



# Storey County Planning Commission Meeting Agenda

Thursday May 18, 2017 6:00 p.m.

**Rainbow Bend Clubhouse**

500 Ave de la Bleu de Clair in Lockwood, Nevada

*Larry Prater – Chairman*

*Jim Hindle – Vice-Chairman*

*Virgil Bucchianeri – Planning  
Commissioner*

*Kris Thompson – Planning Commissioner*

*Pamela Smith – Planning Commissioner*

*Laura Kekule – Planning Commissioner*

*John Herrington – Planning Commissioner*

---

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

1. **Call to Order at 6:00 p.m.**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Discussion/Possible Action:** Approval of Agenda for May 18, 2017.
5. **Discussion/Possible Action:** Approval of Minutes for January 19, 2017 (Continued from April meeting).
6. **Discussion/Possible Action:** Approval of Minutes for March 23, 2017.
7. **Discussion/No Possible Action:** Discussion and comments on possible amendments to Storey County Code (SCC) Title 17 Subdivisions; SCC Chapter 17.56 Planned Unit Development; other provisions of SCC Title 17 pertaining to land subdivisions and planned unit developments; and design standards for parcel maps and land subdivisions, planned unit developments, and multi-family residential complexes.
8. **Discussion/Possible Action:** Ordinance No. 17-275 amending Storey County Code (Title 17 Zoning) 17.10 and 17.12 pertaining to marijuana and medical marijuana establishments, including prohibition of allowed uses, special uses, accessory uses, or temporary uses within all zoning districts, and other properly related matters. Public participation is encouraged. Copies of the text amendments may be obtained from the Planning Department website at [www.storeycounty.org/517/updates](http://www.storeycounty.org/517/updates), at 775.847.1144 or from [planning@storeycounty.org](mailto:planning@storeycounty.org).
9. **Strategic Plan Workshop/Discussion Only/No Possible Action:** County planning staff will request comments from the public about the Storey County Strategic Plan development, a plan providing guidance to county officials and citizens on best management, budgeting, public service, and other county services, and related mission and vision statement, and goals and policies.
10. **Discussion/Possible Action:** Determination of next Planning Commission meeting.
11. **Discussion/Possible Action:** Approval of Claims.
12. **Correspondence** (no action)
13. **Public Comment** (no action)
14. **Staff** (no action)
15. **Board Comments** (no action)
16. **Adjournment**

**Notes:**

- There may be a quorum of Storey County Commissioners in attendance, but no action or discussion will be taken by the Commissioners.
- Public comment will be allowed after each item on the agenda (this comment should be limited to the item on the agenda). Public comment will also be allowed at the end of each meeting (this comment should be limited to matters not on the agenda).
- Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
- Additional information pertaining to any item on this agenda may be requested from the Planning Department (775-847-1144).

**Certification of Posting**

I, Lyndi Renaud, on behalf of the Storey County Planning Commission, do hereby certify that I posted, or caused to be posted, a copy of this Agenda at the following locations on or before May 9, 2017: Virginia City Post Office; Storey County Courthouse; Virginia City Fire Station 71; Virginia City RV Park; Mark Twain Community Center; Rainbow Bend Clubhouse; Lockwood Community Center; Lockwood Fire Station; Virginia City Highlands Fire Station; and the Virginia City Highlands mailbox buildings. By Lyndi Renaud, Secretary



# STOREY COUNTY PLANNING COMMISSION MEETING

Thursday, January 19, 2017 6:00 p.m.  
Storey County Courthouse, District Courtroom  
26 South "B" Street, Virginia City, Nevada

## MEETING MINUTES

CHAIRMAN: Larry Prater

VICE-CHAIRMAN: Jim Hindle

COMMISSIONERS:

Virgil Bucchianeri, John Herrington, Pamela Smith, Kris Thompson, Laura Kekule

- 
- 1. Call to Order:** The meeting was called to order by the Chair at 6:09 P.M.
  - 2. Roll Call:** Jim Hindle, John Herrington, Pamela Smith, Larry Prater, Laura Kekule.  
**Absent:** Kris Thompson, Virgil Bucchianeri.  
**Also Present:** Planning Director Austin Osborne, Planner Kathy Canfield, and Deputy D.A. Keith Loomis.
  - 3. Pledge of Allegiance:** The Chairman led those present in the Pledge of Allegiance.
  - 4. Discussion/Possible Action:** Approval of Agenda for January 19, 2017.  
**Motion:** Approve Agenda for January 19, 2017 **Action:** Approve, **Moved by** Commissioner Smith, **Seconded by** Commissioner Hindle, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).
  - 5. Discussion/Possible Action:** Election of Chairperson and Vice-Chairperson for 2017.  
**Motion:** Commissioner Smith nominated Larry Prater for Chairman and Jim Hindle as Vice Chairman for 2017, **Action:** Approve, **Moved by** Commissioner Smith, **Seconded by** Commissioner Herrington, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).  
**Chairman Prater:** Introduced and welcomed Kathy Canfield as Storey County's new Planner.  
**Planner Canfield:** Introduced herself and gave a brief summary of her background.
  - 6. Discussion/Possible Action:** Zone Map Amendment 2016-033 by Reno Tahoe R & D Business Park. The applicants request to change the zoning of APN 004-181-02, specifically Section 31, Township 18 North, Range 23 East, MDBM, from Forestry (F) to Light Industrial (I1). The property owner is proposing to develop a utility-scale solar photovoltaic use on the property. The approximate 159 acre parcel is identified in the 2016 Storey County Master Plan as a Transition parcel

from Resources to Industrial, and the requested zone change is consistent with that designation. The property is located along the Storey County/Lyon County boundary approximately 5 miles northeast of the Mark Twain Estates.

**Planner Canfield** summarized the applicant's request:

- The subject property is located along the Storey County/Lyon County line, approximately 5.4 miles northeast of Mark Twain Estates; the property is vacant with desert vegetation.
- The applicants propose to change the zoning of the 159-acre parcel from Forestry (F) to Light Industrial (I1).
- The proposed Zone Map Amendment is compatible with the abutting land parcels, existing uses and abutting land parcels allowed uses. Light Industrial (I1) is located to the south of this parcel, and Forestry zoned property is located to the east and north which is also identified as a Transition from Resources to Industrial land use designation.
- There appears to be no evident conflicts between the proposed Zone Map Amendment, the Master Plan and the abutting land uses.

**Commissioner Herrington:** Asked if there are any residents near the property and have any voiced their opinion.

**Planner Canfield:** Explained that there is a single family residence located approximately a mile to the south of the property. Nearby residents have been notified and some are present at tonight's meeting, but no one has voiced concerns.

**Chairman Prater:** Asked if the planning board has approved a zone change to light industrial in this area in the past.

**Planning Director Osborne:** Confirmed they have. Explained that a parcel north of Basalite was zoned light industrial in the 1990's. A mile north of that is the parcel that is in question.

**Vice-Chairman Hindle:** Asked for clarification on the zoning of the surrounding parcels.

**Planner Canfield:** They are transition parcels from forestry to industrial.

**Chairman Prater:** Asked if Lyon County has been contacted and if they have any objections.

**Planner Canfield:** Stated Lyon County has been notified. Mr. Osborne spoke with County Manager Jeff Page and they have no objections.

**Planning Director Osborne:** Further explained that he had a personal meeting with Jeff Page and not only were there no objections, Lyon County staff is also working with the applicant.

**Rafi Abrishami, Applicant:** Thanked the staff and remarked that it has been a pleasure working with Storey County.

- His proposal would bring more revenue and opportunities.
- The Master Plan identifies the parcel as a transition parcel from Resources Use to an Industrial Use.
- Believes this area has a lot of potential.
- He met with Lyon County staff and they embraced the idea.

**Tom Zachary, Storey County resident:** Asked if the zone change would break the property into one-acre parcels.

**Planning Director Osborne:** No. Explained that while an Industrial zone allows parcels to be broken down into one-acre parcels, that aren't happening in this case.

**Vice-Chairman Hindle:** Commented that it is consistent with the Master Plan. This is why transition zones in this area of the county are established.

**Planner Director Osborne:** Stated for the record that approval of this zoning change is not an automatic approval of the special use permit for the solar power generating facility.

**Motion:** In accordance with the recommendation by staff, the findings of fact under Section 6.1 of this report, and other findings deemed appropriate by the planning commission, and in compliance with the conditions of approval, I, Jim Hindle, recommend approval with conditions and with clarification that this is only approving the zone change, not the Special Use Permit request, Zone Map Amendment 2016-033 allowing the applicants request to change the zoning of APN 004-181-02, specifically Section 31, Township 18 North, Range 23 East, MDBM, from Forestry (F) to Light Industrial (I1). The property owner is proposing to develop a utility-scale solar photovoltaic use on the property. The approximate

159 acre parcel is identified in the 2016 Storey County Master Plan as a Transition parcel from Resources to Industrial, and the requested zone change is consistent with that designation. The property is located along the Storey County/Lyon County boundary approximately 5 miles northeast of the Mark Twain Estates, **Action:** Approve, **Moved by** Commissioner Hindle, **Seconded by** Commissioner Smith.

**Planner Canfield** read the findings of fact into the record.

- 6.1.1 The proposed Zone Map Amendment complies with all Federal, Nevada State, and Storey County regulations;
- 6.1.2 The proposed Zone Map Amendment will not impose substantial adverse impacts or safety hazards on the abutting properties;
- 6.1.3 The conditions of approval of the Zone Map Amendment require compliance with the applicable codes;
- 6.1.4 The conditions of approval of the Zone Map Amendment do not conflict with the minimum requirements in SCC Chapter 17.34 I1 Light Industrial Zone or Chapter 17.03.220 Zone map amendments and zone text amendments;
- 6.1.5 The uses allowed by the new zones do not appear to cause substantial adverse impacts to the uses allowed in abutting zones;
- 6.1.6 The proposed Zone Map Amendment is in substantial compliance with and supports the goals, objectives and recommendations of the 2016 Storey County Master Plan;
- 6.1.7 The proposed Zone Map Amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity;
- 6.1.8 The proposed Zone Map Amendment will not cause uses that will negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare;
- 6.1.9 The proposed Zone Map Amendment will not create any non-conforming conditions, such as non-conforming setbacks distances or minimum parcel area and width requirements.

**Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

7. **Discussion/Possible Action:** Special Use Permit 2016-034 by Reno Tahoe R & D Business Park. The applicant requests a Special Use Permit to construct an approximately 5 to 170 megawatt utility-scale ground mounted solar photovoltaic power generating facility using solar panel array technology with associated equipment storage buildings, office and watchman's dwelling on APN 004-181-02, located in Section 31, Township 16 North, Range 22 East, MDBM, and APN 004-291-02, located in Section 1, Township 17 North, Range 22 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.

**Planner Canfield** summarized the applicant's request for a Special Use Permit.

- This project consists of two parcels of land along the Storey County/Lyon County border; the southern parcel is approximately 530 acres and the northern parcel is triangular in shape and is approximately 159 acres.
- The proposed project will be an approximately 5 to 170 megawatt ground mounted solar photovoltaic power system using solar panel array technology that will generate clean electricity; the applicant anticipates the generated electricity will be sold to a third party purchaser, such as NV Energy.
- The applicant will be required to identify the access to the site and any proposed vehicle access between the southern and northern parcels along with any associated necessary easements; any proposed access located within Storey County shall be required to meet Storey County requirements.

- It is anticipated that the construction on the site may impact the existing drainage system. As a condition of approval, the applicant will be required to demonstrate that all site drainage and storm water management systems must be designed as to not adversely impact any other properties.
- This solar project proposes to connect with the approved (but not constructed) Blackhawk substation is approximately one mile to the southwest of the southern border of the solar project parcels.
- There are no evident conflicts between the proposal and the County Master Plan; the proposed use is consistent with the surrounding land that allows for commercial/residential uses.

**Vice-Chairman Hindle:** Asked if the drainage goes down the Lyon County side.

**Planner Canfield:** Confirmed it does and explained that whatever development happens it won't impact any neighboring properties downstream.

**Vice-Chairman Hindle:** Asked if emergency vehicle access would be from Lyon County.

**Planning Director Osborne:** Explained that there is a mutual aid agreement between the two counties throughout the Mark Twain area.

**Vice-Chairman Hindle:** Asked if there is already a power corridor that runs to this parcel that they can be tapped into.

**Rafi Abrishami, Applicant:**

- The utility corridor runs adjacent to the property and down to the county line.
- He believes in a good neighbor policy.
- Solar power supports the local economy.
- There is minimal impact on the environment.
- The timing of the construction will be based on the construction of the Blackhawk substation.

**Chairman Prater:** Asked if there have been any indications of when the Blackhawk substation will be built.

**Rafi Abrishami, Applicant:** Explained that he gets different timetables from different entities. This is something that he is still trying to find an answer to. It could be within a year or longer.

**Chairman Prater:** Pointed out that Blackhawk substation was approved so long ago, it would have to come before the planning commission to get approval again for a special use permit.

**Planning Director Osborne:** Clarified that the Blackhawk substation and designated transmission corridors do not require a special use permit. The applicant isn't quite attached to the corridor, so he is required to have one in order to attach to the utility lines in the corridor.

**Commissioner Herrington:** Asked if there any un-identified or yet to be built transmission corridors in the county.

**Planning Director Osborne:** Explained that all the corridors were developed in the Master Plan based on anticipated areas of transmission. There is not necessarily any construction or plans for uses in the corridors at this time.

**Chairman Prater:** Asked if the applicant could tie their development into the Blackhawk substation that would be appropriate for 120kv before the proposed 345kv transmission is developed.

**Planning Director Osborne:** Commented that he does not desire to speak on behalf of NV Energy.

**Chairman Prater:** Asked if the applicant is aware that he may have to apply for another special use permit after 24 months.

**Rafi Abrishami, Applicant:** Confirmed that he's aware and asked what the process would be.

**Planning Director Osborne:** Explained that 90 days before the two years expires another application would need to be submitted requesting an extension.

**Deputy District Attorney Loomis:** Asked for clarification of access to the property.

**Rafi Abrishami, Applicant:** Said there are two potential access points to the parcel: Iron Mountain Boulevard and Zuni Lane. Mr. Abrishami then handed out a map defining the access ways.

**Chairman Prater:** Commented that once the property is developed there would be very little traffic, but for a while there would be construction traffic. Asked about grading the property.

**Rafi Abrishami, Applicant:** Clarified that the construction will be very minimal so there won't be much traffic. The goal is to preserve the natural state of the property so grading will also be kept to a minimum.

**Chairman Prater:** Asked about the nearest neighbors on Shawnee Road.

**Rafi Abrishami, Applicant:** Said he met with the closest residents and had a very friendly conversation and addressed any concerns they had.

**Tom Zachary, Mark Twain Estates Resident:** Asked if Storey County residents will be able to use this electricity.

**Rafi Abrishami, Applicant:** It is for everyone.

**Tom Zachary, Mark Twain Estates Resident:** Expressed his concerns about the country moving toward renewable energy rather than conserving energy, but he believes solar energy is better than wind power. Wind mills can be seen from miles away.

**Rafi Abishami, Applicant:** Explained that they are going to be using the latest technology which is less invasive.

**Debbie Dipino, Nearest Resident:** Explained that they live a quarter mile south of the parcel in question. Initially they were concerned that they would see it. But after having a conversation with the applicant, they are supportive of the project.

**Commissioner Herrington:** Asked if they are on a 40-acre parcel.

**Debbie Dipino, Nearest Resident:** Answered that they are on twenty acres. Paving the road would be a huge benefit as they have to use 4-wheel drive to get down it. After talking to the applicant, she isn't worried about traffic on the road. She and her husband are for the project.

**Planning Director Osborne:** Made the board aware that there is a condition modification to Condition 18 that staff would like to propose before a motion is made. The applicant will develop a post closure plan that would include sufficient amount of bonding to reclaim the land. This protects the applicant as much as the county.

**Commissioner Kekule:** Asked how big the panels are and if the facility will be seen from Highway 50.

**Rafi Abishami, Applicant:** Explained that if it can be seen from Highway 50, it will be minimal. Panel sizes have decreased while output has increased. They will also make the project as visually appealing as possible.

**Chairman Prater:** Wondered if it would be possible to landscape certain sides so as to shield the project from view. This may be something to consider, although not mandated at this time.

**Debbie Dipino, Applicant:** Asked the applicant if Lyon County doesn't approve the extension of the road, would they still build in Storey.

**Rafi Abishami, Applicant:** Yes.

**Debbie Dipino, Applicant:** Asked if the transmission lines would be above or underground.

**Rafi Abishami, Applicant:** Explained that NV Energy's engineers would have to address this matter, however he would prefer if they were underground. The transmission lines would not be near the Dipino's property.

**Chairman Prater:** Recessed at 7:39 and reconvened at 7:59.

**Chairman Prater:** Conditions 18 and 19 need to be modified further?

**Deputy District Attorney Loomis:** Yes. The changes pertain specifically to the process by which the proposed use may be decommissioned and closed as well as surety bonding/guarantee for post-operation reclamation. If the facility becomes unused for a period of any three consecutive years or longer, Storey County reserves the right to deem the facility abandoned. There will be requirements that it be revegetated and rehabilitated. Also language should be added that the applicant doesn't have to post a bond for rehabilitation of the entire facility from day one. The issuance of a grading permit, which will tell us how much of the area will be disturbed and how much will need to be rehabilitated if it doesn't go to completion, might be the best way to measure how much of a bond would have to be posted. As additional grading permits are requested, the bond would be increased to cover the new area that is being developed.

**Chairman Prater:** Asked the applicant if agrees with the modified conditions.

**Rafi Abishami, Applicant:** Yes.

**Motion:** In accordance with the recommendation by Staff, the Findings under Section 5.1 of the Staff Report and other Findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, and with modification of conditions 18 and 19 in Section 6 of this report, I, Jim Hindle, hereby recommend conditional approval of Special Use Permit Application Number 2016-034 for the for a Special Use Permit to construct an approximately 5 to 170 megawatt utility-scale ground mounted solar photovoltaic power generating facility using solar panel array technology with associated equipment storage buildings, office and watchman's dwelling on APN 004-181-02, located in Section 31, Township 16 North, Range 22 East, MDBM, and APN 004-291-02, located in Section 1, Township 17 North, Range 22 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.

**Action:** Approve, **Moved by** Commissioner Hindle, **Seconded by** Commissioner Smith.

**Planner Canfield** read the findings of fact into the record.

- 5.1.1 The special use permit does not conflict with the provisions of the 2016 Storey County Master Plan including the goals and objectives listed in Chapter 3 Land Use including as related for the maintenance of an orderly, efficient, and sustainable development; create and maintain a diverse economy; balance renewable energy systems with other uses; and compatibility between existing and future uses.
- 5.1.2. The Special Use Permit complies with all federal, state, and county regulations.
- 5.1.3. The Special Use Permit will not impose substantial adverse impacts or safety hazards on the adjacent properties or the surrounding area.
- 5.1.4. The conditions of the Special Use Permit adequately address potential fire hazards and require compliance with the applicable fire codes, including fire protection ratings.
- 5.1.5. The conditions under this The Special Use Permit do not conflict with the minimum requirements in SCC Chapter 17.12 General Provisions, Chapter 17.34 I1 Light Industrial Zone and Chapter 17.03.150 Special Use Permits, or any other federal, state, or county regulations, including building and fire codes.

**Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

8. **Discussion/Possible Action:** Special Use Permit 2016-035 by AT & T Wireless, c/o Carl Jones (AT & T Agent). The applicant requests a special use permit to allow for the construction of an approximately 120-foot high commercial wireless communications tower. The project includes panel antennas, remote radio heads/units, and other similar antennas attached to the tower, and an equipment building and backup generator located at the base of the tower. The project will be located on an approximately 24' x 24' leased area on the southeast side of the existing factory buildings of the Tesla Gigafactory, located at the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada (APNs 005-011-22, approximately Section 6 at T19N, R23E, MDBM).

**Planner Canfield** summarized the applicant's request for a Special Use Permit:

- The subject property is located in the I-2 Heavy Industrial Zone with the Tahoe-Reno Industrial Center. Pursuant to the development agreement between Storey County and the Tahoe-Reno Industrial Center, LLL, the property is subject to the provisions of the 1999 zoning ordinance, including those provisions for the heavy-industrial zone.



- The subject property is owned by the Tesla Motors, Inc. (the existing Tesla Gigafactory campus); AT&T will lease an approximate 24' x 24' area for the construction of the communications tower and associated equipment.
- The applicant proposes to construct an approximately 120-foot high communications tower; because of the proposed use and height of the tower, a special use permit is required.
- There are no evident conflicts between the proposed project and Storey County Code Title 17 Zoning (2015 or 1999) or the county Master Plan (2016). The proposed use is also consistent with the surrounding zoning and Master Plan designations.

**Commissioner Herrington:** Asked if the tower is 40 feet square.

**Planner Canfield:** The lease space is 24 x 24.

**Carl Jones, Applicant:** 24 x 24 is the only allowable space you can lease from Tesla.

**Commissioner Hindle:** Asked if there were any concerns from adjacent properties.

**Carl Jones, Applicant:** No.

**Chairman Prater:** Asked if the tower is solely for the purpose of Tesla.

**Carl Jones, Applicant:** This will benefit surrounding properties too.

**Chairman Prater:** Asked if in this instance AT&T is both the provider and the tower owner.

**Carl Prater, Applicant:** Yes. And there is the potential for other carriers to lease the tower.

**Chairman Prater:** Asked if Tesla is a co-applicant.

**Planner Canfield:** No, they are the property owner. The adjacent properties are also owned by Tesla.

**Martin Reeves, Lockwood Resident:** Asked if the tower would help Lockwood with their cell service.

**Carl Jones, Applicant:** Probably not.

**Jed Margolin, Highlands Resident:** Commented that he is in favor of the tower as cell service is important for public safety. The Highlands do not have cell service. Mr. Margolin stated that a condition of AT&T's special use permit should be that the Highlands will also get cell service.

**Chairman Prater:** Asked for Mr. Loomis' opinion.

**Deputy District Attorney Loomis:** Stated that the conditions have to somehow reasonably relate to the request.

**Chairman Prater:** Suggested Mr. Margolin contact Joe Curtis, Storey County's Emergency Manager.

**Planning Director Osborne:** Stated that Mr. Margolin's concerns are valid. There will be opportunity to speak about this when the Highlands Monopine tower's special use permit is up for renewal.

**Planner Canfield:** Clarified the condition of the fire district requirement. The fire district has talked with AT&T regarding some special equipment that will be needed.

**Motion:** In accordance with the recommendation by staff, the findings of fact under Section 3.1 of this report, and other findings deemed appropriate by the planning commission, and in compliance with the conditions of approval with clarification of requirements of the Storey County Fire Protection District, I, Pamela Smith, recommend approval of Special Use Permit No. 2016-035 allowing for the construction of an approximately 120-foot high commercial wireless communications tower. The project includes panel antennas, remote radio heads/units, and other similar antennas attached to the tower, and an equipment building and backup generator located at the base of the tower. The project will be located on an approximately 24' x 24' leased area on the southeast side of the existing factory buildings of the Tesla Gigafactory, located at the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada (APNs 005-011-22, approximately Section 6 at T19N, R23E, MDBM).

**Action:** Approve, **Moved by** Commissioner Smith, **Seconded by** Commissioner Hindle.

**Planner Canfield** read the findings of fact into the record.

- 3.1.1 This approval is for the applicant's request for a special use permit to allow for the construction of an approximately 120-foot high commercial wireless communications tower. The project includes panel antennas, remote radio heads/units, and other similar antennas attached to the tower, and an equipment building and backup generator located at the base of the tower. The project will be located on an approximately 24' x 24' leased area on the southeast side of the existing factory buildings of the Tesla Gigafactory, located at the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada (APNs 005-011-22, approximately Section 6 at T19N, R23E MDBM).
- 3.1.2 The special use permit allows the commercial wireless communications tower use and to the increased height of the structures on the subject property. By allowing this use, it is recognized that the proposed communications tower and accessory facilities are considered an allowable use on the subject property subject to a special use permit.
- 3.1.3 The special use permit conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located. A discussion supporting this finding for the special use permit is provided in section 2.4 of this staff report and the contents thereof are cited in an approval of this special use permit.
- 3.1.4 The subject property is located within an existing industrial complex in an area of McCarran, Storey County, zoned for industrial uses. The communications tower use and the additional height are located in this specific area to provide the necessary coverage and capacity to transfer the wireless signals to the next telecommunications site. The tower will have a covering to resemble a silo structure, which will hide the antenna and other mechanical appurtenances from view, and is designed to blend with the industrial appearance of the surrounding area.
- 3.1.5 The proposed commercial wireless communications tower will improve wireless coverage to the area and will also increase the communications network capacity. The communications network attached to the tower provides a valuable service to those who live, travel and do business in the local area. Emergency services, businesses, employees and the general public all have the potential benefit of better accessibility through their communication devices with the addition of this communications tower.
- 3.1.6 Granting of the special use permit will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the area of the subject property. The project is expected to meet the safety and health requirements for the subject area. The use will also be subject to fire and building plan review and inspection requirements in order to ensure compliance with federal, state, and other codes.
- 3.1.7 The special use permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state, and county regulations.
- 3.1.8 The conditions of the special use permit adequately address potential fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings.
- 3.1.9 The conditions under the special use permit do not conflict with the minimum requirements in 1999 Storey County Code Sections 17.62 Special Uses and 17.37 I2 Heavy Industrial Zone, or the development agreement between Storey County and the Tahoe-Reno Industrial Center, LLC.
- 3.1.10 Granting of the special use permit will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

**Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

9. **Discussion/Possible Action:** Determination of next planning commission meeting.

**Motion:** Next planning commission meeting to be held on Thursday February 16, 2017 at the Storey County Courthouse, District Courtroom, Virginia City, NV at 6:00 p.m., **Action:** Approve, **Moved by** Commissioner Smith, **Seconded by** Commissioner Hindle. **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

10. **Discussion/Possible Action:** Approval of claims – None

11. **Correspondence (No Action)** - None

12. **Public Comment (No Action)** - None

13. **Staff (No Action):**

**Planning Director Osborne:**

- Thanked Kathy Canfield and Lyndi Renaud for their great work.
- The cost of the flood and snow event in January 2017 cost the county \$7 million. Most of that should be recovered due to the declared state of emergency. All communities were affected equally.
- Clean up and flood mitigation efforts continue in Lockwood and Mark Twain.
- Commended Public Works for their hard work during the flood event.
- The building department did a great job in assessing the flood damage across the county.
- Tesla now has 3,000 employees and has grown to 5 million square feet.
- Would like to plan a bus tour of the Tahoe-Reno Industrial Center for the planning commission as well as the public.
- Planner Canfield is working on updating the solid waste management plan and will submit it to the Nevada Division of Environmental Protection.
- Title 16 and 17 will be updated for language clarification.

14. **Board Comments (No Action)** – **Chairman Prater** welcomed Kathy Canfield as our new planner.

**Commissioner Hindle** commented on how well Public Works has managed the snow removal.

15. **Adjournment (No Action)** - The meeting was adjourned at 8:50 P.M.

Respectfully Submitted,

By Lyndi Renaud



# STOREY COUNTY PLANNING COMMISSION MEETING

Thursday, March 23, 2017 6:00 p.m.

**Virginia City Highlands Fire Station**

2610 Cartwright Road

Virginia City Highlands, NV 89440

## MEETING MINUTES

CHAIRMAN: Larry Prater

VICE-CHAIRMAN: Jim Hindle

COMMISSIONERS:

Virgil Bucchianeri, John Herrington, Pamela Smith, Kris Thompson, Laura Kekule

- 
1. **Call to Order:** The meeting was called to order by the Chair at 6:00 P.M.
  2. **Roll Call:** Jim Hindle, John Herrington, Pamela Smith, Larry Prater, Laura Kekule, Kris Thompson, Virgil Bucchianeri.  
**Also Present:** Planning Director Austin Osborne, Planner Kathy Canfield, Deputy D.A. Keith Loomis, County Commissioner Jack McGuffey, County Commissioner Lance Gilman, and Public Works Director Jason VanHavel.
  3. **Pledge of Allegiance:** The Chairman led those present in the Pledge of Allegiance.
  4. **Discussion/Possible Action:** Approval of Agenda for March 23, 2017.  
**Motion:** Approve Agenda for March 23, 2017 **Action:** Approve, **Moved by** Commissioner Hindle, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).
  5. **Town Hall Meeting Regarding USGS Water Study - Discussion/No Possible Action:**  
Presentation by the United States Geological Survey (USGS) on preliminary findings from monitoring of the quantity and quality of underground water in the Mark Twain Estates and the Highlands, Storey County. County staff has and will continue to collaborate with the USGS and other federal, state, and/or local agencies, as well as residents and stakeholders of Mark Twain and the Highlands to develop recommendations based on findings, and to prepare to report findings and recommendations to the board and planning commission upon conclusion of the study. Public questions and comments are encouraged. The Planning Department may be reached at 775.847.1144 or [planning@storeycounty.org](mailto:planning@storeycounty.org) with questions.  
Kip Allander and David Smith from the USGS conducted a presentation and findings from a water study conducted in the Highlands and Mark Twain. This study is ongoing and pertains to monitoring of wells for the quantity and quality of underground water.  
Mr. Allander gave a brief definition of what groundwater is.

Groundwater is liquid water that exists in the subsurface beneath the ground. Water flows from areas of recharge to discharge through an aquifer system. The Highlands is a fractured volcanic rock aquifer recharge system.

Discussed findings for the following areas:

Mark Twain Estates Area:

- Looking at well maintenance and conditions versus the idea that the water level is dropping.
- From 1982 to current the depth of water has declined only 2 feet in the Mark Twain area.
- USGS is looking for five wells that reportedly had gone dry. If anyone knows where these wells are located, please advise USGS.
- USGS would like to monitor wells of residents experiencing changes.
- 159 wells in the Mark Twain subdivision, only 4 wells have been deepened.
- Municipal wells were taken off-line in 2012.
- Rumors of municipal well pumping cause 20ft of drawdown in the area are unfounded.
- Average depth of water in Mark Twain Estates is 180 feet; average well depth is 270 feet.
- Compared to other areas, the drought has not hit this area very hard.
- Well logs indicate potentially multiple aquifers in the area.
- Currently monitoring seven wells at a monthly frequency.
- 2016/2017 winter precipitation has resulted in an increase of water levels by an average of 1.4 ft (0.7 to 2.4ft increase)
- Recently notified about a new area (2-3 properties) with dry wells that will be added to the network. Wells may be completed in fractured volcanic aquifer and are within close proximity to one another.

Virginia City Highlands:

- Two wells are currently being monitored in the Highlands, one on Cartwright Road and the other on Grizzley Road. Data collected at an annual frequency. One shows a major decline from 1997 to 2016 of 165 feet, the other a decline of 50 feet.
- Information on wells that have been drilled, well logs and other data can be found on the Nevada Division of Water Resources Well database - [www.water.nv.gov/data/welllog/](http://www.water.nv.gov/data/welllog/).
- Wells in the east side of the Highlands are not seeing any real issues.
- Wells in the central and west areas of the Highlands are seeing issues.
- Out of 632 wells, 103 have been deepened or replaced.
- Prior to 1997, there were 311 wells at a mean depth of 225 feet, with 16 wells re-drilled; after 1997, 312 wells are at 375 feet, with 87 re-drilled.
- 2016/2017 winter precipitation has resulted in an increase of 20.8 feet to 24.4 feet on VCH water levels.

Summary for Mark Twain:

- Preliminary findings in the Mark Twain area show that water levels increasing due to winter precipitation (1.4 ft. increase on average)
- Localized water level declines could be present in higher elevation areas.
- Adding additional wells in these areas in April 2017.
- Evidence of substantial water level declines not observed.

Summary for VC Highlands:

- Water-level decline is real and causing deepening and re-drilling of wells.
- Working with Storey County to begin project in July 2017.
- Historical water quality is available as a baseline reference for characterizing future change.
- 2016/2017 winter precipitation has increased water levels by 24 feet and rising.

**Water Quality sampling between 1972-1975; 21 wells were sampled for limited analysis, average results include:**

High levels of Iron associated with shallow wells > 0.33 ppm.  
Arsenic average 2.8 ppb (EPA Maximum Contaminant Level (MCL) is 10 ppb).  
Nitrate average 0.11 ppm (EPA MCL is 10 ppm).  
Chloride average 9.0 ppm (EPA recommends < 250 ppm).  
Total Dissolved Solids (TDS) 867 ppm (EPA recommends < 1000 ppm).

Currently, the USGS has 24 volunteers, but at present just two wells are being monitored. Once funding for the project is approved, more monitoring of wells will occur. The USGS is anticipating a start date of July 2017.

Discussion between USGS representatives, meeting attendees, staff, and board members included:

- Potential recharge basins in the Highlands.
- Water rights and water conservation.
- Potential grants and funding that may be available for the water study.
- Residential construction and its impacts on water availability.
- Elevation levels of the two wells being monitored.
- Wells in the Highlands that have been re-drilled or gone dry.
- Water delivery to tanks rather than using well water.
- Recharge basins in the Highlands wouldn't be allowed because surface runoff belongs to communities downstream.

6. **Strategic Plan Workshop/Discussion Only/No Possible Action:** Discussion and comments from the planning commissioners, county staff, and the public regarding development of a Storey County strategic plan. A strategic plan is a systematic process of envisioning a desired future, and translating the vision into broadly defined goals and objectives, and a sequence of steps to achieve them in the county organization. Strategic plan elements may include, but are not limited to: vision and mission statement; core values; county's strengths, weaknesses, opportunities, and threats; short- and long-term goals, objectives, and action plans as pertaining to the county's internal operations and quality of service to its citizens and taxpayers. Public participation is encouraged.

**Planning Director Osborne:** Today's purpose is just to discuss some of the findings from the last meeting. He explained the purpose of a strategic plan:

- It is an internal master plan for the internal workings of an organization – in this case, Storey County.
- It is department specific and organization-wide specific.
- Storey County is a public organization that answers to the tax payers (business' and residents) of the county.
- It will be a yearlong process of multiple workshops and the public is encouraged to participate.

The strategic plan will include goals and objectives. It will help us become more efficient and effective as a county. The last meeting was a workshop that was attended primarily by department heads of the county. It was directed by Dr. Fred Steinmann, Assistant Research Professor, Leadership and Economic Development Specialist, University Center for Economic Development at UNR. The format of the workshop may have seemed a bit silly, but it is a way to start forming a strategic plan. It consisted of questions given to the attendees, who worked together in groups. Sticky notes were given out for people to write answers on in each group.

**Planning Director Osborne:** Discussed the findings that Mr. Steinmann provided from the last meeting.

**Question 1: *If your community were a person, what would it be like?***

While several workshop participants suggested that the community would be female, a majority of respondents indicated that this person would be male with a variety of characteristics. Several workshop participants indicated that this person would likely be opinionated, fairly conservative, and would likely be an extrovert in that this person would feel comfortable sharing their opinion(s) with other individuals and with other communities. Workshop participants further indicated that this individual would also be adventurous. Popular movies liked by this individual would include westerns, war movies, and dramas. Words and phrases such as "Celtic warrior", "robust", "opinionated", "old school", "thoughtful", and "tolerant" were used by several workshop participants to describe this individual. Several workshop participants further indicated that this individually would be generally in-shape and athletic, would likely be casually dressed, and might be, on occasion, a bit thin-skinned. Workshop participants almost usually agreed that this individually would be eager to attend a party and would likely strive to be the center of attention at that party.

**Question 2: *If your community were a car, tell me about it.***

Workshop participants almost universally agreed that, if Storey County were a car, that car would most likely be old, a bit rusty, and in need of some significant maintenance and restoration. However, workshop participants further almost universally agreed that this car, despite its age and outward appearance, was still very dependable and was capable of doing what is needed of it. Several workshop participants further stated that this car would be a classic and a "great project car" for someone to work on and restore. This car would be fairly basic and would likely be some type of truck or multi-purpose vehicle. Few upgrades would exist such as power windows or power locks and would not likely have any major onboard electronics such as a built-in GPS device. Suggested types of automobiles that would best reflect the character of Storey County included an El Camino, an older NASCAR racing car, a Model T with a V-8 engine, a Honda Civic, an old rusty farm/ranch pick-up truck, a Volkswagen Bus, some type of early model land cruiser, or a Suburban. While workshop participants indicated that this automobile would be high-mileage, likely having between 100,000 and

200,000 miles on it, workshop participants nearly universally agreed that this automobile has been well cared for and receives fairly regular basic maintenance. While regular basic maintenance has been performed, some type of major overhaul was currently needed.

**Question 3: If we put a music score to the daily activity of your community, what would it sound like and why?**

Workshop participants provided a fairly diverse set of ideas regarding the type of musical score accompanying the daily life of Storey County and regarding what type of music best describes the community. In regards to general musical genres, workshop participants identified a play list that would feature classical rock, country-western music, and unique movie musical soundtracks including the soundtracks of the movie Jaws, the Rocky movies, soundtrack of Dazed and Confused, Shaft, Independence Day, and the theme from the Andy Griffith Show. Specific artists identified by workshop participants included the Dire Straits, Steppenwolf, Jimmy Buffet, Jefferson Airplane, Janice Joplin, and Garth Brooks. A few workshop participants indicated that specific sounds and genres of music, including upbeat jazz and dueling banjos, would be an appropriate musical score or accompaniment for the daily life of Storey County. Certain songs, such as “Better Place” by Kane Brown, would be appropriate as a musical score for Storey County because, “it reminds you of where your roots were established”.

**Nicole Barde, Highlands resident:** Stated concerns with the first strategic plan workshop format and that the meeting attendees (county department heads) did not represent the different communities of the county.

Discussion between meeting attendees and board members regarding the strategic plan. This is the first step of many steps.

**Bill Sjovangen, Highlands resident:** Asked if there are any plans for allowing residential development.

**Planning Director Osborne:** The master plan designates that our existing communities for what they are, but it recognizes that they will grow. Painted Rock is the area that it is anticipated to be a mixed use type of community with residential and commercial development. There have been some inquiries to build a mixed use community, but no applications have been submitted.

**7. Discussion/Possible Action:** Determination of next planning commission meeting.

**Motion:** Next planning commission meeting to be held on Thursday April 20, 2017, site to be determined, at 6:00 p.m., **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Smith, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).

**8. Discussion/Possible Action:** Approval of claims – None

**9. Correspondence (No Action) - None**

**10. Public Comment (No Action) –** John Crouch, 1<sup>st</sup> Sgt. USMC Retired, Highlands Resident: Had a problem with a road washout; he had unable to access his property since January 12th. He expressed his heartfelt thank you to Kris Thompson, Lance Gilman, and all of their working staff in particular Seth Alexander, contractor, and Capurro Trucking, for repairing the road. He was rescued by Washoe County Search and Rescue.

**11. Staff (No Action):**

**Planning Director Osborne:**

-Summarized some bills in the legislature that pertain to Storey County:

**SB 314:** Wind Energy bill that tries to limit local jurisdictions ability to put restrictions on height including special use permit requirements.

**SB 236:** Enabling legislation that would allow a county have marijuana establishments, but does not allow limitations or special use conditions on those types of uses.

**SB 153:** Basically says anything that you do in a county, you would have to go to the city, RTC, school board, local citizens advisory board, planning commission, county commission, and every agency in the area submit a statement to determine the impacts. If something like this is approved, there wouldn't be the economic development that we've been seeing. Companies come to northern Nevada because we move quickly.

**SB56:** The V & T Railroad bill; this is not to change the railroad, but rather streamline the board of directors to be Storey County, Carson City, and the Carson City Tourism Commission. Lyon, Douglas, and Washoe don't want to be on the board.

-Gave an update on the monopine tower. There is still no expressed interest from a carrier. Our staff has been in communications with an interceptor for a carrier. Staff sent him the special use permit for the monopine tower and asked if a cost feasibility study might be done by their company (AT & T).

-Flood Damage is estimated to be 6.5 to 7 million dollars of damage in the county. Under declaration of emergency, the county was able to help plow the private roads. Thanks goes out to the VCHPOA and 10Acre presidents in cooperation with the county to get help when and where it was needed.

12. **Board Comments (No Action)** – None.

13. **Adjournment (No Action)** - The meeting was adjourned at 8:10 P.M.

Respectfully Submitted,

By Lyndi Renaud



## ORDINANCE NO. 17- 275

### Summary

Ordinance 17-275 is being proposed to address medical and recreational marijuana zoning issues in Storey County by clarifying that medicinal and recreational marijuana are included within the scope of the marijuana uses prohibited by Storey County Code section 17.12.100(B), by expanding the scope of the marijuana establishment and medical marijuana establishment uses prohibited in all zoning districts and to conform the County's regulation of marijuana paraphernalia with the requirements of the Taxation and Regulation of Marijuana Act.

### Title

**An ordinance amending zoning provisions in Storey County Code Title 17 to clarify that the prohibition on the use of property for the sale, cultivation, dispensing or display of marijuana includes medical and recreational marijuana, expanding that prohibition to include prohibitions on medicinal marijuana establishment uses, and recreational marijuana establishment uses, removing the prohibition on the sale or display of marijuana paraphernalia to persons over the age of 21 years or use of marijuana by persons over the age 21 years and providing for other matters properly related thereto.**

WHEREAS, Storey County Code §17.12.100(B) prohibits the use of property within all zones for the purpose of the sale, display, dispensing or cultivation of marijuana; and,

WHEREAS, Storey County has denied an application for a business license for a medicinal marijuana dispensary on the ground that it is not an allowed use under SCC §17.12.100(B); and,

WHEREAS, this denial has resulted in two lawsuits being brought against Storey County on the grounds that sale, display or use of medicinal marijuana is not prohibited by SCC 17.12.100(B); and,

WHEREAS, on November 8, 2016, the voters of the State of Nevada passed Nevada's Initiative to Regulate and Tax Marijuana, (Question 2) to be cited as the Regulation and Taxation of Marijuana Act (Act) and codified in NRS Chapter 453D, thereby allowing the sale, transport, display, process, cultivate, possess and use of recreational marijuana under limited circumstances; and

WHEREAS, disputes may arise as to whether SCC §17.12.100(B) applies to the sale, display or use of recreational marijuana; and

WHEREAS, Storey County desires to clarify that the Storey County Code applies to all types of marijuana regardless of whether it is characterized as medicinal, recreational or any other type of marijuana; and,

WHEREAS, NRS 453D.100(2)(D) allows a locality to adopt and enforce local marijuana control measures pertaining to the zoning and land use for marijuana establishments; and,

WHEREAS, NRS 453D.210(5)(e) provides that the Department of Taxation shall approve a license for a marijuana establishment unless the locality in which the proposed marijuana establishment will be located affirms that the proposed marijuana establishment will be in violation of zoning or land use rules adopted by the locality; and,

WHEREAS, NRS 453A.350 requires that all medical marijuana establishments comply with all local ordinances and rules pertaining to zoning, land use and signage; and,

WHEREAS, Storey County desires to further expand its prohibition on the use of land within all its zoning districts to include all types of marijuana establishments and medical marijuana establishments; and,

WHEREAS, marijuana and medical marijuana are federally prohibited; and,

WHEREAS, the Act provides that notwithstanding any other provision of Nevada law and law of any political subdivision of Nevada, it is not unlawful and shall not be an offense or be a basis for seizure or forfeiture of assets for persons 21 years of age or older to manufacture, possess, use, transport, or purchase marijuana paraphernalia, or to distribute or sell marijuana paraphernalia to a person who is 21 years of age or older; and,

WHEREAS, Storey County desires to conform its ordinances with the requirements of the Act uses of marijuana and marijuana paraphernalia;

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

## **SECTION 1**

Section 17.10.030 is hereby amended by adding the following definitions:

*“Marijuana” means all parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every*

compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Marijuana" does not include:

(a) The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or

(b) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

"Marijuana establishment": means: (1) a marijuana cultivation facility, (2) a marijuana testing facility, (3) a marijuana product manufacturing facility, (4) a marijuana distributor, (5) a retail marijuana store, and (6) a facility or organization from which a person may obtain marijuana and marijuana related products. The facility or establishments identified in subparts 1, 2, 3, 4, and 5 above are further defined in NRS 453D.030, the Regulation and Taxation of Marijuana Act, which definitions are hereby incorporated.

"Marijuana paraphernalia" means any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

"Medical marijuana establishment" means: (1) an independent testing laboratory to test marijuana or marijuana products, (2) a cultivation facility for marijuana, (3) a facility for the production of edible marijuana products or marijuana-infused products, (4) a medical marijuana dispensary, (5) a facility or organization otherwise from which a person may obtain medical marijuana and medical marijuana related products, or (6) a business or organization conducting any combination of the above. The facilities or establishments identified in subparts 1, 2, 3 and 4, above are further defined in NRS Chapter 453A which definitions are incorporated herein.

## **SECTION 2**

Section 17.12.100 is hereby amended as follows:

### **17.12.100 General provisions for all zones.**

This section applies to all zones unless otherwise stated:

A. Noise, smoke, odor, gases, weeds, or other noxious nuisances must be controlled so as not to become objectionable, or adversely affect the properties in the vicinity, and must not be detrimental to the public health, safety and welfare.

B. Marijuana

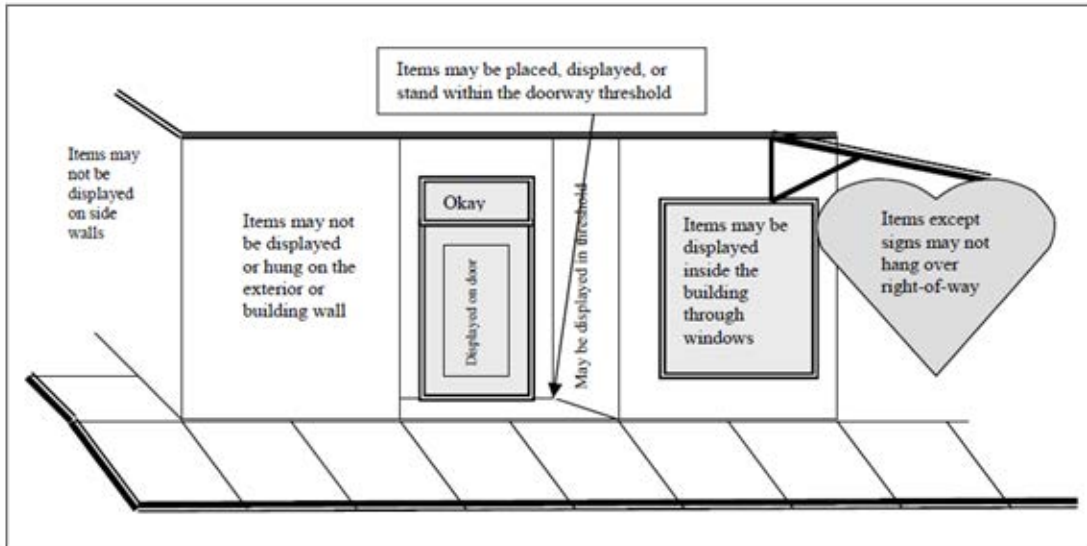
1. Uses involving the sale, display, dispensing, or cultivation, or use of marijuana, regardless of whether the marijuana is for medicinal, recreational or any other purpose or illegal drugs or paraphernalia commonly used or associated with the use of marijuana or any illegal drug, such as glass pipes, water pipes, roach clips, bongs, etc., is prohibited and also is recognized by this ordinance as prohibited by federal regulation. Accessory items related to the use and sale of legal tobacco products such as rolling papers, rolling machines, tobacco pipes and pipe maintenance items are not considered "drug paraphernalia" unless they are associated with the above prohibited items.

2. The sale or display of items intended for use as marijuana paraphernalia to persons under the age of 21 years is also a prohibited use.

3. Medical marijuana establishment, as defined in SCC §17.10.030 and by Nevada Revised Statute Chapter 453A Medical Use of Marijuana, is a prohibited use. Medical marijuana establishment uses are unlawful and are prohibited as an allowed use, special use, accessory use, or temporary use within all zoning districts

4. Marijuana establishment, as defined in SCC §17.10.030 and by NRS Chapter 453D, the Regulation and Taxation of Marijuana Act, including any subsequent amendments or regulations is a prohibited use. Marijuana establishment uses are unlawful and are prohibited as an allowed use, special use, accessory use or temporary use within all zoning districts.

C. Where a commercial business is allowed, a special use permit is required for the display, sale, barter, or trade of items associated with a business outside of a permanent building, except for permitted temporary uses and farmers markets. A business may not display items for sale or conduct any business on the public right-of-way (see Figure 12.9) or between the public traveled way and building. Recessed door openings and thresholds may be used to display items for sale or trade and conduct business.



**Figure 12.9: The diagram shows where merchandise and other items may and may not be displayed. The diagram does not apply to signs and advertising devices which are regulated pursuant to Chapter [17.84](#), Signs and Billboards.**

- D. Incidental hotel uses. Any hotel may contain business uses that are customarily conducted in conjunction with and incidental to the hotel. Unless the business uses are otherwise permitted in the use district in which the hotel is situated, every public entrance to the business must be from a lobby, a hallway, or other interior portion of the hotel. No sign or other advertising material of the incidental hotel use may be placed outside of the hotel, except for as allowed by Chapter [17.84](#), Signs and Billboards.
- E. Outdoor lighting, including for private and public uses, must comply the regulations of Chapter [8.02](#), Outdoor Lighting.
- F. Access ways are defined by Section [17.12.090](#). The access way for commercial building fronts abutting the public right-of-way are the door openings or the thresholds located at the building front.
- G. A special use permit is required for all natural resources river and waterway restoration, wetland creation, and water restoration and recycling.
- H. Up to four dogs and two pot-belly pigs more than twelve weeks of age are allowed in any zone. A special use permit is required to exceed this number. A minimum of ten acres is required to obtain a special use permit for this use. This restriction does not

apply to the A agriculture zone. (Ord. No. 15-269, § I, 10-20-2015; Ord. No. 12-244, § I, 12-4-2012)

**SECTION 3**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Storey County Board of County Commissioners hereby declares that it would have passed each section, subsection subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective

Proposed on \_\_\_\_\_, 2017.  
Proposed by Commissioner \_\_\_\_\_.  
Passed on: \_\_\_\_\_, 2017

Vote:

Ayes:	Commissioners	_____
		_____
Nays:	Commissioners	_____
		_____
Absent:	Commissioners	_____

\_\_\_\_\_  
Marshall McBride, Chairman

Attest:

\_\_\_\_\_  
Vanessa Stephens, County Clerk

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of the month of \_\_\_\_\_ of the year 2017.

