



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, SEPTEMBER 2ND, 2014 9:15 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

AGENDA

MARSHALL MCBRIDE
CHAIRMAN

BILL MADDOX
DISTRICT ATTORNEY

LANCE GILMAN
VICE-CHAIRMAN

BILL SJOVANGEN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **CALL TO ORDER CLOSED SESSION MEETING AT 9:15 A.M.** pursuant to NRS 288.220 for the purpose of conferring with county management and legal counsel regarding labor negotiations between Storey County (Employer) and the Storey County Sheriff's Office Employees' Association/Operating Engineers Local Union No. 3 (Union).
2. **CALL TO ORDER AT 10:00 A.M.**
3. **PLEDGE OF ALLEGIANCE**
4. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for September 2, 2014
5. **DISCUSSION/POSSIBLE ACTION:** Approval of minutes for August 19, 2014

CONSENT AGENDA

(All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting. The Commission Chair reserves the right to limit the time allotted for each individual to speak.)

6. For possible approval Assessor's recommended corrections for APN 003-002-12 to tax roll for 2014/2015 tax year.

7. For possible action approval of Assessor's recommended corrections for APN 003-045-21 to the 2014/2014 tax roll for partial property tax abatements pursuant to NRS 361.4722 through 361.4724
8. For possible action approval of Payroll Checks date 08/15/14 for \$339,856.38. Accounts Payable date for 8/22/14 for \$493,792.68 and \$4,019.70.
9. For possible action approval of National Preparedness Month Proclamation
10. For possible action consideration of approval of Six Mile Canyon Drainage Improvement Grant Professional Engineering Service Agreement with Farr West Engineering
11. For possible action approval of Business License First Readings -
 - a. AGGREGATE RESOURCE DRILLING, LLC - Contractor / 4080 Commercial Ave ~ Springfield, OR (rock driller)
 - b. BW CABINETS & DOORS, INC. - Contractor / 52 Miles Road ~ Carson City (cabinet sales/installer)
 - c. PAUL BROOKS GENERAL CONTRACTOR - Contractor / 199 East Winnie Lane ~ Carson City, NV (Contractor)
 - d. TFG CONSULTING, LLC - General / 1273 Lariat Court ~ Minden (Consultant)
 - e. WINDAK, INC. - Contractor / 1254 26th Street ~ Hickory, NC (servicing equipment in County)
 - f. DAVE'S HANDYMAN SERVICES - General / 1647 Clover Leaf Drive ~ Sparks (Handyman)

END OF CONSENT AGENDA

12. **DISCUSSION (No Action):** Dave Szabo, VFW Commander to make presentation to SCSO and SCFD

COMMUNITY DEVELOPMENT AND PLANNING

13. **DISCUSSION/POSSIBLE ACTION:** Variance 2014-014. By Mark Stevens in the Virginia City Highlands 1 Acre Estates located at 2010 Silverado Road, Storey County, Nevada (APN: 003-081-38). A request for Variance for a reduced rear-yard setback of 20 feet from the required 40 feet rear-yard setback for the placement of a proposed single-family residence. Also, the Applicant requests a Variance for the allowance of a detached accessory building to be closer than 50% of the depth of the lot from the front property line.
14. **DISCUSSION/POSSIBLE ACTION:** The applicant, Comstock Mining LLC, requests amendments to existing Special Use Permit No. 2000-222-A-3 to modify and expand applicable land area and allowable uses. The amendments apply to mining, processing, mine definition, exploration, and ancillary uses on the subject land in American Flat and Gold Hill. The location of the land subject to this SUP request is located approximately in Township 16 North, Range 20 East, Sections 1 and 12; and Township 16 North, Range 21 East, Sections 4, 5, 6, 7, 8 and 9 (MDB&M).
15. **DISCUSSION/POSSIBLE ACTION:** In accordance with an approval of Special Use Permit No. 2000-222-A-4 by Comstock Mining LLC, county planning staff hereby recommends closure and

nullification of existing Special Use Permit No. 2011-016 ("Exploration SUP"). This SUP request is subject to approval of preceding SUP No. 2000-222-A-4 by Comstock Mining, LLC. This SUP amendment request shall not be subject to hearing or modification if said SUP is not approved.

16. RECESS STOREY COUNTY BOARD OF COMMISSIONERS TO CONVENE AS BOARD OF FIRE COMMISSIONERS

17. DISCUSSION/POSSIBLE ACTION: Approval of Memorandum of Understanding (MOU) between the Storey County Board of Fire Commissioners (Employer) and the Storey County Firefighters' Association IAFF Local 4227 (Firefighters' Association) pertaining to salaries, merit steps, and employees anniversary/hire dates.

18. ADJOURN FIRE COMMISSIONERS TO RECONVENE AS STOREY COUNTY BOARD OF COMMISSIONERS

19. DISCUSSION (No Action – No Public Comment): Committee/Staff Reports

20. BOARD COMMENT (No Action – No Public Comment)

21. DISCUSSION/POSSIBLE ACTION: Approval of modification and extension of Collective Bargaining Agreement between Storey County (Employer) and the Storey County Sheriff's Office Employees' Association/Operating Engineers Local Union No. 3 (Union).

22. DISCUSSION/POSSIBLE ACTION: Acceptance and award of contract for three (3) ambulance re-chassis to Fire Trucks Unlimited in the amount of \$200,505.

23. DISCUSSION/POSSIBLE ACTION: Purchase of three (3) Dodge Ram 4500 regular cab chassis through Nevada State Purchasing or other vendor if less than state purchasing, in the amount not to exceed \$142,113.

24. DISCUSSION/POSSIBLE ACTION: Acceptance and award of contract for three (3) Type I Triple Combination Structural Fire Fighting Engines to Ferrara Fire Apparatus in the amount of \$1,640,828.

25. DISCUSSION/POSSIBLE ACTION: Reimbursement for fire alarm system at Gold Hill Train Station, requested by Kim Fegert

COMMUNITY DEVELOPMENT AND PLANNING CONTINUED

26. DISCUSSION/POSSIBLE ACTION: Special Use Permit Extension & Amendment 2012-014-A-1-2014. By Robert MacLachlan on behalf of Vista Towers, for a property located at 21485 Saddleback Road, Virginia City Highlands, Storey County, Nevada (APN: 003-101-66). The applicant requests an amendment to Special Use Permit 2012-014 in order to modify a condition of the "mono-pine" wireless communications tower may commence. The applicant is also requesting an extension to Special Use Permit 2012-014 which, due to inactivity, will expire.

27. DISCUSSION/POSSIBLE ACTION: Parcel Map 2014-012. By Vincent Griffith on behalf of Western 102/Western 102 LTD c/o Annette Mansfield, for a property located at 2633 Waltham

Way, McCarran, Storey County, Nevada (APN: 004-092-76). A parcel map to create two separate parcels of land from one existing parcel of land.

28. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- a. CHEWY.COM LLC - General / 700 Milan (ecommerce fulfillment ctr) TRI
- b. PEEK BROTHERS CONSTRUCTION INC. - Contractor / 400 Carroll Drive - Fernley (contractor)
- c. A & J PAVING - Contractor / 1490 Cherokee Trail ~ Reno (contractor)
- d. dba RED ROCK SPRING WATER / General - 1145 Icehouse Avenue ~ Sparks (water delivery)
- e. MARTINEZ TREXLER REAL ESTATE GROUP / Home Business - 92 West Taylor (real estate)
- f. ARDAGH METAL PACKAGING USA, INC. - General / 900 Waltham Way (can mfg) TRI
- g. W G YATES & SONS CONST CO - Contractor / 2641 Portofino Drive (contractor) TRI
- h. A-Z WELDING & FABRICATION, LLC - General / 1215 Alexandria (welding fab) TRI
- i. ROSSCO ENT., dba AP STAINLESS MFG - General / 1215 Alexandria (manufacturing) TRI
- j. RITCHIE BROS AUCTIONEERS - General / 20202 East Highway 80 MCC

29. PUBLIC COMMENT (No Action)

30. ADJOURNMENT

NOTICE:

- Anyone interested may request personal notice of the meetings.
- Agenda items must be received in writing by 12:00 noon on the Monday of the week preceding the regular meeting. For information call (775) 847-0969.
- Items may not necessarily be heard in the order that they appear.
- Public Comment will be allowed at the end of each meeting (this comment should be limited to matters not on the agenda). Public Comment will also be allowed during each item upon which action will be taken on the agenda (this comment should be limited to the item on the agenda). Time limits on Public Comment will be at the discretion of the Chairman of the Board. Please limit your comments to three minutes.
- Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, gender, disability, family status, or nation origin.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners' Office in writing at PO Box 176, Virginia City, Nevada 89440.

In accordance with Federal law and U.S. Department of agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, religion, age, disability (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write to USDA, Director, Office of civil rights, 1400 Independence avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or 202-6382 (TDD). USDA is an equal opportunity provider, employer, and lender. The TTY, VCO voice carry over) or HCO hearing carry over) number is 800-326-6868; voice only 800-326-6868. Check the customer Guide section of your telephone book under Services for Individuals with a Hearing or Speech Disability.

CERTIFICATION OF POSTING

I, Vanessa Stephens, Clerk to the Board of Commissioners, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before August 26, 2014; Virginia City Post Office, Storey County Courthouse, Virginia City Fire Department, Virginia City Highlands Fire Department and Lockwood Fire Department.

By Vanessa Stephens
Vanessa Stephens, Clerk-Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 09/02/14

Estimate of time required: 45 min.

Agenda: Consent ☐ Regular agenda ☐ Public hearing required ☐ (x Closed Session 9:15a-10:00a)

1. **Title:** Call to Order Closed Session meeting pursuant to NRS 288.220 for the purpose of conferring with county management and legal counsel regarding labor negotiations between Storey County (Employer) and the Storey County Sheriff's Office Employees' Association/Operating Engineers Local Union No. 3 (Union).

2. **Recommended motion:** No action

3. **Prepared by:** Austin Osborne, Administrative Officer

Department: Human Resources

Telephone: 775.847.0968

4. **Staff summary:** Pursuant to NRS 288 and Article 1 of the Bargaining Agreement between the Employer and the Union, the existing 2011-014 Agreement is proposed by management to the Board of Commissioners to be modified as tentatively agreed by the parties.

5. **Supporting materials:** Applicable materials to be presented during closed-session.

6. **Fiscal impact:**

Funds Available:


Fund:

____ Comptroller

7. **Legal review required:**

____ District Attorney

8. **Reviewed by:**

 Department Head

Department Name: Commissioner's Office

 County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. |



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 2, 2014

Estimate of time required: 5 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Approval of minutes for August 19, 2014

2. **Recommended motion:** Approve minutes as submitted.

3. **Prepared by:** Vanessa Stephens

Department: Clerk & Treasurer

Telephone: 775 847-0969

4. **Staff summary:** Minutes are attached.

5. **Supporting materials:** Attached.

6. **Fiscal impact:** N/A

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:** N/A

____ District Attorney

8. **Reviewed by:**

YS Department Head

Department Name: Clerk & Treasurer

Rmk County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. **5**



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, AUGUST 19TH, 2014 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN

BILL MADDOX
DISTRICT ATTORNEY

LANCE GILMAN
VICE-CHAIRMAN

BILL SJOVANGEN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

Roll Call: Chairman Marshall McBride, Vice-Chairman Lance Gilman, Commissioner Bill Sjovangen, Deputy District Attorney Anne Langer, Clerk & Treasurer Vanessa Stephens, County Manager Pat Whitten, Comptroller Hugh Gallagher, Community Services Director Cherie Nevin, Planner Dessie Redmond, Sheriff Gerald Antinoro, Building Inspector Shannon Gardner, Public Works Director Mike Nevin, Administrative Officer/Senior Planner Austin Osborne and Deputy District Attorney Robert Morris.

Absent: District Attorney Bill Maddox

1. **CALL TO ORDER AT 10:00 A.M.**

The meeting was called to order by the Chair at 10:00am

2. **PLEDGE OF ALLEGIANCE**

The Chair led those present in the Pledge of Allegiance

3. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for August 19, 2014

Mr. Whitten requested item 12 and 16 follow the Consent Agenda.

Motion: Approve agenda for August 19, 2014 with changes requested by Mr. Whitten. **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

4. **DISCUSSION/POSSIBLE ACTION:** Approval of minutes for August 5, 2014

Motion: Approve minutes for August 5, 2014. **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

CONSENT AGENDA

5. For possible approval the Treasurer Report for July 2014
6. For possible action approval of Assessor's recommended corrections to the 2014/2014 tax roll for partial property tax abatements pursuant to NRS 361.4722 through 361.4724
7. For possible action approval of general and liquor license first reading-
 - a. DELTA SALOON/SAWDUST CORNER/PARKING- General and liquor license/28 S C St.
 - b. BONANZA SALOON- General and liquor license/27 N C St.
8. For possible action approval of Payroll Check date 08/01/14 for \$427,414.46. Accounts Payable date for 8/08/14 for \$484,597.05 and \$5,130.39.
9. For possible action approval of Business License First Readings -
 - a. CHEWY.COM LLC - General/700 Milan (ecommerce fulfillment ctr) TRI
 - b. PEEK BROTHERS CONSTRUCTION INC. - Contractor/400 Carroll Drive, Fernley
 - c. A & J PAVING - Contractor/1490 Cherokee Trail, Reno
 - d. dba RED ROCK SPRING WATER/General - 1145 Icehouse Avenue, Sparks
 - e. MARTINEZ TREXLER REAL ESTATE GROUP/Home Business-92 West Taylor VC

END OF CONSENT AGENDA

Mark Joseph Phillips, Storey County resident: Stated that he would like to see the applicants name regarding the liquor license first reading.

Motion: Approve consent agenda, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

DISCUSSION/POSSIBLE ACTION: Recommendation to award contract to successful bidder for the construction of the Storey County Courthouse Roof Replacement Project. Bids will be opened on August 14, 2014 and will be included in the Commission packet prior to the meeting. (*Originally listed as item 12.*)

Shannon Gardner, Storey County Building Inspector:

- Received two bids last Thursday at 2pm. One was incomplete with paperwork and was not qualifying. We did get a qualifying bid from Watershed Systems out of Carson City. We were pleased with it. Base bid \$69,020.
- Alternate bid #1 for Snow Retention \$76,80.00
- Alternate bid #2 for Gutters and Downspouts \$3,900.00
- Alternate bid #3 for Metal Access Stairs and Cat Walk \$18,380.00
- Projected budget is a little under \$100,000
- Staff recommends award of contract to Watershed Systems for the base bid of \$69,020 and the Alternate bid #3 for \$18,380 for a total of \$87,400.
- Would like to hold off on gutters and snow retention to research an alternate system first.
- Presented samples of the roofing material

Mr. Whitten pointed out that the bidder, Mike Baxter, took the time to be here and explained why he is very impressed with him.

Mr. Gardner also mentioned that they are looking at doing a powder coat finish on the catwalk and stairs rather than the paint proposed. He is also looking at an increase to the warrantee.

Motion: Award bid to Watershed Systems in the amount of \$87,400. **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

DISCUSSION/POSSIBLE ACTION: Special Use Permit 2014-013: By Mickey Hazelwood (The Nature Conservancy) at properties located on a portion of assessor parcel number (APN) 004-111-33 (approximately 4.08 acres) of Sections 10, 11 and 15 of Township 19 North, Range 21 East and on a portion of APN 004-111-34 (approximately 1.28 acres) located at Section 11, Township 19 North, Range 21 East, in Storey County, Nevada. The overall project also includes a portion of Township 19 North, Range 21 East, Section 11 in former Washoe County, Nevada (Washoe County APN 084-450-02). This portion of the project is part of land that was recently added to Storey County from Washoe County and to which a Storey County current known APN and zoning classification has not yet been assigned. The applicant requests a Special Use Permit to restore and improve portions of the Truckee River and surrounding riparian area near Mustang, Hafed, and McCarran Ranch, Storey County, Nevada. The project will include lowering the existing (abandoned) floodplain, constructing riffles, and grading control structures in and adjacent to the active river channel, lowering an abandoned diversion structure, and sequestering spoils along the floodplain margins in and around the Truckee River. (*Originally listed as item 16.*)

Mickey Hazelwood, The Nature Conservancy: - presentation

- Showed a map and photos of project location
- Explained the terrain and that invasive species of plants have taken over native.
- Explained what they propose to do to correct the problem
- Will not be relocating the river channel – only flood plain excavation to promote native vegetation and wildlife. Flood controls and re-vegetation.
- Working on opening public access
- Also working with Federal, State, and other Local agencies for permits and regulation
- Went over historical projects completed and showed aerial images of improvements
- Increase in numbers and reported species of birds, increase of public use

Mr. Whitten asked how many cubic yards of earth will be moved. Mr. Hazelwood replied just over 100,000. Mr. Whitten complimented The Nature Conservancy and commended their efforts. Mr. Hazelwood described some of the funding sources that make it happen. This project will be just over \$1 million.

Mr. Gilman feels it is a win-win all the way around. Mr. Sjovangen asked the total acres of the project. Mr. Hazelwood said the area of disturbance is limited to about 27-28 acres.

Senior Planner/ Administrative Officer Austin Osborne:

- This property has an irrigation canal on the north side which staff wants to be sure is protected along with its easements. (condition #20)

Planner Dessie Redmond read the Findings:

- 6.1.1 The proposed SUP complies with the general purpose, goals, objectives, and standards of the county master plan, this Title 17, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.
- 6.1.2 The proposed SUP will be compatible with existing adjacent land uses and will not cause substantial negative impact on adjacent land uses or other properties in the vicinity.
- 6.1.3 The proposed use in the proposed area will be adequately served by and will impose no undue burden or any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.
- 6.1.4 The proposed SUP will not impose substantial adverse impacts or safety hazards on the abutting properties.
- 6.1.5 The Conditions of Approval of the SUP require compliance with the applicable codes.
- 6.1.6 The Conditions of Approval of the SUP do not conflict with the minimum requirements in SCC Chapter 17.24 Agricultural or Chapter 17.03.150 Special Use Permits.
- 6.1.7 The proposed SUP will not causes uses that will negatively impact existing or planned public serviced or facilities and will not adversely impact the public health, safety and welfare.
- 6.1.8 The proposed SUP will not create any non-conforming conditions, such as non-conforming setback distances or minimum parcel area and width requirements.
- 6.1.9 The proposed SUP is in substantial compliance with and supports the goals, objectives and recommendations of the Master Plan.
- 6.1.10 The proposed SUP conforms to the purpose and intent, as well as the letter and spirit, of the Storey County Zoning Ordinance (Title 17), and conforms with consistent past practices of the Planning Commission and the Board with regard to requiring an SUP for river restoration projects and other land use proposals the substantially alter the Truckee River in Storey County.

Motion: In accordance with the recommendation by the Storey County Planning Commission and Staff, the Findings under Section 6.1 of this Staff Report and/or other Findings deemed appropriate by the Board, and in compliance with all Conditions of Approval, the Storey County Board of County Commissioners hereby approves Special Use Permit Number 2014-013, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

10. DISCUSSION (No Action – No Public Comment): Committee/Staff Reports

Public Works Director Mike Nevin:

- Bridge decking on the Painted Rock Bridge was installed in record time
- We are working through some contaminated soils issues at the new Wastewater Treatment Plant. We met last Tuesday with the engineer and representatives of Q&D and NDEP and have an approved plan of containment. Work has recommenced.
- The design plan is 90% complete for the two reservoir rehabilitation projects. We are ready to go to bid. We hope to have the opening on September 18th with a recommendation to the board in October.
- Working with Bob Morris on the new Marlette agreement.

- 5 mile was reservoir constructed around 1877. It held 5.5 million gallons of water and served until about 2003 when funding was received to improve the water line to the reservoir. The County tried to clean it and breached the west embankment and it never held water after that. It's been 10-11 years. There is enough room to expand it by an additional 1 million gallons.
- The divide reservoir holds 2 million gallons used mainly for fire protection. It is our hope to turn it into a park-like public use area. The volume there will remain the same, but it will be improved so that it holds water.

Planner Dessie Redmond:

- Very busy - A couple SUPs for murals in VC, parcel map close to TRI, Vista Towers in the Highlands, and a reduced rear yard setback in the Highlands.
- Attended a CDBG application workshop in Fallon with Cherie Nevin, and will be attending the annual forum in Eureka in a couple weeks.
- Will be attending a workshop on environmental and historical preservation in Carson City next week with Ms. Nevin as well.

Comptroller Hugh Gallagher:

- Regarding the V&T Rail Commission meeting: We had an agreement dated January 1, 2010 when we reinstituted the ¼ cent option tax for the Railway Commission. There are several things in that agreement that they have not complied on. Mr. Sjovangen came to my office and made it clear that I was going to have to solve the problem. I am going to contact the Carson City Controller, Nick Providenti, the outside auditors for the V&T Rail Commission, Muckel Anderson. We will address the amount of money they owe us back and the way they intend to do that. In the meantime, any future payments from Storey County through the options tax process from the State of Nevada will now be forwarded to the V&T Rail Commission. So we are going to stop that and see if that puts a bur under their saddle.
- Introduced Tom Gransberry as a tax consultant for the County.

Mr. Sjovangen expanded on the situation with the V&T Rail Commission. It is something they will have to continue to monitor. Mr. Whitten complimented Mr. Gransberry and mentioned some of his accomplishments and projects he has worked on.

Community Services Cherie Nevin:

- Last Saturday, August 16th six new site stewards were trained for the Lagomarsino Petroglyphs area. The training was sponsored by the State Historic Preservation Office. All six stewards are members of the Sheriff's Cert team.
- August 13th we hosted 70 Fulbright Scholars here in Virginia City. They were hosted by Storey County, Community Chest, Forth Ward School, and the Northern Nevada International Center. This is the US Government's Flagship International Exchange Program supported by the people of the United States and partner countries around the world.
- September 17th Carson City Health and Human Services will be offering flu shots in Lockwood from 3-6pm. Location to be announced. (Community Center or Hillside Elementary School)
- October 18th - Virginia City Health Fair, 10am-2pm
- Mid-September we will be providing you with an overview of the Community Development Block Grant Program. Three parts - we will explain the program and what we have funded in

the past and seek input. The second meeting we will share input from the public. The third meeting is where we will vote for what we want to see funded.

County Manager Pat Whitten:

- Chief Hames is reviewing bids on the structure engines.
- Fire equipment and staff in California, Oregon, Idaho, and Washington.
- Marilee Miller – There is newly donated art outside Lockwood Community Center.
- Dean Haymore – Working on an all-day inspection for Ardagh
- Underutilized building in TRI that the county uses for some Fire and Community Development is being worked on and leased to Intellisource, the employment agency for Zulily in order to conduct job recruitment and job fairs.
- Moving the B Street houses – The yellow house went very smoothly. The white one is scheduled to move tomorrow morning. Ms. Redmond is working diligently on the design plans and amending the lease. CMI has a home for the green house in American Flats. The last house will be moving to E Street.
- Murals in VC. – West and South walls of Bucket of Blood parking lot – true work of art. Pictorial of Life on the Comstock.
- Passing of Homer Hayes

Administrative Officer/Senior Planner Austin Osborne:

- Storey County Administrative Policies will be up for approval by this board in the next few months.
- Vista Tower will be coming up to the Planning Commission for review. This is to provide an extension for the applicant and to amend the SUP so that he does not have to have the carriers contracted before building the tower.
- Collaborating with Attorney Robert Sader in TRI regarding the 600 acres that is now part of Storey County. We will be developing Master Plan, zone text, and zone map amendments regarding that property. Should take about three months.
- CMI is scheduled for August 21st Planning Commission meeting which will begin at 5pm, but CMI will not be addressed until 6pm. Residents are coming in to work with Mr. Osborne constructively and are welcome to continue to do that.

11. BOARD COMMENT (No Action – No Public Comment)

Mr. McBride followed up on comments made by Mr. Sjovangen regarding the V&T Rail Commission. He agrees that the appropriate action is to cease funding until questions can be answered. He added if we are going to move forward the current situation needs to be reevaluated.

12. DISCUSSION/POSSIBLE ACTION: *Recommendation to award contract to successful bidder for the construction of the Storey County Courthouse Roof Replacement Project. Bids will be opened on August 14, 2014 and will be included in the Commission packet prior to the meeting. (Item was heard following the Consent Agenda.)*

13. DISCUSSION/POSSIBLE ACTION: For possible action approval of Check 79513 for \$4,500 to the Bucket of Blood

Mr. Whitten explained that because Mr. Gilman was absent from the last meeting, and Mr. McBride has to abstain from voting on this item, it was continued to this meeting.

Kay Dean, VC Highlands: Asked when the lease began. Original agreement was to pay for paving. She would like to see if this merits \$18,000 per year to the county as there are additional parking lots that were not in existence when this began. She feels there is plenty of parking and would like to see a cost/benefit analysis.

Mr. Whitten feels feasibility studies to justify an ongoing quarterly payment for a lease approved by a previous board are not appropriate. There are no specific lots that are owned by the County other than perhaps Public Works.

Mark Joseph Phillips, Virginia City resident: Discussed Mr. McBride's disclosure statements and ethics.

Jack McGuffey, VC Highlands: Since the justice court moved into this building, parking has been an issue. He discussed other problems with parking in the vicinity.

Mr. Whitten mentioned that it is a moot point to discuss the ethics on the issue until they are finished with the negotiations with the McBride Family Trust on the expansion of the courthouse parking. One thing this town never has enough of is parking. We hear that from the merchants and the visitors almost every day.

Joyce Kveum, owner Comstock Corner Café: We do not have enough parking for visitors and locals.

Jennifer Barnes, Storey County Resident: Manages Mustang Ranch Steak House – there is not enough parking.

Mr. McBride abstained from this item.

Motion: Approve check 79513 for \$4,500 to the Bucket of Blood, **Action:** Approve **Moved by** Vice-Chairman Gilman **Seconded by** Commissioner Sjovangen **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

The Chair called a recess at 11:18am; reconvened at 11:30am

14. DISCUSSION/POSSIBLE ACTION: a.) Reaffirm Storey County Administrative Policies and Procedures Number 010 dated 04-07-2009 "Vehicle and Equipment Assignment and Use." b.) Development of Policies and Procedures relating to the adoption of Volunteer participation programs in certain County events and requirements for use of County owned vehicles.

Comptroller Hugh Gallagher:

This item is about liability. Since May of 2014 there have been two incidents in the Highlands involving county owned emergency vehicles operated by non-employees. Storey County has been very consistent in restricting non-employees from operating county-owned vehicles.

Storey County Administrative policies and procedures number 10 II (A) dated 4/7/09 "Use of County vehicles and equipment will be limited to County employees who, by the nature of their duties, have a need to operate such equipment."

These two incidents give Mr. Gallagher great pause as to a potential catastrophic liability position we may be put in. He recommends that the procedure be reaffirmed.

With this, it may also be a good time to address the volunteer situation. There is a real need for community emergency teams that are out there. They need to be documented from a risk-management perspective to include training. He recommends a committee to include two professionals, Gary Hames and Joe Curtis. Gary Hames' Volunteer Fire Department is a wonderful example of attention to the liability on that equipment and the volunteers that operate it. Again, he recommends a committee to include the risk-management team, the Fire Chief, Gary Hames, Emergency Management Director, Joe Curtis, Safety Committee President, Shannon Gardner, the Sheriff and maybe one or two others. Once in place we will have more information on whom these people are and their training and maybe at some point in the future can talk about them operating county vehicles.

Mr. McBride asked how this changes things from the days when he was a volunteer fire fighter operating emergency vehicles.

Mr. Gallagher responded that with Chief Hames' program they have to have a CDL license, 40-80 hours of instruction, and be tested on inspection and operation of the vehicles.

Sheriff Gerald Antinoro:

This has been a controversial topic for some time. He believes it is a political attack to discredit his office and his volunteer program. The Storey County policy also says that elected officials, departments heads, supervisors shall be responsible for vehicles assigned for their use. He compared the Fire Volunteer program policies to his own as far as training, use of vehicles. One of the incidents was a Horse that ran into the side of a vehicle. He explained that it was not the fault of the driver. Only two people are out doing patrols. He explained their purpose. He read a review of his policies and procedures by Pool/Pact that says it is well-written and consistent with generally accepted policies and procedures of law enforcement agencies nation-wide and they had no recommendations regarding changes. I've also been working with Austin Osborne to get all the forms HR wants filled out in addition to our own. This is no different than other volunteer programs and we are doing everything possible to limit liability.

Mr. McBride said he know that when these incidents first came up, Human Resources and the insurance companies had no idea who these people were, where with volunteer firemen, they are all on record. The other incident involved a volunteer carrying a weapon in the car which should probably not have happened unless he was deputized.

Sheriff Antinoro responded that there are many times when a volunteer might carry a weapon, such as rangers. The vehicle is set up with a locked compartment for weapons. There are times when they may need it to dispose of an animal that's been injured when we can't get out there or something of that nature. Right now there are only two out there. They are together.

HR is fully aware of who they are, and we have most of the rest of the team all documented with HR and should have that completed by tomorrow (day after tomorrow).

Mr. Gilman addressed the statement that this is politically motivated. He assured the Sheriff that it was not on his behalf. He commends the volunteer programs. As far as he's concerned the bottom line is contingent liability. He spoke to his experience in the private sector and the policies of the County and employees operating vehicles. If there is an issue here it should be addressed.

Sheriff Antinoro said that there is no issue. The people in the program are being documented on paper, the policies and safeguards are there. Mr. Gilman said they are being asked to reaffirm the policies. He asked if the Sheriff has a problem with that language. Sheriff Antinoro said he doesn't have a problem with that language, but does have a problem with cancelling the program based on violation of policies. Mr. Gilman asked if the policies are Storey County's or his own. Sheriff Antinoro said there is a little bit of an overlap and autonomy in the Sheriff's office which goes back to the separation of powers clause. The policies work together.

Mr. Sjovangen considers it a breach of the public trust and is extremely serious. Mr. Gallagher sent a letter to the Sheriff in Mid-May with an order cease and desist until this was ironed out and we had all of the proper procedures and insurance and all those questions answered. Again, on May 21st another letter which he read:

Last week I sent you an email regarding the improper use of volunteers operating company vehicles and the proper program approvals necessary per our insurance carrier. As of this correspondence we have not received any documentation as to the volunteers involved or the incident report regarding a sheriff vehicle (the incident where they ran into a horse)...

The potential cost to Storey County can be significant should potential lawsuits be filed as a result of injured persons or property.

At the time this was going on, none of us had any idea who these people were. We had no names, worker's compensation information, and the insurance pool, had we put in a claim, would have told us we were on our own. The volunteers Mr. Sjovangen has seen out in the public, as far as he's concerned, have been imitating peace officer. They have "Sheriff" on their hats, shirts, and cars in violation of NRS. They have had firearms in the vehicles and he doesn't know the legalities of that. He also mentioned background checks on these individuals. These are not things to be taken lightly. It's been pointed out to the Sheriff in writing a couple of times and we are here talking about it again. He believes the CERT program should be shut down immediately even if we get some outside guidance to help out to look at it.

Mr. Antinoro clarified that all of the volunteers have had background checks. There is no violation of law having a shotgun in the car. He agreed that there was a request in May that they suspend the program until they get a weigh-in from Pool/Pact which was done. It was discontinued and no one went out until we got the thumbs-up from Pool/Pact, which Mr. Gallagher was aware of because he was copied on the email. The only thing pending now are a few items of paperwork that I have been working with Mr. Osborne on.

Mr. Osborne explained that all the volunteers and employees have completed the paperwork and HR training required to be familiar with Storey County Policy and are being provided with Workman's Comp. It has taken a year for 15 of the 20 known Certs to go through the process. He recently became aware through the Sheriff that there are approximately 50 of them. Mr. Osborne doesn't know what level they are or if they are driving or not driving, but that is potentially 30 people that he doesn't have on the books. All he asks is that they go through the HR certification process, which includes a background investigation, before moving forward to any other program or training.

Mr. Antinoro confirmed that there are 20 actives 5 of which they are working on. The others are not as active, so they are working on them as they catch up with them. Only two of them actually go out and drive. The ones who are not on paper are not active in the program at all.

Mr. Gilman would like to see policies and procedures developed specifically for volunteers.

Mr. Sjovangen would like the D.A.'s office to look at it and perhaps someone from outside.

Chris Miller, VC Highlands: She is a current member of Storey County School Board, Past President of the Nevada Association of School Boards, and member of the International Science and Engineering Fair Review Committee, but is not speaking on behalf of any of those groups. She would like to share the Engineering Fair and research perspective on safety. Risk assessment is a vital part of safety. There is no such thing as a risk-free environment. These are volunteers who are not being kept safe. If they are in a marked police vehicle that does not indicate, as they do in Reno and Carson, that it is a volunteer unit, they will be perceived by the public to be officers.

Sheriff Antinoro responded that there are large magnetic signs that go on the sides that say CERT Volunteer.

Mr. Sjovangen argued that he has seen them out many times without such signage.

Jim Miller retired Sheriff of Storey County: Agrees with the CERT program. He saw them driving a black and white without the CERT signage and that puts them in a great amount of danger. It's a good program with some housekeeping issues, but they should be in an all-white vehicle so it is clear who they are.

Sheriff Antinoro agrees with Mr. Miller and prefers that they not be in the black and whites, but it is just a matter of having the vehicles available for them. Sometimes the signs fall off, but they do have them normally. He is working on getting the amber lights for the solid color vehicles.

Kay Dean, VC Highlands: Questioned the policy and procedure document where it mentions mileage numbers and wondered how they were determined.

Mr. Whitten explained that these policies come from the risk-management pool. They come in template form, but we work to customize them. These are standardized rates that have historically been used.

Ms. Dean went on to say that these mileage numbers are overstated by 40% according to IRS allowed reimbursements.

Mark Joseph Phillips, Storey County Resident: There is nothing in today's agenda regarding misconduct of a County officer. There is also nothing about suspending the CERT program. NRS gives the Sheriff complete authority over search and rescue.

Mr. Whitten: Mr. Gallagher and Mr. Osborne work directly for me. Sheriff Antinoro is an elected official. In my 15 years, 6 of which were in service as Sheriff, I was fortunate to never have heard the words "autonomy and separation of powers" ever used by any elected official in this county. Throughout this process I have mandated that Mr. Gallagher and Mr. Osborne, that though they have needs and documentation requirements, that there be no political motivation. I removed myself and allowed Mr. Gallagher to take the risk management side for just those reasons. I wanted no political "stanching" as has been referenced today. Autonomy is legal and is in statute, but when the County comes up with \$350k in insurance premiums, it is the County that is responsible for managing the risk associated with that regardless of separation of powers. In looking at the Sheriffs that came before and since me and the hundreds of other elected officials that have understood that yes, they have autonomy to do the job they need to do under statute, but they've got to work as a team. He is concerned that the program is over a year old and they are still doing housekeeping. The bottom line is that our job is to mitigate the risks. It is not our intent to kill the CERT program, but you have to have the structure and conformity before you go through with the program.

Mr. Antinoro and Mr. Whitten further discussed difference of perspective on how the incident was reported. Mr. Antinoro said it was reported within a couple days, and Mr. Whitten disagreed and thought that the report had to finally be requested.

Motion: Reaffirm Storey County Administrative Policies and Procedures and instruct staff with legal assistance to develop policies and procedures relating to the adoption of volunteer participation programs within the County that address liability, to include oversight/overview and an analysis of the Sheriff's programs along with all other programs in the community. **Action:** Approved **Moved by** Vice-Chairman Gilman **Seconded by** Commissioner Sjovangen **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

COMMUNITY DEVELOPMENT AND PLANNING

- 15. DISCUSSION/POSSIBLE ACTION:** **Variance 2014-006:** By Joyce Kveum at a property located at 109 South C Street, Virginia City, Nevada 89440 (APN 001-074-03) for a business commonly known as Comstock Corner Café. The applicant requests a variance for the purpose of changing the allowed width and length of a sign which will be attached to the porch of the business.

Planner Dessie Redmond:

Details are listed in the staff report. Page 5 of the staff report outlines section 3.1 SCC 17-84.90 and that the applicant is not in compliance and it is recommended by staff that the sign in the back of the building not in compliance stay in place.

Joyce Kvuam, owner of Comstock Corner Café: Explained that they don't want a cookie cutter sign, but rather something with character. She explained the details of the differences from ordinance and reasons for those differences. She described the location and reasons for the sign in the rear. She also explained which signs will be removed when the permanent one goes up.

Mr. McBride had a concern about the artist's rendering and location of the sign shown on pages 17 and 19. He likes the artist rendering, but the silhouette shows it offset to the one side. He would like to see the adjacent property owner continue the same silhouette to make it cohesive.

Ms. Redmond mentioned that she didn't think they could condition another property owner.

She read the amended condition into the record:

8. All other non-conforming signs, except for legally non-conforming signs, and the existing sign on the rear of the building, on the premises must be brought into compliance with the Storey County Code before the proposed sign allowed by this Variance is installed.

Mr. Whitten asked about requesting the rest of the building be addressed when and if that signage goes up.

Mr. Osborne spoke to the lengthy process to develop the ordinance, and yet small things still come up that need to be adjusted such as the 15" height requirement that should probably be adjusted. They probably will revamp the ordinance. They can't condition the neighbors. They could address the issue should another variance be requested for additional signage on the remainder of the building.

Ms. Kveum suggested removing the circles at either end of the sign. Mr. McBride did not find that necessary.

Mr. Gilman spoke to the importance of good signage and is comfortable with this plan.

Mr. Sjovangen agreed it would be better centered, but likes it. Mr. Osborne discussed the removal of content on signs once a business is no longer there and continuity of the backboard should the rest of the building be addressed.

Findings:

- 6.1.1 There are special circumstances applicable to the subject property, including the configuration of the building and the location of the restaurant therein. Therefore, the strict application of the zoning ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classifications; and
- 6.1.2 That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant (property owner); and
- 6.1.3 That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property and;
- 6.1.4 The proposed Variance is in compliance with all Federal, Nevada State, and Storey County regulations; and
- 6.1.5 The proposed Variance is in compliance with Storey County Code 17.84 Signs and Billboards.
- 6.1.6 The proposed Variance is in compliance with and supports the goals, objectives and recommendations of the Storey County Master Plan.

Motion: In accordance with the recommendation by the Planning Commission and Staff, the Findings under Section 6.1 of this Staff Report and/or other Findings deemed appropriate by the Board, and in compliance with all Conditions of Approval, the Storey County Board of County Commissioners approves Variance Number 2014-006 Comstock Corner Café Sign Variance, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (summary: Yes=3)

16. DISCUSSION/POSSIBLE ACTION: Special Use Permit 2014-013: By Mickey Hazelwood (The Nature Conservancy) at properties located on a portion of assessor parcel number (APN) 004-111-33 (approximately 4.08 acres) of Sections 10, 11 and 15 of Township 19 North, Range 21 East and on a portion of APN 004-111-34 (approximately 1.28 acres) located at Section 11, Township 19 North, Range 21 East, in Storey County, Nevada. The overall project also includes a portion of Township 19 North, Range 21 East, Section 11 in former Washoe County, Nevada (Washoe County APN 084-450-02). This portion of the project is part of land that was recently added to Storey County from Washoe County and to which a Storey County current known APN and zoning classification has not yet been assigned. The applicant requests a Special Use Permit to restore and improve portions of the Truckee River and surrounding riparian area near Mustang, Hafed, and McCarran Ranch, Storey County, Nevada. The project will include lowering the existing (abandoned) floodplain, constructing riffles, and grading control structures in and adjacent to the active river channel, lowering an abandoned diversion structure, and sequestering spoils along the floodplain margins in and around the Truckee River. (Item was heard following the Consent Agenda.)

17. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- A. EAGLES CREST, INC. - Contractor / 4865 Joule Street #C6 ~ Reno (contractor)
- B. ARDAGH METAL PACKAGING USA, INC. - General / 900 Waltham Way (can mfg) TRI
- C. W G YATES & SONS CONST CO - Contractor / 2641 Portofino Drive (contractor) TRI
- D. SILEGACY FLOOR FINISHING, LLC - Contractor / 750 Freeport Blvd ~ Sparks (contractor)
- E. JAMES PAT COLONNA - Home Business / 21217 Highland Road ~ VC Highlands (CPA)
- F. CARSON CITY VENDING, LLC - General / 4083 Montez Drive ~ Carson City (vending service)
- G. DIRECT FORCE MAINTENANCE, LLC - Contractor / PO Box 5611 ~ Fallon (mining support)
- H. HILL & HILL CONSTRUCTION, LLC - Contractor / 8965 Mohawk Street ~ Las Vegas (contractor)
- I. A-Z WELDING & FABRICATION, LLC - General / 1215 Alexandria (welding fab) TRI
- J. STEEL KING INDUSTRIES, INC. - Contractor / 2700 Chamber St ~ Stevens Point, WI (contractor)
- K. HIGH DESERT PLUMBING - Contractor / 131 Coney Island Dr ~ Sparks (contractor)
- L. CH2MHILL ENGINEERS, INC. - Contractor / 50 West Liberty ~ Reno (contractor)
- M. ROSSCO ENT., dba AP STAINLESS MFG - General / 1215 Alexandria (manufacturing) TRI
- N. SUPERIOR INSTALLATION SERVICES, INC. - Contractor / 1230 Crowley Cir ~ Carrollton, TX (cont)
- O. CASEY INDUSTRIAL, INC. - Contractor / 1400 W 122nd Ave ~ Westminster, CO (contractor)
- P. RITCHIE BROS AUCTIONEERS - General / 20202 East Highway 80 MCC
- Q. DATA SALES CO., INC. - General / 3450 West Burnsville Pkwy ~ Burnsville, MN (equip lease)
- R. VEGA ASPHALT PAVING, INC. - Contractor / 385 Freeport Blvd ~ Sparks (contractor)

S. A.S.A.P. PUMP & WELL SERVICE, LLC – Contractor / 10230 Laurent Drive ~ Reno

Motion: Continue items B, C, I, M, and P **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

Motion: Approve items A, D, E, F, G, H, J, K, L, N, O, Q, R, and S **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

The Chair called a recess at 12:53pm; reconvened at 1:02pm

18. PUBLIC COMMENT (No Action)

Kay Dean, VC Highlands: Jeep Posse still shows as being a county organization on the website. They should be removed or included in the HR process.

Kim Fegert, Gold Hill Historical Society: We were forced to take ownership of the fire alarm system in the building and feel this expense would be better borne by the County and would like it added to the next meeting as an agenda item for discussion. Mr. Whitten explained that there is a process to add an agenda item through the Clerk.

Mark Joseph Phillips, Virginia City: Crystal Bar building agreement to sell without any paid off mortgage on record. Mr. Whitten was on the VCCTA board when the building was acquired. He believes it was purchased with cash so there would not have been a mortgage.


Regular meeting was closed at 1:07pm

19. CALL TO ORDER CLOSED SESSION MEETING pursuant to NRS 288.220 for the purpose of conferring with county management and legal counsel regarding labor negotiations between Storey County (Employer) and the Storey County Sheriff's Office Employees' Association/Operating Engineers Local Union No. 3 (Sheriff's Office Employees' Association), and possible Memorandum of Understanding to clarify salary benefits as applicable to the 2014-2017 Bargaining Agreement between the Employer and the Storey County Firefighter's Association IAFF Local 4227 (Firefighters' Association). (*Closed session was called at 1:10pm.*)

20. ADJOURNMENT

The Chair adjourned the meeting at 2:18pm

Respectfully Submitted,

By 
Vanessa Stephens, Clerk-Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: SEP. 2, 2014

Estimate of time required: 0-5 mins

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☐

1. **Title:** For Possible Action – Approval – Assessor's Recommended Corrections to Tax Roll

2. **Recommended motion:** Approval

3. **Prepared by:** Tobi Whitten

Department: Assessor's Office

Telephone: 847-0961

4. **Staff summary:** Parcel 003-022-12 did not receive the proper adjustment for the percentage of completed construction on their 2014/15 property tax bill.

5. **Supporting materials:** Please see attached letter with adjusted assessed value.

6. **Fiscal impact:** Unknown

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

____ District Attorney

8. **Reviewed by:**

 X Department Head

Department Name: Assessor's Office

 County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. **6**

Jana Seddon
STOREY COUNTY ASSESSOR

STOREY COUNTY COURTHOUSE
26 South B Street
P.O. Box 494
Virginia City, NV 89440

(775) 847-0961 Phone
(775) 847-0904 Fax
Assessor@storeycounty.org

August 12, 2014

Memo to: Storey County Commissioners

Re: 003-022-12, Shane and Jenna Dixon

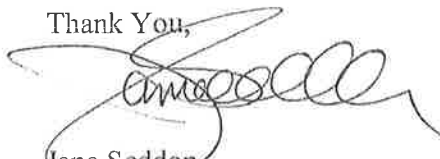
The above referenced parcel was billed without the proper adjustment for the percentage of construction completed for the 2014/15 tax year. The new assessed value should be:

APN:	003-022-12
<i>Residence/Garage Under Construction Assessed Value:</i>	83,718
<i>Adjust for 55% completed construction:</i>	-37,673
<i>Additional Improvements Assessed Value:</i>	+3,246
<i>Adjust for Economic Obsolescence @ 12%:</i>	-5,915

Adjusted Improvements Assessed Value:	43,376
Land Assessed Value:	+5,250
Adjusted Net Assessed Value:	48,626

Please approve this correction, and advise the Treasurer to make the changes and issue a new tax bill or a refund as necessary.

Thank You,



Jana Seddon
Storey County Assessor



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 2, 2014

Estimate of time required: 0-5 mins

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☐

1. **Title:** For Possible Action – Approval – Assessor’s Recommended Corrections to 2014-15 Tax Roll for Partial Property Tax Abatements pursuant to NRS 361.4722 through 361.4724

2. **Recommended motion:** Approval

3. **Prepared by:** Tobi Whitten

Department: Assessor’s Office

Telephone: 847-0961

4. **Staff summary:** Nevada Revised Statutes 361.4722 through 361.4724 provide a partial property tax abatement (implemented as a “cap”) for certain existing owner-occupied and qualifying residential rental properties. Status verification cards and affidavits are typically due back to our office on or before June 15th of the preceding fiscal year, but circumstances beyond a taxpayer’s control may cause a delay and, as a result, the proper “cap” does not get applied to the tax bill. If the Assessor’s Office determines that the proper “cap” has not been applied, the tax bill may be amended by the Clerk-Treasurer at the direction of the Board and a new tax bill or a refund be mailed to the affected taxpayer.

5. **Supporting materials:** Please see attached letter, which lists affected properties.

6. **Fiscal impact:** Unknown

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

____ District Attorney

8. **Reviewed by:**

☒ Department Head

Department Name: Assessor’s Office

 County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. **7**

Jana Seddon
STOREY COUNTY ASSESSOR

STOREY COUNTY COURTHOUSE
26 South B Street
P.O. Box 494
Virginia City, NV 89440

(775) 847-0961 Phone
(775) 847-0904 Fax
Assessor@storeycounty.org

August 22, 2014

Memo to: STOREY COUNTY COMMISSIONERS

Re: Corrections for Partial Property Tax Abatements

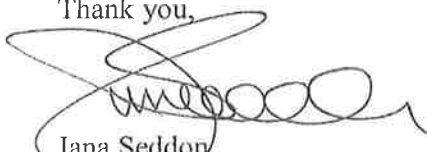
The following have been approved by the Storey County Assessor's Office to receive the 3% Property Tax Abatement ("Cap") for the 2014-15 fiscal year:

	<u>APN</u>	<u>OWNER(S)</u>	<u>PROPERTY LOCATION</u>
1	003-045-21	Schwanke, James & Christina	21875 Adobe Rd Virginia City Highlands

Please advise the Treasurer to:

- 1) Adjust the tax bills listed above by applying the corrected cap percentage, and
- 2) Issue a new tax bill or refund, as necessary.

Thank you,



Jana Seddon
Storey County Assessor



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 2, 2014

Estimate of time required: 0 min

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☐

1. **Title:** For possible action approval of Payroll Check date 08/15/14 for \$339,856.38.
Accounts Payable date for 8/22/14 for \$493,792.68 and \$4,019.70.

2. **Recommended motion:** Approval of claims as submitted as part of the Consent Agenda

3. **Prepared by:** Hugh Gallagher

Department: Comptroller

Telephone: 775 847-1006

4. **Staff summary:** Please find attached the claims

5. **Supporting materials:** Attached

6. **Fiscal impact:**

Funds Available: NA

Fund: NA

__NA__ Comptroller

7. **Legal review required:**

__NA__ District Attorney

8. **Reviewed by:**

____ Department Head

Department Name: Comptroller

A blue ink signature, likely of the County Manager, is written over the line.

County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. 8

Payroll Type: Regular Check Date: 08/15/14 Period-end Date: 08/10/14
Payroll Groups: 1 2 3 4 5 6 7 8

Check/ DD #	Emp #/ Ded #	Payee	Amount
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Total User Transfer for EFTPS:			60,274.58
Total Deductor Checks:			6,636.39
Total Employee Checks:			1,718.33
Total Employee Direct Deposit:			257,125.09
Total Employee Deds Xferd on Dir Dep File:			6,721.50
Total User Transfer to Deductor:			7,380.49
Total Disbursed:			339,856.38

Approved by the Storey County Board of Commissioners: _____

CHAIRMAN	COMMISSIONER	COMMISSIONER
_____	_____	_____
COMPTROLLER		

TREASURER		

Report No: PB1315
Run Date : 08/21/14

STOREY COUNTY
CHECK REGISTER 8/21/14

Page 1

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
79909	ADVANCED DATA SYSTEMS INC						
		PROFOUND UI MAINT 14/15		8/22/00	70225	600.00	
		SUPPORT		8/22/14	70126	1,540.00	2,140.00
79910	AIRGAS NCN INC						
		EMS SUPPLIES		8/22/14	70208	23.56	
		EMS SUPPLIES		8/22/14	70208	106.60	130.16
79911	ALSCO INC						
		ST 71 LAUNDRY		8/22/14	70207	13.38	
		ST 72 LAUNDRY		8/22/14	70207	8.77	
		ST 74 LAUNDRY		8/22/14	70207	10.52	
		SHOP		8/22/14	70134	34.94	
		SHOP		8/22/14	70134	40.04	
		CH		8/22/14	70134	26.70	134.35
79912	ARC HEALTH AND WELLNESS						
		DUKE		8/22/14	70239	58.20	
		JEWKES		8/22/14	70243	48.50	106.70
79913	ASHI ACQUISITION COMP						
79914	ASSESSOR'S ASSOC OF NEV	ONLINE TRAINING		8/22/14	70223	3,060.00	3,060.00
79915	AT&T MOBILITY II LLC	JANA & SAMANTHA REGISTR		8/22/14	70273	100.00	100.00
79916	AT&T TELECONFERENCE SERVI	UVERSE IT		8/22/14	70271	75.00	75.00
79917	BAKER, NANCY SUE	TELECONFERENCE SERVICES		8/22/14	70197	.86	.86
79918	BANK OF AMERICA #2704	JULY 31-AUGUST 13, 2014		8/22/14	70174	598.50	
				8/22/14	70174	63.00	661.50
		CARLTON COMPLEX FUEL		8/22/14	70211	129.00	
		CARLTON COMPLEX FUEL		8/22/14	70211	149.86	
		CARLTON COMPLEX FUEL		8/22/14	70211	125.31	
		CARLTON COMPLEX MOTEL		8/22/14	70211	49.49	
		CARLTON COMPLEX MOTEL		8/22/14	70211	49.49	
		CARLTON COMPLEX MEAL		8/22/14	70211	29.56	
		CARLTON COMPLEX FUEL		8/22/14	70211	123.28	
		CARLTON COMPLEX FUEL		8/22/14	70211	25.00	
		CARLTON COMPLEX MEAL		8/22/14	70211	20.50	
		CARLTON COMPLEX FUEL		8/22/14	70211	99.00	
		WATERMAN FUEL		8/22/14	70211	23.24	
		WATERMAN FUEL		8/22/14	70211	54.08	
		WATERMAN FUEL		8/22/14	70211	30.29	
		WATERMAN FUEL		8/22/14	70211	36.24	
		WATERMAN TRAVEL MEAL		8/22/14	70211	6.62	
		WATERMAN FUEL		8/22/14	70211	51.58	1,002.54
79919	BENDER, DEBORAH						
		JULY 31 - AUGUST 13, 2014		8/22/14	70175	8.00	
				8/22/14	70175	105.00	113.00
79920	BLACK, CARINA						
79921	BOOMER, JEFF	8/13/14 RESERVATION		8/22/14	70162	100.00	100.00
79922	BURRELL, SCOTT LEWIS	CABNIET ADD TO WALL		8/22/14	70277	625.00	625.00
		JULY 31-AUGUST 31, 2014		8/22/14	70176	735.00	
				8/22/14	70176	164.00	899.00
79923	BURTON'S FIRE INC	FR32906- BULB		8/22/14	70135	75.33	

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79924	CANYON GENERAL IMPROVEMEN	FR32906- RED LENS		8/22/14	70135	23.58	98.91
79925	CAPITAL CITY AUTO PARTS	WATER- LCKWD COMM GARDEN		8/22/14	70192	8.64	8.64
		FR52967 U NUT, ACCESSOR		8/22/14	70154	10.98	
		STOCK OIL FILTEER		8/22/14	70154	6.59	
		STOCK- BRK FLUID		8/22/14	70154	47.38	
		STOCK- OIL FILTER		8/22/14	70154	11.99	
		RD BROOM-BULB		8/22/14	70154	28.64	
		FR32907- AIR FILT		8/22/14	70154	136.29	
		FR32907-FILTERS		8/22/14	70154	128.17	
		FR32907-TRAN FLUID\		8/22/14	70154	117.36	
		SHOP- BRAKE CL		8/22/14	70154	44.40	
		FR52967- SENSOR		8/22/14	70154	8.99	
		FR329207- TAIL BULB		8/22/14	70154	31.98	
		STOCK-FILTERS		8/22/14	70154	193.08	
		FW5898 BULB		8/22/14	70154	14.55	
		STOCK- HYDR FLUID		8/22/14	70154	9.39	
		STOCK-OIL FILT		8/22/14	70154	13.18	
		FR52967- AIR FILT		8/22/14	70154	69.87	
		FR52967-FITTING		8/22/14	70154	7.96	
		STOCK-FILTERS		8/22/14	70154	53.87	
79926	CAPITAL FORD INC	FR54258 SPREADER		8/22/14	70154	13.38	948.05
		FR51844-HDWR		8/22/14	70155	28.95-	
		FR52967-HOSE,DUCT		8/22/14	70155	189.38	
		FR52967-TUBE ASY		8/22/14	70155	27.60	188.03
79927	CARSON VALLEY OIL CO INC	FW-UNL & DIESEL		8/22/14	70236	1,592.26	1,592.26
79928	CASELLE INC	SEPT SUPPORT		8/22/14	70136	202.00	202.00
79929	CBS OUTDOOR INC	7/28/14 - 8/24/14		8/22/14	70146	586.00	
		8/25/14 - 9/21/14		8/22/14	70146	586.00	1,172.00
79930	CHURCHILL COUNTY TELEPHON	GARNISHMENT DISBURSE		8/22/14	70253	327.42	327.42
79931	CELLCO PARTNERSHIP	INTV#9730212757 HUGH		8/22/14	70258	40.01	
		KEENER		8/22/14	70269	50.86	90.87
79932	CHARTER COMMUNICATIONS	500 SAM CLEMENS MTCC		8/22/14	70233	221.27	221.27
79933	CHIC J DIFRANCIA	CANDY BAGS		8/22/14	70255	160.01	160.01
79934	CITY OF CARSON TREASURER	ATT ALAN GLOVER		8/22/14	70277	5,000.00	5,000.00
79935	COCKERILL, CHARLES P	UNION NEGOTIATIONS		8/22/14	70127	1,406.25	1,406.25
79936	COMMUNITY CHEST INC	JULY 2014 CSBG		8/22/14	70198	6,910.00	
		JULY 2014 CSBG DISC		8/22/14	70198	1,700.97	8,610.97
79937	COMSTOCK CHRONICLE (VC)	NOTICE TO TAX PAYERS		8/22/14	70277	108.00	
		8/1 & 8/8 EDITIONS		8/22/14	70150	202.50	
		OFFICER AUG 8 EDITION		8/22/14	70150	64.12	374.62
79938	COMSTOCK GOLD MILL LLC	JULY 31-AUGUST 13, 2014		8/22/14	70177	152.00	

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79939 COSTCO HSBC BUS SOLUTIONS	POOL CONCESSIONS		8/22/14	70177	21.00	173.00
79940 CRESTA, OCTAVIO A			8/22/14	70137	199.34	199.34
79941 CROWN BEVERAGES INC	JULY 31-AUGUST 13, 2014		8/22/14	70178	316.00	316.00
79942 DAIHOS USA INC	6 CASES SANSAPARILLA		8/22/14	70149	119.70	119.70
79943 DISH DBS CORPORATION	WATER FILTER RENTAL		8/22/14	70227	25.95	
79944 DOUGLAS COUNTY & UNICORP	WATER COOLER		8/22/14	70245	82.85	108.80
79945 DYNAMIC DIESEL, INC	800 PERIRANCH LWSNIOR		8/22/14	70193	804.00	804.00
79946 EDMONDSON, MARK	MOBILE GIS TRAILER EM		8/22/14	70141	750.00	750.00
79947 FARR WEST ENGINEERING	FR52967-TURBO CHGR		8/22/14	70156	1,771.18	1,771.18
79948 FERGUSON ENTERPRISES INC	#08468 02 145 NO L STR		8/22/14	70277	1,445.00	
	#08468 02 145 NO L STR		8/22/14	70277	250.00	1,695.00
	ENGINEERING, INSPECTION		8/22/14	70131	38,343.08	
	5 MILE RES LINING		8/22/14	70158	28,626.74	
	MAOPTIX ANN FEE		8/22/14	70158	2,400.00	69,369.82
79949 FLEET HEATING & AIR INCOR	WATER METER YOKES, FITTING		8/22/14	70234	2,083.57	
	D ST WATER LINE EXT		8/22/14	70234	14,244.65	
	WATER MATERIALS		8/22/14	70234	663.44	16,991.66
79950 FLYERS ENERGY LLC	CHARGE AC-CH		8/22/14	70139	132.00	
	CH AC CONDENSOR		8/22/14	70139	2,400.00	2,592.00
79951 GALLAGHER, HUGH III	LW REG & DIESEL		8/22/14	70157	1,338.15	
79952 GAYLE A KERN LTD	PW THINNER, GEAR OIL		8/22/14	70157	820.95	
79953 GHX INDUSTRIAL LLC	LW REG & DIESEL		8/22/14	70157	992.69	3,151.79
79954 GRAINGER	ESCROW BALANCE DUE		8/22/14	70172	6,644.09	6,644.09
	GARNISHMENT DISBURSE		8/22/14	70252	478.62	478.62
	WATER TRUCK-HOSE, FITS		8/22/14	70159	215.00	
	FR42554-BALL VALVES		8/22/14	70159	92.59	307.59
	GLOVES		8/22/14	70161	94.56	
	CLEANING SUPPLIES		8/22/14	70161	934.89	
	CH-DOOR CLOSER, NOZZLE		8/22/14	70161	287.28	1,316.73
79955 GRANSBERRY, TOM	20 HRS EACH WK		8/22/14	70278	1,800.00	1,800.00
79956 GREAT BASIN TERMITE & PES	LW SR CNTR-QUARTERLY SERV		8/22/14	70160	65.00	65.00
79957 GTP INVESTMENTS LLC	POND PEAK QUAD COUNTY		8/22/14	70263	520.00	520.00
79958 HD SUPPLY FACIL MAINT LTD	FREE CHLOR REAGENT SET		8/22/14	70168	533.12	533.12
79959 HENRY SCHEIN	EMS SUPPLIES		8/22/14	70246	594.34	594.34
79960 HIGH DESERT MICROIMAGING						

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79961	HISTORIC FOURTH WARD SCHO					
	IMAGES BKS 79-89		8/22/14	70232	1,260.00	
	IMG-FLM RED/URED 120266-		8/22/14	70232	335.40	1,595.40
79962	HOLLOWAY, BILL					
	JULY 31-AUGUST 13, 2014		8/22/14	70179	7.00	
			8/22/14	70179	64.00	
			8/22/14	70179	287.00	358.00
79963	HOME DEPOT CREDIT SERVICE					
	8/16/14 RESERVATION		8/22/14	70165	100.00	100.00
79964	HOT SPOT BROADBAND INC					
	1705 PERU-DIVIDE WALL		8/22/14	70166	33.65	
	LW PRK-BATHRM SUPPLIES		8/22/14	70166	61.95	
	LW PARK-SPRINKLERS		8/22/14	70166	27.66	
	1705 PERU-DIVIDE WALL		8/22/14	70166	54.17	
	SUPPLIES		8/22/14	70166	17.98	
	SUPPLIES		8/22/14	70166	66.91	
	LIGHT BALLAST		8/22/14	70270	18.49	280.81
79965	HYDRAULIC INDUSTRIAL SERV					
	ST72 INTERNET		8/22/14	70261	79.00	79.00
79966	INNOVATIVE IMPRESSIONS					
	FR52967-CONNECTOR		8/22/14	70167	6.66	6.66
79967	IRON MOUNTAIN INFO MGT IN					
	GLOWNIAM, B CARDS		8/22/14	70275	46.00	46.00
79968	ITI SOURCE LLC					
	FILM STORAGE AUGUST 2014		8/22/14	70231	288.76	
	ONSITE SHRED 65 GALLON		8/22/14	70133	260.16	548.92
79969	JBP LLC					
	COM DEV OFFICE 2013		8/22/14	70260	1,111.71	
	STORAGE RAID DRIVES X10		8/22/14	70260	1,352.60	
	CISCO WIRELESS COURTHOUSE		8/22/14	70260	934.43	
	OFFICE 2013 ENTIRE FD X10		8/22/14	70260	3,705.70	
	THECUS 8810U-G ARRAY		8/22/14	70260	1,819.69	
	COM DEV OFFICE 2013 NEW		8/22/14	70260	370.57	9,294.70
79970	KIECHLER, CHRISTIAN A					
	FR 32907- SEAL, BEARING		8/22/14	70254	398.72	
	FR32907-REINSHOE, CORE		8/22/14	70254	143.58	542.30
79971	LIQUID BLUE EVENTS LLC					
	JULY 31-AUGUST 13, 2014		8/22/14	70180	1,440.00	
			8/22/14	70180	40.50	1,480.50
79972	LOWTHER, MARGARET					
	CAMEL RACE EVENT BANK		8/22/14	70153	13,000.00	13,000.00
79973	METRO OFFICE SOLUTIONS IN					
	8/12/14 CANCELLED RESERV		8/22/14	70163	100.00	100.00
	MANILA FOLDERS		8/22/14	70128	77.20	
	FOAM CUPS		8/22/14	70247	30.82	
	BALLPOINT PENS		8/22/14	70247	17.58	
	OFFICE SUPPLIES		8/22/14	70212	69.64	
	OFFICE SUPPLIES		8/22/14	70212	8.24	
	LEGAL PADS, PENS		8/22/14	70247	38.95	
	OFFICE SUPPLIES		8/22/14	70229	184.13	
	CASE COPY PAPER		8/22/14	70247	54.48	
	LABELS		8/22/14	70169	38.79	
	FOR BOC PACKETS		8/22/14	70128	23.14	
	CLASSIFICATION FOLDERS		8/22/14	70128	79.27	
79974	MORGAN TIRE OF SACRAMENTO					
	BINDERS, POST ITS		8/22/14	70274	107.85	730.09

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79975 MORRIS, ROBERT T	SHOP-BALANCER CONE		8/22/14	70170	299.87	
	FR54258- TIRES		8/22/14	70170	607.52	
	FIRE E-74- MOUNT & BALANC		8/22/14	70170	225.00	
	SO-48325- TIRES		8/22/14	70170	60.00	1,799.91
	FR51811-TIRES		8/22/14	70170	607.52	
79976 MOUNDHOUSE HARDWARE			8/22/14	70276	2,925.00	2,925.00
	OPERATING SUPPLIES		8/22/14	70213	163.79	
	OPERATING SUPPLIES		8/22/14	70213	160.55	
	POOL LEAK REPAIR		8/22/14	70224	108.69	
	CLERKS OFF.-ELECTRICAL		8/22/14	70224	31.25	
79977 MTECH INC	SO-FIRE STOP CAULK		8/22/14	70224	37.46	
	REPAIRS/DOSEN		8/22/14	70240	10.48	656.55
	GH DEPOT ROOFING		8/22/14	70224	144.33	
			8/22/14	70199	6,570.00	6,570.00
	UWSGRANT-SKIDUNIT POLARIS		8/22/14	70171	309.66-	
79978 NC AUTO PARTS	WT-75 BATTERIES		8/22/14	70171	35.61	
	FR54258 FIBERGLASS		8/22/14	70171	90.00-	
	FR61984-CALIPERS		8/22/14	70171	412.88	
	FR 32907-BATTERY		8/22/14	70171	306.55	
	FR61984 STEER SHAFT		8/22/14	70171	19.20	387.37
79979 NEV ADMIN BLDG & GROUNDS	SHOP-BATTERY		8/22/14	70171	12.79	
	FR54258-Q BOND		8/22/14	70138	8,147.41	8,147.41
	JULY 14 WATER PURCHASE		8/22/14	70238	797.50	797.50
	BACKGROUNDS		8/22/14	70151	62.94	62.94
	VIRGINIA CITY TOURISM		8/22/14	70143	58.33	
79980 NEV DEPT PUBLIC SAFETY	4/5/2014-4/12/14		8/22/14	70143	255.80	
	04/07/2013 RETRO ADJ		8/22/14	70143	1,295.00	
	4/05/14-4/26/14		8/22/14	70143	29.00	
	04/05/2014		8/22/14	70143	1,759.38	
	4/5/14-5/10/14		8/22/14	70143	2,143.28	
79981 NEV DEPT TAXATION	3/29/14 - 5/3/14		8/22/14	70143	814.00	6,354.79
	5/3/14-5/10/14		8/22/14	70214	50.00	
	PORTAL MAINT		8/22/14	70230	50.00	
	MONTHLY PORTAL FEE		8/22/14	70230	28.54	128.54
	DRAFTING OFFICE SUPPLIES		8/22/14	70194	4,359.16	4,359.16
79982 NEV EMPLOYMENT SECURITY	JUNE 2014 CDBG		8/22/14	70215	165.00	165.00
	BLAKELY ANNUAL MEMBERSHIP		8/22/14	70257	16.21	
	ADDRESS LABELS		8/22/14	70256	41.71	57.92
	KEYBOARD GEL MOUSE PAD		8/22/14	70129	370.55	370.55
	CLERK OFFICE		8/22/14	70216	76.00	
79983 NEVADA BLUE LTD (RNO)	STANDARDIZATION LETTERS		8/22/14	70216	168.00	
	SNOKEY BEAR SIGN MAINT		8/22/14	70216	185.00	
	POLARIS GRAPHICS		8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
79984 NEVADA RURAL COUNTY RSVP			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
79985 NEFA			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
79986 OFFICE DEPOT INC			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
79987 OFFSITE DATA DEPOT, LLC			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
79988 ON THE SIDE GRAPHICS & SI			8/22/14	70216		
			8/22/14	70216		
			8/22/14	70216		
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79989 PERSONNEL EVALUATION INC	SENIOR AWARENESS BANNER		8/22/14	70244	65.50	494.50
79990 PETRINI, ANGELO D	DERISO/HAMMOND		8/22/14	70241	50.00	50.00
79991 PINNACLE SERVICES INC	JULY 31-AUGUST 13, 2014		8/22/14	70181	2.00	178.00
79992 PITNEY BOWES GLOBAL (LEA)	GARNISHMENT DISBURSE		8/22/14	70181	176.00	
79993 POWERPLAN	LEASE PAYMENT		8/22/14	70249	127.52	127.52
			8/22/14	70277	1,190.97	1,190.97
79994 PROFESSIONAL FINANCE CO I	BACKHOB- STREET PAD		8/22/14	70201	537.08	
79995 PUBLIC EMPLY RETIREMENT S	PW KKOFF BROOM-BRAKE SHOE		8/22/14	70201	142.59	
79996 PURCELL TIRE & RUBBER CO	PW KKOFF BROOM-HUBS		8/22/14	70201	388.97	1,068.64
79997 Q&D CONSTRUCTION INC	GARNISHMENT DISBURSE		8/22/14	70250	136.23	136.23
79998 RAD STRATEGIES INC	AFRICA, T		8/22/14	70130	2,645.81	2,645.81
79999 ** VOID **	FR P-71- TIRE		8/22/14	70205	260.39	260.39
80000 ** VOID **	APPLICATION THRU 7-30-14		8/22/14	70140	195,130.00	195,130.00
80001 ** VOID **	SOCIAL MEDIA/NEWS EBLAST		8/22/14	70152	1,875.87	1,875.87
80002 ** VOID **						
80003 ** VOID **						
80004 ** VOID **						
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		80017	** VOID **						
		80018	** VOID **						
		80019	** VOID **						
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80043 RADFORD, SANDRA M	JULY 31-AUGUST 13, 2014		8/22/14	70182	93.50	
80044 RAY MORGAN CO INC (CA)			8/22/14	70182	9.75	103.25
80045 RELIANCE STANDARD LIFE IN	GIS PLOTTER CN2676-01		8/22/14	70265	143.32	
80046 RENO CYCLES & GEAR	COPIER-COMM C STREET		8/22/14	70265	1,915.87	2,059.19
80047 RENO GREEN LANDSCAPING IN	RETIRES		8/22/14	70144	690.30	690.30
80048 RENO LUMBER	UWSGRANT- 2015 POLARIS		8/22/14	70200	15,525.96	15,525.96
80049 ROAD TECH SAFETY SERVICES	MAINT. 1705 PERU		8/22/14	70203	373.00	373.00
80050 ROSS EQUIPMENT CO INC	PNTD RCK BRDG-SUPLIES		8/22/14	70204	130.53	
80051 RUPPCO INC	PNTD RCK BRDG-LUMBER		8/22/14	70204	3,535.36	3,665.89
80052 SAINT MARYS ARTCENTER INC	RDR BRD REPAIR 1/2		8/22/14	70237	1,849.07	1,849.07
80053 SBC GLOBAL SERVICES IN LD	E174 REPAIRS		8/22/14	70217	278.08	278.08
	EMS SUPPLIES		8/22/14	70218	203.15	203.15
	JULY 31-AUGUST 13, 2014		8/22/14	70185	16.00	16.00
	COM DEV		8/22/14	70259	.18	
	CLERK		8/22/14	70259	1.88	
	RECORDER		8/22/14	70259	2.61	
	FIRE (VC)		8/22/14	70259	11.74	
	PUBLIC WORKS		8/22/14	70259	3.63	
	SHERIFF		8/22/14	70259	24.59	
	JP		8/22/14	70259	3.07	
	SHERIFF		8/22/14	70259	4.80	
	COMPTROLLER/ADMIN		8/22/14	70259	5.47	
	FIRE/LOCKWOOD		8/22/14	70259	1.16	
	FIRE (VC)		8/22/14	70259	7.30	
	COMMUNITY DEVELOPMENT		8/22/14	70259	1.34	
	ASSESSOR		8/22/14	70259	2.24	
	CENTRAL DISPATCH		8/22/14	70259	7.41	
	DA		8/22/14	70259	3.54	
	COMMISSIONER		8/22/14	70259	43.60	
	FIRE (VC)		8/22/14	70259	1.51	
	IT		8/22/14	70259	6.78	
	PLANNING		8/22/14	70259	1.03	133.88
80054 SBC GLOBAL SERVICES INC	252-6412-COMMUNICATIONS		8/22/14	70235	6,169.79	
80055 SBC GLOBAL SERVICES INC	847-0962 JOP		8/22/14	70235	61.49	6,231.28
80056 SHOAF, BRIAN ALLEN	VC TOURISM		8/22/14	70173	84.49	84.49
80057 SIERRA CHEMICAL COMPANY	JULY 31-AUGUST 13, 2014		8/22/14	70183	51.00	51.00
80058 SIERRA FIRE PROTECTION LL	PRCHL, DEPOSIT		8/22/14	70206	162.45	162.45
80059 SILVER STATE NATIONAL PEA	75 FIRE EXTINGUISHERS		8/22/14	70132	945.00	945.00
	JULY 31-AUGUST 13, 2014		8/22/14	70184	91.00	

Report No: PB1315
Run Date : 08/21/14

CHECK

NUMBER

VENDOR

STOREY COUNTY

CHECK REGISTER 8/21/14

Page 9

CHECK
TOTAL

80060 SLICK INDUSTRIES LLC DBA

80061 SMITHS FOOD & DRUG CENTER

80062 SPALLOONE, DOMINIC J III

80063 SPB UTILITY SERVICES INC

80064 ST CO SCHOOL DISTRICT

80065 STOREY COUNTY JEEP POSSE

80066 SUN PEAK ENTERPRISES

80067 SYN TECH SYSTEMS INC

80068 THE TOMBSTONE COWBOYS

80069 TRI GENERAL IMPROVEMENT

80070 TRI-VENTURES INC

80071 TRUCKEE MEADOWS WATER SYS

80072 US BANCORP EQUIPMENT FINA

80073 USA CASH SERVICES MGT INC

80074 VIDEO VELOCITY

80075 VIRGINIA & TRUCKEE RR CO

80076 VIRGINIA CITY FLORAL DESI

80077 VIRGINIA CITY TOURS INC

80078 VIRGINIA HIGHLANDS VFD

80079 WALKER & ASSOCIATES

INVOICE DESCRIPTION

P/O #

DATE

TRANS#

AMOUNT

BUSINESS CARDS

DD & PG BUSINESS CARDS

O'GARA

CLEANING SUPPLIES

JUNE SUPPORT

JULY 31-AUGUST 13, 2014

1/1/2014 - 8/10/2014

JULY 31-AUGUST 13, 2014

5/7/14-5/6/15 LTD MAINT*

JULY 31-AUGUST 13, 2014

1705 PERU -W/S

1705 PERU -IRR

ST 72 WATER SYSTEM MAINT

COPIER LEASE ACCT-842499

GARNISHMENT DISBURSE

24 DVD'S VC & COMSTOCK

JULY 31-AUGUST 13, 2014

BOUQUET

JULY 31-AUGUST 13, 2014
1/2 DAY

JULY 18-AUGUST 10, 2014

INTERM/RESERVE UNIFORMS

154.00

135.00

173.89

1,140.65

2,616.81

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Report No: PB1315
Run Date : 08/21/14

CHECK

NUMBER

VENDOR

80080 WASHOE CO SHERIFFS OFFICE

80081 WASHOE COUNTY SENIOR SERV

80082 WEDCO INC

80083 WESTERN NEVADA SUPPLY CO

80084 WESTERN SURETY COMPANY

80085 WESTNET NEVADA LLC

80086 WILDING, BRANDON

STOREY COUNTY

CHECK REGISTER 8/21/14

INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT
LOBBYIST SERVICES		8/22/14	70125	1,666.00
2014/15 FORENSIC CONTRACT		8/22/14	70248	20,666.00
MEALS LCKWDSENIORS JULY14		8/22/14	70196	2,080.62
1705 PERU ELECT		8/22/14	70226	33.44
1705 PERU ELECT		8/22/14	70226	16.05
1705 PERU ELECTRICAL		8/22/14	70226	301.94
BONNET SEAL, SAFETY FLAG		8/22/14	70228	859.20
MXU'S		8/22/14	70228	4,886.73
NOTARY		8/22/14	70277	78.00
10X10 INTERNET PIPE		8/22/14	70264	899.00
8/9/14 RESERVATION		8/22/14	70164	100.00

CHECKS TOTAL

493,792.68

ACKNOWLEDGEMENT OF REVIEW AND AUTHORIZATION

CHECKS TOTAL 493,792.68 CHECK DATE 8/22/14

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COMPTROLLER	-----
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TREASURER	-----
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CHAIRMAN	-----
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COMMISSIONER	-----
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COMMISSIONER	-----

STOREY COUNTY
PURCHASE CARD REGISTER

CARD	TOTAL
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FUND-DEPT INVOICE #

**VENDOR
NUMBER**

26 WELLS ONE COMMERCIAL CARD

PAYMENT

237	58.65	8/22/14	TRNG MEALS 8/10-16	RECDNR	0301528	RECDNR	237	58.65
237	22.00	8/22/14	NRV HISTORICAL SOC IMG	RECDNR	040648	RECDNR	237	22.00
237	25.00	8/22/14	TRNG DINN 8/10/14	RECDNR	056900	RECDNR	237	25.00
237	38.13	8/22/14	HUMBOLT GIS DISC SIDWE	RECDNR	056900	RECDNR	237	38.13
230	75.00	8/22/14	INTERNET- 372 S. C STR	RECDNR	056900	RECDNR	230	75.00
1438	50.00	8/22/14	ENGRAVED PLATES	RECDNR	056900	RECDNR	1438	50.00
1438	9.99	8/22/14	ADAPTOR FOR CC MACHINE	RECDNR	056900	RECDNR	1438	9.99
242	5.99	8/22/14	RENTAL CAR TOLL	RECDNR	056900	RECDNR	242	5.99
244	14.00	8/22/14		RECDNR	056900	RECDNR	244	14.00
244	25.99	8/22/14		RECDNR	056900	RECDNR	244	25.99
244	35.00	8/22/14		RECDNR	056900	RECDNR	244	35.00
244	7.00	8/22/14		RECDNR	056900	RECDNR	244	7.00
244	41.98	8/22/14		RECDNR	056900	RECDNR	244	41.98
239	5.21	8/22/14	DOSEN	RECDNR	056900	RECDNR	239	5.21
229	42.03	8/22/14	GAS 08/04/2014	RECDNR	056900	RECDNR	229	42.03
229	77.12	8/22/14	GAS 08/14/2014	RECDNR	056900	RECDNR	229	77.12
229	69.52	8/22/14	GAS 08/10/2014	RECDNR	056900	RECDNR	229	69.52
239	147.90	8/22/14	1705 PERU-DIVIDING WAL	RECDNR	056900	RECDNR	239	147.90
239	141.53	8/22/14	PNTD RCK BRDG-SCREW, WA	RECDNR	056900	RECDNR	239	141.53
238	100.57	8/22/14	DDA ATTENDING 9-10-14	RECDNR	056900	RECDNR	238	100.57
1438	74.34	8/22/14	GIFT SHOP DISPLAY RACK	RECDNR	056900	RECDNR	1438	74.34
1438	19.25	8/22/14	LOPER/MELISA	RECDNR	056900	RECDNR	1438	19.25
237	24.19	8/22/14	MAVERIK	RECDNR	056900	RECDNR	237	24.19
237	150.00	8/22/14	PAPER MATCHING /WRBLNG	RECDNR	056900	RECDNR	237	150.00
239	109.00	8/22/14	JDFUFRESNE-WTR PLNT OP	RECDNR	056900	RECDNR	239	109.00
240	168.20	8/22/14	APA STATE CONFERENCE	RECDNR	056900	RECDNR	240	168.20
241	166.99	8/22/14	ADMIN ASSIST 2ND MONIT	RECDNR	056900	RECDNR	241	166.99
241	27.02	8/22/14	MA LABS RMA SHIPPING	RECDNR	056900	RECDNR	241	27.02
241	1,000.00	8/22/14	DRIVESAVERS RECOVERY I	RECDNR	056900	RECDNR	241	1,000.00
241	1,300.00	8/22/14	DRIVESAVERS RECOVERY F	RECDNR	056900	RECDNR	241	1,300.00

4,019.70

Card Total

4,019.70

ACKNOWLEDGEMENT OF REVIEW AND AUTHORIZATION

McIntosh, H. Gallagher
COMPTROLLER

COMPTROLLER

TREASURER

CHAIRMAN

COMMISSIONER

COMMISSIONER



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 2, 2014

Estimate of time required: 5 minutes

Agenda: Consent ☒ Regular agenda ☒ Public hearing required ☐

1. **Title:** National Preparedness Month Proclamation

2. **Recommended motion:** I hereby move to Proclaim September 2014 as National Preparedness Month in Storey County.

3. **Prepared by:** Cherie Nevin & Joe Curtis

Department: Community Services & Emergency Management

Telephone: 847-0986

4. **Staff summary:**

Every year the President issues a proclamation declaring September as National Preparedness Month. Several state governments have also followed suit and provided proclamations raising awareness for emergency preparedness in their respective states. We are encouraging Storey County to take concrete action toward preparing for emergencies and disasters by declaring September National Preparedness Month in Storey County. NPM was originally created by the Federal Emergency Management Agency's (FEMA) *Ready* Campaign in response to the tragic events of 9/11 in order to educate the public on how to prepare for emergencies. This year's NPM campaign focuses on the theme: "Be Disaster Aware, Take Action to Prepare."

5. **Supporting materials:** Proclamation attached

6. **Fiscal impact:** NONE

Funds Available:


Fund:

____ Comptroller

7. **Legal review required:**

____ District Attorney

8. **Reviewed by:**

 Department Head
 County Manager

Department Name: Commissioner's Office

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. 9

CONTINUED FROM PAGE 1

FEMA and the *Ready* Campaign urge communities around the country to take the pledge in order to be better prepared for disasters. Emergency preparedness is the responsibility of every citizen of Storey County. It takes a team effort to ensure that we are ready for any disaster. Please help us encourage individuals, families, organizations, and businesses within our community to make an emergency plan, put together an emergency supply kit, and join in local efforts to become a community preparedness partner.

The *Ready* Campaign encourages everyone to participate in preparedness activities and to get their families, businesses, neighborhoods, and communities prepared. Only by working together as a team, can we be truly ready for emergencies and disasters. For free information on how to get prepared, individuals can visit the *Ready* websites at Ready.gov and Listo.gov. These activities, along with a vigilant public, contribute to an overall level of preparedness that is critical to the safety of Storey County and the entire country.

PROCLAMATION

National Preparedness Month, September 2014

WHEREAS, "National Preparedness Month" creates an important opportunity for every resident of STOREY COUNTY to prepare their homes, businesses, and communities for any type of emergency including natural disasters and potential terrorist attacks; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses, and communities can reduce fatalities and economic devastation in our communities and in our nation; and

WHEREAS, the Federal Emergency Management Agency's *Ready* Campaign, Citizen Corps and other federal, state, local, tribal, territorial, private, and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action; and

WHEREAS, emergency preparedness is the responsibility of every citizen of STOREY COUNTY and all citizens are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type; and

WHEREAS, all citizens of STOREY COUNTY are encouraged to participate in citizen preparedness activities and asked to review the *Ready* campaign's websites at Ready.gov or Listo.gov (in Spanish) and become more prepared.

THEREFORE, BE IT RESOLVED that the STOREY COUNTY BOARD OF COUNTY COMMISSIONERS hereby proclaims September 2014 as National Preparedness Month, and encourages all citizens and businesses to develop their own emergency preparedness plan, and work together toward creating a more prepared society.

DATED this 2nd Day of September 2014 by the STOREY COUNTY BOARD OF COUNTY COMMISSIONERS

Marshall McBride, Chairman



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 2, 2014

Estimate of time required: 5-10 minutes

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☐

1. **Title:** DISCUSSION/POSSIBLE ACTION: Consideration of approval of Six Mile Canyon Drainage Improvement Grant Professional Engineering Services Agreement with Farr West Engineering.

2. **Recommended motion:** *Move to approve the Six Mile Canyon Drainage Improvement Grant Project Professional Engineering Services Agreement between Storey County and Farr West Engineering.*

3. **Prepared by:** Cherie Nevin

Department: Community Services

Telephone: 847-0986

4. **Staff summary:** In 2009, Storey County submitted a Grant Application through the Nevada Division of Emergency Management for FEMA Pre Disaster Mitigation funding for the Six Mile Canyon Drainage Improvement Project. The goals and objectives of this project are to reduce the community impacts due to roadway closures resulting from the flooding of Six Mile Canyon Road/State Road 79. Six Mile Canyon Road/State Road 79 is a major thoroughfare and is heavily traveled by commuters. **CONTINUED ON PAGE 2**

5. **Supporting materials:** 1. Farr West Engineering Proposal
2. Division of Emergency Management Six Mile Canyon Drainage Improvement Project Grant Award 020-020 54760

6. **Fiscal impact:**

Funds Available: YES

Fund:

ROAD IMPROVEMENT - SIX MILE

 Comptroller

7. **Legal review required:**

 District Attorney

8. **Reviewed by:**

 Department Head

Department Name: Commissioner's Office

 County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Staff Summary Continued from Page 1:

The Road suffered significant damage during previous storm events and is in need of an improved storm drainage system to lessen the impact of flooding to Storey County's population. The road was closed for 6 months in 2005 due to extensive roadway damage resulting from flooding, and while repairs were made to make the road passable, additional storm drainage systems are needed to ensure damage of this magnitude does not occur again. The proposed activity is upgrade of the storm drainage system and upgrade of all culverts to meet flood capacity.

As part of the grant award, we have been granted funds to be used for Project Management, Bid Solicitation Services, Engineering Design, Permitting Services and Construction Phase services. We are coming to you to seek approval to enter into contract with Farr West Engineering (our Engineer of record for the county) to provide these services. Per NAC 333.150- Requirements for contract for services of independent contractor; competitive selection; request for proposals; effective date. (**NRS 333.130**, **333.135**) Such a contract which by its nature is not adapted to be awarded by competitive selection, including, without limitation, a contract for: Professional services, including, without limitation, a contract for the services of: A professional engineer. According to a 1977 Attorney General Opinion, if a construction manager is used solely for consulting or coordinating purposes, public bidding is not necessary to contract for such services.

FARR WEST

ENGINEERING

August 20, 2014

Cherie Nevin
Community Services Officer
Storey County

RE: List of Tasks for 6 Mile Canyon Drainage Improvement Project

Dear Cherie,

Per your request, the following are the tasks we anticipate for the 6 Mile Canyon Drainage Improvement Project:

Task 1 – Project Management

- A. Coordination with the client
- B. Status reports for grant funding agency
- C. Quality assurance and quality control
- D. Project administration
- E. County in-kind coordination

Task 2 – Support of Lands and Permitting

- A. Determine land and permitting requirements (if any).
- B. Provide engineering support to County (easement documentation, permit applications).

Task 3 – Detailed Design

- A. Site surveying
- B. Geotechnical investigation
- C. Preliminary design
- D. Final design
- E. Specifications and bidding documents

Task 4 – Procurement Assistance

- A. Advertise project
- B. Provide copies of bid documents to bidders
- C. Pre-bid meeting
- D. Respond to questions
- E. Prepare addendum if needed
- F. Attend bid opening
- G. Prepare bid tab
- H. Prepare recommendation for award of contract

Task 5 – Construction Management and Inspection Services

- A. Pre-construction conference
- B. Obtain and review contractor's contract, insurance and bonds
- C. Review submittals
- D. Respond to requests for information (RFI's).
- E. Review change orders and work change directives
- F. Provide routine inspection
- G. Provide inspection reports
- H. Review applications for payment
- I. Prepare punch list
- J. Final inspection
- K. Prepare as-built record drawings

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Brent Farr".

Brent Farr, P.E.
President

**SHORT FORM OF AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of _____, 2014 ("Effective Date") between Storey County ("Owner") and Farr West Engineering ("Engineer"). Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as follows: Six Mile Canyon Drainage Improvement Project, funded in part by a FEMA Hazard Mitigation Grant.

Engineer's Services under this Agreement are generally identified as follows: Provide engineering design and specifications for bidding of the Six Mile Canyon Drainage Improvement Project in accordance with the FEMA Grant Application and the Storey County Comprehensive Flood Control Plan prepared by Farr West Engineering (December, 2011). Engineer will also provide bidding, construction management and full-time construction inspection services.

Owner and Engineer further agree as follows:

1.01 *Basic Agreement*

- A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above. Owner shall pay Engineer for its services as set forth in Paragraphs 7.01.

2.01 *Payment Procedures*

- A. *Invoices:* Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer's invoice, then the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension. Payments will be credited first to interest and then to principal.

3.01 *Termination*

- A. The obligation to continue performance under this Agreement may be terminated:
 - 1. For cause,

- a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Failure to pay Engineer for its services is a substantial failure to perform and a basis for termination.
- b. By Engineer:
 - 1) upon seven days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or
 - 2) upon seven days written notice if the Engineer's services for the Project are delayed for more than 90 days for reasons beyond Engineer's control.

Engineer shall have no liability to Owner on account of a termination by Engineer under Paragraph 3.01.A.1.b.

- c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience, by Owner effective upon Engineer's receipt of written notice from Owner.

- B. The terminating party under Paragraph 3.01.A may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.
- C. In the event of any termination under Paragraph 3.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination.

4.01 *Successors, Assigns, and Beneficiaries*

- A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 4.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the

written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

- C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

5.01 *General Considerations*

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Subject to the foregoing standard of care, Engineer and its consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. Engineer shall not at any time supervise, direct, control, or have authority over any contractor's work, nor shall Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a contractor to comply with laws and regulations applicable to such contractor's furnishing and performing of its work.
- C. This Agreement is to be governed by the law of the state or jurisdiction in which the Project is located.
- D. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor. Engineer is not responsible for variations between actual construction bids or costs and Engineer's opinions or estimates regarding construction costs.
- E. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any of their agents or employees or of any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any construction work; or for any decision made regarding the construction contract requirements, or any application, interpretation, or clarification of the construction contract other than those made by Engineer.
- F. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to

receipt by Engineer of full payment for all services relating to preparation of the documents and subject to the following limitations: (1) Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer; (2) any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants; (3) Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Owner shall not create any rights in third parties.

- G. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.
- H. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq., or radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (1) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (2) warrants that the Site is in full compliance with applicable Laws and Regulations.
- I. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.

6.01 *Total Agreement*

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

7.01 *Basis of Payment—Lump Sum*

A. Using the procedures set forth in Paragraph 2.01, Owner shall pay Engineer as follows:

1. A Lump Sum amount of \$280,000.

B. The portion of the compensation amount billed monthly for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER:

By: _____

Title: _____

Date Signed: _____

ENGINEER:

By: _____

Title: President

Date Signed: _____

Address for giving notices:

Address for giving notices:

Farr West Engineering
5442 Longley Lane, Suite A
Reno, Nevada 89511

Brian Sandoval
Governor



James M. Wright
Director

Christopher B. Smith
Chief

**Division of Emergency Management
Homeland Security**

2478 Fairview Drive
Carson City, Nevada 89701

Telephone (775) 687-0300 • Fax (775) 687-0322 • <http://dem.state.nv.us/>

June 16, 2014

Mr. Pat Whitten
Storey County Manager
PO Box 176
Virginia City, NV 89440-0176

Dear Mr. Whitten:

RE: PDM 2010 – Six Mile Canyon Drainage Improvement Project

I am pleased to inform you that FEMA approved the 2010 Pre Disaster Mitigation funding for Storey County's Six Mile Canyon Drainage Improvement Project.

The federal funding awarded equals \$1,115,037.05; the 25 percent cost share, which is the responsibility of the local jurisdiction, is \$371,679.02; total amount of eligible costs is \$1,486,716.07. For your reference, the approved budget is enclosed with this letter. **The project period begins May 8, 2014 and ends May 7, 2017.**

A performance and financial report is required on a quarterly basis, as shown in the timetable below. A sample of the report form is attached, and a template in Excel format will be provided for your convenience. For reimbursement, submit the completed reports and backup documentation for all expenditures to the attention of Karen Johnson, Nevada Division of Emergency Management (NDEM).

Jan-Mar – Due Second Thursday of Apr
Apr-Jun – Due Second Thursday of Jul

Jul-Sep – Due Second Thursday of Oct
Oct-Dec – Due Second Thursday of Jan

An award package is enclosed for signature. Keep the "confirmation copy" for your records and return the "original" as soon as possible to the address listed above, attention: Rick Martin.

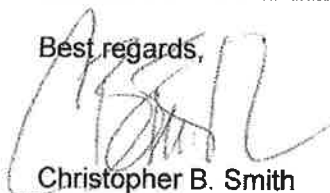
Capitol Police • Criminal Justice Assistance • Division of Emergency Management • Emergency Response Commission
State Fire Marshal • Investigations Division • Highway Patrol Division • Office of Traffic Safety
Parole and Probation • Records & Technology Division • State Board of Parole Commissioners • Training Division

Pat Whitten
Page 2
June 16, 2014

The NDEM appreciates Storey County's understanding that reimbursement of expenditures is contingent upon the legislative Interim Finance Committee (IFC) consideration of the budgetary acceptance of this federal award at their anticipated meeting in August. Please note that grant management must adhere to the Title 44 Code of Federal Regulations and generally accepted accounting principles. Also, financial records for this award must be kept three years beyond the end of the state's performance period. The NDEM will provide written notice of the end of the state's performance period. As a reminder, project awards more than \$25,000 may be audited by FEMA.

Thank you for your cooperation and assisting the NDEM in documenting our compliance with the federal grant management regulations. If you have any questions concerning this award, please call Karen Johnson, kjohnson@dps.state.nv.us, at (775) 687-0373, or Rick Martin, rmartin@dps.state.nv.us, at (775) 687-0314.

Best regards,



Christopher B. Smith

CBS/kj/cm

*Attachments: Scope of Work/Budget
Assurances and Certifications
Grant Award
Sample Quarterly Fiscal/Program Report*



STATE OF NEVADA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT

Grant Award	
SUBGRANTEE: Storey County ADDRESS: PO Box 7 Virginia City, NV 89440-0007	PROJECT NO: 9704710-3000 Cat: 23
PROJECT TITLE: Six Mile Canyon Drainage Improvement Project PROJECT NUMBER: PDMC-PJ-09-NV-2010-002	FEDERAL GRANT FUNDS: \$1,115,037.05 MATCHING FUNDS: \$371,679.02 TOTAL: \$1,486,716.07
GRANT PERIOD: 5/8/2014 to 5/7/2017	

APPROVED BUDGET FOR PROJECT		
CATEGORY	TOTAL PROJECT COSTS	
Personnel		\$33,819.32
Consultants/Contracts		\$1,452,896.75
Travel		
Supplies/Operating		
Equipment		
Training		
Planning		
Management & Administration		
Total Project Cost		\$1,486,716.07

This award is subject to the requirements (federal, program and financial assurances) established by the federal government and Division of Emergency Management, Nevada Department of Public Safety. This award is subject to availability of federal funding.

Special Conditions: This award is conditional upon its approval by the Interim Finance Committee at the anticipated August 2014 meeting. (If Applicable) This project is approved subject to such conditions or limitations as set forth on the attached page(s).

AGENCY APPROVAL	SUBGRANTEE ACCEPTANCE
Christopher B. Smith, Chief Name and Title of Appointing Official	Pat Whitten, County Manager Name and Title of Appointing Official
X Signature of Approving Official Date: 6/16/14	X Signature of Approving Official Date: 19 JUNE 2014

Form: OEM-001

CONFIRMATION COPY



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9-2-14

Estimate of time required: 0 - 5

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☐

1. **Title:** Business License First Readings

2. **Recommended motion:** None required (if approved as part of the Consent Agenda)
I move to approve all first readings (if removed from consent agenda by request)

3. **Prepared by:** Stacey Bucchianeri

Department: Community Development

Telephone: 847-0966

4. **Staff summary:** First readings of submitted business license applications are normally approved on the consent agenda. The applications are then submitted at the next Commissioners' meeting for approval.

5. **Supporting materials:** See attached Agenda Letter

6. **Fiscal impact:** None

Funds Available:

Fund:

_____ Comptroller

7. **Legal review required:** None

_____ District Attorney

8. **Reviewed by:**

x Department Head

Department Name: Community Development

_____ County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. 11

Storey County Community Development

Business Licensing



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

To: Vanessa Stephens, Clerk's Office
Pat Whitten, County Manager

August 25, 2014

Via email

Fr: Stacey Bucchianeri

Please add the following item(s) to the **September 2, 2014**, COMMISSIONERS Consent Agenda:

LICENSING BOARD

FIRST READINGS:

- A. AGGREGATE RESOURCE DRILLING, LLC** – Contractor / 4080 Commercial Ave ~ Springfield, OR (rock driller)
- B. BW CABINETS & DOORS, INC.** – Contractor / 52 Miles Road ~ Carson City (cabinet sales/installer)
- C. PAUL BROOKS GENERAL CONTRACTOR** – Contractor / 199 East Winnie Lane ~ Carson City, NV (Contractor)
- D. TFG CONSULTING, LLC** – General / 1273 Lariat Court ~ Minden (Consultant)
- E. WINDAK, INC.** – Contractor / 1254 26th Street ~ Hickory, NC (servicing equipment in County)
- F. DAVE'S HANDYMAN SERVICES** – General / 1647 Clover Leaf Drive ~ Sparks (Handyman)

Inspection Required

ec: Shannon Gardner, Building Dept.
Austin Osborne, Planning Dept.
Dean Haymore, Economic Dev.

Gary Hames, Fire Dept.
Patty Blakely, Fire Dept.
Fritz Klingler, Fire Dept.

Sheriff's Office
Assessor's Office



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 09/02/2014

Estimate of time required: 15 minutes

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Dave Szabo, VFW Commander to make presentation to SCSO and SCFD

2. **Recommended motion** No action

3. **Prepared by:** Sheriff Antinoro

Department: SCSO

Telephone: 775-847-0959

4. **Staff summary:** This is a presentation only wherein the VFW would like to recognize a member of SCSO and SCFD for their service.

5. **Supporting materials:** None

6. **Fiscal impact:** None

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

____ District Attorney

8. **Reviewed by:**

☒ Department Head

Department Name: Gerald Antinoro

Gerald Antinoro

[Signature]

County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. 12



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 2, 2014

Estimate of time required: 15 minutes

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☒

1. **Title: Discussion/Possible Action: Variance 2014-014.** By Mark Stevens in the Virginia City Highlands 1 Acre Estates located at 2010 Silverado Road, Storey County, Nevada (APN: 003-081-38). A request for Variance for a reduced rear-yard setback of 20 feet from the required 40 feet rear-yard setback for the placement of a proposed single-family residence. Also, the Applicant requests a Variance for the allowance of a detached accessory building to be closer than 50% of the depth of the lot from the front property line.
2. **Recommended motion:** In accordance with the recommendation by the Storey County Planning Commission and Staff, the Findings under Section 6.1 of the Staff Report, and other Findings deemed appropriate by the Board, and in compliance with all Conditions of Approval, I [Commissioner] move to approve with conditions Variance Number 2014- 014 for a reduced rear-yard setback of 20 feet from the required 40 feet rear-yard setback for the placement of a proposed single-family residence and also, for approval of a Variance for the allowance of a detached accessory building to be located 40 feet from the front property line from the required 60 feet.
3. **Prepared by:** Dessie Redmond, Planner

Department: Planning Department **Telephone:** 847-1144
4. **Staff summary:** The Applicant requests a Variance for a reduced rear-yard setback of 20 feet from the required 40 feet rear-yard setback for the placement of a proposed single-family residence. Also, the Applicant requests a Variance for the allowance of a detached accessory building to be closer than 50% of the depth of the lot from the front property line.
5. **Supporting materials:** Staff report, exhibits and appendices.
6. **Fiscal impact:** None on local government.
Funds Available: _____ Fund: _____ Comptroller
7. **Legal review required:**
_____ District Attorney
8. **Reviewed by:**

Department Head

County Manager
Department Name: _____
Other agency review: _____
9. **Board action:**

<input type="checkbox"/>	Approved	<input type="checkbox"/>	Approved with Modifications
<input type="checkbox"/>	Denied	<input type="checkbox"/>	Continued

Agenda Item No. 13

**STOREY COUNTY
PLANNING DEPARTMENT**

Storey County Courthouse
26 South B Street, PO Box 176, Virginia City, NV 89440
Phone (775) 847-1144 – Fax (775) 847-0949
planning@storeycounty.org



To: Storey County Board of County Commissioners

From: Storey County Planning Department

Meeting Date: September 2, 2014 at 10am

Meeting Location: Storey County Courthouse - 26 South B Street, Virginia City, Nevada 89440

Staff Contact: Dessie Redmond, Planner

File: 2014-014

Applicant: Mark Stevens

Property Owner: Mark Stevens

Property Location: 2010 Silverado Road, Storey County, Nevada (APN: 003-081-38)

Figures: Figure 1-Vicinity Map; Figure 2-Zoning Map; Figures 3 through 6-Site Photos; Figures 7-Site Plan Submitted by Applicant; Figure 8-Abutting Land Uses

Appendix: Appendix 1-Justification of Project Submitted by Applicant

Guiding Documents: Storey County Code-Sections 17.03.140 Variances; 17.12.048 Accessory Buildings; 17.40 Estate Zone and the Storey County Master Plan

Request: A Variance for a reduced rear yard setback of 20 feet from the required 40 feet rear yard setback for the placement of a proposed single-family residence. Also, a request for a Variance for the allowance of a detached accessory building to be closer than 50% of the depth of the lot from the front property line.



Figure 1 - Vicinity Map

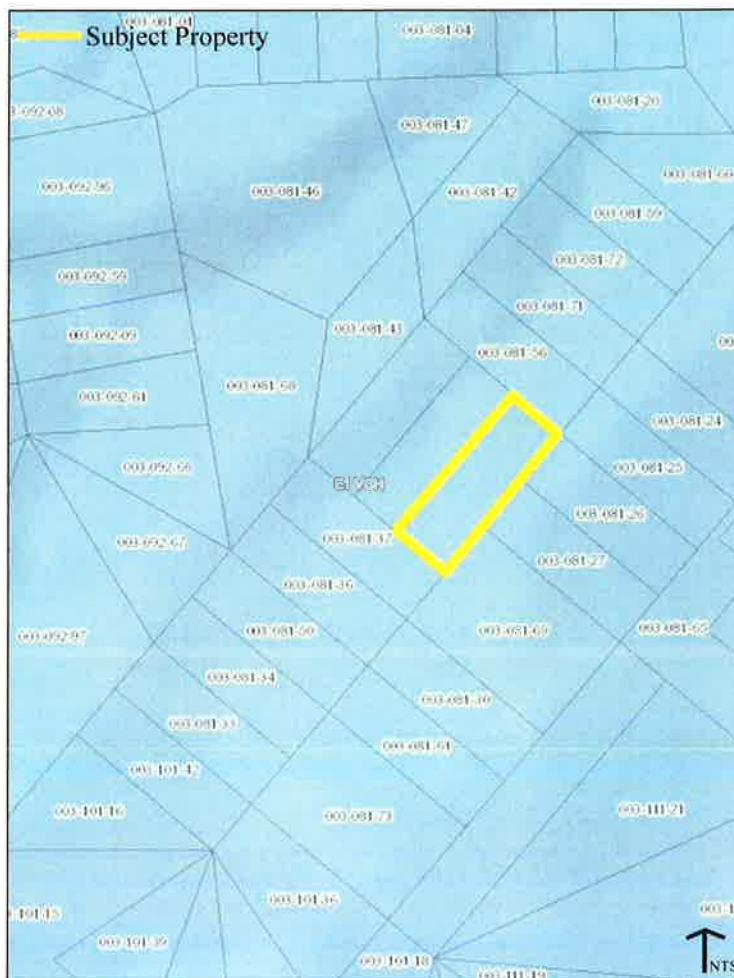


Figure 2 - Zoning Map

1. BACKGROUND & ANALYSIS

1.1 Site Location and Characteristics

The subject property is located at 2010 Silverado Road in the Virginia City Highland one acres, Storey County, Nevada (Assessor Parcel Number (APN) 003-091-38). The property is approximately 1 acre and is owned by the Applicant. Virginia City is approximately eight miles to the south, and south Reno is approximately 12 miles to the northwest (Figure 1 - Vicinity Map). The subject property is zoned Virginia City Highland 1 Acre Estates (E1 VCH) (Figure 2 - Zoning Map). The subject property is currently vacant. There are some improvements on the property including a well and a septic tank (Figures 3 through 6: Site Photos).

The subject property is accessed off Geiger Grade Road onto Cartwright Road and onto Sazarac Road and off Silverado Road. The lot is a corner lot with Silverado Road along the south property line and Alpine Road along the south property line.

1.2 Proposed Use

The Applicant proposes to construct a single-family residence with a total livable space of 1536 square feet along with a detached garage (accessory building) of 900 square feet (Appendix 1 - Justification of Project Submitted by Applicant).

1.3 Application for a Variance

The Applicant proposes to locate a residence generally in the center of the lot. The proposed residence meets both the front yard and side yard setback requirements. However, because the lot is narrow in width, the rear yard setback requirement can not be met. Therefore, the Applicant requests a Variance for a reduced rear yard setback. The proposed rear yard setback is 20 feet from the 40 feet required rear yard setback (Figure 7 - Site Plan Submitted by Applicant) (SCC 17.40 Estate Zone, page 10 of this Staff Report).

Further, because the lot is narrow in width the detached garage is proposed to be closer than 50% of the depth of the lot from the front property line. Therefore, the Applicant also requests a Variance for the allowance of a detached accessory building to be closer than 50% of the depth of the lot from the front property line (SCC 17.12.48 Accessory Buildings, Page 8 of this Staff Report).

1.4 Variances

The SCC 17.03.140 Variances states: A Variance to the provisions of this title may be granted by the Board with action by the Planning Commission where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the lot or parcel, the strict application of the regulations enacted under this title would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of property.

Within this section of the SCC it also states: The Board's approval, approval with conditions, or denial of a Variance must be based on findings that indicate that the proposed use is appropriate in the location for which it is approved. The findings listed in this subsection are the minimum to be cited in an approval; the body may include additional findings in their decision. The Board and Planning Commission must cite findings of fact in the motion for approval, approval with conditions, or denial. At a minimum, the approval must be based on findings that the proposal:

1. That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification;
2. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and
3. That the granting of the Variance will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.

Staff believes the shape of this specific piece of property creates an exceptional condition of the parcel, and therefore, the Applicant faces a hardship specific to this subject parcel.



Figure 3 - Site Photo standing on Silverado Road looking west across width of property.



Figure 4 - Site Photo standing centrally within the property looking east onto Silverado Road.



Figure 5 - Site Photo showing septic improvements.



Figure 6 - Site Photo standing on Alpine Road looking north into property (showing well house).

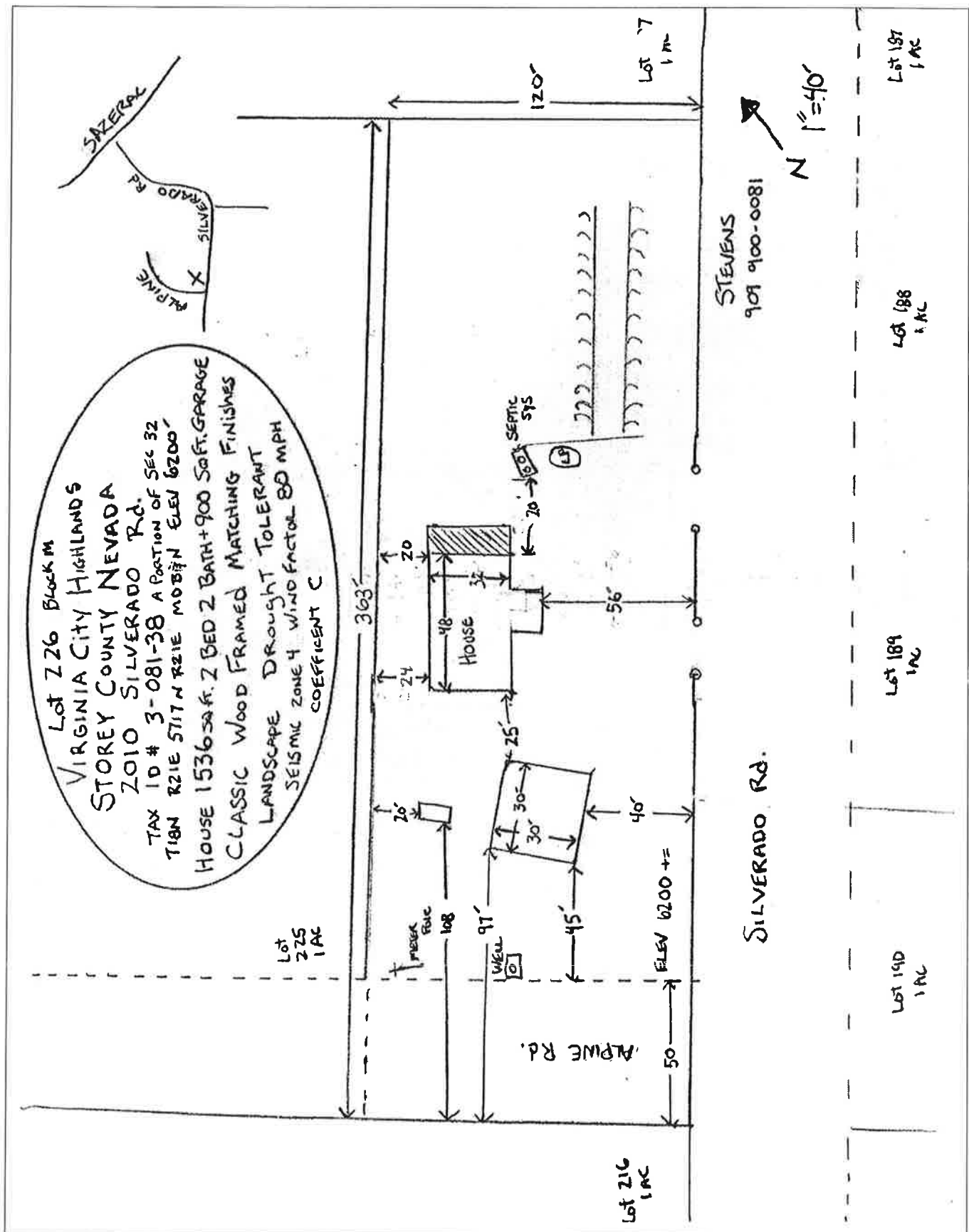


Figure 7 - Site Plan Submitted by Applicant



Figure 8 - Abutting Land Uses

1.5 Adjacent Properties Existing Land Uses

All of the abutting properties are vacant (Figure 8 - Abutting Land Uses).

1.6 Abutting Properties Zoning

All of the abutting properties are zoned E1 VCH (Figure 2 - Zoning Map).

1.7 Virginia City Highlands Property Owners Association

The subject property is located within the Virginia City Highlands Property Owners Association (VCHPOA) one acres; and therefore, the final structure elevations and drawings must be approved by the VCHPOA and comply with the Covenants, Conditions and Restrictions (CC & R's) of the VCHPOA.

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2. GENERAL COMPLIANCE WITH STOREY COUNTY'S GUIDING DOCUMENTS

2.1 Table 1: Land Use Compatibility

The following table shows land uses, Storey County Master Plan (Master Plan) designations and zoning for the land surrounding the proposed residence. There are no evident conflicts between the proposal and SCC Title 17 Zoning or the Master Plan. The proposed use is also consistent with the surrounding single-family residential uses and vacant parcels.

Table 1: Land Use Compatibility			
Land	Land Use	Master Plan	Zoning
Applicant's Land	Proposed single-family residence with reduced rear setback	Single-family residential	E1 VCH
Land to south	Vacant	Single-family residential	E1 VCH
Land to west	Vacant	Single-family residential	E1 VCH
Land to north	Vacant	Single-family residential	E1 VCH
Land to east	Vacant	Single-family residential	E1 VCH

3. COMPLIANCE WITH THE STOREY COUNTY CODE

3.1 Storey County Code 17.12.048 Accessory Buildings

The following provisions apply to the location and placement of accessory buildings unless otherwise provided in this title:

A. A detached accessory building less than 400 square feet in area may not exceed 20 feet in height. Detached accessory buildings in the E, F, and R zones may not exceed two stories or 35 feet in height.

The Applicant's property does conform to this standard as the garage is proposed not to exceed 35 feet in height.

B. A detached accessory building in the E zone may not be closer than 50 % of the depth of the lot from the front property line, or 60 feet, whichever is less;

The Applicant's property proposes to locate a garage 40 feet from the front property line. The depth of the subject lot is 120 feet. Therefore, the Applicant requests a Variance from this standard.

C. A detached accessory structure exceeding 200 square feet in area but not more than 400 square feet in area may not be located closer than 5 feet from the property line. Unless otherwise stated in this title, all accessory structures exceeding 400 square feet in area must meet standard setback requirements.

The Applicant's property does conform to this standard. The proposed garage meets the front, side and rear yard setbacks.

D. On a corner lot facing two streets, a detached accessory may not be located at a distance less than the required front yard or street side yard setback area.

The Applicant's property does conform to this standard.

E. Accessory buildings in the E, R, and SPR zones, if two stories in height, may not be located closer than five feet to any interior property line.

The Applicant's is not proposing a two story garage and therefore the Applicant's proposal conforms to this standard.

F. It is unlawful to construct, erect, or locate in any E, R, or SPR zone private garages or other accessory buildings without a principal building, except: a temporary building may be constructed and occupied as a legal use pending the construction of a permanent use providing that a permit will not be issued for the temporary structure unless a permit is also issued at the same time for the permanent building. If it is proposed to convert the temporary structure to a permissive accessory use upon completion of the main structure, the conversion must occur upon completion of the final structure or be removed at that time or within a period of 1 year form the date of issuance of the original permit. A principal residential building is not be required for accessory buildings and uses incidental to permitted agricultural uses in the A zone.

The Applicant's property does have an existing accessory building (shed) without a principal building on the subject property (Figure 9 - Existing Accessory Building) and therefore, the subject property appears to be non-conforming with this standard.



Figure 9 - Existing Accessory Building

G. If an accessory building is connected to the main building by a breezeway, below grade tunnel, or other structure that is not habitable space as defined by the building code, each structure must meet front, rear, and side yard setback requirements for that zone and is considered an accessory building and a main structure for calculation of square footage of accessory structures.

The Applicant does not propose a breezeway and therefore, conforms to this standard.

H. A detached structure may not be located closer to any other building on the same or adjoining lot than allowed by the Building Code and Fire Code.

The Applicant's proposal meets this standard and the Conditions of Approval also addresses this requirement.

I. The limitations of allowable cumulative square footage for accessory structures and accessory uses in a E1 VCH Zone are: first floor not to exceed 2,500 square feet, total area not to exceed 4,000 square feet.

The Applicant's proposes a 900 square foot garage and therefore the proposal complies with this standard.

3.2 Storey County Code 17.40 Estate Zone

3.2.1 Minimum lot size requirements. The minimum acreage in an E1 VCH zone is 1 acre.

The Applicant's property does conform with this standard.

3.2.2 Lot dimensions requirements. The average dimension of a lot in one direction (front to rear or side to side) may not exceed four times the average dimension in the other direction.

The Applicant's property does conform with this standard.

3.2.3 Height of buildings and structures. A structure may not exceed a height of three stories or 35 feet, whichever is higher.

The Applicant's proposal does not exceed a height of three stories or 35 feet and therefore, conforms with this standard.

3.2.4 Setback requirements. The E1 VCH zoning has a minimum front set back of 30 feet, a minimum rear yard setback of 40 feet and a minimum side yard setback of 15 feet.

The Applicant's proposal conforms to the front yard and side yard setbacks requirements. However, the Applicant requests a Variance for a rear yard setback. The proposed rear yard setback is 20 feet.

4. COMPLIANCE WITH THE STOREY COUNTY MASTER PLAN

On page 24 in Chapter 4: Housing:, of the Master Plan it states:

"The ability of Storey County to accommodate future growth is dependent upon available land suited for residential development. The primary developing regions are: Virginia City/Gold Hill, Mark Twain, Virginia Highlands and the River District."

The proposed residence is within one of the primary developing regions: the Virginia City Highlands. As the Master Plan states future growth should be on land suited for residential development and the Virginia City Highlands is a suitable area for residences. Therefore, the proposed project supports the goals, objectives and recommendations of the Master Plan.

5. PUBLIC COMMENT

Staff has not received any public comment for this file as of posting date.

6. FINDINGS

6.1 Motion for Approval

The following Findings are evident with regard to the requested Variance when the recommended conditions of approval in Section 7 - Recommended Conditions of Approval are applied.

The approval, approval with conditions, or denial of a Variance must be based on findings that indicate that the proposed use is appropriate in the location for which it is approved. The findings listed in this subsection are the minimum to be cited in an approval; the body may include additional findings in their decision. The Board and Planning Commission must cite Findings in the motion for approval, approval with conditions, or denial. At a minimum, the approval must be based on the following Findings:

6.1.1 That there are special circumstances applicable to the subject property, including the configuration of the subject property. Therefore, the strict application of the zoning ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification; and

6.1.2 That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the property owner; and

6.1.3 That the granting of the Variance will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property; and

6.1.4 The proposed Variance is in compliance with all Federal, Nevada State, and Storey County regulations; and

6.1.5 The proposed Variance is in compliance with Storey County Code 17.03.140 Variances, 17.12.48 Accessory Buildings and 17.40 Estates when all Conditions of Approval are met; and

6.1.6 The proposed Variance is in compliance with and supports the goals, objectives and recommendations of the Storey County Master Plan.

6.2 Motion for Denial

Should a motion be made to deny the Variance request, the following Findings with explanation of why should be included in that motion.

6.2.1 That there are no special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance that

would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification; or

6.2.2 That the granting of the application is not necessary for the preservation and enjoyment of substantial property rights of the property owner; or

6.2.3 That the granting of the application will, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property; or

6.2.4 The proposed Variance is not in substantial compliance with all Federal, Nevada State, and Storey County regulations; or

6.2.5 The proposed Variance is not in substantial compliance with and does not support the goals, objectives and recommendations of the Storey County Master Plan; or

6.2.6 The conditions of approval under the Variance do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding uses; or

6.2.7 No reasonable level of conditions of approval imposed on this Variance would be sufficient to reasonably mitigate visual, safety or other potential impacts on adjacent and surrounding residences and land uses.

7. RECOMMENDED CONDITIONS OF APPROVAL

All conditions must be met to the satisfaction of each applicable County Department.

1. **Compliance.** The Variance must comply with County Codes, and submitted plans and reports, as approved. The Applicant must provide the Planning and Building Departments site plans drawn to scale prior to obtaining a Building Permit.
2. **Null and Void.** If the Variance is not exercised within 12 months of the date of approval, unless additional time is granted by the Board with action by the Planning Commission, based upon consideration of the specific circumstances of the project, then without further action, the Variance will be null and void and no non-conforming development activity may be made on the property except on the granting of a new Variance.
3. **Hold Harmless.** The Variance Holder agrees to hold Storey County, its Officers, and Representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this Variance.
4. **Permits and Expiration.** The Applicant shall apply for all Building and Fire permits for the structure within 24 months from the date of board approval for this Variance, and continuously maintain the validity of those permits, as appropriate, or this approval will become null and void.
5. **Taxes Paid.** Before obtaining a Building Permit, the Applicant must show the Planning Department evidence that all property taxes on the land are paid to-date.

6. **Virginia City Highlands Property Owners Association.** The final structure elevation drawings must be stamped with the approval the VCHPOA prior to any Building Permit issued.
7. **Distances.** The reduced rear yard setback for the proposed residence is for a distance of 20 feet. The distance between the proposed detached accessory building (the proposed garage) and the front property line is for a distance of 40 feet. All other setbacks for structures must be in compliance with the SCC. The distance between accessory buildings and the principal building must be a minimum of 10 feet and in accordance with SCC.
8. **Fire Protection.** All structures must comply with County Building and Fire Codes. Roof overhangs may encroach further into the required yard setback areas, but must also be fire protected.
9. **Stormwater Management.** The Applicant must grade the property such as to mitigate any increase in stormwater caused by the development. Increased stormwater must be detained on-site or directed towards Silverado Road or Alpine Road and not allowed to enter abutting private properties. Stormwater drainage must be to the satisfaction of the Public Works Director or the VCHPOA, as applicable.
10. **Plot Map.** The Applicant must submit to the Planning Department a valid and accurate plot map, which shows all parcel boundaries, easements, and right-of-ways (ROW), and setback distances of all existing and proposed structures. No building may be constructed over an easement or ROW, or within a building setback area not otherwise allowed by this Variance.
11. **Easement.** The granting of this Variance does not affect any existing easements on the subject property.

8. POWER OF THE BOARD & PLANNING COMMISSION

At the conclusion of the hearing, the Planning Commission must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Variance is advisory only to the Board of County Commissioners and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

9. AUGUST 21, 2014: PLANNING COMMISSION MEETING

On August 21, 2014, in accordance with the recommendation by Staff, the Findings under 6.1 of this Staff Report and in compliance with all conditions of approval (1-11), the Storey County Planning Commission voted unanimously to recommend approval for Variance 2014-014 (yes = 7, nay = 0, absent = 0).

During the meeting there was some discussion regarding if the Applicant should change the subject property's address to an Alpine address. This could possibly allow setbacks to be met if the layout of the residence and garage changed. The Applicant addressed this suggestion and explained a change to the layout would require an existing grove of trees be removed. The Applicant wishes to preserve this grove of trees. Therefore, the Applicant requests the Variance as originally submitted.

10. PROPOSED MOTIONS

This section contains two options from which to choose. The motion for approval with the Conditions of Approval is recommended by the Planning Commission and Staff and in accordance with the Findings under section 6.1 of this Staff Report. Those Findings should be made part of that motion. A motion to deny the proposed Variance may be made and that motion should cite one or more of the Findings shown in section 6.2. Other Findings determined appropriate by the Board should be made part of either motion.

10.1 Recommended Motion

In accordance with the recommendation by the Planning Commission and Staff, the Findings under Section 6.1 of this Staff Report and/or other Findings deemed appropriate by the Board, and in compliance with all Conditions of Approval, I [Commissioner] move to approve Variance Number 2014-014 for a reduced rear-yard setback of 20 feet from the required 40 feet rear-yard setback for the placement of a proposed single-family residence, and also, for approval of a Variance for the allowance of a detached accessory building to be located 40 feet from the front property line from the required 60 feet.

10.2 Alternative Motion

In accordance with the Findings under Section 6.2 of this Staff Report and/or other Findings deemed appropriate by the Board, I [Commissioner] move to deny Variance Number 2014-014 for a Variance for a reduced rear-yard setback of 20 feet from the required 40 feet rear-yard setback for the placement of a proposed single-family residence and also, denies a Variance for the allowance of a detached accessory building to be located 40 feet from the front property line from the required 60 feet.

Prepared by: Dessie Redmond
Storey County Planner

APPENDIX 1: JUSTIFICATION OF PROJECT SUBMITTED BY APPLICANT

Detail Description/Justification of Project

Attached additional pages as necessary

DUE to the Lot Being on a corner $\frac{1}{2}$
DUE to the Lot Being NARROW I Request
A VARIANCE ON the REAR Property LINE
SET BACK to 20'



Storey County Board of County Commissioners

Agenda Action Report

Meeting date: 09/02/14

Estimate of time required: 1.5 hours

Agenda: Consent [] Regular agenda [x] Public hearing required [x]

1. **Title:** The applicant requests amendments to existing Special Use Permit No. 2000-222-A-3 to modify and expand applicable land area and allowable uses. The amendments apply to mining, processing, mine definition, exploration, and ancillary uses on the subject land in American Flat and Gold Hill. The location of the land subject to this SUP request is located approximately in Township 16 North, Range 20 East, Sections 1 and 12; and Township 16 North, Range 21 East, Sections 4, 5, 6, 7, 8, and 9 (MDB&M).

2. **Recommended motion:** Based on Findings of Fact shown in Subsection 8.1 and conditions of approval shown in Section 9 of this report, compliance with federal, state, and county regulations, and the recommendation for approval by the Planning Commission and staff, I [Commissioner] motion to approve SUP Application No. 2000-222-A-4, amending SUP No. 2000-222-A-3 to expand the subject land area and amend uses as provided in the Planning Commission and staff recommendation for mining, processing, mine definition and exploration, and ancillary uses.

3. **Prepared by:** Austin Osborne, Senior Planner

Department: Planning Department

Telephone: 847-1144

4. **Staff summary:** Amendment of Special Use Permit No. 2000-222-A-3 as explained in enclosed Staff Report No. 2000-222-A-4.

5. **Supporting materials:** Staff Report No. 2000-222-A-4 and exhibits enclosed herewith.

6. **Fiscal impact:** None on local government.

Funds Available:


Fund:

____ Comptroller

7. **Legal review required:**

____ District Attorney

8. **Reviewed by:**

 Department Head

Department Name:

 County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. 14



Storey County
Board of County Commissioners
Staff Report – Special Use Permit Case No. 2000-222-A-4

To: Board of Storey County Commissioners

From: Storey County Planning Department

Meeting Date: September 2, 2014

Meeting Location: Storey County Courthouse
26 South "B" Street, Virginia City, Nevada

Case Number: 2000-222-A-4

Applicants: Comstock Mining, LLC

Property Owners: Comstock Mining, LLC

Staff Contact: Austin Osborne, Senior Planner

Guiding Documents: SCC 17.92 including: findings of approval or denial (17.92.030); classification of scale of the operation (17.92.070 and 17.92.140); application, planning, and operation requirements (17.92.080); SUP minimum conditions of approval (17.92.160); compliance review (17.92.170); protections for abutting uses and the Virginia City National Historic Landmark (17.92 inclusive); regulatory zoning requirements of SCC 17.32.020(M-N) and 17.44.030(A-B), respectively, for mining and processing in the F and SPR Zones; administrative provisions in SCC 17.03 for minimum conditions in and SUP, compliance review, and process for show-cause; SCC 8.02 and 8.04 for outdoor lighting and noise, respectively; and elements contained in the Storey County Master Plan.

Property Location: The general location of the land subject to this SUP is located approximately in Township 16 North, Range 20 East, Sections 1 and 12; and Township 16 North, Range 21 East, Sections 4, 5, 6, 7, 8, and 9 (MDB&M) as illustrated in Exhibit A Project Area Map enclosed herewith.

Request: The applicant requests amendment to Special Use Permit No. 2000-222-A-3 to modify and expand applicable land area and allowable uses. The amendment applies to mining, processing, exploration, and ancillary uses on the subject land in American Flat and Gold Hill as illustrated in Exhibit A Project Area Map.

1. KEY TERMS & DEFINITIONS

The following terms and definitions are provided for the purposes of this report and may be applied to the approved permit. These terms and definitions may defer from industry standard language applicable to the uses in this report.

- 1.1 **Bench.** Flat ledge in an open-pit mine that forms a single level of operation above which minerals or waste materials are excavated from a contiguous back or bench face. The mineral or waste is removed in successive layers, each of which is a bench, several of which may be in operation simultaneously in different parts of, and at different elevations of, an open-pit mine.
- 1.2 **Bench face.** Vertical surface of rock exposed by blasting or excavating; the lateral portion of a bench.
- 1.3 **Dor'e.** A semi-pure alloy of gold and silver usually created at the site of the mine. It is then transported to a refinery for future purification.
- 1.4 **Exploration.** A focused assessment of mineral deposits and other geological conditions, including their location, extent, depth, and grade, for the purposes of broad-based assessment of targeted areas throughout the land subject to the SUP.
- 1.5 **Large-operations mining.** This classification includes surface and underground mining that meet or exceed the duration, excavation, or surface disturbance area threshold classifications specified in SCC 17.92 (mining ordinance) requiring a special use permit.
- 1.6 **Mine definition.** A focused assessment of mineral deposits and other geological conditions, including their location, extent, depth, and grade, for the purposes of determining subsequent phasing of the active mine.
- 1.7 **Mineral rights.** Ownership of a mineral estate; the right of the owner to exploit, mine, and produce any or all of the minerals lying below the ground surface.
- 1.8 **Patented claim:** A mining claim for which the federal government has passed its title to a claimant, making it private land. A person may mine and remove minerals from a mining claim without a mineral patent; however, a mineral patent gives the owner exclusive title to the locatable minerals. In most cases, it also gives the owner title certain rights to the surface and other resources.
- 1.9 **Processing.** The method by which metal or valuable elements are extracted from an ore or concentrate. This use would normally be described as an extraction plant or chemical treatment plant. By comparison, processing and beneficiation (or refining) is the purification of crude metallic products which produces nearly pure gold and silver.
- 1.10 **Reclamation.** Actions performed during or after surface disturbances to shape, stabilize, re-vegetate, and otherwise treat the land in order to return it to a safe, stable condition consistent with the establishment of a productive post-mining use of the land and the abandonment of a facility in a manner which ensures the public safety, as well as the encouragement of techniques that minimize adverse visual and environmental impacts (NRS 519A.100)

- 1.11 Surface rights.** Ownership of the surface estate. It is the “surface” of the estate which has been separated from the mineral estate, known as a “split-estate” arrangement. Exploitation, mining, and/or production of minerals from the mineral estate shall not negatively impact the surface, i.e., cause subsidence or destabilization of the surface.
- 1.12 Unpatented claim:** A mining claim located on land owned by the federal government for which an individual has asserted a right of mineral possession. The right is restricted to the extraction and development of a mineral deposit.

2. BACKGROUND & ANALYSIS

2.1 Site location and characteristics

Special Use Permit (SUP) Application No. 2000-222-A-4 (amended SUP) proposes to modify existing SUP No. 2000-222-A-3 (existing SUP) by increasing the amount of land subject thereto and amending entitlements that will apply on the existing land and the area of expansion (subject property). The existing SUP includes approximately 160 acres of land in American Flat and southern Gold Hill. The amended SUP proposes lateral expansion that will increase the subject property to approximately 1,300 acres. The existing SUP boundaries and the proposed area of expansion are illustrated in Figures 2.1 and 2.2 below and Exhibits A and B enclosed herewith.

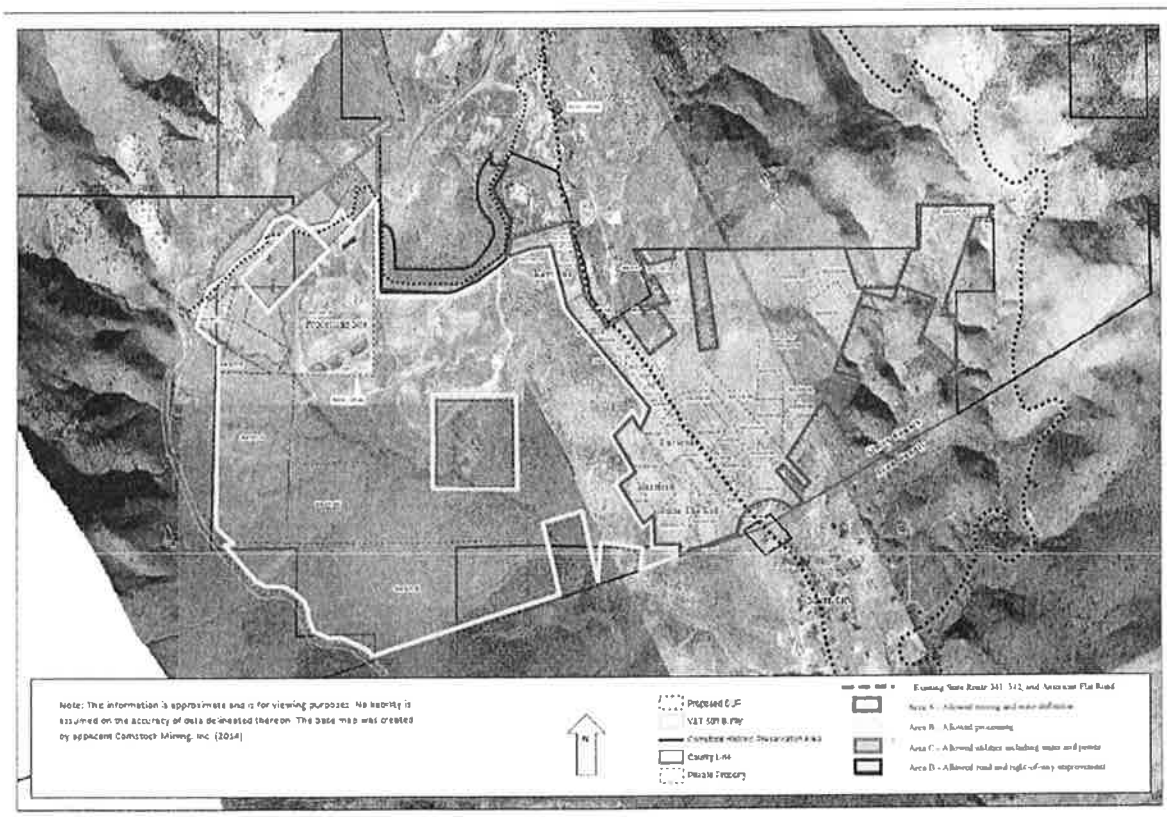


Figure 2.1: Vicinity and allowed uses. This image, including a magnification of “Area C” and “Area D”, is included in Exhibits A and B.

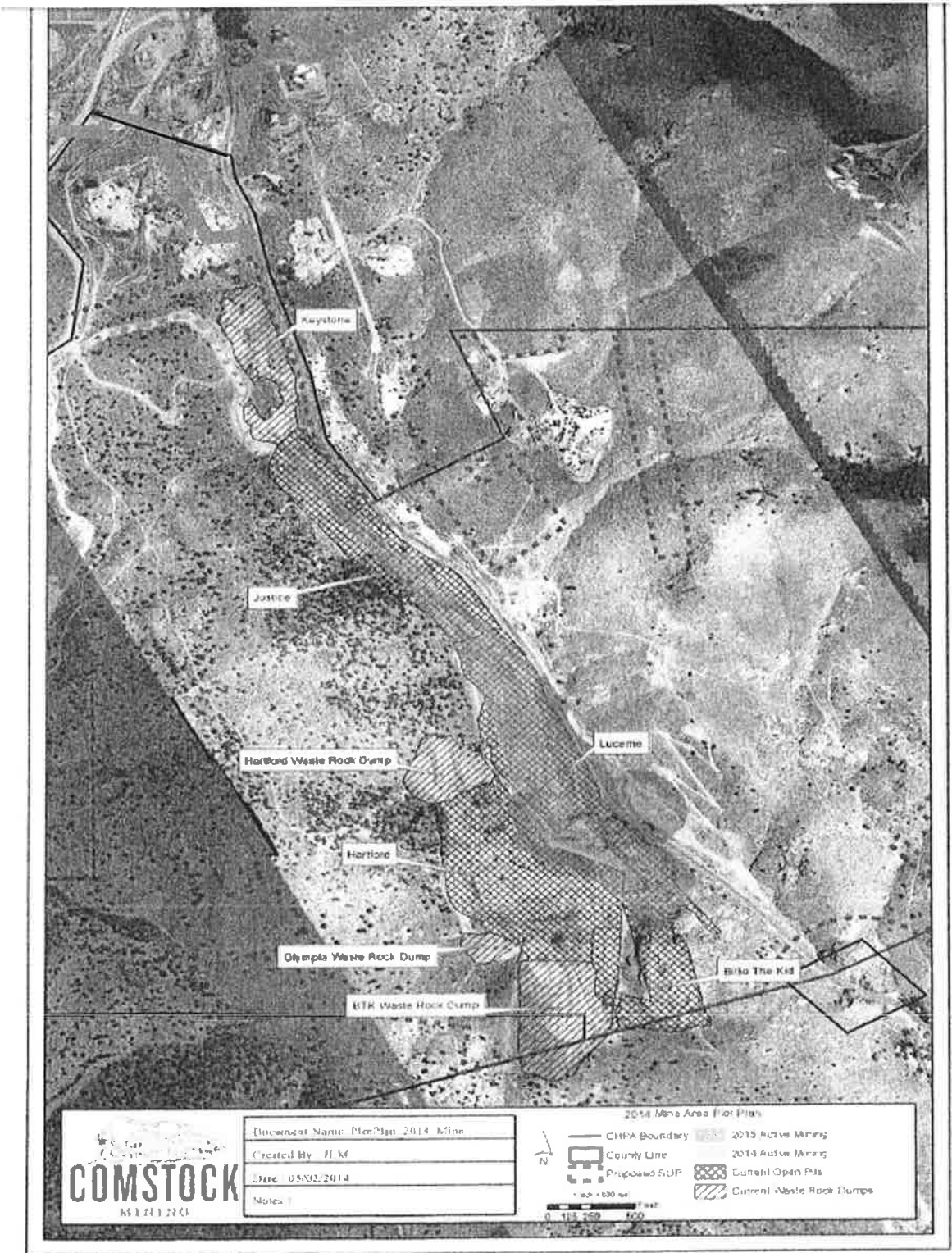


Figure 2.2: Estimated existing and future mining areas (see SUP application in Exhibit L)

2.2 Summary of proposal

The applicant currently conducts mining, processing, exploration, and ancillary uses in American Flat and Gold Hill under its existing SUP. The applicant requests that the uses, entitlements, and regulations contained in the existing SUP are modified to meet its current and projected mining and processing needs. The amended SUP will differ substantially from the existing SUP in that the subject land will be significantly enlarged; mining and processing will be segregated into two distinct areas within the subject property; certain entitlement and regulations for mineral exploration that are now contained in a separate SUP (Exhibit K; SUP No. 2011-016) now held by the applicant will be modified as needed and incorporated into the amended SUP; and phased mining and concurrent post-operation reclamation exceeding applicable federal and state standards will be required for certain uses.

2.3 Description of existing and proposed uses

The following paragraphs describe conditions applicable to mining, processing, exploration, and ancillary uses under the existing SUP. It also describes use amendments that are proposed by the applicant and regulatory proposals by county staff.

2.3.1 Mining – existing conditions

The applicant currently mines on several patented claims located immediately west of State Route 342 in southern Gold Hill. Known collectively as the Lucerne Resources Area, principal mining areas on the subject property include, but are not limited to, the Billy the Kid, Lucerne, Hartford, Justice, and Keystone pits, each located within their respective mining claims (Exhibit K). Approximately 95 acres is currently being mined at the Lucerne Resource Area, and the applicant is entitled to future lateral expansion there under the existing SUP. Surface (open-pit) mining is the only type of mining currently taking place in association with the SUP; however, underground mining is allowed under the existing SUP and by federal, state, and county regulations.

With an average pit depth of approximately 110' and 170', the slopes of pits and heights of production benches vary depending upon mining requirements and geotechnical properties. The final dimensions of the pits are varied depending on ore grade, operating and capital costs, gold and silver prices, geotechnical stability, and other engineering considerations.

The subject use is occurring almost exclusively on private-owned lands. Therefore, the Nevada Division of Environmental Protection (NDEP) is the principal regulatory agency administering oversight of environmental controls, post-operation reclamation, and reclamation surety bonding. The applicant has also obtained required federal permits to conduct less than five acres of exploration on federal-owned lands. Bureau of Land Management (BLM) under most circumstances serves as the primary agency administering regulations on public lands. However, as part of an agreement between the NDEP and the BLM explained further in Section 3.3, principal oversight of less than five acres of activity on federal land will be administered by the NDEP.

Explained further in this report, the entitlements allowed by the SUP, however, are not effective on either until the applicant secures necessary permits from the respective regulatory agencies. The amended SUP will then require the applicant to conform to the respective regulations and agency oversight for operations, reclamation, and reclamation surety bonding.

This report finds that mitigation of certain mining related impacts, including as related to post-operation reclamation and associated surety bonding, under the federal and state regulations do not meet the minimum standards set forth by Storey County Code (SCC) 17.92 (mining regulations promulgated in the zoning ordinance). Therefore, it is necessary for the amended SUP to contain provisions to regulate certain mining operations, reclamation, and reclamation surety bonding that exceeds the minimum federal and state standards.

2.3.2 Mining – proposed amendments

The amended SUP will adjust the geographical boundaries of the existing SUP, allowing for substantial lateral expansion of mining to the east of State Route 342 and processing to the south and west of the existing facility in American Flat (Figures 2.1 and 2.2; Exhibits A, B, and L).

While broadening the land area and scope of uses, the amended SUP will contain regulations on mining, mine definition, and exploration that are more stringent than those in the existing SUP and the federal and state regulations. The amended SUP will exceed those regulations by requiring mine phasing; limiting maximum allowable area of disturbance; and by increasing required reclamation surety bonding to be commensurate with all allowed disturbances. The amended SUP will also expire 10 years from the date of approval, and will provide for show-cause hearing if willful or substantial environmental or safety violations are verified. The limitations imposed by the SUP on mine phasing and concurrent reclamation are explained in the following paragraphs.

- Active mining (120 acres). Cumulative surface disturbances associated with all mining, including surface and underground workings, will be limited to 120 acres. Roads and ancillary uses (Section 2.3.6), however, will not be counted against the total allowable area. Tunnels, adits, shafts, vents, drifts, and other underground activity must only comply with the minimum requirements of SCC 17.92 and applicable federal and state regulations. Waste storage and tailings, except for that which are processed in accordance with the provisions of the SUP, will count against the total allowable disturbance area.
- Mine definition (20 acres). Drilling and other activities related to mine definition may occur within 300' of the active surface mine. The cumulative allowed surface disturbance caused by mine definition will not exceed 20 acres. Drill holes, drill pads, trenches, test pits, fluid detention areas, and other surface disturbances, but not access roads to drill sites, will be subject to the total allowed surface disturbance. The reclamation schedule and surety bonding for mine definition shall be combined with and treated similarly to that for active mining (Section 3.3). Access roads will be treated as ancillary uses.
- Exploration (20 acres). Exploration may occur anywhere within the subject property. The cumulative allowed surface disturbance for all exploration will not exceed 20 acres. Drill holes, drill pads, fluid detention basins, but not access roads to drill sites, will be subject to the total allowed surface disturbance. Trenching and test pit methods of exploration will be prohibited except for within the active mine. Accelerated reclamation of exploration sites outside of the active mine will be required as described in Section 3.3. Access roads will be treated as ancillary uses.

- Active Reclamation (50 acres). Active surface mining will be limited to 120 acres. However, as part of allowed mine phasing, the active mine may proceed on up to 50 additional acres when a commensurate amount land previously mined on the subject property and in association with the SUP is reclaimed. Up to the 50 acre threshold, land disturbed by mining must be re-graded, contoured, and backfilled to a point reasonably consistent with surrounding undisturbed or fully reclaimed topography and surface conditions, but must not yet be treated with soil amendments, or be re-vegetated or re-seeded (Section 3.1). Surface treatment must provide for effective natural drainage systems, erosion prevention, and noxious weed abatement.
- Fully reclaimed. Fully reclaimed land includes land that has been re-graded, contoured, and backfilled to a point reasonably consistent with surrounding undisturbed or fully reclaimed topography and surface conditions; to which the surface has been treated with soil amendments and growth media (topsoil); and to which seeding and successful re-vegetation has occurred in conformance with the seeding and re-vegetation standards set forth by the NDEP or BLM (even if such reclamation is not required by either agency). Reclamation requirements are explained in more detail in Section 3.1.

2.3.3 Processing – existing conditions

Raw ore mined from the Lucerne Resource Area is transported by haul truck approximately two miles west of the mining area to an approximate 60 acre heap-leach processing plant in American Flat.

Processing at the site involves a three-stage ore crushing and screening system. The existing crushing plant includes a primary jaw crusher, secondary and tertiary cone crusher, a vibrating screen, and associated conveyors. The process facility is a typical crushed-ore heap leach operation with a gold adsorption/desorption refining process plant. Dilute sodium-cyanide (approx. 2 percent sodium cyanide) solution is applied to the crushed ore at a rate of approximately 0.005 gallons per minute per square-foot. Solution percolates through the crushed ore to perforated pipes placed above a synthetic liner. The drain-down solution flows through the perforated pipes to solid-wall collector lines along each cell divider berm and then to lined ponds containing sodium-cyanide and pregnant solution. Pregnant solution is then pumped from the ponds to the Merrill-Crowe facility, at which targeted metals are melted and poured into dor'e (NDEP Water Pollution Control Permit #NEV2000109, 2014, p.8).

Ancillary uses to the principal processing plant including stormwater run-on, run-off, and detention systems; pond overflow detention; fire suppression water containment; chemical and water storage and distribution systems; stockpiles of ore and post-operation reclamation topsoil; the Merrill-Crowe facility; and other support buildings and infrastructure.

The applicant is currently authorized under its 2012 NDEP Reclamation Plan and Lucerne Project Reclamation Permit No. 1096 (NDEP Reclamation Permit) to process up to 4,000,000 ton of ore per year. The existing heap leach pads at build-out will accommodate approximately 3.6 million tons of ore. An estimated one million ton of capacity will be added to that amount when the NDEP approves the applicant's requested Water Pollution Control

Permit modification. The applicant estimates the pads and all available space within the existing site to reach capacity within the next year.

2.3.4 Processing – proposed amendments

The amended SUP will adjust the geographical boundaries of the existing SUP, allowing for the processing facility to expand from its existing 60 acre site to an additional area of approximately 280 acres (340 acres combined (Exhibit L)). The applicant has not presented to staff plans to use the entire area at once; rather, the applicant suggests that lateral expansion will provide flexibility in short-term and long-term planning and design alternatives.

The amended SUP will maintain that most regulatory oversight of the processing facility is administered by the NDEP or BLM, as applicable. The amended SUP, however, will contain several regulations described in the following paragraphs that exceed the standards currently administered by the NDEP:

- Subject area. Processing may only occur in “Area B” illustrated in Figure 2.1 above and Exhibit A enclosed herewith;
- Hours and days. Processing may occur over 24-hours per day and 365 days per week, unless the NDEP or BLM imposes more stringent limitations;
- Subject processing. The processing facility will be limited to receiving and processing ore originating from the subject property; other mine holdings of the applicant located in Lyon County; and from any mine located in Storey County that is owned by the applicant or another person or firm;
- Distances. No storage, processing, or use involving cyanide may occur within 1,000’ of an occupied dwelling unit existing at the time of this SUP approval. Dwellings that are owned by the applicant and occupied at the time of approval of the amended SUP will be exempt from this provision once the dwelling becomes vacated. Once vacated, the use may not become occupied by a permanent resident until said 1,000’ separation is re-established;
- Concurrent reclamation. The applicant will be encouraged, but will not be required to by the amended SUP, employ concurrent reclamation of heap-leach pad cells and other elements of the processing facility.

2.3.5 Exploration and mine definition – existing and proposed conditions

Mine planning begins with surveying, assessing, and mapping geological conditions on and below the surface environment. Mineral deposits and other geological conditions, including their presence, location, extent, depth, and grade are assessed by target area exploration and mine definition. Exploration involves broad-based assessment of targeted areas throughout the subject property, while mine definition includes focused analyses of areas in and directly adjacent to the active mine. Reverse circulation core drilling is the primary method used for exploration and mine definition, and will be the principal method use by the applicant. Other conventional methods include shallow soil auger drilling, trenching, and test-pitting.

The existing SUP allows unlimited exploration to occur within the active mine, and up to one acre of exploration disturbance at any given time outside of the active mine. There is no classification for mine definition in the existing SUP; rather, all geological assessment activities are considered under that SUP as exploration. The amended SUP will differentiate mine definition and exploration, and will align use allowances with mine phasing and concurrent reclamation.

In addition to the uses allowed under the existing SUP, the applicant in 2011 was granted SUP No. 2011-016 (exploration SUP) that allows it to conduct exploration beyond the boundaries of the existing SUP. Since securing the exploration SUP, the applicant has applied core drilling applications within key target areas, particularly on the east side of State Route 342, that have enabled it to define areas for potential mine expansion that apply to the request for the amended SUP. The amended SUP will streamline and increase consistency in local permitting and project oversight by incorporating therein many of the conditions and entitlements of the exploration SUP.

In summary, the amended SUP will allow exploration to occur anywhere within the subject property. It will, however, better define mine definition and limit its use to 300' of the active mine. Subsequent to approval of the amended SUP, the allowances under the exploration SUP will be incorporated therein, and the exploration SUP will be proposed at public hearing for permanent closure.

2.3.6 Ancillary uses – existing and proposed conditions

The amended SUP will continue to provide for ancillary uses including indoor and outdoor equipment storage; principal and accessory buildings and structures; roads and access; staging, parking, fueling, and equipment maintenance areas; and other uses accessory to the principal uses on the premises. Most regulatory oversight of uses ancillary to mining and processing during operation and post-operation phases, including for required reclamation and surety bonding, will be as administered by the NDEP or BLM, as applicable. Ancillary uses will not count against the maximum allowed surface disturbances under the amended SUP. The following paragraphs describe ancillary uses that may occur on the subject property, and the regulatory provisions beyond the NDEP or BLM requirements that will be applied by the amended SUP.

- Roads and access. Existing roads and right-of-ways, as well as new roads developed by the applicant throughout the subject property, will be utilized to access various uses throughout the subject property. The existing and proposed access plans are discussed below.
 - *Principal roads.* State Route 342 and American Flat Road (Figure 4.1) are the principal arterial routes accessing the subject property, including the mining and processing site. Both routes are designated public right-of-ways.
 - *Haul roads and secondary access.* Circulation, egress, and transportation within the mine, and between it and the processing site, are achieved primarily on haul roads and secondary

access developed by the applicant in and around the subject property. Haul roads are principal arterial routes on which off-highway haul trucks transport ore and other material throughout the premises. Haul roads oftentimes exceed 100' width and are designed to accommodate heavy traffic flows and extremely large mining equipment. Secondary access roads are typically developed to reach remote sites within the subject property where mine definition, exploration, or certain accessory uses are located. Secondary roads typically facilitate short-term access to use sites and they may be abandoned and reclaimed soon after they are developed.

- *Segment of shared use.* An approximately 200' segment of the primary haul road connecting the mining area with the processing site overlaps American Flat Road. Haul trucks and other extremely large mining equipment share this portion of the road with civilian vehicular and other non-mining traffic. This segment of road also appears to be located on federally-owned land. The amended SUP provides for this segment of roadway to be widened or re-aligned for the purpose of separating public access from the primary haul truck route. The road improvement is pending approval by the BLM pursuant to findings of its Environmental Assessment (EA) administered under the National Environmental Policy Act (NEPA).
- *BLM right-of-way (Lot 51).* In 2012, the BLM noticed the applicant that clouded title conditions exist for property (BLM Lot 51) on which the principal haul road between the mine area and processing site is located. To the disagreement of the applicant, the BLM currently claims its ownership to Lot 51, and in 2012 issued the applicant trespass notice prohibiting haul truck entry thereon.

The applicant since that time has prepared documentation pursuant to its Class I Color of Title Claim for Lot 51 that it believes will prove to the BLM its legal ownership of the land. In the meantime, the applicant submitted an application to the BLM to modify the existing temporary right-of-way for the improvement of the Lucerne Haul Road and other existing roads, and the construction and improvement of non-exclusive road segments to facilitate access to certain federal-owned lands within and adjacent to the subject property. The BLM plans to present to the Storey County Planning Commission and Board of County Commissioners in 2014 its EA process for this land. Until such time that a permanent right-of-way is granted to the applicant by the BLM or the applicant proves legal ownership of Lot 51, the applicant will continue to use the subject portions of the Lucerne Haul Road under its temporary BLM permit.

- *Use of State Route 342.* After the applicant received notice from the BLM that it could no longer transport ore from the mine to the processing site via the Lucerne Haul Road over Lot 51, the applicant submitted a request to Storey County to amend its SUP so that ore may be transported to its processing site via State Route 342. At public hearing, the Board of Commissioners with recommendation by the Planning Commission modified preceding SUP No. 2000-222-A-1, allowing the mining company to use State Route 342 for such purposes if approved by the Nevada Department of Transportation (NDOT). Following approximately one year of using the state road to transport ore by means of tractor-trailer truck (18-wheeler), the applicant obtained from the BLM the necessary

temporary right-of-way permits to resume its use of the Lucerne Haul Road over Lot 51.

The applicant is currently preparing documentation of land ownership that it believes will resolve the clouded title issue. Until such time that the Color of Title process is completed and the applicant's ownership is proven, it will continue to use the land under right-of-way permits issued to it by the BLM.

- Staging areas. Vehicle and equipment staging areas will be developed throughout the subject property. Staging areas include outdoor equipment and vehicular storage, fueling and maintenance areas, egress and circulation points, etc. The amended SUP considers these uses as ancillary to principal uses, and, accordingly, related surface disturbances will not count against the total allowance for active mining. Staging areas are considered ancillary uses on the subject property, and post-operation reclamation and surety bonding will be applied accordingly by the NDEP or BLM, as applicable.
- Buildings and structures. Most buildings associated with the project are located at the processing site in American Flat. They include the Merrill-Crowe facility, sodium-cyanide storage and transfer building, pump houses, several office buildings, security shelters, and the crusher and agglomeration facilities. The reclamation plan included in page 34 of the NDEP Reclamation Permit states that the applicant will remove and dispose of all buildings and associated ancillary facilities that are located on public land. Those uses on private land will be evaluated for post-mining use and the applicant may select to manage them as real estate assets.
- Topsoil impoundment. As part of reclamation planning, the NDEP Reclamation Permit requires the applicant to salvage stripped topsoil from lands designated for new disturbances, except where limited by excessively steep topography, rocky conditions, or shallow soil depth. The applicant plans to stockpile topsoil near the processing facility until such time that it will be recovered and applied to reclamation area elsewhere on the subject property. It will be placed away from planned development and major drainages, and within areas where it may be stabilized from erosion caused by water and wind. The stockpiles will be placed and graded to a stable configuration and seeded with an interim seed mix to provide surface stability and nutrient retention. Temporary seeding and vegetation, and noxious weed management, will conform to the standards administered by the NDEP or BLM, as applicable. The plan for noxious weed abatement for the purpose of fire fuels control must also conform to the requirements of the Storey County Fire Protection District.

2.5 Requirement by code

The existing SUP is located entirely on land zoned F Forestry and SPR Special Planning Review. Prior to securing the amended SUP, the applicant must have obtained approval to change regulatory zoning of fourteen parcels in Gold Hill from CR Commercial-Residential to SPR Special Planning Review, or from CR or F Forestry (see zone map amendment request Case File No. 2014-005; 2014). Accordingly, and subject to the approval of requested zone changes, this SUP application was submitted as required by SCC Sections 17.32.020(M-N) (F Zone) and 17.44.030(A) (SPR Zone) which list “mining” and “milling and processing related to mining” as allowable with an SUP approved by the Board of County Commissioners with recommendation by the Planning Commission.

2.6 Land ownership and right

The project, including its expansion, will take place within patented mining claims and other land owned or legally controlled by the applicant. This includes the surface and mineral estate.

2.7 Background of the applicant and its predecessors

Table 2.1 summarizes application and permitting activity associated with the existing SUP since 1978. The SUP has been amended several times, including most recently in 2000, 2004, 2012, and 2013, as the mining project endured cyclical operation commensurate with commodity values.

Table 2.1: History of Activity				
Date	Company Name	Permit Action	Project Description	Action
06/19/14	Comstock Mining, Inc.	Application No. 2014-005	Zone change from CR Commercial-Residential to SPR Special Planning Review	Pending
05/22/14	Comstock Mining, Inc./ Northern Comstock, LLC.	Application No. 2000-222-A-4	Expand geographic boundaries of mining and processing; amend exploration; language cleanup	Pending
2013	Plum/Comstock Mining	SUP 2000-222-A-3	Expand geographic boundaries of processing, and general language cleanup	Approved 07/02/13
2012	Plum/Comstock Mining, Inc.	SUP 2000-222-A-2	Amendment of vehicle use within SUP boundary on the State Highway	Approved 11/13/12
06/07/11	Plum/Comstock Mining Inc.	Application No. 2011-016	Mineral Exploration Registration requirement fulfilled by submittal of SUP Application (SCC 17.92.060)	Active until SUP approval or denial
06/02/11	Plum/Comstock Mining, Inc.	Application No. 2011-016	Mineral Exploration	Pending PC Hearing
05/17/11	Plum/Comstock Mining, Inc.	Application No. 2011-016	Mineral Exploration	Received
04/01/04	Plum Mining	SUP 2000-222-A-1	Minor modification of SUP 2000-222	Approved 04/01/04
03/22/04	Plum Mining	Application	Minor modification of SUP 2000-222	Received
12/18/03	Plum Mining	SUP 2000-222-A	Modification of SUP 2000-222	Approved 01/20/04
12/06/03	Plum Mining	Application	Modification of SUP 2000-222	Received
03/10/03	Comstock Gold LLC	Application	No SUP not with 1000' of a resident/exploratory drill	N/A
09/20/01	Plum Mining	SUP 2002-249	Reverse Circulation Exploration Drilling Program	Approved PC 09/20/01

09/20/01	Plum Mining	Application	Reverse Circulation Exploration Drilling Program	Received
03/01/01	Plum Mining	SUP 2001-237	Exploration drilling	Approved 03/03/01
02/12/01	Plum Mining	Application	Exploration drilling	Received
11/04/99	Plum Mining	SUP 2000-222	Mine, mill and process ore in open pit	Approved 12/07/99
10/14/99	Plum Mining	Application	Mine, mill and process ore in open pit	Received
03/09/93	Oliver Hills/BMR Gold/Rea Gold	Application	Expansion	Received
11/07/91	Oliver Hills Mining	SUP 1992-045	Exploration drilling in Gold Hill	Approved 11/07/91
10/16/91	Oliver Hills Mining	Application	Exploration drilling in Gold Hill	Received
06/18/91	Oliver Hills Mining	SUP 1991-025	Open pit mining removal of ore	Approved 06/18/91
06/07/91	Oliver Hills Mining	SUP 1991-025	Reduction of bond	CC-approved
05/02/91	Oliver Hills Mining	SUP 1991-025	Open pit mining removal of ore	PC-continued
04/15/91	Oliver Hills Mining	Application	Open pit mining removal of ore	Received
02/11/91	BMR Gold	Application	Exploration drilling in Gold Hill	Received
08/02/90	Oliver Hills Mining	SUP 1991-001	Continuation Lucerne Pit Ore Removal property ownership changes	PC-approved
07/03/90	Oliver Hills Mining	Application	Continuation Lucerne Pit Ore Removal property ownership changes	Received
02/15/90	Oliver Hills Mining	SUP 1990-009	Continuation Lucerne Pit Ore Removal	Application
03/08/90	Oliver Hills Mining	SUP 1990-009	Continuation Lucerne Pit Ore Removal	PC Approved
05/15/89	Oliver Hills Mining	Approval Letter	Lucerne Pit low grade ore to Haywood Facility	CC-Approved
02/17/89	Oliver Hills Mining	Application	Lucerne Pit low grade ore to Haywood Facility	Received
06/10/81	Houston International & Minerals Corp	SUP2-81	Haul Dump Material to American Flat Mill	Approved 07/01/81
01/08/81	Houston International & Minerals Corp	Item #11	Extract/Mine Lucerne Dump material, haul to mill	Accepted w/conditions
11/26/80	Houston International & Minerals Corp	Special Meeting	Lucerne Dump Committee	More details to be furnished
11/18/80	Houston International & Minerals Corp	Special Meeting	Lucerne Dump Committee – Conditions Agreed upon	More information/reports required
11/12/80	Houston International & Minerals Corp	Agenda Item #II	Extract/Mine Lucerne Dump material, haul to mill	Tabled
09/23/80	Houston International & Minerals Corp	Application	Extract/Mine Lucerne Dump material, haul to mill	Received
08/23/78	Houston Oil & Mineral Corp	Item #7	Extracting ore/milling-open pit & underground in Forestry Zone	PC approved with stipulations
08/03/78	Houston Oil & Mineral Corp	Application	Extracting ore/milling-open pit & underground in Forestry Zone	Received

3. KEY ISSUES

This section discusses regulatory oversight, post-operation reclamation, and reclamation surety bonding requirements that will apply to the uses on the subject property as administered by the NDEP or BLM, as applicable, and by the provisions of the amended SUP which are more stringent than the federal and regulations.

3.1 Regulatory oversight

By applying local regulations through the SUP, Storey County will play a significant role in planning, development, and closure of the project. However, the SUP is not intended to be the principal regulatory instrument for all allowed uses. The following list shows federal and state regulatory agencies, as well as local jurisdictions, that will administer oversight for operations, safety, environmental controls, emergency management, closure, and other aspects of the use.

- Nevada Division of Environmental Protection (NDEP), including:
 - Bureau of Air Pollution Control
 - Bureau of Corrective Actions
 - Bureau of Mining Regulation and Reclamation
 - Bureau of Safe Drinking Water
 - Bureau of Water Pollution Control
 - Bureau of Waste Management
- Mine Safety and Health Administration (MSHA)
- Nevada State Fire Marshall's Office
- Storey County Fire Protection District
- State Emergency Response Commission
- Storey County Emergency Management
- U.S. Environmental Protection Agency (EPA)
- Nevada Division of Minerals
- Nevada Division of Water Resources
- Nevada Department of Transportation (NDOT)
- Bureau of Land Management (BLM) (applicable to activity on federal lands)
- State Historic Preservation Office (SHPO)
- Comstock Historic District Commission (CHDC)
- Storey County Building, Planning, and Public Works Departments

3.2 Operating plan requirements

Regulations administered by the NDEP and BLM require the applicant to develop and maintain a Plan of Operations for its mining and processing activities. The plan must contain basic information and complex plans by which the facility will be managed during normal operations, and during emergencies and other unusual events. SCC 17.92.080 requires the applicant to develop, maintain, and submit to Storey County an operating plan that meets both federal and state standards (i.e., the minimum Plan of Operations requirements), and certain local regulations that exceed those standards. The applicant is required to submit the plan to the county before project commencement and provide it updates when minor or major modifications to the plan are

made. Specific items to be included in the plan are as follows:

- basic company, owner, site, and emergency contact information;
- plot plan, including detailed sketch drawings of the premises, areas of activity including mining, processing, mine definition, exploration, and ancillary uses;
- emergency contact procedures, including for site management and primary response; applicable federal and state emergency disaster agencies, including the NDEP; Dispatch 9-1-1 (including Storey County emergency services direct connect 775.847.0950); and other applicable responders;
- emergency disaster planning and procedures;
- wildland fire prevention and suppression, including noxious weed fuels management;
- emergency vehicle access, circulation, and staging;
- documenting and reporting of emergency situations, including spills;
- post-disaster management, cleanup, and material disposal;
- post-disaster damage reporting for treatment of historic structures and properties;
- site reclamation plan with surety bond and estimated timeline for reclamation;
- documenting and reporting of NDEP and other environmental permits and notices;
- noxious weed management; and
- environmental management and Best Management Practices (BMPs).

3.3 Reclamation

Post-mining reclamation requirements on the subject property will be administered by the NDEP and BLM, as applicable, and by the conditions of the amended SUP. Nevada Revised Statutes (NRS) 519A.010 and 519.100, administered by the NDEP, define reclamation and actions that will "...shape, stabilize, re-vegetate, or otherwise treat the [mined] land in order to return it to a safe, stable condition consistent with the establishment of a productive post-mining use of the land and the abandonment of a facility in a manner which ensures the public safety, as well as the encouragement of techniques which minimize the adverse visual effects."

As described in Section 2.3, the project is located almost entirely on private land which is owned or controlled by the applicant. However, at any given time up to five acres of activity may be occurring on adjacent federal lands. Up to the five acre threshold, reclamation of affected BLM administered land will be managed by the NDEP in a manner consistent with the Federal Land Policy Management Act (FLPMA) as implemented by 43 CFR 3809. Coordination of these complimentary programs is implemented through the Memorandum of Understanding (MOU) for Mining and Mineral Related Activities within the State of Nevada, among the Nevada Department of Conservation Division of Environmental Protection and the U.S. Department of Agriculture; Forest Service Humboldt-Toiyabe National Forest and Inyo National Forest; and the U.S. Department of Interior Bureau of Land Management, Nevada. Through this MOU, the NDEP has assumed the role of lead agency in the implementation of post-operations reclamation as currently applicable to the subject property.

The following paragraphs explain Nevada State post-operation reclamation requirements administered by the NDEP as well as certain restrictions in the amended SUP that will exceed those regulations. Reclamation requirements are also discussed further in Section 3.4.

3.3.1 Reclamation of the mine

As required by the NDEP Reclamation Permit, the applicant submitted and has maintained with the state agency a comprehensive reclamation plan by which it has and will continue to complete post-operation reclamation in accordance with state standards. The state standards administered by the NDEP require complete reclamation of processing and ancillary uses throughout the subject property. The federal and state standards for reclamation of mine pits following closure, however, do not require comprehensive reclamation. Directed partially by NAC 519.250(5), the NDEP Reclamation Permit requires only that the applicant installs protective barriers (e.g., berms and fences) around portions of the remaining pits in order to prevent public access and to mitigate safety hazards.

SCC 17.92 imposes regulations for mine operations, reclamation, and reclamation surety bonding that exceed the state standards. The county code also promulgates findings of fact (Section 4.2) that express the importance of protecting natural and historic landscapes, including natural and man-made features, within the Virginia City National Historic Landmark from undue degradation caused by mining and related uses.

The applicant is most familiar with the local regulations. Members of Comstock Mining, Inc. were actively engaged in the development of the local mining regulations during a series of public workshops that occurred in 2011 and 2012 before Board approval in December of 2012. At or about that time, the applicant also added to the NDEP Reclamation Permit a written statement emphasizing its position on the importance of responsible mining and comprehensive post-operations reclamation. The applicant stated that “Comstock [Comstock Mining, Inc.] developed reclamation concepts for closure and reclamation of pits and waste rock dumps that will, in addition to meeting NDEP regulations, also meet Storey County objectives for the promotion of tourism.” The applicant also added that it could voluntarily contribute royalties, such as one-percent mine proceeds, to Storey County to be applied toward post-operation reclamation [of its mine].” (p.3)

In order to provide for practicable mining, and maintain conformance with the findings and provisions of SCC 17.92, the amended SUP will require project phasing, concurrent reclamation (Section 2.3), and reclamation surety bonding requirements that exceed state standards (Section 3.3). The operating plan required by the amended SUP, however, will contain the minimum elements required by the NDEP and BLM for the uses on the subject property. It will also include the regulatory elements contained in this section and the following paragraphs for concurrent post-operation reclamation.

- Reclamation standards. The applicant will be required to identify areas in the required NDEP or BLM reclamation plan where post-operation reclamation requirements are less stringent than the minimum standards prescribed in the amended SUP. The applicant must include a detailed analysis of subject conditions and describe methods by which it will meet the more stringent requirements.
- Reclamation schedule. The plan must include a reclamation schedule showing mine phasing and concurrent reclamation that meet the standards in the amended SUP.

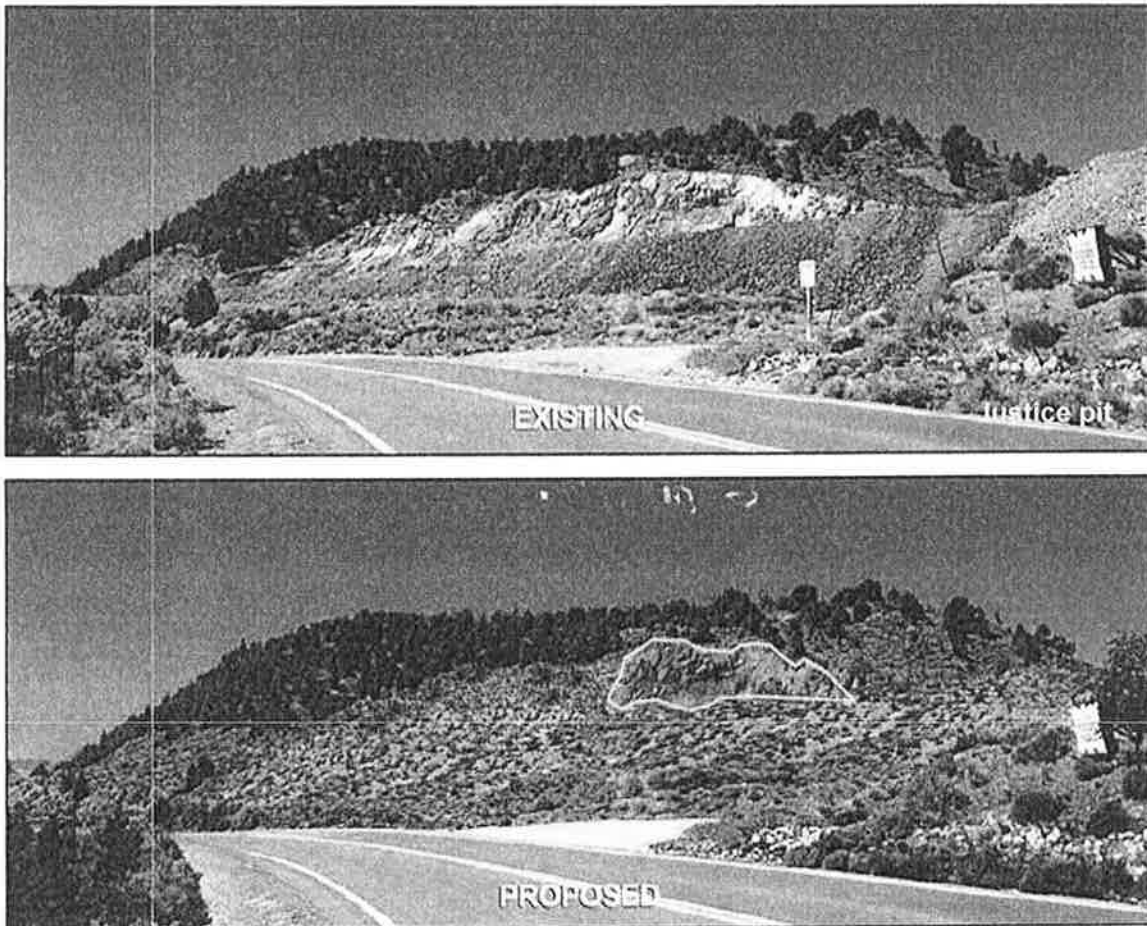
- Visual rendition. The plan must contain photographic or computer simulated visuals showing pre-mining surface conditions and estimated conditions throughout mine phasing and at post-closure. The model must be updated concurrently with mine phasing and at each time a minor or major modification to the operating plan or reclamation plan results in a substantial divergence from the submitted visual model. The Planning Department may determine viewpoint locations and impose other requirements for the visual models.
- Grading and contouring. The reclamation plan must show that all surface disturbances will be graded and contoured to a condition which is safe, stable, and reasonably flush and consistent with the surrounding undisturbed or fully reclaimed topography and surface environment. The plan must also include measures by which open-pits, benches and bench faces, and other lateral surfaces caused by the surface mine will be treated in order to reasonably mitigate visual and other impacts. Mitigation must include as practicable, partial backfilling; sloping; grading; and other surface treatments that mitigate visual impacts; create natural appearing topography that does not resemble a “manufactured appearance”; conform to natural and other drainage ways; and facilitate successful re-vegetation and noxious weed abatement.
- Bench face allowances. As stated above, the amended SUP will require that mine pits are fully reclaimed, and that reclamation includes partial backfilling, grading, and re-contouring so that post-mining surfaces are reasonably consistent with the immediate surrounding natural or fully reclaimed topography and surface conditions. However, county staff recognizes that complete backfilling of mine pits and re-grading of all benches, bench faces, and other lateral surfaces may be impracticable or impossible. To provide for practicable mining while reasonably mitigating associated impacts, the amended SUP will allow for a portion of bench faces and other lateral surfaces to remain permanently.

The amended SUP will allow up to 30 percent of all bench faces existing at the time of approval of the SUP (as amended) and up to 30 percent of all bench faces created by new mining east of the State Route 342 alignment, as it exists at the time of this SUP approval, to remain permanently after mine reclamation. This 30 percent allowance will be subject to review and approval by the Planning Department. The Planning Department’s determination will be subject to appeal to the Board of Commissioners as provided by SCC 17.03 Administrative Provisions.

Existing bench faces and exposed lateral surfaces are illustrated in Figure 3.1. The images provided by the applicant show existing surface conditions caused by mining, and conditions that are anticipated following reclamation. The images depict existing and proposed conditions at the Billy the Kid, Lucerne, Hartford, and Justice pits. Bench faces at the Keystone pit were reclaimed by the applicant in 2014, and, therefore, are not included in this report. The applicant expects most new mining to occur east of the existing State Route 342 alignment.

All remaining bench faces and exposed lateral surfaces will be treated to mitigate visual contrast with the surrounding natural or fully reclaimed environment. Treating exposed side walls with an oxidation accelerator or other durable and environmentally safe manner are acceptable methods of meeting this requirement.

- Re-vegetation. A re-vegetation plan must be included in the operating plan. The plan must show that all surfaces remaining post-operation will be treated and re-vegetated following the standards administered by the NDEP or BLM (whether or not the agencies require re-vegetation). Unless directed otherwise by the Planning Department, or the applicable federal or state agency, seeding, re-seeding and planting will take place in the autumn season during the months of October or November, but not during times of extreme weather conditions such as snow or sub-freezing conditions. Re-vegetation is not required on remaining post-operation surfaces pursuant to the preceding paragraph.



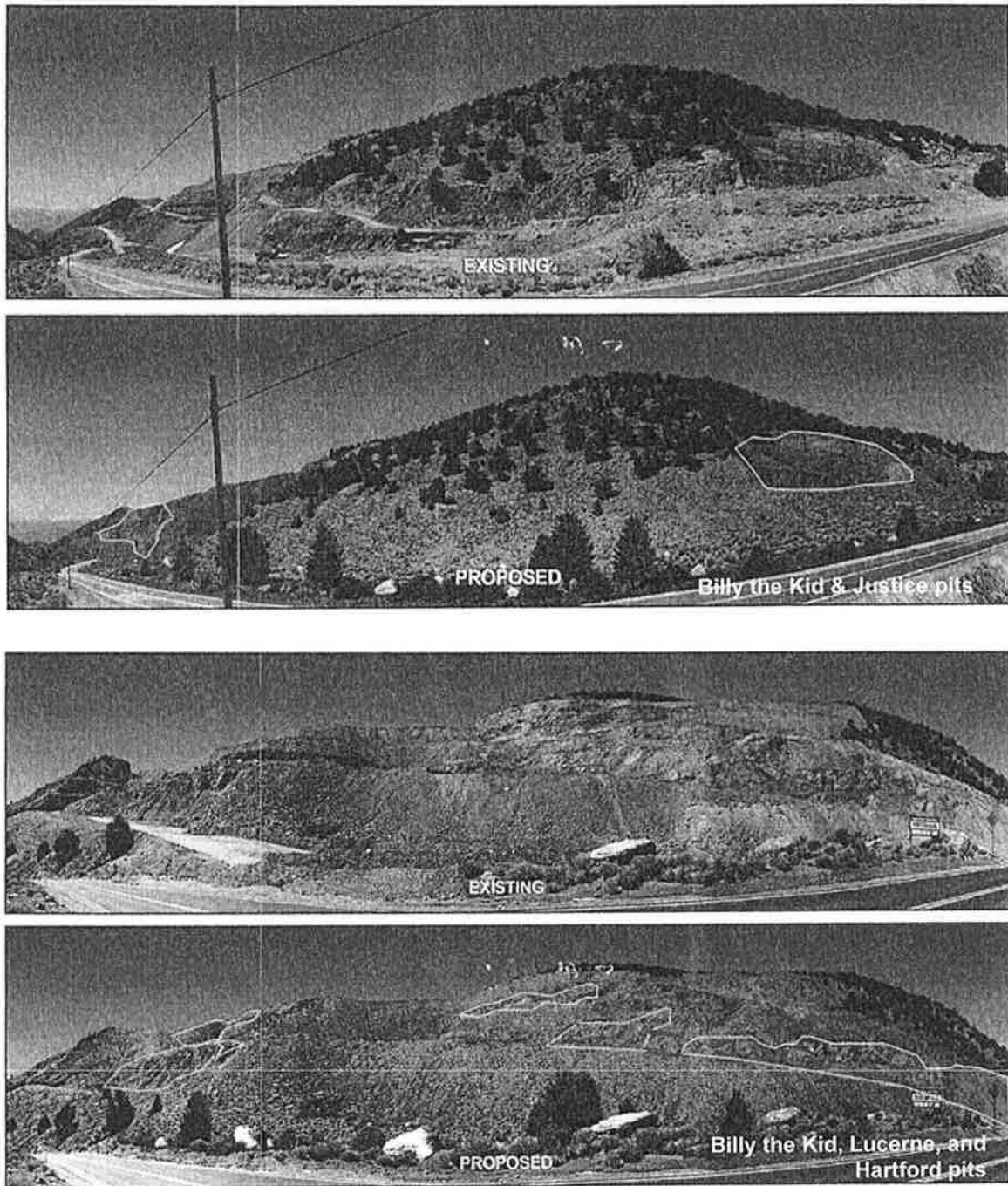


Figure 3.1: The base images were provided by the applicant as part of its SUP application. County staff outlined estimated bench faces and other lateral surfaces that are expected to remain following mine reclamation. The total surfaces appear to be 30 percent or less of the existing exposed bench faces. The images are described from top to bottom: (top) Justice pit looking south from S.R. 342; (middle) Billy the Kid pit in the background and the Justice pit in the foreground looking south from State Route 342; and (bottom) looking southwest from State Route 342, the image from left to right shows the Billy the Kid, Lucerne, Hartford, and a portion of the Justice pits.

3.3.2 Reclamation of processing and ancillary uses

The NDEP Reclamation Plan provides for comprehensive post-operation reclamation of all processing areas, including heap-leach pads, detention ponds, roads and staging areas, buildings and structures, and other disturbances. Federal requirements under NEPA will also provide comprehensive environmental protection and post-operation reclamation requirements for said uses. Accordingly, the amended SUP will only require conformance with the NDEP and BLM minimum standards for post-operation reclamation for ancillary uses and the processing facility.

It is hereby noted that the NDEP Reclamation Plan (p. 33) states that exploration roads within the subject property will be reclaimed during the closure period unless the BLM or Storey County request that some or all of these roads remain. The applicant will cooperate with the agencies to determine which, if any, of the exploration roads should remain post-closure. The amended SUP will recognize this state permit provision and cooperate with the applicant, and the NDEP and BLM, accordingly.

3.4 Reclamation surety

NAC 519.350 administered by the NDEP requires a surety bond for post-operation reclamation. The NDEP Reclamation Permit shows that the applicant has posted a surety bond in the approximate amount of \$6,347,963 for post-operation reclamation of mining, processing, exploration, and ancillary uses (Bond No. 1079871, 2014). The bond amounts for each categorical use are approximately as follows: \$990,338, earthworks and re-contouring; \$164,831, re-vegetation and stabilization; \$2,885,299, process facility water detoxification, treatment, and disposal; \$280,620, structure and equipment removal; \$69,070, post-operation monitoring; and \$282,867, management (see bond details in Exhibit H).

The required surety bond for reclaiming surface disturbances caused by mining, mine definition, and exploration will be as determined by the NDEP or BLM (NAC 519A.370). However, where state or federal regulations require no reclamation and reclamation bond, or where valid evidence suggests that the requirements do not meet the minimum standards for reclamation of the entire mined area as set forth in the amended SUP, the applicant must submit to the Planning Department valid evidence that it has posted cash or other bond for complete post-operation reclamation as required by the SUP. Valid documentation of surety must be submitted to the Planning Department prior to surface disturbances.

The amount of surety bond necessary to fulfill the requirements of amended SUP will be determined by a qualified licensed engineer or environmental manager at the expense of the applicant. That determination and the data supporting it will be subject to review by a qualified third-party person chosen by Storey County. The county's third-party person will have jurisdiction over portions of the reclamation plan and surety that exceed the minimum standards required by federal and state regulations and permits.

3.5 SUP Expiration

SCC 17.12.160(C) limits the duration of an SUP for large-scale mining to no longer than twenty years. It also states that an SUP may be limited to a lesser period of time for surface mining, but not less than five years, as deemed appropriate by the Board of Commissioners with

recommendation by the Planning Commission. The existing SUP contains no provisions for expiration, as long as the associated use remains active and in compliance with applicable regulations.

Conforming to SCC 17.92, including the findings therein under Section 17.92.030, and in consideration of the scope and uses proposed, the amended SUP will expire ten years from the date of approval by the Board of Commissioners. As set forth in 17.92.160(E), the applicant may submit an application to renew the SUP prior to its expiration, or apply for a new subsequent SUP. The Board with recommendation by the Planning Commission may deny or approve the application, or approve the application with amended or added conditions that it deems appropriate to conform to federal, state, and county regulations.

3.6 State Route 342 alignment and re-alignment

State Route 342 is the primary arterial route connecting Gold Hill, Virginia City, and other south and central Storey County communities with each other and to US Highway 50. State Route 342 runs north-south, and for approximately two miles abuts the east boundary of the Lucerne and Justices pits.

The applicant discussed with officials of Storey County and the Nevada Department of Transportation (NDOT) several preliminary concepts by which its objectives for eastward mine expansion may be achieved in relation to the road's existing alignment. They included: (a) construction of a bridge over or under the road through which mining and non-mining (civilian) traffic may occur simultaneously; (b) realigning the road west of its existing alignment in concurrence with reclamation of the adjacent Lucerne and Justice pits; or (c) realigning the road to the east of the newly proposed mine expansion area. Closing and removing portions of the road and making State Route 341 (Truck Route) the primary access for the region is also considered an alternative; however, this option is not proposed by the applicant and is strongly opposed by Storey County.

The amended SUP allows the applicant flexibility in planning and executing viable alternatives for eastward mine expansion in relation State Route 342. However, Storey County recognizes that this road serves practical purposes for inter-local transportation; provides for vital life-safety access, including for EMS, fire, and law enforcement services; and contributes substantially to the local tourism economies of Gold Hill, Virginia City, and Silver City. Except under temporary circumstances when an access plan is approved by the Fire Protection District and the Sheriff's Office, closing the road is considered by Storey County unreasonable and irresponsible.

The amended SUP allows for re-alignment of State Route 342 in a manner which is determined by Storey County and NDOT, as applicable, practical, safe, and reasonably efficient. For the purpose of conforming to the findings in SCC 17.92 and provisions in the Storey County Master Plan for protecting the historical character and authenticity of the area for tourists and residents, the amended SUP will also require the road, as existing or modified, to maintain its north and south traffic flows through Gold Canyon and in its current approximate alignment through Devil's Gate.

3.7 Water source and distribution

3.7.1 Source of operations water

Water used for domestic purposes, dust control, processing, fire suppression systems, and other uses on the subject property is appropriated from two on-site private wells. Water is also purchased from the Storey County Water System through an agreement between the Storey County Water System and the applicant. Purchased water is diverted from the primary service line of the Marlette system before it reaches the municipal treatment plant. Diverted untreated water is metered then gravity fed into the applicant's private storage and distribution system. The applicant currently purchases approximately 26,000,000 gallons of water per year from the Storey County Water System. The principal purpose of the Marlette System is to serve domestic water to Virginia City, Gold Hill, and Silver City. Under normal operating conditions, the system is fully capable of servicing the needs of each community and the applicant's uses concurrently. During unusual events, including during system failures, repairs, and other conditions causing potential water shortage, the applicant's facility is immediately shut-off from water service by the Public Works Department.

3.7.2 Silver City water line

The Storey County Water System serves as the primary source of municipal water for Silver City. From the Marlette System and following treatment, water is transmitted approximately eight miles through Gold Canyon to Silver City through a 4" to 6" underground main line. Approximately 2,500' of the water main runs through land on which surface and underground mining and related activities may occur. Portions of the water line are antiquated and brittle, and are vulnerable to damage and failure.

The amended SUP will require the applicant to develop a comprehensive plan by which it will protect the Silver City water main from accidental damage caused by surface and underground activity, and from ground vibrations or other movement caused thereby. It shall also include a detailed description of how accidental damage to the line, or events causing disruption to service as a result of activity associated with the SUP, will be treated and remedied immediately.

The applicant must actively engage with the Storey County Public Works Director in developing this plan. The plan must be approved by the Public Works Director before mining, mine definition, exploration, and other such activities may occur on land east of State Route 342 at its current alignment. The Public Works Director with concurrence by the County Manager may at any time require the applicant to replace, at the applicant's expense, portions of the water line that run through the subject property and which are believed to be highly susceptible to damage caused by the described activities. The conditions of the amended SUP requiring the plan were reviewed and determined to be sufficient by the Storey County Public Works and Planning Departments, and by the Storey County and Central Lyon County Fire Protection Districts.

The applicant will be responsible for costs associated with needed repairs or replacement of the water line if substantial evidence suggests that the damage was caused by uses under the SUP. All repairs and replacement shall be to the satisfaction of the Public Works Director.

3.8 Best Management Practices

The NDEP or BLM, as applicable, will monitor and administer BMPs throughout the subject property. BMPs are measures that are taken to protect air, water, and land quality at and around the project. They include, but are not limited to, erosion control, including straw wattles and silt fencing; stormwater run-off, run-on drainage and detention systems; surface treatment to mitigate wind and other erosion; environmental management of roads, staging areas, and egress points; and post-operation removal of BMP devices.

3.9 Cultural resources

The current operating plan contains provisions to protect cultural resources that are found on the subject property. Should any prehistoric or historic remains/artifacts be discovered during development or excavation, work must temporarily be halted at the specific site. The applicant must immediately contact Planning Department, Comstock Historic District, and the NDEP, in order for the site to be evaluated, and, if deemed necessary, and for findings to be recorded and photographed if needed. The period of temporary delay will be limited to a minimum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and protect historical remains or artifacts.

3.10 Site general management

Portions of the subject property and uses occurring therein are remotely located, and activities may occur far from emergency and other services. To assure safety of project associates, a site supervisor should be present at all times during hours of operation to maintain a safe and orderly environment. The supervisor should have knowledge of and access to site facilities, access points, and fire and emergency equipment. Mine Safety and Health Administration (MSHA) Certified for the level of management will also apply to all persons on-site.

3.11 Groundwater monitoring

Monitoring wells have been installed by the applicant for its existing operation. The NDEP requires installation of these monitoring wells to monitor the heap leach process and overall processing facility for possible groundwater contamination. Well permits must be obtained from the Building Department and the NDEP prior to drilling. The applicant must submit monitoring reports and other findings to the Building Department on a quarterly basis during the first year of operations, including for heap leach pad expansions. If no signs of leakage or other groundwater contamination occur, then monitoring report submittal maybe reduced to bi-annually until full closure of the processing facility.

3.12 Air monitoring

Air emissions, including dust and other airborne materials, must conform to the limitations administered by the NDEP or BLM in the applicable air permits. Copies of annual reports of environmental quality necessary to conform to the requirements of the permit(s) issued by the NDEP or BLM have been and will continue to be submitted to the Building and Planning Departments for review and filing. In the event that there is an air discharge in excess of the standards allowed by the NDEP or BLM under its construction or operating permit(s), the applicant will be required to provide notice of action to the Building and Planning Departments within 24 hours of receipt. If the applicant is required by the NDEP or BLM to prepare a report on the event, the applicant will be required to submit a copy of the report to said county departments simultaneously with the applicable federal or state agency.

3.13 Carson River Mercury Superfund Site

The Carson River Basin, from New Empire to Stillwater and the Carson Sink, was designated a National Priority Listed (NPL) site under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA or Superfund) in August, 1990. Many areas in Virginia City and Gold Hill, particularly where mining and milling activities historically took place, have been identified as potentially containing heavy metal contaminants of concern (CoC's), mercury, arsenic, and lead, and are considered to be within the Superfund Site. The Environmental Protection Agency (EPA) has stated that delineating and mitigating the entire region would be prohibitively expensive and impracticable. The NDEP Bureau of Corrective Actions – the local agency designated to manage the Superfund Site – informed the applicant in 2011 that certain areas within the project may contain CoC's and are applicable to the Superfund Site.

The Bureau of Corrective Actions has stated to county staff that the SUP applicant will be held responsible for properly managing disturbances of existing and former mine and mill sites, tailings, dumps, and other areas that are found to contain CoC's. To avoid potential risk of exposure issues, the applicant has been advised to characterize potentially hazardous areas such as those listed above by sampling and analyzing the material for mercury, arsenic, and lead contents as directed by the Bureau of Corrective Actions. After the CoC levels are characterized and delineated, the applicant will be required to work cooperatively with said bureau to mitigate the risk of exposure to human health and the environment.

4. LAND USE COMPATIBILITY

4.1 Vicinity description

Table 4.1 shows existing land uses, master plan designations, and regulatory zoning in and around the subject property. As described in Section 2.1, the amended SUP will encompass approximately 1,300 acres of land. The boundaries of the existing SUP (Exhibit G) and amended SUPs include much of lower Gold Hill and American Flat. The subject property is surrounded by a mixture of uses including, single-family residences, commercial uses, the V&T Railroad, and large tracts of undeveloped land. Its southern boundary abuts the Storey-Lyon County line and Silver City in Lyon County.

Table 4.1: Compatibility with Surrounding Lands

Land	Land Use	Master Plan Designation	Zoning
Applicant's Land	Mining, processing, and ancillary mining uses; single-family residences; and vacant land	Mining, milling, commercial, residential and tourism-based land uses	CR Commercial-Residential; F Forestry; and SPR Special Planning Review
Land to Southwest	Vacant	Mining, milling, commercial, residential and tourism-based land uses	F Forestry
Land to South	(Storey County) vacant; (Lyon County) vacant; single-family residences	(Storey County) Mining, milling, commercial, residential, and tourism-based land uses; (Lyon County) mixed uses including resource, commercial, and residential	(Storey County) F Forestry; (Lyon County) Low-Density Residential, Public Land, and Resource
Land to central southwest	(Storey County) vacant; (Lyon County) vacant	(Storey County) Mining, milling, commercial, residential, and tourism-based land uses; (Lyon County) mixed uses including resource, commercial, and residential	(Storey County) F Forestry; (Lyon County) Low-Density Residential, Public Land, and Resource
Land to central northwest	Vacant; V&T Railroad; historic cemetery	Mining, milling, commercial, residential and tourism-based land uses	F Forestry
Land to Northwest	Two single-family residences (one under escrow for purchase by the applicant); V&T Railroad	Mining, milling, commercial, residential and tourism-based land uses	F Forestry
Land to North	Five single-family residences (one under escrow for purchase by the applicant); V&T Railroad; historic cemetery	Mining, milling, commercial, residential and tourism-based land uses	CR Commercial-Residential; F Forestry; and SPR Special Planning Review
Land to Northeast	Vacant	Mining, milling, commercial, residential, and tourism-based land uses	CR Commercial-Residential; F Forestry; and SPR Special Planning Review
Land to East	Two single-family residences	Mining, milling, commercial, residential and tourism-based land uses	CR Commercial-Residential; F Forestry; and SPR Special Planning Review

4.2 Land use compatibility

The subject property is located in the F Forestry and SPR Special Planning Review regulatory zones. The F and SPR zones provide for mining and processing uses when an SUP is granted by the Board of Commissioners with recommendation by the Planning Commission. Uses in the requested SUP must be found to be consistent with the purpose and intent of each zone and to be compatible with existing surrounding uses.

The following paragraphs describe conditions that exist in and around the subject property, including location and placement of existing residences, cyanide-based processing methods, and the project's relationship within the Virginia City National Historic Landmark. In order to mitigate potential adverse impacts of the project, the amended SUP applies use restrictions and minimum separation distances between uses allowed thereby and surrounding properties not owned by the applicant.

4.2.1 Existing residential uses

There are two existing occupied residences abutting and three occupied residences located within the subject property boundary. The residences and their relationship to the project site are described below and illustrated in Figure 4.1.

- 777 American Flat Rd. (APN 004-331-27). This residence in American Flat is located on land zoned F Forestry, is located entirely within the subject property boundary, and is approximately 1,000' to due west of the existing processing facility. The applicant stated to Planning staff that it has started the escrow process to purchase the residence. County records indicated that escrow has yet to close. The submitted SUP application contains an affidavit from the current owner allowing this SUP to apply to the property. The applicant expressed plans to use the residence after purchase for boarding company employees and guests.

The conditions of the amended SUP are intended to mitigate potential impacts to abutting residences, and this residence is subject to those protections. However, when the applicant assumes ownership of the property, it may choose to use all or portions of this land for uses contained in the SUP, except where expressly prohibited thereby, or by applicable federal, state, and county regulations.

- 2820 Slippery Gulch Rd. (APN 004-331-19). This residence is located in American Flat on land is zoned F Forestry, and is surrounded on four sides by the subject property. The residence is not owned by the applicant. It is located approximately 500' from the existing processing facility, but more than 1,000' northwest of the heap leach pads and other primary processing uses involving sodium-cyanide.

Surrounded on four sides by the subject property, access is a primary concern. The residence is currently accessed from Upper American Flat Road. While the applicant has not submitted proposals that would potentially disrupt access to this property, the amended SUP will contain provisions to assure that access meeting or exceeding existing conditions is maintained. Despite the subject property's proximity to the residence and its surrounding land, the amended SUP requires use separations and other restrictions that will minimize potential adverse impacts.

Planning staff visited in-person with the property owner to discuss the applicant's proposal. The property owner was generally satisfied with the proposal and the measures imposed by the SUP to mitigate potential impacts. The property owner requested Planning staff to include a condition in the SUP requiring the applicant to clean and maintain existing nearby natural drainage systems to prevent stormwater damage to his property. The amended SUP requires that the applicant maintains these drainage systems as such and at its costs.

- 2850 Slippery Gulch Rd. (APN 002-141-13). The residence is located in Gold Hill on land zoned SPR Special Planning Review, and is surrounded on three sides by the subject property. It is located approximately 1,000' from the existing Justice pit and former Keystone pit (reclaimed in 2014) and is in an area proposed by the applicant for large-

scale exploration and surface mining, and/or permanent placement of waste rock.

Planning staff visited in-person with the property owners and the applicant on several occasions to develop a mutually acceptable plan from which the subject residence would be sufficiently protected from potential adverse impacts caused by the proposed use. The property owners expressed concern that their property is almost entirely surrounded by the proposed SUP and that its uses allowed thereby could occur less than 100' from their home. After collaborating with the property owners, a recommended condition was added to the SUP that no surface disturbance, except limited mine exploration, may occur within approximately 700' of the residence as illustrated in Exhibit D. The recommended condition allows for a waiver of this restriction if allowed by the subject property owners. The SUP will also contain other requirements that will minimize potential adverse impacts of the project.

- 2901 and 2825 Slippery Gulch Rd. (APNs 002-141-14 and 002-141-18). Both residences are located in Gold Hill directly adjacent to the residence described in the preceding paragraph (APN 002-141-13). They are both located on land zoned SPR Special Planning Review. They are located entirely within the subject property boundary, and approximately 1,000' from the Justice pit and the former Keystone pit.

These properties and the immediate surrounding area are proposed by the applicant for large-scale exploration and surface mining, and/or permanent placement of waste rock. The applicant submitted with its application for amended SUP affidavits from both property owners certifying approval for the SUP to include their land.

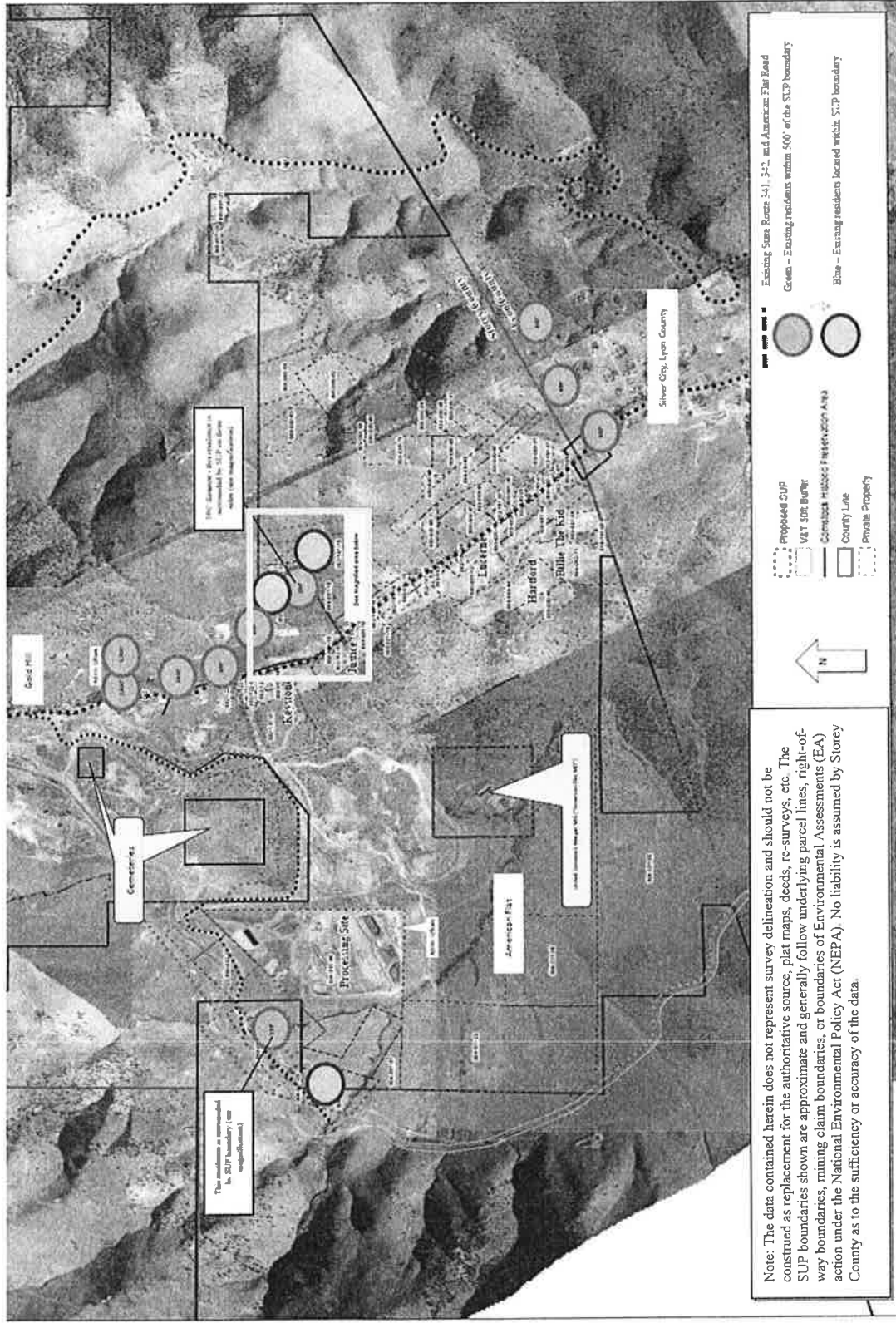


Figure 4.1: Distance to residences and other adjacent uses (approximate)

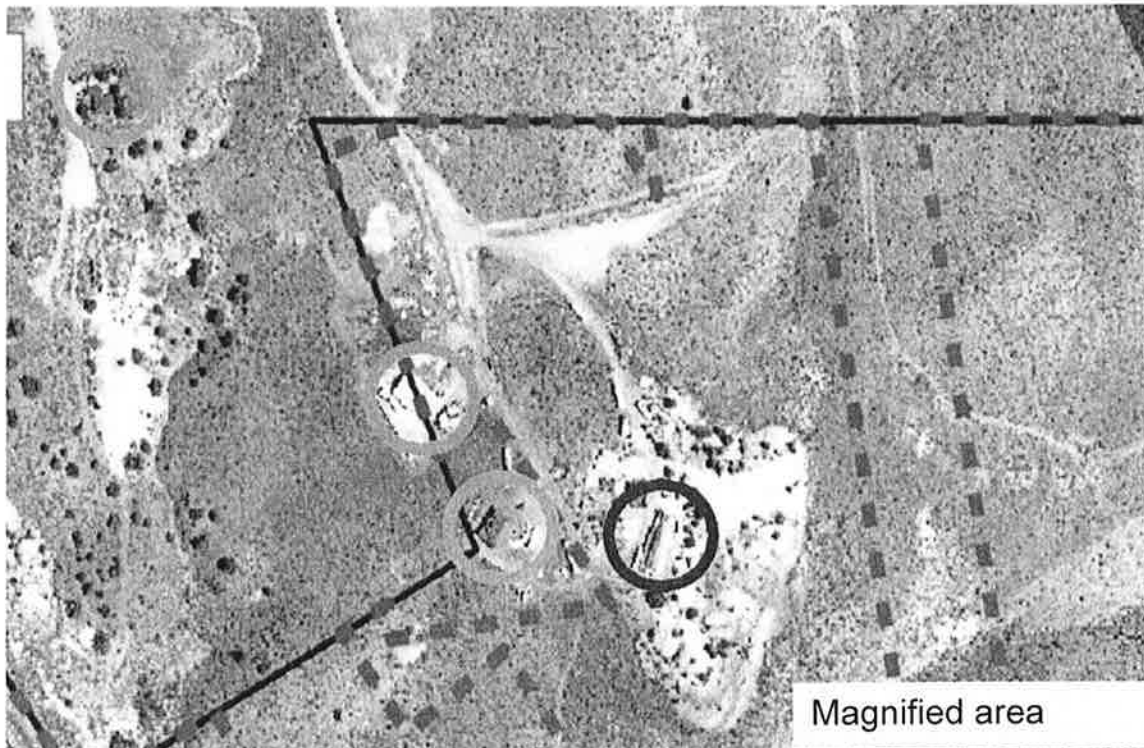


Figure 4.1 (continued): Distance to residences and other adjacent uses (approximate)

4.2.2 Processing and cyanide

NRS 445A.433 and SCC 17.92.090 prohibit new mining-related uses involving cyanide to be located within 1,000' of existing occupied residences. The SUP application does not propose use of cyanide or other processing methods within this distance. The amended SUP will conform to the state and county regulations by imposing the required 1,000' separation.

4.2.3 Protection of historic environment

In 2012 following a series of community workshops, including with sustained active involvement by the applicant, the Board of Commissioners with recommendation by the Planning Commission ratified substantial amendments to SCC 17.92 regulating mining and related uses in the county. The revised ordinance increased regulations of surface mining in the county, clarified and streamlined regulations that may be applicable to underground mining, and provided a comprehensive regulatory and entitlement structure for exploration, ancillary uses, small mining, and other such uses.

The revised ordinance also promulgates findings of fact (SCC 17.92.030) that recognize certain benefits and potential adverse impacts of mining, and provide for the protection of both mining and non-mining interests. This report and the recommended conditions for SUP approval were based on conformance with those findings. Key findings and regulatory elements contained in the ordinance are summarized in the following paragraphs.

- Findings (SCC 17.92.030). The ordinance expressly finds the following with regard to mining activities within the Virginia City National Historic Landmark:
 - Mineral and surface property rights exist and SCC 17.92 serves to protect both;
 - Storey County has a diversified economy, which includes mining, tourism, and other industries;
 - When regulated appropriately, mining may be compatible with non-mining uses;
 - SCC 17.92 serves to address and mitigate potential adverse impacts of mining, particularly surface mining, including its impacts on natural and historic resources, and adjacent uses now and in the future;
 - The Storey County Master Plan includes provisions for mining, but emphasizes reducing land use conflicts and preserving historic resources and remnants of local heritage;
 - Surface mining causes substantially greater impact to the surface environment than underground mining, and in some instances, precludes complete restoration of the affected land to a condition existing prior to the surface mine; therefore, underground mining should be highly encouraged and surface mining should be highly regulated;
 - Land within the Virginia City National Historic Landmark contains critical natural and manmade features which contribute to the historic integrity and authenticity of Gold Hill and Virginia City, and the ordinance serves to protect those features from degradation caused by surface mining. Accordingly, SCC 17.92 prohibits large-scale surface mining within certain areas identified in the “Comstock Historic Preservation Area” map (Exhibit F) adopted by the Board of County Commissioners, and the mining uses allowed by the amended SUP will not encroach into that area; and
 - Mining which occurs within the Gold Hill and Virginia City area, and other areas within the Comstock, must include appropriate management of potential NDEP recognized Contaminates of Concern (COCs) applicable to the Carson River Mercury Superfund Site.
- Certain areas restricted from surface mining. Pursuant to the findings summarized in this section, the local ordinance delineates on a map titled “Comstock Historic Preservation Area” where large-scale surface mining is prohibited and where it is allowed in American Flat, Gold Hill, and Virginia City, and the immediate surrounding areas. The ordinance allows no more than five acres of surface mining in the restricted area. The amended SUP provides for no large-scale surface mining within the restricted area. Shown in Figures 2.1 and Exhibits A and B, portions of the amended SUP boundaries encroach into the restricted area along portions of American Flat Road and adjacent to the existing processing site. However, the amended SUP will restrict uses in those areas to service utilities, access, and right-of-way development and improvements.

5. PUBLIC SAFETY

The subject property will contain potential hazardous conditions including, but not limited to, sodium-cyanide and other chemicals, open water bodies, open pits and benches, blasting, and operation of heavy equipment. Safety and security oversight is performed by federal, state, and local agencies, including those described below and in Section 3.1 of this report.

The Mine Safety and Health Administration (MSHA) is the primary agency that administers federal regulations on operations and facility safety. MSHA regulations apply to all mining related uses within the subject property, and the agency conducts frequent unannounced safety compliance inspections to assure compliance.

The Storey County Fire Protection District and the Nevada State Fire Marshall's Office are also principally involved in safety on the premises, particularly with regard to fire suppression and prevention; management of hazardous materials and uses; and planning for unexpected emergency events.

The amended SUP will require the applicant to coordinate with the applicable federal, state, and county agencies in developing its operating plan. The final plan must conform to the requirements of each agency, and copies of the plan must be provided by the applicant to each agency for review and filing and each time a minor or major modification to it is made.

6. APPLICABLE CODES & REGULATIONS

SCC 17.92 (mining ordinance) is the principal local regulation guiding the development of the SUP. It contains provisions for findings of approval or denial (17.92.030); classification of scale of operations (17.92.070 and 17.92.140); application, planning, and operations requirements (17.92.080); minimum conditions of SUP approval (17.92.160); compliance review (17.92.170); and protections for adjacent uses and the Virginia City National Historic Landmark (inclusive).

Applicable local regulatory zones include the F Forestry and SPR Special Planning Review Zones. SCC 17.32.020(M-N) and 17.44.030(A-B), respectively, provide for mining and mining-related processing in the F and SPR Zones when an SUP is approved by the Board of County Commissioners with recommendation by the Planning Commission. Other principal guiding local regulations include SCC 8.02 and 8.04 for control of outdoor lighting and noise, respectively; and SCC 17.03, for compliance review and show-cause procedures, and minimum requirements of any SUP.

7. MASTER PLAN

The amended SUP, inclusive of the areas of proposed expansion, appears to conform to the goals and objectives of the Storey County Master Plan including: enhancing diversification of economic opportunities within the county (Chapter 3, Goal 1); protecting the quality of present and future water resources (Chapter 5, Goal 2); regulating use of watershed areas to minimize

fire danger and prevent degradation (Chapter 5, Goal 4); protection of historical resources and consultation with the Comstock Historic District Commission on development (Chapter 8, Goal 1 and Objective 1.1); maintaining a healthy environment for all residents of the county (Chapter 9, Goal 1), and ensure land use plans are compatible with the zoning map, master plan, and previous planning decisions (Chapter 9, Objective 1.1); and reducing land use conflicts between mining operations and other private and public land users, and preserving the historic heritage of the Comstock (Virginia City/Gold Hill, Goal 1 and Goal 2).

8. FINDINGS

8.1 Motion for approval

The following are found regarding the amended SUP under the recommended conditions of approval shown in Section 9. A motion for approval should include at a minimum these findings and may include other findings deemed appropriate and factual by the body.

8.1.1 Requirement by code

All land within the amended SUP boundary is zoned SPR Special Planning Review and F Forestry. Accordingly, the application for amended SUP was submitted pursuant to SCC Sections 17.32.020(M-N), and 17.44.030(A) which list “mining” and “milling and processing related to mining” as allowed in each zone with an SUP approved by the Board of County Commissioners with recommendation by the Planning Commission.

8.1.2 SCC 17.92 findings incorporated

SCC Section 17.92.030 lists findings of fact related to mining; mining uses and rights; rights and protections of non-mining uses potentially impacted by mining; and protecting the historical value and integrity of the Virginia City National Historic Landmark. Those findings in their entirety are hereby incorporated into the approval of the amended SUP, and it is hereby recognized that the amended SUP conforms to the purpose and intent of the findings.

8.1.3 Requirement by code

The conditions of the amended SUP are not in conflict with the purpose, intent, and other specific requirements of the F Forestry Zone and SPR Special Planning Review Zone in which the subject use will be located.

8.1.4 Use compatibility

The conditions of approval under the amended SUP impose sufficient regulations on the proposed use to reasonably mitigate associated impacts on the surrounding environment and existing adjacent land uses.

8.1.5 Regulation compatibility

The conditions under the amended SUP are at least as stringent as and not in conflict with the applicable federal, state, and county regulations. The minimum requirements under SCC Chapter 17.03 (Administrative Provisions) and SCC 17.92 (mining) for issuance of an SUP are incorporated into the conditions of the amended SUP.

8.1.6 Conformance with prior SUP

The amended conditions and the remaining unchanged conditions the amended SUP comply with the land use requirements of the underlying regulatory zones and are as stringent and not in conflict with federal, state, and county regulations pertaining to the uses allowed by the amended SUP.

8.2 Motion for denial

Should a motion be made to deny the amended SUP application, the following findings with an explanation of the motion for denial should be included in that motion.

8.2.1 Conformance

The amended SUP does not conform to the minimum requirements of federal, state, and county regulations or the findings of fact included in SCC 17.92.

8.2.2 Regulatory zone

Uses allowed under the amended SUP, even with reasonable restrictions and mitigation, will conflict with the purpose, intent, and other requirements of the F Forestry Zone and the SPR Special Planning Review Zone.

8.2.3 Compatibility

Uses allowed under the amended SUP, even with reasonable restrictions and mitigations, will cause substantial adverse impacts to surrounding existing land uses.

8.2.4 No effect on existing SUP

The motion to deny the amended SUP (SUP Application No. 2000-222-A-4) applies only to the proposed amendments, and not to the existing permitted SUP (SUP No. 2000-222-A-3). The denial will have no effect or cause change to the entitlements, permitted uses, area of land, or verbiage of the existing SUP.

9. CONDITIONS OF APPROVAL

All of the following conditions must be met to the satisfaction of the applicable County Department, unless otherwise stated.

I. GENERAL PROVISIONS

1.1 Purpose and scope

Special Use Permit (SUP) No. 2000-222-A-4 amends and replaces SUP No. 2000-222-A-3. It also replaces SUP No. 2011-016 (for exploration) which shall be deemed closed upon approval of the SUP subject hereto. This SUP is for the purpose of surface and underground mining (mining); processing, milling, and beneficiation (processing); mine definition; exploration; and uses which are ancillary to those uses. The boundaries of the land subject to this SUP (subject property) and the categorical uses allowed therein are illustrated in Exhibit A and B enclosed herewith as follows:

- “Area A” may only be used for mining, mine definition, exploration, and related uses;
- “Area B” may only be used for processing and related uses;
- “Area C” may only be used for water and power utility systems, and other related infrastructure;
- “Area D” may only be used for road improvement, including separation between the Lucerne Haul Road and American Flat Road public access/right-of-way as illustrated in enclosed Exhibit B; and
- Uses ancillary to the principal uses may occur anywhere within the subject property.

The uses to which this SUP applies shall conform to the conditions herein, and federal, state, and county regulations. This SUP does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private property rights, or any infringement of state or local laws or regulations.

1.2 Expiration

This SUP is effective for a period of 10 years commencing on the date of its approval and expiring on said date in the year 2024. The SUP permit holder (Permit Holder) may submit an application to renew the SUP. The application for renewal must be submitted to the Planning Department no less than 30 days before the expiration of this SUP. The application shall be treated as a new SUP application and its approval or denial will be determined by the Board of County Commissioners with recommendation by the Planning Commission. The approved SUP may contain additional conditions or modified conditions from those in the preceding SUP.

1.3 Annual compliance review

At a regularly scheduled public hearing between the months of March and July of each year

beginning in the year of 2015, the Permit Holder shall provide to the Planning Commission a public presentation report featuring the following elements of the active project:

- The extent to which it has or has not complied with the conditions of the SUP and applicable federal, state, and county regulations.
- The status of plans and actions related to the primary Silver City water line, including plan updates and modifications, current use encroachments thereupon, repairs and replacement of all or portions thereof, and interruptions to service provided thereby as a result of the foregoing.
- The status of plans and actions related to the use, modification, and impacts to State Route 342 between Devil's Gate and Petaluma Street (current terminus of American Flat Road at its existing alignment), as related to uses under this SUP.
- A summary report of dust, groundwater, noise, and seismic monitoring data collected pursuant to this SUP and the NDEP requirements throughout the year leading to the public report.

The presentation shall disclose valid evidence of known failure to comply with those requirements. If a violation is found to have occurred, the presentation shall explain what measures, and to what degrees of expediency and success, the Permit Holder employed to remedy the violation. The Permit Holder shall furnish to the Planning Department documents, reports, notices, and other correspondence within 30 days of receipt.

1.4 Non-compliance and show-cause

Storey County may refer this SUP to the Board of County Commissioners for show-cause hearing for revocation based on reasons listed in this section. The procedures for show-cause will be pursuant to Storey County Code (SCC) 17.03 (Administrative Provisions). The continuation of uses of a revoked SUP is a violation of SCC Title 17 (Zoning) and will be punishable as provided for therein or other applicable codes. The SUP may be referred to show-cause for the following reasons:

- Failure to comply with the SUP conditions, or federal, state, and county regulations, without appropriate remedy;
- Any misrepresentation made in the application for the SUP or in other official documents, or amendments thereof, submitted to a federal, state, or local agency;
- Failure to provide notice to the county on violations, disasters, notice of decisions, and other such correspondence from federal, state, and local agencies as required in this SUP.

1.5 Transfer of rights

This SUP will inure to the record owner(s) of the subject property and to the Permit Holder (Comstock Mining, Inc.) and will run with the land. Any and all transfers of this SUP to other persons, agencies, corporations, or entities must be advised in-person or in-writing by

Certified Mail to the Planning Department at least 90 days prior to assignee taking over the project. The notice must contain the name(s), phone number(s), mailing address, and other contact information for the assignee. The new owners/managers must sign and accept all conditions and requirements of this SUP and submit documentation of their acceptance to the Building and Planning Departments at least 90 days prior to the transfer.

1.6 Indemnification and insurance

The Permit Holder warrants that the future use of land will conform to federal, state, and county regulations; further, the Permit Holder warrants that continued and future use of the land shall so conform. The Permit Holder and property owner(s) agree to hold Storey County, its officers, and representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this SUP. The Permit Holder must maintain \$5,000,000 of liability insurance coverage and umbrella liability insurance coverage. The umbrella policy shall provide coverage for environmental events and disasters associated with the uses under this SUP. The Permit Holder shall submit valid documentation of the required coverage each year, or when changes are made to either policy.

1.7 Surface estate protection

Uses allowed under this SUP shall only occur on properties owned, leased, or otherwise legally controlled by the Permit Holder. At no time may surface disturbances, e.g., grading, equipment staging, and surface subsidence from underground activity, take place on surface property not owned, leased, or otherwise legally controlled by the Permit Holder. An exception to this limitation may be made upon the expressed written permission of the affected property owner(s) as allowed by this SUP and applicable federal, state, and county regulations. The written permission shall be submitted to the Building and Planning Departments at least 15 days prior to commencement of the subject operation.

1.8 Sales tax reporting

All material and equipment purchased for the project must as possible be received in Storey County and the value reported as “County-of-Delivery” on the Nevada Department of Taxation Form TPI-02.01 “Combined Sales and Use Tax Return”. The Permit Holder must also report the value for all materials and equipment (personal and rented) “used” on this project as “Use Tax” on TPI-02.01 or TPI-02.02.

II. OPERATING PLAN

The Permit Holder must submit a copy of its operating plan to the Storey County Fire Protection District (Fire District), and the Building, Emergency Management, and Planning Departments for review and approval. The plan must be submitted by the Permit Holder prior to commencement of operations under this SUP; updates to the plan must be submitted thereafter when a minor or major modification is made to the plan. In addition to the minimum requirements of the applicable state and federal agency, the operating plan submitted to the county shall include all elements contained in this section and otherwise in the requirements of this SUP. The elements required in this SUP are not exhaustive; the Fire

District, Planning Department, or other county department, may impose additional requirements that are necessary to meet the requirements of this SUP and applicable federal, state, and county regulations. At a minimum, the plan shall include:

- Basic company, owner, site, and emergency contact information;
- Detailed plot plan of the subject property and the uses therein, including phasing;
- All elements and supporting documentation included in a Plan of Operation required by the Nevada Division of Environmental Protection (NDEP) or the Bureau of Land Management (BLM), as applicable;
- Site evacuation and emergency procedure and emergency contact procedures, including for the NDEP, Dispatch 9-1-1, and Storey County emergency services direct connect (775.847.0950); hazardous materials management plan; wildland fire prevention and suppression; “Hot work” permitting; on-site water storage for wildland fire prevention and suppression; blasting and explosives management; access, circulation, and staging, including for emergency and non-emergency vehicles; documenting and reporting of emergency situations; post-disaster management, cleanup, and material disposal; and post-disaster damage reporting for treatment of historic structures and properties;
- Comprehensive post-operation reclamation plan as required by the NDEP or BLM, and the more stringent requirement in this SUP for concurrent and more thorough post-operations reclamation. The plan shall also include calculations for determining the amount of reclamation surety bonding applicable to the requirements of the NDEP, BLM, and this SUP (see Conditions 3.3 - 3.6).
- Comprehensive plan by which the Permit Holder will protect the Silver City water utility from accidental damage caused by surface and underground activity, and from ground vibrations or other movement caused thereby. The plan shall also include a detailed description of how accidental damage to the line, or events causing disruption to service as a result of activity associated with the SUP, will be treated and remedied immediately (see Condition 7.4).
- Process for documentation and reporting to the county environmental permits, notices, approvals, abatement mandates, and other related actions of the NDEP, BLM, and other applicable federal and state agencies; and
- Management of air, water, stormwater, noxious weeds, wildland fire fuels management, BMPs, and other environmental elements.

III. PHASING & RECLAMATION

3.1 Limited use – mining, mine definition, and exploration

In addition to the requirements for mine phasing and post-operations reclamation administered by the NDEP or BLM, as applicable, the Permit Holder shall include in the

operating plan elements contained in this section. The Permit Holder shall comply with all elements of the plan. The following thresholds shall be the standard by which the Permit Holder may conduct operations.

- Active mining (120 acres). Cumulative surface disturbances associated with all mining, including surface and underground mining, on the subject property is limited to 120 acres. Roads and ancillary uses are not counted against the total allowable area. Tunnels, adits, shafts, vents, drifts, and other underground workings shall only comply with the minimum requirements of SCC 17.92 and applicable federal and state regulations, and will not count toward the total allowable area in this condition. Waste storage and tailings, except for that which is being processed in accordance with the provisions of this SUP, are counted against total allowed surface disturbance area.
- Mine definition (20 acres). Mine definition is a focused assessment of mineral deposits and other geological conditions, including their location, extent, depth, and grade, for the purposes of determining subsequent phasing of the active mine. Drilling and other activities related to mine definition may occur within 300' of the active surface mine. The cumulative allowed surface disturbance caused by mine definition will not exceed 20 acres. Drill holes, drill pads, trenches, test pits, fluid detention areas, and other surface disturbances, but not access roads to drill sites, are counted against the total allowed surface disturbance area. The reclamation schedule and surety bonding for definition drilling shall be combined with and treated similarly to that for active mining. Access roads will be treated as ancillary uses.
- Exploration (20 acres). Exploration is a focused assessment of mineral deposits and other geological conditions, including their location, extent, depth, and grade, for the purposes of broad-based assessment of targeted areas throughout the entire subject property. Exploration may occur anywhere within the subject property. The cumulative allowed surface disturbance for all exploration may not exceed 20 acres. Drill holes, drill pads, fluid detention basins, but not access roads to drill sites, are counted against the total allowed surface disturbance area. Trenching, test pit, and other similar methods of exploration will be prohibited except within the active mine. Access roads will be treated as ancillary uses.
- Active reclamation (50 acres). Explained above in this section, active surface mining is limited to 120 acres. However, as part of allowed mine phasing, the active mine may proceed on up to 50 additional acres when a commensurate amount land previously mined on the subject property and in association with this SUP is reclaimed. Land within this 50 acre threshold must be re-graded, contoured, and backfilled to a point reasonably consistent with surrounding undisturbed or fully reclaimed topography and surface conditions, but must not yet be treated with soil amendments, or be re-vegetated or re-seeded. Surface treatment must provide for effective natural drainage systems and erosion prevention, noxious weed abatement.
- Fully reclaimed. Fully reclaimed land includes land that has been re-graded, contoured,

and backfilled to a point reasonably consistent with surrounding undisturbed or fully reclaimed topography and surface conditions; to which the surface has been treated with soil amendments and growth media (topsoil); and to which seeding and successful re-vegetation has occurred in conformance with the seeding and re-vegetation standards set forth by the NDEP or BLM (even if such reclamation is not required by either agency).

3.2 Limited use – processing

Processing includes, but is not limited to, crushing, conveyance and agglomeration systems; heap leach pads, including the use of sodium-cyanide; Merrill-Crowe facility and further milling and beneficiation facilities; ponds containing sodium-cyanide and other liquid substances; storm water detention, conveyance, and management systems; fire suppression water containment and systems; and road, access, staging, buildings, and other uses. The operating plan must contain the minimum elements required by the NDEP and BLM for the uses on the subject property. In addition to those requirements, the Permit Holder shall include in the operating plan the elements contained in this section that are more stringent than the federal, state, and county regulations. The Permit Holder shall comply with the plan.

- Subject area. Processing may only occur in “Area B” illustrated in Exhibits A and B.
- Hours and days. Processing may occur over 24-hours per day and 365 days per week.
- Subject processing. The processing facility will be limited to receiving and processing ore originating from: the subject property; other mine holdings of the Permit Holder located in Lyon County; and from any mine located in Storey County that is owned by the Permit Holder or another person or firm.
- Distances. No storage, processing, or use involving cyanide may occur within 1,000’ of an occupied dwelling unit existing at the time of this SUP approval. Dwellings that are owned by the Permit Holder and occupied at the time of this SUP approval are exempt from this provision once the dwelling becomes vacated. Once vacated, the use may not become occupied by a permanent resident until said minimum 1,000’ distance is reestablished.

3.3 Reclamation – mining, mine definition, and exploration

This section applies to post-operation reclamation of the mine, and mine definition and exploration sites. The operating plan must contain the minimum elements required by the NDEP and BLM for the uses on the subject property. In addition to those minimum requirements, the plan must include the elements contained in this section for concurrent post-operation reclamation. The Permit Holder shall comply with the plan.

- Reclamation standards. The Permit Holder shall comply with the minimum post-operation reclamation requirements administered by the NDEP and BLM. This section, however, recognizes that the state and federal regulations may not require concurrent reclamation and may preclude complete post-operation reclamation of certain portions of the subject property. The Permit Holder shall identify areas in the required NDEP or BLM reclamation plan where reclamation requirements are less stringent than the

standards required by this SUP. The Permit Holder shall include in its reclamation plan detailed analyses and descriptions of subject conditions and elements that will be employed by the Permit Holder meet the more stringent requirements in this SUP.

- Reclamation schedule. The plan must include a reclamation schedule showing mine phasing and concurrent reclamation including, but not limited to, the elements in Condition 3.1; time of closure/decommissioning; and the applicable required elements in this SUP.
- Visual rendition. The plan must contain photographic or computer simulated visuals showing pre-mining surface conditions and estimated conditions throughout mine phasing and at post-closure. The visual renditions included in the SUP application showing surface conditions existing at the time of approval of this SUP and proposed post-operation reclamation conditions are enclosed herewith in Exhibit C. The image quality and the post-operations conditions they illustrate shall represent the minimum standard for post-operations reclamation and reclamation visual modeling.

The model must be updated concurrently with mine phasing and at each time a minor or major modification to the operating plan or reclamation plan results in a substantial divergence from the submitted visual model. The Planning Department may determine viewpoint locations and impose other requirements for the visual models.

- Grading and contouring. The reclamation plan must show that all surface disturbances will be graded and contoured to a condition which is safe, stable, and reasonably flush and consistent with the surrounding undisturbed or fully reclaimed topography and surface environment. The plan must also include measures by which open-pits, benches, and other lateral surfaces of the mine will be treated in order to reasonably mitigate visual and other impacts. Mitigation must include as practicable, partial backfilling, sloping, grading, and other surface treatments that mitigate visual impacts, create natural appearing topography that does not resemble a “manufactured appearance”, conform to natural and other drainage ways, and facilitate successful re-vegetation and noxious weed abatement.
- Bench face allowance at post operation. This SUP allows up to 30 percent of all bench faces existing at the time of Board approval of this SUP (as amended) to remain permanently after reclamation. This SUP also allows up to 30 percent of all bench faces created east of the State Route 342 alignment, as it exists at the time of this SUP approval, to remain permanently after mine reclamation. This 30 percent allowance will be subject to the Permit Holder demonstrating to the Planning Department substantial valid evidence that full reclamation of these bench faces is impracticable or impossible, including within the constraints of the land and land ownership or control. The allowance is otherwise subject to review and approval by the Planning Department. The Planning Department’s determination may be appealed to the Board of County Commissioners as provided by SCC 17.03 (Administrative Provisions). Bench faces and exposed lateral surfaces existing at the time of this SUP approval are illustrated in enclosed Exhibit C. The image show existing surface conditions at the time of this SUP approval and the

conditions that must be reasonably achieved as explained above.

All remaining bench faces and exposed lateral surfaces shall be treated to mitigate visual contrast with the surrounding natural or fully reclaimed environment. Treating exposed side walls with an oxidation accelerator or other durable and environmentally safe manner are acceptable methods of meeting this requirement.

- Re-vegetation. The reclamation and re-vegetation plan required by the NDEP or BLM must be incorporated into the operating plan. The Permit Holder shall identify areas in the required NDEP or BLM reclamation plan where re-vegetation requirements are less stringent than the minimum standards required by this SUP (i.e., areas within the subject property to which re-vegetation is not required by the applicable agency). The plan must describe a comprehensive process, including beyond NDEP and BLM requirements as needed, by which successful post-operation re-vegetation will occur. The plan shall conform to the standards for re-vegetation and noxious weed management for post-mining reclamation established by the NDEP or BLM. The plan and process by which it is administered shall also be subject to Fire District requirements and approval. Unless directed otherwise by the Planning Department, seeding, re-seeding, and planting will take place in the autumn season during the months of October or November, but not during times of extreme weather conditions such as snow or sub-freezing conditions.

3.4 Reclamation – processing

This section applies to post-operation reclamation of processing facilities within the subject property. The operating plan must contain the minimum elements required by the NDEP and BLM, as applicable, for processing-related uses. The Permit Holder shall comply with all elements of the plan. This SUP does not require reclamation of these uses beyond the applicable federal and state regulations administered by the NDEP or BLM.

3.5 Reclamation – ancillary uses

This section applies to post-operation reclamation of ancillary use to the mine, mine definition, exploration, and processing. Uses include, but are not limited to, roads and access; equipment and vehicle staging, parking, fueling, and maintenance areas; buildings and structures; topsoil impoundment areas; and drainage and detention systems. Ore stockpiles, waste dumps, and tailings placed in “Area A” (Exhibits A and B) are considered part of active mining and not ancillary uses. The operating plan must contain the minimum elements required by the NDEP and BLM. The Permit Holder shall comply with all elements of the plan. This SUP does not require reclamation of these uses beyond the applicable federal and state regulations administered by said agencies.

In conformance with NDEP permits existing at the time of this SUP approval, exploration roads within the subject \property will be reclaimed during the project closure period unless the BLM or Storey County request that some or all of these roads remain. The Permit Holder shall work with the agencies to determine which, if any, of the exploration roads should and may remain post-closure (NDEP 0196 Reclamation Permit, 2014, p. 33).

3.6 Reclamation surety

A surety bond is required to fund post-operation reclamation for the entire subject property. The minimum amount of reclamation surety bond shall be as determined by the NDEP or BLM to be reasonably sufficient to complete all required reclamation. The surety bond required by the federal or state agency overseeing the project will be the only required surety bond for ancillary and processing uses under this SUP. For reclamation of surface disturbances caused by mining, mine definition, and exploration where the federal or state agency requires no reclamation and reclamation surety, or where valid evidence indicates that the requirements of those agencies do not meet the minimum standards for reclamation required by this SUP, the Permit Holder shall submit to the Planning Department valid documentation that it has posted cash or other guaranteed surety bonding for the complete reclamation of subject uses in accordance the reclamation plan submitted pursuant to this SUP. The valid proof of surety shall be submitted prior to surface disturbances occurring.

The amount of surety necessary to fulfill the requirements of this SUP shall be determined by a qualified licensed engineer or environmental manager at the expense of the Permit Holder. The results, or a portion thereof, determined by the engineer or environmental manager are subject to review by a qualified third-party person chosen by the county. The county's third-party person will only have jurisdiction over portions of the reclamation plan and determination of the amount of needed surety that exceed the minimum standards required by federal and state regulations.

IV. ENVIRONMENTAL CONTROLS

4.1 Noise limitation

At a minimum, noise levels shall conform to the requirements of SCC Chapter 8.04. The Code limits noise at the property line to 84 decibel (octave range 500-1800). The property line is hereby defined as the boundaries of the subject property. When it is determined by Storey County that additional noise abatement is needed, further reasonable requirements including, but not limited to, installation of sound-absorbing structures, earth-fill barriers, and increased separation between machinery and residences, may be imposed on a case-by-case basis.

4.2 Separation requirements

- Separation from residences. No new surface disturbances including, mining, mine definition, exploration, and ancillary uses in "Area A" (Exhibit A) may occur, or otherwise be caused to occur by the Permit Holder, within 500' of an occupied dwelling unit existing at the time of this SUP approval, or within the distance illustrated in Exhibit D herein to the dwelling unit existing at 2850 Slippery Gulch Road (APN 002-141-13). The following are exempt from these requirements:
 - Activities occurring within the boundaries of Special Use Permit No. 2000-222-A-3 existing prior to the approval of this SUP.
 - Dwellings that are owned by the Permit Holder;

- Dwellings for which affidavits were submitted as part of the application for this SUP, and accordingly are located entirely within the boundaries of the subject property;
- When a the affected property owner(s) in Storey County submit to the Planning Department a signed statement that uses associated with the SUP may occur within the distance limitation.

With regard to buffering to the dwelling unit existing at 2850 Slippery Gulch Road (APN 002-141-13), exploration activities may occur within the “Limited Drill Area” illustrated in Exhibit D herein when such activity does not exceed the hours and days limitations listed in the following subsection.

- Hours and days limitations. Surface activities located within 1,000’ of a C, CR, E, P, or R zone, or any permitted occupied dwelling use in other zones may only occur between 8:00 a.m. to 5:00 p.m. and Mondays through Fridays. No activity may occur on weekends, and national and state holidays. The following are exempt from these requirements:
 - Uses existing at the time of approval of this SUP may occur over 24-hours per day and 365 days per year. Uses include, but are not limited to, mining, mine definition and exploration, processing, and ancillary uses, and may include, for example, the Lucerne, Hartford, and Justice Pits, and the Lucerne Haul Road.
 - Dwellings that are owned by the Permit Holder;
 - Dwellings for which affidavits were submitted as part of the application for this SUP, and, accordingly, are located entirely within the boundaries of the subject property;
 - When the affected property owner(s) in Storey County submit to the Planning Department a signed statement that uses associated with the SUP may occur within the distance limitation. The submitted waiver may extend the hours of operation limit for mine definition and exploration up to two days in a 30 day period, provided that the operating times do not occur between 6:00 p.m. and 6:00 a.m., and on Sundays. The waiver shall be non-transferrable and will become null and void immediately upon the affected property owner(s) written request to the Planning Department.

4.3 Ground water monitoring and reporting

Monitoring wells must be installed as directed by the NDEP to monitor the heap leach process and overall processing facility for possible groundwater contamination. A well permit shall be obtained from the Building Department prior to drilling. Monitoring reports and other findings must be submitted to the Building and Planning Department within 30 days of receipt on a quarterly basis when operations are active during the first year of operations, including for heap leach pad expansions. If no signs of leakage or other groundwater contamination occur, monitoring reports must be submitted thereto within 30 days of receipt bi-annually until closure.

4.4 Air monitoring and reporting.

Air emissions, including dust and other airborne materials, shall conform to NDEP air permit standards. Copies of annual reports of environmental quality, necessary to comply with the requirements of the permit(s) issued by the NDEP Bureau of Air Pollution Control, shall be submitted to the Building and Planning Departments within 30 days of receipt. Air monitoring conducted by the Permit Holder shall be inclusive and considerate of potentially impacted residents within 1,000' of active mining areas within the subject property, including from Storey County and Silver City, Lyon County. In the event that there is an air discharge in excess of the standards approved by the NDEP under construction phase or operation phase permit(s), the Permit Holder shall provide the Building and Planning Departments a copy of any notice within 24 hours of Permit Holder's receipt. If the Permit Holder is required by the NDEP to prepare a report on the event, the Permit Holder shall submit a copy of the report to the Building and Planning Departments at the same time it is submitted to the NDEP. There shall be no obnoxious odors released into the air that are a nuisance to surrounding properties.

4.5 Outdoor lighting (non-exempt)

SCC Chapter 8.02 ("Dark Skies") limits outdoor lighting that may impact adjacent land uses. Exemptions for "temporary lighting" in the Code (which normally apply to such activities as road construction, and may appear to apply to mining and processing operations) will not apply to uses under this SUP. All uses, buildings, structures will be required to comply with the strictest regulations under the Code (shield lighting) to ensure minimal impacts to neighbors and the surrounding environment.

4.6 Trees

Trees, shrubs, and other vegetation and ground surfaces must be preserved to the extent feasible. The Permit Holder shall not cause harm or cause to be removed trees of any type with a trunk of six" in diameter within 75' of the center-point of natural waterways shown in Exhibit E. The operating plan shall describe measures that will be taken to protect said trees.

4.7 Invasive species control

Integrated management of invasive weed species (noxious weeds) shall be included in the operating plan. The plan shall apply to the entire subject property and shall conform to the applicable state or federal regulations, and the requirements imposed by this SUP and the Fire District. The Permit Holder shall conform to the plan.

4.8 Septic systems.

The Permit Holder may acquire a permit from the Building Department to install septic system(s) and septic leach-field(s) capable of serving administrative offices and other occupied uses not accessible to a municipal sewerage system. The septic systems shall be removed and reclaimed by the Permit Holder as required by NRS at closure or removal of the buildings.

4.9 Carson River Mercury Superfund Site ("CRMSS")

By accepting this SUP, the Permit Holder acknowledges that portions of the subject property may be within or applicable to the CRMSS. Properly managing disturbances of existing and

former mine and mill sites, mill tailings, mine waste, mine material, and other areas that are found to contain Contaminant of Concern (CoC's) as applicable to the CRMSS will be the sole responsibility of the Permit Holder as communicated thereto by the NDEP Bureau of Corrective Actions. Handling, redistributing or reprocessing CoC impacted materials by the Permit Holder shall be completed in accordance with the NDEP Bureau of Corrective Actions.

V. FIRE & EMERGENCY

5.1 Site supervision

Site and staff supervision must comply with Mine Safety and Health Administration (MSHA) requirements. Supervisors must have knowledge of and immediate access to fire suppression devices, First-Aid kits, and locked gates. While on the premises, the on-site supervisor(s) must possess a cellular telephone with adequate signal to send and receive signals to and from Storey County emergency services direct-connect 775.847.0950. All staff using cellular phones must be directed by the Permit Holder or his/her designed to dial Storey County **emergency services direct-connect 775.847.0950 (in lieu of 9-1-1)** in case of emergency. "Emergency 9-1-1" is appropriate from land-line telephones.

5.2 Spill reporting

Any hydrocarbon or chemical spill of or exceeding 25 gallons or 3 cubic-yards shall be reported immediately to Emergency Dispatch 9-1-1 or Storey County emergency services 775.847.0950. Additionally, the incident must be immediately reported to the NDEP and the local jurisdiction, including the Fire District and the Emergency Management, Building, and Planning Departments. The Permit Holder must comply with NDEP clean-up requirements and provide the Fire District and said county departments a copy of NDEP completion of remediation immediately. All hazardous materials incident clean-up and response costs will be borne by the Permit Holder as part of the issuance of this SUP. Incidents exceeding a standard First-Alarm fire will be billed to the Permit Holder. If mutual aid is warranted to suppress an incident, those costs will also be funded by the Permit Holder.

5.3 Emergency specialized training

The Permit Holder must provide and/or pay for any special training for the Fire District and Emergency Management Department, when applicable, that is necessary for safe operation and management of emergencies. This includes at a minimum training for water and confined space rescues, rescues involving cyanide, and other events that may occur in association with allowed uses on the property.

VI. TRANSPORTATION

6.1 Means and modes of transport

Ore, overburden, and other excavated material may be transported throughout the subject property by any type of on- and off-highway vehicles, haul trucks, tractors and heavy equipment, railroad, conveyor systems, and other on-site conveyance systems. Sky Lane, Keystone Circle, Slippery Gulch Road, and the power line access road immediately adjacent

to Slippery Gulch Road shall not be used for these purposes. State Route 342 shall not be used for these purposes, except under such unusual circumstances, as demonstrated to the Planning Department by the Permit Holder, that it is prohibited from transporting said materials between Area A and Area B within the subject property (see Exhibit A). In such case, the elements required in Subsections (a) through (c) below shall be presented to the Planning Commission at a public hearing. The Board of Commissioners with recommendation by the Planning Commission shall determine whether the requirements in this section have been satisfied before the Permit Holder may commence use of said roadway for said purposes. The Permit Holder shall demonstrate to the body:

- a. The circumstances prohibiting its transport of ore between Area A and Area B within the subject property; valid evidence of the current state of the conditions prohibiting its use of said land; and that it is exercising a continued good faith effort in remedying the circumstances prohibiting its use of said land.
- b. A written plan submitted to the Planning Department explaining the estimated timeframe that State Route 342 will be used for said purposes; the number of units (trucks) that will be using the road; days and hours that the road will be used; type of vehicles (including truck and trailer type) that will be used on the road; estimated timeframe for repair and replacement of portions of the road damaged by said use; and methods by which said portions of the road will be repaired or replaced.
- c. Planning, communications, and other correspondence between it and the Nevada Department of Transportation (NDOT) and Storey County Planning and Public Works Departments with regard to the subsections herein.
- d. Notwithstanding the foregoing in this section, and for the purpose of clarity, nothing herein in this section or in this SUP eliminates alternatives contemplated in a draft or final Environmental Assessment (EA) by the Bureau of Land Management (BLM) regarding the Permit Holder's application for right-of-way amendment.

The use of State Route 342 pursuant to this section shall be limited to Mondays through Fridays, excluding national and state holidays, between the hours of 7:00 a.m. and 7:00 p.m. The use of State Route 342 otherwise will be subject to the requirements of the NDOT. The Permit Holder shall be responsible to repair damages to any state, county, or private road, utility, or other infrastructure caused by activities associated with the uses under this SUP. The repairs must be completed to the satisfaction of Storey County and the NDOT, as applicable. The county reserves the right to restrict or prohibit the use of trucks and heavy equipment on county-owned right-of-ways.

6.2 State Route 342 alignment and re-alignment

This SUP provides the Permit Holder flexibility in planning and executing viable alternatives by which eastward mine expansion may occur in relation to adjacent State Route 342. The amended SUP allows for re-alignment of State Route 342 in a manner which is determined by Storey County and NDOT, as applicable, to be practical, safe, and reasonably efficient. However, Storey County hereby expresses its position that State Route 342 serves practical

purposes for inter-local transportation; provides for vital life-safety access, including for EMS, fire, and law enforcement services; and contributes substantially to the local tourism economies of Gold Hill, Virginia City, and Silver City.

The Permit Holder may re-align State Route 342 in order to facilitate uses under this SUP. Potential acceptable alternatives include, but are not limited to: (a) developing a bridge over or under the highway through which mining and non-mining (civilian) traffic may occur simultaneously; (b) realigning the highway west of its existing alignment in concurrence with reclamation of the adjacent Lucerne and Justice pits; and (c) realigning the highway to the immediate east of the newly proposed mine expansion area. Except under temporary circumstances (up to 30 days in a 12 month period) when an access plan is approved by the Fire District and Sheriff's Office, closing the road is considered unreasonable and irresponsible and shall not be allowed.

For purposes of conforming to findings in SCC 17.92 and provisions in the Storey County Master Plan for protecting the historical character and authenticity of the area for tourists and residents, State Route 342, as existing or modified, shall maintain its north and south traffic flows through Gold Canyon and in its current approximate alignment through Devil's Gate.

6.3 Signage

Legible signage shall be placed at appropriate entry points of the premises near State Route 342, the principal administrative office(s), and the processing site. Signage must state the name of company/organization, street address (or descriptive location), contact phone number(s), and other information required by the Fire District. Appropriate signage must be installed on and around the premises stating rules for entry and circulation (e.g., no trespassing, travel permitted only on designated pathways, etc.). Directional signs must be placed at intersections of public ways and mine haul roads, and other places along public ways to appropriately direct the public, residents, and other users in the area.

6.4 Roadway approaches and egress

Egress points abutting State Route 342 must comply with the requirements of NDOT. Approaches to paved county right-of-ways must be sufficient to prevent mud and debris tracking from the site onto the public roadway. Any mud or debris tracked onto the county road must be removed by the Permit Holder immediately as allowable by the NDEP. Mud, sand, and debris must not be allowed to adversely impact existing drainage systems.

- Access Routes. Haul roads and secondary roads shall be developed to the satisfaction of the Fire District. As required thereby, established routes shall remain the primary travel ways for all emergency/fire vehicles, equipment, and personnel. The Permit Holder may develop and/or utilize other secondary travel routes for non-emergency use with approval of the Fire District. The primary emergency access routes shall be kept clear of rocks and other obstacles to emergency vehicles. In order to increase route visibility and reduce confusion for emergency personnel, roadside directional markers shall be installed as required by the Fire District.

VII. GENERAL USES

7.1 Safety and security

- Security. Appropriate security, including that required by federal and state agencies, shall be maintained to prevent unauthorized access to potentially hazardous conditions. Storage, maintenance of hazardous materials, protective devices (e.g., fencing, gates, etc.), and site monitoring (e.g., on-site security, alarm systems, etc.) shall comply with Fire District, Sheriff's Office, and applicable state and federal agency requirements. Open bodies containing cyanide and other hazardous substances shall be treated appropriately to prevent wildlife access and safety hazards.
- Signage. Warning signs indicating all potentially hazardous conditions shall be installed at each port of entry and around drill pads, sumps and other potentially hazardous conditions. Cautionary signs shall be positioned peripheral to area of acidity to inform individuals entering the area to be safety conscious and aware of potentially hazardous conditions. Appropriate signage indicating crossing truck traffic (i.e., "Truck Crossing") shall be installed on the southbound and northbound lanes of State Route 342 by and at the expense of the Permit Holder and to the satisfaction of Storey County Public Works and/or NDOT, whichever is applicable.

7.2 Watchman's dwelling

The Permit Holder is authorized to place on the subject property a recreational vehicle (RV) type trailer or manufactured building to serve as temporary living quarters for on-site security. A temporary (one-year) permit from the Building Department must be obtained for this watchman's quarters and the Permit Holder shall submit an application to the Building Department each year thereafter for the use to remain. The Permit Holder shall provide with the application written permission from the Comstock Historic District. The use shall be removed from the premises within 30 days of closure of the operation or when operations under this SUP cease to operate for a period of 24 months or longer.

7.3 Silver City water line protection

As stated earlier in these conditions, the Permit Holder shall develop a comprehensive plan by which it will protect the Silver City water main from accidental damage and service disruption caused by surface and underground activity. The plan shall also include a detailed description of how accidental damage to the line, or events causing disruption to service as a result of activity associated with the SUP, will be treated and remedied immediately and without disruption to service provided to Silver City. At a minimum:

- The plan shall include Geographic Information Systems (GIS) aerial imagery illustrating the estimated alignment of the water line within the subject property; type(s) and dimensions of the existing piping, fittings, valve types, etc., in order to plan for unanticipated immediate response situations; existing roads and other surface disturbances; and surrounding topography.
- The plan shall include GIS aerial imagery showing the location of existing and proposed

roads, drill pads, pits, and other surface disturbances within 500' of the water line.

- The plan shall provide a detailed explanation of the methods by which the water line will be protected from light and heavy vehicle and equipment uses within 500' thereof. The plan shall address protecting the water line at all vehicle crossing points; monitoring vibration; and protecting the water line from vibration caused by uses within 500' thereof, and from blasting within 1,000' thereof.
- The plan shall explain procedures by which the Permit Holder will immediately notify the Planning and Public Works Departments, the County Manager's Office, and the Storey County and Central Lyon County Fire Protection Districts of damage to the water line, or disruption to service.
- The plan shall explain methods, procedures, estimated timeframe, and other processes by which damage to the water line caused by the Permit Holder will be repaired immediately after such damage and to the satisfaction of the Public Works Director.
- The plan shall indicate the Silver City municipal water tank storage capacity; estimated customer usage (in gallons) during the months of January and July; estimated timeframe of capacity based on storage capacity and usage; and the alternative source of safe drinking water and specific methods by which it will be supplied to the Silver City municipal water system if the duration of service disruption exceeds system storage capacity. The plan shall describe the source of and methods by which sufficient water flows will be provided to Silver City during a structure fire event that occurs during the service disruption.
- The plan shall explain the circumstances that will necessitate all or portions of the water line located within the subject property to be replaced by the Permit Holder prior to damage, and what agreements may be made between the Storey County Water System (Public Works Director) and the Permit Holder for the methods, procedures, and cost of its replacement.
- The plan shall be updated concurrently with active mining and the updated plan shall be submitted to the Storey County Public Works Department and Central Lyon County Fire Protection District for approval, and the Storey County Planning Department and Storey County Fire Protection District for filing.

The Permit Holder shall demonstrate active engagement with the Storey County Public Works Director and the Central Lyon County Fire Protection District Chief in developing the plan. The plan must be approved by the Storey County Public Works Director and the Central Lyon County Fire Protection District Chief, and submitted to the Storey County Planning and Public Works Departments and Storey County Fire Protection District for filing before mining, mine definition, exploration, and other such activities may occur on land east of State Route 342 in its current alignment, or within one year of approval of the SUP, whichever is sooner. Before commencing operations east of the road, the Public Works Director with concurrence by the County Manager may require the Permit Holder at its