time of final map submittal or where a final map is not applicable, paid to the building department at the time of issuance of a building permit or placement permit for a manufactured home.

- B. *Fee still required under development agreements.* Any person, who, prior to the effective date hereof and as a condition of development approval, agreed to pay a road impact fee, shall be responsible for the payment of the fee under the terms of any such agreement. The payment of such fee by the developer will be offset against any impact fees due pursuant to the terms of this chapter.
- C. *Exemptions.* The following shall be exempt from the terms of this chapter. An exemption must be claimed by the fee payer at the time of application for a building permit.
 - 1. Alterations, replacement (if meets criteria as defined in subsection C6 of this subsection) or expansion of an existing legally placed single-family residence, where no additional dwelling units are created, the use is not changed, and no additional vehicular trips will be produced over and above that produced by the existing use.
 - 2. The construction of accessory buildings or structures which will not produce additional vehicular trips over and above that produced by the principal building or use of the land.
 - 3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of approximately the same size and use, provided that no additional trips will be produced over and above that produced by the original use of the land.
 - 4. Any development for which a completed application for a building permit was submitted prior to the effective date hereof, provided that the construction proceeds according to the provisions of the permit or extensions of the permit. If a new building permit is issued for the structure road impact fees will apply.
 - 5. Placement of a manufactured/mobile home under a temporary use permit.
 - 6. An "existing single-family residence" is defined as one that was placed legally at the time it was established and has been lived in after November 2005. If the residence does not meet this definition, the road impact fee is required with the replacement of the structure.
- D. *Establishment of fee schedule.* Any person who causes the commencement of traffic generating development, except those persons exempted, shall pay a road impact fee in accordance with the fee schedule contained in table 1 of this section.

TABLE 1
ROAD IMPACT FEE SCHEDULE

Land Use Type	Unit	Fee
Single-family detached	Dwelling	\$2,300.00
Manufactured home	Dwelling	2,300.00
Multi-family	Dwelling	2,300.00 per unit
Manufactured home park	Pad	2,300.00 per space
Retail/commercial/industrial	Primary structure	2,300.00

(Bill No. 2005-R, 2005; Bill No. 2010-G, 2010; Bill No. 2018-E, 2019)

16.20.060. Establishment of service area.

- A. *Establishment.* For the purpose of further ensuring fee payers receive sufficient benefit for fees paid, two benefit areas are established in the service area. The benefit areas are defined as follows, and are shown in appendix V-A, attached to the ordinance codified herein:

1. Benefit area A is bounded and described as follows: Starting at a point one mile north of Wade Lane along Highway 95, go due west to Soda Lake Road, proceed south along Soda Lake Road to its intersection with Highway 50 (Reno Highway), continue due south to the V-Line Canal, then east along the V-Line Canal to the L-Line Canal, follow the L-Line Canal to Sheckler Road, proceed east along Sheckler Road to the western city limits of the city of Fallon, follow the western city limits northerly to Highway 95, then north along Highway 95 to the point of beginning.
 2. Benefit area B is the unincorporated area of the county including benefit area A.
- B. *Expenditure.* Impact fee funds shall be spent within the benefit area wherein the traffic generating development paying the fee is located.
- C. *Establishment of special revenue fund.* Churchill County shall establish a road impact fee fund for the purpose of collecting and distributing the road impact fees collected under this chapter. Within the road impact fee fund, separate benefit area accounts will be established to ensure that fee payers receive sufficient benefit for road impact fees paid.
- D. *Fund Regulations.*
1. All road impact fees collected by Churchill County shall be immediately deposited into the road impact fee fund.
 2. All proceeds shall be invested in an interest-bearing account. All income derived from these investments shall be retained in the road impact fee fund until transferred. Records of the fund and the various benefit area accounts shall be available for public inspection in the comptroller's office during normal business hours.
- E. *Annual recommendation for fee expenditure.* Each year, at the time the annual budget is reviewed, a capital improvement plan (CIP) shall be developed with recommendations of how road impact fees shall be spent. After review of the recommendation, the board of county commissioners shall approve or modify the recommended expenditures of the fund monies. Expenditures shall be made from the fund only for those capital road improvement projects on the road capital improvement plan for the appropriate benefit areas. Any amounts not appropriated from the benefit area accounts, together with any interest earnings, shall be carried over to the following fiscal year.
- F. *Review of plan.* At least once every two years, the engineering and capital improvement project manager and the road supervisor shall recommend to the board of county commissioners whether any changes should be made to the transportation plan, the capital improvement plan, the five-year road maintenance plan (as it pertains to capital improvements) and this chapter. The purpose of this review is to analyze the effects of inflation on actual costs, to assess potential changes in needs, to assess any changes in the characteristics of land uses, and to ensure that the road impact fees are equitable and do not exceed proportionate share.

(Bill No. 2005-R, 2005)

Chapter 16.24 DEFINITIONS

16.24.010. Definitions generally.

Unless specifically defined below, words or phrases used in this title shall be interpreted so as to give them the meaning they have in common usage (as defined in Webster's dictionary) and to give this title its most reasonable application.

Abandoned. Concerning a building or use, not having been developed or maintained for a stated period of time.

Access. A clear and unobstructed usable approach from the property to a public right-of-way of not less than a 30-foot-wide legal easement and a 20-foot-wide traveled way built to fire code standards, with an unobstructed width of 20 feet and a surface to provide all-weather driving capabilities.

Accessory building or accessory structure. A detached usual and customary building or structure associated with a permitted or conditional use, and subordinate to the primary use on the same lot, including, but not limited to, storage (private), tool shop, children's playhouse, greenhouse (private), garage (private), aboveground swimming pools or similar structures 30 inches or more aboveground. An accessory building connected to a main building by a roof or other means is considered an accessory structure attached to a primary building and each must meet standard setback requirements.

Accessory dwelling unit. Detached or attached living quarters of a permanent construction that may contain kitchen or cooking facilities, clearly subordinate and incidental to the use of the main building on the same parcel for use of the residents of the single-family dwelling. Accessory dwelling units may be rented only if the property owner lives on the parcel. However, if the owner does not inhabit the parcel, they cannot let, lease or rent the unit separately from the main residence, but must exclusively use it for nonpaying guests.

Accessory use. A use of the land that is associated with and dependent upon the existing permitted or special use of that parcel.

Accessory utility use. Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement.

Adjacent. Directly across, adjoining, next to and/or fronting on the improved right-of-way.

Administrator. An agent of the board of county commissioners.

Agricultural production. The growing and gathering of natural resources that require little or no structural alteration of the land. Such uses focus on plant production, but also includes invertebrate (insects, worms, etc.) and low intensity livestock production. This definition excludes mineral extraction, and animal feeding operations. This definition includes the following types of production: rangeland agriculture which includes dispersed grazing, nut harvesting, etc.; timber growing and harvesting which includes silviculture, pinion/juniper fence poles, paper pulp trees, Christmas tree, etc.; farming and cropland production which includes alfalfa, row crops, orchards, sod farms, vermiculture, nursery stock farms, apiary (bees), bulb-root culture, etc.; and pasture grazing of livestock that are not confined to a specific area for feeding, hobby farms, and confined livestock feeding of 100 animal units or less. Also included are agricultural support buildings needed for the production operation.

Agricultural support building. A building that is accessory to an agricultural production operation and supports natural resource activities, such as a barn, well house, office, storage of natural resource products produced on-site (silo, cold warehouse, hay shed, greenhouse, etc.), and similar buildings; but excluding buildings for agriculture and resources related retail and industrial uses.

Agro-tourism. Agriculture or natural resources facilities or events that support or promote the natural resources operation or natural resources industry (excluding mineral resources), including seasonal or permanent activities, events, tours, tasting rooms, etc., that are related to and on-site with the natural resources operation.

Airport. An aviation landing area where any aviation related commerce is conducted.

Airstrips, landing strips, or helicopter pad. An aviation landing area where no aviation related commerce is conducted.

Alley. A public thoroughfare or way, which may be 30 feet or less in width and/or a secondary means of access to abutting property.

Amenity. A natural or created feature that enhances the aesthetic quality, visual appeal, or attractiveness of a particular property, place or area.

Ancillary facility. All real property, antennas, poles, wires, cables, conduits, amplifiers, instruments, appliances, and other personal property used by a person or company to supply services to a subscriber.

Animal boarding. A place where dogs, cats, and other domestic animals are housed, boarded, trained and groomed.

Animal feeding operation — small and large. An animal feeding operation is an agricultural enterprise where animals are kept and raised in confined situations, resulting in congregations of animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland. This use is regulated according to two size classifications: small and large. A small animal feeding operation feeds between 20 and 1,000 animal units. A large animal feeding operation feeds more than 1,000 animal units and signifies a scale of operations that may cause land use compatibility problems.

Animal unit. A measure of intensity for livestock/animal operations that is based on the amount of waste produced by the animal, as determined by the U.S. EPA: For example one animal unit is equal to one beef cow, 0.7 dairy cows, 2.5 large pigs, 0.5 horses, ten sheep, 55 turkeys, and 125 meat chickens.

Antenna. A device by which electromagnetic waves are sent or received (whether a dish, rod, mast, pole, set of wires, plate, panel, line, cable or other arrangement serving such purpose).

Apartment. A room, or suite of rooms, within an apartment house which has facilities for the preparation of meals, is designed for and used or intended to be used by one family and is intended to be occupied on a rental basis with a rental period of at least one week.

Area of site. The total horizontal area within the property lines.

Arterial street.

Major arterial. A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterial streets.

Minor arterial. A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.

Asphalt or concrete batch plant. An industrial facility used for the production of asphalt, concrete, or concrete products used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process of finished products manufactured on the premises, and the storage and maintenance of required equipment, but does not include the retail sale of finished concrete products. Such plants may be included in a mineral extraction and processing operation.

Assembly (related to manufacturing). Putting together all manufactured parts and components of a product to create a completed product.

Automobile graveyard. Any establishment or place of business which is maintained, used or operated for storing, keeping, processing, buying or selling wrecked, abandoned, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

Automobile wrecker. A person who obtains a license to dismantle, scrap, process or wreck any vehicles, including, without limitation, wrecked, salvaged, nonrepairable, abandoned and junk vehicles, which includes, without limitation, removing or selling an individual part or parts of such vehicle or crushing, shredding or dismantling such a vehicle to be disposed of as scrap metal.

Average slope. The slope of land as determined by the following formula: $S = I/D \times 100$, where: "S" is average slope; "I" is the difference between the highest and lowest contour lines of a topographical map for the parcel, in feet; "D" is the distance between the contour lines used in computing I, in feet; and 100 is the conversion factor into percentage. The average slope of a parcel is measured along a line located near the center of any area to be used for development.

Bar. Premises used for the dispensing of liquor by the drink for on site consumption, where food may be served as an accessory to the principal use.

Bed and breakfast. Overnight accommodations and a morning meal in a dwelling unit provided to transients (guests) for compensation.

Bicycle. A vehicle having two tandem wheels, either of which is more than 16 inches in diameter or having three wheels in contact with the ground any of which is more than 16 inches in diameter, propelled solely by human power, upon which any person or persons may ride.

Bicycle facilities. A general term denoting improvements and provisions made by public agencies to accommodate or encourage bicycling, including parking facilities, mapping all bikeways, and shared roadways not specifically designated for bicycle use.

Bicycle lane (bike lane). A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle path (bike path). A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

Bicycle route (bike route). A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without specific bicycle route number.

Block. Land on one side of a street lying between intercepting streets or between such streets and any unsubdivided acreage or body of water.

Boarding house or rooming house. A building or portion thereof (not a motel) where, for compensation, lodging with or without meals is provided for more than three guests; provided, however, that the boarding of foster children only shall not be deemed a boarding house.

Body marking service. Services that provide tattoo, body piercing (excluding earrings), permanent makeup; and similar activities that cause breaching of the skin or body, and may include the purchase, storage, use and disposal of needles, inks, and dyes.

Boundary line adjustment. The adjustment of the boundary or the transfer of land between two adjacent property owners, which does not result in the creation of any additional parcels.

Building. Any structure having a roof supported by columns or walls and used for the enclosure of persons, animals or chattels; however, unless expressly stated, the "building" shall not include a trailer or mobile home.

Building and landscape material/lumberyard. A facility for the sale of home, lawn and garden supplies, and construction materials such as brick, lumber and other similar materials.

Building height. Vertical distance from the average level of the highest and lowest points of that portion of the lot covered by the building to the topmost part of the roof or gable.

Building, main. "Main building" means a building devoted to the principal use of the lot upon which it is situated.

Building setback. The distance between the property line and the building line of a structure on the property.

Building site. A parcel or lot of land containing not less than the prescribed minimum area required by any applicable regulations existing at the time and occupied or intended to be occupied by buildings or structures.

Carport. An accessory building having two or more open sides.

Casino/gaming establishment. A room or rooms in which legal unrestricted gaming is conducted.

Casita. Separate living quarters.

Cellular communication facility. A communication system that uses a network of short-range transmitters in overlapping zones and a central station to connect to telephone lines, which is not limited to a tower, pole, or similar structure which supports telecommunication antennas operated for commercial purpose aboveground in a fixed location, freestanding, guyed or on a building or other structures.

Cemetery. Land used for the interring of the dead, including columbariums, crematoria, mausoleums and mortuaries.

Central accessory building in an RV park. A structure housing toilet, lavatory and such other facilities as required or permitted.

Chemical manufacturing. The creation, alteration, and bulk storage of chemicals, fuels, plastics, polymers, and similar substances. This definition includes refining, recycling, or cleaning of such substances. This definition excludes the processing of food and beverage fluids (including alcoholic beverages); the use of pre-made chemicals, plastics pellets, and similar substances in a manufacturing process; and similar handling of chemicals and substances.

Child care institution/boarding school. A facility meeting NRS § 432A.0245, which generally provides a full-time living environment and developmental services to 16 or more children. This may include services to special needs children and emergency shelter to children in protective custody.

Church, temple, and house of worship. Any building used for religious worship services, religious education and fellowship activities and programs of a religious organization. This term includes the use of the building and premises for other related activities, such as childcare facilities, formal educational programs, preschool classes and recreational activities, but only when those activities are ancillary to the religious use and only after those uses have been approved by means of a use review or other procedure under this title. This term does not include any class of childcare center, general education classroom or facility, thrift shop, homeless shelter or commercial activity.

Churchill County systems. All sewer, potable water, alternative water, street and storm drain infrastructure that falls under the jurisdiction of Churchill County.

Clinic. An ambulatory healthcare building designed and used for the medical and surgical diagnosis or treatment of human patients on an outpatient basis (includes psychological evaluation, medical and dental).

Cluster development. Occurs when a parcel(s) is developed to cluster lots for residential uses, while designating the remainder of the parcel or contiguous parcels for agricultural retention or open space.

Common area. An area set aside within a land development for use in common by the residents thereof. Such areas shall be subject to approved legal controls and the governing body shall be made a party to this agreement.

Community recreational facility, public. A facility which provides for community recreational activities and is available to the general public.

Community residential facility. The following group living conditions, which have individual definitions. Of these, groups with disabilities, and halfway house for substance abuse recovery are definitions required to be included as a single-family dwelling when under a specified threshold by SB 477 (2017). Those over the threshold are considered a community residential facility. Similar group facilities using similar thresholds are also included under this definition.

- A. Home for groups with disabilities serving 11 to 20 people, plus caretakers.
- B. Treatment center or halfway house for substance abuse recovery serving 11 or more people.
- C. Domestic violence shelter serving 11 or more people.
- D. Group foster home serving 7 to 15 people. (For 16+ see definition of child care institution/boarding school).
- E. Halfway house for incarceration transition (any number).

Congregate housing/teen houses.

- A. A dwelling providing shelter for teens or the elderly which may include meals, housekeeping and personal care assistance;
- B. A residential facility for four or more persons within which are provided living and sleeping facilities, meal preparation, laundry services and room cleaning. Such facilities may also provide other services, such as transportation for routine social and medical appointments and counseling.

Conservation and wildlife sanctuary. Land left in its natural state for the purpose of providing sanctuary, habitat, and breeding grounds for wild birds, animals and plant life and includes a forest reserve.

Construct. Includes the words "erect", "reconstruct", "alter", "move in" and "move upon".

Contractor. A person(s) or governmental entity, which contracts to furnish supplies or perform work, especially in construction.

Contractor's equipment yard. An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. The area would allow for the storage of construction material and equipment customarily used in the trade carried on by the construction contractor.

Convention facilities. A facility designed to accommodate any number of persons and used for conventions, seminars, conferences, product displays, recreation activities and entertainment functions, along with accessory functions including temporary outdoor display and food and beverage preparation and service for on premises consumption.

Daycare facility. The custodial care for compensation of five or more minors or one or more aged or infirm adults not related by blood or legal adoption or marriage to the custodian.

Dedicate. To convey all interest in the subject property, facilities, and/or water rights to Churchill County.

Deed. A legal document conveying ownership of real property.

Density. The number of families, individuals, dwelling units, households or housing structures per unit of land.

Detached accessory structure. A part of a main building or a separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use.

Detail sheets. The latest edition of the public works' detail sheets must be attached to any drawings on Churchill County improvements in the Churchill County system.

Developer. A person, firm, individual, corporation, trust, syndicate, partnership or owner engaged in the act of causing a land development.

Directly benefiting. Benefit to a proposed land division from improvements previously required, completed and accepted by Churchill County.

Division and division of land. Any separation of land into two or more parts or parcels accomplished by deed, contract of sale, map, lease, conveyance of right-of-way, court decree, intestate or testamentary disposition, excepting any such conveyance made for the purpose of locating or adjusting boundary lines between two parcels.

Domestic violence shelter. A home or facility where victims of domestic violence and their children seeking refuge from their abusers can receive temporary housing, food, childcare, and other support services. The location is usually kept confidential to prevent the abuser from locating their victims. This definition is regulated under two size categories further defined under definition of single-family dwelling and community residential facility.

Driveway/lot. A lot with a driveway located along the common property line of two parcels.

Duplex. A building containing two attached single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof with both dwellings located on the same lot or parcel.

Dwelling. Any building or portion thereof used exclusively for residential purposes, but does not include hotels, clubs, boarding houses or rooming houses, or institutions.

Dwelling, multi-family. "Multi-family dwelling" means a building designed and/or used to house two or more families, living independently of each other. These include, but are not limited to, duplex, triplex, quadplex, condominium, apartment, townhouse, etc.

Dwelling, single-family. Single family dwelling means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, used synonymously with single-family residence. This definition includes certain group living conditions, which have individual definitions. Of these, individual residential care, groups with disabilities, and halfway house for substance abuse recovery are definitions required to be included as a single-family dwelling under SB-477 (2017).

- A. Home for individual residential care is limited to one to two people plus caretakers.
- B. Home for groups with disabilities is limited to three to ten people plus caretakers.
- C. Halfway house for substance abuse recovery is limited to one to ten (10) people.
- D. Domestic violence shelter is limited to one to ten people.
- E. Foster home is limited to one to seven people.

Eating and drinking establishment. A business establishment whose principal activity is preparing and selling food or beverages to the customer in a ready to consume state, and where the customer either takes the food or beverages out of the building or consumes them while in the building. A farm specialty eating and drinking establishment is located on a farm or ranch and serves food produced on-site but is not limited to serving only food produced on-site.

Elder care facility. A facility designed for residential living, while providing for the progressive multi-level care of elderly residents as they age, which may include facilities for independent living, assisted living, nursing home care, and/or hospice care. Such facilities may also provide residential facilities for nonelderly people.

Emergency and surgical medical facility. A building designed and used for the medical and surgical diagnosis, treatment and short-term housing of persons under the care of doctors and nurses, and supporting services, such as emergency rooms, medical service offices, heli-pads, gift shops, restaurants and laundromats. Extended care medical facilities, such as nursing homes and convalescent homes are not included.

Equestrian boarding and training facilities. The use of lands, buildings, or structures for the boarding or raising of three or more horses not owned by the operator, and the training of horses and riders; but does not include the staging of equestrian events or the racing of horses, which are reviewed as individual uses.

Excavation. The mechanical removal of earth materials.

Existing roads.

- A. A road located within a legally created road easement which has been recorded in the office of the county recorder and which meets the minimum specifications for a road as set forth in this title; or
- B. A road which has been traveled upon or over for a continuous period of time greater than five years, by a number of members of the public in an adverse, open, continuous, and peaceful manner.

Exotic animal. Not normally grown or raised, or indigenous to the area, usually imported from another country.

Exotic animal farm. The boarding and/or breeding of exotic animals generally considered as wild or not normally domesticated. A permit from Nevada Department of Wildlife may be required.

Extended care medical facility. A facility designed for the long-term care of persons needing to recover from illness or disability, or that need a permanent residence with intensive medical oversight that may last for months or years.

Fabrication. A process in which an item is made (fabricated) from raw or semi-finished materials instead of being assembled from ready-made components or parts. Metal fabrication relates to the cutting, bending, and assembling processes to create parts or pieces from various raw materials. Not large-scale mass production like manufacturing.

Family. One person living alone or two or more persons related by blood, marriage or legal adoption, or a group not exceeding four unrelated persons living as a single housekeeping unit.

Farm labor quarters. An independent, self-contained dwelling unit such as a temporary structure or recreational vehicle located on the same lot as the principal use or structure and which provides residential accommodations for property maintenance persons and/or farm laborers.

Farm stand/direct resource product sales site. A sales location on the farm or natural resource production property that sells the products of the natural resource operation, excluding mining/extraction. Examples include traditional farm stands, u-pick farms, u-cut tree farms, nonauction animal sales, nursery tree farm sales, pine nuts sales, etc.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

Fill. The deposit of materials including dirt, rock, sand and gravel by a person on a parcel of land to create volume on the parcel.

Final map. A map prepared in accordance with the provisions of the Nevada Revised Statutes and this Code and which is designed to be placed on record in the office of the county recorder.

Finished elevation. The proposed elevation of the land surface of a site after completion of all site preparation work.

Flea market/swap meet. An occasional or periodic market held in an open area or structure where groups or individual sellers offer goods for sale to the public.

Fleet vehicle parking and maintenance facility. A parking lot or area for ten or more vehicles used in a business or other operation that may also include maintenance facilities for the fleet vehicles. Examples include a school bus parking facility, a taxi parking yard, a utility motor pool, etc. This definition excludes fire, police, and trucking uses that are presumed to always have vehicles associated with the use.

Flood hazard. Possible occurrence of overflow stormwater causing flooding of lands or improvements, or having sufficient velocity to transport or deposit debris, to scour the surface soil, and to dislodge or damage buildings, or to cause erosion of the banks or channels.

Floor area. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts.

Floor area, gross. The total square footage of all floors of a new structure.

Floor area, net. The total square footage of all nonstorage areas of a structure.

Floor area ratio. The gross floor area of all buildings on a lot divided by the lot area.

Foster home and group foster home. A family home or facility meeting NRS § 424.014 that provides a home environment for one to six children, excluding children of the operator, and that ensures educational attendance and health treatment for the children. Foster homes may be operated for compensation. This definition includes family, specialized, and independent living foster homes, as regulated by the state, and is regulated as a single-family dwelling. A "group foster home" means a foster home meeting NRS § 424.015 serving for seven to 15 children,

excluding the children of the operator, may be operated for compensation, and is regulated as a community residential facility. (When serving 16 or more children, see definition of child care institution/boarding school.)

Frontage. The side of a lot abutting on a street; the front lot line.

Funeral or interment facilities. A building designed for the purpose of furnishing funeral supplies and services to the public, and includes facilities intended for the preparation of the dead human body for interment or cremation.

Game hunting farm. The boarding or breeding of exotic animals generally considered as wild or not normally domesticated that are raised for commercial hunting ventures.

Gaming. Any legally constituted gambling enterprise authorized under Nevada state law.

Garage, private. A space or building intended for or used by the private automobiles of families resident upon the lot.

Garage, public. A building for the care, repair, storage or hire of motor vehicles.

Garden supply/plant nursery. A facility for the growing, display, or sale of plant stock, seeds or other horticultural items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping.

Golf course. A tract of land laid out for at least nine holes for playing the game of golf, improved with trees, greens, fairways, hazards and that may include a clubhouse and shelter/workshops.

Golf course and driving range. A public or private area operated for the purpose of playing golf, developing golfing techniques and may include a clubhouse, miniature golf courses and recreational facilities.

Grade. The degree of rise or descent of a sloping surface (see definition of average slope).

Gross land area. The total square footage or acreage of a parcel of land prior to subdivision, development or offer of or acceptance of dedication of land area for access drainage and/or public utility easements and/or rights-of-way.

Halfway house for incarceration transition. A home or facility, including but not limited to those meeting NRS § 449.0055 "facility for transitional living for released offenders", that provides housing and a living environment for persons who have been released from prison or other incarceration and who need assistance with reintegration into the community.

Halfway house for substance abuse recovery. A home or facility meeting NRS § 449.008 "halfway house for recovering alcohol and drug abusers" that provides housing and a living environment for recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community but does not provide any treatment for alcohol or drug abuse. The term does not include a facility for transitional living for released offenders. This definition is regulated under two size categories further defined under definitions of single-family dwelling and community residential facility.

Highway. A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way.

Home based business. Any business activity customarily not associated with a residential parcel conducted as an incidental and accessory use of the residential parcel. The applicant must reside on the property to be considered home based.

Home for groups with disabilities. A home or facility meeting NRS § 449.017 "residential facility for groups" that furnishes food, shelter, assistance and limited supervision to a person with an intellectual disability or with a physical disability or a person who is aged or infirm. The term includes, without limitation, an assisted living facility; but does not include: a) an establishment which provides care only during the day; b) a natural person who provides care for no more than two persons in his or her own home; c) a natural person who provides care for one or more persons related

to him or her within the third degree of consanguinity or affinity; d) a halfway house for recovering alcohol and drug abusers; or e) a home in which community-based living arrangement services or supported living arrangement services are provided by a provider of such services during any period in which the provider is providing the services. This definition is regulated under two size categories further defined under definitions of single-family dwelling and community residential facility and is limited to caring for 20 or fewer persons. Facilities caring for more than 20 persons are reviewed as an elder care facility or extended care medical facility.

Hotel or hotel suites. A building containing six or more guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests on a transient basis for less than 28 consecutive days total.

Hotel. A building or group of buildings whose main function is to provide rooms for temporary lodging where entrance to each room is gained from a completely enclosed area. A hotel may also contain restaurants, conference rooms and personal service shops.

Hotel suites. A facility offering temporary lodging accommodations to the general public in which rooms or suites may include kitchen facilities and sitting rooms in addition to the sleeping room.

Impact fee. A fee imposed on a development to help finance the cost of improvements or services.

Important farmlands. Those farmlands that provide sufficient production to enhance the local economy; provide a source of recharge to the aquifers; and/or provide habitat for various wildlife as defined by USDA, NRCS.

Impound yard. A place where disabled motor vehicles and other mobile equipment are impounded for breach of the law and may be taken or towed and stored temporarily until reclaimed.

Improvement. Street work and utilities, irrigation facilities and other facilities to be installed, or agreed to be installed, by the developer including those to be used for public or private streets, highways, ways and easements, as are necessary.

Improvement plan. An engineering plan submitted by a civil engineer registered in the state, showing the location and construction details of all improvements required by the applicable codes or regulations.

Individual residential care. A single family dwelling or facility meeting NRS § 449.0105 in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons with intellectual disabilities or with physical disabilities or who are aged or infirm, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. The term does not include a halfway house for recovering alcohol and drug abusers, or a home in which community-based living arrangement services or supported living arrangement services are provided by a provider of such services during any period in which the provider is engaged in providing the services.

Industrial/fabrication. Industrial activities that include, but are not limited to, foundries, fabrication of parts from bulk materials, manufacturing of vehicles and manufactured homes, alteration of large materials (such as lathing, cutting, and welding), and the assembly of components and processing activities not meeting the definition of light manufacturing. This definition excludes chemical processing - see definition of chemical manufacturing.

Industrial park. A tract of land that is planned, developed and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility.

Infrastructure. Facilities and services needed to sustain industry, residential, commercial, and all other land use activities.

Inoperable vehicles. Autos and equipment that are unable to function or run.

Joint ownership. The equal estate interest of two or more persons.

Junk. Includes old or scrap iron, copper, brass, lead, zinc, tin, steel and other old or scrap ferrous and nonferrous materials, metallic cables, wires, ropes, cordage, batteries, bottles, bagging, rags, rubber, paper, dismantled or wrecked or abandoned motor vehicles, or parts thereof and all other secondhand, used or castoff articles or material of any kind.

Junkyard. An establishment or place of business which is maintained, operated, or used for storing, keeping, processing, buying or selling junk, or for the maintenance or operation of an automobile graveyard or scrap metal processing facility.

Just compensation. Payment made to a private property owner by an agency with the power of eminent domain when the private property is taken for public use.

Kennel. A place where at least ten dogs of not less than six months of age are kept, harbored, or maintained for:

- A. Boarding;
- B. Training (two or fewer dogs trained for use by the armed forces, police officers, search and rescue teams, or similar organizations and two or fewer dogs trained as service dogs for use by handicapped persons, persons in wheelchairs, or similar persons are exempt); or
- C. Breeding for sale to a retailer or dealer.

For the purposes of this definition, dogs used in farming or ranching must not be counted when determining the number of dogs that are being kept, harbored or maintained.

Land application of domestic septage. The application of septage of domestic origin to sites infrequently visited by the public for purposes of soil amendment. Land application may be by hauler truck or other vehicle to apply septage to the land surface, or by specialized equipment to inject septage beneath the soil surface.

Land development or development.

- A. Any real property, improved or unimproved, or portion thereof, shown on the latest adopted tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease or financing, whether immediate or future, by anyone into five or more parcels within any one calendar year or, if the intent of offering over four lots for sale regardless of time period is evident, the Planning Commission may declare an act of subdividing.
- B. "Subdivision" does not include the following:
 - 1. Any parcel of land in which all of the following conditions exist:
 - a. Contains less than five lots, parcels, sites, units or plots, for the purpose of any transfer, development or any proposed transfer or development,
 - b. Abuts dedicated rights-of-way,
 - c. No street openings are required to divide lots,
 - d. Lot design meets the approval of the governing body;
 - 2. Any parcel of land divided into lots or parcels each of net five acres or more, a tentative plat of which has been approved by the governing body as to street alignments, widths, drainage and lot design;
 - 3. Any land platted for cemetery purposes not involving any street openings or easements of any kind.

Land divider. A person or governmental entity, which causes land to be divided into two or more parcels or a subdivision for himself or for others.

Land with water rights. All lands with water rights appurtenant thereto as shown on the official water right maps of the Truckee-Carson Irrigation District.

Laundromat. An establishment providing washing, drying or dry-cleaning machines on the premises for rental use to the general public.

Light manufacturing. Includes assembly of components (including using welds, solder, fasteners, etc.); processing of food and beverages (including distillation, canning, etc.); processing of particulate or liquid materials; or research activities (excluding testing activities listed in the use limits of this Code) where all activities shall be performed in a completely enclosed building. Outside the building, there shall be no significant or noticeable indication of the manufacturing operation. This definition excludes chemical processing — see definition of *chemical manufacturing*.

Livestock. The animals raised on a farm or ranch (i.e., cows, horses, calves, cattle, sheep, goats, swine) excluding exotics.

Loading space. Off street vehicular parking area of not less than ten feet by 40 feet located adjacent to a building or facility set aside for the exclusive use of persons immediately engaged in the transference of goods, materials, or nonambulatory persons between such space and the adjacent building or facility. Occupancy of such space shall be limited to the duration of such loading or off loading.

Lot. A distinct unit of land that abuts a means of legal access.

Manufactured home. A dwelling which is: a) built on a permanent chassis; b) designed to be used with or without a permanent foundation as a dwelling when connected to utilities; c) transportable in one or more sections; d) manufactured under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC section 5401 et seq.), "HUD code"; and e) eight feet or more in body width or 40 feet or more in body length when transported, or when erected on site contains 320 square feet or more. The term "manufactured home" does not include a travel trailer or commercial coach.

Manufactured/mobile home park. An area, parcel or tract of land having as its principal use the rental, leasing or occupancy of space by two or more manufactured/mobile homes on a permanent or semipermanent basis, including any accessory building, structures or uses customarily incidental thereto.

Manufacturing. The use of land, building or structures for the purposes of manufacturing, assembling, making, preparing, inspecting, finishing, treating, altering, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

Map of division into large parcels.

- A. The creation of any number of land units from the same parcel where each land unit created is 40 acres or more; or
- B. One-sixteenth of a section as described by a government land office survey.

Marijuana establishments. Means a medical marijuana establishment as defined in NRS § 453A.116, a marijuana establishment as defined in NRS § 453D.030(11), or any commercial establishment where a member of the public is invited, or permitted to be, and the use of marijuana is permitted.

Meat processing. A facility for slaughtering, meat packing, and processing of animals and their byproducts.

Mineral extraction and processing. An operation of which the extraction of minerals, including solids, such as ores and coal are conducted; and may also include processing of the extracted material, such as crushing, screening, washing, and chemical treatment. Accepted agricultural practices, such as laser leveling of fields according to best management practices, where material is not removed from the site, and similar land alterations is exempt.

Ministorage. A facility that is divided into individual spaces which are rented or leased for storing property, and to which the renter or lessee has access. All storage shall be within an enclosed building except for the storage of "recreational vehicles", trailers and boats. This term does not include a garage, tow yard, impound yard for vehicles, or automobile graveyard.

Mixed use development. The development of attractive land, building, or structure with a variety of complementary and integrated uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mobile home. A dwelling which is: a) built on a permanent chassis; b) designed to be used with or without a permanent foundation as a dwelling when connected to utilities; c) transportable in one or more sections; and d) manufactured prior to the establishment of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC section 5401 et seq.), "HUD code". The term mobile home does not include a travel trailer or commercial coach.

Modular building. An office, apartment, school, motel or other building, whether it is a total building or a room, which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on site in accordance with regulations, adopted pursuant to NRS § 461.170, but does not include a mobile home.

Motel. Two or more accommodations for sleeping within a building used mainly by transients with an individual private on-site parking area attached or accessible to each unit.

Municipal well. A structure or building to support the provision of water services for a local governmental entity, for purposes of supply and storage of water for public system.

Municipality. The political subdivision that can adopt and enforce the development ordinances if so empowered by State legislation.

Natural resources. Existing natural elements relating to land, water, air, plant and animal life, including but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation, and animal habitats.

Neighborhood. An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic, economic characteristics or housing types, or defined by a physical boundary, such as a major highway, rail line or natural feature.

Nonconforming use. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Off premises storage. Storage of personal belongings, equipment, vehicles, etc., not associated with the business located on the site, outside of a ministorage facility.

Off-site advertising/billboard. An outdoor advertisement making a material or service known, such advertisement being remote from the point of sale of such material or service.

Off site parking. Parking provided for a specific use but located on a site other than the one on which the specific use is located.

Office. A building, or part thereof, designed, intended or used for the practice of a profession, the business of administrative, professional or clerical operations, including administrative governmental functions or mortgage companies.

Oil and gas extraction. An operation of which the extraction of liquids, such as petroleum; and gases, such as natural gases, are conducted. The processing of extracted oil or gas is not included in this definition - see definition of chemical manufacturing.

Open space. A parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners, occupants, and their guests, of land adjoining or neighboring such open space.

Orange book. The latest adopted edition of the "Standard Specifications for Public Works" published by the regional transportation commission of Washoe County and standard details attached thereto.

Outbuildings. A separate accessory building or structure, not physically connected to the principal building.

Outside display of goods and merchandise. The setting up and display of household goods and merchandise outside of a primary structure for the purposes of selling the goods. This includes, but is not limited to, yard/garage sales from homes or mini-storage facilities storing personal household goods; temporary sales or promotional events outside the primary structure of a commercial operation such as clearance sales, street vendors, sale of pumpkins and Christmas trees, pet adoptions, etc.; permanent display of merchandise associated with businesses such as nurseries and landscaping, automobile sales and equipment rental and sales.

Outside storage. The use of a portion of a lot or area for the long-term retention (more than 24 hours) of materials and machinery or equipment, regardless of whether the materials, machinery, or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. Outside storage areas are generally accessible by employees only. This term does not include new or used motor vehicle sales and rental/retail display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in conjunction with a principal use. This term does not include goods that are for sale and are on display outside the primary business structure that are accessible by the public. (For example this includes, without limitation, pipes, tools, equipment, etc., used to conduct the business and not for retail sale; however, it does not include, without limitation, trucks, trailers, and large vehicular equipment used for a business, such as drilling rigs, backhoes, loaders, etc.)

Owner. An individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop the same under this title.

Parcel. A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

Parcel map. A parcel map shall be deemed under this section to include the creation of four or fewer parcels at a single time from the same parcel where each parcel created is less than 40 acres. "Parcel map" means a map as provided in NRS §§ 278.461, 278.462 and 278.464 to 278.467, inclusive, of Nevada Revised Statutes.

Parcel map, second and subsequent. Any additional parcel map prepared anytime after the first parcel map.

Park. Public or private open space for use by occupants of the development or the public.

Parking space. An area set aside, constructed and maintained for the exclusive purpose of parking.

Path. A way designed for use primarily by pedestrians.

Private paths. A right-of-way established for the benefit of the owners of certain building sites, which shall be specifically designated for that purpose on a recorded plat.

Public paths. Rights-of-way dedicated by a development map or deeded to the county.

Pawnshop. A business in which money is loaned on the security of pledges, deposits or other secured transactions in personal property.

Permitted use. Any use allowed in a zoning district and subject to the restriction applicable to that zoning district.

Planned development/PUD. An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained according to plan as a single entity and containing one or more structures with appurtenant common areas. In addition the area may be developed through phases.

Ponding of local water. Distinguished from sheet overflow water originating on or in the vicinity of the development, which, due to the condition of the ground surface, does not reach a drainage channel or conduit.

Power generation. A facility that generates power, normally electricity but including a renewable resource facility that provides a service other than electricity generation. Generation sources may include fuel-based

resources and renewable resources. Fuel-based resources include coal, oil, natural gas, vegetation waste, burning of methane gas, etc. Renewable resources include geothermal, wind, hydro, solar, creation of gas fuels (not burned), etc., and such facilities may be regulated as renewable energy facilities. Power generation is classified into the following categories:

- A. Private power generation and alternatives are facilities using fuel or renewable resources, that provide power for personal/on-site use by a home or business, including a renewable resource facility that provides a service other than electricity generation such as windmill water pumps, solar hot water panels, and geothermal well heating. Facilities must produce less than 20 kilowatts of power and must be no taller than 40 feet.
- B. Minor power generation are facilities using fuel or renewable resources, that provide power for personal/on-site use by a home or business, but may produce up to 500 kilowatts of power, and may be more than 40 feet high.
- C. Major power generation are facilities using fuel or renewable resources, that are not classified as private power generation and alternatives or minor power generation.

Print. A blueprint, photostat, and direct process print or other copy, which reproduces exactly the original drawing from which made.

Produce sales. The on-site sale of farm produce and/or shell eggs from property owned, rented or leased by the farmers who grow or produce all or part of the farm produce or shell eggs offered for sale. Only products grown or produced on site may be sold. Typical uses include produce stands and fruit and vegetable stands.

Prohibited use. A use that is not permitted by any means in a particular zoning district.

Property owner. A person or entity that has fee title to a parcel(s) of real property in Churchill County.

Public notice. The advertisement of a public hearing in a paper of general circulation and through the mail, or the posting of a sign on property, each designed to indicate the time, date, place and nature of a public hearing.

Public road. Any part of land, or nonexclusive easement, owned by a public body, or dedicated and accepted by a public body, which is primarily used by the general populace and is not restricted to use by local residences.

Public utility. A regulated enterprise with a franchise for providing to the public a utility service deemed necessary for their health, safety, and welfare.

Quasi-municipal well. A well serving more than one permanent residence or dwelling unit. Not public.

Record of survey. The map showing, and resulting from, a survey of land relating to land boundaries and property lines made in conformance with the licensed practice of land surveying.

Recreation and entertainment facility — outdoor and indoor. A facility designed to provide recreation and entertainment events for groups of people, including large crowds. Outdoor facilities are primarily open-air facilities focused on outdoor recreation and livestock activities that include fairgrounds (including with occasional motor vehicle events, but excluding motorized racetracks), sports stadiums, concert venues, and rodeo and farm animal event venues. Indoor facilities are enclosed facilities focused on indoor entertainment that can include auditoriums, cinemas, theaters, playhouses, bowling alleys, skate rinks, sports fields, etc.

Recreation, private. A recreation facility operated by an organization and open to members and guests of such organization.

Recreation, public. A recreation facility open to the general public. Uses may include neighborhood public parks.

Recreation resort. A group or groups of buildings containing more than five dwelling units and/or guestrooms and providing outdoor recreational activities that may include fishing, golf, horseback riding, hunting, swimming,

shuffleboard, tennis and similar activities. A resort with 20 or more rooms may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge, and convention facilities.

Recreational vehicle. A vehicle designed and manufactured for the primary purpose of providing temporary shelter and which is pulled by or attached to a motor vehicle or is capable of locomotion under its own power. The term recreational vehicle includes, without limitation, motor homes, RVs, travel trailers, park model trailers and campers.

Recreational vehicle park. Means and includes two types of recreational vehicle parks as follows, each subject to certain requirements upon issuance of a special use permit:

- A. Type A: An area, parcel or tract of land having as its principal use the rental, leasing or occupancy of space by two or more recreational vehicles on a temporary or semipermanent basis, including any accessory buildings, structures or uses customarily incidental thereto; and
- B. Type B: A parcel or tract of land operated in conjunction with another principal business (i.e., motel, restaurant, service station, etc.) and having as its principal use the transient rental or occupancy of space by two or more recreational vehicles, including accessory buildings and structures, or uses customarily incidental thereto.

Recycling facilities. Facilities designed and operated to receive, store, process or transfer recyclable material which has been separated from other solid waste. This definition excludes chemical recycling - see definition of chemical manufacturing.

Recycling operations. The process by which waste products are reduced to raw materials and transformed into new and often different products.

Required area. The minimum area of a lot or parcel necessary to permit its use under the provisions of this title; any lot shown as part of a subdivision recorded as a final plat in the manner provided by law; or any land separated as a lot or parcel prior to the adoption and effective date hereof or the adoption of additional zoning districts, if said area and use comply with all other regulations pertaining to the district in which located.

Required width. The minimum width of a lot or parcel necessary to permit its use under the provisions of this title.

Residential facility for groups. Meaning ascribed in NRS § 449.017.

- (1) Except as otherwise provided in subsection 2, "residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to a person with an intellectual disability or with a physical disability or a person who is aged or infirm. The term includes, without limitation, an assisted living facility.
- (2) The term does not include:
 - a. An establishment which provides care only during the day;
 - b. A natural person who provides care for no more than two persons in his or her own home;
 - c. A natural person who provides care for one or more persons related to him or her within the third degree of consanguinity or affinity;
 - d. A halfway house for recovering alcohol and drug abusers; or
 - e. A facility funded by a division or program of the department of health and human services.

Revegetation. The stabilization of disturbed or graded soils by replanting with indigenous or other natural appearing plant materials.

Reversion to acreage. In compliance with NRS § 278.490, reversion to acreage means an owner or governing body desiring to revert any recorded subdivision map, parcel map, map of division into large parcels.

Rezone. To change the zoning classification of particular lots or parcels of land.

Rodeo and farm animal event venue. A facility designed to provide livestock-based recreation and entertainment events for groups of people, including large crowds, including racing, showing, equestrian event centers, etc.

Room. An unsubdivided portion of the interior of a building or dwelling, excluding bathrooms, kitchens, closets, hallways or porches.

Sanitary station. A facility used for removing and disposing of waste from recreational vehicle holding tanks.

School. An institution of learning which offers instruction in the several branches of learning.

Scrap metal. Nonferrous metals, scrap iron, stainless steel or other material or equipment which consists in whole or in part of metal and which is used in construction, agricultural operations, electrical power generation, transmission or distribution, cable, broadband or telecommunications transmission, railroad equipment, oil well rigs or any lights maintained by the state or a local government, including, without limitation, streetlights, traffic control devices, park lights or ballpark lights and catalytic converters. The term does not include waste generated by a household or aluminum beverage containers.

Scrap metal processor. Any person who engages in the business of purchasing, trading, bartering or otherwise receiving scrap metal or uses equipment for the purpose of processing and manufacturing iron, steel or nonferrous scrap into grades and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap, not including precious metals, for sale for remelting purposes.

Secondhand dealer. Any person engaged in whole or part in the business of buying and selling metal junk, melted metals or secondhand personal property, other than antiques, used books, coins and collectibles. The term does not include a person who engages in the business of buying or selling secondhand firearms or any antique parts, accessories or other equipment relating to those firearms.

Setback. The required separation distance between a structure and a right-of-way line or property.

Shipping container. A unit that is designed for transport of goods. Shipping containers may be used as storage pursuant to section 16.16.020.3.1 of this title.

Shooting range. A public or private area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, handguns, silhouettes, targets, skeet, trap, black powder or other similar items. Shooting ranges are organized outdoor or indoor facilities for use by the public or a member of the group in charge of the operations of the shooting range (example: a firearms association).

Shopping center. A group of five or more commercial establishments planned and developed as a unit on a single parcel or commonly managed parcels of land.

Sight distance area. The area included within that triangular area between the property line and a diagonal line joining points of the edge of pavement line 40 feet from the point of their intersection, or, in the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining points on the tangent 40 feet from the points of their intersection. The tangents referred to are those at the beginning and at the end of a curve at the corner.

Sight obscuring fence or wall. A permanent 100 percent sight obscuring solid barrier with height of all bulk or stacked items not exceeding the highest portion of the fence or wall.

Sign. Anything displayed with the intent to attract attention, advertise, promote and/or direct a person when the sign is placed so that it is visible from any public right-of-way.

Similar use. A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking, and circulation, utility demands, environmental impacts, physical space needs and clientele.

Solid waste landfill. A facility where solid waste is deposited and stored at a permanent disposal site. This definition includes sanitary waste, construction waste, petroleum contaminated soil, and hazardous waste. It also includes incineration and other treatment of waste.

Solid waste transfer station. A fixed facility where solid waste from collection vehicles (garbage trucks, etc.) or waste dropped off by the public is consolidated and temporarily stored for subsequent transport to a permanent disposal site. This site does not include an infectious waste incineration facility.

Special use permit. A specific discretionary approval for a use that has been determined to have unique circumstances, be more intense or to have a potentially greater impact than a permitted use within the same zoning district. There are four categories of special use permit:

- A. *Home business.* These applications will include "home based businesses" that cannot meet the conditions of a home business permit and are restricted regarding the permissible uses exceeding the impact of a home business permit.
- B. *General.* These applications will include and be similar to moderate projects requiring some outside research and consideration from other departments regarding possible impacts to the community such as minor aggregate operations.
- C. *Major.* These applications will include all major projects where significant research and review of the application, conceptual plans, etc., must be completed by the planning staff and other county departments, and agents as assigned in order to determine the impacts to the environment, roads and/or community such as energy production and manufacturing.
- D. *Administrative special use permit.* These applications are reviewed and permits are issued by the planning director (see subsection 16.08.080L of this title).

Spot zoning. A change in zoning applied only to a small area which is out of harmony with comprehensive planning for the good of the community and designed to promote particular private interests rather than the collective interest of the community.

Standard specifications. Churchill County specifications in accordance with the latest edition of "standard specifications for public works construction" ("orange book"). All specifications and standard details are to be obtained through the Churchill County road department.

Storage shed. A fully enclosed unit that houses storage items. In addition, used temporarily at a construction site. A building permit is required for a shed 120 square feet or larger. Sheds may be built on site or built off site and transported to the site. Manufactured and mobile homes may not be used for storage.

Story. That part of a building lying between two floors or between the floor and ceiling of the highest usable level in the building, or as defined by the currently adopted building code.

Street. Lands devoted primarily to vehicular traffic use, extending to the boundaries of the right-of-way, whether designated as a highway, avenue, boulevard, freeway, place, lane, drive, etc.

Streetscape. The visual image of a street, including the combination of buildings, parking, signs, hardscape and softscape.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, temporary. A structure intended and installed for not to exceed one year's duration and to be removed entirely at the expiration thereof.

Subdivision. Subdivision shall be deemed under this section to include the creation of five or more units of land at a single time from the same parcel where any unit of land created is less than 40 acres.

Substation. An assembly of equipment for electrical, telephone, gas, or other utility company use to provide local distribution of services.

Temporary outdoor sales and activities. All outdoor sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, seasonal merchandise sales, conducted in parking area, sidewalks or space not enclosed by a building. Temporary outdoor sales may also include related activities designed for promotion such as music, food service or displays subject to other state and county regulations. Temporary outdoor sales excludes sales of recreational vehicles, boats, and similar products when conducted at their regular permanently licensed place of business in accordance with applicable zoning district standards. Temporary outdoor sales are temporary in nature in Churchill County and subject to time limitations and are by nature nonrecurring daily events.

Temporary real estate office. A temporary office located within an approved subdivision for the purpose of selling lots in the subdivision and not for the conduct of a general real estate office.

Tow yard. A facility for the temporary storage of towed, impounded or repossessed vehicles.

Trail. A way designated for use by pedestrians, bicycles, trail bikes, livestock, equestrians and snowmobiles, unless otherwise specified.

Transition zone. A zoning district that permits uses compatible with uses permitted in two adjacent zones that, without the transition zone, could be considered incompatible to each other.

Transmission lines. All lines, pipes, cables, conduits, amplifiers, antennas, instruments, appliances, fixtures, or other personal property used for or associated with the transmission or reception of heat, gas, coal, light, power, water, sewage, telephone, radio, telecommunication, or broadcasting.

Trucking business for agricultural products. A farm, ranch, dairy or other agricultural operation may transport products to and from the agricultural operation as included in the right to farm ordinance. The products must be used by the agricultural operation or have been produced on the agricultural operation and sold to another operation. However, if the product is produced at one agricultural operation and picked up by someone other than the person/business who produced it, for delivery to another site, it is considered a trucking business and may need a special use permit and business license. For example, if Joe's Trucking picks up hay at Frank's farm and delivers it to California, and Joe stores his vehicles at a site in the A-5 land use district, Joe needs a business license and a special use permit to operate the trucking business from his property in the A-5 district.

Use separations. Areas of undeveloped property separating different land uses within a business park. The purpose of the use separation is to combine landscaping, drainage, security, and to provide adequate access to light, air, and physical separations between business, commercial and residential uses.

Utility. A serving facility such as electrical, gas, sewer, television, telephone, water, etc.

Utility handling facility. Utility handling facilities are facilities (excluding solid waste facilities) that handle substances transmitted through transmission lines and wireless means, such as water, sewage, electricity, or telecommunications, and support such systems. Utility handling facilities are further defined using three classifications: level 1, level 2, and level 3. Level 1 facilities are small-scale in-line handling of utility substances, such as pump stations, local routing stations, well sites, etc. Level 2 facilities include the treatment and handling of less hazardous substances, such as water treatment plant, water tanks, electric substations, and telecommunication stations. Level 3 facilities include the treatment and handling of more hazardous substances, such as a wastewater/sewage treatment facility, or a natural gas substation.

Utility transmission line. Utility transmission lines are pipelines, power lines, gas lines, fuel lines, and ancillary facilities such as gauges, meters, regulators, etc., that transport materials cross- country (as opposed to local distribution lines and mains), and which are further defined using two classifications: level 1 and level 2. Level 1 transmission lines are located within designated corridors established in a locally adopted utility plan, including overhead power transmission lines more than 200 kilovolts located in an aboveground utility corridor identified in the

master plan. Level 2 transmission lines are those not qualifying as level 1 utilities, including facilities not in a designated corridor or extending outside their designated corridor.

Vacation home and room rental. A vacation home rental is a single-family residence that is rented in its entirety for transient lodging purposes. Vacation room rental is a single-family home in which the owner resides in the home and rents rooms for transient lodging. This may also be operated as a bed and breakfast inn.

Vehicle fuel sales and travel services. An area used exclusively for retail sales of automotive fuels or oils, having storage tanks and pumps located thereon. Other uses are often co-located but reviewed separately.

Vehicles and equipment - small and large. Small and large machinery that is intended to be self-propelled, towed during operation, or towed to a use location for further individual use; and is further classified as small and large. This definition does not include tools and standard yard care equipment, such as tool rental or lawn mower sales. Small vehicles are of a size similar to a standard personal vehicle, including automobiles, light trucks, sport utility vehicles, all terrain vehicles (ATV), motorcycles, certain small construction vehicles, ditch diggers, trailers for such vehicles, etc. Large vehicles are larger than a standard personal vehicle, including construction machinery, drilling rigs, tow trucks, self propelled recreational vehicles, most towed recreational vehicles, trailers for such vehicles, etc.

Watchman's quarters. Temporary living quarters for watchman's quarters is only permitted in conjunction with a commercial or industrial operation, and is to be used for security purposes only. These security purposes must be proven, established, justified, or demonstrated. Watchman's quarters shall not be used solely as a primary single-family dwelling.

Water bodies. Any natural or artificial collection of water, whether permanent or temporary.

Water rights. Those surface or underground water rights which are permitted or certificated under the provisions of NRS chs. 533 or 534 by the Nevada state engineer or decreed by a court of competent jurisdiction and are in good standing with the engineer and not otherwise encumbered or hypothecated.

Yard. An open space on the same lot or parcel with the building or structure, extending from the building or structure to the nearest lot line, to be unoccupied and unobstructed except as provided:

- A. Front: A yard lying between the foundation of the building or structure and the front line and extending across the full width of the lot or parcel.
- B. Side: A yard lying between the side lot line and the building or structure and extending from the front yard line to the rear yard line.
- C. Rear: A yard between the building or structure and the rear line and extending across the full width of the lot or parcel.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2006-B, 2006; Bill No. 2006-G, 2006; Bill No. 2007-I, 2007; Bill No. 2010-G, 2010; Bill No. 2012-F, 2012; Bill No. 2014-D, 2014; Bill No. 2015-D, 2015; Bill No. 2017-C, 2017; Bill No. 2018-E, 2019; Bill No. 2019-A, 2019; Bill No. 2020-A , 7-2-2020)

Chapter 16.16 DEVELOPMENT STANDARDS

16.16.005 Designation Of Development Areas [Edit](#)

To better implement site development standards that reflect Churchill County's diverse economic and geographic realities, the following development regions are established:

1. Urban - Generally designated as the region having characteristics of a significant population center where residential and commercial uses prevail and for which site development standards reflect widespread public use.
2. Rural - Generally designated as the region having larger parcels with limited population, where agricultural use, vacant land, and spotted commercial and industrial uses prevail.
3. Gateway Corridor - Generally the parcels having at least one portion of the parcel abutting or proximate to a major road or highway traversing a population center.
4. Commercial / Industrial Center - Generally designated as the region where relatively dense commercial and industrial uses prevail.
5. Renewable Energy - A region where renewable energy development and associated facilities and/or utilities are intended.

Each parcel in the County shall be designated to be within one of the defined development regions, and the site development standards for the parcel shall be specific to each region.

16.16.010.URB ~~General~~ Urban development standards.

(The full site development standards section would be copied for each designated zone as 16.16.010.1.URB, 16.16.010.1.RUR, 16.16.010.1.GATE, 16.16.010.1.CIC., 16.16.010.1.REN)

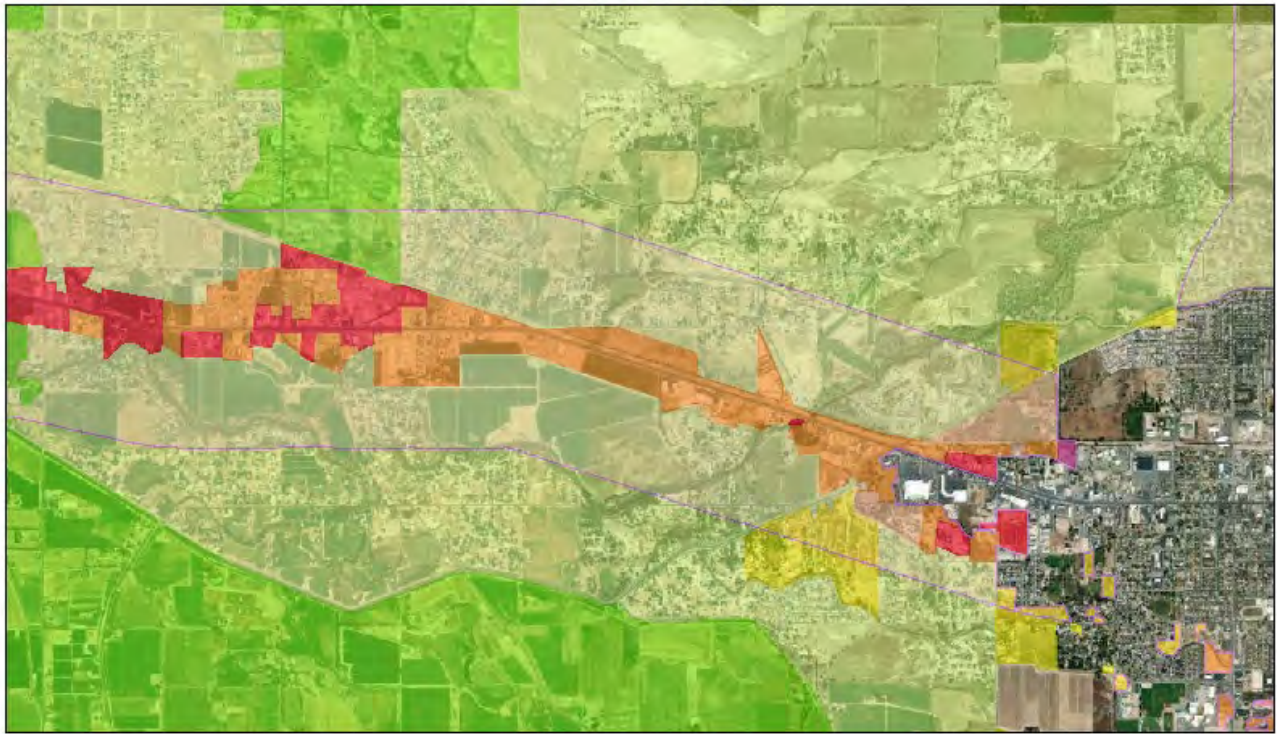
16.16.010.1.URB Easements.

A. Legal and physical access shall be established prior to any development. A minimum 30-foot-wide legal easement and a 20-foot-wide traveled way built to fire code standards, with an unobstructed width of 20-feet and a surface to provide all weather driving capabilities from the property to a public right of way must be provided for the construction of any primary structure. Where a bridge is included as access to a parcel, it must be constructed with a minimum width of 20 feet. Where an existing bridge is to be utilized as access, evidence must be provided from a professional engineer licensed in the state of Nevada that the bridge is structurally sound. Adequacy of the bridge for use by emergency vehicles shall be at the discretion of the fire marshal.

A minimum 60-foot-wide legal easement with roads and bridges constructed to this Code's and "Orange Book" standards is required for any land division.

B. The developer shall grant easements not less than a total of ten feet in width for public utility, sanitary sewer and drainage, and other public purposes on yard or open areas wherever necessary. Easements of lesser widths may be allowed when the purposes of same may be accomplished by lesser widths; provided further, that

ArcGIS Web Map



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Zoning

E-1 - First Estate District

R-1 - Single Family Residential District

R-2 - Multiple Residential District

A-5 - Agricultural District (5 Acre Min.)

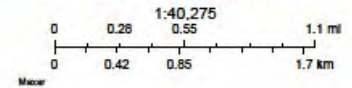
A-10 - Agricultural District (10 Acre Min.)

C-1 - General Commercial District

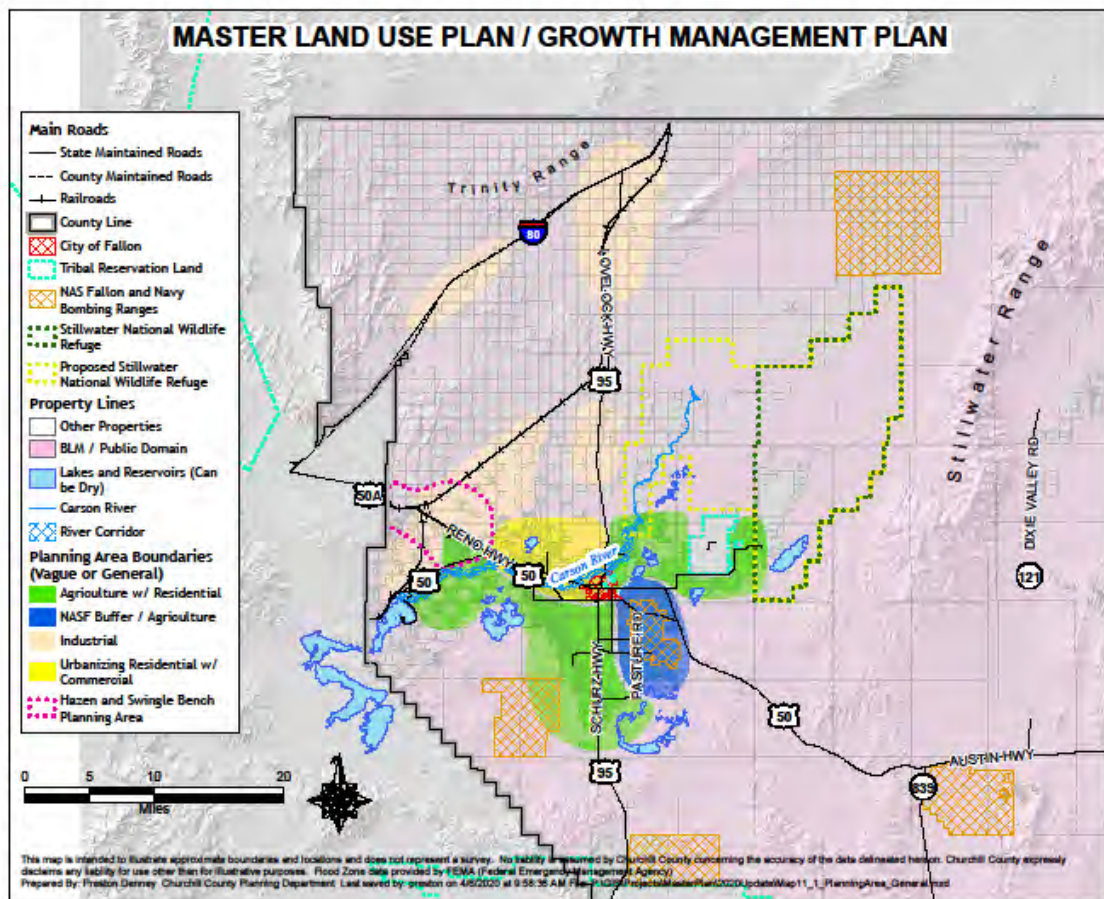
C-2 - General Heavy Commercial District

I - Industrial District

SES - Special Exclusion Setback



Web AppBuilder for ArcGIS
Measure | Churchill County GIS |



**CHURCHILL COUNTY
ORDINANCE BILL 2024-C, ORDINANCE X**

**TITLE: AN ORDINANCE AMENDING TITLE 16 OF THE CHURCHILL COUNTY
CODE TO PROVIDE THE PLANNING DIRECTOR ADMINISTRATIVE
AUTHORITY TO ISSUE TEMPORARY USE PERMITS**

**SUMMARY: AN ORDINANCE AMENDING TITLE 16 OF THE CHURCHILL
COUNTY CODE TO PROVIDE ADMINISTRATIVE AUTHORITY OVER
TEMPORARY USE PERMITS BY (1) GRANTING ISSUING AUTHORITY FOR
TEMPORARY USE PERMITS TO THE PLANNING DIRECTOR, (2) REQUIRING
ADDITIONAL DOCUMENTATION PRIOR TO THE ISSUANCE OF A
TEMPORARY USE PERMIT IN CERTAIN CIRCUMSTANCES, (3) LIMITING
THE PERIOD OF RENEWAL FOR CONSTRUCTION OF PERMANENT
RESIDENTIAL AND NON-RESIDENTIAL FACILITIES TO 3 YEARS, AND (4)
ESTABLISHING THE AUTOMATIC TERMINATION OF PERMITS NOT
RENEWED IN A TIMELY MANNER.**

NOW THEREFORE, be it ordained by the Board of County Commissioners of the
Churchill County, in the State of Nevada, as follows:

**SECTION 1: AMENDMENT “16.08.070 Temporary Use Permits” of the
Churchill County County Code is hereby *amended* as follows:**

BEFORE AMENDMENT

16.08.070 Temporary Use Permits

A temporary use permit is for the placement of temporary living quarters, use, or activity listed below that is intended to cease after a certain period of time. It is unlawful to reside in a recreational vehicle outside a manufactured/mobile home park or recreational vehicle park for longer than 90 cumulative days within a 365-day period except as provided below.

- A. *Authority.* The commission shall have the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a temporary use permit.
- B. *Types of temporary use permits and their criteria.*
 - 1. Temporary living quarters for farm labor is only permitted in conjunction with a bona fide functioning farming or ranching operation. Evidence of an active farming or ranching operation and demonstration of need will be required. Demonstrated need must include:
 - a. Evidence that the amount, type and/or frequency of the labor needed in the farm or ranch operation is greater than what could be reasonably expected of the property owner to accomplish without his

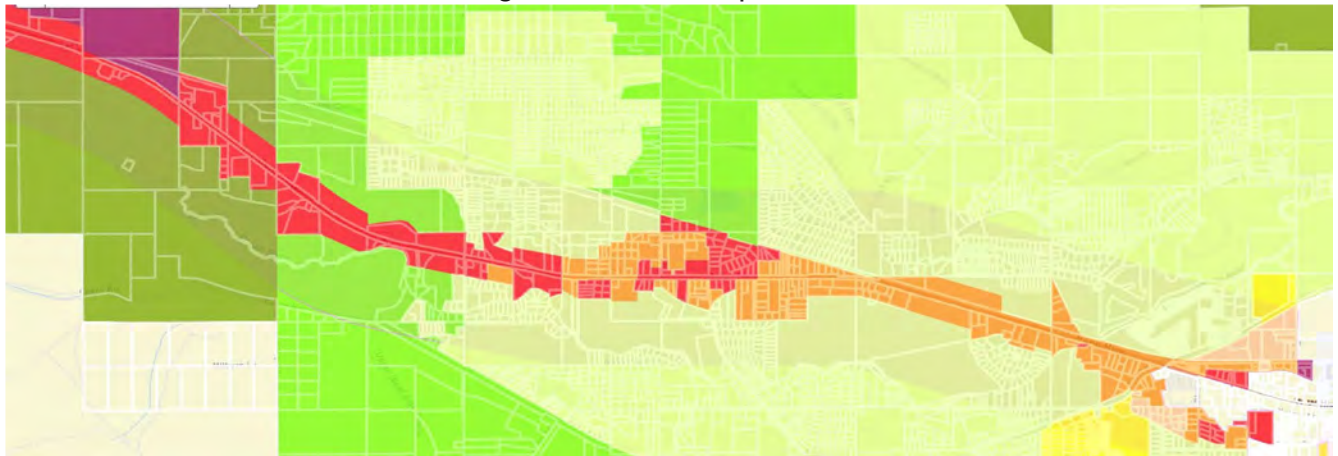
2025 MASTER PLAN UPDATE - IMPLEMENTATION OF REZONING POLICIES SUGGESTIONS FOR RENO HIGHWAY FROM CITY LIMITS TO LEETEVILLE JUNCTION

The current zoning along the Reno Highway often seems as if it was done regardless of the existing uses. In fact, most rezones in the last 7 years have been requests to rezone commercial lands along the Reno Highway back to adjacent zoning or more appropriate zoning. Some of the reasons for this include:

- Using an unbroken strip corridor approach regardless of their current and future use.
- Split zoning large parcels regardless of their current and future use, to implement the unbroken strip corridor approach.
- Zoning broad areas as commercial (when not using the strip corridor approach), including residential neighborhoods.

An OVERVIEW MAP is provided below.

Other maps are found on subsequent pages showing smaller segments, along with the strategy for making changes. **Symbols** and notations help display what changes are suggested. **Colors** of symbols indicate the corresponding zoning color that is recommended. **Text** is included with each map to describe the approach or strategies. Discussion is needed on the strategies, and some specific locations.

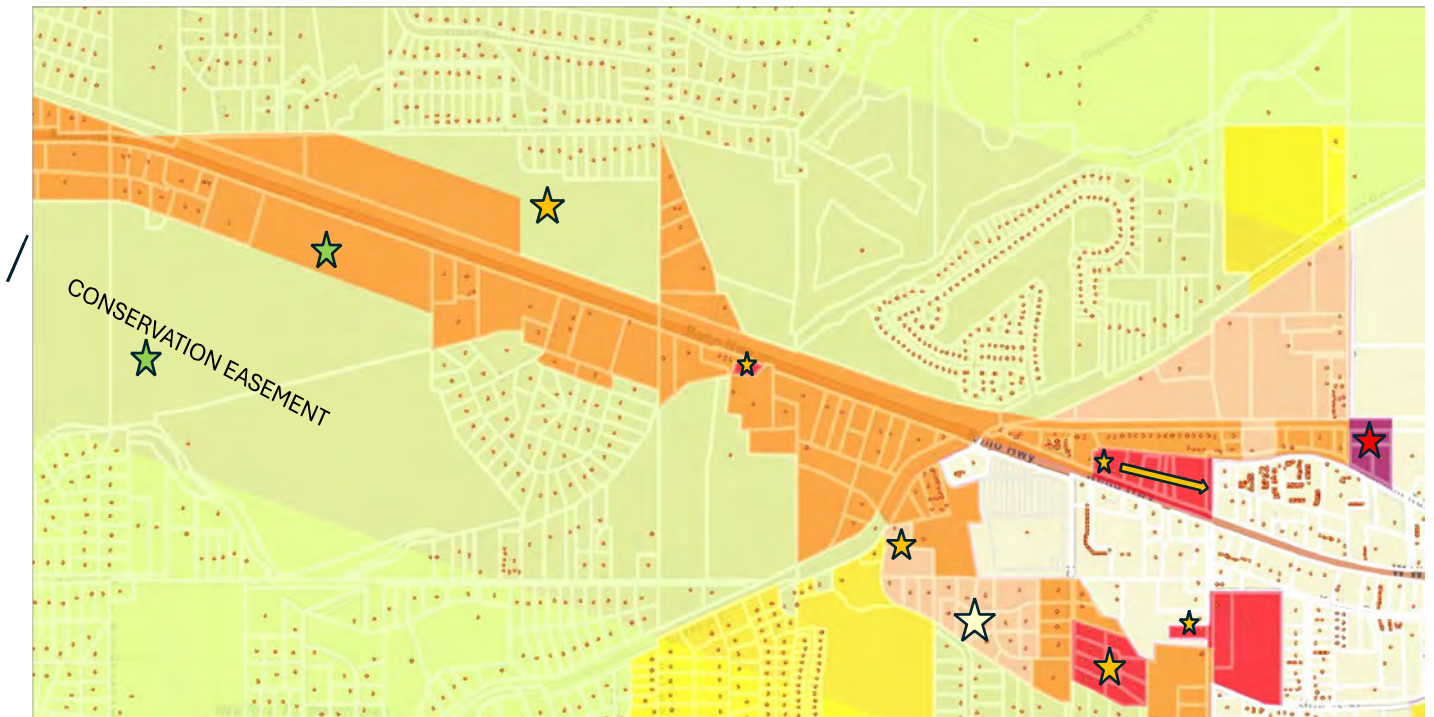


MAIN RETAIL CORRIDOR NEAR CITY LIMITS

- FOCUS ON C-1 ZONING
- RESIDENTIAL NEIGHBORHOOD – **OPTION 1:** LEAVE R-2 ALONE FOR 2-4 PLEXES (NORMALLY NEED S & W) & SFR ALLOWED;

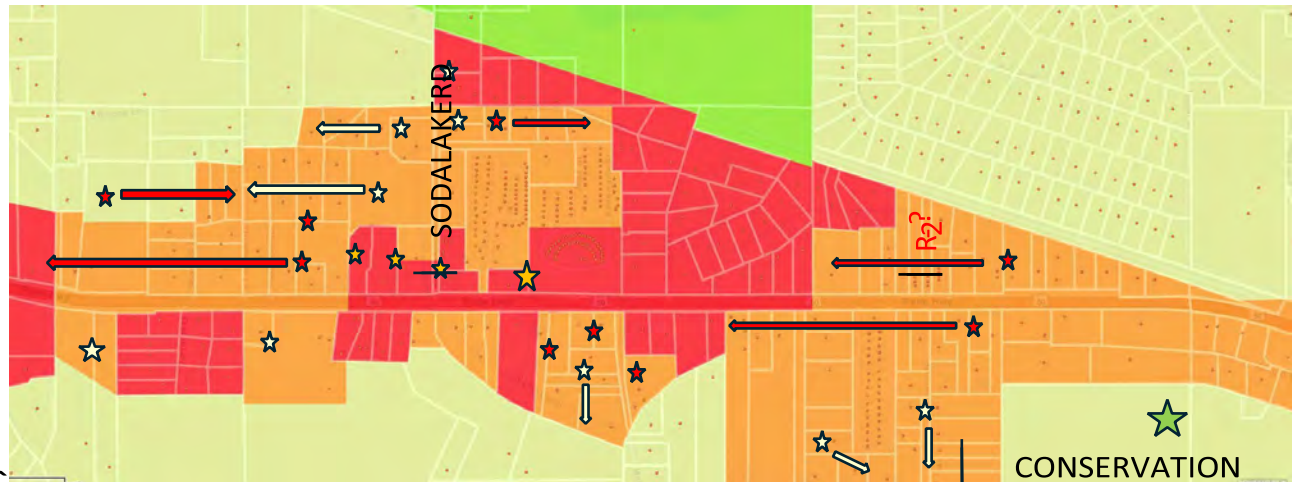
OR **OPTION 2:** REZONE BACK TO RESIDENTIAL - E-1

- RETURN LONG TERM FARMING TO AG ZONING – REZONE C-1 TO A-5.



HEAVIER COMMERCIAL CORRIDOR OUTSIDE CITY & AROUND SODA LAKE ROAD

- FOCUSED ON C-2 ZONING IN CORRIDOR
- SODA LAKE RETAIL COMMERCIAL NODE - FOCUSED ON C-1 ZONING
- RESIDENTIAL NEIGHBORHOODS AND FARMING LOTS OFF OF HIGHWAY – REZONE COMMERCIAL BACK TO RESIDENTIAL
- E-1



HEAVY COMMERCIAL CORRIDOR AWAY FROM TOWN

- FOCUSED ON C-2 ZONING
- LONG TERM FARMING LOTS – REZONE COMMERCIAL BACK TO ADJACENT AG - A-5 OR A-10
- ISOLATED RESIDENTIAL LOTS – REZONE COMMERCIAL BACK TO ADJACENT AG OR RESID. ZONE - A-5, A-10, OR E-1



HEAVY COMMERCIAL & INDUSTRIAL CORRIDOR DISTANT FROM TOWN

- FOCUSED ON C-2 OR INDUSTRIAL ZONING
- RESIDENTIAL NEIGHBORHOODS – REZONE COMMERCIAL BACK TO RESIDENTIAL - E-1 (NEW PATCH IS OK FOR BROAD AREAS)
- ELIMINATE C-1 ZONING AT LEETEVILLE JCT. >> **DONE** <<
- LONG TERM FARMING LOTS – REZONE COMMERCIAL BACK TO ADJACENT AG - A-10
- REZONE VACANT STATE LAND BACK TO ADJACENT AG - A-10 • CLEAN UP SPLIT ZONED INDUSTRIAL LANDS



DIFFERENCES BETWEEN C-1 ZONING AND C-2 ZONING

Almost all uses are treated the same in both districts.

- All uses allowed in C-1 are also allowed in C-2.
- Some uses that are allowed in both may need a higher level of review in C-1 – for example a Special Use Permit (SUP) versus and Zoning Review (ZR).
- C-2 zoning allows a handful of additional uses suitable for Heaver Commercial zones, but not Retail Commercial zones.

Below are instances where uses are handled differently between the 2 zones.

Use Listing

	<u>C-1</u>	<u>C-2</u>
Aquaculture	No	ZR or SUP
Farm Animal Auction site	No	SUP
Meat Processing and Storage	No	SUP
Crop Processing and Storage	No	SUP
Warehouse Storage and Distribution	No	ZR
Light Manufacturing	SUP	ZR
Industrial / Fabrication - Indoor	SUP	ZR
Industrial / Fabrication - Outdoor	No	SUP
Bulk Fuel Storage	No	SUP
Tire Retreading	No	SUP
Asphalt/Concrete Batch Plant	No	SUP
Outdoor Recreation/Entertainment Facility	No	SUP
Halfway House – Subst. Abuse/Incarceration	No	SUP
Manufactured Home Sales	SUP	ZR
Outside Off Premises Storage	No	SUP
Materials Testing	No	SUP
Kennel / Boarding	No	SUP
Waste Collection Service	No	SUP
Commercial/Constr. Vehicles, Trailer, Equip.	No	SUP
Trucking Business	No	SUP
Hwy./Rd. Maintenance Yard	No	ZR
Rail Based Services / Industrial Park	No	SUP
Recycling Facility	No	ZR or SUP