

**CHURCHILL COUNTY
ORDINANCE BILL 2025-A, ORDINANCE 32**

TITLE: BILL 2025-A, ORDINANCE 32, AN ORDINANCE AMENDING TITLE 16 OF THE CHURCHILL COUNTY CODE AND ESTABLISHING THE I-1, I-2, AND I-3 ZONING DISTRICTS, DELETING THE I ZONING DISTRICT, DEFINING THE ZONING AND DESIGN REVIEW PROCESS, ESTABLISHING ZONING REQUIREMENTS FOR EXISTING AND ADDITIONAL INDUSTRIAL LAND USES, CLARIFYING THE REQUIREMENTS FOR POWER GENERATION FACILITIES, AND OTHER MATTERS RELATED THERETO.

SUMMARY: THIS ORDINANCES DELETES THE CURRENT I INDUSTRIAL ZONING DISTRICT AND REPLACES IT WITH THE I-1, I-2, AND I-3 ZONING DISTRICTS. THE I-1 ZONING DISTRICT IS INTENDED FOR LIGHT INDUSTRIAL USES, THE I-2 ZONING DISTRICT IS INTENDED FOR MEDIUM INDUSTRIAL USES, AND THE I-3 ZONING DISTRICT IS INTENDED FOR HEAVY INDUSTRIAL USES. THE ORDINANCE DEFINES THE REVIEW PROCESS AND REQUIREMENTS FOR VARIOUS NEW AND EXISTING INDUSTRIAL USES IN THE NEWLY ESTABLISHED DISTRICTS. THESE CHANGES WILL ALLOW FOR A MORE GRANULAR APPROACH IN ADDRESSING INDUSTRIAL USES THROUGHOUT CHURCHILL COUNTY. THE ORDINANCE FURTHER ESTABLISHES THE ZONING AND DESIGN REVIEW PROCESS WHICH ALLOWS FOR THE AUTHORIZATION AND CONDITIONING OF PARTICULAR LAND USES THROUGH AN ADMINISTRATIVE REVIEW. THE ORDINANCE FURTHER CLARIFIES REQUIREMENTS FOR ALL POWER GENERATION FACILITIES INSTEAD OF JUST RENEWABLE ENERGY FACILITIES TO ADDRESS A GAP IN THE COUNTY CODE REQUIREMENTS.

NOW THEREFORE, be it ordained by the Board of County Commissioners of the Churchill County, in the State of Nevada, as follows:

SECTION 1: **ADOPTION** “16.08.075 Conditional Zoning Permit” of the Churchill County County Code is hereby *added* as follows:

ADOPTION

16.08.075 Conditional Zoning Permit(*Added*)

A. Conditional Zoning Permits Generally. A Conditional Zoning Permit is a process by which a property owner receives authorization to develop a use that is allowed when developed under certain specific conditions and in compliance with the standards adopted in this Title. An individual review of location, design and configuration of the proposed use is required to ensure negative impacts of the use are mitigated and the

use remains compatible with surrounding uses and the community.

B. *Application Requirements.* Applicants shall provide all documentation necessary to review the proposed use including, but not limited to, its potential impacts, proposed mitigations, risk profiles, and timelines of construction as specified herein:

1. The required completed application form as adopted by the Director.
2. A detailed site plan showing the location of all proposed structures, utilities, easements, and any improvements required by this Title. Detailed site plans must be prepared by a licensed engineer, architect, or contractor unless such requirement is waived by the Planning Director.
3. An affidavit by the owner of record of the parcel or easement in which work is to be performed consenting to the submission of the application. If performed in an easement, proof that the landowner has been notified of the project.
4. The fee as prescribed by the Board.
5. Any necessary deposit for professional review. Any new or amended application under this section that warrants significant internal or external review, specialized/skilled professional review, or any other expert assistance whether in the review of the application or future monitoring shall be required to pay all reasonable costs associated with such review. Applicants shall deposit with the county the expected costs of such extraordinary review in an amount up to \$50,000.00 prior to considering the application complete. Applicants may be required to deposit additional funds as costs are incurred in the review process. All funds deposited pursuant to this section shall be used for services provided by specialized or skilled professionals retained or employed by the county to review and provide consultation in determining the possible impacts of the proposed use, conditions to be placed upon the use, or to assist in oversight of the development of the proposed use. If the deposit is required, the application shall not be deemed complete until the deposit is lodged with the county. Any deposited funds remaining after the initial zoning review is complete 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 use. At the time the use is approved, as a condition of the use, applicants may be required to deposit additional funds on an annual basis associated with monitoring the continued operations of the use.

C. *Application Review and Decision.* The director shall review each application to ensure that the proposal is consistent with the requirements of this title as follows:

1. The Director shall ensure that each application that has potential impacts upon public services and infrastructure, public health and safety, or environmental 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. The Director shall impose any reasonable condition on the property as necessary to mitigate any potential impacts to public services and infrastructure, public health and safety, and environmental health and safety.

and ensure compatibility with the Master Plan and surrounding land uses and development.

3. The Director may issue, issue with conditions, or deny each application subject to the requirements of this Title

D. *Bond for Removal of Exterior Facilities.* With placement of physical facilities other than a building (i.e., cell tower, geothermal facility, solar field, etc.) the director may also require a performance bond, or other equivalent surety acceptable to Churchill County, for all new exterior facilities, including relocation of existing facilities where a previous bond has not been accepted. The bond shall be in an amount sufficient to provide for removal, storage or disposal of the facilities and to restore the site including stabilization and re-vegetation as necessary and shall include an additional 15 percent contingency. 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.

E. *Expiration; Termination.* An approved Conditional Zoning Permit and subsequent enactment shall continue to be valid for the life of the operation as permitted, but is subject to termination or expiration as set forth below:

1. An approved Conditional Zoning Permit must be enacted within two (2) years from the date of approval. Enactment is continuous progress toward implementation of the approved use and includes, without limitation, submittal of permit applications, applications for building permits, construction of the project, etc. If no action is taken, or continuous progress towards completion ceases for more than 12 months, the Conditional Zoning Permit shall be null and void and such use shall not be made of the property except upon reapplication and review as set forth in this Title.

2. In the event that the use authorized by the Conditional Zoning 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

Conditional Zoning Permit shall be required prior to resuming operations. In the event that the use is discontinued or abandoned, the property owner and applicant, their heirs, assigns or successors shall remain responsible for environmental compliance until postclosure reclamation requirements are met.

3. A use found to be in violation of the Churchill County Code or any condition issued under this chapter may be, in the sole discretion of the County, ordered to cease operations until such violation can be corrected. Any use found to be operated in material violation of the Churchill County Code or any condition issued under this Title may be prohibited from further operation on a permanent basis where in the discretion of Churchill County, further operations will be injurious to public health, safety, or welfare, or for which there is a substantial likelihood that future violations will occur.
4. Any expansion or change in operations that would have a materially impact upon public services and infrastructure, public health and safety, or environmental health and safety shall submit such plans to the planning director for a new Conditional Zoning Permit.

SECTION 2: AMENDMENT “16.08.080 Special Use Permits” of the Churchill County County Code is hereby *amended* as follows:

A M E N D M E N T

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 is not clearly listed in the use table but is determined to be a~~most similar to a use ~~not listed~~listed as a special use. 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. It is a use in a non-industrial district, (RR-20, A-10, A-5, E-1, R-1, R-2, R-3, C-1, or C-2) and has one or more of the following characteristics:
 - a. Will be open or operational for any period between the hours of 10:00 pm and 5:00 am.
 - b. May have impacts to public health and safety or impair use of adjoining land uses as deemed by the Director
 - c. 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.
 - d. 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.
 - e. Projects of any magnitude that have the potential to utilize or transfer significant quantities of water, (more than 100 acre-feet annually) 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:

~~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. 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. 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. 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)

SECTION 3: AMENDMENT “16.08.050.4 General Administrative Procedures” of the Churchill County County Code is hereby *amended* as follows:

AMENDMENT

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 and administrative applications.*
 - 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. Administrative reviews. The Director shall issue notice of the filing of an application requiring a conditional zoning permit, temporary use permit, minor variance, or administrative abandonment 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. 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. The notice must contain a brief description of the application, the location of plans for review, manner in which comment may be provided, and a deadline for comment.
3. Minor administrative reviews. The Director shall issue notice of the filing of

an application for an accessory dwelling unit, second permanent dwelling, to the applicant, and to all property owners of record, as shown on the latest equalized assessment rolls, within 100 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 100 feet of the property in question. Such written notice shall be mailed not less than ten days prior to the public hearing date. The notice must contain a brief description of the application, the location of plans for review, manner in which comment may be provided, and a deadline for comment.

4. *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.

5. *Conditional Use Permit.* Notice of the date, time, and place of a hearing on a conditional use permit and a description of the property and all explosives and highly hazardous substances shall be provided to the applicant, and to all property owners of record, as shown on the latest equalized assessment rolls, within 1000 feet of the exterior boundaries of the subject property, to each tenant of a manufactured/mobile home park if that park is located within 1000 feet of the property in question, to the military commander of any installation located within 3,000 feet of the property in question, any advisory board that has been established for the area including the property in question, the

Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, the State Fire Marshal, and the Administrator of the Division of Industrial Relations of the Department of Business and Industry. At least 30 property owners nearest the subject site must be noticed; if there are not 30 property owners within 1000 feet of the subject site then expand notification distance until 30 property owners are identified. Such written notice shall be mailed not less than thirty days prior to the public hearing date. In addition to the notice above, notice shall be published in a newspaper of general circulation at least ten days prior to the date of the hearing.

D. *Review.*

1. The Director, 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 Director, 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)

SECTION 4: ADOPTION “16.08.065 Zoning Review” of the Churchill County County Code is hereby *added* as follows:

ADOPTION

16.08.065 Zoning Review(*Added*)

- A. Zoning Review Generally. A Zoning Review is an authorization for a property owner to develop a property for a use that is allowed when developed in compliance with the standards adopted in this Title. These uses do not require any special conditions or requirements other than compliance with general code standards.
- B. Application Requirements. Applicants shall provide the following to the Director prior to use:
 1. The required completed application form as adopted by the Director.
 2. A general site plan showing the location of all proposed structures, utilities, easements, and improvements.
 3. An affidavit by the owner of record of the parcel or easement in which work is to be performed consenting to the submission of the application. If performed in an easement, proof that the landowner has been notified of the project.
 4. The fee as prescribed by the Board.
- C. Application Review and Approval. The Director shall review each application to ensure that the proposal is consistent with the requirements of this title and shall authorize the land use if the standards of this Title are met. If a standard of this Title is not met, the director shall inform the applicant of the deficiency and provide no more than thirty days to correct the application. Failure to cure or complete the applications within thirty days shall be deemed a denial without further opportunity to amend the

application unless waived by the Director.

SECTION 5: AMENDMENT “16.08.130 Land Use Districts; General Overview” of the Churchill County County Code is hereby *amended* as follows:

AMENDMENT

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.

Any use not provided in the land use district and for which a similar analagous use, as determined by the director, does not exist shall be a prohibited use. Any landowner intending to implement a land use not listed on the table shall request a determination of the zoning requirements by amendment of the use table.

(Bill No. 2018-E, 2019)

SECTION 6: ADOPTION “16.08.085 Conditional Use Permits” of the Churchill County County Code is hereby *added* as follows:

ADOPTION

16.08.085 Conditional Use Permits(*Added*)

- A. *Conditional Use Permits Generally.* A conditional use permit is a permit to operate a facility where an explosive, highly hazardous substance designated pursuant to NRS 459.3816 is present in quantities greater than designated in NRS 459.3816, or a hazardous substance adopted pursuant to NRS 459.3833 will be used, manufactured, processed, transferred, or stored.
- B. *Application Requirements.* Applicants shall provide all documentation necessary to review the proposed use including, but not limited to, its potential impacts, proposed mitigations, risk profiles, and timelines of construction as specified herein:
 - 1. The required completed application form as adopted by the Churchill County Public Works, Planning, and Building Department.
 - 2. A detailed site plan showing the location of all proposed structures, utilities, easements, and any improvements required by Churchill County Code. Detailed site plans must be prepared by a licensed engineer, architect, or contractor unless such requirement is waived by the Planning Director.

3. An affidavit by the owner of record of the parcel or easement in which work is to be performed consenting to the submission of the application. If performed in an easement, proof that the landowner has been notified of the project.
4. The fee as prescribed by the Board of Churchill County Commissioners.
5. Any necessary deposit for professional review. Any new or amended application under this section that warrants significant internal or external review, specialized/skilled professional review, or any other expert assistance whether in the review of the application or future monitoring shall be required to pay all reasonable costs associated with such review. Applicants shall deposit with the county the expected costs of such extraordinary review in an amount up to \$50,000.00 prior to considering the application complete. Applicants may be required to deposit additional funds as costs are incurred in the review process. All funds deposited pursuant to this section shall be used for services provided by specialized or skilled professionals retained or employed by the county to review and provide consultation in determining the possible impacts of the proposed use, conditions to be placed upon the use, or to assist in oversight of the development of the proposed use. If the deposit is required, the application shall not be deemed complete until the deposit is lodged with the county. Any deposited funds remaining after the initial zoning review is complete 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 use. At the time the use is approved, as a condition of the use, applicants may be required to deposit additional funds on an annual basis associated with monitoring the continued operations of the use.

C. *Application Review by Planning Commission.* Within ninety (90) days of receipt of an application for a conditional use permit, the Planning Commission shall review each application to ensure that the proposal is consistent with the requirements of this title and NRS 378.147 and recommend approval only if:

1. The Planning Commission determines that the applicant has mitigated potential impacts upon public services and infrastructure, public health and safety, military safety and security, or environmental safety. In making its determination, the Planning Commission may consult local 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. The Planning Commission shall impose any reasonable condition on the property as necessary to mitigate any potential impacts to public services and infrastructure, public health and safety, and environmental health and safety, and ensure compatibility with the Master Plan and surrounding land uses and development.

D. *Application review by Board of County Commissioners.* Within thirty (30) days after receipt of the recommendations from the Planning Commission, and make a final determination regarding the application.

E. *Expiration; Termination.* An approved conditional use permit and subsequent enactment shall continue to be valid for the life of the operation as permitted, but is

subject to termination or expiration as set forth below:

1. An approved conditional use permit must be enacted within two (2) years from the date of approval. Enactment is continuous progress toward implementation of the approved use and includes, without limitation, submittal of permit applications, applications for building permits, construction of the project, etc. If no action is taken, or continuous progress towards completion ceases for more than 12 months, the conditional use permit shall be null and void and such use shall not be made of the property except upon reapplication and review as set forth in this Title.
2. In the event that the use authorized by the conditional 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 conditional use permit shall be required prior to resuming operations. In the event that the use is discontinued or abandoned, the property owner and applicant, their heirs, assigns or successors shall remain responsible for environmental compliance until postclosure reclamation requirements are met.
3. A use found to be in violation of the Churchill County code or any condition issued under this chapter may be, in the sole discretion of the County, ordered to cease operations until such violation can be corrected. Any use found to be operated in material violation of the Churchill County Code or any condition issued under this chapter may be prohibited from further operation on a permanent basis where in the discretion of Churchill County, further operations will be injurious to public health, safety, or welfare, or for which there is a substantial likelihood that future violations will occur.
4. Any expansion or change in operations that would have a materially impact upon public services and infrastructure, public health and safety, or environmental health and safety shall submit such plans for a new conditional use permit.

SECTION 7: **AMENDMENT** “16.24.010 Definitions Generally” of the Churchill County County Code is hereby *amended* as follows:

AMENDMENT

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.

- A. *Major arterial.* A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterial streets.
- B. *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.

Basic Chemical Manufacturing or Storage. Manufacturing of chemical substances through the use of processes involving chemical reactions, or the bulk storage of chemical substances. This definition includes the creation, alteration, refining, cleaning, recycling, etc. of chemicals. Such substances are commonly liquid but may be solid. This definition excludes Hazardous Chemical Manufacturing. This definition excludes the creation of alcoholic beverages, and the ancillary use of chemicals in the general manufacturing of products such as using plastic pellets, pre-made chemicals, and similar handling of chemicals and substances. Products examples include plastics, polymers, gels, food colorings, shampoo and conditioner, granulating of chemicals into dry product, sugar or syrup refining, etc.

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.

Bitumen emulsion plant. Bitumen emulsion plant is a specialized basic chemical manufacturing facility that mixes heated bitumen, water, and emulsifiers to create a product primarily used for road surfacing. Such facilities usually include bulk storage tanks for components of manufacturing.

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.

Bulk Fuel Storage and Distribution – Small. Storage and distribution of fuels in bulk quantities using liquid tanks, pressure vessels, etc. in total quantities of 100,000 gallons or less. Examples include small gasoline, diesel, natural gas, or propane tank farms, normally with only 1-3 tanks. See Hazardous Chemical Manufacturing and Storage for larger quantities. Such facilities can include incidental retail sales. This definition excludes vehicle fuel sales uses, and storage that is incidental to other uses. Some uses may be subject to additional review processes in NRS 278.147.

Cannabis Establishment. Means an adult-use cannabis establishment, a medical cannabis establishment, or a cannabis consumption lounge as those terms are defined in NRS Chapter 678A and as may be amended.

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.

Commercial and construction equipment and trailers. Vehicles and equipment that require a commercial driver's license, construction machinery, farming equipment, tractors, cargo containers, etc.

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.

Data Storage and Data Processing Facility. Data Storage and Data Processing Facilities are a specialized warehousing facility that uses large quantities of computer components for its operations. It also requires large amounts of power, specialized cooling facilities that may involve large amounts of water, and high levels of security. Related power generation or transmission facilities are not always needed, and when proposed are reviewed as a separate use.

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.

Explosive or Combustible Materials Testing. The handling of explosive or combustible materials for testing purposes. Testing operations assess the efficiency of, or potential for materials to ignite or explode. Examples include battery stress testing, rocket motor testing, munitions testing, exotic fuel motor testing, etc. Minor manufacturing operations to create the materials to be tested are allowed to experiment with compounding recipes. Such uses may be subject to additional review processes in NRS 278.147. This definition excludes non-stress testing of battery function.

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.

Hazardous Chemical Manufacturing or Storage. Manufacturing of hazardous materials through the use of processes involving chemical reactions, or the bulk storage of hazardous materials. This includes the use of substantial quantities of hazardous materials to make other chemicals. This definition includes the creation, alteration, refining, cleaning, recycling, etc. of hazardous materials. Hazardous materials shall be as defined or described in NRS Chapter 459, including without limitation, radioactive material, hazardous waste, highly hazardous substance, marine pollutant, etc., and may be subject to additional review processes in NRS 278.147. Also see Bulk Fuel Storage and Distribution – Small. Products examples include certain poisonous chemicals, volatile chemicals, gasoline, diesel, explosives, paints, varnishes, coatings, solvents, adhesives, sealants, pesticides, herbicides, fertilizers, hairspray, nail polish, healthcare products, engineered polymers, pharmaceuticals, etc.

Hazardous, Infectious, or Explosive Materials Disposal/Landfill. Facilities that specialize in the disposal of explosive materials, infectious waste, or hazardous materials as defined or described in NRS Chapter 459, including without limitation, radioactive material, hazardous waste, highly hazardous substance, marine pollutant, etc. Such facilities can include incineration or landfill operations, and may be subject to additional review processes in NRS 278.147.

Hazardous Materials Storage – Indoors or Outdoors. Hazardous Materials Storage – Indoors or Outdoors is a specialized Warehouse Storage and Distribution or Outdoor Storage facility that involves the storage of hazardous materials. Hazardous materials shall be as defined or described in NRS Chapter 459, including without limitation, radioactive material, hazardous waste, highly hazardous substance, marine pollutant, etc., and may be subject to additional review processes in NRS 278.147. Examples of operations include receiving, storing, and preparing materials for transportation. For operations that modify such materials see Hazardous Chemical Manufacturing.

Heavy Manufacturing. Manufacturing operations that are large in scale or otherwise exceed the properties of Light Manufacturing operations, as determined by the Director. Heavy Manufacturing operations may be characterized by one or more of following:

- Substantial processes are not contained in a building.
- Facilities using or creating materials not considered benign, including operations that use substantial quantities of hazardous materials as defined or described in NRS Chapter 459, and which may be subject to additional review processes in NRS 278.147.
- Processes using extreme heat.
- Facilities of such a scale as to create significant environmental, noise, or traffic impacts.

The major growth of a Light Manufacturing use could result in changing to a Heavy Manufacturing designation. Examples include steelmills, foundaries, smelters, factories, non-chemical refineries, very large object fabrication, munition/rocket manufacturing, vehicle/manufactured home factories, etc. This definition excludes Chemical Manufacturing.

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, [recycling](#), buying or selling junk, or for the maintenance or operation of an automobile graveyard, [auto recycler](#), or scrap metal processing facility. [This term includes salvage yards, scrapyards, auto recycling, and similar uses often characterized by bulk storage of junk materials for extended periods of time.](#)

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 Crop Product Manufacturing and Storage. Light Manufacturing that converts vegetative crops grown on farmland or rangeland into a wide variety of other products. Examples include vegetable and fruit canning or bottling, creation of alcoholic beverages or spirits, grain mills to produce ground product, breakfast cereal manufacturing, etc.

~~*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*.~~ Manufacturing using and creating materials of a benign nature, and

generally with all substantial manufacturing activities performed in a completely enclosed building with no significant noticeable indication of the manufacturing operation. The creation of alcoholic beverages, including spirits, shall be considered benign. The different categories of Agriculture and Resources Related Manufacturing are normally considered to be Light Manufacturing, especially when of small scale, unless determined to be Heavy Manufacturing. This definition excludes Chemical Manufacturing.

Light Milk and Cheese Product Manufacturing and Storage. Light Manufacturing that converts milk into other dairy products. Examples include facilities making cheese, yogurt, flavored milk, dehydrated milk, etc.

Light Meat Product Manufacturing and Storage. Light Manufacturing involving animal slaughtering, butchering, meat packing, and other processing of animals for the purpose of making meat products, including the use of carcass waste to create other products. Examples include slaughterhouse, meat packing plant, etc.

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.~~ The creation of products from raw materials, waste from processed raw materials, components, parts, etc. by hand or machine, particularly but not exclusively when performed systematically with division of labor and specialized systems to produce large quantities of product. This definition excludes the retail sales of products. Examples include:

- alteration of a raw material into another raw material,
- alteration of large materials into smaller materials,
- assembly of products or components (such as screwing, soldering, sewing, glueing)
fabrication of products from bulk materials (such as cutting, welding, and casting)
-
- processing of food and beverages (canning, mixing, brewing, distilling)
- vehicle and manufactured home production
- research activities (excluding testing activities listed in the use limits of this Code)

The different categories of Agriculture and Resources Related Manufacturing are specialized forms of Manufacturing, using specific source materials that may be allowed in additional zoning districts. Manufacturing is divided into sub-categories of Light Manufacturing, Heavy Manufacturing, Basic Chemical Manufacturing, and Hazardous Chemical Manufacturing.

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.

Medical marijuana establishment. An establishment as defined in NRS 453A.116 and as may be amended.

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-Premesis Outdoor Storage.* Outdoor Storage facilities are primarily engaged in storage of materials or objects outdoors for a variety of purposes, such as wholesale distribution, transloading, transportation holding, storing excess or unneeded materials, and similar purposes. Such uses may be for long or short duration, and tend to spread broadly across the property unless limited. This definition excludes accessory storage for a different primary business use, and excludes the storage of waste, derelict automobiles, scrap yards, and other uses with specific listings in the use table.

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.

- A. *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.
- B. *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 facility. A facility that generates power, normally electricity but including a renewable energy resource facility that provides a service other than electricity generation. ~~Generation sources may~~ Power generation facilities are classified by the source of the power generated, being include fuel-based resources (including generators) 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~~ to provide power for personal/on-site use by a home or small 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~~ use fuel or renewable resources; ~~that~~ to 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~~ use fuel or renewable resources to provide power in excess of that allowed by minor power generation facilities. ~~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.

- A. 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.

B. The term does not include:

1. An establishment which provides care only during the day;
2. A natural person who provides care for no more than two persons in his or her own home;
3. A natural person who provides care for one or more persons related to him or her within the third degree of consanguinity or affinity;
4. A halfway house for recovering alcohol and drug abusers; or
5. 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 **and** contaminated soil; **and** **It excludes** 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).

Specialized vehicles and trailers. Self-propelled machinery or associated trailer of a large or specialized nature including, recreational vehicles (RVs), motorhomes, campers, moving trucks, horse trailers, flatbed trailers, dump trailers, etc.

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.

Standard vehicles and trailers. Self-propelled machinery or associated trailer that is of a similar size or smaller than a standard passenger vehicle, including automobiles, trucks, sport utility vehicles, motorcycles, all-terrain vehicles, side-by-sides, golf carts, etc. and their associated trailers. This definition does not include tools and standard yard care equipment, such as tool rental or lawn mower sales nor does it include equipment that is displayed and stored indoors.

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.

Warehouse Storage and Distribution. Warehouse Storage and Distribution facilities are primarily engaged in warehousing, storage and distribution within buildings for a variety of

purposes, such as wholesale distribution, transloading, transportation holding, and similar purposes. Such uses may be for long or short duration. This definition excludes accessory storage for a different primary business use. For uses primarily engaged in storage outdoors, see Outdoor Storage.

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)

SECTION 8: AMENDMENT “16.04.030 Procedures For Planning, Zoning And Land Division” of the Churchill County County Code is hereby *amended* as follows:

A M E N D M E N T

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;
 7. Zoning Reviews;
 8. Conditional Zoning Permits;
 9. Abandonments; and
 10. Planned Unit Developments
- 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~~ Division of land into large parcels map;
 6. Record of survey map for a Boundary line adjustment or similar change;
 7. Reversion to acreage or merger and resubdivision map; and
 8. Modifications to existing maps, such as a certificate of amendment, and map amendment.

(Bill No. 2005-F § 2.2, 2005)

SECTION 9: ADOPTION “16.08.035 Director” of the Churchill County County Code is hereby *added* as follows:

ADOPTION

16.08.035 Director(*Added*)

- A. Purpose. The purpose of this section is to specify the authority of the Planning Director (hereinafter in this title referred to as "Director").
- B. Authority; powers; duties; review by the board.
1. The Director is hereby appointed as the Administrator of this Title.
 2. The Director shall perform all duties and functions delegated to the planning director by this Title or by the terms of NRS §§ 278.010 to 278.630.
 3. The Director shall be responsible for the interpretation of this Title.
 4. On matters where the Director takes final action, the proponent, any aggrieved

party, or member of the board may appeal the decision to the planning commission.

5. On matters where the Director makes a recommendation to the board or commission, the board or commission by majority vote may affirm, deny, or return the recommendation to the Director for further consideration of any proposed recommendations.

SECTION 10:AMENDMENT “16.16.030 Renewable Energy Facilities” of the Churchill County County Code is hereby *amended* as follows:

AMENDMENT

16.16.030 Renewable Energy Facilities

Unless otherwise indicated, the provisions of this section shall apply to all commercial ~~renewable power generation energy~~ facilities within Churchill County.

- A. ~~Renewable energy~~Power Generation Facility (REFPGF). For the purposes of this section, a "~~renewable energy power generation~~ 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 set forth in Chapter 16.24 of this Title.~~ If such ~~REF-PGF~~ generates energy for financial gain or receives compensation through contractual agreements, it is a commercial ~~REFPGF~~.
- B. *Regulations, general.* All private and commercial ~~REFs-PGFs~~ shall comply with all applicable Churchill County, state of Nevada, and federal laws, codes, regulations, and necessary permits.
- C. *Siting of ~~renewable energy power generation~~ facilities.*
1. Commercial ~~REFPGFs~~ shall be sited in ~~areas permissible zoning districts as listed in the Use Table, 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-PGF~~ 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-PGFs~~ 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~~Additional Zoning Requirements (SUP). Commercial ~~REFs~~PGFs, 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~~approval of any required zoning set forth in this Title and submission and approval of the following information:
1. *Other ~~REF~~PGFs.* Name and address of any other current or past ~~REF~~PGF 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~~PGF, 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 standard zoning 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~~-PGF 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~~-PGF 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~~-PGF 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~~Zoning approvals 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~~PGF, 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~~PGF and all related facilities. Lighting on an ~~REF~~PGF 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~~PGF.
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 any zoning 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)

SECTION 11: AMENDMENT “16.16.030.1 Facility Development And Performance Standard” of the Churchill County County Code is hereby *amended* as follows:

AMENDMENT

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 power generation energy facilities (REF-PGF). 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-PGF. 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~~ PGFs shall be sited and operated so that they do not interfere with existing military/department 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-PGF 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-PGF 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-PGF 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~~PGF.

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~~PGF 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~~PGF 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~~PGFs, 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~~PGF contractor shall notify the planning department in writing indicating an estimated time line for operations to recommence.
- F. *Liability insurance.* The ~~REF~~PGF 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~~PGF 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)

SECTION 12: AMENDMENT “16.16.030.3.1 General Provisions” of the Churchill County County Code is hereby *amended* as follows:

AMENDMENT

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~~ power generation 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)

SECTION 13: **AMENDMENT** “16.16.030.3.2 Geothermal Well Field Gathering Systems And Power Generation Facilities” of the Churchill County County Code is hereby *amended* as follows:

AMENDMENT

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 any applicable zoning ~~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)~~ zoning districts as listed in the Use Table. 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.

(Bill No. 2017-E, 2017)

SECTION 14: AMENDMENT "16.16.030.4.1 General Provisions" of the Churchill County County Code is hereby *amended* as follows:

AMENDMENT

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~~Power generation 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. All required zoning approvals as listed in the Use Table will be required prior to construction. ~~special use permit may be required per this section 16.16.030.4.~~

(Bill No. 2017-E, 2017)

SECTION 15: AMENDMENT "16.08.210 Industrial District (I)" of the Churchill County County Code is hereby *amended* as follows:

AMENDMENT

16.08.210 Commercial Industrial District (I-1)

~~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.~~

The purpose of this district is to provide for industrial activities and land uses that have some potential for impacting adjacent land uses and infrastructure mixed with commercial uses that can support broader industrial development. 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 Title.

(Bill No. 2018-E, 2019)

SECTION 16: **ADOPTION** “16.08.212 Industrial District (I-2)” of the Churchill County County Code is hereby *added* as follows:

ADOPTION

16.08.212 Industrial District (I-2)(*Added*)

The purpose of this district is to provide for distinctly industrial activities and land uses that have the potential for impacting adjacent land uses and infrastructure, while providing for minimal commercial uses to support industrial development. This type of zoning should be located away from people while still having acceptable 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 Title.

SECTION 17: **ADOPTION** “16.08.214 Heavy Industrial District (I-3)” of the Churchill County County Code is hereby *added* as follows:

ADOPTION

16.08.214 Heavy Industrial District (I-3)(*Added*)

The purpose of this district is to provide for heavy industrial activities and land uses that have the great potential for impacting adjacent land uses and infrastructure. This type of zoning should be located away from people and other non-industrial uses, and uses within it may have to develop their own 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 Title.

SECTION 18: AMENDMENT “16.08.250 Use Table For All Zoning Districts” of the Churchill County County Code is hereby *amended* as follows:

AMENDMENT

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. All uses that include handling of materials designated as explosives or highly hazardous substances as defined under NRS 278.147 shall require a conditional use permit as set forth in 16.08.085 regardless of the zoning established in the Use Table.
- E. Certain uses, as defined in section 16.08.080, are required to obtain a special use permit regardless of the zoning established in the Use Table.
- F. 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 <u>as defined in 16.08.080</u>
<u>C</u>	<u>=</u>	<u>Use is allowed through a conditional zoning permit as defined in 16.08.075</u>

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.
<p>"Uses in NAS Fallon overlay may be †X - Prohibited, or †S - must have at least a SUP review, or †AC - must have at least a administrative SUP review <u>Conditional Zoning Permit</u>."</p>		

Uses ^A	RR-20	A-10	A-5	E-1	R-1	R-2	R-3	C-1	C-2	I-1	I-2	I-3	†	NAS †B
Agriculture and Resource Production and Support:														
NOTE: Transportation of resource products to and from an operation is allowed under the definition for the specific resource														
Agricultural Production - not included in specific listings										=	=	=	-	
Rangeland Agriculture (Dispersed grazing, nut harvesting, etc.)										=	=	=	-	
Timber Growing and Harvesting	-	-	-	-	-	-	-	-	-	=	=	=	-	

<u>Heavy Manufacturing</u>										<u>C</u>	<u>C</u>		†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
<u>Basic Chemical Manufacturing or Storage (excluding fuels)</u>									<u>S</u>	<u>C</u>	<u>C</u>	S	†X
<u>"Hazardous Chemical Manufacturing or Storage</u> <u>Also see NRS 278.147"</u>										<u>S</u>	<u>S</u>		
<u>Bitumen Emulsion Plant</u>									<u>S</u>	<u>C</u>	<u>C</u>		
Bulk Fuel Storage and Distribution - small (<100,000 gal.) Includes incidental retail sales. Excludes vehicle fuel sales and storage incidental to other use.									S	<u>S</u>	<u>C</u>	<u>C</u>	S †S

<p>Explosion/Combustion Explosive or Combustible Materials Testing</p> <p>See CCC 16.16.020.2 for 1/2 mi. setback from highways</p>											S	S	S	†X		
<p>Tire Retreading/Rebuilding</p> <p>Excludes tire distilling - see Chemical Manufacturing</p>											S	S	C	C	S	†X
<p>Junkyard, Salvage Yard, Wrecking Yard</p> <p>See CCC 16.16.020.2 for 1/2 mi. setback from highways</p>													C	C	S	†X
<p>Asphalt and Concrete Batch Plants</p> <p>- also see mining</p> <p>* Prohibited unless temporary and for specific project</p>		S*	S*												S	†S*
<p>Outdoor Recreation Uses:</p> <p>(Note: †For indoor recreation see commercial listings)</p>																
<p>Wildland and Unimproved Outdoor Recreation (hiking, riding, hunting, etc.)</p>	-	-	-	-	-	-	-	-	-	-	=	=	=	-	n/a	

Entertainment Facility for other zones.														
Outdoor Shooting Range	S	S								<u>S</u>	<u>S</u>	<u>S</u>	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
Residential Uses:														
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	R	R	R	R	R	R	R*	S/R*	S/R*				S/R*	n/a

Community Ctr. or Convention Ctr.) Excludes Private Gathering/Reception Facility - see commercial uses	S	S	S	S	S	S	S	S	S	S					S	†X
Government Services and Offices (museum, library, senior ctr., post office) Review Fleet Parking and Maintenance as separate listing in Vehicle uses	S	S	S	S	S	S	S	S	S	S					-	†X
Emergency and Law Services (police, jail, court, fire, ambulance, etc.)	S	S	S				S	S	S	<u>S</u>					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	<u>S</u>					S	†X
Extended Care Medical Facility (convalescent services, nursing home, mental health facility,			S	S			S	S	S						-	†X

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*	<u>C</u>			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*	<u>R/ S*</u>			R/ S*	†X
Beverage Distributor Prohibited if over 50 employees	S	S						R	R	<u>R</u>	<u>R</u>	<u>R</u>	R	†S
Auction House * With outside sales area or outside speakers								R/ S*	R/ S*	<u>R/ C*</u>	<u>C</u>	<u>C</u>	R/ S*	†S
Cannabis Establishment													n/a	
Flea markets, swap meets, and	S	S						S	S				-	†S

special events														
Manufactured/Modular/Mobile Home Sales									S	<u>R</u> <u>C</u>	<u>C</u>		<u>R</u>	†S
For construction of homes - see Industrial/Fabrication														
Firearm, Explosive, or Weapon Sales/Service/Rental - requiring an FFL									S	S			-	†S
Personal Storage (ministorage, RV, boat, etc.)	S	S	S						R	R			<u>R</u>	n/a
Off-Premises Storage (for business/personal use - not renting spaces) Inside a building	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>		
Inside a building	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>				<u>R</u>	n/a
Outside a building									S				S	n/a
Home Based Businesses														
* If not meeting basic HB criteria	H B/ S*	H B/ S*	H B/ S*	H B/ S*	H B/ S*	H B/ S*	H B/ S*	HB /S*	HB /S*	<u>H</u> <u>B</u> <u>S</u> <u>*</u> <u>-</u>			HB /S*	n/a
Prohibited unless associated with existing legal residence														
General Offices and Services - not included in a specific listing									R	R	<u>R</u>		<u>R</u>	†S

commodities, etc.)								R/ S*	R/ S*	<u>R</u> / <u>S</u> *							R / S *	n/a
* If drive up services are included																		
Medical and Counseling Services (doctor offices, clinics, physical therapy, etc.)								R	R	<u>R</u>							R	†S
Personal Health and Beauty Service (hair, nails, spa, massage, etc.)							S	R	R	<u>R</u>							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	<u>S</u>							S	†S
Laundromat							S	R	R	<u>R</u>							R	n/a
Dry Cleaner								S	S	<u>S</u>							S	n/a
Baking Facility								S	S	<u>S</u>							S	†S
Craft/Art Studio (welding/pottery/painters/etc.; includes sales)	S	S	S					R	R	<u>R</u>							R	†A
Testing Service (office and sample collection; processing 1-use and field kits)								R	R								-	†A
Laboratory (chemical testing)								S	S	<u>S</u>	<u>C</u>	<u>C</u>					S	†X

(solid/garbage and liquid/septage) Also see Industrial category and septage application in natural resources	S								S	<u>S</u>	<u>C</u>	<u>C</u>	S	n/a
Pest Control Service								S	S	<u>S</u>			S	n/a
Janitorial/Cleaning Service								R	R	<u>R</u>			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	<u>S</u>				S	n/a
Casino/Gaming Establishment Additional uses are reviewed individually (food, hotel, theater, spa, etc.)								S	S					-	†X
Adult Entertainment (See Title 9)											<u>S</u>	<u>S</u>		S	n/a
Brothel, House of Prostitution (See Title 5) See CCC 16.16.020.2 for 1/2 mi. setback from highways	S													-	n/a
On-Site Advertising	S	S	S	S	S	S	S	R	R	<u>R</u>	<u>R</u>	<u>R</u>		R	n/a
Off-Site Advertising - billboards, highway signs, etc. * H Prohibited unless meeting exceptions in 16.16.020.6.B.2.f	S/R*	S/R*	S/R*	S/R*	S/R*	S/R*	S/R*	R	R	<u>R</u>	<u>R</u>	<u>R</u>		R	n/a
Vehicle and Equipment Uses:															
(Also see Transportation Section)															
Standard Vehicle or Trailer Sales or Rental (see definition) (standard personal									R	R	<u>R</u>			R	†A

products is included with main use															
Fleet Vehicle Parking and Maintenance Facility (10 ; bus barn, utility, etc.) Excluding uses with inherent parking (fire, police, trucking, etc.)	S							S	S	<u>S</u>	<u>C</u>	<u>C</u>	S	n/a	
NOTE: For vehicle racing etc. see Indoor Recreation and Entertainment Facility in Commercial, or Outdoor Recreation Uses													-		
Transportation Facilities:															
Streets, roads, highways, and rail lines	-	-	-	-	-	-	-	-	-				-	n/a	
Highway/Road Maintenance Facility	R	R	S						R	<u>R</u>	<u>R</u>		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*	<u>S*</u>	<u>C*</u>	<u>C</u>	S*	†S	
Airport	S									<u>S</u>	<u>S</u>	<u>S</u>	S	†X	

(treatment of more hazardous substances) * If previously approved in a PUD	S	S	S						R*	R*	<u>S/R*</u>	<u>C</u>	<u>C</u>	<u>S/R*</u>	†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*	<u>C/R*</u>	<u>C/R*</u>	<u>C/R*</u>	<u>S/R*</u>	†S
Recycling Drop Box/Station	R	R	R	S	S	S	S	R	R	R	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	n/a
Recycling Facility * If all operations inside of a building	S/R*								S/R*	S/R*	<u>S/R*</u>	<u>C/R*</u>	<u>C/R*</u>	<u>S/R*</u>	n/a
Solid Waste Transfer Station	S	S									<u>S</u>	<u>C</u>	<u>C</u>	<u>S</u>	†X
Solid Waste Landfill (sanitary, construction waste, petroleum contaminated soil, hazardous waste, etc.)	<u>S</u>											<u>S</u>	<u>S</u>	<u>S</u>	†X

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*	<u>R</u>	<u>R</u>	<u>R</u>	R/S*	†S
Major Power Generation (renewable <u>energy facilities</u> Not qualifying for Private or Minor Power Generation See CCC 16.16.020.2 for 1/2 mi. setback from highways Prohibited if fuel based, or wind powered, or concentrated solar <u>*For solar only, excluding concentrated solar</u>	S	S									<u>S</u>	<u>S</u>	<u>S/C*</u>	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)

PASSED AND ADOPTED BY THE CHURCHILL COUNTY BOARD OF COUNTY

COMMISSIONERS SEPTEMBER 17, 2025.

	AYE	NAY	ABSENT	ABSTAIN
Myles Getto	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Eric Blakey	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Matt Hyde	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Myles Getto, Chairman, Churchill
County



Pamela D. Moore, Deputy Clerk of the
Board, Churchill County