



In the Supreme Court of the State of Nevada

FILED

NOV 08 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: [Signature]
DEPUTY CLERK

INDICATE FULL CAPTION:

VIRGINIA HIGHLANDS, LLC, a Nevada
limited liability company,

Appellant(s),

vs.

STOREY COUNTY, a political sub-
division of the State of Nevada

Respondent(s).

No. 52619

DOCKETING STATEMENT
CIVIL APPEALS

Cross-Appellant(s),

vs.

Cross-Respondent(s).

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to attach documents as requested in this statement, completely fill out the statement, or to fail to file it in a timely manner, will constitute grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See *Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 25 P.3d 898 (2001); *KDI Solar Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991). Please use tab dividers to separate any attached documents.

RECEIVED
NOV 18 2008
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

1. Judicial District First Department 1 County Storey
Judge Miriam Shearing District Ct. Docket No. CV20121

2. Attorney filing this docket statement:

Attorney Stephen C. Mollath Telephone 775-786-3011
Firm PREZANT & MOLLATH David M. Norris
Address 6560 SW McCarran Blvd., Suite A KUMMER KAEMPFER, ET AL.
Reno, NV 89509 5585 Kietzke Lane
Client(s) VIRGINIA HIGHLANDS, LLC Reno, NV 89511 775-852-3900

If this is a joint statement completed on behalf of multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondent(s):

Attorney Keith Loomis Telephone 775-887-1002
Firm _____
Address 9468 Double R Blvd., Suite A
Reno, NV 89521
Client(s) STOREY COUNTY

Attorney Mark H. Gunderson Telephone 775-829-1222
Firm _____
Address 3895 Warren Way
Reno, NV 89509
Client(s) STOREY COUNTY

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Grant/Denial of injunction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Grant/Denial of declaratory relief |
| <input type="checkbox"/> Default judgment | <input checked="" type="checkbox"/> Review of agency determination |
| <input type="checkbox"/> Dismissal | <input type="checkbox"/> Divorce decree: |
| <input type="checkbox"/> Lack of jurisdiction | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Failure to state a claim | <input type="checkbox"/> Other disposition (specify) _____ |
| <input type="checkbox"/> Failure to prosecute | _____ |
| <input type="checkbox"/> Other (specify) _____ | _____ |

5. Does this appeal raise issues concerning any of the following:

- | | |
|--|--|
| <input type="checkbox"/> Child custody | <input type="checkbox"/> Termination of parental rights |
| <input type="checkbox"/> Venue | <input type="checkbox"/> Grant/denial of injunction or TRO |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Juvenile matters |

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

None.

7. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

Hi-Shear Technology Corp. v. Storey County, Case No. 18745, Stipulation and Order for Dismissal, June 29, 1989, First Judicial District, Storey County, Honorable Michael R. Griffin

8. **Nature of the action.** Briefly describe the nature of the action, including a list of the causes of action pleaded, and the result below:

Petition for Review (NRS 278.0233) for denial of zone change from Special Industrial (IS) to Planned Development (PD) and requirement for Master Plan amendment.

9. **Issues on appeal.** State concisely the principal issue(s) in this appeal: (1) Whether the District Court erred in determining, based upon substantial evidence, that the Planned Development (PD) use applied for by Virginia Highlands, LLC was inconsistent with the Storey County Master Plan, and therefore, a Master Plan amendment application was required to be processed, (2) whether the denial of the zone change request from Special Industrial (IS) to Planned Development (PD) was supported by substantial evidence.

10. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issues raised:

No.

11. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A.....Yes.....No XX

If not, explain

12. **Other issues.** Does this appeal involve any of the following issues?

- Reversal of well-settled Nevada precedent (on an attachment, identify the case(s))
- An issue arising under the United States and/or Nevada Constitutions
- A substantial issue of first-impression
- An issue of public policy
- An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
- A ballot question

If so, explain Substantial evidence must exist to support or deny a land use or zoning application. The nature and extent of the criteria upon which a court determines whether substantial evidence exists in a zoning and land use context is without sufficient definition or clarity, given the complicated technical, engineering and planning issues involved. As such, direction and instruction for the court is needed to efficiently and fairly allow the public process to operate.

13. **Trial.** If this action proceeded to trial, how many days did the trial last? _____

Was it a bench or jury trial? _____

14. **Judicial disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal. If so, which Justice?

No.

TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from September 25, 2008. Attach a copy. If more than one judgment or order is appealed from, attach copies of each judgment or order from which an appeal is taken.

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

.....
.....

16. Date written notice of entry of judgment or order served September 25, 2008. Attach a copy, including proof of service, for each order or judgment appealed from.

(a) Was service by delivery.....or by mail..........(specify).

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59),

(a) Specify the type of motion, and the date and method of service of the motion, and date of filing.

NRCP 50(b).....Date served.....By delivery.....or by mail.....Date of filing.....
NRCP 52(b).....Date served.....By delivery.....or by mail.....Date of filing.....
NRCP 59.....Date served.....By delivery.....or by mail.....Date of filing.....

Attach copies of all post-trial tolling motions.

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration do not toll the time for filing a notice of appeal.

(b) Date of entry of written order resolving tolling motion..... Attach a copy.

(c) Date written notice of entry of order resolving motion served..... Attach a copy, including proof of service.

(i) Was service by delivery.....or by mail.....(specify).

18. Date notice of appeal was filed October 14, 2008

(a) If more than one party has appealed from the judgment or order, list date each notice of appeal was filed and identify by name the party filing the notice of appeal:

19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a), NRS 155.190, or other NRAP 4(a)

SUBSTANTIVE APPEALABILITY

20. **Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

NRAP 3A(b)(1)..........NRS 155.190.....(specify subsection).....
NRAP 3A(b)(2).....NRS 38.205.....(specify subsection).....
NRAP 3A(b)(3).....NRS 703.376.....
Other (specify).....

Explain how each authority provides a basis for appeal from the judgment or order:

.....
.....
.....
.....
.....

21. **List all parties involved in the action in the district court:**

Virginia Highlands, LLC
Storey County

(a) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

22. **Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the trial court's disposition of each claim, and how each claim was resolved (*i.e.*, order, judgment, stipulation), and the date of disposition of each claim. Attach a copy of each disposition.**

Virginia Highlands, LLC sought a review of a land use decision pursuant to NRS 278.0233.

23. Attach copies of the last-filed version of all complaints, counterclaims, and/or cross-claims filed in the district court.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action below:

Yes No

25. If you answered "No" to the immediately previous question, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCPC 54(b):

Yes No If "Yes," attach a copy of the certification or order, including any notice of entry and proof of service.

(d) Did the district court make an express determination, pursuant to NRCPC 54(b), that there is no just reason for delay and an express direction for the entry of judgment:

Yes No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

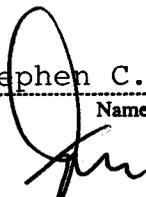
VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Virginia Highlands, LLC
Name of appellant

November 5, 2008
Date

Washoe County, Nevada
State and county where signed

Stephen C. Mollath
Name of counsel of record

Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 6th day of November, 2008, I served a copy of this completed docketing statement upon all counsel of record:

By personally serving it upon him/her; or VIA RENO CARSON MESSENGER SERVICE

By mailing it by first class mail with sufficient postage prepaid to the following address(es):

Keith Loomis
9468 Double R Blvd., Suite A
Reno, NV 89521

Mark H. Gunderson
3895 Warren Way
Reno, NV 89509

Dated this 6th day of NOVEMBER, 2008

Jan Olson
Signature

EXHIBIT "1"

FILED

\$1425

1 Mark Amodei, Esq.

2 State Bar No. 708

3 KUMMER KAEMPFER BONNER RENSCHAW & FERRARIO 7 SEP 11 P1:03

4 5585 Kietzke Lane

5 Reno, NV 89511

6 (775) 852-3900

LORRAINE H. JOHNSON
STOREY COUNTY CLERK
BY *Laura Bundy*
DEPUTY

7 Stephen C. Mollath, Esq.

8 State Bar No. 922

9 PREZANT & MOLLATH

10 6560 SW McCarran Blvd., Suite A

11 Reno, NV 89509

12 (775) 786-3011

13 Attorneys for VIRGINIA HIGHLANDS, LLC

14
15 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
16 **IN AND FOR THE COUNTY OF STOREY**

17 VIRGINIA HIGHLANDS, LLC, a Nevada
18 limited liability company,

19 Petitioner,

20 vs.

Case No. *CV 20121*
Department No. *2*

21 STOREY COUNTY, a political subdivision
22 of the State of Nevada,

23 Respondent.

24 **PETITION FOR JUDICIAL REVIEW PURSUANT TO NRS 278.0233,**
25 **DECLARATORY RELIEF AND DAMAGES**

26 COMES NOW, Petitioner VIRGINIA HIGHLANDS, LLC, a Nevada limited liability
27 company, hereinafter referred to as "VIRGINIA HIGHLANDS", by and through its counsel Mark
28 Amodei, Esq. of KUMMER KAEMPFER BONNER RENSCHAW & FERRARIO and Stephen C.

1 Mollath, Esq. of PREZANT & MOLLATH, and complains and against Respondent STOREY
2 COUNTY, hereinafter referred to as "STOREY", as follows:

3 **THE PARTIES AND BASIS OF CLAIMS**

4 VIRGINIA HIGHLANDS is a Nevada limited liability company engaged in the business
5 of real estate development in Storey County, Nevada.

6 STOREY is a political subdivision of the State of Nevada. Under the provisions of NRS
7 Chapter 278 and the Storey County Code, STOREY is charged with the duty to receive and
8 review zoning and planning applications and act in good faith in connection therewith.
9

10 This action is brought pursuant to the provisions of NRS 30.010, et seq., and NRS
11 278.0233.

12 The record of the proceedings before STOREY and referenced herein is filed herewith
13 and identified as Exhibits 1 through 134, Bate-stamped VH0001 – VH1170 (Exhibit 134 is the
14 transcript of the August 20, 2007 County Commission hearing which is not Bate-stamped but
15 has specific page numbers).
16

17 **GENERAL ALLEGATIONS**

18 1. On September 15, 2006, representatives of VIRGINIA HIGHLANDS met with
19 STOREY to discuss the processing of certain zoning applications for a project to be known as
20 Cordevista. As a result of that meeting, STOREY recommended to VIRGINIA HIGHLANDS
21 that it make application for a Master Plan Amendment and Zone Change in connection with
22 the proposed project (Exhibit "3", VH0010). At that time, VIRGINIA HIGHLANDS believed that
23 its proposed project and the zoning to be applied for was consistent with the Storey County
24 Master Plan, however, it did not want to begin the process with a disagreement over whether a
25 Master Plan Amendment Application was necessary.
26
27
28

1 2. On February 26, 2007, VIRGINIA HIGHLANDS filed with STOREY, pursuant to
2 its meeting of September 15, 2006, a Master Plan Amendment Application (Exhibit "5",
3 VH0014-VH0038) and a Zone Change Application (Exhibit "6", VH0039-VH0062). Said
4 Applications were designated 2007-049 (Master Plan Amendment) and 2007-050 (Zone
5 Change). The Master Plan Amendment sought a mixed-use residential Planned Unit
6 Development (PUD) for 8,600 acres. The zone change requested a change from Special
7 Industrial (IS) (6,800 acres), Heavy Industrial (1,000 acres) and Forestry (400 acres) to Mixed
8 Use, Residential Planned Unit Development (PUD). The request for zone change is a "down
9 zone" for the property.
10

11 3. The property owned by VIRGINIA HIGHLANDS which was subject to the
12 applications referred to in Paragraph 2 above had been used since 1986 as an ammunition,
13 rocket propellant and explosives testing, manufacturing and storage facility, together with the
14 hazardous materials and activities associated therewith. On June 29, 1989, the property
15 which was then owned by VIRGINIA HIGHLANDS' predecessor in interest, Hi-Shear
16 Technology Corp., was the subject of a Stipulation in Case No. 18745, First Judicial District
17 Court of the State of Nevada entitled Hi-Shear Technology Corporation vs. Storey County
18 (Exhibit "127", VH1074-VH1082).¹ Said Stipulation settled a dispute between Hi-Shear and
19 STOREY regarding a pre-existing special use permit for the uses referred to above in which
20 STOREY sought to revoke the permit. In essence, the Stipulation recognized, as a matter of
21 law, the existence of the Special Use Permit and the use of the property. A copy of the
22 Stipulation is attached hereto and marked Exhibit "A".
23
24
25
26

27 ¹ Said property was subsequently sold by Hi-Shear (renamed Defense Systems) to Aerojet of Nevada, which
28 subsequently sold it to VIRGINIA HIGHLANDS.

1 4. On December 20, 1994, STOREY adopted its Master Plan. Contained in said
2 Plan, at Page 55 (Section 9.1.5) was the following statement relative to the property owned by
3 VIRGINIA HIGHLANDS:

4 "A short distance beyond the disposal site is the turnoff to the Aerojet of Nevada facility,
5 which is at the end of a winding two lane road. This hi-tech explosives manufacturing
6 and testing facility is intentionally located in an area four miles from any other
7 development. As such it provides an unusual planning and land use opportunity. With
8 the existing two-plus mile buffer around it, consideration should be given to classifying
9 the area a 'high risk industrial' zone. The 'high risk industrial' classification could be
10 defined to include similar facilities. Property tax rates for this classification would reflect
11 costs related to providing additional services. It is likely that many firms involved in the
12 same or similar types of manufacturing and/or testing would be interested in relocating
13 to an area which already had the necessary regulatory framework in place."

14 This is the only mention in the Storey County Master Plan of the Special Industrial use
15 of the VIRGINIA HIGHLANDS property and was specifically placed in the Storey County
16 Master Plan as a result of and to recognize the Stipulation referred to in Paragraph 3 above.²
17 However, throughout the Master Plan, the VIRGINIA HIGHLANDS property is designated for
18 future development of commercial, residential and retail use.

19 5. On July 1, 1999, STOREY adopted its zoning ordinance and included therein
20 Chapter 17.38 (IS Special Industrial Zone). Said zone was adopted for and referred
21 specifically to the VIRGINIA HIGHLANDS property that was previously owned by Hi-Shear
22 which was subject to the prior special use permit.³ A copy of said Chapter 17.38 is attached
23 hereto and marked Exhibit "B".

24 ² This fact is confirmed by Dean Haymore, Storey County Staff at the May 3, 2007 Planning Commission meeting
25 (Exhibit "32", Transcript, Page 72, Line 7 through Page 75, Line 1), the July 19, 2007 Planning Commission
26 hearing (Exhibit "128", Transcript, Page 20, Line 7 through Page 21, Line 9) and the August 21, 2007 County
27 Commissioners hearing (Exhibit "134", Transcript Pages 22-26).

28 ³ This fact is confirmed by Dean Haymore, Storey County Staff at the May 3, 2007 Planning Commission meeting
(Exhibit "32", Transcript, Page 72, Line 7 through Page 75, Line 1), the July 19, 2007 Planning Commission
hearing (Exhibit "128", Transcript, Page 20, Line 7 through Page 21, Line 9) and the August 21, 2007 County
Commissioners hearing (Exhibit "134", Transcript Pages 22-26).

1 There are no other provisions of the Storey County Master Plan that call for, under any
2 circumstances, the Special Industrial (IS) use of the VIRGINIA HIGHLANDS property. In fact,
3 such Special Industrial Use is inconsistent with the provisions of the Master Plan in all
4 respects.

5 6. In 1999, Tahoe Reno Industrial Center (TRIC) received approval for industrial
6 zoning on a 102,000 acre site adjacent to the VIRGINIA HIGHLANDS property. Thereafter, in
7 February, 2000, a Development Agreement was entered into between STOREY and TRIC for
8 the development of the property. There is no mixed-use, residential, office or retail component
9 of said development which relies upon Washoe, Lyon or Churchill Counties to provide such
10 services (VH0058, Justification Statement).

11 12 7. On July 5, 2006, the Storey County Commissioners approved a Master Plan
13 Amendment⁴ and Zone Change for over 2,000 acres owned by Painted Rock Partners, LLC
14 from Forestry to Mixed Use (Planned Unit Development) (Exhibit "133", VH1119-VH1170).
15 Said property is east of the property owned by VIRGINIA HIGHLANDS and the mixed use
16 approved on July 5, 2006 was identical to the mixed use sought by VIRGINIA HIGHLANDS.
17 The zoning sought by Painted Rock Partners was an "up" zone from Forestry to Mixed Use.
18 Storey County Commissioner Greg J. "Bum" Hess has an ownership and management interest
19 in Painted Rock Partners and recused himself from the vote at the County Commissioners
20 hearing of July 5, 2006.

21 22 8. On March 15, 2007, STOREY requested VIRGINIA HIGHLANDS to provide
23 zoning, planning, engineering and other information on the Cordevista Project (Exhibit "8",
24
25

26
27 ⁴ The mixed use sought by Painted Rock Partners was consistent with the Master Plan of Storey County. There
28 is no explanation given as to why STOREY processed a Master Plan Amendment along with a the zone change
from Forestry to Mixed Use (Planned Unit Development).

1 VH0065). On March 21, 2007, VIRGINIA HIGHLANDS provided STOREY with a
2 comprehensive package of the information requested (Exhibit "9", VH0067-VH0135; Also see,
3 Exhibits "1" and "2", VH0006-VH0009).

4 9. On March 30, 2007, VIRGINIA HIGHLANDS submitted further detailed
5 information on the project's impacts to the Lockwood and Virginia City/Highlands residents of
6 Storey County in connection with town meetings scheduled to discuss the project (Exhibit
7 "111", VH0137-VH0142).

8
9 10. On April 2, 2007, VIRGINIA HIGHLANDS submitted to STOREY, at its request, a
10 detailed Technical Drainage Study and Scientific Investigations Report (Exhibit "13", VH0143-
11 VH0399).

12
13 11. On April 5, April 9 and April 10, 2007, VIRGINIA HIGHLANDS forwarded to
14 STOREY, at its request, further technical information concerning the property (Exhibit "14",
15 VH0400-VH0403).

16 12. On April 13, 2007, the Storey County Planning Commission held a meeting on
17 VIRGINIA HIGHLANDS' Applications (Exhibit "19", Transcript, Pages 1-165). It became
18 readily apparent from the public testimony that the Lockwood residents of Storey County were
19 in favor of the project and the Virginia City/Highlands residents were against the project.⁵ The
20 Planning Commission then voted to hold another meeting on the applications in Lockwood on
21 May 3, 2007. No Planning Staff report was ever prepared by STOREY on the applications,
22 nor did Planning Staff voice any objection to the applications.
23
24

25
26 ⁵ There is no access to the project from Virginia City or the Highlands. The only access is through the Lockwood
27 area along I-80. Storey County has always been geographically separated in this manner. All development,
28 however, including the Painted Rock project, is occurring on the I-80/Lockwood side of Storey County and does
not impact the southern portion of Storey County.

1 13. On April 23, 2007, STOREY requested VIRGINIA HIGHLANDS to provide further
2 information for purposes of the May 3, 2007 meeting (Exhibit "20", VH0409-VH0410).

3 14. In response to STOREY's request of April 23, 2007, VIRGINIA HIGHLANDS
4 submitted further reports and information as follows:

- 5 • Resource Concepts letter, May 2, 2007 – Wild Horses (Exhibit "25", VH0430)
- 6 • Resource Concepts letter, May 3, 2007 – Water (Exhibit "26", VH0431-VH0432)
- 7 • Resource Concepts letter, May 3, 2007 – Drainage (Exhibit "28", VH0433-
8 VH0435)
- 9 • The Planning Center letter, May 3, 2007 (Exhibit "29", VH0436-VH0437)
- 10 • Cordevista Exhibit Binder (Exhibit "30", VH0438-VH0467, Tabs 1-20)

11
12
13 Very significant in the above material provided is the "Master Plan Conformance Table"
14 (Exhibit "30", Tab 20, VH0461-VH0467). A copy of said Table is attached hereto and marked
15 Exhibit "C". The significance of this comparative table is that it candidly sets forth, as a matter
16 of planning criteria, guidelines and principles that the zone change requested from Special
17 Industrial (IS) to Mixed Use (Planned Unit Development) is consistent with the Storey County
18 Master Plan. As such, no Master Plan Amendment Application was needed.

19
20 15. On May 3, 2007, a second Planning Commission meeting of STOREY was held
21 in Lockwood. Again, no Planning Staff report was prepared by STOREY, nor did Planning
22 Staff voice any objections to the applications. The Planning Commission then voted to
23 continue the applications to a July 11, 2007 Town Hall meeting and, thereafter, to a July 19,
24 2007 Planning Commission hearing. Again, it was apparent from the public testimony that the
25 Lockwood residents of Storey County were in favor of the project and the Virginia
26 City/Highlands citizens were against.
27
28

1 16. On May 17, 2007, VIRGINIA HIGHLANDS, at the request of STOREY, provided
2 further traffic information (Exhibit "37", VH0539-VH0541).

3 17. Since the applications were filed, VIRGINIA HIGHLANDS and STOREY have
4 had 95 meetings and hearings relative to this project (Exhibit "42", VH0584-VH0587). As
5 such, the project has had the benefit of full disclosure, discussion and analysis by STOREY
6 whose Staff did not prepare any report recommending a denial of the Applications.
7

8 18. Shortly before June 13, 2007, STOREY retained Mark H. Gunderson, Ltd. as
9 special legal counsel to STOREY relative to VIRGINIA HIGHLANDS' applications. On June
10 13, 2007, Mark H. Gunderson, Esq. instructed Storey County Staff not to meet with VIRGINIA
11 HIGHLANDS or its planning consultants without the presence of STOREY's legal counsel
12 (Exhibit "39", VH0551).

13 19. On July 2, 2007, VIRGINIA HIGHLANDS, at STOREY's request, provided a
14 housing study for the project, together with its economic justification and benefits to STOREY
15 (Exhibit "43", VH0589-VH0626).⁶

16 20. On July 11, 2007, a third Town Hall meeting was held concerning the Cordevista
17 Project (Exhibit "45", Transcript, VH0630-VH0656) whereat VIRGINIA HIGHLANDS
18 endeavored to answer questions concerning the project.
19
20

21 21. On July 12, 2007, as a result of the Town Hall meeting and pursuant to the
22 request of STOREY, VIRGINIA HIGHLANDS provided planning staff with an explanation of
23 the phasing of the project (Exhibit "46", VH0657).
24
25
26

27 ⁶ Reno, Sparks and Washoe County councilmembers and commissioners also sent letters of justification and
28 support for the project to STOREY (Exhibit "44", VH0627-VH0629).

1 22. On July 13, 2007, counsel for VIRGINIA HIGHLANDS, Stephen C. Mollath, Esq.,
2 delivered to STOREY a letter setting forth the legal and planning reasons why the zone
3 change from Special Industrial (IS) to Mixed Use (Planned Unit Development) was consistent
4 with the Storey County Master Plan (Exhibit "47", VH0658-VH0662). As a result of such
5 consistency, a Master Plan amendment (2007-049) is not required. The letter requested that
6 the Master Plan amendment application be deemed unnecessary.
7

8 23. On July 16, 2007, VIRGINIA HIGHLANDS delivered to STOREY a list of its
9 development commitments (Exhibit "49", VH0667-VH0668).

10 24. On July 16, 2007, Storey County Staff submitted its Cordevista Impact Staff
11 Report (Exhibit "124", VH1054-VH1071, duplicate of Exhibit "110"). VIRGINIA HIGHLANDS
12 agrees with the contents and recommended actions of the report. The report, at Page 7,
13 VH1060, recommended:
14

- 15 a). Establish, recruit and hire Planning Staff positions to process the Cordevista
16 Project that would be processed subsequent to any zone change, and
- 17 b). Provide phasing and triggers for the project.

18 The Staff report adopted the analysis of the current Special Industrial (IS) vs. proposed
19 Mixed Use (Planned Unit Development) zoning at Attachment #1 (VH1062) and Cordevista
20 Impacts, Attachment #2 (VH1063). Also see, Justification Statement (Exhibit "6", VH0058 and
21 VH0061 attached hereto and marked Exhibit "D". There were no Staff recommendations of
22 denial or objections to the project.
23

24 25. From the inception of the Cordevista Project, Storey County Commissioner Greg
25 J. "Bum" Hess has had a pecuniary and managerial interest in the Painted Rock Project, a
26 competitor to Cordevista (Exhibits "122", VH1051-VH1052; Exhibit "48", VH0663-VH0666;
27 Exhibit "130", VH1114; Exhibit "133", VH1117-VH1170).
28

1 26. None of the engineering and planning studies and reports submitted to STOREY
2 by VIRGINIA HIGHLANDS in support of the project, referred to in Paragraphs 2, 9, 10, 11, 14,
3 16, 19, 21 and 23 above were controverted by any evidence, Storey County Planning Staff or
4 credible testimony at any public hearing.

5 27. On July 19, 2007, the Applications came before the Storey County Planning
6 Commission, together with the record of the application (Exhibits "1" through "133"). VIRGINIA
7 HIGHLANDS' planning consultants were present to respond to any questions concerning their
8 reports and findings (Exhibit "41", VH0556-VH0583). At said hearing, the Planning
9 Commission voted as follows:
10

11 A. Denied VIRGINIA HIGHLANDS' request that the Application for Master
12 Plan amendment (2007-049) was not necessary because the Mixed Use zoning was
13 inconsistent with the Master Plan (Transcript, Pages 22-26, VH1089-VH1090).
14

15 B. Denied VIRGINIA HIGHLANDS' request for a Master Plan amendment to
16 provide for a Mixed Use (Planned Unit Development), rather than Special Industrial.

17 C. Denied VIRGINIA HIGHLANDS' request for a zone change from Special
18 Industrial to Mixed Use (Planned Unit Development).
19

20 The basis for the denial as stated by Commissioner Prater was that the application of
21 VIRGINIA HIGHLANDS' 8,600 acres was "spot zoning" (Transcript, Page 110, VH1111).

22 28. On August 20, 2007, the denial recommendation of the Planning Commission
23 came before the Storey County Commission. At said hearing, VIRGINIA HIGHLANDS
24 presented the testimony of Greg Haws, a Professional Land Planner from The Planning Group
25 who testified that the application for a zone change from Special Industrial (IS) to Mixed Use
26 (PUD) was consistent with the Master Plan and the zone change from Special Industrial (IS) to
27
28

1 Mixed Use (PUD) was a down zone and appropriate under all sound and recognized planning
2 principles.⁷ The Storey County Commission thereafter upheld the denial recommendation of
3 the Planning Commission on an irrelevant and unintelligible basis not supported by any
4 substantial evidence stating as follows:

5 "So on that, I move to uphold the planning commissions recommendation
6 denying the application of the master plan amendment, because the proposed
7 amendment is not in substantial compliance with the policies and goals and objectives
8 of the master plan.

9 We are just talking of the master plan. And if we need more to look at, you
10 know, I have to look at land uses, you look at, with zoning – land uses which is
11 inconsistent or incompatible with adjacent land uses. Transportation is amendment
12 would not create an immediate need for access – would create an immediate need for
13 access roads, or government services which would adversely – would adversely affect
14 the county's ability to meet those needs.

15 The conservation of natural resources. This amendment would jeopardize
16 ensuring that present and future county residents have adequate water supply meeting
17 safe drinking standards. This amendment would not protect the present or future water
18 resources, which I'm well aware of what's going on in the Highlands, and I'm well aware
19 of what's gone through the River District, that we're lucky to have what we have there.
20 And I'm a little concerned, too, also hearing the latest actions from Washoe County, the
21 water graph right now, I don't know how the Washoe County commission is keeping
22 water to their district."

23 (Exhibit "134", Transcript, Commission hearing, August 21, 2007, Pages 58-59)

24 **CLAIM FOR RELIEF**
25 **(Petition for Judicial Review and Declaratory Relief)**

26 29. VIRGINIA HIGHLANDS repeats and realleges each and every allegation set
27 forth in Paragraphs 1 through 28 as if set forth herein in full.

28 30. STOREY's denials of VIRGINIA HIGHLANDS' Applications were clearly
erroneous and were not supported by substantial evidence in the record. Further, the denials

⁷ Dean Haymore, the Storey County Master Plan Administrator, agreed that the existing Special Industrial (IS) zoning is "nasty zoning" which needs to be addressed because Staff is concerned about it (Exhibit "134", Transcript, Commission hearing, August 21, 2007, Page 2, Lines 6-22).

1 of the Applications, to include a determination that a master plan amendment application was
2 required, was arbitrary, capricious and characterized by an abuse of discretion.

3 31. STOREY's findings are arbitrary and capricious and constitute an abuse of
4 discretion because they directly contradict evidence contained in the record.

5 32. STOREY's findings are erroneous as a matter of law and further constitute an
6 abuse of discretion.

7
8 33. The actions taken by STOREY, upon facts and evidence presented, are
9 unlawful, unreasonable and in violation of the provisions of NRS Chapter 278 and Storey
10 County Master Plan and Code. Said decision was arbitrary, capricious and was not supported
11 by substantial evidence in that the proposed project zoning is consistent with the Storey
12 County Master Plan, zoning and all planning policies, regulations and required findings under
13 the Storey County Master Plan and Code.

14
15 34. The actions taken by STOREY are in violation of VIRGINIA HIGHLANDS' due
16 process and equal rights protections under the Nevada and United States Constitutions, and
17 constitutes a taking. STOREY ignored the evidence before it, and made findings contrary to
18 law.

19
20 35. VIRGINIA HIGHLANDS has performed all of its obligations relative to said
21 application, has no other adequate remedy at law, and will sustain irreparable injury and
22 pecuniary loss unless such denial is appropriately reviewed and reversed.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, VIRGINIA HIGHLANDS prays the Court:
25
26
27
28

1 1. That the actions of STOREY be reviewed pursuant to the provisions of NRS
2 278.0233, that the issues thereof be adjudicated, and that STOREY be ordered to approve the
3 Applications (Application Nos. 2007-049 and 2007-050).

4 2. The rights and obligations of the parties be adjudicated pursuant to NRS Chapter
5 30.010, to include a determination that the Zoning Application was consistent with the Storey
6 County Master Plan and that a master plan amendment application (2007-049) was not
7 required to be filed and processed.

8 3. For costs of suit and attorney's fees herein incurred pursuant NRS 278.0237.

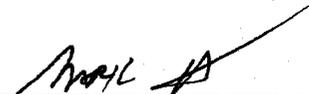
9 4. For such relief as the Court deems just and proper.

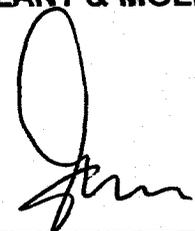
10 5. For damages in excess of \$10,000.00, pursuant to the provisions of NRS
11 278.0233.
12

13 DATED this 10th day of September, 2007.

14
15 **KUMMER KAEMPFER BONNER**
16 **RENSHAW & FERRARIO**

PREZANT & MOLLATH

17
18 By 
19 _____
20 Mark Amodei, Esq.

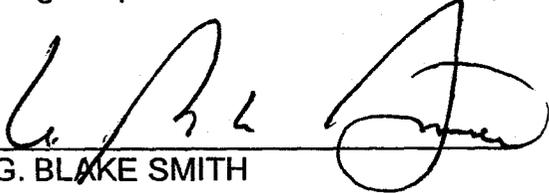
By 
21 _____
22 Stephen C. Mollath, Esq.

23
24
25
26
27
28
Attorneys for Petitioner

1 STATE OF NEVADA)
2) ss.
3 COUNTY OF WASHOE)

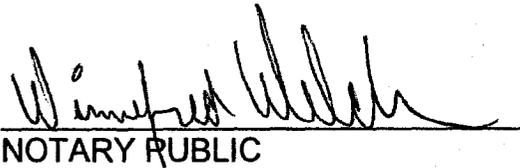
4 G. BLAKE SMITH, being duly sworn, deposes and says:

5 That he is a representative of VIRGINIA HIGHLANDS, LLC, the Petitioner herein; that
6 he has read the foregoing **PETITION FOR JUDICIAL REVIEW PURSUANT TO NRS**
7 **278.0233, DECLARATORY RELIEF AND DAMAGES** and knows the contents thereof, and
8 that the same is true of his own knowledge, except as to the matters therein stated to be
9 alleged upon information and belief, and as to those matters, he believes it to be true.

10 
11 G. BLAKE SMITH

12 SUBSCRIBED AND SWORN to before me,
13 this 10 day of September, 2007.



14
15
16 
17 NOTARY PUBLIC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**FIRST JUDICIAL DISTRICT COURT
COUNTY OF STOREY, STATE OF NEVADA**

**AFFIRMATION
Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding document, **PETITION FOR JUDICIAL REVIEW PURSUANT TO NRS 278.0233, DECLARATORY RELIEF AND DAMAGES**, filed in Case No.

Document does not contain the social security number of any person

-OR-

Document contains the social security number of a person as required by:

A specific state or federal law, to wit:

-or-

For the administration of a public program

-or-

For an application for a federal or state grant

-or-

Confidential Family Court Information Sheet (NRS 125-130, NRS 125.230 and NRS 125B.055)

DATED this 10th day of September, 2007.

PREZANT & MOLLATH

By 

Stephen C. Mollath, Esq.
Attorney for Petitioner

EXHIBIT "A"

1 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
2 JUN 29 1989
3 IN AND FOR THE COUNTY OF STOREY

4 *Fathy Hilton*
5 STOREY COUNTY CLERK
6 BY _____ DEPUTY
7 Case No. 18745

8 HI-SHEAR TECHNOLOGY CORP.,
9 a Delaware corporation,

10 Petitioner and Plaintiff,

11 vs.

12 **STIPULATION FOR
13 DISMISSAL**

14 STOREY COUNTY and its BOARD
15 OF COUNTY COMMISSIONERS, a
16 political subdivision of the
17 STATE OF NEVADA,

18 Respondents and Defendants.
19

20 COMES NOW the Plaintiff and Defendant, by and through
21 their undersigned counsel, and stipulate that the above-entitled
22 action may be dismissed, with each party to bear its own costs
23 and attorney's fees, upon the following terms and conditions:

24 The Special Use Permit issued to HI-SHEAR TECHNOLOGY
25 CORP., pursuant to Ordinance 54, on September 16, 1986 may be
26 amended to add the following conditions:

27 A. The facility shall construct and maintain an
28 access road in accordance with Exhibit "A" (plans, specifications
and contract) attached hereto. Any breach of the road construc-
tion contract, not attributable to HI-SHEAR, shall not constitute
a violation of the Special Use Permit. STOREY COUNTY agrees to
assist HI-SHEAR, at HI-SHEAR's option, in seeking any available
federal funds for the further improvement of said roadway over
the improvements set forth in Exhibit "A", so long as said assis-
tance does not require STOREY COUNTY to accept an offer of dedi-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

cation of said roadway.

B. The facility shall maintain alarms, warning systems and communications on site and from site to off-site in accordance with Exhibit "B" attached hereto.

C. The facility shall install and maintain fencing of Buildings 5A, 9, 10, 13, 14, 15 and 12-1 to 12-8.

D. The facility shall maintain, a full-time professional safety manager whose principal office will be on-site.

E. The facility shall maintain a video tape recording system for accident review of all grinding and mixing operations.

F. The facility shall designate an on-site OOD (Officer of the Day) during operational hours, whose identity and mode of contact shall be available to the Storey County Fire Protection District at all times through the 24 hour security service.

G. The facility shall maintain 24 hour security.

H. The facility's short-, mid- and long-term operation plans shall be submitted to STOREY COUNTY, as they become available and are not classified, to include any Safety, Emergency, Disaster or Waste Management Plans.

I. HI-SHEAR shall not assemble or disassemble any propellant mixing equipment without adequate personnel trained or authorized to undertake such work.

J. HI-SHEAR shall provide any insurance required by any federal or state agency in connection with any burn permit issued.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

K. HI-SHEAR shall provide to STOREY COUNTY a 3,000 pound propellant based Puff Model Analysis which takes into consideration the topography of the HI-SHEAR property in Storey County, Nevada to STOREY COUNTY. Attached hereto and marked Exhibit "C" is said analysis.

L. HI-SHEAR shall notify the Reno-Carson International Airport control tower by telephone prior to testing any projectiles which will have a trajectory of more than 50 feet in altitude.

M. HI-SHEAR shall receive Storey County Building Department approval for all structures hereafter constructed on the property pursuant to the UBC, UPC and applicable Storey County codes and regulations.

It is specifically agreed and understood that all conditions, requirements and orders imposed upon HI-SHEAR shall be done in accordance with applicable procedures, ordinances, statutes, codes and regulations of the State of Nevada or the United States. The administrative remedies and rights available to HI-SHEAR under such applicable procedures, ordinances, statutes, codes and regulations are reserved by HI-SHEAR.

In regard to the above conditions, it is specifically agreed and understood that as of the date of this Stipulation, said conditions have been satisfied or, except in the case of A, B and H are in the process of being satisfied; as such the Special Use Permit is vested, valid and in good standing.

The scope of the Special Use Permit is the operation of a facility to manufacture and test propulsion, ordnance and elec-

1 tronic devices, its term is indefinite and it is fully assignable
 2 upon any sale, transfer or joint venture of the facility,
 3 business, or operation. Notice of any such assignment, sale or
 4 transfer shall be given to STOREY COUNTY. Any such assignment,
 5 sale or transfer is subject to the provisions of the Storey
 6 County Code.

7 No other conditions shall be added to the Special Use
 8 Permit without the express written consent of HI-SHEAR, so long
 9 as the scope of the facility's operation does not substantially
 10 increase or change. For purposes of this Stipulation, it is spe-
 11 cifically understood that the HI-SHEAR facility is currently
 12 designed to process and manufacture 3,000 pounds and/or 150 gal-
 13 lons of propellant during any single aggregate mixing procedure.
 14 It is specifically understood and agreed for purposes of this
 15 Stipulation, that if HI-SHEAR processes and manufactures more
 16 than 3,000 pounds and/or 150 gallons of propellant during any
 17 single aggregate mixing procedure, such action shall be deemed to
 18 be a "substantial increase" in the scope of the facility's
 19 operation. STOREY COUNTY shall be notified by HI-SHEAR at such
 20 time as HI-SHEAR determines to substantially increase or change
 21 the scope of the facility's operation. Any additional conditions
 22 imposed as a result of such "substantial increase" or "change"
 23 shall be reasonable and HI-SHEAR shall be afforded all procedural
 24 due process and hearings relative to any such additional
 25 conditions.

26 Any action taken by STOREY COUNTY relative to the
 27 Special Use Permit, save and except any action taken as a result
 28

87-13-07 11-11-87

1 of substantial increase or change in the scope of the facility'
2 operation as set forth above may only be considered after writte
3 notice is provided to HI-SHEAR, which said notice shall contain i
4 the specific subject matter of the proposed action, ii) the cor
5 rective action to be taken. HI-SHEAR shall either comply with
6 the corrective action within thirty (30) days of receipt of such
7 notice or appeal said notice to the Storey County Board of
8 Commissioners within fifteen (15) days of receipt of such notice.
9 In the event of an appeal, HI-SHEAR shall be afforded all its
10 procedural due process rights under existing local, state or fed-
11 eral law.

12 Any notices given pursuant to this stipulation and
13 Special Use Permit shall be sent by certified mail to:

14 Hi-Shear Technology Corporation
15 204 Edison
16 Reno, Nevada 89502

17 Attn: President

18 Stephen C. Mollath, Esq.
19 One East Liberty St., Suite 600
20 Reno, Nevada 89501

21 Gordon Martin, Esq.
22 MORGAN, LEWIS & BOCKIUS
23 801 Grand Avenue
24 Los Angeles, CA 90017-3189

25 STOREY COUNTY reserves its right to independently
26 enforce the provisions of the Uniform Building Code (UBC),
27 Uniform Fire Code (UFC), and other duly enacted codes of Storey
28 County, Nevada, as they may relate to the HI-SHEAR facility and

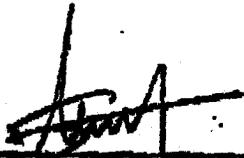
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

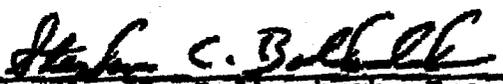
operation, to include responding to any immediate emergency situation.

DATED this 6th day of June, 1989.

STEPHEN C. MOLLATH
A Professional Corporation

STOREY COUNTY

By 
Stephen C. Mollath, Esq.
Attorney for HI-SHEAR

By 
Stephen C. Balkenbush, Esq.
Attorney for STOREY COUNTY

FILE 1

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF STOREY

JUN 29 1989

Kathy Hilton
STOREY COUNTY

HI-SHEAR TECHNOLOGY CORP.,
a New York and Delaware
corporation,

Case No. 18745
CV

Petitioner and Plaintiff,

vs.

ORDER FOR DISMISSAL

STOREY COUNTY and its BOARD
OF COUNTY COMMISSIONERS, a
political subdivision of the
STATE OF NEVADA,

Respondents and Defendants.

PURSUANT to stipulation of counsel and good cause appearing,

IT IS HEREBY ORDERED that the Special Use Permit be amended
as set forth in the Stipulation for Dismissal dated June 6, 1989.

IT IS FURTHER ORDERED that the above action is hereby
dismissed, each party to bear their own attorney's fees and
costs.

DATED this 29 day of June, 1989.

Michael R. Antoin
DISTRICT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TRW Inc.

Executive Offices
1900 Richmond Road
Cleveland, OH 44124

Office of Counsel

Phone: 216.291.7541
Fax: 216.291.7725

07-13-07 14:21
TRW

June 4, 1997

Mr. Dean Haymore
Storey County Building Department
P.O. Box 526
Virginia City, NV 89440

Re: Notification of Transfer of the Special Use Permit

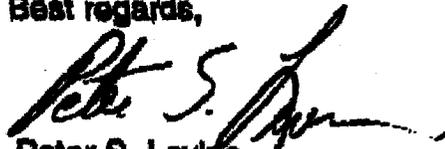
Dear Dean:

In accordance with the Special Use Permit, Case No. 18745, page 3, lines 27 and 28, and page 4, lines 1 and 2, the Special Use Permit is fully assignable upon sale or transfer of ownership.

This letter is to inform you that on May 29, 1997, TRW Inc. took over ownership of the Aerojet-General Corporation property in Storey County, NV.

Thank you for your help and guidance in this transition.

Best regards,


Peter S. Levine
Senior Counsel

cc: Peter Astrauskas

RECEIVED

DATE: June 9, 1997

**STOREY COUNTY BUILDING
AND PLANNING DEPARTMENT**

VH 1081

**GENCORP
AEROJET**

AEROJET NEVADA

One Aerojet Way, P.O. Box AB
Sparks, NV 89432-0027
Tel: 702-872-5558
Fax: 702-872-5599

To: Dean Kaymore
From: Randy Young
Subject: Notification of Transfer of the Special Use Permit
Date: 2-11-92

In accordance with the Special Use Permit, case # 18745 page 3, lines 27 and 28, and page 4, lines 1 and 2, the Special Use Permit is fully assignable upon sale or transfer of ownership.

This letter is to inform you that on 11-15-91, GenCorp Aerojet Nv. took over ownership of Hi-Shear Technology Property in Storey County Nv.

Thank you for your help and guidance in this transition.

Respectfully,

Randy Young 2/11/92
Randy Young
Facility Manager

cc: Terry Griffin
Tom Brown
File

mailed certified 2-12-92
RECEIVED
2-13-92
**STOREY COUNTY
BUILDING DEPARTMENT**

EXHIBIT "B"

Chapter 17.38

'I-S' SPECIAL INDUSTRIAL ZONE

Sections:

- 17.38.010 Applicability.
- 17.38.020 Purpose and intent.
- 17.38.030 Permitted uses.
- 17.38.040 Required criteria for permitted use.
- 17.38.050 Special zoning limitations to assure separation of incompatible uses.
- 17.38.060 Building requirements.
- 17.38.070 Parcel size requirements.

17.38.010 Applicability. The I-S special industrial zone shall be governed by the provisions set forth in this chapter.

17.38.020 Purpose and intent. The I-S special industrial zone is intended to provide areas for special industrial and manufacturing uses characterized by activities which require distance separated from other less intensive uses. Such uses are necessary and appropriate for the planned development of Storey County and shall be protected from encroachment through proper land use controls and buffering. The provisions of the I-S special industrial zone are designed to allow safe operation of uses within the zone while providing protection from encroachment on other uses which may be impacted by special industrial and manufacturing activities.

17.38.030 Permitted uses. In the I-S special industrial zone the following uses shall be permitted, provided compliance with the provisions of section 17.38.040 is met and maintained:

- (A). Ammunition manufacture, testing and storage.
- (B). Chemical manufacture, testing and storage.
- (C). Air bag and other passive restraint system manufacture, testing and storage.
- (D). Explosive, propellant, and pyrotechnic manufacture, testing and storage.
- (E). Igniters and ignition systems manufacture, testing and storage.
- (F). Research and development activities related to any of the uses described in this section 17.38.030.
- (G). Hazardous materials, treatment, storage and disposal sites, including refuse disposal sites for hazardous materials produced or used on the site in connection with the uses permitted by this section 17.38.030.

- (H). Hazardous waste management facilities involving use, recovery, recycling, storage, treatment and management of hazardous materials for hazardous materials produced or used on the site.
- (I). Environmental testing facilities such as simulation of temperature, vibration, fire, explosion, high altitude, etc.
- (J). Employee service facilities, operated in connection with, and on the same property as, a use permitted by this section 17.38.030. Such facilities shall be for the exclusive use of the property owner's invitees and invitees' employees and shall not be open to the public.
- ~~(K). Office, security and related functions operated in connection with, and on the same property as, any of the uses permitted by this section 17.38.030.~~
- (L). Open air testing of materials developed for any of the uses described in this section 17.38.030, including testing to obtain design criteria for building construction, personnel safety, shipping requirements and anything useful for those purposes.
- (M). Other uses which are consistent with or related to the uses described in this section 17.38.030.

17.38.040 Required criteria for permitted use. Any use listed in section 17.38.030 of this chapter which can be demonstrated by the applicant to meet the following criteria shall be a permitted use in the I-S special industrial zone. Any use listed in section 17.38.030 of this article which does not meet all of the following criteria may be permitted by Special Use Permit pursuant to chapter 17.62 of this ordinance.

- (A). No use or building except structures used for office or employee service facilities shall be located closer than five hundred (500) feet from the boundary of the site unless the applicant can demonstrate that the distance from the boundary of the site is adequate to protect surrounding uses.
- (B). In lieu of subsection (A), the boundaries of the site may be surrounded by a buffer area of the same distance. The buffer area shall not contain any uses or buildings except that a use or building permitted in the I-S special industrial zone may be allowed provided such use or building is not less than five hundred (500) feet from the boundaries of the property making the application unless the applicant can demonstrate that the distance from the boundary of the site is adequate to protect surrounding uses. The buffer area may consist of property restricted by fee ownership, lease, easement, license or other manner which the applicant demonstrates will assure the existence of the buffer area for as long as the permitted use remains on the property. The buffer area may be provided by open space areas, wilderness land or land restricted in use by a governmental agency or private entity, if the applicant demonstrates that the buffer area requirements will be met and retained for the life of the permitted use.
- (C). The boundaries of the property shall not be located closer than one (1) mile to

property which permits a residential use, except for those boundaries permitting a residential use at the time of the passage of this zoning ordinance.

- (D). The boundaries of the property shall not be closer than two (2) miles from a permitted city or town.
- (E). Posting, marking and fencing of the property shall be in accordance with the requirements of agencies having regulatory jurisdiction of the activity.
- (F). Weaponry, ammunition or explosives testing shall not include the intentional flight of any missile, aircraft or projectile outside of the area zoned I-S special industrial zone.

17.38.050 Special zoning limitations to assure separation of incompatible uses. The purpose of these special limitations is to prohibit the encroachment of incompatible uses into areas adjacent to lands zoned for I-S special industrial use. Such limitations are intended to preserve the continued usability of those areas zoned I-S special industrial zone for permitted uses and to protect other uses from the impacts and hazards which could result if such uses were established near areas zoned I-S special industrial zone.

All properties zoned within one (1) mile of any area zoned I-S special industrial shall be zoned and maintained in one or more of the following zone zones.

- (A). The F forestry zone; or
- (B). The I-2 heavy industrial zone.

In addition, no high explosive structures shall be constructed on the property within 1,320 feet of the boundary of the I-S special industrial zoned property.

17.38.060 Building requirements. Building siting and construction shall conform with applicable federal, state and local health, fire and safety codes applicable to the permitted use.

17.38.070 Parcel size and width requirements. Each property shall meet the required criteria of section 17.38.040 of this chapter. The minimum width of any property shall be 5,280 feet.

EXHIBIT "C"

Master Plan Conformance		
Goals and Objectives	Consistency	Response
Chapter 2 - Population		
Goal 1: Anticipate population changes and the level of county provided services needed to accommodate the changes.	Yes	The Cordevista development is a response to the county's approval of TRI and the subsequent impacts that have resulted from that action. Cordevista intends to provide the services required to accommodate the population that is required to support TRI.
Objective 1.1: Request population and demographic data be presented to the Board of County Commissioners annually from the office of the Nevada State Demographer and review same for impacts to county finances and county provided services.	Yes	This objective will be met in future stages of the project.
Chapter 3 - Economy		
Goal 1: Enhance diversification of economic opportunities within the county.	Yes	Cordevista, as well as other residential developments, will support TRI and therefore enhance the viability of Storey County's expanded industrial tax revenue base. In addition, Cordevista, as a mixed-use community, will contain a wide variety of amenities including retail/commercial and office which will enhance diversification of economic opportunities within the county.
Objective 1.1: Develop and adopt standards for industrial park development before a large project is proposed.	N/A	Not applicable to this project.
Objective 1.2: Promote commercial business activity in Virginia City which will benefit local residents as distinct from tourists and visitors.	N/A	Not applicable to this project.
Objective 1.3: Expand programs and improve communications and interaction with existing economic development and diversification agencies.	N/A	Not applicable to this project.
Recommendation: Contact the Economic Development Authority of Western Nevada regarding membership and the coordinated development of prime industrial land in the River District.	N/A	Not applicable to this project.
Chapter 4 - Housing		
Goal 1: Encourage that adequate housing is provided for all residents of the county through zoning and planning.	Yes	Cordevista provides adequate housing for the surplus of employment due to TRI. Sound planning practices suggest the need for a jobs/housing balance. Cordevista helps the county to reach this balance.
Objective 1.1: Encourage development of affordable housing.	Yes	Cordevista will contain an affordable/attainable housing component.
Chapter 5 - Conservation and Natural Resources		
Goal 1: Ensure that present and future county residents have an adequate water supply meeting safe drinking standards.	Yes	Cordevista will import culinary water for its residents. The ground water supply will not be used to support the project. Cordevista has also pledged to extend water lines to the project boundary for others within the county to access, thus providing a future water supply alternative for existing residents.
Objective 1.1: Require all proposed development furnish proof of the availability of owned rights to adequate water meeting safe drinking standards before necessary land use or building permit applications are approved.	Yes	Zoning is contingent upon proof of availability of culinary water. Cordevista will provide required information at that point.
Objective 1.2: Actively participate on regional governmental water agencies to ensure the water rights of all owners and residents are protected. In addition, actively protest the granting of water rights or land development proposals which will have a negative impact on the quantity and/or quality of Storey County resident's water supply.	Yes	Cordevista recognizes that Storey County has ground water concerns. Cordevista has pledged to import water, therefore, it will not negatively impact the ground water supply.
Objective 1.3: Investigate the feasibility of using recycled, treated effluent water for agrarian and recreational uses. Establish the county's priority of right to the use of this water.	Yes	The feasibility of using recycled, treated effluent water for recreational uses will be analyzed at a future date.
Objective 1.4: Working with the Nevada division of Water Planning, create and maintain within the Public Works Department a data base of water resources within the county.	Yes	This objective will be met in future stages of the project.
Objective 1.5: Request the Nevada State Engineer to undertake a hydrologic study of water resources in the undeveloped northerly and easterly portion of the county.	Yes	Cordevista has retained the services of a hydrologist. Their findings were included with the applications for master plan amendment and application for zone change.
Objective 1.6: The condition of the Marlette Water System pipe line be periodically replaced as necessary.	N/A	Not applicable to this project.
Goal 2: Protect the quality of present and future water resources.	Yes	Cordevista has pledged to import water, therefore, it will not impact the ground water supply.

Objective 2.1: Refuse special use permitting of industries which cannot guarantee the quality of effluent produced by their activity. Require users of toxic or hazardous materials to provide monitoring capabilities to assure protection from surface and groundwater contamination.	Yes	Subsequent to this effort, Cordevista will request a zone change from Special Industrial 2 (IS) to PUD. This zone change will eliminate the ability of toxic or hazardous material from being tested or stored on the site, therefore this objective will be satisfied with the zone change.
Goal 3: Minimize risks to public welfare and private property resulting from seismic activity.	Yes	Cordevista will implement safe building practices including respecting buffer zones from fault lines.
Objective 3.1: Review the seismic activity map when considering development permits and require sufficient engineering structural safeguards when building construction is proposed on or near active seismic areas.	Yes	This objective will be met in future stages of the project.
Goal 4: Regulate use of open range and watershed areas to minimize fire danger and prevent degradation.	Yes	Studies will be initiated in future stages of the project including a fire management plan which will include fuel modification strategies and an emergency access and evacuation plan.
Objective 4.1: Assist property owners and interested groups in controlling grazing and public use of critical watershed and riparian areas.	Yes	Studies will be initiated in future stages of the project including a wildlife management study to protect critical watershed and riparian areas.
Objective 4.2: Cooperate with ranchers, property owners and interested groups in the county in maintaining wild horses and other grazing animals, but in numbers which will not exceed capacity of the land.	Yes	Cordevista will explore all options in maintaining open access for wild horses and other grazing animals throughout the development. Over 40% of the development will remain as open space.
Goal 1: Provide county residents with more efficient means of communicating their needs to county administrators.	Yes	Cordevista has pledged the use of the existing structures on site for county administrative uses. Within the plan, a civic component will be included to facilitate communication between the county and its residents.
Objective 1.1: Provide efficient transportation routes between all communities in the county.	Yes	Cordevista will provide transportation routes between those communities that have expressed the desire for improved connectivity.
Objective 1.2: Form local advisory boards as necessary within each community to advise county commissioners regarding problems of concern to their community. Advisory boards can be requested for their input regarding controversial land use permits affecting their communities.	Yes	This objective will be met in future stages of the project.
Goal 2: Provide adequate park and recreation facilities for all residents of the county.	Yes	Cordevista will include passive and active recreational amenities accessible to all county residents.
Objective 2.1: Undertake a study of the adequacy of existing facilities and prepare a plan for developing additional facilities as anticipated population increases require.	Yes	Recreational amenities within Cordevista will be scaled to comply with the National Parks and Recreation Standards.
Objective 2.2: Initiate a study of the feasibility of a regional or county park along portions of the Truckee River riparian zone including an examination of the availability of federal, state and private development grants.	N/A	Not applicable to this project.
Goal 3: Anticipate future public building new construction, renovation and repair requirements resulting from projected population growth.	Yes	Cordevista will have a phasing plan to provide for the orderly construction of all buildings, roads, and infrastructure within the project. Cordevista will work closely with county officials to ensure that public health, safety, and welfare are maintained.
Objective 3.1: Prepare a study of future requirements of each county department based upon expansion requirements.	Yes	Cordevista will work with county staff to identify future needs of the various departments before, during, and after construction.
Goal 4: Anticipate costs of expansion of county provided public services and/or utilities.	Yes	Cordevista will construct the infrastructure, systems, and facilities for the provision of public services. These facilities will be deeded to the county and maintained by a General Improvement District (GID).
Objective 4.1: Prepare a study of county absorbed costs of future development projects and consider the implementation of a capital improvement development fee schedule.	Yes	During a future phase, an independent consultant will prepare a cost benefits analysis for the project.
Objective 4.2: Establish and adopt regulatory standards for present and future private operations of water supply and sewage disposal systems to ensure that the county will not be required to maintain such systems due to poor management or operation or due to insufficient capital investment on the part of the private developer.	Yes	All regulatory standards will be established and enforced by the GID.
Goal 5: Protect the public safety and welfare of the residents of newly developing areas.	Yes	Police, fire, and medical will be provided within the Cordevista development and will provide a shorter response time to residents. Amenities within the project include access to schools, access to water, parks and trails, retail/commercial, etc.

Objective 5.1: Require the preparation and submittal of an acceptable emergency response plan for all proposed development projects outside the response perimeter of existing emergency response units. This plan should be approved before required land use permits are issued by the appropriate emergency response management personnel.	Yes	This objective will be met in future stages of the project.
Goal 6: Support efforts to provide Storey County students with superior education opportunities.	Yes	Schools within Cordevista will provide easily accessible education to Storey County students.
Objective 6.1: Maintain liaison with Storey County School district in regards to population growth and school facilities expansion.	Yes	This objective will be met in future stages of the project.
Objective 6.2: Review the need for additional education facilities when considering land use permit approvals for residential development.	Yes	This objective will be met in future stages of the project.
Chapter 7: Transportation		
Goal 1: Provide efficient transportation routes between all communities in the county.	Yes	Cordevista will provide transportation routes between those communities that have expressed the desire for improved connectivity.
Objective 1.1: Request the Nevada Department of Transportation to undertake a feasibility study for paving Six Mile Canyon Road connecting Virginia City and Mark Twain.	N/A	Not applicable to this project.
Objective 1.2: Request the Nevada Department of Transportation to undertake a feasibility study for the construction of a two-lane rural, paved or unpaved, road connecting State Route 341 with Lockwood.	N/A	Not applicable to this project.
Objective 1.3: Undertake a complete survey of all existing public and private roads to prioritize funding for new construction, upgrading existing roads, and repair of deteriorating roads. Additionally, this survey will give planners some indication of future needs for dedicated roads on private lands.	Yes	Cordevista will work with county staff to ensure that new road construction complies with county standards.
Objective 1.4: Actively promote the upgrading of state roads within the county before the Nevada Department of Transportation.	Yes	Cordevista will work with NDOT to ensure that new road construction complies with state road standards.
Goal 2: Enhance transportation availability to the Reno-Sparks metropolitan area.	N/A	Not applicable to this project.
Objective 2.1: Request the Washoe County Regional Transportation Public Service Commission to study the feasibility of extending full or partial bus service to Virginia City, Virginia Highlands and the River District.	?	
Goal 3: To see the completion of the Virginia & Truckee Railroad from Virginia City to Carson City.	N/A	Not applicable to this project.
Objective 3.1: To participate and support the Tri-County Railroad Commission.	N/A	Not applicable to this project.
Goal 4: Anticipate future needs for a small airport or helipad to serve Virginia City and the Virginia Highlands area.	N/A	Not applicable to this project.
Objective 4.1: Identify area.	N/A	Not applicable to this project.
Chapter 8: Cultural Resources		
Goal 1: Protection of the historic resources.	Yes	
Objective 1.1: Maintain and enhance the existing policy of consultation between the Storey County Building Department and the Comstock Historic District Commission regarding CHDC prior approval of exterior design of structures before county permitting is approved.	Yes	This objective will be met in future stages of the project.
Objective 1.2: Enforcement of ordinances and statutes that facilitate protection of resources.	Yes	
Objective 1.3: Public education on the importance of the protection of historic resources.	Yes	
Goal 2: Long term planning of the direction of historic preservation within the district.	Yes	
Objective 2.1: Grants planning for historic preservation.	Yes	
Objective 2.2: Dialogue, planning and project development between tourism promotion and historic preservation entities.	Yes	

Objective 2.3: Maintain and enhance consultation between the Storey County Planning Commission and the Comstock Historic District Commission.	Yes	
Goal 3: Protect the petroglyphs from vandalism.	Yes	Petroglyphs within the Cordevista development will be preserved and protected.
Objective 3.1: Review ownership of the site and request state or federal assistance in protecting this resource.	Yes	
Chapter 5: Land Uses		
County Wide		
Goal 1: Maintain a healthy environment for all residents of the county.	Yes	Police, fire, and medical will be provided within the Cordevista development and will provide a shorter response time to residents. Amenities within the project will be accessible to all county residents. These amenities include access to schools, access to water, parks and trails, retail/commercial, etc.
Objective 1.1: Ensure that land use permit decisions are compatible with the zoning map, master plan, and previous planning decisions.	Yes	In section 4.5 ("Land Inventory") of the Storey County Master Plan it states, "...There is a large amount of land in the north-central section of the county which is in private ownership and has considerable development potential" (pg 24). This is referring to the Cordevista property.
Goal 2: Minimize conflicts between mobile/manufactured and site built housing units.	N/A	Not applicable to this project.
Objective 2.1: Determine the impact on county revenues and services of present and increased mobile home residential development.	N/A	Not applicable to this project.
Objective 2.2: Creation of mobile home overlay zoning districts with distinct tax rebates to ensure that property owners pay their fair share of the property tax burden.	N/A	Not applicable to this project.
Goal 3: Provide for the orderly development of the largest undeveloped area in the county - north and east of Virginia City and the south of the Truckee River.	Yes	Cordevista will provide for the orderly development of the largest undeveloped area in the county.
Objective 3.1: Working with regional economic development authorities, private land owners and state government agencies, initiate a study of the resources of this area and its potential for residential, industrial, recreational or other types of development. Such a study would lead to orderly and desirable development, enhance the natural amenities of the area and increase county tax revenues.	Yes	The Cordevista development is a response to the county's approval of TRI and the subsequent impacts that have resulted from that action. Cordevista intends to provide the services required to accommodate the population that is required to support TRI. Cordevista is an orderly and desirable development that is planned in response to the needs of the county. It enhances the natural amenities of the area and will increase county tax revenues. Cordevista is a mixed-use master planned community that will include many amenities that will be beneficial to surrounding communities and to the county.
Goal 4: Preserve existing agricultural areas.	N/A	Not applicable to this project.
Objective 4.1: Through zoning regulations direct non-agricultural development to non-agricultural areas.	N/A	Not applicable to this project.
Goal 5: Support the development of the county's significant mineral resources while ensuring that negative impacts to the tourism based economy of the Comstock Lode area are minimized.	N/A	Not applicable to this project.
Objective 5.1: Adopt standards or policy statements concerning mineral development on or near the Comstock which are distinct from development standards in outlying areas.	N/A	Not applicable to this project.
Objective 5.2: Refrain from duplicating permit applications requirements and fees which have been established by state and federal agencies.	N/A	Not applicable to this project.
Goal 6: Enhance private and public property values by redefining property boundaries in areas of conflict.	N/A	Not applicable to this project.

Objective 6.1: There are significant discrepancies and conflicts in property boundary definitions and, consequently property rights on deeded lands in Storey County, particularly in the Comstock Lode area. Generally these problems have resulted from faulty land surveys undertaken during the 19th century mining days and result in a significant reluctance and outright refusal of lending institutions to loan funds for property improvement. Therefore, starting with the Planning Commission the county should undertake appropriate actions necessary to initiate a federal resurvey of section, township, and range baselines and a redefinition of the boundaries of Land Patents issued by the Bureau of Land Management and its predecessor, the General Land Office.	N/A	Not applicable to this project.
Virginia City/Gold Hill		
Goal 1: Reduce land use conflicts between mining operations and other private and public land users.	N/A	Not applicable to this project.
Objective 1.1: Actively advise new residents of the importance of mining to the economy of the county and the proximity of patented and possessory mining property when they apply for Building and/or Special Use Permits.	N/A	Not applicable to this project.
Objective 1.2: Include a "visitor/tourism" element into Special Use Permit requirements for mining operations within the Comstock Historic District. Such an element could include informational signs explaining the history of the property being worked.	N/A	Not applicable to this project.
Goal 2: Preserve the historic heritage of the Comstock Lode for the enjoyment and education of present and future residents and visitors and the economic opportunities it affords.	N/A	Not applicable to this project.
Objective 2.1: Inaugurate programs to ensure that no more historically and economically important buildings are lost through neglect (See Cultural resources, Objective 1.1)	N/A	Not applicable to this project.
Objective 2.2: Adopt the Uniform Code of Historic Building Preservation to allow flexibility in plans of the rehabilitation of buildings contributing to the historical significance of the area.	N/A	Not applicable to this project.
Objective 2.3: Develop a sub-area land use plan for the Comstock Lode area which recognizes and enhances its unique attraction to tourists and forms the economic base of the area.	N/A	Not applicable to this project.
Recommendation: A portion of development and land use permit fees be placed in a separate fund for the development of an updated land use plan.	N/A	Not applicable to this project.
Goal 3: Ensure that an adequate drinking water supply is available for anticipated growth in the Comstock region.	N/A	Not applicable to this project.
Objective 3.1: Maintain the primacy of the Virginia City/Gold Hill water allotment allocated in the Franktown Water Decree.	N/A	Not applicable to this project.
Objective 3.2: Enhance local water conservation awareness and prioritize needed repairs on the antiquated water delivery system.	N/A	Not applicable to this project.
Objective 3.3: Redefine by County Ordinance the geographic boundaries of the townsite of Gold Hill as originally written.	N/A	Not applicable to this project.
Virginia Highlands		
Goal 1: Ensure efficient and safe transportation routes for community residents.	N/A	Not applicable to this project.
Objective 1.1: Require that future road and drainage design meet specific standards for rural residential development.	N/A	Not applicable to this project.

Goal 2: Minimize county financial jeopardy related to the issuance of building permits on properties without adequate water resources.	N/A	Not applicable to this project.
Objective 2.1: Require permit seekers to provide the county with documentation showing that their well water meets safe drinking standards before permit is issued.	N/A	Not applicable to this project.
Mark Twain		
Goal 1: To improve road surfaces through paving and increased drainage engineering.	N/A	Not applicable to this project.
Objective 1.1: Complete road surveys by County Road Department to determine the extent of road improvements needed. This schedule is presented annually to the governing body for prioritizing roads via the Regional Transportation Commission.	N/A	Not applicable to this project.
Goal 2: To improve roads within the residential area.	N/A	Not applicable to this project.
Objective 2.1 Through the Regional Transportation Commission, an expanded road improvement program should hasten completion of this goal and objective.	N/A	Not applicable to this project.
Goal 3: The development of a community park and trails for walking and bicycling.	N/A	Not applicable to this project.
Objective 3.1: A park area should be added in the community design as an integral part thereof. The development of parks and trails should be encouraged.	N/A	Not applicable to this project.
Goal 4: Retain existing water resources which exist for the benefit of Mark Twain.	N/A	Not applicable to this project.
Objective 4.1: Request legislation, both at the county and state level to allow restriction or to prevent water or water rights exportation to areas outside Mark Twain.	N/A	Not applicable to this project.
Objective 4.2: Request Nevada State Engineer to commence hydraulic study of water basin in Mark Twain to determine quantity and quality of aquifers to assure aquifers are not being depleted beyond their recharging capabilities.	N/A	Not applicable to this project.
Goal 5: To protect and enhance water quality throughout Mark Twain.	N/A	Not applicable to this project.
Objective 5.1: Requires users of toxic and hazardous materials to provide monitoring capabilities to assure protection from groundwater contamination.	N/A	Not applicable to this project.
Goal 6: Minimize possibility of flooding and resultant damage.	N/A	Not applicable to this project.
Objective 6.1: In areas where this condition is a possibility, consideration must be given to such things as retention ponds and properly engineered drainage courses in accordance with good engineering practices.	N/A	Not applicable to this project.
Objective 6.2: Restrict development in areas where flood plain conditions exist.	N/A	Not applicable to this project.
Goal 7: Require emergency response study on all proposed projects for evaluation prior to approval.	N/A	Not applicable to this project.
Objective 7.1: To recognize the necessity for reasonable response by fire, law enforcement, ambulance and other emergency services.	N/A	Not applicable to this project.
River District		
Goal 1: Increase a sense of community in the widely and thinly dispersed developing areas.	Yes	Cordevista will create a sense of community through providing amenities such as schools, parks and trails, shopping and entertainment for residents of the River District.
Objective 1.1: Working with local land owners and developers, create and consolidate distinct village commercial areas separate from residential and industrial areas through zoning and innovative architectural and landscape standards with the Truckee River as the major design element.	Yes	Cordevista will have distinct commercial areas separate from residential and industrial areas that will serve residents of the River District.
Objective 1.2: Since this areas has more potential developable land, seek funding for the preparation of a detailed sub-area plan for the entire south side of the Truckee River stretching the 30 miles for Washoe County to Fernley.	Yes	The foundation that has been pledged through the development of Cordevista could provide funding for the preparation of a detailed sub-area plan for the entire south side of the Truckee River stretching the 30 miles for Washoe County to Fernley.

Goal 2: Eliminate congestion resulting from truck traffic on Canyon Way at Rainbow Bend.	N/A	Not applicable to this project.
Objective 2.1: Construct an alternate access to the dump area.	N/A	Not applicable to this project.
Goal 3: Retain existing water resources for the River District.	N/A	Not applicable to this project.
Objective 3.1: Require new development to obtain water rights before land use permits are approved.	Yes	This objective will be met as required when land use permits are being submitted.
Objective 3.2: With local residents and development firms, investigate the development of a unified water and sewer district for the River District.	N/A	Not applicable to this project.
Goal 4: Coordinate land uses on the south side (Storey County) of the Truckee River with developments on the north side (Washoe County) of the river and vice versa.	N/A	Not applicable to this project.
Objective 4.1: Maintain liaison with the Washoe County Planning Commission.	N/A	Not applicable to this project.
Objective 4.2: Send the WCPC notification of pending planning decisions regarding developments on the south side of the river and request the SCPC be added to their mailing list regarding planning actions.	N/A	Not applicable to this project.
Objective 4.3: If and when the WCPC approves the proposed race track at the I-80 Patrick interchange, rezone adjacent areas of Storey County as appropriate.	N/A	Not applicable to this project.
Goal 5: Design zoning districts to allow for a mix in land use development.	Yes	Cordevista is a mixed-use master planned community.
Objective 5.1: Consider zoning the Tracy-Clark area for industrial use.	N/A	Not applicable to this project.
Objective 5.2: Set aside a site for a small retail commercial area at Lockwood.	N/A	Not applicable to this project.
Objective 5.3: Define and designate the area including and surrounding the Aerojet facility as "High Risk Industrial Zone" with appropriate buffer zone.	Yes	With the approval of the master plan amendment for Cordevista, there will not be a "high risk industrial zone" designation.
American Flat		
Goal 1: Minimize the potential for uncontrolled negative land use of the relatively undeveloped area.	N/A	Not applicable to this project.
Objective 1.1: Redefine the boundaries of Gold Hill to once again include American Flat (See Virginia City/Gold Hill Object 3.3)	N/A	Not applicable to this project.

EXHIBIT "D"

Application Inclusions

Project Location

The project is located in a secluded valley within the Virginia Range adjacent to Long Valley Creek in Storey County, Nevada. The project area consists of approximately 8,600 acres. The project is encompassed to the North, East, and South by the Tahoe-Reno Industrial Center (TRI). The project is 3.9 miles from Lockwood, 4.3 miles from Virginia Highlands fire house, and 5.2 miles from TRI currently built facilities. The land to the West is privately owned by Storey County Properties Partnership. The project is isolated and will have no impact on any existing communities.

Justification Statement

For the past two decades the project site was considered isolated enough from other residential areas in Storey County that the County created a Special Industrial (IS) zone classification for the property. This zone designation allows ammunition manufacture, testing and storage, chemical manufacture, testing and storage, airbag and other passive restraint system manufacture, testing and storage, explosive, propellant, and pyrotechnic manufacture, testing and storage, ignitors and ignition systems manufacture, testing and storage, etc... In essence the zone designation allows hazardous uses to occur in an isolated location. The TRW Company's operation, which manufactured explosive modules for automobile air bags, took advantage of the zoning and occupied the site for several years. That operation no longer exists and a change in ownership coupled with a dramatic shift in County land uses has produced a situation where a change in land use on this site makes sense.

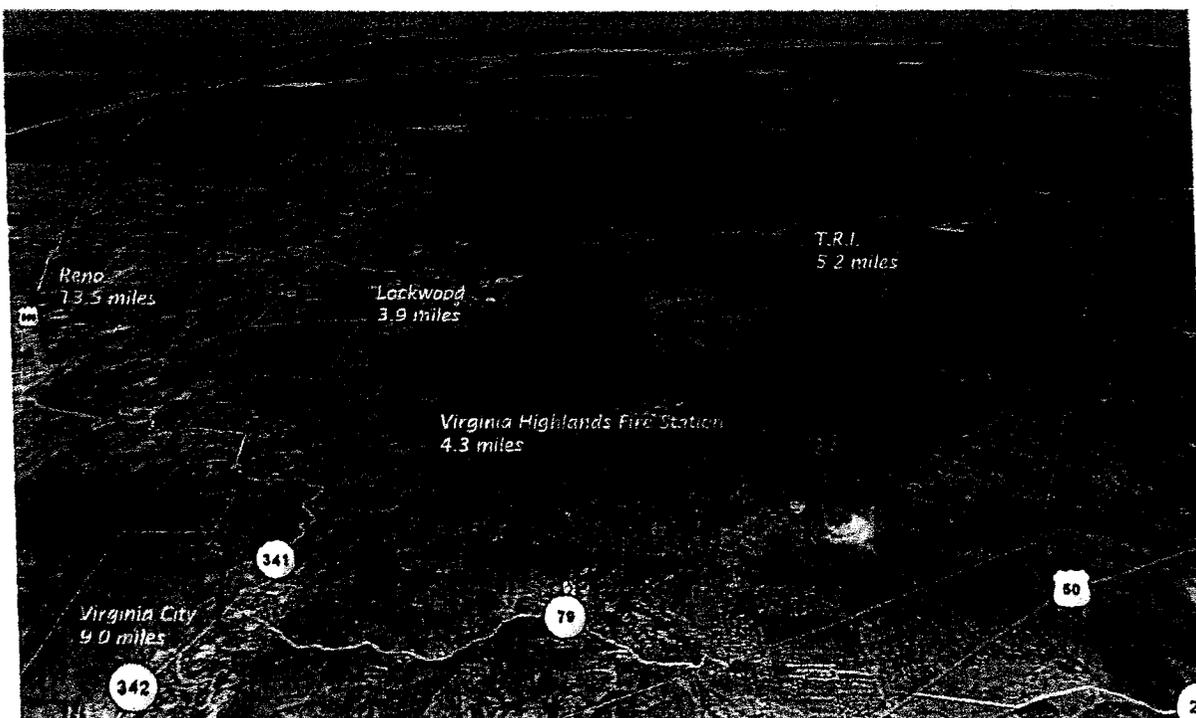
In July 1999 the Tahoe Reno Industrial Center (TRI) obtained the required zoning from Storey County to allow heavy industrial development to occur on their 102,000 acre site. Storey County and this project are affectively in the heart of all of Northern Nevada. In February of 2000 the Development Agreement was approved granting entitlement from the County to begin developing the first phase of the six phase project. Each phase will contain approximately 5,000 acres of heavy industrial and manufacturing use and produce approximately 100,000,000 square feet of buildings, creating an estimated 30,000 to 35,000 jobs per phase. When the sixth and final phase of the TRI project is complete there will be approximately 600,000,000 square feet of building for a projected 180,000 to 210,000 employees on the 30,000 acre site. The success of TRI is evidenced by the rapid absorption of the first phase. To date, the County has received applications that will in essence complete sales of phase one in 7 years; 13 years ahead of schedule. Currently, as of February 2007, 6,000,000 square feet of buildings are in the Storey County Building department for building permit approval which will produce an anticipated 8,000 new jobs by December 2008. The existence of TRI changes the land use potential of the Cordevista site as there is a great need in Storey County to provide mixed uses of office, retail, and housing for the current and future employees that will work within TRI and the County. The surrounding Counties have discussed and are requesting that Storey County deliver a balance of office, retail, and housing for all the growth in TRI.

The vision for this project is to create a self sustaining mixed use development that will assist Storey County in maintaining a balance between the rapid growth in employment and the need for office, retail, housing, and amenities. This community will supply commercial/retail, civic, parks, trails, and other land uses for its residences. It will provide essential utilities and services including water, power, & sewer, and will not rely upon existing Storey County developments for these resources.

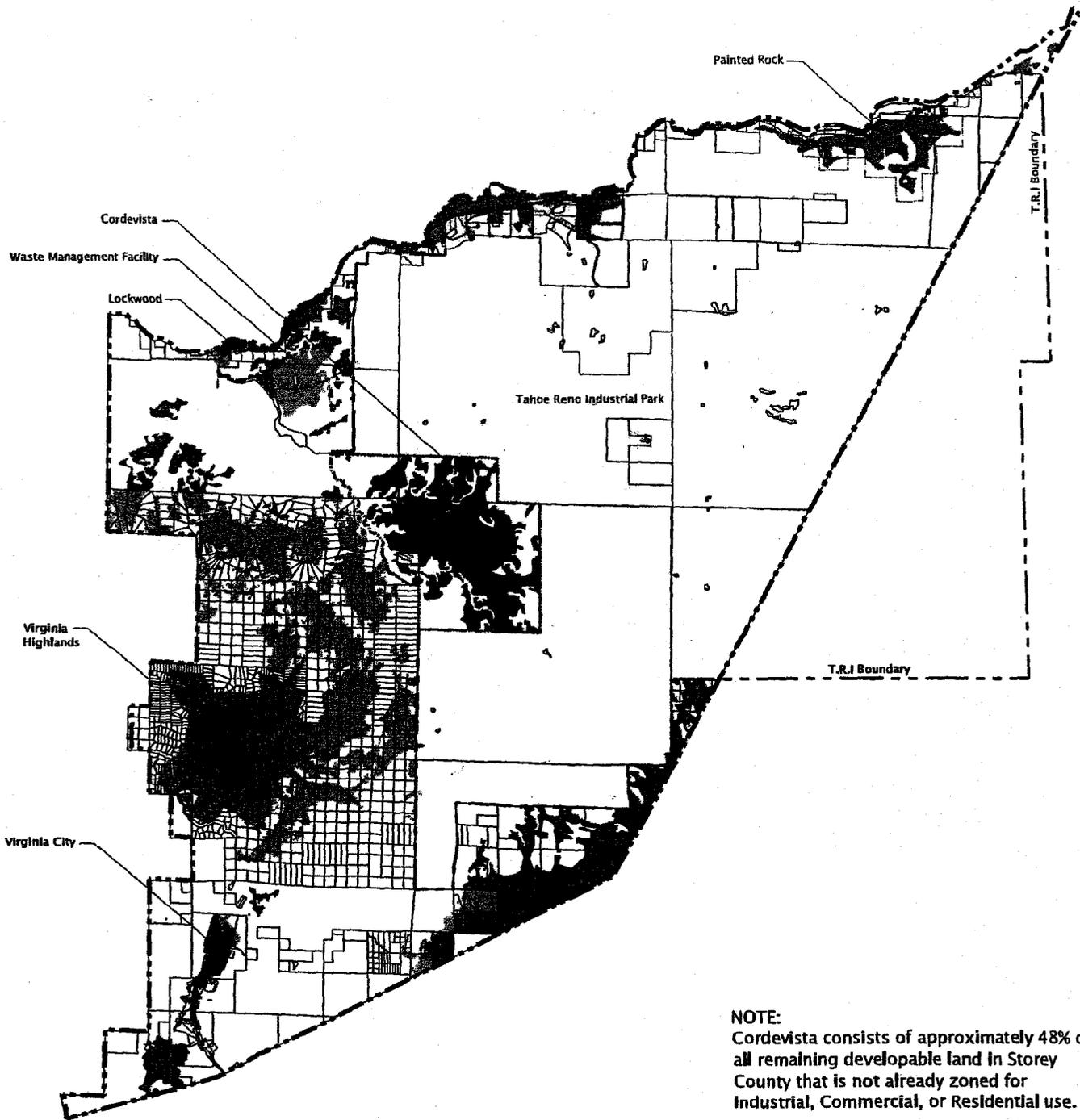
No roads will be built to Virginia Highlands or Lockwood. The primary road will be a newly developed road to TRI. The existing dirt road to Lockwood will be gated and used only for emergency access. There is potential for two new alternate roads from the project site. One road may head West towards Reno and the other may head North to the Mustang Exit area. It is important to understand that neither of these roads will connect to Virginia Highlands or Lockwood or produce traffic that will affect the traffic volumes within existing Virginia Highlands, Virginia City, and Lockwood neighborhoods.

Water for this project will be imported from other sources and not from ground water basins from the Virginia Highlands or Lockwood areas. The ground water supply for existing Storey County residents will not be affected in any negative way as a result of this project. In fact, with current development technology and storage techniques, this project may present an opportunity to improve the amount of available water for existing residents through ground water storage and recharge practices.

All environmental and cultural studies conducted on the 6,800 acres of property are complete. However, these studies have now been expanded to include the newly purchased portion of land (approximately 1,800 acres). All studies for the entire property will be complete at the time of PUD or Development Agreement submittal.



Storey County Slope Map/Remaining Developable Land



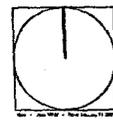
NOTE:
 Cordevista consists of approximately 48% of all remaining developable land in Storey County that is not already zoned for Industrial, Commercial, or Residential use.

Legend

	Storey County	Est. 169,360 Acres
	T.R.I. Area (Includes Painted Rock property and T.R.I. Property Inside Main County)	102,000 Acres
	Properties that have been Developed, Planned, or Zoned	18,673 Acres
	Remaining Developable Land in Storey County	11,244 Acres
	Cordevista Project/Site	5,394 Acres

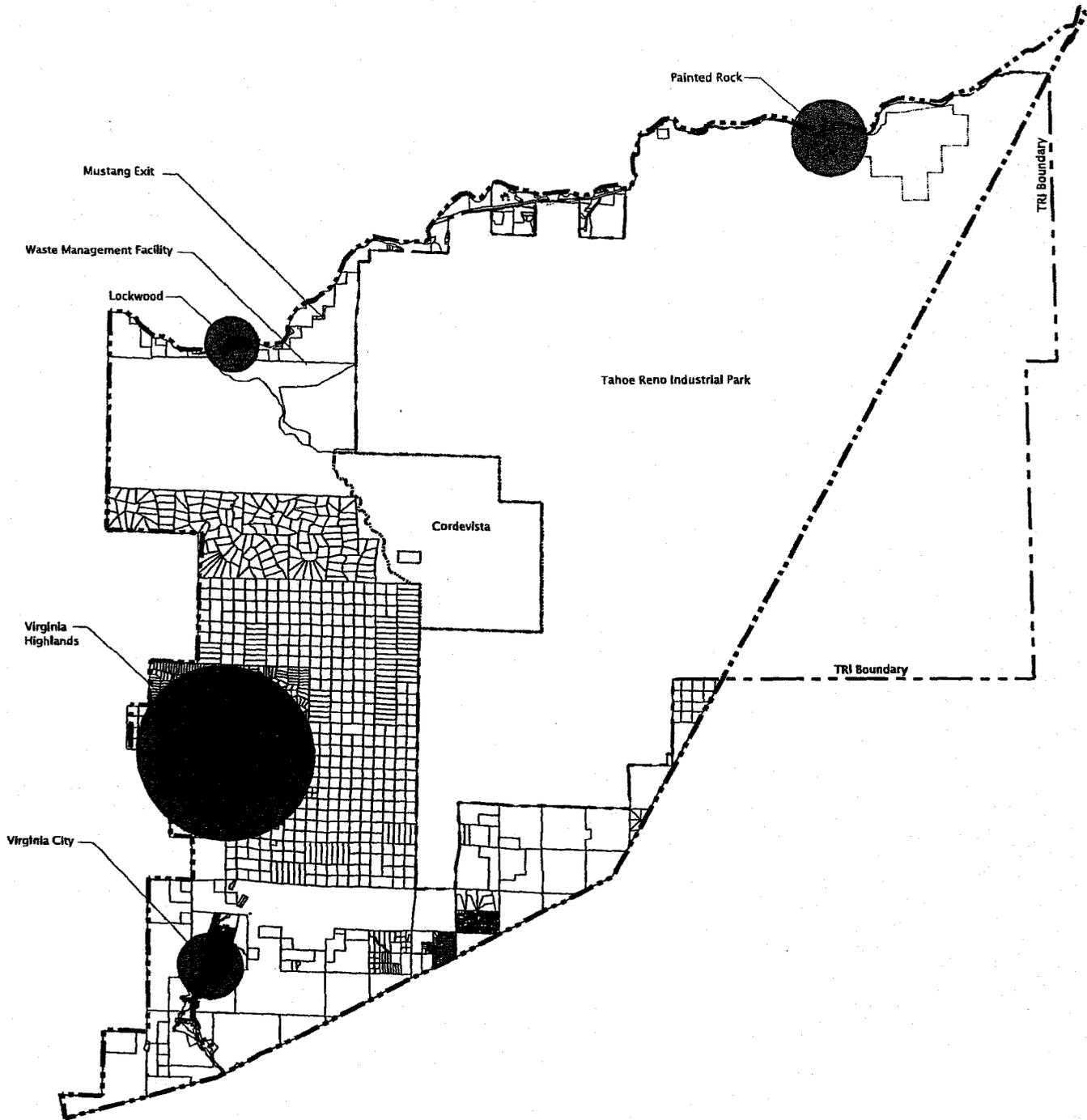
Cordevista

A Master Planned Mixed Use Community



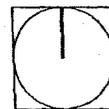
THE PLANNING CENTER
 147 W. ELECTRON ROAD DRAVER, UT 84020
 801-436-2863 WWW.PLANNINGCENTER.COM

Property Ownership

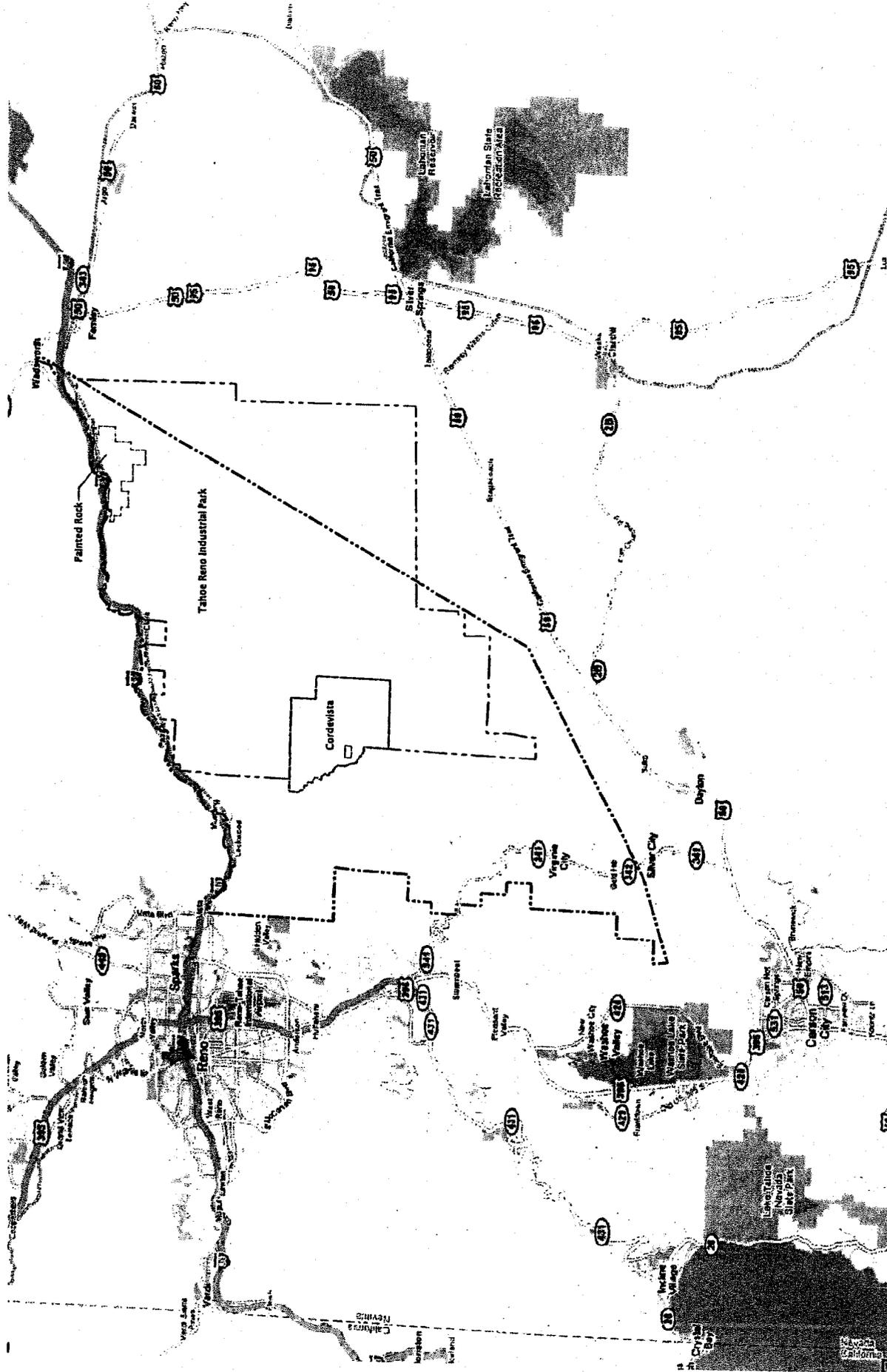


Cordevista

A Master Planned Mixed Use Community



THE PLANNING CENTER
147 W. REICHER ROAD DRAPER, UT 84020
801.456.3883 WWW.PLANNINGCENTER.COM



Corddevista

A Master Planned Mixed Use Community

1 Mark Amodei, Esq.
2 State Bar No. 708
3 KUMMER KAEMPFER BONNER RENSHAW & FERRARIO
4 5585 Kietzke Lane
5 Reno, NV 89511
6 (775) 852-3900

7 Stephen C. Mollath, Esq.
8 State Bar No. 922
9 PREZANT & MOLLATH
10 6560 SW McCarran Blvd., Suite A
11 Reno, NV 89509
12 (775) 786-3011

13 Attorneys for VIRGINIA HIGHLANDS, LLC

14
15 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
16 **IN AND FOR THE COUNTY OF STOREY**

17 VIRGINIA HIGHLANDS, LLC, a Nevada
18 limited liability company,

19 Petitioner,

20 vs.

Case No.
Department No.

21 STOREY COUNTY, a political subdivision
22 of the State of Nevada,

23 Respondent.

24 **PETITION FOR JUDICIAL REVIEW PURSUANT TO NRS 278.0233,**
25 **DECLARATORY RELIEF AND DAMAGES**
26 **(Transcripts of Planning Commission and County Commission)**
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- May 3, 2007, Storey County Planning Commission (Rainbow Bend Clubhouse)
- July 19, 2007, Storey County Planning Commission
- August 21, 2007, Storey County Commission



1 Mark Amodei, Esq.
2 State Bar No. 708
3 KUMMER KAEMPFER BONNER RENSHAW & FERRARIO
4 5585 Kietzke Lane
5 Reno, NV 89511
6 (775) 852-3900

7 Stephen C. Mollath, Esq.
8 State Bar No. 922
9 PREZANT & MOLLATH
10 6560 SW McCarran Blvd., Suite A
11 Reno, NV 89509
12 (775) 786-3011

13 Attorneys for VIRGINIA HIGHLANDS, LLC

14
15 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
16 **IN AND FOR THE COUNTY OF STOREY**
17

18 VIRGINIA HIGHLANDS, LLC, a Nevada
19 limited liability company,

20 Petitioner,

21 vs.

Case No.
Department No.

22 STOREY COUNTY, a political subdivision
23 of the State of Nevada,

24 Respondent.
25
26
27
28

PETITION FOR JUDICIAL REVIEW PURSUANT TO NRS 278.0233,
DECLARATORY RELIEF AND DAMAGES

APPLICATION RECORD, VOLUME 1

(Exhibits 1 – 49)

STOREY COUNTY, NEVADA

VIRGINIA HIGHLANDS, LLC

CORDEVISTA PROJECT

- **2007-049 Master Plan Amendment for 8,590 acres, Special Industrial and Forestry to PUD**
- **2007-050 Zone Change for 8,590 acres, Special Industrial and Forestry to PUD**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Mark Amodei, Esq.
2 State Bar No. 708
3 KUMMER KAEMPFER BONNER RENSHAW & FERRARIO
4 5585 Kietzke Lane
5 Reno, NV 89511
6 (775) 852-3900

7 Stephen C. Mollath, Esq.
8 State Bar No. 922
9 PREZANT & MOLLATH
10 6560 SW McCarran Blvd., Suite A
11 Reno, NV 89509
12 (775) 786-3011

13 Attorneys for VIRGINIA HIGHLANDS, LLC

14
15 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
16 **IN AND FOR THE COUNTY OF STOREY**
17

18 VIRGINIA HIGHLANDS, LLC, a Nevada
19 limited liability company,

20 Petitioner,

21 vs.

Case No.
Department No.

22 STOREY COUNTY, a political subdivision
23 of the State of Nevada,

24 Respondent.
25
26
27
28

PETITION FOR JUDICIAL REVIEW PURSUANT TO NRS 278.0233,
DECLARATORY RELIEF AND DAMAGES

APPLICATION RECORD, VOLUME 2

(Exhibits 50 – 134)

STOREY COUNTY, NEVADA

VIRGINIA HIGHLANDS, LLC

CORDEVISTA PROJECT

- **2007-049 Master Plan Amendment for 8,590 acres, Special Industrial and Forestry to PUD**
- **2007-050 Zone Change for 8,590 acres, Special Industrial and Forestry to PUD**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT "2"

1 GUNDERSON LAW FIRM
Mark H. Gunderson, Esq.
2 Nevada State Bar No. 2134
3 Elaine S. Guenaga, Esq.
Nevada State Bar No. 5008
4 3895 Warren Way
Reno, Nevada 89509
5 Telephone: 775.829-1222
6 Facsimile: 775.829-1226

7 LAW OFFICE OF KEITH LOOMIS
Keith Loomis, Esq.
8 9468 Double R. Blvd., Suite A
Reno, Nevada 89521
9 Telephone: 775.887.1002
10 Facsimile: 775.883.1987
Attorneys for Respondent

12 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
13 **IN AND FOR STOREY COUNTY**

14 VIRGINIA HIGHLANDS, LLC, a Nevada limited liability Case No. CV-20121
15 company, Petitioner, Dept. No. I
16 vs.
17 STOREY COUNTY, a political subdivision of the State of
18 Nevada, Respondent.
19

20 _____ /
21 **NOTICE OF ENTRY OF ORDER**

22 PLEASE TAKE NOTICE that on September 24, 2008 Senior Judge Miriam Shearing
23 executed the Decision and Order denying the relief sought by Petitioner, Virginia Highland, LLC.
24 ///
25 ///
26 ///
27 ///
28 ///



1 A copy of the Decision and Order is attached as Exhibit 1 which is incorporated by reference
2 as if fully set forth at this point.

3 DATED this 8th day of October, 2008.

4 GUNDERSON LAW FIRM

5
6 By: Elaine S. Guenaga
7 Mark H. Gunderson, Esq.
8 Nevada State Bar No. 2134
9 Elaine S. Guenaga, Esq.
10 Nevada State Bar No. 5008
11 Attorneys for Respondent
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Case No. CV-20121

2 Dept. No. I

3

4 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF STOREY**

6 VIRGINIA HIGHLANDS, LLC, a Nevada limited liability
7 company,

Case No. CV-20121

Dept. No. I

8

Petitioner,

9

vs.

10

11 STOREY COUNTY, a political subdivision of the State of
12 Nevada,

12

Respondent.

13

14

AFFIRMATION
Pursuant to NRS 239.030

15

16

The undersigned does affirm that the proceeding document **DOES NOT** contain the social
17 security number of any person: (list document[s] attached below)

18

19

1) NOTICE OF ENTRY OF ORDER

20

21

2) _____

22

23

3) _____

24

- OR -

25

26

The undersigned does affirm that the document named below **DOES** contain the social
27 security number of a person as required by state or federal law or for the administration of a public
28 program or for an application for a federal or state grant: (list the document[s] attached containing
social security number information below)

29

30

1) _____

1 2)

2 3)

DATED this 8th day of October, 2008.

GUNDERSON LAW FIRM

By: Elaine S. Guenaga

Mark H. Gunderson, Esq.
Nevada State Bar No. 2134
Elaine S. Guenaga, Esq.
Nevada State Bar No. 5008
Attorneys for Respondent

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED

1 Case No. CV20121

2 Dept. No. 1

2008 SEP 25 PM 3:50

STOREY COUNTY CLERK

BY W. Boacus
DEPUTY

3

4

5

6

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF STOREY

8

-000-

9 VIRGINIA HIGHLANDS, LLC, a Nevada
10 limited liability company,

11

Petitioner,

12

vs.

DECISION AND ORDER

13

STOREY COUNTY, a political subdivision
of the State of Nevada,

14

15

Respondent.

16

17

This is a petition for judicial review by Virginia Highlands, LLC, a real estate development company, challenging the decision of the Storey County Commission denying an application for an amendment to the Storey County Master Plan. Virginia Highlands asks for review of the Storey County decision under NRS 278.0233, Actions Against Agencies, and NRS Chapter 30.010, the Uniform Declaratory Judgment Act.

20

21

22

23

24

25

26

On February 26, 2007, Virginia Highlands filed with Storey County a Master Plan Amendment Application and a Zone Change Application seeking a mixed-use residential Planned Unit Development for 8,600 acres in Storey County. Before the property was purchased by Virginia Highlands, it had been used since 1986 as a manufacturing, storage and testing facility for ammunition, rocket propellant and explosives and was zoned Special Industrial Use.

27

28

On December 20, 1994, Storey County adopted its Master Plan. The Master Plan contained the following statement regarding the property now owned by Virginia Highlands:

1 A short distance beyond the disposal site is the turnoff to the Aerojet of
2 Nevada facility, which is at the end of a winding two lane road. This high-tech
3 explosives manufacturing and testing facility is intentionally located in an area
4 four miles from any other development. As such it provides an unusual
5 planning and land use opportunity. With the existing two-plus mile buffer
6 around it, consideration should be given to classifying the area a "high risk
7 industrial" zone. The "high risk industrial" classification could be defined to
8 include similar facilities. Property tax rates for this classification would reflect
9 costs related to providing additional services. It is likely that many firms
10 involved in same or similar types of manufacturing and/or testing would be
11 interested in relocating to an area which already had the necessary regulatory
12 framework in place.

13 Virginia Highlands' argument regarding its application for the Master Plan
14 amendment is two-fold. First it argues that the statement regarding the Aerojet property was
15 not the result of a rational planning process, but was rather merely the recognition of a prior
16 existing Special Use Permit which was imposed by a prior Stipulation and Court Order
17 involving a predecessor of Virginia Highlands. Therefore, it argues, the statement is not
18 really a part of the Master Plan and should be given no consideration.

19 The second argument of Virginia Highlands regarding the amendment application is
20 that even if the Special Industrial designation of the property is consistent with the Storey
21 County Master Plan, Virginia Highlands' request for a Mixed Use Residential designation
22 is also consistent with the Master Plan; and the high risk industrial designation is no longer
23 appropriate since those high-risk functions have been abandoned. Therefore, for both
24 reasons, the Master Plan Amendment Application was unnecessary and the Commissioners
25 had to consider the Zone Change Application.

26 At the Commission meeting on August 21st, 2007, at which the amendment
27 application was considered, the Storey County Commission denied the Master Plan
28 Amendment Application and did not consider the Zone Change Application. The question
for this court, then, is whether the denial of the Master Plan Amendment Application was
appropriate.

Virginia Highlands maintains that the statement in the Master Plan regarding its
property is not to be considered because it was not part of a rational and deliberative planning
process, but rather merely recognition of a prior court order allowing high-risk use. The

1 language of the statement belies that view. The statement recognizes that because of the
2 location of the property four miles from any other development "it provides an unusual
3 planning and land use opportunity." It goes on to say:

4 Property tax rates for this classification would reflect costs related to providing
5 additional services. It is likely that many firms involved in the same or similar
6 types of manufacturing and/or testing would be interested in relocating to an
7 area which already had the necessary regulatory framework in place.

8 The Commissioners were looking to attract other businesses of the same type, thereby
9 generating more taxes. They were not looking to the past, but had a rational basis for
10 maintaining the high-risk use designation into the future. The statement in the Master Plan
11 regarding the property now owned by Virginia Highlands cannot be ignored or read out of
12 the plan. The Commission clearly intended to maintain the property for special industrial use
13 as part of the Master Plan.

14 The housing development proposed by Virginia Highlands for its property is not
15 consistent with this Master Plan. A master plan is to serve as a pattern and guide for the
16 growth and development of the county. Therefore, an amendment to the Master Plan would
17 be necessary if the Virginia Highlands development project were to go forward.

18 This court must give deference to the legislative determination of the Storey County
19 Commission that it did not wish to amend its Master Plan. Although the Nevada Supreme
20 Court has not dealt directly with the standard of review of a county decision not to amend
21 a master plan, it is clear that the court must be highly deferential to the enacting body. As
22 the Nevada Supreme Court said in *Coronet Homes, Inc. v. McKenzie*, 84 Nev. 250, 255-56,
23 439 P.2d 219, 223 (1968), in the context of a land use request:

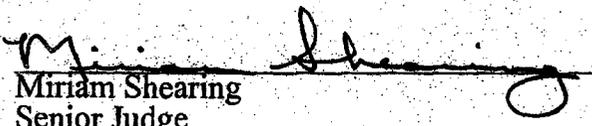
24 The days are fast disappearing when the judiciary can look at a zoning
25 ordinance and, with nearly as much confidence as a professional zoning expert,
26 decide upon the merits of a zoning plan and its contribution to the health,
27 safety, morals or general welfare of the community. Courts are becoming
28 increasingly aware that they are neither super boards of adjustment nor
29 planning commissions of last resort.

30 Nevada law, thus, is consistent with the law of Minnesota as articulated in *Concept
31 Properties, LLP v. City of Minnetrista*, 694 N.W. 2d 804, 814 (Minn. App. 2005). A

1 municipal body acts in a legislative capacity when it adopts or amends a comprehensive
2 land-use plan. *Id.* Municipal bodies have broad discretion in making zoning and land-use
3 decisions. *Id.* Courts will reverse zoning decisions only where there are no grounds for
4 reasonable debate and where the action of the municipal body is arbitrary, capricious,
5 discriminatory, or illegal. *Id.* The evidence presented by Virginia Highlands was not
6 sufficient to support the view that any of these defects apply to the Storey County refusal to
7 amend its Master Plan.

8 For the foregoing reasons, this court denies Virginia Highlands' prayer that Storey
9 County be ordered to approve the Application for Amendment to the Master Plan. Since this
10 court has concluded that the Virginia Highlands' Zoning Application was inconsistent with
11 the Master Plan and finds that the Storey County Commission never considered the Zoning
12 Application, this court also denies Virginia Highlands' prayer that its Zoning Application be
13 approved. This court also concludes that there is no basis for any relief to Virginia
14 Highlands under NRS 278.0237.

15 IT IS SO ORDERED this 24th day of September, 2008.

16
17
18 
19 Miriam Shearing
20 Senior Judge
21
22
23
24
25
26
27
28

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District
3 Court in and for Carson City and Storey County, and that on this 25th day of September,
4 2008, served by the following method of service:

- 5 regular U.S. Mail overnight UPS
6 certified U.S. Mail overnight Federal Express
7 registered U.S. Mail Fax to #
8 hand delivery personal service

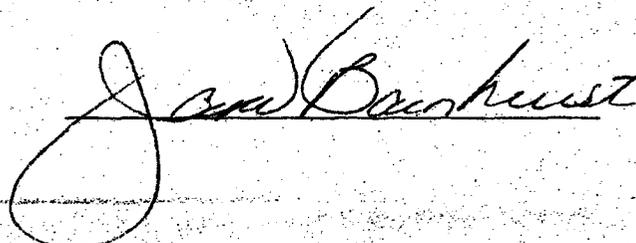
9
10 a true copy of the foregoing **DECISION AND ORDER** addressed to:

11 Mark E. Amodei, Esq.
12 9210 Prototype Way, Suite 200
13 Reno, NV 89521

Stephen Mollath, Esq.
Prezant & Mollath
6560 S.W. McCarran Blvd., Suite A
Reno, NV 89509

14 Mark H. Gunderson, Esq.
15 5345 Kietzke Lane, Suite 200
16 Reno, NV 89511

17 The Honorable Miriam Shearing

18 
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCPC 5(b), I certify that I am an employee of the law office of GUNDERSON
LAW FIRM, and that on the 8 day of October, 2008, I deposited for mailing in Reno, Nevada, a
true and correct copy of the **NOTICE OF ENTRY OF ORDER**, addressed to:

Stephen C. Mollath, Esq.
6560 SW McCarran Blvd. Suite A
Reno, NV 89509

Keith Loomis, Esq.
Law Office of Keith Loomis
9468 Double R. Blvd., Suite A
Reno, Nevada 89521

Justice Miriam Shearing
Senior Justice
Supreme Court Building
201 South Carson Street, Suite 201
Carson City, NV 89701-4702

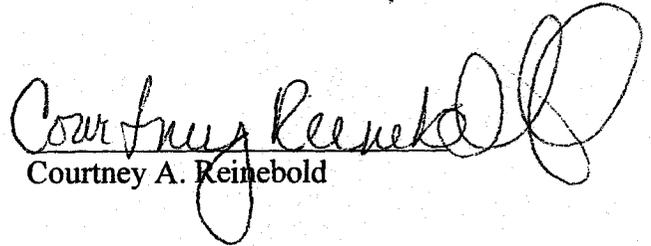

Courtney A. Reinebold

EXHIBIT "3"

FILED

1 David M. Norris, Esq.
2 State Bar No. 638
3 KUMMER KAEMPFER BONNER RENSHAW & FERRARIO
4 5585 Kietzke Lane
5 Reno, NV 89511
6 (775) 852-3900

2008 OCT 14 PM 2:40

STOREY COUNTY CLERK

BY *W. Bacus*
DEPUTY

5 Stephen C. Mollath, Esq.
6 State Bar No. 922
7 PREZANT & MOLLATH
8 6560 SW McCarran Blvd., Suite A
9 Reno, NV 89509
10 (775) 786-3011

11 Attorneys for VIRGINIA HIGHLANDS, LLC

12 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
13 **IN AND FOR THE COUNTY OF STOREY**

14 VIRGINIA HIGHLANDS, LLC, a Nevada
15 limited liability company,

16 Petitioner,

17 vs.

18 STOREY COUNTY, a political subdivision
19 of the State of Nevada,

20 Respondent.

Case No. CV-20121
Department No. II (Case assigned to
Justice Miriam Shearing)

21 _____ /
22 **NOTICE OF APPEAL**

23 VIRGINIA HIGHLANDS, LLC, a Nevada limited liability company, the above-named
24 Petitioner, appeals to the Supreme Court of the State of Nevada from the Decision and Order
25 dated September 25, 2008, pursuant to the hearing of the Court on September 22, 2008 and
26 entered on October 8, 2008.
27
28

1 The party to the above Decision and Order appealed from, and the name and address
2 of its attorneys, is as follows:

3 STOREY COUNTY, a political subdivision of the State of Nevada
4 Mark H. Gunderson, Esq.
5 3895 Warren Way
6 Reno, NV 89509

7 Keith Loomis, Esq.
8 300 W. Second St.
9 Carson City, NV 89703

10 DATED this 13th day of October, 2008.

11 **KUMMER KAEMPFER BONNER**
12 **RENSHAW & FERRARIO**

13 and

14 **PREZANT & MOLLATH**

15 By 

16 _____
17 Stephen C. Mollath, Esq.
18 Attorneys for Petitioner
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**FIRST JUDICIAL DISTRICT COURT
COUNTY OF STOREY, STATE OF NEVADA**

**AFFIRMATION
Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding document, **NOTICE OF APPEAL**, filed in Case No. CV-20121.

Document does not contain the social security number of any person

-OR-

Document contains the social security number of a person as required by:

A specific state or federal law, to wit:

-or-

For the administration of a public program

-or-

For an application for a federal or state grant

-or-

Confidential Family Court Information Sheet (NRS 125-130, NRS 125.230 and NRS 125B.055)

DATED this 13th day of October, 2008.

PREZANT & MOLLATH

By 

Stephen C. Mollath, Esq.
Attorney for Petitioner

CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), I certify that I am an employee of PREZANT & MOLLATH and that on this 14th day of October, 2008, I served the foregoing document(s) on the party(s) set forth below by:

- Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.
- Personal delivery.
- Facsimile (FAX).
- Federal Express or other overnight delivery.
- Reno/Carson Messenger Service.

addressed as follows:

Mark H. Gunderson, Esq.
3895 Warren Way
Reno, NV 89509

Keith Loomis, Esq.
300 W. Second St.
Carson City, NV 89703

Joan Ottaviano