



## Tonopah Town Office

---

**From:** Lewis Lacy [llacy@co.nye.nv.us]  
**Sent:** Monday, April 17, 2017 6:22 PM  
**To:** townoftonopah@frontiernet.net  
**Subject:** sorry just ran out of time

You can put on the next meeting (if not week of may 1) – I will have drafts of both ordinances to include with backup.

Presentation by Nye County Planning

1. Shooting Competition on County Land near Tonopah Airport
2. Proposed Mobile Home Ordinance to comply with NRS 278.02095
3. Proposed Special Use Permit Ordinance

Thanks

Darrell Lacy

# TONOPAH, 2 MILE

2017 August 24 - 26

Tonopah Airport, Tonopah, Nevada  
Hosted by Nye County, NV SWAT

## Basic Rules:

- Target ranges 1,300, 1,600, 1,900, 2,200, 2,500, 2,800, 3,100, and 3,525. The site is virtually flat, so there is no real slope to concern any shooter.
- Shooting order will be randomized, but will be subject to change to ensure the smooth operation of the match:
- Two or more shooters are allowed to shoot the preliminaries and the finals using the same rifle.
- Shooting order will be adjusted as necessary for shooters sharing rifles, to allow adequate time for the rifle to cool completely between individual firing sessions, if possible.
- Shooting order will be adjusted to insure that shooters of 50 cal. rifles are placed at the outside positions of the firing line in both the preliminaries and the finals.
- This is a "team" competition. Each shooter may have up to two spotters/wind coaches. If a shooter does not have his/her own spotters/wind coaches, we will do our best to provide you with at least one.
- Shooters and/or their team members must be able to move their rifles and remaining gear quickly to the firing line, set up the gear, and engage a target with up to 5 shots in 15 minutes.

## Rules for Rifles & Gear:

- Any rifle under 50 pounds is permitted. Any rifles over .50 caliber require prior approval. Rifle weight is determined when it is in its "Ready to fire" configuration (meaning attached bipod, optics, etc.).
- There is **NO Maximum weight** for non-rifle shooting equipment. However, each Shooter and their team members **MUST** be able to move all of their gear onto and then off of the firing line in less than 2 or 3 minutes. Shooters may use portable shooting tables, if they wish. Use of a shooting table does NOT entitle a shooter to additional time to

move their gear up to the firing point. **Failure to be set up and ready to go on time is the fault of the individual shooter and team; any lost time during a course of fire will not be replaced.**

- The **front of the rifle** may be supported by a Front Rest or bipod, or supplemental supported bipod, or any form of support.
- The **rear of the rifle** may be supported by a bag of any kind, monopod or the shooter.
- Any type of rifle optic and spotting scope system is permitted.
- The shooter must make all adjustments to the rifle system once the string of fire begins. (e.g., adjusting height of the bipod/rifle or adjusting the scope.) Once the string of fire begins, any forgotten equipment the shooter requires must be obtained by the shooter or his teammate.
- **No weapon alibis will be given.** Once a malfunction has been detected, permission can be given by the range officials for the shooter to have additional help in clearing it. After a rifle has a **second malfunction of the same type for the same shooter**, any additional malfunctions disqualify that shooter and the rifle must be removed from the line.
- **Spotters/wind coaches** are permitted to help more than 1 shooter.
- **Once shooters have finished their shooting string**, they must quickly remove their equipment from the firing line to allow the next team to set up on the various firing lines. All teams will handle weapons UNLOADED and with a CHAMBER FLAG or other visual indicator of an empty chamber. Once shooters have removed their gear from the line, they will **stay at the firing point to score for the following team.**

## **SCORING:**

- After a shooter has completed shooting a target distance, the shooter must stay at the firing point and score for the next team that is coming up onto the Firing Line.
- Shooters from the last relay will score for the shooters in the first relay.

## **SPECTATORS:**

- There will be a shooting position on the firing line "box" for the shooter and their spotter(s). Spectators must stay far enough away that they will not disturb the team currently shooting.

- Spectators may not communicate with a team currently on the firing line in any manner. If spectators fail to follow this rule, the shooter **may** be sanctioned by loss of points, and the spectators **may** be asked to leave the immediate area of the firing line.

## **ZEROING RIFLES:**

- The day before the match shooters are invited and permitted to obtain a site zero at the Match site, in a first come first served order. Each shooter is permitted up to **5 shots** at the provided target in order to obtain a site zero, as all competitors need to be afforded the opportunity to obtain a zero. Other than obtaining a site zero on the specified zero target, no practicing is permitted on the course prior to the Match.
- Targets are 36"x36" steel, with a flashing light hit indicator, to indicate that the target has been hit. We **MAY** have drones available to show the actual target face so that hit locations on the targets can be determined more precisely. If this occurs, shooters will be told the location of the hits on the target.

If no drones are available, or they go down and cease to function during the course of the event, each shooter is on his/her own (in conjunction with their spotter(s)) for sighting and adjusting impacts.

- The "Failure to do right" rule is in effect for this competition. The match director can disqualify any competitor for attempting to stretch the letter of the rules or gaming to gain an unfair advantage which is against the spirit of the competition.

## **COURSE OF FIRE:**

### **DAYs 1, 2 and 3**

**(This Course of Fire is used all 3 days of the Match)**

The target distances are shot shortest to longest every day, depending upon where firing stopped the previous day

**1,300, 1,600, 1,900, 2,200, 2,500, 2,800, 3,150, 3,525. (days #1, 2, 3)**

**Failure to hit either the 1,300 or the 1,600 yard target with a single shot results in elimination from the event.**

**(5 misses @ 1,300 + 5 misses @ 1,600 = elimination)**

**i: No eliminations after the 1,600 yrd target.**

**ii: Remaining shooters will shoot all of the remaining targets.**

- **Each shooter will shoot from the same firing point for the 1,300 and the 1,600 yard targets.** (A shooter's position is subject to change depending upon the number of shooter eliminations, and the discretion of the range safety officer).
- ALL 4 shooters will approach the firing line **AT THE SAME TIME**. All 4 shooters will leave the firing line **AT THE SAME TIME**. If a shooter finishes before the end of the allotted time, they pack up their gear, but will remain at their individual firing point until the remaining shooters on that relay have completed their course of fire.
- **Each Shooter is given a total of 15 minutes to BOTH prepare AND to shoot up to 5 rounds** (up to 5 shots to make 3 hits) **once they reach the firing line**. The shooter's preparation period and shooting time are **COMBINED, NOT SEPARATE**.
- Each shooter will shoot their assigned target. (shooting an incorrect target scores ZERO points; the shooter cannot reshoot the shot; the shot counts towards the shooter's 5 shots)
- Each shooter has up to **5 shots to make 3 hits for score** in the 15 minute time frame.
- No additional points are awarded for using less than the full amount of a shooter's allotted time at a target distance, or for more than 3 hits at a single target distance.
- **After a shooter has completed shooting a target distance, the shooter must stay at the firing point and score for the next team that is coming up onto the Firing Line.**
- After scoring for the next shooter, the shooter may leave the firing point.

### **Proposed scoring system:**

Points earned relate directly to the number of the shot(s) that hit the target. Earlier shots are worth more points than later shots at a given distance. Points increase as the target distances increases.

**1300** target: 5-4-3-2-1.

**1600** target: 7-6-5-4-3.

**1850** target: 9, 8, 7, 6, 5.

**2100** target: 11, 10, 9, 8, 7

**2400** target: 13, 12, 11, 10, 9

**2700** target: 15, 14, 13, 12, 11

**3150** target: 17, 16, 15, 14, 13

**3525** target: 19, 18, 17, 16, 15

E.g. A shooter hits the 1300 yard target w/ shots 1, 3, & 4 – the points earned are 5, 3, 2, respectively. That Shooter's score for the 1300 yard Target is 10 points. This shooter would stop shooting after the 4th shot (3rd hit on the target).

- If 2 or more shooters tie on overall points, then the shooter who took the fewest total shots is the winner.
- If the 2 or more shooters all tie on overall points AND had the same number of total shots, then a **scorecard shoot-off** (starting with the furthest target and working towards the shortest) determines the winner.

E.g. Shooter #1 hit 3,525 Target with shots 1, 3, 4

Shooter #2 hit 3,525 Target w/ shots 1, 3, 4. Tie not broken.

Shooter #1 hit 3,150 Target w/ shots 1, 2, 3.

Shooter #2 hit 3,150 Target w/ shots 1, 3, 4. **Shooter #1 is the winner.**

## Proposed scoring sheet:

- Points earned relate directly to the number of the shot(s) that hit the target.
- Scorer circles the points corresponding to the appropriate shot and marks an X for a miss.

<b>Target Distance: 1,300</b>				
<b>Shooter #</b> _____				
<b>Shot #1</b>	<b>#2</b>	<b>#3</b>	<b>#4</b>	<b>#5</b>
<b>Points 5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
<b>Shooter signature</b>		_____		
<b>Scorer signature</b>		_____		

- E.g. Shooter #27 hits the 1300 yard target w/ shots 1, 3, & 4
- The points earned are 5, 3, 2. That Shooter's score for the 1,300 yard Target is 10 points. This shooter would stop shooting after the 4th shot (3rd hit on the target).

<b>Target Distance: 1,300</b>				
<b>Shooter #</b> 27				
<b>Shot #1</b>	<b>#2</b>	<b>#3</b>	<b>#4</b>	<b>#5</b>
<b>Points 5</b>	<del>4</del>	<b>3</b>	<b>2</b>	<b>1</b>
<b>Shooter signature</b>		Dan Walker		
<b>Scorer signature</b>		D. De		



# TONOPAH, 2 MILE

2017 August 24 - 26

Tonopah Airport, Tonopah, Nevada  
Hosted by Nye County, NV SWAT

## Basic Rules:

- Ranges and target locations will be published at least \_\_ WEEKS prior to the Match dates. The site is virtually flat, so there is no real slope to concern any shooter.
- **Shooting order** will be randomized, but will be subject to change to ensure the smooth operation of the match:
  - Two or more shooters are allowed to shoot the preliminaries and the finals using the same rifle.
  - Shooting order will be adjusted as necessary for shooters sharing rifles, to allow adequate time for the rifle to cool completely between individual firing sessions, if possible.
  - Shooting order will be adjusted to insure that shooters of 50 cal. rifles are placed at the outside positions of the various firing lines in both the preliminaries and the finals.
- This is a team competition. Each shooter may have up to two spotters/wind coaches. If a shooter does not have his/her own spotters/wind coaches, we will do our best to provide you with at least one.
- Shooters and/or their team members must be able to move their rifles and remaining gear quickly to the firing line, as some courses of fire require the team to move up to the line, set up the gear, and engage a target with up to 5 shots in 15 minutes.

## Rules for Rifles & Gear:

- Any rifle under 50 pounds is permitted. Any rifles over .50 caliber require prior approval. Rifle weight is determined when it is in its "Ready to fire" configuration.
- The weight of all other shooting equipment is limited to 35 pounds. [does this include chairs, tripods, and spotting scopes for spotters?]
- The rifle may be supported in the front by a Rest or bipod, or supplemental supported bipod, or any form of support.
- **The rear of the rifle** may be supported by a bag of any kind, monopod or the shooter but not a rest.

- Any type of rifle optic and spotting scope system are allowed.
- The shooter must make all adjustments to the rifle system once the string of fire begins. (e.g., adjusting height of the bipod/rifle or adjusting the scope.) Once the string of fire begins, any forgotten equipment the shooter requires must be obtained by the shooter.
- **No weapon alibis will be given.** Once a malfunction has been detected, permission can be given by the range officials for the shooter to have additional help in clearing it. After a rifle has a **second malfunction of the same type for the same shooter**, any additional malfunctions disqualify that shooter and the rifle must be removed from the line.
- **Spotters/wind coaches** are permitted to help more than 1 shooter.
- **Once shooters have finished their shooting string**, they must quickly remove their equipment to allow the next team to set up on the various firing lines. All teams will handle weapons UNLOADED and with a CHAMBER FLAG or other visual indicator of an empty chamber. Once shooters have removed their gear from the line, they will stay at the firing point to score for the following team.

## SCORING:

- After a shooter has completed shooting a target distance, the shooter must stay at the firing point and score for the next team that is coming up onto the Firing Line.
- Shooters from the last relay score for the first relay shooters.

## SPECTATORS:

- There will be a shooting position on the firing line “box” for the shooter and their spotter(s). Spectators must stay far enough away that they will not disturb the team currently shooting.
- Spectators may not communicate with a team currently on the firing line in any manner. If spectators fail to follow this rule, the shooter **may** be sanctioned by loss of points, and the spectators **may** be asked to leave the immediate area of the firing line.

## ZEROING RIFLES:

- The day prior to the match shooters are permitted to obtain a site zero at the Match site, in a first come first served order. Each shooter is permitted up to \_\_\_ shots in order to obtain a site zero, as all competitors need to be afforded the opportunity to obtain a zero. Other than obtaining a site zero, no practicing is permitted on the course prior to the Match.
- Targets are 36”x36” steel, with a flashing light hit indicator, to indicate that the target has been hit. We MAY have drones available to show the actual target face so that hit locations on the targets can be determined precisely. If this occurs, shooters will be told the location of the hits on the target.

If no drones are available, or they go down and cease to function during the course of the event, each shooter is on his/her own (in conjunction with their spotter(s)) for sighting and adjusting impacts.

- The “Failure to do right” rule is in effect for this competition. The match director can disqualify any competitor for attempting to stretch the letter of the rules or gaming to gain an unfair advantage which is against the spirit of the competition.

## **COURSE OF FIRE:**

### **DAY 1**

**(if need be this course of fire carries over to day 2)**

The following target distances are shot shortest to longest on day #1.

1,300, 1,600, 1,900, 2100/2,200. (shooters move back to a firing point after each target is shot.)

**Failure to hit either the 1,300 or the 1,600 yard target results in elimination from the event.**

**i: No eliminations after the second target.**

**ii: Remaining shooters will shoot all of the remaining targets.**

The firing line has 4 firing points.

A shooter will shoot from the same firing point for targets #1 and #2. A shooter’s position is subject to change depending upon the number of shooter eliminations.

ALL 4 shooters will approach the firing line **AT THE SAME TIME**. All 4 shooters will leave the firing line **AT THE SAME TIME**. If a shooter finishes before the end of the allotted time, they will remain at their individual firing point until the remaining shooters on that relay have completed their course of fire.

**Each Shooter is given a total of 15 minutes to BOTH prepare AND shoot up to 5 rounds (5 shots to make 3 hits) once they reach the firing line.** The shooter’s preparation period and shooting are **COMBINED, NOT SEPARATE**.

Each shooter will shoot their assigned target. (shooting an incorrect target scores ZERO points; the shooter cannot reshoot the shot; the shot counts towards the shooter’s 5 shots)

Each shooter has 5 shots to make 3 hits for score in the 15 minute time frame.

No additional points are awarded for using less than the full amount of a shooter's allotted time at a target distance, or for more than 3 hits at a single target distance.

After a shooter has completed shooting a target distance, the shooter must stay at the firing point and score for the next team that is coming up onto the Firing Line.

After scoring for the next shooter, the shooter is free to move back to the next target distance.

---

## DAYS 2 and 3

The following 4 target distances are shot shortest to longest on days #2 and #3.

2,500, 2,800, 3,100, 3,525.

This is a staggered start rotating Round Robin Course of Fire, using a 3 position firing line.

Each shooter will engage the first target when given the command to fire (5 shots in 6 minutes) then wait (approximately 12 minutes) while the other 2 shooters on the line shoot that target. The shooter then engages the second target.

Example:

- **Shooter #1** takes 5 shots to make 3 hits in 6 minutes to hit **Target #1**.
- Once Shooter #1 makes his 3<sup>rd</sup> hit or takes his 5th Shot, **Shooter #2** has 5 shots to make 3 hits in 6 minutes to hit **Target #1**.
- Once **Shooter #2** makes his 3rd hit or takes his 5th Shot, **Shooter #3** has 5 shots to make 3 hits in 6 minutes to hit **Target #1**.
- Once **Shooter #3** makes his 3rd hit takes his 5th Shot, **Shooter #1** has 5 shots to make 3 hits in 6 minutes to hit **Target #2**,
- Once **Shooter #1** takes his 5th Shot on target #2, **Shooter #2** has 5 shots to make 3 hits in 6 minutes to hit **Target #2**.
- Once Shooter #1 finishes shooting Target #2, **Shooter #1** removes their gear from the line, and **Shooter #4** 10 minute preparation time begins. (Shooter #1 scores for Shooter #4)
- Once **Shooter #2** takes his 5th Shot at target #2, **Shooter #3** has 5 shots to make 3 hits in 6 minutes to hit Target #2.

- Once **Shooter #2** finishes shooting Target #2, **Shooter #2** removes their gear from the line, and **Shooter #5** 10 minute preparation time begins. (Shooter #2 scores for Shooter #5)
- Once **Shooter #3** takes his 5th Shot at target #2, **Shooter #4** has 5 shots to make 3 hits in 6 minutes to hit Target #1.
- Once **Shooter #3** finishes shooting Target #2, **Shooter #3** removes their gear from the line, and **Shooter #6** 10 minute preparation time begins. (Shooter #3 scores for Shooter #6)

Shooters will infiltrate onto the firing line in a relay format as the prior shooter finishes shooting their second target distance and clear the firing line.

The Shooter has 10 minute preparation period once the prior shooter is off the Line.

Each shooter has up to 5 shots to make 3 hits for score in 6 minutes.

No additional points are awarded for using less than the full amount of a shooter's allotted time at a target distance, or for more hits than 3 at a single target distance.

After a shooter has completed shooting a target distance, the shooters must stay at the firing point and score for the next team that is coming up onto the Firing Line.

After scoring for the next shooter, the team is free to move back to the next target distance.

### Proposed scoring system:

Points earned relate directly to the number of the shot(s) that hit the target. Earlier shots are worth more points than later shots at a given distance. Points increase as the target distances increases.

**1300** target: 5-4-3-2-1.

**1600** target: 7-6-5-4-3.

**1850** target: 9, 8, 7, 6, 5.

**2100** target: 11, 10, 9, 8, 7

**2400** target: 13, 12, 11, 10, 9

**2700** target: 15, 14, 13, 12, 11

**3150** target: 17, 16, 15, 14, 13

**3525** target: 19, 18, 17, 16, 15

E.g. A shooter hits the 1300 yard target w/ shots 1, 3, & 4 – the points earned would be 5, 3, 2. That Shooter's score for 1300 yard Target is 10 points. This shooter would stop shooting after the 4th shot (3rd hit on the target).

If 2 or more shooters tie on overall points, then the shooter who took the fewest total shots is the winner.

If the 2 or more shooters all tie on overall points AND had the same number of total shots, then a **scorecard shoot-off** (starting with the furthest target and working towards the shortest) determines the winner.

E.g. Shooter #1 hit **Target #8** with shots 1, 3, 4

Shooter #2 hit **Target #8** w/ shots 1, 3, 4. Tie not broken.

Shooter #1 hit **Target #7** w/ shots 1, 2, 3.

Shooter #2 hit **Target #7** w/ shots 1, 3, 4. **Shooter #1 is the winner.**

# TONOPAH 2 MILES 2017 Match Registration Form

August 24 - 26, 2017 Tonopah Airport, Tonopah, NV

Name of Competitor: \_\_\_\_\_

Name of spotter(s) #1 \_\_\_\_\_ #2 \_\_\_\_\_

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

Telephone Number: \_\_\_\_\_

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

One event tee shirt and patch is included with registration. If you would like extra shirts they are available for \$20 each: SM\_\_\_ MED\_\_\_ LG\_\_\_ XL\_\_\_ XXL\_\_\_ XXXL\_\_\_

(T-Shirts will be delivered at sign-up)

Please Enter the Amount of Money You Have Enclosed: \$ \_\_\_\_\_

Send the registration info and check to: [INSERT ADDRESS - Attn: \_\_\_\_\_]

Are you going to share rifles &/or equipment with other competitors? Yes  No

If yes, whom: \_\_\_\_\_

Do you object if photographs taken of you during the match were used by the Nye County SWAT or Nye County for promotion of this event in the future or were posted on a public web site for that purpose?

Yes I would object:

No I wouldn't mind:

Note: If you do not respond to this questions, the host and event organizer will assume that you don't mind if any photographs taken of you are published or placed on a website. We also encourage you to share your equipment/load information below.

### Please share your equipment list with new shooters

Action	Barrel	Stock	Trigger	Scope	Gunsmith	Powder	Load	Primer	Bullet

Signature of Competitor: \_\_\_\_\_

Date: \_\_\_\_\_

In order for this entry form to be accepted it must be accompanied by a signed copy of the Match Waiver and Release of Liability Form

*NOTE: You must submit this entry form in advance of the scheduled match dates. Spaces are limited. Finalists from previous years have reserved spots. Once the match is full, subsequent applications will be given a standby spot and notified as soon as possible if their status changes.*

Send scanned form to: [fcsa@qwestoffice.net](mailto:fcsa@qwestoffice.net) OR FAX to 435 527 9246

## WAIVER AND RELEASE OF LIABILITY

I \_\_\_\_\_ the undersigned person, request to voluntarily participate in FCSA sponsored activities and competitions specifically, the competition dated: \_\_\_\_\_ ("Match"). In consideration of the permission granted by the Nye County SWAT Team to participate in this Match, I, for myself, my personal representatives, heirs, next of kin, spouse, and assigns, DO HEREBY:

1. Release, discharge and covenant not to sue FCSA's officers, agents, staff, trustees, operators, personnel, property owners, attorneys, and employees (collectively referred to as the "Releases") from any and all claims, liabilities, or ordinary negligence of Releases or any other participant which causes the undersigned injury, death, damages, or property damage. I hereby covenant to hold Releases harmless and indemnify Releases for any claims, actions, suits, complaints, procedures, costs, expenses, judgments, damages and liabilities or expense Releasees may incur arising out of, or connected with my activities or participation in the competition or club activity, or presence in the range.
2. Understand that my entry into the Competition and/or participation therein, and my entry upon any premises where said Competition is held, that there is a DANGER AND RISK OF INJURY OR DEATH. In addition, I understand that the present condition and activities of the Competition may change and may become more hazardous and dangerous and that there is INHERENT DANGER in said Competition, which I appreciate and voluntarily assume because I choose to do so. I have observed gun competitions of this type that I seek to participate in, and I have and/or will have my own equipment to participate in said activity, including ammunition and have inspected said equipment and ammunition and the area of competition. I further know that other participants in the Competition or activity pose a danger to me, nevertheless I VOLUNTARILY ELECT TO ACCEPT RISKS connected with my entry into and participation in the Competition.
3. Acknowledge that I am aware of generally accepted all gun safety rules and regulations and have been advised of the rules of the Competition and my responsibilities during the match and have complied with each said rule, regulation, and responsibility. If I have failed so to do, or if I fail so to do I ASSUME RISK for myself and assume all liability to others for such failure(s) and I hereby RELEASE all Releasees for any failure(s) in inspecting my equipment or others failures to so do. No oral representations, statements, or inducements, apart from this written statement have been made to me to sign this agreement. If any portion of this agreement is held invalid, it is agreed that the balance thereof shall continue in full legal force and affect.
4. Agree that this agreement shall apply to any accident, injury, incident or death occurring at the above-mentioned competition or activity.
5. Agree that I am fully aware that I am attending a LIVE FIRE Competition and therefore understand the risk and inherent danger of the possibility of injury and/or death.
6. Understand that if any legal action is taken or brought under this agreement, the prevailing party shall be entitled to recover from the other party, reasonable attorney fees whether or not a suit is filed.
7. Agree that this agreement shall be governed by and construed in accordance with the laws of the state of Utah or any other state where it is signed.

I HAVE CAREFULLY READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS. I UNDERSTAND IT IS A RELEASE OF ALL CLAIMS THAT I OR MY HEIRS MAY BRING. I UNDERSTAND AND ASSUME ALL RISK INHERENT IN THE COMPETITION. I VOLUNTARILY SIGN MY NAME EVIDENCING MY ACCEPTANCE OF THE ABOVE PROVISIONS.

SHOOTER: _____	DATE: _____
COMPETITION LOCATION: _____	DATE: _____
WITNESSED BY: _____	DATE: _____
Accepted by Match Director: _____	DATE: _____



**REVISED Item #12**

Formatted: Right, Indent: Left: 0", First line: 0"

BILL NO. 2015-11

NYE COUNTY ORDINANCE NO. \_\_\_\_\_

SUMMARY: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by adding Section 17.04.820 relating to the standards for the placement of Manufactured Homes; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 17, COMPREHENSIVE LAND USE PLANNING AND ZONING, BY ADDING SECTION 17.04.820 RELATING TO THE STANDARDS FOR THE PLACEMENT OF MANUFACTURED HOMES; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

**WHEREAS**, pursuant to NRS 244.119, the Nye County Board of Commissioners (Board) is authorized to amend the Nye County Code; and

**WHEREAS**, pursuant to NRS 278.020, for the purpose of promoting the health, safety and the general welfare of the residents of Nye County, the Board is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

**WHEREAS**, any such regulation, restriction and control must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

**WHEREAS**, the Board finds these changes to be appropriate and an improvement to the regulations;

**NOW, THEREFORE**, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within Nye County, the following amendments and regulations:

**NYE COUNTY CODE TITLE 17 IS HEREBY AMENDED AS FOLLOWS**, with ~~Deletions~~ shown in strike-through red font, and additions and modifications shown in underscored blue font:

**17.04.820: MANUFACTURED HOMES:**

**A. Requirements:**

Field Code Changed

1. Intent: Manufactured homes and factory built homes installed within ~~the PRPD~~Nye County must comply with the requirements of Nevada state law unless an exception is specified in this ordinance or a ~~variance~~waiver is granted under the terms of this ordinance.

2. Manufactured homes placed in PRPD Zoning Districts RE-1, SE-1 and smaller (except ~~the an approved MH Parks Zoning District~~ or subdivisions which have been designed and/or designated for manufactured homes with alternative standards approved by the RPC and memorialized in CC&Rs and/or park rules) must be:

a. Permanently affixed to the ~~lot~~land and converted to real property through the Assessor's Office; and

b. Manufactured within the 6 years immediately preceding the date on which it is affixed to the lot; and

c. Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home; and

d. Consist of more than one section; and

e. Consist of at least 1,150 square feet of living area; and

f. Must be installed on an ~~approved~~ permanent foundation with perimeter supporting wall in compliance with Nevada Manufactured Housing Division Standards and exterior backfilled to within 12 inches of the floor elevation.

3. Manufactured homes placed in the RE-2 Zoning District and larger parcel sizes must be:

a. Permanently affixed to the lot and converted to real property through the Assessor's Office; and

b. Consist of at least 1,150 square feet of living area; and

c. Must be installed on an approved permanent foundation with perimeter wall exterior backfilled to within 12 inches of the floor elevation.

d. An Administrative Variance to a. and c. may be granted for elevated (above-ground) installations only in FEMA designated flood zone areas, areas of poor soils, or rough terrain where a ~~standard~~permanent install is not practical; and

e. Manufactured within the 10 years immediately preceding the date on which it is affixed to the lot;

f. For homes manufactured more than 10 years and up to 20 years preceding the date on which it is affixed to the lot, an Administrative Variance may be granted if the home meets the following requirements: 3:12 roof pitch with minimum 6 inch overhang and architectural roof shingles; dual pane windows; in-swing exterior doors; 2 x 6 wall construction; the home must have fresh paint; and the roof and all mechanical

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: 12 pt

Formatted: Left, Indent: Left: 0.5", Space After: 0 pt, Line spacing: single, No bullets or numbering, No widow/orphan control, Don't allow hanging punctuation, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Field Code Changed

systems must be inspected and approved to be in good working order to the standard it was constructed;

g. The installation of any manufactured home more than 20 years old shall require the approval of a Waiver from the Planning Commission;

4. Manufactured Homes placed in areas outside of the PRPD must comply all state minimum requirements (2a to 2 f) unless a variance is granted by the applicable Town Board, Town Advisory Committee or for areas outside a town boundary the Board of County Commissioners.

5. Under no circumstances shall the placement of a pre-HUD manufactured home be allowed (factory-built homes produced prior to the June 15, 1976 U.S. Department of Housing and Urban Development manufactured home construction standards).

6. These regulations do not apply to manufactured homes installed within mobile home parks or designated manufactured home subdivisions where alternative standards are approved by the Planning Commission or in an approved Special Plan of Development. These alternative standards must be specifically approved by RPC, Town Board or BOCC if no RPC or Town Board available for any mobile home park or subdivision.

7. All MH installations must be in accordance with Nye County, Federal and State of Nevada regulations, inspected by appropriate government agency and have the Installation Label placed in the window prior to occupancy.

8. A MH owner can request a waiver from soils reports and engineered pad design from Nye County Building and Safety by using an approved alternative design and signing the appropriate waiver request affidavit.

**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

**CONSTITUTIONALITY.** If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

**EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the \_\_\_ day of \_\_\_\_\_, 2015.

Proposed on the \_\_\_ day of \_\_\_\_\_, 2015.

Proposed by: Commissioner \_\_\_\_\_.

Adopted on the \_\_\_ day of \_\_\_\_\_, 2015

Formatted: Font: 12 pt

Formatted: Left, Indent: Left: 0.5", Space After: 0 pt, Line spacing: single, No bullets or numbering, No widow/orphan control, Don't allow hanging punctuation, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Indent: Left: 1", No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.75"

Formatted: Indent: Left: 0.75"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.75"

Formatted: Font: 12 pt

Formatted: Left, Indent: Left: 0.5", Space After: 0 pt, Line spacing: single, No bullets or numbering, No widow/orphan control, Don't allow hanging punctuation, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Font: 12 pt

Formatted: Left, Indent: Left: 0.5", Space After: 0 pt, Line spacing: single, No bullets or numbering, No widow/orphan control, Don't allow hanging punctuation, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Comment [LL1]: Does this need to be notarized and recorded?

Field Code Changed

Vote: Ayes:           Commissioners:  
      Nays:           Commissioners:  
      Absent:        Commissioners:

BY: \_\_\_\_\_  
Lorinda Wichman, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_  
Sandra "Sam" Merlino  
Clerk and Ex-Officio  
Clerk of the Board

BILL NO. 2016-xx

NYE COUNTY ORDINANCE NO. \_\_\_\_\_

SUMMARY: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by adding Chapter 17.12 entitled Special Use Permits; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

**Comment [LW1]:** You may also want to consider adding language that would require a performance bond if the enterprise is not completed and abandoned.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 17, COMPREHENSIVE LAND USE PLANNING AND ZONING, BY ADDING CHAPTER 17.12 ENTITLED SPECIAL USE PERMITS; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

**WHEREAS**, pursuant to NRS 244.119, the Nye County Board of Commissioners (Board) is authorized to amend the Nye County Code; and

**WHEREAS**, pursuant to NRS 278.020, for the purpose of promoting the health, safety and the general welfare of the residents of Nye County, the Board is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

**WHEREAS**, any such regulation, restriction and control must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment;

**NOW, THEREFORE**, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within Nye County, the following amendments and regulations:

**NYE COUNTY CODE TITLE 17 IS HEREBY AMENDED AS FOLLOWS**, with **Deletions** shown in strike-through red font, and additions and modifications shown in underscored blue font:

**Chapter 17.12 SPECIAL USE PERMITS**

**17.12.010 SPECIAL USE PERMITS – PURPOSE AND INTENT**

**A. INTENT—GENERALLY.**

1. The intent of this section is to establish land use and permitting requirements applicable to certain types of land uses, as authorized by Nevada state law, for all areas within Nye County.

2. A special use permit is a grant of authority under the terms of this chapter from and by the Board of County Commissioners to an applicant for the use of property in the manner set out in the grant of a special use permit. Uses or occupancies requiring special use permits, and the type of special use permit required in each instance, are set out in the regulations in this chapter.

3. In addition to the listing of such uses, the Board of County Commissioners intend that the requirements established in this chapter shall be used to direct deliberations upon applications for the approval of special uses. It is the express intent of the Board to delineate the areas of concern connected with each special use and to provide standards by which applications for such use permits shall be evaluated. The decisions can include special conditions of approval tailored to the specific impacts from the proposed activity such as perAdditionally, for any use listed herein which requires a Special Use Permit and is located within the Pahrump Regional Planning District, the requirements applicable to the PRPD shall apply and shall supersede any requirements contained in this Chapter if more stringent.

B. Special Use Permit: It is intended that special use permits shall be required when certain uses are likely to have adverse effects on adjacent and local properties, the community as a whole or County services or infrastructure. The following uses shall require a Special Use Permit:

1. Airports and related uses:

- a. Public or Private Airports and related aviation facilities; Airfields; Airstrips
- b. Any use of land or buildings within 3 miles of an airport runway

2. Animals:

- a. Animals, Special Conditions; Exotic Animals
- b. Intensive animal feeding operations; feed lots

3. Commercial Uses:

- a. Medical Marijuana Establishments (see Nye County Code Chapter 17.06 “Medical Marijuana Establishments”)
- b. Correctional Facilities; Prisons; Jails, and related facilities
- c. Shooting Ranges (Outdoors)

4. Industrial Uses:

- a. Any industrial use located within a designated wellhead protection area or within a flood zone.
- b. Asphalt and Concrete Batch Plants (not required for temporary uses of less than 6

[months duration\)](#)

- c. Automobile Wrecker/Salvage Yards/Junkyards
- d. Heavy Manufacturing/Heavy Industrial Uses; Hazardous Materials: Manufacturing, processing, transfer, or storage of explosives, chemicals, matches, oxygen, paint, plastics, fireworks, etc.
- e. Mining operations; milling, ore dumps, quarries, gravel/sand pits, rock crushing, smelting operations
- f. Public or Private landfills; storage, consolidation, importation, transfer, or processing of waste materials.
- g. Slaughterhouses

5. “Projects of Regional Significance” shall require a special use permit.

Definition of “Projects of Regional Significance”: Any proposed project which would create:

- a. 100 vehicle trips per day or more, or
- b. 20 or more employees, or
- c. 20 or more residential housing units, or
- d. 50 acre-feet or more of annual water usage (excluding agricultural uses)

6. Utility Projects:

- a. Transmission Lines; aboveground electric transmission lines operating at 200 kilovolts or higher (see Nye County Code Chapter 17.10 “Aboveground Utility Projects”)
- b. Utility Projects (Major); Sewer/Wastewater plants, Water, Gas, Electric, major utility projects
- c. Energy Facilities; Fracking; for multiple wells in a drilling program; Geothermal; Solar projects

C. Uses Not Listed: ~~In those instances where a requested use is not listed above,~~ The Planning Director may determine whether the requested use is allowed as a permissive use or if the use requires a special use permit. The applicant may appeal the decision ~~to the Board of County Commissioners~~ if the Planning Director makes an administrative decision that a specific use requires a SUP.

D. Special Use Permits Decided By Board: The Board of County Commissioners shall be solely responsible for decisions on all applications for special use permits, however, it is intended that when a Special Use Permit is proposed for property which is located within ~~the boundaries~~ or in close proximity of a town, the applicable Town Board shall be afforded the opportunity to review the proposal and provide comments and recommendations to the Board of County



Commissioners prior to making any final decision upon an application. The Board shall handle all applications according to the

provisions of this chapter, and may make referrals to other agencies, bodies, departments or officers, for review, analysis, or technical findings.

- E. Hearing Notice: Upon the filing of a complete application for a special use permit, the Planning Department shall:
1. Set a date and time for public hearing on the matter not to exceed sixty five (65) days after filing of the application. The Planning Department shall review the application and shall determine what, if any, other materials are required and referrals to make to other agencies, bodies, or officers, for review, analysis, or technical findings.
  2. The Planning Department shall give notice setting forth the time, place and purpose of such hearing in accordance with Nevada Revised Statutes 278.315.
  3. If a Special Use Permit is proposed for property which is located within ~~the boundaries~~ or in close proximity of a town, the Planning Department shall provide notice of the proposal to the applicable Town Board. The notified Town Board, at their discretion, may review the proposal and may provide comments or recommendations to the Board of County Commissioners. If a Town Board reviews a Special Use Permit application and provides comments in writing to the Planning Department prior to any established deadlines, the Town's comments shall be transmitted to the Board of County Commissioners and shall be considered by the Board during its deliberation towards making any final decision on the application.
- F. Hearing: The Board shall hear and consider evidence and facts from the testimony of any person at the public hearing, or shall consider written communications from any person relative to the application. The right to present such evidence shall not be denied because of nonrequirement of notification as stipulated in this section.
- G. Action by the Board: The Board shall take one of the following actions on an application for approval of special use permits:
1. Approval of the application, as submitted.
  2. Approval of the application, with conditions and safeguards attached; such conditions and safeguards shall be for the protection of the public health, safety, morals and general welfare.
  3. Disapproval of the application.
- H. Appeal: Any applicant or other person aggrieved by a decision of the Board may appeal in accordance with Title 16 of this code.
- I. Time Requirements To Be Specified In Conditions On Special Use Permits: Limitations On Extension: In granting any special use permit, the Board may, as a condition, specify a reasonable limitation of time within which action under such special use permit shall be begun or completed, or both. Failure to meet such time limitation shall result in cancellation of the special use permit unless, upon application to the Board and on due cause shown, the Board shall extend the time limitations originally set. Application of such extension shall be filed not less than thirty (30) calendar days prior to the date of expiration.

I. Renewal Procedures For Special Use Permits Which Require Renewal: Prior to the expiration of a special use permit, the permit holder shall, within sixty (60) days of expiration apply for renewal of the permit. If the applicant fails to apply for the renewal, it shall expire and the use shall be removed or discontinued. To apply for renewal, the applicant shall provide to the Planning Department, on forms and in a manner prescribed by the Planning Department, the following:

1. A renewal application;
2. A signed statement indicating that conditions of the original approval have not changed;
3. Renewal fee, if applicable; and
4. Any additional requirements as outlined in the specific standards for individual special uses.

When the applicant has supplied all necessary information the Planning Department shall set a date and time for public hearing and a "Notice Of Public Hearing To Consider A Request For A Renewal Of A Special Use Permit" shall be issued in accordance with this section.

K. Building Permits. Any property owner or authorized agent who intends to construct, enlarge, alter, repair, or change the occupancy or use of a building or structure or to cause any such work to occur for any non-residential use which requires a Special Use Permit, shall obtain the required building and construction permits from the building and safety department.

L. Planning Review Required. For areas outside of the Pahrump Regional Planning District, a planning review (PR) application shall be submitted to the Planning Department or its authorized assignee prior to the construction of any building or garage, including the placement of a mobile or manufactured home; and any construction that involves modification or expansion of an existing building; or prior to establishing any other land use which may not require a building permit. A planning review application approval is valid for one hundred eighty (180) days from the date of approval, and expires after one hundred eighty (180) days if work is not commenced for the proposed use or plan of development for which the planning review was obtained. The Planning Director may extend a planning review application not more than one time for an additional one hundred eighty (180) days for good cause shown. Upon the issuance of a building permit or approval to construct from other federal, state or county agencies the planning review shall track along the same expiration time frames and policies as the building permit or other approval.

M. Relation Of Special Use Permits To Building Or Occupancy Permits And Uses Not Requiring Building Or Occupancy Permits: Where building or occupancy permits are required by other codes or ordinances of the county, no such building or occupancy permits shall be issued where this chapter requires special use permits unless and until any and all such special use permits required have been obtained. Where uses or occupancies do not require building or occupancy permits, but are otherwise subject to the requirements of this chapter, no such use or occupancy shall be initiated or maintained unless and until any and all special use permits required herein, in relation thereto, have been obtained.

N. Special Use Permits To Be Issued Or Disapproved In Accordance With Procedures, Standards, And Requirements Of This Chapter: Special use permits relating to this chapter shall be required only where specific provision therefor is made by this chapter. No application for a special use permit shall be accepted or approved unless specific provisions for the particular special use permit appear in this chapter.

1. Special use permits shall be issued or disapproved only in accordance with the procedures, standards, and requirements of this chapter. Where the Board find that applications for special use permits demonstrate that general and special standards and requirements for such permits are met, the Board shall issue such permit, subject to conditions and safeguards, as deemed necessary by the Board or as required in the particular circumstances of the case and as authorized and limited by this chapter.
  2. Where applications for special use permits indicate that actions proposed therein, or the manner in which they are proposed to be conducted, do not meet the standards and requirements of this chapter, and could not practically and reasonably be made to do so by attachment of conditions and safeguards so authorized and limited, such applications and permits shall be denied.
- O. General Findings For Making Determinations: The Board shall review the particular facts and circumstances of each proposal in and shall find adequate evidence showing that the proposed use:
1. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Comprehensive/master plan of current adoption, and this chapter;
  2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
  3. Will not be hazardous or disturbing to existing or future neighboring uses;
  4. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole;
  5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
  6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. This finding should be made with the support and concurrence of the closest affected community;
  7. Will not involve uses, activities, processes, materials and equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glares or odors;
  8. Will be consistent with the intent and purposes of this chapter.
- P. Applications For Special Use Permits, Generally: Except when specifically set out otherwise in this chapter, applications for special use permits shall be filed with the Planning Department, which is charged with responsibility for their receipt, fee collection, processing and distribution.
- Q. Applications For Special Use Permits; When Filed; Who May File: Special use permit applications may be filed only by the property owner, its formally designated agent with power of attorney, or a lessee with formal and sufficient consent of the property owner, and applications may be made only for special use permits specifically authorized or required by this chapter.

- R. Application Forms; Supplementary Materials: Applications for special use permits shall be made on forms provided for that purpose, and shall be accompanied by such plans, reports, or other information, exhibits, or documents as may be reasonably required to make the necessary findings in the case.
- S. Application Forms; Materials That Are Required: Where applicable to the activity or development for which a special use permit is requested and where necessary to a decision on the application for a special use permit, all applications shall provide the following:
1. A completed proper application form as provided by the Planning Department.
  2. The name, address, and phone number of the applicant or its agent with power of attorney, and owner's written, notarized approval if property ownership is other than the applicant.
  3. The legal description and physical address of the property of the proposed activity.
  4. A conceptual site plan shall be required for all special use permit applications, which shall be submitted with the Special Use Permit application.
- T. Application Forms; Materials That May Be Required For All Special Use Permits: Where applicable to the activity of development for which a special use permit is requested and where necessary to a decision on the application for special use permit, any of the following elements may be required:
1. Statement describing in detail the character and intended use of the development or activity.
  2. General location map, showing relation of the site or activity for which the special use permit is sought to major streets, schools, existing utilities, shopping areas, important physical features in and adjoining the project or activity and the like.
- U. Application Forms; Completion Before Processing: For purposes of establishing time limitations on processing, no application shall be deemed to have been filed unless and until the application shall have been completed, and all plans, reports or other information, exhibits, or documents required by this chapter shall have been provided, and all fees, due at the time of filing, shall have been paid.
- V. Application Forms; Supplementary Materials: During processing of any application, if it is determined by the Board that additional information is required to make the necessary findings bearing on its approval, disapproval, or conditions and safeguards to be attached, such information may be requested. Failure to supply such supplementary information may be used as grounds for disapproval of the permit. Such supplemental information shall be supplied at least ten (10) working days prior to hearing on the application.
- W. Planning Department Report Required: As appropriate to the nature of the permit involved and the particular circumstances of the case, the Planning Department shall report to the Board on the following standards in addition to any other standards and requirements set forth concerning the kind of permit being considered:
1. Ingress and Egress: The adequacy of ingress and egress to the property and structures and uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic

flow and control, and access in case of fire or other emergency, shall require the approval of the local fire department.

2. Off Street Parking And Loading: Due consideration shall be given to off street parking and loading facilities as related to adjacent streets, with particular reference to automotive and pedestrian safety and convenience, internal traffic flow and control, arrangement in relation to access in case of fire or other emergency, and screening and landscaping. Any proposed on-street parking areas shall require the approval of the Public Works Director.
  3. Refuse And Service Areas: Due consideration shall be given to the location, scale, design, and screening of refuse and service areas; to the manner in which refuse is to be stored; to the manner of refuse collection, deliveries, shipments, or other service activities, in relation to the location and nature of uses on adjoining properties; and the location and character of adjoining public ways; and shall be approved by the local solid waste disposal authority.
  4. Lighting: Due consideration shall be given to the proposed lighting for the premises, with particular reference to traffic safety, glare, and compatibility and harmony with adjoining and nearby property and the character of the area; and shall be compliant with nationally recognized dark-sky standards, any exceptions must be approved by the Planning Director.
  5. Utilities: Due consideration shall be given to utilities required, with particular reference to availability and capacity of systems, location of connections, and potentially adverse appearance or other adjoining and nearby property and the character of the area; and shall require the approval of the applicable utility service provider.
  6. Drainage: Due consideration shall be given to provision for drainage, with particular reference to the effect on adjoining and nearby properties and on general drainage systems in the area; and shall comply with the requirements contained in Nye County Code Chapter 15.12 "Flood Damage Prevention."
  7. Roads: Due consideration shall be given to **compliance with NCC 12.12 and/or** the provision of paved, double layer chip sealed, or roads treated with a dust palliative.
- X. Control Of Potentially Adverse Effects Generally: In addition to consideration of detailed elements indicated above, as appropriate to the particular kind of permit and the circumstances of the particular case, due consideration shall be given to potentially adverse effects generally on adjoining and nearby properties, the area, the neighborhood, or the county, of the use or occupancy as proposed, or its location, construction, design, character, scale or manner of operation. Where such potentially adverse effects are found, consideration shall be given to special remedial measures appropriate in the particular circumstances of the case, including screening or buffering, landscaping, control of manner or hours of operation, alteration of proposed design or construction of buildings, relocation of proposed open space or alteration of use of such space, or such other measures as are required to assure that such potential adverse effects will be compatible and harmonious with other development in the area to a degree which will avoid substantial depreciation of the value of nearby property.
- Y. Conditions And Safeguards: The Board shall have authority to attach to the grant of any such special use permit such conditions and safeguards as may be necessary for the purposes of this chapter in the particular case. Such conditions and safeguards, if attached to grant of the special use permit, shall be based upon and consistent with the general standards, and considerations and

standards applicable to the kind of special use permit involved as set out in this chapter, and to other provisions relating to the particular kind of permit. The requirement for any such conditions or safeguards shall be supported by stated reasons therefor, based upon such consideration and standards, and no such condition or safeguard shall establish special limitations or requirements beyond those reasonably necessary for the accomplishment of the purpose for which attached. Failure to comply with conditions and safeguards, when attached to a grant of a special use permit, shall be deemed a violation of this chapter. Unless a different time period is specified, all Special Use Permits shall expire three (3) years following approval if the use has not commenced.

Z. Compliance With Conditions; Responsibility of Applicant to Submit Written Report: The responsibility for compliance with any conditions or safeguards attached to a granted special use permit shall lie with the applicant. For all approved special use permits, the applicant shall submit a written compliance report to the planning department not later than six (6) months following the issuance of the special use permit, outlining the status of compliance with any such conditions or safeguards attached to the granted special use permit. Thereafter, the applicant shall submit annually a written compliance report to the planning department outlining the status of any conditions or safeguards attached to the granted special use permit.

AA. Modifications In Approved Special Uses: The Board must approve any modifications in approved special uses.

BB. Withdrawal Of Application For Permit; Effect Of Withdrawal: An application for a special use permit may be withdrawn by the applicant at any time prior to decision without limitation on resubmittal. Any required processing fee is nonrefundable.

CC. Actions Following Decisions On Special Use Permits: Following decisions on special use permits, the following actions shall be taken:

1. Notification Of Applicant In Cases Of Approval: Where special use permits are approved, with or without conditions and safeguards, a copy shall be transmitted by the Board to the applicant within five (5) working days of the decision.
2. Notification Of Applicant In Cases Of Disapproval: Where applications for special use permits are disapproved, applicants shall be so informed by the Board in writing, within five (5) working days of the decision, with a summary of the reasons therefor and notice that complete records on the case are available in a location specified, and are public records.
3. Notification Of Affected County Agencies In Cases Of Approval: Where special use permits are approved, with or without conditions and safeguards, affected agencies or officials shall be informed by the Board within five (5) working days of the decision by copy of the permit, including any conditions and safeguards attached thereto. As appropriate to the circumstances of the case, upon such notification, such agencies or officials shall proceed to decide matters concerning any building permit, occupancy permit, or other action dependent upon issuance of the special use permit, without further action by the applicant therefor, and shall perform their duties with regard to administration, inspection, or enforcement in the case.
4. Notification Of Affected County Agencies In Cases Of Disapproval: Where special use permits are disapproved, affected agencies or officials shall be informed by the Board within five (5) working days by copy of notification provided to the applicant.

DD. Permits To Apply To Property, Not Person: When granted, a special use permit, together with any conditions or safeguards attached thereto, shall apply to the land, structure, or use for which it was issued, and shall not apply to a particular person. The use shall be allowed to continue should the property transfer into different ownership.

EE. Cessation Of Use: A special use permit shall automatically expire and become null and void without further action if, after construction the use has been completed or the use commenced, the use is relocated to a different parcel or location. Additionally, a special use permit shall automatically expire and become null and void without further action if, after construction the use has been completed or the use commenced, the use is discontinued or ceases for twelve (12) months or more on the parcel or location where the use was being conducted, or twenty four (24) months or more if the building or structure in which the use was being conducted has been damaged or partially destroyed by fire, flood, wind, or other calamity. A use is considered to have been discontinued if any required licenses or permits for the use have expired. If reconstruction has commenced within one year of the fire, flood, wind, or other calamity, the conditional use permit shall not expire, providing reconstruction is continuous and building permits do not expire.

FF. Previously Disapproved Or Withdrawn Special Use Permit Applications: An application for a special use permit which was the subject of a previously disapproved application which proposed the same use on the same property that has been previously disapproved or withdrawn after notices have been sent, shall not be accepted until the following periods have elapsed from the date of disapproval or withdrawal:

1. After the first disapproval or withdrawal: Six (6) months.
2. After the second or a subsequent disapproval or withdrawal: Eighteen (18) months.

The time periods described in subsections EE1 and EE2 of this section shall not become effective if, after consideration of the timing and circumstances of the disapproval or withdrawal, the Board specifically disapproved the application or approved the withdrawal without prejudice.

**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

**CONSTITUTIONALITY.** If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

**EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the \_\_\_\_ day of \_\_\_\_\_, 2016.

Proposed on the \_\_\_\_ day of \_\_\_\_\_, 2016

Proposed by: Commissioner \_\_\_\_\_.



Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2016

Vote: Ayes:           Commissioners:

      Nays:            Commissioners:

      Absent:         Commissioners:

BY: \_\_\_\_\_  
Frank Carbone, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_  
Sandra "Sam" Merlino  
Clerk and Ex-Officio  
Clerk of the Board

