



State of Nevada  
Dept. of Conservation & Natural Resources  
**State Environmental Commission** SEC.nv.gov  
901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

**FORM 3: FORM FOR REQUESTING AN APPEAL HEARING**  
(Provide attachments as needed)

**1. Name, address, telephone number, and signature of appellant:**

Name: Coyote Springs Investment LLC

Physical Address: 3100 SR 168, PO Box 37010, Coyote Springs, Nevada 89037

E-mail Address: Emilia.cargill@coyotesprings.com

Telephone Number: (702) 422-1433

Signature: Emilia K. Cargill

Representative capacity (if applicable): Senior Vice President & General Counsel

**2. Attach copy of Nevada Division of Environmental Protection final decision, such as permit or notice of alleged violation, being appealed.**

**3. Specify grounds of appeal: (check all that apply)**

- Final decision in violation of constitutional or statutory provision;
- Final decision made upon unlawful procedure;
- Final decision was affected by other error of law;
- Final decision was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record;
- Final decision was arbitrary or capricious or characterized by abuse of discretion;

**4. For each ground of appeal checked above, please list the constitutional, Nevada Revised Statute (NRS), and/or Nevada Administrative Code (NAC) provision allegedly violated. Also list the statutes and/or regulations that give the State Environmental Commission jurisdiction to hear the appeal.**

SEE ATTACHED

---

---

5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.

SEE ATTACHED

---

---

---

---

---

---

---

---

---

---

---

Date of Request: Sept. 29, 2014.

Send Form to: Executive Secretary, State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, NV 89701

**4. Provision Violated and Jurisdiction of the State Environmental Commission.**

Coyote Springs Investment LLC's ("CSI") grounds for appeal of the permit issued by the State of Nevada Department of Conservation & Natural Resources Division of Environmental Protection ("Division") in favor of BEDROC LIMITED, LLC ("BedRoc"), Permit # SW1722REV00 effective date September 19, 2014 (the "BedRoc Permit") are Nevada Administrative Code ("NAC") Sections 445B.890(2)(a) and 445B.890(2)(b).<sup>1</sup> The BedRoc Permit is in violation of, and in excess of the statutory authority granted to the Division in NAC Sections 444.678(5), 444.678.(6), 444.678(9), and 444.696(2). Therefore, pursuant to the jurisdiction and authority granted to the State Environmental Commission ("Commission") pursuant to NAC 445B.890(2)(a) and 445B.890(2)(b), and as a result of the statutory violations of NAC Sections 444.678(5), 444.678(6), 444.678(9), and 444.696(2), as described in this document, CSI, a public commenter and protestor of the BedRoc Permit during the application process, CSI has standing to bring this appeal, and this appeal is properly brought before the Commission.

---

<sup>1</sup> Statutory authority to promulgate NAC 444.678(5) and 444.678(9) is provided under NRS 444.560.

5. **Brief and Concise Statement of Appeal.**

a. **Grounds based on NAC 444.678(5).**

For several reasons, discussed below, BedRoc has not met the “location” requirement set forth in NAC 444.678(5). NAC 444.678 requires that the “location of a Class I [solid waste disposal] site must: ... (5) Conform with land use planning of the area” [emphasis added]. Land use conformance requires either an express designation in the zoning code/ordinance for the intended use or some other use approval, such as a special use permit. Here, BedRoc attempts to satisfy the requirements of NAC 444.678(5) by referencing a special use permit issued by Lincoln County in April/May 2003.

In light of these requirements, the BedRoc Permit is improper for failure to comply with Lincoln County’s land use regulations. First, BedRoc’s special use permit to allow solid waste disposal on the site has expired. Second, even if BedRoc’s special use permit was in force, the conditions of the special use permit have not been satisfied. Third, BedRoc’s purported special use permit does not substantially comply with Lincoln County’s master plan. Fourth, BedRoc’s proposed facility will exceed the height limitations of the applicable zoning regulations. Therefore, the Division was not authorized to issue the BedRoc Permit.

i. **BedRoc’s Purported Special Use Permit Has Expired and Is Invalid.**

In Lincoln County, BedRoc’s proposed landfill site is zoned “M2” and a special use permit is required. Approved permitted uses in an M2 / Heavy Manufacturing District site do not include “landfill” or “refuse storage”. *See* LC Title 13, Section 13-5J-2

(Attachment 1). Lincoln County requires a “special use permit” for a “dump and refuse disposal area” or a “recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes....” *See* LC Title 13, Section 13-5J-3 (Attachment 2).

BedRoc’s purported special use permit issued in 2003 has expired and is void. Lincoln County’s planning code governs the process to grant a special use permit and its expiration. Pursuant to Lincoln County Title 13, Chapter 9, Section 13-9-9, a Special Use Permit expires six (6) months from the date of final decision if the approved special-use is not actually established, or if construction is not commenced within such 6-month period. *See* LC Title 13, Section 13-9-9 (Attachment 3). Thus, BedRoc’s special use permit expired in late 2003 and was null and void in 2013 when BedRoc submitted the application for the BedRoc Permit. Therefore, the requirements of NAC 444.678(5) are not met, and the BedRoc Permit must be invalidated.

The conditions imposed in the BedRoc Permit and described in the Division’s Response to Comments on the BedRoc Permit, which attempt to circumvent the invalid special use permit, exceed the Division’s statutory authority because NAC 444.678(5) states the “Class 1 Site must...” conform with Lincoln County’s land use regulations [emphasis added]. There is no provision for discretion or exception set forth in this regulation for land use conformance. Therefore, without a valid special use permit that can be relied upon to conduct the proposed use in this case, there is no land use conformance, and the requirements of NAC 444.678(5) have not been met.<sup>2</sup>

---

<sup>2</sup> Lincoln County’s Planning and Building Department further elaborated on the reasons BedRoc’s special use permit was invalid in a letter to the Division dated July 11, 2013 (Attachment 4).

ii. The Conditions of BedRoc's Purported Special Use Permit Have Not Been Satisfied.

Even if BedRoc's special use permit was valid, the BedRoc special use permit is still conditioned upon actions and approvals that have not occurred. Even assuming the special use permit would be valid "but for" conditions-to-be-met, because the conditions have not been met the special use permit is not valid. Thus, there is "no conformance with land use." Lincoln County's District Attorney Daniel Hooge confirmed in a letter to the Division dated November 8, 2013 (Attachment 5), that the conditions to BedRoc's special use permit were not satisfied. As such, the BedRoc Permit should be invalidated, because the location of the Class I site did not meet requirements of NAC 444.678(5).

Furthermore, the Division relied on Mr. Hooge's November 8<sup>th</sup> letter when issuing the BedRoc Permit and expressly recognized that the conditions of the special use permit were not yet satisfied. Knowingly issuing the BedRoc Permit without evidence of land use compliance demonstrates that the District's actions were clearly erroneous, arbitrary and capricious, and were an abuse of discretion, further invalidating the BedRoc Permit.

iii. BedRoc's Purported Special Use Permit Does Not Substantially Comply with Lincoln County's Master Plan.

Nevada law requires that zoning regulations and land use decisions, such as issuance of a special use permit, must substantially comply with a county's master plan. See Nova Horizon, Inc. v. City Council of the City of Reno, 105 Nev. 92, 96-97, 769 P.2d 721, 723-724 (1989). Policy SW-II of the Lincoln County Master Plan requires that "[a]ll solid waste

facilities should operate under a conditional<sup>3</sup> use permit which is reviewed at least every 5 years.” *See* Excerpt from Lincoln County’s Master Plan (Attachment 6). Here, BedRoc’s special use permit does not provide for review every five years. Further, BedRoc’s permit application does not provide any procedure for review of the special use permit every five year. In fact, the BedRoc Permit and application contemplate operation of the solid waste facility in perpetuity without consideration of regular review of the special use permit. This glaring omission in the special use permit and the application documents does not substantially comply with the requirements of the Lincoln County Master Plan, which renders the BedRoc Permit noncompliant with NAC 444.678(5) and invalid.

iv. BedRoc Permit Exceeds the Height Limitation of M2 Zoning.

Under Lincoln County’s planning code, Section 13-5J-4, Chapter 8 of Lincoln County Title 13, “building height” in an M2 zone cannot exceed 75 feet. *See* LC Title 13, Section 13-5J-4 (Attachment 7). Pursuant to Section 13-3-1 of LC Title 13, the term “building,” as used in Lincoln County’s planning code, includes the term “structure.” *See* LC Title 13, Sections 13-3-1 and 13-3-2 (Attachment 8). “Structure” is defined as “any piece of work artificially built up or composed of parts joined together in some definite form which requires location on the ground or is attached to something having a location on the ground.” This broad definition certainly includes BedRoc’s proposed Class I landfill. As such, it cannot exceed 75 feet in height. However, the application for the BedRoc Permit, which is incorporated into the BedRoc Permit by reference, states that “[w]hen completed

---

<sup>3</sup> A “conditional use permit” is synonymous with a “special use permit.” See “Conditional Use Permit,” Black’s Law Dictionary (9th ed. 2009).

the top of the landfill will be approximately 150 feet above existing grade,” which is double the height allowed on land zoned M2. Therefore, the BedRoc Permit does not conform to the Lincoln County’s zoning regulations and does not comply with NAC 444.678(5).

For this reason, and all of the other reasons discussed above, the location of BedRoc’s proposed site and solid waste disposal facility do not “[c]onform with land use planning of the area” and violate NAC 444.678(5). As such, the BedRoc Permit should be invalidated and withdrawn.

**b. Grounds based on NAC 444.678(9).**

NAC 444.678 requires that the “location of a Class I site must: ... (9) Unless approved by the solid waste management authority, not be within 1,000 feet of any surface water or 100 feet of the uppermost aquifer if the site is approved after September 2, 1992.” The location of the proposed BedRoc Class I landfill facility is not only within 1,000 feet of “any surface water,” its sited directly in the Pahrnagat Wash floodplain. The proposed landfill site is also transected by other dry desert washes all of which are subject to flooding and intermittent water flow. The Division’s Response to Comments on the BedRoc Permit states that “the Pahrnagat Wash is not considered a surface water since it experiences flow only in response to precipitation events and is otherwise dry.” The water that flows through the Pahrnagat Wash is not groundwater; it is on the surface and is therefore “surface water.”

The term “surface water” is not defined in NAC Chapter 444. As held by the Nevada Supreme Court in McGrath v. State Dep't of Pub. Safety, 123 Nev. 120, 123, 159 P.3d 239, 241 (2007) (“*When a statute's language is plain and unambiguous, we will give that language its ordinary meaning. In interpreting the plain language of a statute, we presume that the Legislature intended to use words in their usual and natural meaning.*”), statutes will be interpreted by their plain meaning. Therefore, in NAC 444.678(9), the plain meaning of “surface water” is just that – water on the surface of the land. Therefore, water running through the Pahrnagat Wash must be evaluated as “surface water” because the location of the proposed BedRoc Class I landfill is located within 1000 feet of the Pahrnagat Wash. Therefore, the Division did not comply with NAC 444.678(9) because it did not expressly approve a solid waste facility that may contaminate the surface water that flows through the Pahrnagat Wash. Instead, the Division sidestepped the issue, stating that the provisions of NAC 444.678(9) did not apply. This position is incorrect and may only be cured by the Division’s express approval of a Class I solid waste disposal facility within the community’s surface water system. Such an approval requires further study and consideration.

**c. Additional Grounds for Appeal under NAC 444.**

**i. The proposed Class I landfill is within 1,000 feet of a public highway.**

Pursuant to NAC 444.678(6), landfill facilities are prohibited within 1,000 feet of a public highway. The plans submitted by BedRoc to the Division specify that the proposed facility will be located within 1,000 feet of US Highway 93. The Division stated that a plan to prevent “visual impacts” was submitted with BedRoc’s application which, in the Division’s analysis was adequate. However, the idea that a “berm” “shielding the operating

face” can beautify the entirety of a 150 foot-tall landfill which is 113 acres at the base and 37 acres on its top, is far-fetched and has not been proven; the “beautification plans” submitted by BedRoc are not adequate to sufficiently obstruct the view of BedRoc’s proposed Class I landfill facility. Therefore, the Division did not comply with NAC 444.678(6) and the BedRoc Permit is invalid and should not have been issued.

- ii. BedRoc does not have a legal supply of water to operate the proposed Class I landfill.

Pursuant to NAC 444.696(2) “adequate water must be available at all times for dust control and for compaction of cover material.” BedRoc does not have a year-round supply of water for commercial operations. BedRoc’s application did not demonstrate that BedRoc held sufficient water rights to conduct the proposed Class I landfill operations. BedRoc’s water supply is limited to one permit for .35 cfs of irrigation water at a specified place of use 25 acres in size for an irrigation seasons of May 1 through August 31. BedRoc’s application did not demonstrate that it has “adequate water ... at all times ....” and therefore NAC 444.696(2) was not met, and the Division therefore did not have the statutory authority to issue the BedRoc permit. Therefore, the BedRoc Permit is invalid and should not have been issued.



COYOTE SPRINGS LAND

# **ATTACHMENT #1**

CHAPTER 5

ZONING

ARTICLE J. M2 HEAVY MANUFACTURING DISTRICT

SECTION:

- 13-5J- 1: Purpose And Intent
- 13-5J- 2: Uses Permitted
- 13-5J- 3: Uses Permitted Subject To Special Use Permit
- 13-5J- 4: Building Height
- 13-5J- 5: Front Yard
- 13-5J- 6: Side Yard
- 13-5J- 7: Rear Yard
- 13-5J- 8: Lot Area And Width Requirements
- 13-5J- 9: Distance Between Buildings On Same Lot
- 13-5J-10: Uses Prohibited

13-5J-1: **PURPOSE AND INTENT:** The M2 heavy manufacturing district is intended to provide areas for the development and operation of industrial and manufacturing uses. (Ord. 2005-10, 1-3-2006)

13-5J-2: **USES PERMITTED:** In the M2 heavy manufacturing district, no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

Any use permitted in the M1 light manufacturing district, except residential uses.

Any of the following industrial, manufacturing, wholesale and storage uses:

Alcohol and alcoholic beverages manufacture.

Blast furnaces.

Boiler or tank works.

Brick, tile or terra cotta products manufacture.

Building materials manufacture.

Cement and lime manufacturing.

Creosote treatment or manufacture.

Feed mills.

Mining and mill operations.

Ore reduction.

Paints, oil, shellac, turpentine or varnish manufacture.

Paper manufacture.

Petroleum products manufacture.

Petroleum refining and reclaiming plants.

Plastic manufacture.

Quarry or stone mills.

Rock, sand and gravel excavating, crushing and distribution.

Rubber manufacture.

Sawmills.

Soap manufacture.

The accessory buildings and structures necessary to such permitted uses located on the same lot or parcel of land.

Other uses similar to the above which are determined by the planning commission to be consistent and compatible with the other uses permitted within the district. (Ord. 2005-10, 1-3-2006)



COYOTE SPRINGS LAND

# **ATTACHMENT #2**

**13-5J-3: USES PERMITTED SUBJECT TO SPECIAL USE PERMIT:**

The following additional uses may be permitted subject to securing a special use permit in each case as provided for in chapter 8 of this title:

Acid manufacture.

Ammunition manufacture.

Chemical manufacture.

Commercial stockyards and animal slaughter.

Curing, tanning and storage of rawhides or skins.

Dumps and refuse disposal areas.

Explosives manufacture or storage.

Fat rendering.

Fertilizer manufacture.

Incinerators.

Junk, salvage or auto wrecking yard.

Recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes.

Residential use, if occupied by an owner or employee acting as the manager or caretaker of the business.

Rocket fuel manufacture, testing and/or storage.

Sewer farms or sewage disposal plants. (Ord. 2005-10, 1-3-2006)

**13-5J-4: BUILDING HEIGHT:** Six (6) stories and not to exceed seventy five feet (75'). (Ord. 2005-10, 1-3-2006)

**13-5J-5: FRONT YARD:** There shall be no front yard required. (Ord. 2005-10, 1-3-2006)



COYOTE SPRINGS LAND

# **ATTACHMENT #3**

the exterior boundary of the lot or parcel of land described in such application. If it is deemed advisable, the planning commission shall also cause the notice to be published once in a newspaper of general circulation in the county not less than ten (10) days nor more than thirty (30) days prior to the meeting. For the purpose of this section, "property owner" means that owner shown upon the latest assessment rolls of the county. (Ord. 2005-10, 1-3-2006)

**13-9-6: ACTION OF PLANNING COMMISSION:**

- A. At the conclusion of the hearing, the planning commission shall take such action thereon as it deems warranted under the circumstances and shall announce and record its action by formal resolution and such resolution shall recite the findings of the planning commission upon which it bases its decision. This decision shall be final, subject only to the appeals process. (Ord. 2005-10, 1-3-2006)

**13-9-7: FINAL DECISION EFFECTIVE DATE:** The decision of the planning commission shall not become final and effective until seven (7) days after the decision is entered in the minutes of the meeting. No permits shall be issued concerning the property in question until the decision becomes final. (Ord. 2005-10, 1-3-2006)

**13-9-8: REAPPLICATION:** No person, including the original applicant, shall reapply for a similar special use permit or variance on the same land, building or structure within a period of six (6) months from the date of the final decision by the planning commission of such previous application. (Ord. 2005-10, 1-3-2006)

**13-9-9: PERMIT EXPIRATION:** Each special use permit or variance authorized under the provisions of this chapter which is not actually established or the actual construction commenced on the buildings or structures within six (6) months from the date of the final decision is null and void. In the event some construction work is involved, it must actually commence within the stated period and be diligently prosecuted to completion. A lapse of work for a period of three (3) months will be sufficient to cause the invalidity of the permit; provided further, when any use of land, building, structure or premises established under the provisions of this chapter has been discontinued for a period of one year, it is unlawful to again use such land or building or premises for such discontinued use

13-9-9

13-9-10

unless a subsequent special use permit or variance is authorized. (Ord. 2005-10, 1-3-2006)

13-9-10:     **PERMIT EXTENSION:** Extensions of time may be granted by the planning commission, if requested by the property owner of record not less than seven (7) days prior to the expiration date of the date of the final decision. (Ord. 2005-10, 1-3-2006)



COYOTE SPRINGS LAND

# ATTACHMENT #4



Lincoln County Planning and Building Department  
181 Main Street PO Box 329  
Pioche, Nevada 89043

Phone 775 962 5165 Fax 775 962 5877

July 11, 2013

Mr. Jon Taylor  
NDEP  
Bureau of Waste Management  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701-5249

**RE: Western Elite, Inc, Permit #SW277REV06; Proposed Permit Modification and Lincoln County Land Use Clarification**

Mr. Taylor,

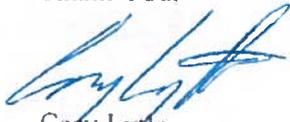
I have reviewed the Special Use Permit Number 2003-5-2 granted to Western Elite, Inc. in 2003 by the Board of Lincoln County Commissioners. After reviewing the permit and discussing the matter with the District Attorney, we have concluded that Western Elite must apply for and obtain a new special use permit to operate a Class I site on the property.

The Western Elite Property is currently zoned M2, which primarily consists of uses related to heavy manufacturing. In an M2 Zone, "[d]umps and refuse disposal areas," are allowed subject to the approval of a special use permit by the Lincoln County Planning Commission.

Lincoln County granted Western Elite or its predecessor, a special use permit subject to obtaining a Class I license through the State. After three years, the County granted Recology, or its predecessor, an exclusive franchise to dispose of waste within the County because Western Elite had not obtained a Class I license. Thus, Western Elite currently has no special use permit for a Class I waste disposal site and with various concerns, such as public safety, environmental issues, and the exclusive franchise rights held by Recology, Lincoln County will require Western Elite to obtain a new special use permit and follow the regular application process.

Please feel free to contact this office with questions or concerns.

Thank You,



Cory Lytle  
Director



COYOTE SPRINGS LAND

# **ATTACHMENT #5**

**DANIEL M. HOOGE**  
State Bar #10620  
District Attorney



**MATTHEW D. CARLING**  
State Bar #7302  
Deputy District Attorney

**OFFICE OF THE DISTRICT ATTORNEY**  
LINCOLN COUNTY, NEVADA

November 8, 2013

Jon Taylor  
PE CEM  
NDEP Elite Solid Waste Branch  
901 S. Stewart Street, Suite 4001  
Carson City, NV 89701

Dear Mr. Taylor:

I am writing this letter to clarify the status of the special use permit issued to Western Elite, Inc. or BedRoc Limited, LLC (BedRoc) in Lincoln County.

Lincoln County issued Special Use Permit 2003-5-2 to BedRoc in 2003 with conditions. BedRoc has not satisfied all of the conditions in the permit; however, BedRoc has notified Lincoln County that it will appear before the Lincoln County Planning Commission and the Lincoln County Commission soon to complete the conditions.

I do not foresee any substantial impediment to completion for BedRoc and expect BedRoc to meet the conditions to Lincoln County's satisfaction.

If you have any questions please contact me at the number below.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel M. Hooge".

Daniel M. Hooge  
District Attorney for Lincoln County



COYOTE SPRINGS LAND

# **ATTACHMENT #6**

---

3100 State Route 168 • P.O. Box 37010 • Coyote Springs, Nevada 89037  
Telephone: (702) 422-1433 • Facsimile: (702) 422-1419

# ***MASTER PLAN***

***FOR***

***LINCOLN COUNTY, NEVADA***

***Adopted on September 4th, 2007***

***Proposed Amendments for public hearing were held on  
August 6th and 20th 2007 for the  
Lincoln County Board of Commissioners***

***Recommended for approval with modifications on  
July 17th, 2007 by the Lincoln County Planning Commission***

***Recommended on July 16<sup>th</sup> by the Alamo Town Board***

- GOAL SW-1**      **Increase the economic benefits to county residents from waste management activities in the county.**
- Policy SW-1A*      *Lincoln County should explore methods of increasing revenues and services of the Crestline landfill.*
- Policy SW-1B*      *Recycling, composting and yard debris plans should be developed within the county on a measured basis and based upon adequate material stream and market opportunity.*
- Policy SW-1C*      *Innovative ideas should be explored to allow the county to collect and transport recyclables to markets in either Utah or Nevada locations.*
- Policy SW-1D*      *Revenues from landfill operations should be used to offset trash collection fees for residents and for developing recycling programs county-wide.*
- Policy SW-1E*      *Increased waste stream and associated revenue from outside sources should be utilized primary to improve waste management services, landfill, diversion and recycling efforts.*
- Policy SW-1F*      *Value added industries should be explored by the county to utilize portions of the waste stream for fuel production, biomass, re-use of building materials or other waste stream materials. Any agreements related to solid waste disposal in the county should allow for small businesses to pursue these industries not being pursued by the landfill operators.*
- Policy SW-1G*      *Lincoln County should pursue waste transfer locations as RPP lands from BLM for the transfer of waste and recyclable from new developments in the county.*
- Policy SW-1H*      *The 2000 Lincoln County Solid Waste Management Plan should be revised and incorporated into the county master plan.*
- Policy SW-1I*      *All solid waste facilities should operate under a conditional use permit which is reviewed at least every 5 years.*



COYOTE SPRINGS LAND

# **ATTACHMENT #7**

13-5J-3

13-5J-5

13-5J-3: **USES PERMITTED SUBJECT TO SPECIAL USE PERMIT:**  
The following additional uses may be permitted subject to securing a special use permit in each case as provided for in chapter 8 of this title:

Acid manufacture.

Ammunition manufacture.

Chemical manufacture.

Commercial stockyards and animal slaughter.

Curing, tanning and storage of rawhides or skins.

Dumps and refuse disposal areas.

Explosives manufacture or storage.

Fat rendering.

Fertilizer manufacture.

Incinerators.

Junk, salvage or auto wrecking yard.

Recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes.

Residential use, if occupied by an owner or employee acting as the manager or caretaker of the business.

Rocket fuel manufacture, testing and/or storage.

Sewer farms or sewage disposal plants. (Ord. 2005-10, 1-3-2006)

13-5J-4: **BUILDING HEIGHT:** Six (6) stories and not to exceed seventy five feet (75'). (Ord. 2005-10, 1-3-2006)

13-5J-5: **FRONT YARD:** There shall be no front yard required. (Ord. 2005-10, 1-3-2006)



COYOTE SPRINGS LAND

# **ATTACHMENT #8**

CHAPTER 3  
DEFINITIONS

## SECTION:

- 13-3-1: Generally  
13-3-2: Specific Definitions

**13-3-1: GENERALLY:**

- A. For the purpose of this title, certain terms and words are defined as follows in this chapter.
- B. When consistent with the context:
1. Words used in the present tense include the future;
  2. Words in the singular number include those in the plural number and the plural the singular;
  3. The word "building" includes "structure";
  4. The word "shall" is mandatory, not directory;
  5. The word "person" includes "firm", "association", "corporation", "partnership " and "natural person";
  6. The word "used" includes the words "arranged", "designed" or "intended to be used";
  7. The word "construct" includes the words "erect", "reconstruct", "alter", "move in" and "move upon". (Ord. 2005-10, 1-3-2006)

**13-3-2: SPECIFIC DEFINITIONS:**

ACCESSORY  
BUILDING:

A detached subordinate building clearly incidental to and located upon the same lot occupied

*(excerpt, attached in part)*

SANITARIUM:	A building or institution for the recuperation and treatment of persons with physical or mental disorders.
SIDEWALK:	A pedestrian walkway located between the curb and property line.
SIGN:	Any device and all parts thereof which are used to advertise products, goods, services or otherwise promote the sale of objects or identify objects for sale.
START OF CONSTRUCTION:	The first placement of concrete for permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
STORY:	The space within a building included between the surface of any floor and the surface of the ceiling next above.
STREET:	A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare which has been made public by right of use and which affords the principal means of access to abutting property.
STRUCTURE:	Any building, fence, tower, edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite form which requires location on the ground or is attached to something having a location on the ground.
SUBDIVIDER:	Any individual, firm, association, syndicate, copartnership, corporation, trust or any other