

Issues over Ham Radio Towers between Tom Taormina and
Storey County since June 27 2008
Exhibits and Correspondence

Exhibit	Description
A.1	Storey County's Response to Plaintiff's Request For Admissions Under Rule 36
A.2	Complaint
A.3	Answer to Complaint
A.4	Affidavit of Tom Taormina
A	Building Permit History as of November 15, 2008
B	Building Permit Issued for New Construction of 120' and 195' Supports, 6/27/08
C	In-Process Compliance Inspection Report, 7/3/08
D	In-Process Compliance Inspection Report, 7/8/08
E	In-Process Compliance Inspection Report, 7/16/08
F	Unknown Complainant Called OSHA, 7/17/08
G	Stop Work Order, 7/17/2008
H	Post-Construction Application for 32' and 40' Supports, 7/25/08
I	Post-Construction Application for 140', 85', 110' and 140' Supports, 8/14/08
J	Letter from Atty Hopengarten to DDA Grant, 8/25/08
K	Letter from DDA Grant to Atty McMahon, 8/27/08
L	Letter from Atty Hopengarten to DDA Grant, 8/29/08
M	Building Permit 8416 Issued for 32' Tower, 9/16/08
N	Building Permit 8417 Issued for 40' Tower, 9/16/08
O	Completion Report Issued for 32' Tower, 9/24/08
P	Completion Report Issued for 40' Tower, 9/24/08
Q	Letter from Atty Hopengarten to DDA Grant, 9/19/08
R	Antenna Nomenclature
S	Height, Width and Length of Structure #6: 20 Meter Rohn 45G
T	Letter from Atty McMahon to DDA Grant, 9/22/08
U	Letter from DDA Grant to Atty McMahon, 9/30/08
V	Letter from Atty McMahon to DA Swafford, 10/14/08
W	Letter from DA Swafford to Atty McMahon, 10/30/08
X	Correspondence from Buddy Morton to Dean Haymore 11/17/08
Y	Nuisance Complaint from Buddy Morton, 1/1/2008
Z	Nuisance Hearing Notification, Whitten to Taormina, 1/25/09

Exhibit A.1

Exhibit A.1

1 Brent T. Kolvet, Esq.
State Bar No. 1597
2 Thorndal, Armstrong, Delk, Balkenbush & Eisinger
6590 S. McCarran, Suite B
3 Reno, Nevada 89509
Attorneys for Defendant
4 STOREY COUNTY

5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 THOMAS S. TAORMINA,
Plaintiff,
9 vs.
10 STOREY COUNTY,
11 Defendant.

CASE NO. 3:09-CV-00021-LRH-VPC

**STOREY COUNTY'S RESPONSE TO
PLAINTIFF'S REQUEST FOR
ADMISSIONS UNDER RULE 36**

12
13 COMES NOW Defendant, Storey County, by and through its attorneys, Thorndal,
14 Armstrong, Delk, Balkenbush & Eisinger, and pursuant to Rule 36 of the Federal Rules of Civil
15 Procedure, hereby responds and answers under oath the Plaintiff's Request for Admissions Under
16 Rule 26 as follows:

17 **REQUEST NO. 1:** Exhibit A is a true and correct copy of the Highland Ranches Property
18 Owner's Association Common Covenants & Restrictions in force in 1997.

19 **RESPONSE NO. 1:** The exhibit attached is not certified and therefore Storey County cannot
20 confirm it is authentic. For that reason, Storey County can neither admit or deny that it is a true
21 and correct copy.

22 **REQUEST NO. 2:** Storey County Code §17.12 contained no height restrictions for antennas
23 and/or antenna support structures prior to 1999.

24 **RESPONSE NO. 2:** Deny.

25 **REQUEST NO. 3:** Exhibit B is a true and correct copy of a letter received by Storey County in
26 June 2008 from the Highland Ranches Property Owner's Association.

27 **RESPONSE NO. 3:** Deny.

28 **REQUEST NO. 4:** Exhibit C is a true and correct copy of Building Permit #8354, issued by the
Storey County Building Department (SCBD) on or about June 27, 2008.

1 **RESPONSE NO. 4:** Admit.

2 **REQUEST NO. 5:** Exhibit D is a true and correct copy of a Memorandum from Deputy
3 District Attorney Laura Grant to Dean Haymore, dated July 1, 2008.

4 **RESPONSE NO. 5:** Admit.

5 **REQUEST NO. 6:** Exhibit E is a true and correct copy of an In-Process Compliance Inspection
6 Report issued by the Storey County Building Department on or about July 3, 2008.

7 **RESPONSE NO. 6:** Admit.

8 **REQUEST NO. 7:** Exhibit F is a true and correct copy of an In-Process Compliance Inspection
9 Report issued by the Storey County Building Department on or about July 8, 2008.

10 **RESPONSE NO. 7:** Admit.

11 **REQUEST NO. 8:** Exhibit G is a true and correct copy of an In-Process Compliance Inspection
12 Report issued by the Storey County Building Department on or about July 16, 2008.

13 **RESPONSE NO. 8:** Admit.

14 **REQUEST NO. 9:** Exhibit H is a true and correct copy of an OSHA Complaint dated July 17,
15 2008.

16 **RESPONSE NO. 9:** Deny.

17 **REQUEST NO. 10:** The OSHA Complaint dated July 17, 2008 in Exhibit I was closed with
18 "No Violations," on or about July 17, 2008.

19 **RESPONSE NO. 10:** Storey County can neither admit or deny Request for Admission No. 10.

20 **REQUEST NO. 11:** Exhibit I is a true and correct Stop Work Order issued by the Storey
21 County Building Department on or about July 17, 2008.

22 **RESPONSE NO. 11:** Admit.

23 **REQUEST NO. 12:** Exhibit J is a true and correct copy of Building Permit Applications filed
24 with the Storey County Building Department for two antenna supports on or about July 25, 2008.

25 **RESPONSE NO. 12:** Admit.

26 **REQUEST NO. 13:** Exhibit K is a true and correct copy of Building Permit Applications that
27 was (sic) filed with supporting documents at the Storey County Building Department for four
28 antenna supports on or about August 14, 2008.

1 **RESPONSE NO. 13:** Admit.

2 **REQUEST NO. 14:** Exhibit L is a true and correct copy of Building Permit # 8416 issued by
3 the Storey County Building Department on or about September 16, 2008.

4 **RESPONSE NO. 14:** Admit.

5 **REQUEST NO. 15:** Exhibit M is a true and correct copy of Building Permit #8417 issued by
6 the Storey County Building Department on or about September 16, 2008.

7 **RESPONSE NO. 15:** Admit.

8 **REQUEST NO. 16:** Exhibit N is a true and correct copy of the Completion Report for Building
9 Permit # 8416, issued on or about September 24, 2008.

10 **RESPONSE NO. 16:** Admit that Exhibit N is a copy of a Code Compliance Inspection Report
11 dated September 24, 2008.

12 **REQUEST NO. 17:** Exhibit O is a true and correct copy of the Completion Report for Building
13 Permit # 8417, issued on or about September 24, 2008.

14 **RESPONSE NO. 17:** Admit that Exhibit O is a copy of a Code Compliance Inspection Report
15 dated September 24, 2008.

16 **REQUEST NO. 18:** Exhibit P is a true and correct copy of a complaint filed with Storey
17 County by Buddy Morton, on or about January 9, 2009.

18 **RESPONSE NO. 18:** Admit.

19 **REQUEST NO. 19:** Exhibit Q is a true and correct copy of e-mail sent to Plaintiff by the
20 County Manager on or about January 25, 2009.

21 **RESPONSE NO. 19:** Admit.

22 **REQUEST NO. 20:** Exhibit R is a true and correct copy of a letter from Deputy District
23 Attorney Laura Grant to Attorney McMahon dated August 27, 2008.

24 **RESPONSE NO. 20:** Admit.

25 **REQUEST NO. 21:** Exhibit S is a true and correct copy of a letter from Deputy District
26 Attorney Laura Grant to Attorney McMahon dated September 30, 2008.

27 **RESPONSE NO. 21:** Admit.

28 **REQUEST NO. 22:** Exhibit T is a true and correct copy of an email message from Storey

1 County resident Buddy Morton to Dean Haymore, Director, Storey County Building Department,
2 dated November 17, 2008.

3 **RESPONSE NO. 22:** Admit.

4 **REQUEST NO. 23:** Exhibit U is a true and correct copy of a letter received from the Storey
5 County Building Department on or about November 28, 2000.

6 **RESPONSE NO. 23:** Storey County can neither admit nor deny Request for Admission No. 23
7 as it is unsigned and further Storey County cannot admit that the content of the letter are correct.

8 **REQUEST NO. 24:** Neither the Storey County Building Department, nor any representative
9 thereof has responded directly to the letter in Exhibit U.

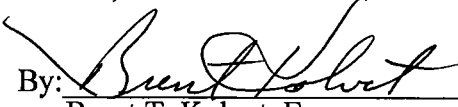
10 **RESPONSE NO. 24:** Deny.

11 **REQUEST NO. 25:** Exhibit V is a true and correct copy of part of the Plat Plan on file at the
12 Storey County Building Department for APN 003-431-18.

13 **RESPONSE NO. 25:** Deny.

14 DATED this 10 day of June, 2009.

15 THORNDAL, ARMSTRONG,
16 DELK, BALKENBUSH & EISINGER

17 By: 
18 Brent T. Kolvet, Esq.
19 State Bar No. 1597
20 6590 S. McCarran Blvd., Suite B
21 Reno, Nevada 89509
22 Attorneys for Defendant
23 Storey County
24
25
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27


CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of Thorndal, Armstrong, Delk, Balkenbush & Eisinger, and that on this date I caused the foregoing **STOREY COUNTY'S RESPONSE TO PLAINTIFF'S REQUEST FOR ADMISSIONS UNDER RULE 36** to be served on all parties to this action and by placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada, fully addressed as follows:

**Brian M. McMahon, Esq.
McMahon Law Offices, Ltd.
3715 Lakeside Drive, Suite A
Reno, NV 89509-5239
Phone: 775-348-2701
Fax: 775-348-2702
E-Mail: brian@mcmahonlaw.org**

**Fred Hopengarten, Esq.
Six Willarch Road
Lincoln, MA 01773
Phone: 781-259-0088
Fax: 419-858-2421
E-Mail: hopengarten@post.harvard.edu
*Attorneys for Plaintiff
Thomas S. Taormina***

DATED this 10th day of June, 2009.


An employee of Thorndal, Armstrong,
Delk, Balkenbush & Eisinger

McMahon Law Offices, Ltd.

3715 Lakeside Dr. Ste. A

Reno, NV 89509

Phone: 775-348-2701 Fax: 775-348-2702

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(781) 259-0088
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D.C. Bar No. 114124
Maine Bar No. 1660

Attorneys for Plaintiff,
TOM TAORMINA

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TOM TAORMINA,

Plaintiff,

vs.

Case No.: 3:09-CV-00021-LRH-VPC

STOREY COUNTY,

Defendants.

REQUEST FOR ADMISSIONS UNDER RULE 36

The plaintiff Thomas S. Taormina asks the defendant Storey County to respond within 30 days to these requests by admitting, for purposes of this action only and subject to objections to admissibility at trial:

ADMISSION NO. 1:

Exhibit A is a true and correct copy of the Highland Ranches Property Owner's Association

1 Common Covenants & Restrictions in force in 1997.

2 **ADMISSION NO. 2:**

3 Storey County Code §17.12 contained no height restrictions for antennas and/or antenna
4 support structures prior to 1999.

5 **ADMISSION NO. 3:**

6 Exhibit B is a true and correct copy of a letter received by Storey County in June 2008 from
7 the Highland Ranches Property Owner's Association.

8 **ADMISSION NO. 4:**

9 Exhibit C is a true and correct copy of Building Permit #8354, issued by the Storey County
10 Building Department (SCBD) on or about June 27, 2008.

11 **ADMISSION NO. 5:**

12 Exhibit D is a true and correct copy of a Memorandum from Deputy District Attorney Laura
13 Grant to Dean Haymore, dated July 1, 2008.

14 **ADMISSION NO. 6:**

15 Exhibit E is a true and correct copy of an In-Process Compliance Inspection Report issued by
16 the Storey County Building Department on or about July 3, 2008.

17 **ADMISSION NO. 7:**

18 Exhibit F is a true and correct copy of an In-Process Compliance Inspection Report issued by
19 the Storey County Building Department, on or about July 8, 2008.

20 **ADMISSION NO. 8:**

21 Exhibit G is a true and correct copy of An In-Process Compliance Inspection Report issued
22 by the Storey County Building Department on or about July 16, 2008.

23 **ADMISSION NO. 9:**

24 Exhibit H is a true and correct copy of an OSHA Complaint dated July 17, 2008.

25 **ADMISSION NO. 10:**

26 The OSHA Complaint dated July 17, 2008 in Exhibit I was closed with "No Violations," on
27 or about July 17, 2008.

28 ///

McMahon Law Offices, Ltd.
3715 Lakeside Dr. Ste. A
Reno, NV 89509
Phone: 775-348-2701 Fax: 775-348-2702

1 **ADMISSION NO. 11:**

2 Exhibit I is a true and correct Stop Work Order issued by the Storey County Building
3 Department on or about July 17, 2008.

4 **ADMISSION NO. 12:**

5 Exhibit J is a true and correct copy of Building Permit Applications filed with the Storey
6 County Building Department for two antenna supports on or about July 25, 2008.

7 **ADMISSION NO. 13:**

8 Exhibit K is a true and correct copy of Building Permit Applications that was filed with
9 supporting documents at the Storey County Building Department for four antenna supports on or
10 about August 14, 2008.

11 **ADMISSION NO. 14:**

12 Exhibit L is a true and correct copy of Building Permit #8416 issued by the Storey County
13 Building Department on or about September 16, 2008.

14 **ADMISSION NO. 15:**

15 Exhibit M is a true and correct copy of Building Permit #8417 issued by the Storey County
16 Building Department on or about September 16, 2008.

17 **ADMISSION NO. 16:**

18 Exhibit N is a true and correct copy of the Completion Report for Building Permit #8416,
19 issued on or about September 24, 2008.

20 **ADMISSION NO. 17:**

21 Exhibit O is a true and correct copy of the Completion Report for Building Permit #8417,
22 issued on or about September 24, 2008.

23 **ADMISSION NO. 18:**

24 Exhibit P is a true and correct copy of a complaint filed with Storey County by Buddy
25 Morton, on or about January 9, 2009.

26 **ADMISSION NO. 19:**

27 Exhibit Q is a true and correct copy of e-mail sent to Plaintiff by the County Manager on or
28 about January 25, 2009.

1 **ADMISSION NO. 20:**

2 Exhibit R is a true and correct copy of a letter from Deputy District Attorney Laura Grant to
3 Attorney McMahon dated August 27, 2008.

4 **ADMISSION NO. 21:**

5 Exhibit S is a true and correct copy of a letter from Deputy District Attorney Laura Grant to
6 Attorney McMahon dated September 30, 2008.

7 **ADMISSION NO. 22:**

8 Exhibit T is a true and correct copy of an email message from Storey County resident Buddy
9 Morton to Dean Haymore, Director, Storey County Building Department, dated November 17, 2008.

10 **ADMISSION NO. 23:**

11 Exhibit U is a true and correct copy of a letter received by the Storey County Building
12 Department on or about November 28, 2000.

13 **ADMISSION NO. 24:**


14 Neither the Storey County Building Department, nor any representative thereof has
15 responded directly to the letter in Exhibit U.

16 **ADMISSION NO. 25:**

17 Exhibit V is a true and correct copy of part of the Plat Plan on file at the Storey County
18 Building Department for APN 003-431-18.

19 Dated this 8th day of May, 2009.

McMAHON LAW OFFICES, LTD.

21
22 By: 
23 Brian M. McMahon, Esq.
24 Attorney for Plaintiff,
25 TOM TAORMINA
26
27
28

McMahon Law Offices, Ltd.

3715 Lakeside Dr. Ste. A

Reno, NV 89509

Phone: 775-348-2701 Fax: 775-348-2702

CERTIFICATE OF SERVICE

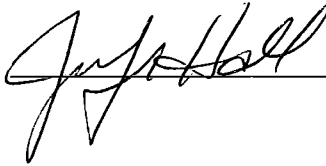
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Pursuant to NRCP 5(b) I hereby certify that I am an employee of McMahon Law Offices, Ltd., and that on the 8th day of May, 2009, I served a true and correct copy of the attached foregoing document by:

- Depositing for mailing, in a sealed enveloped, U.S. Postage prepaid, at Reno, Nevada
- Personal Delivery
- Facsimile
- Federal Express/Airborne Express/Other Overnight Delivery
- Reno-Carson Messenger Service

addressed as follows:

Brent T. Kolvet, Esq.
Thorndal Armstrong Delk Balkenbush & Eisinger
6590 S. McCarran Boulevard # B
Reno, Nevada 89059

 _____

McMahon Law Offices, Ltd.
3715 Lakeside Dr. Ste. A
Reno, NV 89509
Phone: 775-348-2701 Fax: 775-348-2702

Exhibit A

CC&R's in Effect in 1997

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

HIGHLAND RANCHES

THIS DECLARATION, made this 1st day of June, 1978, by LAKE TAHOE RECREATIONAL LAND COMPANY, INC., a Nevada corporation, herein referred to as "Declarant":

WITNESSETH:

WHEREAS, Declarant is the owner of all the real property set forth and described on that certain map (herein referred to as "Map") entitled Highland Ranches, consisting of 29 sheets, which Map was recorded in the Office of the County Recorder of Storey County, Nevada, as Document No- 42452, on August 1st, 1978, in Map Book ---, Pages ---; and

WHEREAS, all of the real property described in the Map comprises in the aggregate a single project unit (herein referred to as "Unit"); and

WHEREAS, there are 506 parcels, the number of which parcels and the legal descriptions of which are set forth on said Map; and

WHEREAS, it is the desire and intention of Declarant to sell and convey said parcels and before doing so to subject them to and impose upon them mutual and beneficial restrictions, covenants, conditions, and charges, hereinafter collectively referred to as "Restrictions", under a general plan or scheme of improvements for the benefit of all of the parcels in the Unit, and the future owners of said parcels;

NOW, THEREFORE, Declarant hereby declares that all of said parcels are held and shall be held, conveyed, hypothecated, or encumbered, leased, rented, used, occupied, and improved subject to the following Restrictions, all of which are declared and agreed to be in furtherance of a plan for the division, improvement, and sale of said parcels and are established and agreed upon for the purpose of enhancing and protecting the value, desirability, and attractiveness of the property described in the Map, and all of them shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in the real property or any part thereof subject to such Restrictions.

1. Applicability and Term

These Restrictions shall apply to all of the parcels described

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Book 11 - Page 520

in said Map. These Restrictions shall affect and run with the land and shall exist and be binding upon all parties and all persons claiming under them until December 31, 2003, after which time the same shall be extended for successive periods of ten (10) years each, unless an instrument signed by a majority of the then owners of the parcels subject thereto has been recorded, agreeing to change these Restrictions in whole or in part.

2. Mutuality of Benefit and Obligation

The Restrictions and agreements set forth herein are made for the mutual and reciprocal benefit of each and every parcel in the Unit, and are intended to create reciprocal rights between the respective owners of all of said parcels, to create a privity of contract and estate between the grantees of said parcels, their heirs, successors, and assigns, operate as covenants running with the land for the benefit of each and all other parcels in the Unit and their respective owners.

3. Architectural Control and Planning Committee

All plans and specifications for any building or swimming pool, or for any improvements, storage shed, fence, wall, or other structure whatsoever to be erected on or saved upon or to any parcel, and the proposed location thereof on any parcel, the roofs thereof, any later changes or additions thereto after initial approval thereof, and any remodeling, reconstruction, alterations, or additions to any building or other structure on any parcel shall be subject to and shall require the approval in writing, before any such work is commenced, of the Architectural Control and Planning Committee (herein called "Committee"), as the same is from time to time composed.

The Committee is composed initially of three (3) members to be appointed by the Board of Directors of Highland Ranches Property Owners Association (herein referred to as "Association"). Any vacancy, whether arising from resignation, removal, or death of a member, shall be filled by the Board of Directors of the Association. The Committee may appoint advisory committees from time to time to advise it on matters pertaining to the Development. There shall be submitted to the Committee the (2) complete sets of plans of any and all improvements, the erection or alteration of which is

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desired, and no structures or improvements of any kind shall be erected, altered, placed, or maintained upon any parcel unless and until the final plans, elevations, and specifications therefor have received such written approval as herein provided. Such plans shall include plot plans showing the location on the parcel of the building, wall, fence, or other structure proposed to be constructed, altered, placed, or maintained.

The Committee shall approve or disapprove plans within thirty (30) days from the receipt thereof. One (1) set of said plans with the approval or disapproval endorsed thereon shall be returned to the person submitting them and the other copy thereof shall be retained by the Committee.

The Committee shall have the right to disapprove any plans submitted to it as aforesaid in the event such plans are not in accordance with all of the provisions of these Restrictions, if the design or color scheme of the proposed improvement or other structure is not in harmony with the general surroundings of such parcel or with the adjacent buildings or structures, if the plans submitted are incomplete, or in the event the Committee deems the plans or any part thereof to be contrary to the interests, welfare, or rights of all or any part of the real property subject hereto, or the owners thereof, all in the sole discretion of the Committee. The decisions of the Committee shall be final. . .

Neither the Committee nor any architect or agent thereof or of Declarant shall be responsible in any way for any defects in any plans or specifications submitted, revised, or approved in accordance with the foregoing, nor for any structural or other defects in any work done according to such plans and specifications.

Notwithstanding anything to the contrary contained in this Declaration, the Committee shall not have the right to approve or disapprove any improvements other than single family residential improvements; and non-single family residential improvements shall not be bound by the Restrictions imposed by this Declaration.

4. Size and Placement of Structural Improvements

Every residence, dwelling and/or summer cabin constructed on the parcel shall be constructed so that at least fifty percent of the exterior finish is unpainted natural wood and shall contain a minimum of 1,200 square

3- Book 11 - page 522

feet of full enclosed floor area devoted to living purposes (exclusive of roofed or unroofed porches, terraces, garages, carports, and other outbuildings.)

No one shall be permitted to construct a building for human habitation until such person has provided a source of water fit for human consumption, either by drilling a well on the property or by water piped in through a public or private utility, and no such construction will be permitted until such person has first installed a suitable sewage disposal system meeting all applicable government standards as stated in the State and local ordinances in effect in Storey County, Nevada at the time of such construction.

Each parcel shall have the following setbacks which limit the extent of the portion of such parcel upon which any improvement can be constructed without the express approval of the Committee. The following dimensions shall govern for front, side, and rear setbacks on all parcels:

- (a) Thirty (30) feet from the front line of each parcel fronting on a publicly dedicated road, or thirty (30) feet from the easement line for parcels fronting on private roads on which street easements are imposed;
- (b) Fifteen (15) feet from each parcel side line;
- (c) Forty (40) feet from the rear line of each parcel.

5. General Restrictions and Requirements

The following general restrictions and requirements shall prevail as to the construction or activities conducted on any parcel in the Unit:

- (a) All plumbing fixtures, dishwashers, toilets, or sewage disposal systems shall be connected to a septic tank or other sewage system approved by the Storey County Health Department.
- (b) No stripped down, partially wrecked, or junk motor vehicle, or sizeable part thereof, shall be permitted to be parked on any street in the Unit, or on any parcel in such manner as to be visible to the occupants of other parcels within the Unit or to the users of any street therein.
- (c) Every tank for the storage of fuel (installed outside any building in the Unit) shall be either buried below the surface of the ground or screened to the satisfaction of the Committee by fencing or shrubbery. Every outdoor receptacle for ashes, trash, rubbish,

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Page 11 - Plan 132

or garbage shall be installed underground, screened, or so placed and kept as not to be visible from any street within the Unit at any time except during refuse collections.

(d) No owner of any parcel shall build or permit the building thereon of any dwelling house that is to be used as a model house or exhibit unless prior written permission to do so shall have been obtained from the Committee.

(e) All parcels, whether occupied or unoccupied, and any improvement placed thereon, shall at all times be maintained in such a manner as to prevent their becoming unsightly by reason of the accumulation of rubbish or debris thereon. In the event any such parcel or improvement in the Unit should not be maintained as required herein, the Association may perform the necessary work, the cost of which shall be added to and become a part of the annual charge to which said parcel is subject.

(f) No noxious or offensive activities shall be carried on on any parcel nor shall anything be done on any parcel that shall be or become an unreasonable annoyance or nuisance to the neighborhood.

(g) No tree in excess of four (4) inches in diameter shall be removed from any parcel without first obtaining the written consent of the Committee.

(h) No residence shall be occupied until the same has been substantially completed in accordance with its plans and specifications.

(i) All structures constructed or placed on any parcel shall be constructed with a substantial quantity of new material and no used structures shall be relocated or placed on any such parcel.

(j) Signs of customary and reasonable dimensions approved by the Committee shall be permitted to be displayed on any parcel advertising the same for sale. All other signs, billboards, or advertising structures of any kind are prohibited except upon application to, and written permission from, the Committee.

(k) No trash, ashes, garbage, or other refuse shall be dumped or stored on any parcel, street, or other area in the Unit except in areas specifically designated (if any) on the Map as "Dura and County Maintenance Yard".

Book 11 - page 524

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(3) No improvement which has been partially or wholly destroyed by fire, earthquake, or otherwise, shall be allowed to remain in such state for more than six (6) months from the time of such destruction.

(4) Every building, dwelling, or other improvement, the construction or placement of which is begun on any parcel, shall be completed within six (6) months after the beginning of such construction or placement.

(5) No mobile home, motor home, trailer, or recreational vehicle shall be placed on any parcel for residential purposes or use, except temporarily for a period not to exceed six (6) months in conjunction with construction of a residence on such parcel.

6. Variances

The Committee may allow reasonable variances and adjustments of these conditions and restrictions in order to overcome practical difficulties and prevent unnecessary hardships in the application of the regulations contained herein, provided, however, that such is done in conformity to the intent and purposes hereof and provided also that in every instance such variance or adjustment will not be materially detrimental or injurious to other property or improvements in the neighborhood. Variances and adjustments of size and setback requirements may be granted hereunder, if in accordance with all applicable regulatory agency requirements.

7. Highland Ranches Property Owners Association

Every person, including Declarant, who acquires title, legal or equitable, to any parcel in the Unit shall become a member of the Highland Ranches Property Owners Association, herein referred to as "Association"; provided, however, that such membership is not intended to apply to those persons who hold an interest in any such parcel merely as security for the performance of any obligation to pay money, e.g. mortgages, deeds of trust, or seller's interest under any real estate contract purchases.

Each member shall be entitled to one vote for each parcel owned by said member. Each member shall be entitled to cast his votes in

Book 11 - page 525

person or by proxy. The general purpose of the Association is to further and promote the community welfare of property owners in Highland Ranches.

Subject to the authority, rights, and duties of any community service, assessment, or maintenance district, and the County of Storey, the Association shall be responsible for the maintenance, repair, and upkeep of the private streets and parks within Highland Ranches, if any, and the appurtenant drainage and slope easements, if any, reserved by Declarant. The Association shall also be the means for promulgation and enforcement of all regulations necessary to the governing of the use and enjoyment of such streets and parks and such other properties within the development as it may from time to time own.

The Association shall have all the powers that are set forth in its Articles of Incorporation and By-Laws or that belong to it by operation of law, including the power to levy against every parcel in the Unit uniform annual charges as set forth in its By-Laws of not less than \$20.00 or more than \$200.00 per year; provided, however, that no such charge is or shall be levied against or payable by the Association itself, or any corporation that may be created to acquire title to and operate any utilities servicing the Unit.

Every such charge shall be paid by the member to the Association on or before the date established by its Board of Directors pursuant to the resolution adopted by such Board fixing the amount of the annual charge. Written notice of any changes in the charge so fixed or the date of payment shall be sent to each member. No notice need be sent in the absence of a change from the prior year. Said charges shall remain a lien upon the property of the respective member until paid.

In the event any member fails to pay any such charge when due and the same has been delinquent for thirty (30) days, the Association shall forthwith cause a notice thereof and of the lien created thereby to be signed and acknowledged by it and recorded in the office of the County Recorder of Storey County, Nevada.

Such recorded notice shall embody said resolution and state the rate of the charge, the time payable, and when it becomes a lien. When paid, the Association shall from time to time execute, acknowledge, and record in the office of the County Recorder of Storey County, Nevada, a

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Book 11 - Page 526

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release or releases of lien with respect to the property for which payment has been made. Full receipts shall be issued to parcel owners upon payment.

Each owner of a parcel (in the Unit shall), by acceptance of a deed thereto or the signing of a contract or agreement to purchase the same, whether from Declarant or a subsequent owner of such parcel, bind himself, his heirs, personal representatives, and assigns to pay all charges determined and levied upon such parcel, including interest thereon and collection costs thereof, if any, including attorney's fees; and the obligation to pay such charges, interest, and costs thereby constitutes an obligation running with the land. Sale or transfer of any parcel shall not affect any lien for charges provided for herein.

All liens herein provided for shall be enforceable by foreclosure proceedings in the manner provided by law for the foreclosure of mortgages and/or trust deeds; provided, however, that no proceeding for foreclosure shall be commenced except upon the expiration of four (4) months from and after the date the charge giving rise to such lien becomes due and payable.

Any lien created or granted under the provisions of this Declaration is expressly made subject and subordinate to the rights of the beneficiary of any first deed of trust upon any parcel in the Unit, made in good faith and for value, and no such lien shall in any way defeat, invalidate, or impair the obligation or the priority of such trust deed unless the beneficiary thereof shall expressly subordinate his interest, in writing, to such lien.

The funds arising from such charges, so far as may be sufficient, shall be applied toward the payment of expenses incurred by the Association in the maintenance of its properties and in furthering and promoting the community welfare of property owners in the Unit, as set forth and provided in its Articles of Incorporation and its By-Laws.

8. Ownership of Streets

Each of the streets in the Unit designated on the Map, except as otherwise specified on Sheet 1, will be a private street. Declarant hereby states, for itself, its successors, and assigns, that it has conveyed or will convey its ownership of the streets and roadway easements and of

Book 11 - Page 527

those areas designated as park easements, if any, on the Map of the Unit to the Highland Ranches Property Owners Association.

The Association may dedicate any private street and/or appurtenant easements, if any, to any appropriate governmental subdivision, and upon acceptance by such governmental subdivision, the Association shall no longer have any ownership or control of the property so dedicated; provided, however, that any such dedication must be approved by the vote or written consent of two-thirds (2/3) of its members entitled to vote.

9. Easements

Declarant has dedicated to Storey County rights of way and easement areas for the installation and maintenance of public utilities within the private and public road rights of way as contained in the offer of dedication set forth in Sheet 1 of the Map and as shown in the subsequent Sheets.

On each parcel the right of way and easement areas reserved by Declarant or dedicated to public utilities purposes, or dedicated for governmental purposes to the County of Storey, and including all natural drainage courses whether within easement areas or in other areas of the parcels, shall be maintained continuously by the parcel owner; but no structures, plantings, or other material shall be placed or permitted to remain or other activities undertaken which may damage or interfere with the installation or maintenance of utilities, which may change the direction of flow of drainage channels, which may obstruct or retard the flow of water through drainage channels, or which damage or interfere with established slope ratios or create erosion or sliding problems. Improvements within such areas shall also be maintained by the respective parcel owner except for those for which a public authority or utility company is responsible.

10. Grantee's Title

Declarant shall convey fee title to parcels within the Unit by grant deed subject to:

- (a) These Restrictions;
- (b) Easements and Rights of way of record; and
- (c) The reservation to Declarant of all oil, gas, gasoline, and other hydrocarbon substances and all other minerals underlying

and within the boundaries of such parcel below a depth of 100 feet, without right to surface entry.

11. Benefits

The Association or any party to whose benefit these Restrictions inure may proceed at law or in equity to prevent the occurrence, continuation, or violation of any of the Restrictions and the Court in any such action may award the successful party reasonable expenses in prosecuting such action, including attorneys' fees.

The remedies hereby specified are cumulative, and this specification of them shall not be taken to preclude an aggrieved party's resort to any other remedy at law, in equity, or under any statute. No delay or failure on the part of an aggrieved party to invoke an available remedy in respect to a violation of any of these Restrictions shall be held to be a waiver by the party of, or an estoppel of that party to assert, any right available to him upon the recurrence or continuance of said violation or the occurrence of a different violation.

12. Rights of Lien Holders

A breach of any of the provisions, conditions, restrictions, covenants, easements or reservations herein contained shall not effect or impair the lien or charge of any bona fide mortgage or deed of trust made in good faith or for value on any of said parcels or improvements thereon; provided, however, that any subsequent owner of said property shall be bound by the said provisions, conditions, restrictions, covenants, easements, and reservations whether such owner's title was acquired by foreclosure or at a trustee's sale or otherwise.

13. Grantee's Acceptance

The grantee of any parcel subject to the coverage of this Declaration, by acceptance of a deed conveying title thereto, or the execution of a contract for the purchase thereof, whether from Declarant or a subsequent owner of such parcel, shall accept such deed or contract upon and subject to each and all of these Restrictions and the agreements herein contained, and also the jurisdiction, rights, and powers of Declarant, and by

Book 11 - Page 529

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such acceptance shall for himself, his heirs, personal representatives, successors, and assigns, covenant, consent, and agree to and with Declarant, and to and with the grantees and subsequent owners of each of the parcels within the Unit, to keep, observe, and comply with and perform said Restrictions and agreements. Each such grantee also agrees, by such acceptance, to assume, as against Declarant, its successors or assigns, all the risks and hazards of ownership or occupancy attendant to such parcel, including but not limited to events or conditions occurring on adjacent or nearby parcels or lands; provided, however, that the foregoing shall not be construed to mean that such grantee would be liable for the conduct of others on adjacent or nearby parcels or lands.

14. Partial Invalidity

In the event that any one or more of the Restrictions herein set forth shall be held by any Court of competent jurisdiction to be null and void, all remaining Restrictions shall continue unimpaired and in full force and effect.

15. Captions

The captions of the various paragraphs of this Declaration are for convenience only and are not a part of this Declaration and do not in any way limit or amplify the terms or provisions thereof.

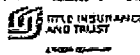
IN WITNESS WHEREOF, the Declarant has executed this Declaration on the day and year first above set forth.

LAKE TAHOE RECREATIONAL LAND COMPANY, INC.

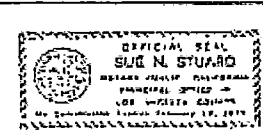
BY: Paul Dagan

[Signature]
[Signature]

NOTARY PUBLIC
STATE OF CALIFORNIA
COUNTY OF Los Angeles ss.
On June 1, 2009 before me, the undersigned, a Notary Public in and for said State, personally appeared Paul Dagan
known to me to be the President and Sharon L. Lamira



Known to me to be the Assistant Secretary of the corporation that executed the within instrument, knows to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its bylaws or a resolution of its board of directors.
WITNESS my hand and official seal.



Book 11
Page 530

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Filed for Record at Request of Lake Mead Recreational Land Co. Inc.
August 11, 1978 at 3 Min's. Past Noon 2 M.
Recorded in Book 11 of Official Records
Page 526 of 531 Storey County, Nevada
By [Signature] Storey County Recorder
File No. 112453 — Page 1/1 of 1 INDEXED
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Book 11 - page 531

Exhibit B

Letter from VCHPOA, June 2008

Virginia City Highland Ranches Property Owners Association

To: Storey County Board of Commissioners

Subject: Amateur radio towers

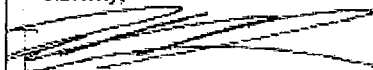
A concern has been raised by some association members over the erection of amateur radio towers in the Virginia City Highlands. I have reviewed the existing association CC&Rs and find nothing which prevents erection, limits tower size, or the quantity of these structures on a member's property.

The issue does raise some questions which the association members have requested the property owner's board to ask the Commissioners.

- 1) Will the county require and review, tower and component fabrication design drawings prepared and wet stamped by a structural engineer, licensed by the state of Nevada?
- 2) Will the county require and review, tower and support component foundation design and installation drawings prepared and wet stamped by a structural engineer, licensed by the state of Nevada?
- 3) Will the county issue building permits and perform inspections on these structures, verify compliance with the design drawings, and all applicable codes and mandatory county set backs.

The Commissioners consideration and subsequent specific ruling to these questions posed by the Virginia City Highlands Ranches Property Owners Association would be appreciated.

Sincerely,

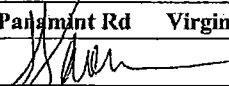


Howard H. Depew, P.E.
Chairman Architectural Committee
Virginia City Highlands Ranches Property Owners Association

Cc Dean Haymore

Exhibit C

Building Permit Issued for New Construction of two towers
of 135' and 195' 6/27/08

Permit No. 8354	Storey County Building Dept. P O Box 526 Virginia City Nevada 89440 ~ (775) 847-0966		Date 6/27/08
RESIDENTIAL			
WORK DESCRIPTION: Erection of two Ham Radio Towers			
WORK LOCATION ADDRESS: 370 Panamint RD			AREA: VR
APN: 003-431-18	ZONE:	FLOOD:	LOT / BLK: 37
OCCUPANCY or INTENDED USE:			
ESTIMATED WORK COMMENCEMENT DATE: 6/27/08		ESTIMATED COMPLETION DATE: 6/27/09	
MOBILE HOME / TRAVEL TRAILER:	MAKE:	MODEL:	
	YEAR:	SIZE:	SERIAL #:
SCHOOL TAX RECEIPT #: <i>When required, pay \$500 to Storey County Clerk at Courthouse</i>		SPECIAL CONDITIONS:	
CONTRACTOR: Owner Builder			PHONE:
ADDRESS:	NV LIC #:	Exp:	Limit: \$
	SC LIC #:	Exp:	
<p>ALL MATERIALS USED FOR THIS PROJECT SHOULD BE RECEIVED IN STOREY COUNTY AND THE VALUE REPORTED AS 'COUNTY-OF-DELIVERY' ON THE NEVADA DEPARTMENT OF TAXATION FORM TXR-01.01 'SALES/USE TAX RETURN'.</p> <p><i>If you require further information, please call (775) 847-0966.</i></p>			
OWNER / Permittee (Print): Tom Taormina			PHONE: 847-7929
ADDRESS (Mailing): 370 Panamint Rd Virginia City Highlands, NV 89521			
OWNER SIGNATURE: 		AUTHORIZED BUILDER / AGENT:	
LIVING AREA: Sq Ft @ \$61.10 = \$	BLDG FEE: \$111.25	PLOT PLAN: \$	
CONCRETE SLAB: Sq Ft @ \$16.10 = \$	PLAN RVW FEE: \$72.31	SIGNS: \$	
STD T-FOUNDATION: Ln Ft @ \$25.00 = \$	ELECTRICAL: \$	SPEC INSP: \$	
GARAGE: Sq Ft @ \$19.48 = \$	MECHANICAL: \$	Temp TRAILER: \$	
FINISHED GARAGE: Sq Ft @ \$23.21 = \$	PLUMBING: \$	STOVE / Fireplace: \$	
WOOD DECKS: Sq Ft @ \$ 6.62 = \$: \$: \$	
SYN/COMP DECKS: Sq Ft @ \$ 9.96 = \$: \$: \$	
WOOD DECK: Sq Ft @ \$12.00 = \$	PARK TAX: \$: \$	
BASEMENT: Sq Ft @ \$15.54 = \$	TOTAL PERMIT FEE: \$183.51		
TOTAL VALUATION: \$5,000.00	<input type="checkbox"/> PLAN REVIEW ONLY	Check #: 6566	
<input type="checkbox"/> Est. Cost <input type="checkbox"/> Actual Contract	<input type="checkbox"/> FULL PERMIT	Receipt #: 16337	

Permission is hereby granted to do the work described in this application and ONLY in accordance with the Rules, Regulations, and Ordinances of the County of Storey. Inspection MUST be called for within 180 days of issuance of permit or permit is void. Permit may be renewed for 50% of the original 'Permit Fee'.

State 'Health Certification', if required, is the responsibility of the "Permittee".

By: 
Storey County Building Department Rev 02-11-04

Assessor Dept

Fire Dept

Sheriff Dept

Exhibit D
Letter from DDA Grant to Building Official Haymore

OFFICE OF THE DISTRICT ATTORNEY
STOREY COUNTY, NEVADA

Harold Swafford, District Attorney
Post Office Box 496
Virginia City, Nevada 89440

Telephone: (775) 847-0964
Fax: (775) 847-1007

MEMORANDUM

TO : Dean Haymore, Director, Storey County Planning
FROM : Laura Grant, Deputy District Attorney
DATE : July 1, 2008
SUBJECT : SCC 17.12.044 -- Height of Buildings/Structures

You have asked for my opinion regarding the construction of two (2) new amateur radio antennas in the Virginia City Highlands. It is my understanding, from the documents that you have provided to me,¹ Mr. Taormina has already applied for and received a building permit for the two (2) towers he wishes to construct. At this point in time it appears that the sticking points involve Mr. Taormina's neighbors within the Virginia City Highlands who object to the construction of the new radio antennas. I have not been made privy to their actual concerns, though I would surmise that these concerns center around aesthetics.

Several levels of law apply to this particular situation; federal, state and local authority. On the federal level, the Federal Communications Commission oversees the licensure, etc. of amateur radio operators. 47 C.F.R. §97.15² does not set specific heights for antennae but establishes the need for state and local authority reasonableness in the guidelines and/or regulations regarding such.

¹ Email correspondence from Tom Taormina dated June 27, 2008; Copy of correspondence from Tom Taormina to HRPOA Architectural Committee dated June 26, 2008; Copy of correspondence from Artisan Engineering, LLC. To Paul Nyland of Custom Metalworks dated June 2, 2008; Copies of drawings indicating plans for 2 radio towers (200' and 135'); Email correspondence from Tom Taormina dated June 24, 2008; Memo from HRPOA to Commissioners (undated); Email correspondence from Tom Taormina dated June 30, 2008 and Email correspondence from Tom Taormina dated July 1, 2008.

² §97.15 Station antenna structures.

(a) Owners of certain antenna structures more than 60.96 meters (200 feet) above ground level at the site or located near or at a public use airport must notify the Federal Aviation Administration and register with the Commission as required by part 17 of this chapter.

(b) Except as otherwise provided herein, a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. (State and local regulation of a station antenna structure must not preclude amateur service communications. Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the state or local authority's legitimate purpose.

[Type text]

Mr. Taormina has repeatedly asserted that Storey County's ordinance is preempted by state law and, therefore, nothing can be done to enforce a height restriction on his towers. NRS 278.02085³ contains language which is essentially identical to that contained within 47 C.F.R. §97.15. Storey County Code §17.12.044⁴ places a specific height restriction upon the erection of radio towers. While the ordinance itself does not address the reasons for the restriction, I must presume that the limit imposed relates to public safety concerns.

Moreover, the properties contained within Virginia City Highlands are further governed by a property owners association (HRPOA) and Conditions, Covenants and Restrictions (CC&Rs). I have reviewed the CC&Rs and Section 3⁵ would indicate that permission of the Architectural Committee is necessary for the antennae. I spoke with Bill Lewis earlier today about that very issue and he assured me that the Committee does not consider that it has authority over radio antennae.

The FCC released a Memorandum Opinion and Order (FCC 85-506) in 1985 regarding the issue of federal preemption of state and local limitations on radio towers of amateur radio operators. The memorandum is referred to as "PRB-1" and has been updated as recently as 2001 wherein the FCC specifically declined to employ federal preemption to control radio tower heights.⁶

In Mr. Taormina's case, your department has apparently already issued building permits for the towers he wishes to build. Presumably, this means plans were submitted describing the proposed height of the towers (200' and 135'). As such, it would appear to me that you have

³ 1. A governing body shall not adopt an ordinance, regulation or plan or take any other action that precludes amateur service communications or that in any other manner does not conform to the provisions of 47 C.F.R. § 97.15 and the limited preemption entitled "Amateur Radio Preemption, 101 F.C.C. 2d 952 (1985)" as issued by the Federal Communications Commission.

2. If a governing body adopts an ordinance, regulation or plan or takes any other action that regulates the placement, screening or height of a station antenna structure based on health, safety or aesthetic considerations, the ordinance, regulation, plan or action must:

(a) Reasonably accommodate amateur service communications; and

(b) Constitute the minimum level of regulation practicable to carry out the legitimate purpose of the governing body.

⁴ In the R-1, R-2, E, A, PUD, and F zones, no building, manufactured building or manufactured home shall exceed a height of three stories or thirty-five feet, whichever is higher, except as may be allowed by special use permit. The requirements of this section shall not apply to church spires, belltowers, cupolas, domes, chimneys or flagpoles. *Radio, television and other communication masts may extend not more than forty-five feet above grade level, provided that the same may be safely erected and maintained at such height in view of surrounding conditions and circumstances.*

⁵ All plans and specifications for any building or swimming pool, or for any improvements, storage shed, fence, wall or other structure whatsoever to be erected on or moved upon or to any lot, and the proposed location thereof on any lot or lots, the roofs thereof, any later changes or additions thereto after initial approval thereof, and any remodeling, reconstruction, alterations, or additions to any building or other structure on any lot shall be subject to and shall require the approval in writing, before any such work is commenced, of the Architectural Control and Planning Committee (herein called "Committee"), as the same is from time to time composed.

⁶ 25. Because amateur station communications are only as effective as the antennas employed, antenna height restrictions directly affect the effectiveness of amateur communications. Some amateur antenna configurations require more substantial installations than others if they are to provide the amateur operator with the communications that he/she desires to engage in. For example, an antenna array for International amateur communications will differ from an antenna used to contact other amateur operators at shorter distances. *We will not, however, specify any particular height limitation below which a local government may not regulate, nor will we suggest the precise language that must be contained in local ordinances, such as mechanisms for special exceptions, variances, or conditional use permits. Nevertheless, local regulations which involve placement, screening, or height of antennas based on health, safety, or aesthetic considerations must be crafted to accommodate reasonably amateur communications, and to represent the minimum practicable regulation to accomplish the local authority's legitimate purpose.* (1985)

[Type text]

waived the height limitations set out in SCC §17.12.044. Aside from the precedent-setting aspects of such a waiver, it would appear to me that the County is entitled to enforce its height limits as being in full compliance with NRS 278.02085 and 47 C.F.R. §97.15. While it is true that amateur radio operators provide the public with very important services during emergency situations, limiting tower heights does not unreasonably impinge on amateur service communications. I believe that Storey County's regulations fall within the definition of "reasonable accommodation."

Please let me know if this addresses your concerns or if you require further assistance. I look forward to hearing from you.


LAURA GRANT

Exhibit F
In-Process Compliance Inspection Report, 7/8/08

Storey County Building Department
 P O Box 526 - VIRGINIA CITY, NV 89440 - (702) 847-0966

Permit #:
 Requested: 7/7
 Ready: 7/7

COMPLIANCE INSPECTION REPORT

Property Identification:	Address: <u>370 Karamuste</u>	Area: <u>VR</u>	Lot/Blk: <u>37</u>
Owner: <u>TOORIMAN, TOMA</u>	Contractor/ Sub-Contractor: <u>O/E</u>		

INSPECTION(S) REQUESTED:

1. <input type="checkbox"/> Footing	<input type="checkbox"/> Stemwall	<input checked="" type="checkbox"/> Ready to Pour Concrete - Forms in, UFER Ground, Reinf. Sl. In-Place
2. <input type="checkbox"/> Floor Joists - Mud Sill, J-Bolts and Blocking In as Required; Rough Plumbing Installed		
3. <input type="checkbox"/> Roof Sheet Nailing - Nail Spacing and Sheathing Spacing		
4. <input type="checkbox"/> Framed Complete - Plumbing thru roof, Elect. Boxes in, Wire Pulled, Heating, Gas Piping, Roof Shingled, Siding On, Dry In		
5. <input type="checkbox"/> Insulation a. <input type="checkbox"/> Batts b. <input type="checkbox"/> Blown - CERTIFICATION Required		
6. <input type="checkbox"/> Sheet Rock Nailing		
7. <input checked="" type="checkbox"/> Ready to Occupy - a. Sheetrock Finished b. Plumbing c. Electrical d. Heating and e. Grading All Completed		
<input type="checkbox"/> Electrical	<input type="checkbox"/> Electric Service Connections	<input type="checkbox"/> Fuel Burning Stove
<input type="checkbox"/> Mechanical	<input type="checkbox"/> Excavation & Grading	<input type="checkbox"/> Demolition
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Foundation	<input type="checkbox"/> Exterior Gas

~ REINSPECTIONS ~

NOTE: It shall be the duty of the person doing the work authorized by a permit to notify the Building Department that such work is ready for inspection and to provide access to and means for Proper Inspection of such work. A re-inspection fee will be assessed for each inspection when such Portion of work for which inspection is called is not complete or when corrections called for are not made.

Condition of Construction at this Inspection:

<input type="checkbox"/> A. Meets ALL Requirements for <u>this</u> INSPECTION	<input type="checkbox"/> C. Non-Compliance - Builder Will Comply Without Delay
<input type="checkbox"/> B. Substitutions or Deviations	<input type="checkbox"/> D. Non-Compliance - Builder Does NOT Intend to Comply
<input type="checkbox"/> E. Dwelling is habitable, however the following corrections MUST be completed by _____	

Comments: 3 footing for grade are 5'x6's, by 5' Post Deep
with rebar core to be set on job site. Other masonry date footing
with no casing with cage rebar as required per plans
OK to your footing pit on right per building
or variance for towers over 4.5'

CERTIFICATION - I certify that I have inspected the above property and have reported herein all conditions observed at this time and date to be in variance with any Storey County Ordinances, the U.B.C., and the approved plans and specs.

Inspection Date: 7 July 2008 Signature of Inspector: [Signature]

Exhibit G
In-Process Compliance Inspection Report, 7/16/08

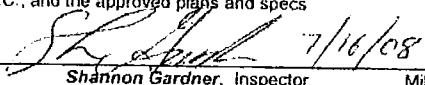
Storey County Building Department P O BOX 526 - VIRGINIA CITY, NV 89440 - (702) 847-0966		Permit #: 8354 Requested: 7/15/08 Ready: 7/16/08
CODE COMPLIANCE INSPECTION REPORT		
Site Address: 370 Panamint APN #003-431-18		Area: 11R Lot / Blk: 37
Owner: Taormina	Contractor: OB	
INSPECTION(S) REQUESTED:		
1. <input type="checkbox"/> Footing <input type="checkbox"/> Stemwall <input type="checkbox"/> Ready to Pour Concrete - Forms in, UFER Ground, Reinf. Stl. In-Place		
2. <input type="checkbox"/> Floor Joists - Mud Sill, J-Bolts and Blocking In as Required; Rough Plumbing Installed		
3. <input type="checkbox"/> Roof Sheet Nailing - Nail Spacing and Sheathing Spacing		
4. <input type="checkbox"/> Framed Complete - Plumbing thru roof, Elect. Boxes in, Wire Pulled, Heating, Gas Piping, Roof Shingled, Siding On, Dry In		
5. <input type="checkbox"/> Insulation a. <input type="checkbox"/> Batts b. <input type="checkbox"/> Blown - CERTIFICATION Required		
6. <input type="checkbox"/> Sheet Rock Nailing		
7. <input type="checkbox"/> Ready to Occupy - a. Sheetrock Finished b. Plumbing c. Electrical d. Heating and e. Grading All Completed		
<input type="checkbox"/> Electrical <input type="checkbox"/> Mechanical <input type="checkbox"/> Plumbing	<input type="checkbox"/> Electric Service Connections <input type="checkbox"/> Excavation & Grading <input type="checkbox"/> Foundation	<input type="checkbox"/> Fuel Burning Stove <input type="checkbox"/> Demolition <input type="checkbox"/> Exterior Gas
- REINSPECTIONS -		
NOTE: It shall be the duty of the person doing the work authorized by a permit to notify the Building Department that such work is ready for inspection and to provide access to and means for Proper Inspection of such work. A re-inspection fee will be assessed for each inspection when such Portion of work for which Inspection is called is not complete or when corrections called for are not made.		
Condition of Construction at this Inspection: <input type="checkbox"/> A. Meets ALL Requirements for <u>this</u> INSPECTION <input type="checkbox"/> C. Non-Compliance - Builder Will Comply Without Delay <input type="checkbox"/> B. Substitutions or Deviations <input type="checkbox"/> D. Non-Compliance - Builder Does NOT Intend to Comply <input type="checkbox"/> E. Dwelling is habitable, however the following corrections MUST be completed by		
Comments: <i>Inspection of Concrete Base and Anchors for New Towers.</i> Owner has been advised that Storey County now is of the opinion that a Special Use Permit is required for the construction of towers over 45' in height, that towers are defined as structures in Storey County Code and therefore are subject to set-back requirements. A Special Use Permit has not been applied for at this time. Owner has been advised that continued construction of tower components is at own risk, and that the erection of towers over 45' in height with anchors encroaching set-backs may not be approved by Storey County Officials.		
New Tower Base @ North side of Home = Depth and width according to engineered plans. Rebar cage according to engineered plans. Grounding for tower according to engineered plans.		
Tower Anchors for 2 New Towers = Depth and width according to engineered plans. Rebar cages according to engineered plans. Two of the anchors inspected are located adjacent to the property lines as identified and encroach upon set-backs required for structures.		
CERTIFICATION - I certify that I have inspected the above property and have reported herein all conditions observed at this time and date to be in variance with any Storey County Ordinances, the U B C., and the approved plans and specs 7/16/08 8:00 a.m.		
Inspection Date/Time	 Shannon Gardner, Inspector	Mileage 49791

Exhibit H
Unknown Complainant Called OSHA, 7/17/08

State of Nevada
DIVISION OF INDUSTRIAL RELATIONS
Occupational Safety and Health Enforcement Section
Inspection Checklist (3)

NRS 618 315, 618 325, NAC 618 6434 and NV Operations Manual Chapter II, page 16, A 5

Employer / General Managing Contractor Name: Tom Tachina

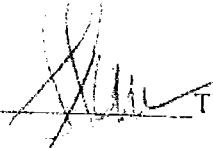
Date: 7/17/08 Time: 1:50

The Closing Conference - Explain the following:

- 1. Any violation(s) observed during the inspection.
- 2. Violations of the Standard, along with reasonable abatement procedures and time. Abatement Date(s): NO VIOLATIONS
- 3. Posting requirements for Citation(s) and/or Notice of Violation(s). (3 day minimum)
- 4. Referral of potential safety/health problems to other agencies. YES NO
- 5. Proposed citations.
- 6. The citation preface contains information about the employer's rights (Informal Conference, Post Contest, and Review Board).
- 7. Follow-up inspections (Repeat, Failure to Abate, and Willful Citations).
- 8. Safety Consultation and Training
- 9. Employer Survey Form.

The above items were discussed with: _____ Check here if by telephone: _____

EMPLOYER REPRESENTATIVE

Name: TOM TACHINA  Title: OWNER
Print and Sign

EMPLOYEE REPRESENTATIVE

Name: _____ Title: _____
Print and Sign

OSHS REPRESENTATIVE

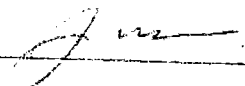
Name: John L. Frable  Title: SAR
Print and Sign

Exhibit I
Stop Work Order, 7/17/2008



P O Box 526 ~ Virginia City NV 89440 ~ (775) 847-0966 ~ Fax (775) 847-0935 ~
scbd@storeycounty.org

STOP WORK ORDER

by Storey County Building Official

Issued to: Tom Taormina
370 Panamint Road
Virginia City Highlands, NV 89521

July 17, 2008

Project #1: CONSTRUCTION OF AND ALTERATION OF HAM RADIO TOWER(S)

The stop work order is hereby issued for failure to comply with Storey County Ordinance 15.12.010.

15.12.010 Building Permit Required. It is unlawful for any person, corporation, municipal corporation, association, club, business trust, estate, or any group or combination thereof to erect, construct, relocate, or alter any sign, building, or structure within the county without first obtaining a building permit from the building official.

Violation 1: Owner is altering existing tower and has not secured the appropriate application, plans, engineering and/or obtained a Building Permit for said work.

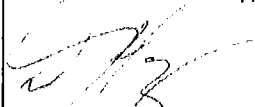
Violation 2: Owner has not submitted an application to the Storey County Planning Department for a variance or received an approval for the height of the radio tower(s) that exceed(s) 45 feet.

Violation 3: Owner has failed to comply with the following Storey County Ordinance:

17.12.044 Height of buildings. In the R-1, R-2, E, A, PUD, and F zones, no building, manufactured building or manufactured home shall exceed a height of three stories or thirty-five feet, whichever is higher, except as may be allowed by special use permit. The requirements of this section shall not apply to church spires, belfries, cupolas, domes, chimneys or flagpoles. Radio, television and other communication masts may extend not more than forty-five feet above grade level, provided that the same may be safely erected and maintained at such height in view of surrounding conditions and circumstances.

Project #2: CONSTRUCTION OF TWO HAM RADIO TOWERS OVER 45 FT

Violation 4: Owner has not submitted an application to the Storey County Planning Department for a variance or received an approval for the height of the radio tower that exceeds 45 feet.

 17 July 2008

Dean Haymoff, Building Official

Exhibit K
 Application for 140', 85', 110' and 140' Supports, 8/14/08

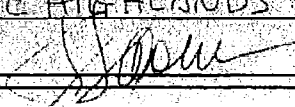
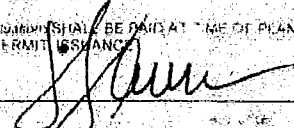
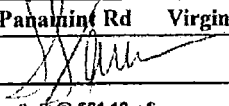
SCBD Control #:	Storey County Building Dept. P O Box 526 Virginia City NV 89440	Received
PERMIT APPLICATION		
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Comm/Indr		
WORK DESCRIPTION AMATEUR RADIO ANTENNA SUPPORT STRUCTURES		
WORK LOCATION ADDRESS 370 PANAMINT RD		AREA HR
LOT(S) 37	APN(S) 003-43-18	ZONING E10-HR
OCCUPANCY N/A	CONSTRUCTION TYPE STEEL	FLOOD ZONE C
		SETBACKS 30-45-15
		SO FT < 4.0
RECEIVED BY BUILDING DEPT:	Grading Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	Topographic Underlay: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Fire & Life Safety API: <input type="checkbox"/> Yes <input type="checkbox"/> No	Owner/Builder Signature Forms: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Sewer/Water/Will Serve: <input type="checkbox"/> Yes <input type="checkbox"/> No	Architectural Approval Letter: <input type="checkbox"/> Yes <input type="checkbox"/> No
A Nevada Licensed CONTRACTOR and SWPP Report is Required for ALL Commercial and/or Industrial Projects		
CONTRACTOR C/D	PHONE	
ADDRESS	NV LIC #	
City ST Zip	SC LIC #	
24-hr JOB Contact	Cell	
CONTRACTOR	PHONE	RECEIVED
ADDRESS	NV LIC #	AUG 14 2008
City ST Zip	SC LIC #	
24-hr JOB Contact	Cell	Storey County Building
CONTRACTOR	PHONE	
ADDRESS	NV LIC #	
City ST Zip	SC LIC #	
24-hr JOB Contact	Cell	
If applying as Owner/Builder - MUST Complete "Owner Builder Affidavit of Exemption" per NRS 624.031(4)		
OWNER / Permittee (Print) TOM TAORMINA	PHONE 847-7929	
ADDRESS (Mailing) 370 PANAMINT RD	CELL 846-7068	
	VC HIGHLANDS NV 89521	
OWNER Signature: 	Authorized BUILDER AGENT	
Comments SEE ATTACHED DOCUMENTS		
TOTAL VALUATION: \$ 14,000.		
PLAN REVIEW \$	CHECK #	RECEIPT #
<small>Note: PLAN CHECK FEE: Based on total valuation SHALL BE PAID AT TIME OF PLAN SUBMITTAL. PERMIT FEE(S): PAID PRIOR TO PERMIT ISSUANCE.</small>		
Application Completed by: 		Date: 8/14/08

Exhibit L

Building Permit 8416 Issued for 32' Tower, 9/16/08

Permit No. 8416	Storey County Building Dept. P O Box 526 Virginia City Nevada 89440 ~ (775) 847-0966		Date 9/16/08
RESIDENTIAL			
WORK DESCRIPTION: Erection of amateur radio antenna support structures - 32'			
WORK LOCATION ADDRESS: 370 Panamint RD			AREA: HR
APN: 003-431-18	ZONE:	FLOOD:	LOT / BLK: 37
Special Note: This tower is pre-existing. It was installed in the 1990's. No Permits were requested or issued; therefore, no inspections were completed on the foundation or the guy wires. Storey County Building Department assumes no liability for the safety of this tower. The Ten-Acres Property Owners Association Chairman submitted a letter stating that they addressed concerns raised by some association members over the erection of this tower. Per Howard Dewey, he reviewed the current association CC&R's and found nothing which prevents erection, limits tower size or the quantity of these structures on a member's property (see attached letter)			
ESTIMATED WORK COMMENCEMENT DATE: 9/16/08		ESTIMATED COMPLETION DATE: 3/16/09	
MOBILE HOME / TRAVEL TRAILER:	MAKE:	MODEL:	
	YEAR:	SIZE:	SERIAL #:
SCHOOL TAX RECEIPT #: <i>When required, pay \$500 to Storey County Clerk at Courthouse</i>	SPECIAL CONDITIONS:		
CONTRACTOR: Owner / Builder			PHONE:
ADDRESS:	NV LIC #:	Exp:	Limit: \$
	SC LIC #:	Exp:	
ALL MATERIALS USED FOR THIS PROJECT SHOULD BE RECEIVED IN STOREY COUNTY AND THE VALUE REPORTED AS 'COUNTY-OF-DELIVERY' ON THE NEVADA DEPARTMENT OF TAXATION FORM TXR-01.01 'SALES/USE TAX RETURN'. <i>If you require further information, please call (775) 847-0966.</i>			
OWNER / Permittee (Print): Tom Taormina			PHONE: 847-7929
ADDRESS (Mailing): 370 Panamint Rd Virginia City Highlands, NV 89521			
OWNER SIGNATURE: <i>X</i> 	AUTHORIZED BUILDER / AGENT:		
LIVING AREA: Sq Ft @ \$61.10 = \$	BLDG FEE: \$35.70	PLOT PLAN: \$	
CONCRETE SLAB: Sq Ft @ \$16.10 = \$	PLAN RWV FEE: \$23.21	SIGNS: \$	
STD T-FOUNDATION: Ln Ft @ \$25.00 = \$	ELECTRICAL: \$	SPEC INSP: \$	
GARAGE: Sq Ft @ \$19.48 = \$	MECHANICAL: \$	Temp TRAILER: \$	
FINISHED GARAGE: Sq Ft @ \$23.21 = \$	PLUMBING: \$	STOVE / Fireplace: \$	
WOOD DECKS: Sq Ft @ \$ 5.62 = \$: \$: \$	
SYN/COMP DECKS: Sq Ft @ \$ 9.98 = \$: \$: \$	
WOOD DECK: Sq Ft @ \$12.00 = \$	PARK TAX: \$	\$	
BASEMENT: Sq Ft @ \$16.64 = \$	TOTAL PERMIT FEE: \$58.91		
TOTAL VALUATION: \$900.00	<input type="checkbox"/> PLAN REVIEW ONLY	Check #:	
<input type="checkbox"/> Est. Cost <input type="checkbox"/> Actual Contract	<input checked="" type="checkbox"/> FULL PERMIT	Receipt #:	

Permission is hereby granted to do the work described in this application and ONLY in accordance with the Rules, Regulations, and Ordinances of the County of Storey. Inspection MUST be called for within 180 days of issuance of permit or permit is void. Permit may be renewed for 50% of the original 'Permit Fee'.

State 'Health Certification', if required, is the responsibility of the "Permittee".

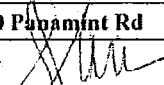
By: 
Storey County Building Department Rev 02-11-04

Assessor Dept

Fire Dept

Sheriff Dept

Exhibit M
Building Permit 8417 Issued for 40' Tower, 9/16/08

Permit No. 8417	Storey County Building Dept. P O Box 526 Virginia City Nevada 89440 ~ (775) 847-0966	Date 9/16/08
RESIDENTIAL		
WORK DESCRIPTION: Erection of amateur radio antenna support structure - 40'		
WORK LOCATION ADDRESS: 370 Panamint RD		AREA: HR
APN: 003-431-18	ZONE:	FLOOD:
LOT / BLK: 37		
Special Note: This tower is pre-existing. It was installed in the 1990's. No Permits were requested or issued; therefore, no inspections were completed on the foundation or the guy wires. Storey County Building Department assumes no liability for the safety of this tower. The Ten-Acrea Property Owner's Association Chairman submitted a letter stating that they addressed concerns raised by some association members over the erection of this tower. Pat Howard Depew, he reviewed the current association CCR's and found nothing which prevents erection, limits tower size or the quantity of these structures on a member's property (see attached letter).		
ESTIMATED WORK COMMENCEMENT DATE: 9/16/08		ESTIMATED COMPLETION DATE: 3/16/09
MOBILE HOME / TRAVEL TRAILER:	MAKE:	MODEL:
	YEAR:	SIZE:
		SERIAL #:
SCHOOL TAX RECEIPT #: <i>When required, pay \$500 to Storey County Clerk at Courthouse</i>	SPECIAL CONDITIONS:	
CONTRACTOR: Owner / Builder		PHONE:
ADDRESS:	NV LIC #:	Exp: Limit: \$
	SC LIC #:	Exp:
<p align="center">ALL MATERIALS USED FOR THIS PROJECT SHOULD BE RECEIVED IN STOREY COUNTY AND THE VALUE REPORTED AS 'COUNTY-OF-DELIVERY' ON THE NEVADA DEPARTMENT OF TAXATION FORM TXR-01.01 'SALES/USE TAX RETURN'. If you require further information, please call (775) 847-0966.</p>		
OWNER / Permittee (Print): Tom Taormina		PHONE: 847-7929
ADDRESS (Mailing): 370 Panamint Rd Virginia City Highlands, NV 89521		
OWNER SIGNATURE: 	AUTHORIZED BUILDER / AGENT:	
LIVING AREA: Sq Ft @ \$61.10 = \$	BLDG FEE: \$35.70	PLOT PLAN: \$
CONCRETE SLAB: Sq Ft @ \$16.10 = \$	PLAN RWV FEE: \$23.21	SIGNS: \$
STD T-FOUNDATION: Ln Ft @ \$25.00 = \$	ELECTRICAL: \$	SPEC INSP: \$
GARAGE: Sq Ft @ \$19.48 = \$	MECHANICAL: \$	Temp TRAILER: \$
FINISHED GARAGE: Sq Ft @ \$23.21 = \$	PLUMBING: \$	STOVE / Fireplace: \$
WOOD DECKS: Sq Ft @ \$ 5.62 = \$: \$: \$
SYN/COMP DECKS: Sq Ft @ \$ 9.96 = \$: \$: \$
WOOD DECK: Sq Ft @ \$12.00 = \$	PARK TAX: \$: \$
BASEMENT: Sq Ft @ \$15.54 = \$	TOTAL PERMIT FEE: \$58.91	
TOTAL VALUATION: \$900.00	<input type="checkbox"/> PLAN REVIEW ONLY	Check #:
<input type="checkbox"/> Est. Cost <input type="checkbox"/> Actual Contract	<input checked="" type="checkbox"/> FULL PERMIT	Receipt #:

Permission is hereby granted to do the work described in this application and ONLY in accordance with the Rules, Regulations, and Ordinances of the County of Storey. Inspection MUST be called for within 180 days of issuance of permit or permit is void. Permit may be renewed for 50% of the original 'Permit Fee'.

State 'Health Certification', if required, is the responsibility of the "Permittee".

By: 
 Storey County Building Department Rev 02-11-04

Assessor Dept

Fire Dept

Sheriff Dept

Exhibit N
Completion Report Issued for 32' Tower, 9/24/08

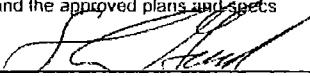
Storey County Building Department P O Box 526 - VIRGINIA CITY, NV 89440 - (702) 847-0966		Permit #: 8416
		Requested: 9/23/08
CODE COMPLIANCE INSPECTION REPORT		Ready: 9/24/08
Site Address: 370 Panamint APN #003-431-18		Area: IIR Lot / Blk: 37
Owner: Taormina, Tom	Contractor: OB	
INSPECTION(S) REQUESTED:		
1. <input type="checkbox"/> Footing <input type="checkbox"/> Stemwall <input type="checkbox"/> Ready to Pour Concrete - Forms in, UFER Ground, Reinf. Sl. In-Place		
2. <input type="checkbox"/> Floor Joists - Mud Sill, J-Bolts and Blocking In as Required; Rough Plumbing Installed		
3. <input type="checkbox"/> Roof Sheet Nailing - Nail Spacing and Sheathing Spacing		
4. <input type="checkbox"/> Framed Complete - Plumbing thru roof, Elect. Boxes in, Wire Pulled, Heating, Gas Piping, Roof Shingled, Siding On, Dry In		
5. <input type="checkbox"/> Insulation a. <input type="checkbox"/> Batts b. <input type="checkbox"/> Blown - CERTIFICATION Required		
6. <input type="checkbox"/> Sheet Rock Nailing		
7. <input type="checkbox"/> Ready to Occupy - a. Sheetrock Finished b. Plumbing c. Electrical d. Heating and e. Grading All Completed		
<input type="checkbox"/> Electrical <input type="checkbox"/> Electric Service Connections <input type="checkbox"/> Fuel Burning Stove <input type="checkbox"/> Mechanical <input type="checkbox"/> Excavation & Grading <input type="checkbox"/> Demolition <input type="checkbox"/> Plumbing <input type="checkbox"/> Foundation <input type="checkbox"/> Exterior Gas		
~ REINSPECTIONS ~		
NOTE: It shall be the duty of the person doing the work authorized by a permit to notify the Building Department that such work is ready for inspection and to provide access to and means for Proper Inspection of such work. A re-inspection fee will be assessed for each inspection when such Portion of work for which inspection is called is not complete or when corrections called for are not made.		
Condition of Construction at this Inspection:		
<input checked="" type="checkbox"/> A. Meets ALL Requirements for <u>this</u> INSPECTION <input type="checkbox"/> C. Non-Compliance - Builder Will Comply Without Delay <input type="checkbox"/> B. Substitutions or Deviations <input type="checkbox"/> D. Non-Compliance - Builder Does NOT Intend to Comply <input type="checkbox"/> E. Dwelling is habitable, however the following corrections MUST be completed by		
Comments: <i>Final on 32' tall radio antenna</i>		
<p>Tower appears to be no more than 32' in height, OK</p> <p>Anchors and all components are within the set-backs required for structures, OK</p> <p>Engineering report has been delivered to Building Dept.</p> <p>PASS, No further inspection required.</p>		
CERTIFICATION - I certify that I have inspected the above property and have reported herein all conditions observed at this time and date to be in variance with any Storey County Ordinances, the U.B.C. and the approved plans and specs. 9/24/08 3:25 p.m. <div style="text-align: right; margin-top: 10px;">  9/24/08 </div>		

Exhibit O
Completion Report Issued for 40' Tower, 9/24/08

Storey County Building Department P O Box 526 - VIRGINIA CITY, NV 89440 - (702) 847-0966		Permit #: 8417
CODE COMPLIANCE INSPECTION REPORT		Requested: 9/23/08
Ready: 9/24/08		
Site Address: 370 Panamint APN #003-431-18		Area HR Lot / Blk 37
Owner: Taormina, Tom	Contractor: OB	
INSPECTION(S) REQUESTED:		
1. <input type="checkbox"/> Footing <input type="checkbox"/> Stemwall <input type="checkbox"/> Ready to Pour Concrete - Forms in, UFER Ground, Reinf. Stl. In-Place		
2. <input type="checkbox"/> Floor Joists - Mud Sill, J-Bolts and Blocking In as Required; Rough Plumbing Installed		
3. <input type="checkbox"/> Roof Sheet Nailing - Nail Spacing and Sheathing Spacing		
4. <input type="checkbox"/> Framed Complete - Plumbing thru roof, Elect. Boxes in, Wire Pulled, Heating, Gas Piping, Roof Shingled, Siding On, Dry In		
5. <input type="checkbox"/> Insulation a. <input type="checkbox"/> Batts b. <input type="checkbox"/> Blown - CERTIFICATION Required		
6. <input type="checkbox"/> Sheet Rock Nailing		
7. <input type="checkbox"/> Ready to Occupy - a. Sheetrock Finished b. Plumbing c. Electrical d. Heating and e. Grading All Completed		
<input type="checkbox"/> Electrical	<input type="checkbox"/> Electric Service Connections	<input type="checkbox"/> Fuel Burning Stove
<input type="checkbox"/> Mechanical	<input type="checkbox"/> Excavation & Grading	<input type="checkbox"/> Demolition
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Foundation	<input type="checkbox"/> Exterior Gas
- REINSPECTIONS -		
NOTE: It shall be the duty of the person doing the work authorized by a permit to notify the Building Department that such work is ready for inspection and to provide access to and means for Proper Inspection of such work. A re-inspection fee will be assessed for each inspection when such Portion of work for which Inspection is called is not complete or when corrections called for are not made.		
Condition of Construction at this Inspection:		
<input checked="" type="checkbox"/> A. Meets ALL Requirements for <u>this</u> INSPECTION <input type="checkbox"/> C. Non-Compliance - Builder Will Comply Without Delay		
<input type="checkbox"/> B. Substitutions or Deviations <input type="checkbox"/> D. Non-Compliance - Builder Does NOT Intend to Comply		
<input type="checkbox"/> E Dwelling is habitable, however the following corrections MUST be completed by		
Comments: <i>Final on 40' tall radio antenna</i>		
Tower appears to be no more than 40' in height, OK		
Anchors and all components are within the set-backs required for structures, OK		
Engineering report has been delivered to Building Dept.		
PASS, No further inspection required.		
CERTIFICATION - I certify that I have inspected the above property and have reported herein all conditions observed at this time and date to be in variance with any Storey County Ordinances, the U.B.C., and the approved plans and specs.		
9/24/08 3:25 p.m. <i>[Signature]</i> 9/24/08		

Exhibit P
Nuisance Complaint

January 1, 2009

To the Storey County Commissioners and the Storey County Assistant District Attorney,

Several months ago there were some nuisance complaints filed about the towers on the Taormina property.

We have a petition with about 100 signatures stating we want the towers taken down because they destroy the natural beauty of the area and are in violation of several county statutes.

As of this date, we have not heard of any action being taken on these nuisance complaints.

Also, in spite of the ADA's letter to Taormina telling him to NOT do any maintenance on the towers, building inspector Haymore ignored our reports of a man working on the towers.

I am formally requesting permission to address the commissioners on this matter at their next meeting.

Storey County Code Ch. 17.88 Enforcement Section 17.88.010 is very clear in stating that public nuisances can be dealt with by the District Attorneys office to remove said nuisance. It also mentions preventing anyone from maintaining said structure.

Storey County Code 17.88 Enforcement Section 17.88.020 Penalty Says anyone guilty of violating this provision is guilty of a misdemeanor and can be jailed and fined.

Storey County Code Chapter 15.08 Building Official Duties generally states that if the stop work order is not honored, and if hasn't been, that the building official has all law enforcement authority to enforce said order.

NRS 244.360 Abatement of nuisances: Complaint: notice; hearing; order; enforcement of order; costs; alternative procedures states that this has to be dealt with in 30 to 40 days.

I will provide copies of all of these statutes and codes for all the commissioners and the ADA as they go on and get very specific about dealing with a nuisance complaint.

I don't mean to be a pain in the butt, but this has gone on way too long and we want the towers taken down legally.

Thank you,

Buddy R. Morton

Exhibit Q

Courtesy Notification

Nuisance Hearing Notification

Pat Whitten [pwhitten@storeycounty.org]

You forwarded this message on 1/25/2009 10:39 AM

To: Tom Taormina
Cc: lgrant@storeycounty.org; Dean Haymore; Vanessa Dixon; Marilou Walling

Tom,

Please consider this a courtesy notification that, pursuant to NRS 244.360 (1), our County Clerk has notified the Board of County Commissioners of a written nuisance complaint filed by Buddy R Morton on January 9, 2009. A date for our County Commissioners to hear the proof of the complainant and of the owner or occupant of the real property whereon the alleged nuisance is claimed to exist has been set for 2:00 pm on February 17, 2009 at the Storey County District Courtroom in Virginia City. Staff intends to publish notification of this hearing in the Comstock Chronicle editions of February 6 and February 13th. I believe I have previously provided you a copy of the complaint as filed.

Pat W



Pat Whitten
County Manager
Storey County

(775) 847-0968 (Office)
(775) 721-7001 (Cell)
PWhitten@StoreyCounty.org

Exhibit R

Letter from DDA Grant, 8/27/2008



DISTRICT ATTORNEY
STOREY COUNTY

HAROLD SWAFFORD

August 27, 2008

Brian M. McMahon, Esq.
McMahon Law Offices, LTD.
3715 Lakeside Drive, Suite A
Reno, Nevada 89509

RE: Taormina Antenna Issue

Dear Mr. McMahon:

Thank you for providing me with the very extensive information relating to your client's desire for a building permit to erect two (2) amateur radio antennae. As promised, I have reviewed all of it, including legal research of the cases cited and others.

As I told you by telephone, I am not convinced that the "authority" provided is either controlling or persuasive. Unpublished federal district court decisions, and the like, are simply not convincing.

Storey County Code 17.12.044 is neither facially preempted nor "as applied" preempted by PRB-1. Provisions are incorporated within this County's Code for the application for, and issuance of, special use permits relating to otherwise nonconforming uses, such as amateur radio antennae over forty-five (45) feet in height. Your client has failed to make such an application upon the premise that: (1) he is not required to so apply; and, (2) PRB-1 prevents the County from any interference with his hobby.

In my review of the history of Mr. Taormina's antennae, I have learned that, in addition to his failure to obtain building, or special use, permits for the approximately eight (8) radio antennae on his lot, he failed to gain the approval of the architectural committee of the Highlands Ranchos Property Owners Association (HRPOA) as was required. The architectural guidelines in effect as part of the conditions, covenants and restrictions (CC&Rs) as of 1998 (one year after your client's purchase), forbade the placement of any antennae on the property which is more than fifteen (15) feet in height above the roof of the dwelling. In fact, on at least one (1) occasion Mr. Taormina was ordered to remove (or reduce in height) all but one of the antennae as nonconforming. Mr. Taormina did neither.

P.O. BOX 496 • 911 SR 341 • VIRGINIA CITY, NEVADA 89440
(775) 847-0964 • FACSIMILE (775) 847-1007

Page 2
August 27, 2008

In fact, he erected even more antennae thereafter, again without so much as a modicum of compliance with the governing bodies.

The copy of the building permit application attached to Mr. Hopengarten's letter of August 13th should be able to be granted as it only relates to preparation of the antenna support system. We understand this to be preparation of the foundation for the tower. Any other work contemplated, such as the erection of antennae and towers over 45 feet in height, will require Mr. Taormina to apply for a special use permit.

Mr. Taormina has flouted the laws of this County and the dictates of his homeowners association for many years. He now demands, via counsel, "reasonable accommodation" of his desire to add yet more antenna towers to his already substantial "farm." The County acknowledges its obligation to afford reasonable accommodation, however it has never been asked to do so; neither in the past nor present. Much of this could have been addressed several years ago if he had only made the proper applications. Instead, he must now deal with a situation of his creation.

Storey County is more than willing to work with your client in achieving his goals for his hobby, but it will be necessary to approach this matter within the law. We would be amenable to a conference between County building officials, myself, you and your client (following the proper application for a special use permit) if he is willing to work through the proper channels to achieve his ends. Further, it will be necessary to engage the Planning Commission in the discussion, with the appropriate public hearings. It will also be necessary to evaluate Mr. Taormina's need for the number of antennae already upon his property, another matter which could have been addressed previously had he made the proper applications for such placement over the years.

I look forward to discussing this matter with you further. Please feel free to contact me at any time.

Very truly yours,


LAURA LOUISE GRANT
Deputy District Attorney

CC: Dean Haymore
Pat Whitten

Exhibit S

Letter from DDA Grant, 9/30/2008



DISTRICT ATTORNEY
STOREY COUNTY

HAROLD SWAFFORD

September 30, 2008

Brian M. McMahon, Esq.
McMahon Law Offices, Ltd.
3715 Lakeside Drive, Suite A
Reno, Nevada 89509

RE: Taormina, 370 Panamint Road

Dear Mr. McMahon:

I am in receipt of your, and Attorney Hopengarten's, letters of September 22, 2008. I have reviewed both and respond below.

Firstly, I responded directly to Attorney Hopengarten's earlier letter out of professional courtesy. However, I cannot consider him to be "attorney of record," therefore I will, in future, rely upon you to keep him informed of events should you so desire.

Secondly, I believe that your client has been informed that the two (2) building permits he requested for tower/antenna structures less than sixty feet (60') were granted so as to begin bringing the structures on his property within the law. As you have previously been told, he may have a permit to remove the structure which presently encroaches on a neighboring property. The issue of re-erecting on another area of Taormina's property must be addressed under the code.

Lastly, the battle of semantics and/or definitions in previous correspondence of Attorney Hopengarten is neither intimidating nor influential to the ultimate outcome of your client's desires for radio towers/antennae on his property. Storey County Code Section 17.40.020 is quite clear with regard to "accessory use" structures; a special use permit is required for any structure over sixty feet (60') long. It matters naught whether the antennae themselves are less than 60', only that the entire structure must be less than 60' or require the property owner to apply for a special use permit, *through the ordinary*

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Page 2
September 30, 2008

process of the laws of Storey County. Mr. Taormina has not done so prior to erection of the existing structures on his property and now must suffer the consequences of his decisions so that he may make his property, and its structures, comply with the law.

The County is well aware of the limited pre-emption of the Federal Communications Commission and Nevada Revised Statutes. Our ordinances are minimally configured and do not necessarily violate the spirit, or letter, of those laws. Your client, however, has never partaken of the required steps over the years. I can well imagine that, at this point in time, he might feel that the County is being unreasonable. This is, however, completely untrue. Thus far the County has been given scant opportunity by Mr. Taormina to address his hobby. In the event that he wishes to move forward in this matter it will be necessary for him to follow the laws of this County and make the appropriate applications so that the County may address the issues and ensure that it is fulfilling its obligations to the community.

Please feel free to contact me should you so desire.

Very truly yours,



LAURA LOUISE GRANT
Deputy District Attorney

CC: Dean Haymore
Pat Whitten

Exhibit T

Email from Buddy Morton to Dean Haymore

Dean Haymore

From: B Morton [tacaimnv@gmail.com]
Sent: Monday, November 17, 2008 1:02 PM
To: Dean Haymore; lgrant@storeycounty.org; Pat Whitten; adkinsgrade@yahoo.com
Subject: phone conversation regarding stop work order

Dear Dean,

In our phone conversation the other day you indicated you would check on what Ms Grant had written in her stop work order and letter to Taormina.

Her letter is very specific about him not doing any maintenance or repairs or other work.

We have three witnesses and photos of someone working on his antenna and he moved the large towers.

I worked construction and have been on jobs where a stop work order was posted. On the jobs I worked on it meant exactly that, stop work.

Taormina is basically flipping all of us the bird and doing what he pleases. I believe you and the ADA can put a stop to his action and I would encourage you to do so.

Storey County code Chap.17.88 , section 17.88.020,states that violation of the order is a misdemeanor and he can be imprisoned and or fined \$1,000 a day. That would be a great start!

Storey County code Chap. 15.08 section15.08.030 goes on in great detail about what you can do, but it mentions specifically that you have law enforcement authority to stop the work and can apply for an injunction to the DA's office.

It seems to me that you have the authority to deal with this.

Those of us want the towers taken down are not going away or giving up and I believe we have been very patient waiting for something to be done, but we'd like to see some action taken.

He seems to think he's above the law, and getting away with these actions seems to indicate that maybe he's justified in having that opinion.

Buddy Morton

Exhibit U

Letter from Plaintiff to SCBD

Tom Taormina

Certified Quality Manager
Certified Management Consultant
Certified Professional Consultant to Management

November 28, 2000

Rick McDowell
Storey County Building Department
PO Box 526
Virginia City NV 89440

Dear Rick;

Thank you for coming by today and leaving a copy of page 17 of the revised Storey County Building Codes. My wife informs me that your visit was at the behest of Ms Lydia Hammack, President of the HRPOA, concerning one of my amateur radio towers.

I am a bit confused and disappointed that my neighbors had to summon you to answer questions about activities on my property and in our neighborhood. I spoke with Ms Hammack at the Fire Station on November 7th when I was voting and there was no mention of any issues at that time. I am aware that there is disdain among some HRPOA Board members for my towers and former President Ed Detrich informed me (verbally) on several occasions that he thought they were eyesores, but that I was fully within my rights under our CC&R's to have them.

Confusion and disappointment aside, I would like to answer your questions. The main tower is on the highest point of our ten acres. The tower structure is 70' above its base and the highest antenna is 80'. The second tower is 45' above its base and the highest antenna is 55'. There is a third tower that is 33' above its base and the antenna on it is 36'. I refer to "above its base" because I am not sure what "above grade" means in the Codes. The FCC and FAA elevation measurements are calculated at Height Above Average Terrain (HAAT). In that context, the highest point on the highest tower is 80' HAAT. Since the property slopes to the north, the highest point on the second tower would be about 40' HAAT and the third tower 30' HAAT. Again, in FAA and FCC parlance, the highest object on the site determines obstruction height calculations, so the height of the second and third towers is not germane to those regulations. I hope this answers your questions. Now, I have several questions for you and the HRPOA.

1. I know your trip was in response to a complaint. Was your visit informational or is there some action that the Building Department expects me to take? Is the Building Department planning any action on this subject?
2. You mentioned that the Building Code was revised in July 1999, to include the tower height restriction. We've read the Comstock Chronicle every week since mid 1996 and don't recall any public mention of pending changes in this section. Was this change announced as a proposal and were hearings conducted in the affected neighborhoods? What caused the change to be adopted? What offensive activity did the change intend to remedy? If these questions are out of your province, please point me to the correct authority,

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3. I am neither an attorney nor an expert on preemption, but do not the CC&R's take precedent over the County Building Codes when there is a conflict? (The CC&R's do not limit antenna structure height). Also, are you aware that FCC Rule PRB-1 gives the FCC preemption over Federally Licensed radio stations? (My wife and I both hold valid amateur radio licenses issued by the FCC).
4. One of the reasons the amateur radio service exists is because of our expertise in providing emergency communication to the public in time of disaster. Is the HRPOA aware that my wife and I both have emergency communication experience and we are prepared to provide secondary and tertiary communications backup, should it be necessary? I have been involved in emergency communications for over 40 years and will be here for my neighbors, should the need arise. That is one of the reasons I have erected radio towers.
5. You mentioned to my wife that my larger tower would be "grandfathered" under the revised Code. Where is this provision specified? Since the subject of radio communication masts is being discussed, how are others in the County being notified of their compliance or non-compliance with the revised statutes?

Those are my questions. Let me close first with my position on the towers on my property. They exist to support an avocation that is totally benign to anyone in the Highlands. They are within the province of the rules of the FCC and FAA. They do not violate the CC&R's that we agreed to abide by when we moved here nearly four years ago. They are no more offensive than the telephone poles that litter the countryside. In fact, several neighbors have told me that they did not even notice them until someone pointed them out. Part of our hobby is ongoing design and experimentation to advance the state-of-the-art in radio wave propagation. All that said, I plan to continue to build, rebuild and experiment with antennas, as I have done for over four decades.

Second, I must question why my neighbors are spending your valuable time on such a trivial matter. I know that it is trivial because we live in a home (built by its previous owner) that has so many building code violations that we have already been forced to spend \$80,000 in repairs on a house that was five years old when we bought it. The owner/builder blatantly circumvented building codes that were in effect at the time it was constructed. The Storey County inspector (at the time) did not cite any of these critical violations and there has been no recourse for us but to "live with it" because the previous owner has no assets and the County cannot be held liable. In fact, as part of this ongoing odyssey, we will be seeking a permit shortly to replace the septic field lines because they are ineffective. We have been having the septic tank pumped every six months for nearly four years. The plumber has stated that the leech field could not have been installed to code. There is no evidence there was ever a perc test performed and yet we are spending time discussing innocuous radio towers. In order for us to ever move, we still have a costly list of structural repairs to perform, all of which should have been discovered during construction inspections. We accept our responsibility and would never offer the property for sale with any Code violations. Since we will never get our money out of the house, we will be living here for a very long time, being responsible citizens of Storey County and enjoying our hobby. Our hope is that the HRPOA will find more beneficial uses of your time and their energy.

Please feel free to drop by any time.
Yours truly,

Tom Taormina, CQMgr, CMC, CPCM

Cc: Lydia Hammack, HRPOA

Exhibit V

Plat Plan on File at the Storey County Building Department

