

**Summary:** An ordinance amending Title 15 of the Lincoln County Code to revise the definition of “Electric Generating, Distributed” and Use Table E-1.0; revise the definition of “Electric Generating Station” and Use Table E-1.4; add the definition for a “Data Center” and a “Server Farm”; add Use Table D-1.0 for a “Data Center”, revise the definition of a “Public Utility”; add the definition of a “Private Utility”; add a footnote to Section 15-3-05 concerning maximum building or structure heights allowed for a “Electrical Generation, Station” use; adding to Section 15-3-13 the authority for the Administrator to determine the on-site parking requirements for “Electric Generation, Station” and “Data Center” uses; revise Section 15-3-20 by changing “District” to “electric power provider”; revise Section 15-3-21 to address both public and private natural gas systems, and; adding to Section 15-3-24 a clarification of elevation points resulting from a wash or ephemeral channel elevation.

BILL NO. 2009-\_\_

ORDINANCE NO. 2009-\_\_

AN ORDINANCE AMENDING TITLE 15 OF THE LINCOLN COUNTY CODE TO REVISE AND ADD DEFINITIONS; REVISE AND ADD USE TABLES; ADDRESS BUILDING AND STRUCTURE HEIGHTS FOR ELECTRIC GENERATION, STATION USES; ADDRESS ON-SITE PARKING REQUIREMENTS FOR ELECTRIC GENERATION, STATION AND DATA CENTER USES; REVISE ELECTRIC POWER SYSTEM PROVIDER LANGUAGE; ADDRESS BOTH PUBLIC AND PRIVATE NATURAL GAS SYSTEMS; CLARIFY HILLSIDE ELEVATION POINTS, AND OTHER MATTERS PROPERLY RELATED THERETO

**WHEREAS**, development of the Coyote Springs Planning Area is governed by Lincoln County Code Title 15;

**WHEREAS**, Lincoln County Code Title 15 needs to be maintained in a manner that allows it to adequately address planned development;

**WHEREAS**, the Lincoln County Code Title 15 as currently adopted may not adequately address planned development in certain circumstances;

**WHEREAS**, Lincoln County recognizes the benefits of development within the Coyote Springs Planning Area occurring in compliance with Lincoln County Code Title 15;

**WHEREAS**, the Commissioners have determined that it is in the public interest to maintain Lincoln County Code Title 15 for the orderly development of the Coyote Springs Planning Area;

**THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LINCOLN DO ORDAIN:**

1. The definition of "Electric Generating, Distributed" in Appendix "B", of Title 15, is hereby amended and restated in its entirety to read as follows:

**Electric Generation, Distributed**

"Electric Generation, Distributed" is a small scale (with output of five megawatts or less) power generating unit established as an accessory use designed to provide necessary power for the principal use, but not including emergency backup generators. Such technologies include, but are not limited to: reciprocating engines, microturbines, industrial combustion turbines, fuel cells, photovoltaics or other solar generation technology, geothermal and wind turbines. This definition includes all such existing technology as well as future technology related to and for the Electric Generation, Distributed industry. (See Electric Generation, Station or Electric Generation, Emergency.)

2. The definition of "Electric Generating Station" in Appendix "B", of Title 15, is hereby amended and restated in its entirety to read as follows:

**Electric Generation, Station**

"Electric Generation, Station" means a facility that generates electricity produced by biomass, geothermal, solar, wind, gas, or hydroelectric power sources when the capacity of power generated exceeds five megawatts or when established as the principal use of the property. This is intended to include all existing technology as well as future technology related to and for the Electric Generation, Station industry. (See Electric Generation, Distributed or Electric Generation, Emergency).

3. Appendix "A" USES, of Title 15, both the Index of Uses and Table E-1.0 are hereby amended by replacing the "use" term "Electric Generating, Distributed" with the "use" term "Electric Generation, Distributed".

4. Appendix "A" USES, of Title 15, both the Index of Uses and Table E-1.4 are hereby amended by replacing the "use" term "Electric Generating Station" with the "use" term "Electric Generation, Station".

5. Appendix "B" DEFINITIONS, of Title 15, the definition of "Data Center" is hereby added before the definition of the word "Day", and which reads as follows:

**Data Center**

"Data Center", also called a "Server Farm", means a facility used to house computer systems and associated components, such as telecommunications and storage systems. It may be comprised of one or more buildings and generally includes redundant or backup power supplies, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression) and security devices.

6. Appendix "A" USES, of Title 15, the Index of Uses is hereby amended by adding the "use" term "Data Center" and adding "Use Table D-1.0" to the Table of Uses. Use Table D-1.0 permits a Data Center use in the CS-M-2 land use zone, allows a Data Center use in the CS-M-1 land use zone by special use permit approved by the planning commission, allows a Data Center use in the CS-M-D land use zone by special use permit approved by the board of county commissioners, and prohibits a Data Center use in all other land use zones.

7. Appendix "B" DEFINITIONS, of Title 15, the definition of "Server Farm" is hereby added before the definition of the term "Service Bar", and which reads as follows:

**Server Farm**

"Server Farm" see "Data Center"

8. Appendix "B" DEFINITIONS, of Title 15, the definition of "Public Utility" is hereby amended and restated in its entirety to read as follows:

**Public Utility**

"Public Utility" has the meaning ascribed under Section 704.020 of the Nevada Revised Statutes ("Public Utility" or "Utility" defined.), but not including the offices for such which shall be considered an "Office."

9. Appendix “B” DEFINITIONS, of Title 15, the definition of “Private Utility” is hereby added before the definition of the term “Prohibited Use”, and which reads as follows:

**Private Utility**

"Private Utility" means persons not included in the definition of a Public Utility or Utility under Section 704.021 of the Nevada Revised Statutes ("Public Utility" or "Utility" further defined.).

10. Section 15-3-05, of Title 15 is hereby amended by replacing footnote number “19” to the “Maximum Building Height” table with a new footnote which reads as follows:

“19 Maximum building or structure heights do not apply to an “Electric Generation, Station” use.

11. Section 15-3-05, of Title 15, is hereby amended by changing the number of the current footnote number “19” of the “Maximum Building Height” table to footnote number “20”.

12. Section 15-3-13, of Title 15, On-Site Parking and Loading Facilities, (E) Off-street parking spaces--Number required, (3) Industrial uses is hereby amended by adding a new subsection (d), and which reads as follows:

d. Electric Generation, Station and Data Center uses, to be determined by the Administrator based upon the off-street parking needs of a specific project.

13. Section 15-3-20, of Title 15, is hereby amended throughout by replacing the words “the District” with the words “the electric power provider”, and which reads as follows:

**15-3-20: Electric Power System.**

A. The electric power system shall be designed and constructed to the standards and specifications of the electric power provider.

B. Prior to the issuance of building permits or concurrent with the recording of a final PUD plan map, necessary on-site and off-site electric power system improvement and maintenance easements shall be offered to the electric power provider.

C. The electric power provider will approve electric power system designs, inspect construction, and upon satisfactory construction completion accept the necessary easements and acquire the electric power system improvements.

D. The electric power provider must provide the Building Official with a letter of electric power system easement and improvement acceptance prior to the issuance of a Certificate of Occupancy, by the Building Official, for any building or other improvement that is constructed within a final PUD plan area.

E. The electric power provider shall not provide permanent (non-construction) electrical service to any building or other improvement that is constructed in the planning area until a certificate of occupancy has been issued by the Building Official.

14. Section 15-3-21, of Title 15, is hereby amended to address both Public and Private Natural Gas Systems, and which reads as follows:

**15-3-21: Natural Gas Systems.**

A. Public Natural Gas Systems

1. Public natural gas systems shall be designed, constructed, and maintained to the standards and specifications of the public utility providing the service.

2. Prior to the issuance of building permits or concurrent with the recording of a final PUD plan map, necessary on-site and off-site public natural gas system improvement and maintenance easements shall be offered to and accepted by the public utility providing the service.

3. The public utility providing the service shall not provide permanent (non-construction) natural gas service to any building or other improvement that is constructed in the planning area until a certificate of occupancy has been issued for the building or other improvement by the Building Official.

B. Private Natural Gas Systems

1. Private natural gas systems shall be designed, constructed, and maintained to the standards and specifications of the private entity owning the system and providing the service.

2. Prior to the issuance of building permits or concurrent with the recording of a final PUD plan map, necessary on-site and off-site private natural gas system improvement and maintenance easements shall be obtained and recorded by the private entity owning the system and providing the service.

3. The private entity owning the system and providing the service shall not provide permanent (non-construction) natural gas service to any building or other improvement that is provided natural gas service by the private system until a certificate of occupancy has been issued for the building or other improvement by the Building Official.

15. Section 15-3-24, of Title 15, (B) Hillside Definition is hereby amended by adding a new subsection (2); renumbering existing subsection (2) as subsection (3), and; renumbering existing subsection (3) as subsection (4). New subsection (2) reads as follows:

2. No change in elevation points are the result of a wash or ephemeral channel elevation;

16. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, in a newspaper published in and having general circulation in Lincoln County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on October 19, 2009, by COMMISSIONER HIGBEE

PASSED: \_\_\_\_\_, 2009

Vote: Ayes: Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

Nays: Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

Abstain: Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

Absent: Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

Attest:

\_\_\_\_\_  
Lisa Lloyd, County Clerk

\_\_\_\_\_  
Paul Mathews, Chairman of the Board

