

LYON COUNTY



TITLE 15

LAND USE AND DEVELOPMENT CODE

ADMINISTRATION

CHAPTERS 15.01 – 15.20

January 21, 2016 Ordinance Draft

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1 **TITLE 15.**

2 **Chapter 15.01 General Provisions; Consistency with Master Plan**

3

4 **15.01.01 Title**

5 This title shall be known and may be cited in all proceedings as the *Lyon County Land Use and*
6 *Development Code.*

7

8 **15.01.02 Purpose**

9 The purposes of this title are to promote the public health, safety, convenience and general welfare, to
10 lessen traffic congestion in the streets, to provide light and air for all buildings, to avoid undesirable
11 concentration of population, to prevent overcrowding of land and to facilitate adequate provisions of
12 transportation, water, sewage, schools, parks and other public requirements and to provide the economic
13 and social advantages gained from a comprehensively planned use of land resources.

14

15 **15.01.03 Conformance with Master Plan**

16 This title and the official zoning map of the county, as adopted, are declared to conform to the master
17 plan of the county pursuant to the provisions of chapter 278, NRS.

18

19 **15.01.04 Enactment**

20 To promulgate the Lyon County Comprehensive Master Plan, this title is adopted and made effective as
21 of XXX XX, XXXX.

22

23 **15.01.05 Interpretation, Conflict and Severability**

24 A. Minimum Requirements: In interpretation and application, provisions of this title shall be held to be
25 minimum provisions only for the promotion of health, safety, convenience, property and general welfare of
26 the public. It is not intended that this title repeal or in any way interfere with existing law or ordinances,
27 regulations or permits other than those relating to land use and construction and use of structures.

1 B. Conflicts With Other Laws And Agreements: When this title imposes a greater restriction upon the
2 use of land or upon height, bulk, location or use of the buildings than is required by existing provisions of
3 law or private covenant or other restrictions, the provisions of this title shall prevail; private covenants or
4 deed restrictions which impose more restrictive conditions than herein contained are not superseded by
5 this title.

6 C. The director may authorize a use not specifically listed within a zoning district if it is determined that
7 the use is similar to other uses permitted in the zoning district provided that the use is not specifically
8 listed in another zoning district, pursuant to section 15.221 (Zoning administration—determination on
9 unlisted uses).

10

11 **15.01.06 Saving Provision**

12 The provisions of this title shall not be construed as abating any action now pending under, or by virtue of,
13 prior existing land development regulations, or as discontinuing, abating, modifying, or altering any
14 penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as
15 waiving any right of the county under any chapter or provision existing at the time of adoption of these
16 regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful
17 action of the county except as shall be expressly provided for in these regulations.

18

19 **15.01.07 Effect of this Title on Approved Development Permits, Development Permits Currently**
20 **Being Processed, and New Applications for Development Permits**

21 A. Approved development

22 1. Development for which an application for conditional use permit, variance, tentative parcel map,
23 final parcel map, tentative subdivision map, final subdivision map, tentative land division map or final
24 land division map has been finally approved and which approval remains valid on the effective date of
25 this title shall remain valid unless such approval expires by the terms of the approval or in accordance
26 with Chapter 15.12. Development which has been granted approval may be built in accordance with
27 the development standards in effect at the time of approval, provided that the approval is valid at the
28 time building permits are issued and that the approval is subject to any time limits imposed pursuant

1 to this title; further provided that any subsequent applications for a development permit required by
2 this title prior to issuance of and including a building permit and certificate of occupancy shall be
3 processed in accordance with the procedures established by this title for the processing of such
4 development permit.

5 2. No provision of this title shall require any change in the plans, permit expiration, construction or
6 designated use of any structure for which a building permit has been issued prior to the effective date
7 of this title or any subsequent amendment.

8 3. Any reapplication for an expired development permit must meet the standards in effect at the time
9 of reapplication.

10
11 B. Projects in process. Development for which an application for a development permit has been
12 accepted as complete, but which has not been granted final approval by the appropriate designated
13 official prior to the effective date of this title, shall be subject to the land use regulations, standards for
14 approval, and other requirements in effect at the time the application was deemed complete; provided
15 that any subsequent application for a development permit required by this title prior to issuance of and
16 including a building permit and certificate of occupancy shall be processed in accordance with the
17 procedures established by this title for the processing of such development permit. If approved, the
18 development may be built in accordance with the development standards in effect at the time of
19 application, provided that any design review filed subsequent to the issuance of a conditional use permit
20 or reapplication for an expired permit must meet the standards for approval in effect at the time of
21 application. This provision shall not apply to any application for a master plan amendment or zoning map
22 amendment.

23
24 C. New applications. If no application for a development permit has been accepted as complete and the
25 development has received no more than approval of a master plan map amendment or a zoning map
26 amendment prior to the effective date of this title, pending and subsequent applications for development
27 approval shall be subject to all requirements, standards and procedures set forth in this title.

28

15.01.08 Administration

The Lyon County Community Development Director shall administer this title. For the purposes of this title, the term “director” means the Director of the Community Development Department or the director’s designee, and the term “department” means the Lyon County Community Development Department, unless otherwise specified. The director shall determine when any application is complete.

In the event this title requires interpretation, the director may make the interpretation or refer the matter to the planning commission for action, unless an alternative procedure for interpretation is proscribed in this title.

15.01.09 Computation of Time

The time within which an act is to be performed shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or legal holiday, the period runs until the next day which is not a Saturday, Sunday, or legal holiday. The following time-related words shall have the meanings ascribed below:

DAY: means a calendar day unless otherwise stated.

WEEK: means seven (7) calendar days.

MONTH: means one (1) calendar month.

YEAR: means a calendar year, unless a fiscal year is indicated.

15.01.10 Other Clarifications

The headings contained in this title are for convenience only and do not limit or modify the intent or meaning of the provisions.

In case of any conflict between the text of this title and any figure, the text shall control.

1 Unless clearly indicated to the contrary, words used in the present tense shall include the future, words
2 used in the plural shall include the singular, words used in the singular shall include the plural and words
3 of one gender shall include the other.

4

5 The words “shall,” “must,” and “will” are always mandatory. The term “may” and “should” are
6 discretionary. Words and phrases shall be construed according to the common and approved usage in
7 the language, except for technical words and phrases that may have acquired a peculiar and appropriate
8 meaning.

9

10 Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

11 AND: indicates that all connected items or provisions apply; and

12 OR: indicates that the connected items or provisions may apply singularly or in any combination.

13

14 Whenever reference is made to the head of a department or to some other county officer or employee,
15 the reference shall be construed as authorizing the head of the department or other officer to designate,
16 delegate to and authorize subordinates to perform the required act or duty, unless expressly provided
17 otherwise.

18

19 All fractions of whole numbers are to be rounded to the nearest highest whole number when the fraction
20 is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5, except as
21 otherwise provided in this title.

22

23 **15.01.11 Enforcement Authority**

24 A. The director is authorized to enforce all provisions of this title.

25

26 B. It is unlawful for any person to interfere with the director in the performance of his duties.

1 **Chapter 15.02 Classification of Development Permits**

2

3 **15.02.01 Development Permits Required**

4 No development may be undertaken unless a development permit (define to include all building permits)
5 is issued in accordance with the provisions of this title. Development shall mean, except as otherwise
6 provided in this title, any of the following activities:

7

8 A. Filling, excavating, grading, paving, dredging, mining, mining exploration, drilling or otherwise
9 significantly disturbing the soil or land form of a site with the exception of those activities associated with
10 cultivation of the land;

11

12 B. Building, installing, enlarging, replacing or substantially restoring a structure or structural system or
13 component, impervious surface, or water management system and the storage of materials, except as
14 otherwise exempted;

15

16 C. Erection of a sign except as otherwise exempted;

17

18 D. Alteration of a historic property for which authorization is required under this code;

19

20 E. Changing the use of a site so that the requirement for parking is increased;

21

22 F. Construction, elimination or alteration of a driveway onto a public street.

23

24 **15.02.02 Classification of Development Permits**

25 Development permits shall be classified as zoning permits, land division permits or building permits.

26

27 A. Zoning permits include approval of any of the following types of development applications:

28 1. Master plan map amendment;

29 2. Master plan text amendment;

- 1 3. Zoning map amendment, including applications for overlay district;
- 2 4. Zoning text amendment;
- 3 5. Specific plan;
- 4 6. Conditional use permit;
- 5 7. Design review;
- 6 8. Variance;
- 7 9. Modification (major or minor) to approved permit;
- 8 10. Planned development;
- 9 11. Home occupation permit;
- 10 12. Sign permit;
- 11 13. Temporary use permit;
- 12 14. Wireless Communications Facility permit; and
- 13 15. Floodplain Development Permit.
- 14
- 15 B. Land division permits include approval of any of the following types of development applications:
- 16 1. Tentative or final subdivision map;
- 17 2. Tentative or final parcel map;
- 18 3. Tentative or final land map of division of land into large parcels;
- 19 4. Variances or exceptions to such maps;
- 20 5. Modifications (major and minor) to such maps;
- 21 6. Boundary line adjustment;
- 22 7. Reversions to acreage;
- 23 8. Amended map filings;
- 24 9. Extension of time
- 25 10. Abandonment of right-of-way or public easement.
- 26
- 27 C. Building permits include approval of any of the following types of development applications:
- 28 1. Building permit;

- 1 2. Site improvement permit;
- 2 3. Encroachment permit; and
- 3 4. Grading Permit.

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1 **Chapter 15.03 Application Process and Official Filing Date**

2

3 **15.03.01 Standardized Forms**

4 Requests for development permits shall be made on applications provided by the department. The county
5 may promulgate submittal requirements, instructions for completing forms, internal procedures for
6 acceptance and filing of applications, and provisions for waiver by administrative guideline. For permits
7 requiring a public hearing, the application shall include the names of all owners and officers.

8

9 **15.03.02 Determination of Complete Application**

10 Within three (3) working days after an application for a zoning permit or a land division permit has been
11 received by the department, the director must determine whether the application is complete. If it is
12 determined that the application is not complete, written notice must be forwarded to the applicant
13 describing the additional information required. The director may take no further action on the application
14 until the deficiencies are resolved. If the director fails to make a determination of completeness within
15 three (3) working days without the written concurrence of the applicant, the application is deemed
16 complete, provided that all applicable fees and taxes are paid in accordance with 15.17.02. A
17 determination of completeness does not constitute a determination of compliance with the substantive
18 requirements of this title or approval of the proposed development.

19

20 **15.03.03 Lyon County Design Criteria and Improvement Standards**

21 Lyon County has adopted "Design Criteria and Improvement Standards" which provide for minimum
22 design specifications for development including, but not limited to, subdivisions, streets, drainage, utilities,
23 erosion control, fire protection, lighting, landscaping, parking etc. These standards must be utilized in the
24 design and installation of improvements for all divisions of land and land development as defined in this
25 title, and the county engineer and the director shall insure that the applicant or developer is in compliance
26 with the design criteria and improvement standards. The standards are parallel in authority to this title.

27

1 All development applications shall be in conformance with the adopted Lyon County Design Criteria and
2 Improvement Standards. The standards shall be adopted, revised, and modified by resolution of the Lyon
3 County Board of Commissioners, the “board.”
4

5 **15.03.04 Processing of Application and Report**

6 Following the determination that a development application is complete or the application is deemed
7 complete under this title, the applicant shall tender the applicable fees and taxes within five (5) business
8 days of the determination of completeness. The director shall file the application, review it, forward it for
9 review to any agency, advisory body designated by this title, or NRS, and prepare a report for the
10 planning commission or board, as may be required, recommending approval, denial or continuance for
11 redesign or modification. The director shall schedule the matter for public hearing or make a final decision
12 within the time and in the manner required by this title, the NRS, or by administrative guidelines.
13

14 **15.03.05 Official Filing Date**

15 The time for processing applications for development permits or acting on applications established by
16 NRS or by this title shall commence on the date that the application is deemed complete and the fees and
17 taxes are paid. The time-frames shall include, but shall not be limited to, those established by NRS and
18 this title, as may be amended. Material modifications of any application by the applicant following the filing
19 of the application and prior to the expiration of the period during which the county is required to take
20 action shall extend the period for a like time following the director’s determination that the modified
21 application is complete and the application is refiled.

1 **Chapter 15.04 Decision by the Director**

2

3 **15.04.01 Decision by Director**

4 If this title delegates authority for making the final decision on a development application to the director,
5 the director shall review the complete application, make necessary findings and render a decision on the
6 application within the time established for the specific application.

7

8 **15.04.02 Notification of Decision by Director**

9 The director shall notify the applicant of any decision on the development application within three (3)
10 working days of the decision. If the decision is on a zoning permit application within an advisory board's
11 boundary that the advisory board has reviewed under section 15.05.01, a copy of the decision must be
12 sent to the advisory board at the same time.

13

14 **15.04.03 Appeal of Decision by Director**

15 The decision of the director regarding any development application may be appealed to the appellate
16 body in the manner and time-frame provided in section 15.11.02.

17

1 **Chapter 15.05 Review by Citizen Advisory Body**

2

3 **15.05.01 Designation of Citizen Advisory Body**

4 A. With the exception of home occupation permits, sign reviews, temporary use permits, wireless
5 communication facility permits, design review, boundary line adjustments and records of survey, all
6 applications for zoning permits and tentative land division maps on any land within the established
7 boundaries of any citizen advisory board shall be forwarded for review by the advisory board, prior to final
8 action by the director, planning commission or board, as may be required. Failure of a citizen advisory
9 board to review an application prior to consideration by the final decision-maker shall not constitute
10 grounds for appeal.

11

12 B. All applications for tentative or final land division map approval shall be forwarded for review by the
13 governmental entities required by NRS 278, prior to final action by the director, planning commission or
14 board. Failure of a governmental entity to review an application prior to consideration by the final
15 decision-maker shall not constitute grounds for appeal.

16

17 **15.05.02 Review and Recommendation by Advisory Body**

18 To have their comments considered by a decision-making body, the advisory body must review and
19 provide a written recommendation on any development applications within its purview prior to the first
20 scheduled public hearing on the development application. Failure of advisory body to make a
21 recommendation may not operate to deprive an applicant of statutory rights, nor shall it delay
22 consideration by any other body charged by this title to act on an application.

23

24 **15.05.03 Effect of Action by Advisory Body**

25 All actions by advisory bodies in making a recommendation on any development permit shall be deemed
26 to be advisory and as evidence to be considered by the final decision-maker. However, the record
27 generated before an advisory body may be considered by the decision-making body.

Chapter 15.06 Review and Decision by Planning Commission**15.06.01 Public Hearing and Recommendation by Planning Commission**

Whenever the planning commission, the “commission,” is required by NRS or this title to make a recommendation to the board concerning an application for a development permit, the commission shall conduct a public hearing, if required by this title, in accordance with the provisions of chapter 15.15. The public hearing shall be held within the time established by law.

15.06.02 Decision by Planning Commission

Whenever the commission has been delegated as the final decision-making authority for a development permit pursuant to this title, it shall approve, conditionally approve, deny or continue the application at a public meeting, following receipt of the report and recommendation of the director. For an approval, a majority of the commissioners present must vote to approve the item. A vote of less than a majority of the commissioners present to approve or a tie vote is considered a denial.

When considering adoption or amendment of the Master Plan, the commission shall conduct all reviews, hearings and decision-making in conformance with the provisions of this chapter and chapter 15.210.

When considering an appeal, the commission must, at a public meeting, decide whether to affirm, reverse or modify only those items raised in the appeal, following receipt of the report and recommendation of the director and upon consideration of the proceedings below. The commission may attach any reasonably necessary conditions when approving a permit that was denied by the director or the final decision-maker. If a public hearing is required by this title prior to decision, the hearing shall be noticed and conducted in the manner provided in chapters 15.09 and 15.15. The public hearing shall be held within the time established by law. The director shall notify the applicant of the decision of the commission, in writing, within three (3) working days.

1 **15.06.03 Notification of Decision by Planning Commission**

2 If the commission denies or conditionally approves the application, the director shall notify the applicant
3 and board of the commission's decision, in writing, within three (3) working days of the decision and
4 inform the applicant of appeal rights and procedures. If the decision is on a zoning permit application
5 within an advisory board's boundary that the advisory board has reviewed under section 15.05.01, a copy
6 of the decision must be sent to the advisory board at the same time.

7

8 **15.06.04 Appeal of Decision by Planning Commission**

9 The decision of the commission regarding any development application may be appealed to the appellate
10 body in the manner and time-frame provided in section 15.11.02.

Chapter 15.07 Review and Decision by Board of County Commissioners**15.07.01 Review and Decision by Board**

Whenever the board is required by NRS or has reserved for itself pursuant to this title the authority for final action upon a development application, whether upon the recommendation of the director or the commission, the board shall conduct a public hearing on the matter, in accordance with the provisions of chapter 15.15. The public hearing shall be held within the time established by law. If no public hearing is required, the board shall consider the matter at a regularly scheduled public meeting. Following the conclusion of the public hearing, if required, the board shall approve, conditionally approve, deny or continue the application at a public meeting. For an approval, a majority of all the board members must vote to approve the item. For purposes of this section, a public body may not count an abstention as a vote in favor of an action. A vote of less than a majority to approve or a tie vote is considered a denial. The applicant shall be notified by the director of the board's decision in the manner provided in section 15.09.05.

15.07.02 Review and Decision by Board on Appeal

The board, acting as the appellate body on an appeal of a decision of the director or the final decision maker, shall decide whether to affirm, reverse or modify only those items raised in the appeal at a public meeting, following receipt of the report and recommendation of the director and upon consideration of the proceedings below. The board may attach any reasonably necessary conditions when approving a permit that was denied by the director or the final decision-maker. If a public hearing is required by this title prior to decision, the hearing shall be noticed and conducted in the manner provided in chapters 15.09 and 15.15. If the board denies the appeal, a written statement setting forth the basis for its decision to deny the appeal shall be prepared. The applicant shall be notified by the director of the board's decision in the manner provided in section 15.09.05.

1 **Chapter 15.08 Conditional Approval**

2

3 **15.08.01 Authority to Condition Development Permits**

4 A. Whenever this title or NRS authorizes the director, the commission, board, or other body to condition
5 applications for development permits, the official or entity, after review of the application and other
6 pertinent documents and any evidence made part of the record of the public hearing, may, in addition to
7 those conditions required for particular types of development permits, impose additional conditions
8 reasonably necessary to assure the following:

- 9 1. Conformity with the goals and policies embodied in the master plan;
- 10 2. Standards which are generally or specially applicable to particular uses including specific
11 conditions relative to operation of the use;
- 12 3. Compatibility between the proposed development and adjacent development and neighborhoods;
- 13 4. Preservation of the character and integrity of adjacent development and neighborhoods; and
- 14 5. Protection of the health, safety and general welfare of the citizens of the county.

15

16 B. Where additional conditions are imposed, the body imposing the conditions shall make findings which
17 embody the basic purpose of the conditions placed on the application. The conditions imposed by
18 recommendation of the director or commission may be modified subsequently by the final decision-maker
19 or by the appellate body upon appeal of those conditions.

20

21 **15.08.02 Record and Notification of Conditions**

22 The director shall include a copy of the approved conditions with the record of the decision which is filed
23 with the secretary of the final decision-maker and the applicant as required by section 15.09.05.

24

25 **15.08.03 Official Record of Conditions**

26 A copy of the Notice of Decision and all approved maps, plans, documents and conditions shall be
27 delivered to the county recorder for recordation in the official Lyon County records. The permittee shall
28 pay all recording fees assessed by the county recorder.

1 **Chapter 15.09 Notice Provisions**

2

3 **15.09.01 Public Notice Sign**

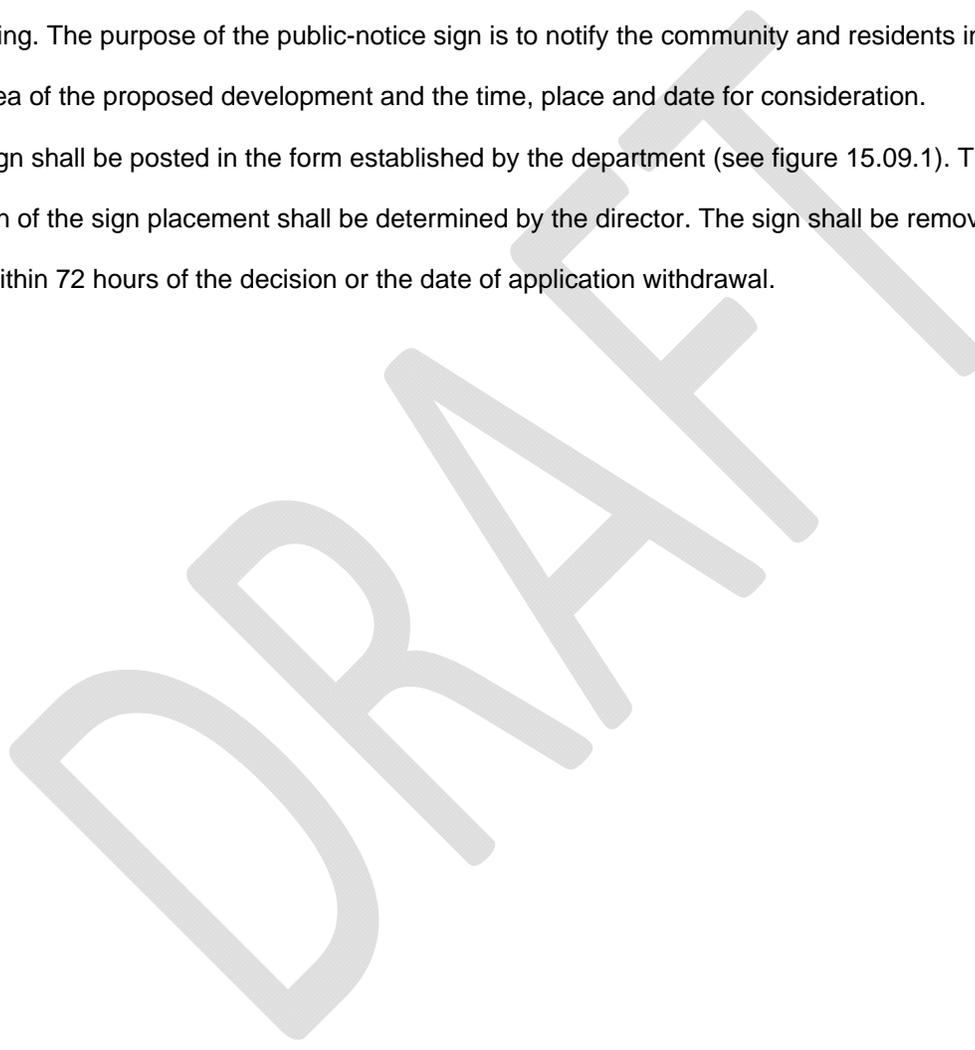
4 A. Prior to holding a public hearing, the applicant shall provide evidence that a public notice sign on the
5 subject site has been posted in accordance with the following:

6

7 1. The sign shall be posted on the site of a development application at least ten (10) days prior to any
8 public hearing. The purpose of the public-notice sign is to notify the community and residents in the
9 affected area of the proposed development and the time, place and date for consideration.

10 2. The sign shall be posted in the form established by the department (see figure 15.09.1). The number
11 and location of the sign placement shall be determined by the director. The sign shall be removed by the
12 applicant within 72 hours of the decision or the date of application withdrawal.

13



1 Figure 15.09.1

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14
15

NOTICE
of
PUBLIC HEARING

SITE ADDRESS:

APN:

PROPOSAL:

PUBLIC HEARING:

DATE:

TIME:

LOCATION:

DEVELOPER:

Phone:

For further information, please contact:

Case Planner:
Lyon County
Community Development Department
27 South Main Street
Yerington, Nevada 89447
(775) 463-6592; fax (775)463-5305

15.09.02 Published Notice

Except as otherwise specifically provided in this title, in any instance in which it is required by law that an advisory body, director, the commission, board, or any other final decision-maker must hold a public hearing, a notice setting forth the date, time, place and purpose of the hearing, the name of the applicant, and identification of the subject property must be published once in a newspaper of general circulation published in the county, at least ten (10) days before the date set for the hearing. The notice shall be prepared by the county.

15.09.03 Personal Notice Of Public Hearing

A. Whenever personal notice of a public hearing is required by this title or by chapter 278 of NRS, in addition to the notice requirement of section 15.09.01, notice must be mailed, or if requested by a party, provided by electronic means if the electronic notice can be sent and its receipt can be verified by the county, at least ten (10) days prior to the hearing to:

1. The applicant;
2. Any person who has filed a written request for the notice;
3. Surrounding property owners within a radius drawn from the perimeter limits of the property that is subject of the application as follows:
 - a. All properties within 300 feet shall be notified, or
 - b. To each owner of at least the 30 parcels nearest to the project parcel, as listed on the county assessor's records, if it is a greater number of parcels than required by subsections (a) and to the extent it does not duplicate notice given in subsection (a).
4. If a zone change, variance or conditional use permit is proposed within 300 feet of a mobile home park, each tenant of the mobile home park must be notified.
5. Any advisory board, which has been established for the affected area by the governing body.
6. Where the site contains any type of conveyance ditch or easement, notice shall be provided to any conveyance ditch user within Lyon County adjacent to or downstream of the proposed map as determined from the list of water right owners maintained by the state engineer or conveyance advisory committee.

1 B. The notice must include the name of the applicant, the time, place and purpose of the hearing and a
2 physical description of, or map detailing the proposed change of the property. The notice must include a
3 section that an owner of property may complete and return to the governing body to indicate his approval
4 of or opposition to the proposed amendment. The notice of zoning permits must indicate the existing
5 zoning designation, the proposed zoning designation, and contain a brief summary of the intent of the
6 change of the property.

7

8 **15.09.04 Personal Notice of Filings for Minor Variance and Design Review Applications**

9 Upon the filing of an application for a minor variance or design review, excluding minor design review, the
10 department shall send, by first class mail, notice of the filing of an application to all contiguous property
11 owners. Contiguous for the purpose of this chapter includes those properties which touch the parcel
12 which is subject to the land use request including those which would touch the property when projected
13 across a public or private easement or right-of-way. The notice shall contain a brief description of the
14 request, the location of plans for review and a deadline for comment.

15

16 **15.09.05 Notification Following Decision**

17 Within three (3) working days of the date of the final decision-maker's determination on the development
18 application, written notification of the action shall be mailed to the applicant, stating the action taken and
19 including all conditions imposed and times established for satisfaction of such conditions, if any. If the
20 final decision-maker denies the application, a written statement setting forth the basis for that decision to
21 deny the application shall also be included. The record of the notification shall be filed with the clerk of the
22 board. If the decision is on a zoning permit application within an advisory board's boundary that the
23 advisory board has reviewed under section 15.05.01, a copy of the decision must be sent to the advisory
24 board at the same time.

25

1 **15.09.06 Notification of Appeal or Revocation**

2 Whenever a notice of appeal is filed or whenever the county determines to revoke a development permit
3 obtained following a public hearing pursuant to chapter 15.15, personal notice of the appeal or revocation
4 shall be prepared and made in the manner prescribed by section 15.09.03.

5

6 **15.09.07 Costs of Notice**

7 The applicant is responsible for providing the required mailing list, labels and stamped envelopes, and for
8 payment of any fee for the list and labels, for any proposal requiring personal notice.

9

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1 **Chapter 15.10 Public Hearing Procedures**

2

3 **15.10.01 Setting of the Hearing**

4 When the director determines that a development permit application is complete and that a public hearing
5 is required by this title, the place, date and time for the required hearing shall be selected, and a notice of
6 the hearing pursuant to chapter 15.09 prepared. The hearing shall be held as provided by law, except
7 where a written request for extension has been submitted by the applicant and the extension is granted
8 by the appropriate body, or staff requested the continuance with the consent of the applicant.

9

10 **15.10.02 Examination of and Copying of Documents**

11 At any time, upon reasonable request, any person may examine the application and materials submitted
12 in support of or in opposition to an application for a development permit. Copies of any material will be
13 made available at cost to the extent permitted by law.

14

15 **15.10.03 Conduct of Hearing**

16 A. Any person or persons may appear at a public hearing and submit evidence, either individually or as
17 a representative of an organization. Each person who appears at a public hearing shall state his or her
18 full name, and if appearing on behalf of an organization, state the name and mailing address of the
19 organization for the record.

20

21 B. The hearing body may exclude testimony or evidence that it finds to be irrelevant, immaterial or
22 unduly repetitious.

23

24 **15.10.04 Record of Proceedings**

25 A. The body conducting the hearing shall record the proceedings by any appropriate means and prepare
26 written summary of the minutes. Upon written request, the clerk of the body conducting the hearing shall
27 duplicate the audio record or written summary of minutes.

28

1 B. The official record of the hearing shall include testimony and statements of personal opinions, the
2 minutes of the meeting, all applications, exhibits and papers submitted and any proceeding before the
3 body, all staff and advisory body or commission reports and recommendations, and the decision and
4 reports of the body.

5

6 C. All records of the body shall be public records, open for inspection at reasonable times and upon
7 reasonable notice.

8

9 **15.10.05 Continuance of Proceedings**

10 The body conducting the hearing may, on its own motion or at the request of any person, for good cause,
11 continue the hearing to a fixed date, time and place. The applicant must agree to the continuance when
12 the time limit of the application provided by law would otherwise lapse.

13

14 An applicant has the right to one continuance upon payment of the established fee, and if required, the
15 cost of additional notice. All subsequent continuances may be granted at the discretion of the body
16 conducting the hearing only on good cause shown, and on payment of applicable fees.

17

18 If the hearing is continued to a fixed date within 35 days of the original hearing date, additional notice is
19 not required. For all other continuances, additional notice is required in the manner required for the initial
20 hearing. The county will prepare the notice and the party requesting the continuance must pay the costs.

1 Chapter 15.11 Reserved

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1 **Chapter 15.12 Post Decision Proceedings**

2

3 **15.12.01 Reapplication Following Denial**

4 Whenever any application for a development permit is denied for failure to meet the requirements of this
 5 title, an application for a development permit for all or a part of the same property shall not be considered
 6 for a period of one year from the date of denial unless the subsequent application involves a proposal that
 7 is materially different from the previously denied proposal.

8

9 **15.12.02 Appeals to County**

10 A. Any person with standing, aggrieved by a final determination on a development permit by the director
 11 or final decision-maker may appeal the final determination to the appellate body designated by this title, if
 12 any, in the manner provided in this chapter.

| Decision Maker | Appeal Body |
|----------------|-----------------|
| Director | Commission |
| Commission | Board |
| Board | Judicial Review |

13

14 B. The following persons have standing to appeal:

- 15 1. Any person with legal or equitable interest in the property affected by the final decision;
- 16 2. Any person with legal or equitable interest in property located within the notice radius for the
 17 given project;

18

19 C. A written notice of appeal must be filed with the department within ten (10) working days of the date
 20 of the final decision. The notice of appeal shall be filed on a form provided by the county and contain a
 21 written statement of the reasons why the final decision is erroneous or why conditions to the approval are
 22 erroneous, and shall be accompanied by the fee established by resolution.

23

1 D. The appellate body shall hear the appeal and render its decision within 60 calendar days after the
2 filing of the notice of appeal and applicable fees. The hearing shall be noticed and conducted in
3 accordance with the provisions of chapters 15.09 and 15.15. If the person appealing the decision is not
4 the applicant, personal notice of the hearing is required to be sent to the applicant pursuant to section
5 15.09.03. The appellate body, in reviewing the decision, will be guided by the statement of purpose
6 underlying the regulation of the improvement of land expressed in NRS 278.020 and section 15.01.02,
7 and the plain wording of any applicable section of this title.

8
9 E. The appellate body may affirm, reverse or modify only those items raised in the appeal. The appellate
10 body may attach any conditions reasonably necessary when approving a permit that was denied by the
11 director or the final decision-maker, as provided in chapter 15.08.

12
13 F. The decision of the board is a final decision for the purpose of judicial review.

14

15 **15.12.03 Judicial Appeals**

16 A person who has appealed a decision of the board and is aggrieved by the final decision of the board
17 may file for judicial review as required by NRS 278.0235 or applicable Nevada law.

18

19 **15.12.04 Amendments and Revisions to Approval**

20 A. The director, upon submittal of the applicable form, materials and fee, may approve minor
21 amendments to the terms of approval of an application for a development permit. Minor revisions must be
22 authorized in writing by the director and are subject to appeal pursuant to this chapter. Minor revisions
23 that may be authorized are those that appear necessary in light of technical considerations requested by
24 the applicant or the director and shall be limited to the following:

- 25 1. Requests that involve less than 15 percent of the building area or project site area;
- 26 2. Requests that involve minor changes in color, material, signage, design, landscape material or
27 parking or driveway orientation; or
- 28 3. Requests that involve minor design changes which represent improvements to previous
29 engineering, site design or building practices, provided the request does not change the character of

1 the project or result in negative impacts to adjoining properties, drainage facilities, irrigation facilities
2 or rights-of-way.

3

4 B. All other revisions shall be considered major revisions. Where the holder of an approved application
5 for a development permit wishes to make a revision to the approval which is not covered by subsections 1
6 through 3 above, an application including all required materials and fees shall be submitted to the
7 department and forwarded for approval of the final decision-maker in accordance with the procedures
8 established for the original approval.

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Chapter 15.13 Expiration of Approval of Development Permit**15.13.01 Time of Expiration**

A. Unless otherwise specifically provided for in this title, development permits shall automatically expire and become null or void, and all activities pursuant to such permit thereafter shall be deemed in violation of this title, if the applicant:

1. Fails to start the project;
2. Fails to pursue the project to completion;
3. Fails to satisfy any condition that was imposed as part of the original or revised approval of the development application or that was made pursuant to the terms of any development agreement, within the time limits established therein for satisfaction of such condition or term; or
4. Fails to present a subsequent development application required by this title within the time required or as may be required by law.

B. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be deemed to be two (2) years from the date such approval was granted by the final decision-maker.

15.13.02 Extension Procedures

An applicant may request an extension of the following approved development permits: map approved under Chapters 15.600 through 15.607, design review, modification, sign permit, conditional use permit, or variance. The director may grant a single two year administrative extension of time from the original date of the development permit expiration. The director may refer the extension application and decision to the final decision maker who originally approved the development permit. An administrative extension does not require notice to be provided or a public hearing. Subsequently, the final decision maker who originally approved the development permit, may grant one additional extension of time up to two (2) years. All requests for an extension must include a letter of request, the applicable fee, and a written justification for the extension prior to the expiration of the development permit. In reviewing any such extension, the final decision maker must consider the continued appropriateness of the development

- 1 permit and may add conditions, as necessary, to ensure the project does not adversely impact other
- 2 properties in the area, protects the public interest, and ensures the public health, safety, or welfare. No
- 3 further extension may be granted by the director or by the final decision maker except as provided by an
- 4 adopted development agreement or by law.

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1 **Chapter 15.14 Revocation of Permit**

2

3 **15.14.01 Duties of Director**

4 If the director determines, based on inspection by county staff, that there are reasonable grounds for
5 revocation of a development permit authorized by this title, he or she shall set a hearing before the
6 hearing body or bodies that reviewed the original permit application, or if the decision was made by the
7 director, to the body to which appeal may be taken under this title.

8

9 **15.14.02 Notice and Public Hearing**

10 Notice shall be given in the same manner provided in chapter 15.09. The public hearing shall be
11 conducted in accordance with the procedures established in chapter 15.10.

12

13 **15.14.03 Required Findings**

14 The hearing body may revoke the development permit upon making one or more of the following findings:

15

16 A. That the development permit was issued on the basis of erroneous or misleading information or
17 misrepresentation by the applicant;

18

19 B. That the terms or conditions of approval of the permit relating to establishment or operation of the use
20 approved have either been violated or not met, or that other laws or regulations of the county, state,
21 federal or regional agencies applicable to the development have been violated.

22

23 **15.14.04 Decision and Notice**

24 Within ten (10) working days from the conclusion of the hearing, the hearing body shall issue a written
25 decision, and notify the permittee and any other person who has filed a written request for the notice in the
26 manner provided in chapter 15.09.

27

1 **15.14.05 Effect; Appeals**

2 A decision to revoke a development permit shall become final ten (10) days after the date of notice of the
3 decision was given, unless appealed. After the effective date, all activities pursuant to the permit are
4 deemed in violation of this title. Appeal of the decision to revoke the permit shall be to the board and shall
5 conform to the procedures established in chapter 15.11. There shall be no further appeal where the board
6 has revoked a development permit. Whenever any application for a development permit is revoked, an
7 application for a development permit for all or a part of the same property must not be considered for a
8 period of one (1) year from the date of revocation unless the subsequent application involves a proposal
9 that is materially different from the previously revoked proposal.

10

11 **15.14.06 Right Cumulative**

12 The county's right to revoke a development permit, as provided in this chapter, is cumulative to any other
13 remedy allowed by law.

Chapter 15.15 Enforcement**15.15.01 Procedures**

A. Any activity contrary to the provisions of this title is declared to be unlawful and may in some circumstances constitute a public nuisance. The following procedures shall apply to the enforcement of the provisions of this title:

1. Upon written or oral notice given to the code enforcement officer, building inspector, or other county official by a person or appropriate authority of a violation of this title, the director, after consultation with the district attorney and upon determining that an activity is unlawful and a public nuisance, shall deliver to the party or parties in violation of this title, a written order to comply with the provisions of this title within ten (10) days or other time frame established by the code enforcement officer, building inspector or director.

2. Upon failure of the party or parties to comply with this title within ten (10) days of the mailing of the notice or other time-frame established by the notice of violation and upon receipt by the district attorney of a written statement signed by the code enforcement officer, building inspector or director setting forth the violations, the background of the violation, the parties involved, the date of delivery of notice to comply, and the date of inspection on which it was determined that the party had not complied within the time limits allowed for compliance, the case is considered referred to the district attorney's office for a decision concerning the filing of criminal charges.

3. Enforcement by injunction. Compliance with the provisions of this title may also be enforced by injunction order at the suit of the county or one or more owners of real property situated within an area affected by the regulations of this title.

15.15.02 Remedies

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

1 **15.15.03 Penalties**

2 Any person, firm or corporation, whether as principal agent, employee or otherwise, found to be violating
3 any provision of this title or violating or failing to comply with any order or regulation made hereunder, is
4 guilty of a misdemeanor. The person, firm or corporation is guilty of a separate offense for each day and
5 every separate offense during which the violation of this title or failure to comply with any order or
6 regulation as committed, continued or otherwise maintained.

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1 Chapter 15.16 Reserved

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1 **Chapter 15.17 Fees and Tax Obligations**

2

3 **15.17.01 Fee Schedule**

4 The board shall establish a schedule of fees for processing of all development applications under this title
5 by resolution. All resolutions are incorporated by reference into this title as though fully set forth.

6

7 **15.17.02 Payment of Fees**

8 Except as otherwise established by formal policy adopted by the board, every application for a
9 development permit under this title shall be accompanied by a fee as set by resolution of the board. A
10 development application shall not be processed beyond a determination of completeness until all fees
11 have been paid. Any fee required by this title shall be collected and deposited with the department.
12 Refund of fees may be made less the staff and administrative costs incurred to date of refund by the
13 county. No refund shall be made where the development permit has been noticed for hearing.

14

15 **15.17.03 Payment of Taxes Required**

16 No application shall be accepted or considered filed with Lyon County until the taxes due on the subject
17 property have been paid. This provision shall apply, but not be limited to, all applications for change of
18 land, master plan amendments, conditional use permits, variances, reversions to acreage, parcel maps,
19 divisions into large parcels, tentative maps, final maps, building permits and mobile home permits. Proof
20 of payment of all taxes due shall be certified by the county treasurer.

1 **Chapter 15.18 – Reserved**

2

3 **Chapter 15.19 - Reserved**

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1 **Chapter 15.20 Right To Farm**

2

3 **15.20.01 Right to Farm**

4 A. The right to farm all land is recognized to exist as a natural right and is also ordained to exist as a
5 permitted use everywhere in the county except where expressly prohibited under this title, subject only to
6 state health and sanitary codes.

7

8 B. It is the declared policy of Lyon County to conserve and protect agricultural land, agricultural irrigation
9 water rights and agricultural operations, and to encourage sustainable agricultural operations within the
10 county. Where nonagricultural land uses, including, but not limited to, residential development and the
11 reallocation and appointment of agricultural irrigation water rights for nonagricultural purposes, extend
12 into or adjoin areas of agricultural land, agricultural operations have become the subject of nuisance
13 complaints. As a result, agricultural operations are sometimes forced to curtail or cease operations, and
14 operators are discouraged from making investments in farm improvements. Such effects on agricultural
15 operations would be detrimental to the economic viability of the county's agricultural industry, the overall
16 social welfare of the county, and the aesthetic value of the county's landscape as a whole. It is the
17 purpose and intent of this section to reduce the loss to the county of its agricultural land and water
18 resources and corresponding economic and social benefits by limiting circumstances under which
19 agricultural operations may be considered a nuisance. This section is intended to limit the circumstances
20 under which agricultural operations may be considered a nuisance consistent with NRS 40.140, while
21 providing greater protection to agricultural operations from nuisance suits as broadly as constitutionally
22 permitted.

23

24 C. This section defines and limits cases in which agricultural operations may be perceived a nuisance. It
25 includes a disclosure notice to prospective property buyers, notifying them that if the property they are
26 purchasing is adjacent, near or close to agricultural land, they may be subjected to certain
27 inconveniences associated with normal agricultural operations and that special agricultural setbacks may
28 be required on the property.

1

2 D. For the purposes of this chapter, the following definitions shall apply:

3 AGRICULTURAL OPERATIONS: All activities relating to agricultural production and use, including, but
4 not limited to, the cultivation and tillage of the soil, lawful use of appropriated water rights for agricultural
5 irrigation purposes, including groundwater, as well as any agriculture irrigation water delivery system
6 maintenance and improvements, the burning of agricultural waste, weeds and other debris or other
7 agricultural burning, including ditches and fields, lawful use of housing and transportation of labor for the
8 purpose of crop production, lawful use of temporary and permanent facilities for the health, safety and
9 welfare of agricultural workers, protection of crops and livestock from pests (i.e., insects, diseases,
10 weeds, predators) damaging or which could potentially damage crops or livestock, the proper and lawful
11 use of agricultural inputs and chemicals, whether organic or conventional, including, but not limited to, the
12 ground and aerial (i.e., via aircraft) application of crop protection products and fertilizers, fumigation, or
13 the raising, production, irrigation, pruning, harvesting, or processing of any living organism, organically or
14 conventionally, having value as an agricultural commodity or product, and any commercial practices
15 performed incident to or in conjunction with such operations where the agricultural product is being
16 produced, including preparation for market, delivery to storage, processing and packaging, and
17 distribution to market, or to carriers for transportation to market or processing of an agricultural
18 commodity, and those buildings or related facilities (no matter their zoning) that process, store, package
19 and distribute agriculture products.

20

21 RIGHT TO FARM: Includes, but is not limited to, the right to engage in all of the "agricultural operations"
22 defined in this section. This right to farm shall also include the right to use land for agricultural production
23 and grazing by animals, in addition to agricultural products processing and distribution. The foregoing
24 uses and activities included in the right to farm, when necessary for the particular farming, livestock or
25 fowl production, and when conducted in accordance with generally accepted agricultural practices, may
26 occur on holidays, Saturdays, Sundays and weekdays, 24 hours a day, and the traffic, noise, odors, dust,
27 fumes and other disturbances that are caused by such activities are also specifically permitted as part of
28 the exercise of this right.

1
2 E. No present or future agricultural operation or any of its appurtenances conducted or maintained for
3 commercial purposes and in a manner consistent with proper and accepted customs and standards of the
4 agricultural industry on agricultural land or commercial land used for the processing, packaging and
5 distribution of agriculture products, shall become or be a nuisance, private or public, due to any changed
6 condition of the use of adjacent land and water rights appropriated for that land in or about the locality
7 thereof; provided, that the provisions of this section shall not apply whenever a nuisance results from the
8 negligent or improper operation of any such agricultural operation and its appurtenances or if the
9 agricultural activity or appurtenances obstruct the free passage or use in the customary manner of any
10 navigable lake, stream, river, canal or basin or any public park, square, street or highway. Consistent with
11 NRS 40.140(2), it is presumed that an agricultural activity which does not violate a federal, state or local
12 law, ordinance or regulation constitutes good agricultural practice consistent with proper and accepted
13 customs and standards of the agricultural industry.

14
15 F. It is expressly found that whatever nuisance may be caused to others by such uses and activities so
16 conducted is more than offset by the economic and social benefits from farming to the local and state
17 economy, community aesthetics, and to society in general, by the preservation of open space, the beauty
18 of the countryside and clean air, the provision for continual local economic growth and by the preservation
19 and continuance of farming operations in this county and the state as a source of agricultural products for
20 this and future generations.

21
22 G. As a condition of approval of any subdivision or parcel map of any land in Lyon County, the owners or
23 developers of such land and their heirs, assigns and successors, shall agree to provide notice to any and
24 all subsequent purchasers of the provisions of Nevada Revised Statutes 40.140 and this chapter. Such
25 notice shall include a signed acknowledgment on all land development maps. No public official, board,
26 commission, or agency of the county shall issue a permit, lease, license, certificate, or other entitlement
27 for use of a parcel which is adjacent to or near agricultural land and other land until the owner(s) of the
28 property has signed a written disclosure statement acknowledging that they are aware of the "right to

1 farm" policy of the county and have been provided with a copy of a statement containing substantially the
2 disclosure set forth in this chapter.

3

4 H. If a landowner or resident believes that an agricultural operation is not being conducted or maintained
5 in a manner consistent with proper or accepted customs and standards of the agricultural industry, the
6 landowner or resident may submit a written request to the board for an opinion as to whether the
7 particular agricultural operation complies with this chapter. In such case the owner of the agricultural
8 operation may submit a written response to complaining party's request and the board shall issue an
9 opinion as to whether the agricultural operation is being conducted or maintained in a manner consistent
10 with proper or accepted customs and standards of the agricultural industry and/or mediate the dispute
11 between the parties. The board may promulgate such regulations as are necessary for the
12 implementation of this grievance procedure, consulting with recognized agriculture technical experts as
13 necessary.

14

15 I. Every seller of any real property in Lyon County, either directly or through his/her authorized agent
16 shall provide to any prospective buyer a written disclosure statement advising the buyer of the existence
17 of a right to farm ordinance enacted by Lyon County. Such disclosure statement shall contain or be
18 accompanied by a copy of the ordinance codified herein or successor, and statement that intensive
19 agricultural operations may be conducted on agricultural and other land within the county. The disclosure
20 statement shall be substantially in the form promulgated by the board, or their designee. The written
21 disclosure statement shall include any agricultural setback requirements and water rights use restrictions
22 applicable to the property. The buyer shall sign a copy of the written disclosure statement acknowledging
23 receipt of the disclosure and accompanying documents and deliver the signed copy to the seller or his/her
24 authorized agent. The seller or his/her authorized agent shall retain the copy of the disclosure statement
25 executed by buyer in the escrow process.

26

27 J. The disclosure statement shall contain substantially the following language:

1 *Lyon County has determined that the highest and best use for agricultural land as defined below is to*
2 *develop or preserve said lands for the purposes of agricultural operations and it will not consider the*
3 *inconveniences or discomforts arising from or related to agricultural operations to be a perceived*
4 *nuisance if such operations are legal, consistent with accepted customs and standards and operated in a*
5 *non-negligent manner.*

6
7 *If property you own or may purchase in the future is located adjacent, near, or close to agricultural*
8 *lands or within agricultural lands, including agriculture land easements, irrigation ditch easements, drain*
9 *ditch easements, or agricultural products processing facilities, you may be subject to inconveniences or*
10 *discomfort arising from agricultural operations. These may include but are not limited to the spraying,*
11 *cleaning, and maintenance of irrigation water delivery systems as well as traffic, noise, odors, dust,*
12 *chemicals, smoke, insects, operation of machinery (during any 24-hour period), aircraft operation, and*
13 *storage and disposal of agriculture by-products, including manure. One or more of the inconveniences*
14 *described above may occur even in the case of an agricultural operation, which is in conformance with*
15 *existing laws and regulations and locally accepted customs and standards. If you live near an agricultural*
16 *production area and/or agriculture products facility, you should be prepared to accept such*
17 *inconveniences or discomfort as a normal and necessary aspect of living in a County with a strong rural*
18 *character and a healthy agricultural sector. You are prohibited from interfering with or in any way*
19 *obstructing agricultural operations, including, for example, tampering with irrigation delivery facilities,*
20 *obstructing irrigation ditches, and obstructing agricultural land easements.*

21
22 *For purposes of this notification:*

23
24 *While not presently zoned or designated on the General Plan for primary or substantial agricultural*
25 *use, the land contains an existing agricultural operation of a type that would be obvious to an uninformed*
26 *observer after a physical inspection of the property, and that operation began at a time when such use*
27 *was permissible.*

28

1 *"Agricultural Operation" means all activities relating to agricultural production and use as defined in*
2 *Section 15.01.11 of the Lyon County Code, as such may be amended from time to time and shall include,*
3 *but not be limited to, the cultivation and tillage of the soil, lawful use of appropriated water rights for*
4 *agricultural irrigation purposes, including groundwater, as well as any agriculture irrigation water delivery*
5 *system maintenance and improvements, the burning of agricultural waste, weeds and other debris or*
6 *other agricultural burning, including ditches and fields, lawful use of housing and transportation of labor*
7 *for the purpose of crop production, lawful use of temporary and permanent facilities for the health, safety*
8 *and welfare of agricultural workers, protection of crops and livestock from pests (i.e., insects, diseases,*
9 *weeds, predators) damaging or which could potentially damage crops or livestock, the proper and lawful*
10 *use of agricultural inputs and chemicals, whether organic or conventional, including but not limited to the*
11 *ground and aerial (i.e., via aircraft) application of crop protection products and fertilizers, fumigation, or*
12 *the raising, production, irrigation, pruning, harvesting, or processing of any living organism, organically or*
13 *conventionally, having value as an agricultural commodity or product, and any commercial practices*
14 *performed incident to or in conjunction with such operations where the agricultural product is being*
15 *produced, including preparation for market, delivery to storage, processing and packaging, and*
16 *distribution to market, or to carriers for transportation to market or processing of an agricultural*
17 *commodity, and those buildings or related facilities (no matter their zoning) that process, store, package*
18 *and distribute agriculture products.*

19