



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, SEPTEMBER 1, 2015 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN
ATTORNEY

ANNE LANGER
DISTRICT

LANCE GILMAN
VICE-CHAIRMAN

JACK MCGUFFEY
COMMISSIONER
TREASURER

VANESSA STEPHENS
CLERK-

Roll Call: Chairman McBride, Vice-Chairman Gilman, Commissioner McGuffey, County Manager Pat Whitten, District Attorney Anne Langer, Clerk & Treasurer Vanessa Stephens, Comptroller Hugh Gallagher, Outside Counsel Robert Morris, Planner Jason Van Havel, Community Services Director Cherie Nevin, Deputy Sheriff Tony Dosen, Public Works Director Mike Nevin, Community Development Director Dean Haymore and Battalion Chief Jeff Nevin.

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 September 1, 2015

Mr. Whitten asked on behalf of Austin Osborne that item 14 be continued to the November 3, 2015 meeting.

Motion: Approve the Agenda for September 1, 2015, with item 14 continued to November 3, 2015,

Action: Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey,

Vote: Motion carried by unanimous vote (**Summary:** Yes=3)

4. **DISCUSSION/POSSIBLE ACTION:** Approval of Minutes for August 18, 2015

Motion: Approve the Minutes for August 18, 2015, **Action:** Approve, **Moved by:** Vice Chair

Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote

(**Summary:** Yes=3)

CONSENT AGENDA

5. For possible action approval of Payroll Checks date 08/14/15 \$452,895.00. Accounts payable checks date 08/21/15 for \$1,556,416.77 and \$6,382.67.
6. For possible action approval of Assessor's recommended corrections to 2015-16 Tax Roll for Exemptions to tax roll.
7. For possible action approval of Assessor's recommended corrections to 2015-16 Tax Roll for Partial Property Tax Abatements pursuant to NRS 361.4722 through 361.4724.
8. For possible action approval of Liquor License First Readings:
 - A. Storey County School District
9. For possible action approval of Business Licenses First Readings:
 - A. AMERICAN MINING & TUNNELING, LLC -- Contractor / 19208 E. Broadway ~ Spokane, WA (mining services)
 - B. P & L FENCING & IRON, LLC - Contractor / 2842 Marco Street ~ Las Vegas (steel fabrication)
 - C. CROP PRODUCTION SERVICES, INC. - General / 3005 Rocky Mountain Ave ~ Loveland, CO (distributor of crop input)
 - D. SOIL TECH, INC - Contractor / 6420 South Cameron ~ Las Vegas (general contractor/engineer)
 - E. GARTNER REFRIGERATION & MFG - Contractor / 13205 16th Ave. North ~ Plymouth, MN (refrigeration contractor)
 - F. NEIL ADAMS CONSTRUCTION, INC. - Contractor / 6490 S. McCarran ~ Reno (general contractor)
 - G. BRYCON CORPORATION - Contractor / 134 Rio Rancho Blvd ~ Rio Rancho, NM (general contractor)

END OF CONSENT AGENDA

Motion: Approve the Consent Agenda, **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

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

Public Works Director Mike Nevin :

- NDOT and Nevada State Public Works Division are working through issues regarding the siphon line replacement under Highway 580. It may be spring before construction begins.

Battalion Chief Jeff Nevin :

- There is one engine out on fire assignment in Washington. A second will be leaving for Idaho.
- The excavator for the fuels project should be here in a couple of weeks.
- Six interviews for new hires will be held September 2nd in hopes of having the new hires on line by September 21st.

Community Development Director Dean Haymore :

- Four new projects in TRI were permitted last week. Plans for two additional projects have also been received.
- Work is being finished with Comstock Mining Historical Foundation on the bathroom at Gold Hill Depot. Scott Keller has been doing the work and has been paid by the

Foundation. Mr. Keller's work will be completed September 3rd and the Foundation will no longer be funding restoration at the depot. The remaining work to be completed will be put out to bid.

- Switch will be starting construction within the next couple of weeks.
- Tesla is moving rapidly with plans being submitted daily.

Community Chest Shaun Griffin :

- The final draft of the Operating Agreement/Lease with Nevada Health Centers has been received. This agreement will provide health services in Virginia City and Lockwood starting in October. Nevada Health Centers know the needs of these communities. Two people will be hired specifically for each site, and services will include senior outreach.
- The State Library staff will be conducting a site visit on September 22 to begin granting formal, full status as a library. Librarian Chris Klug has been very diligent in getting her para-professional librarian status.
- Good news from funders of phase two of the Community Center. Terry Lee Wells gave \$50,000, and a major donor has stepped up and will give a lead gift if written commitments from other donors and foundations are received. Five foundations have been contacted and will present to their respective Boards for written commitment.

Community Service Director Cherie Nevin :

- There was very good attendance at the Mark Twain Town Hall meeting. Thank you to the Commissioners, elected officials, and County staff for attending. It was a very positive meeting.
- The income survey for Mark Twain residents will be mailed this week. Residents who do not receive the survey by September 15th should contact Ms. Nevin.
- The Senior Center in Virginia City has teamed up with Catholic Charities of Northern Nevada to conduct a monthly food bank. The first will be September 8th, from 11 AM to 1 PM. In addition to the food bank, some senior outreach will be provided. Age guidelines apply. It is hoped to get Catholic Charities into Lockwood to provide case management outreach services.
- The Community Development Block Grant Annual Forum will be hosted in Virginia City at Piper's Opera House on September 15th and 16th. 45 to 50 attendees are expected.
- Donna Denham, working with a church in Sparks, has been conducting a food pantry in Lockwood twice a week.

Comptroller Hugh Gallagher :

- A conversation was held with the Nevada State Department of Taxation regarding the classification of the Virginia City Tourism Commission. Originally, the VCTC was classified as separate, local government. After research, the Department of Taxation has come back with the decision that the VCTC is part of Storey County and is not a separate, local government.
- An Ordinance needs to be passed merging the VCTC back into the County and an indebtedness report needs to be completed and filed.

County Manager Pat Whitten :

- The new company - Jet.com- is a great example of the diversity and excitement going on at the Tahoe-Reno Industrial Center.
- Progress is going forward rapidly on the Courthouse parking lot. Thank you to Chair McBride for input regarding the slope at the back of the parking lot. Public Works and the Wildland Firefighters are providing crew and equipment. Public Works will be removing

the dirt and rock. The lot should be semi-graded and usable in two weeks and in time for Street Vibrations. There may be a wall in the southwest corner.

- An Assessor's Conference, with approximately 70 attendees, will be held September 16 and 17. Tours of TRI and the Marlette Water System will be conducted as part of the conference. This is the third government conference for Virginia City this year.
- Last weekend was the end of seven weeks of special events. The racers participating in the weekend hill climb were very generous in donating to the senior class project.

11. **BOARD COMMENT (No Action - No Public Comment)**

Commissioner McGuffey :

- The annual One Acre Association meeting was held in the Highlands last weekend. Commissioner McBride attended and there was a good turn-out.
- Commissioner McGuffey attended a tour, along with other member of the V & T Commission, of the rail yard. This was an opportunity to see what is going on there, including the weekly, monthly and annual maintenance of the steam engines.
- There was a lot of very positive news coverage of the hill climb event. It sounds like this event is growing.

12. **DISCUSSION/POSSIBLE ACTION:** Milan Drive Extension Reimbursement of Bid Approval

Vice-Chairman Gilman recused himself from the item due to having a pecuniary interest in the project.

Mr. Haymore presented an overview of the bid. There is a new company going in at the end of Milan Drive in TRI, which means the road must be extended. There are two separate bids, one for the pavement and installation in the amount of \$653,787. An additional bid is required for the design and engineering of the project. That is an additional \$142,938. Some of the work was already completed when Tesla came in.

Mr. Haymore recommends pre-approval for reimbursement when vouchers are submitted and when the funds are available, for a total of \$796,725.

Chuck Reno, Project Manager, with Farr West Engineering provided additional information regarding the project.

County Manager Whitten said that all work done previously was considered urgent to be completed and was done with County staff approval.

Mr. Haymore noted that Mike Nevin, Public Works Director, and Fire Chief Gary Hames provided a lot of input regarding this project.

Mike Nevin said the project does include project management and some oversight inspections to insure the project is being built to specifications. When it is time for the County to accept dedication of that portion of Milan Drive, all of the paperwork will be in hand. This project will be completed with a new type of asphalt that has a 20 year life expectancy.

Mr. Whitten stated that what the Commission is doing today is authorizing the project to go forward. The \$700,000+ will be fronted by the developer and upon completion the road will be offered for dedication to the County. When County accepts dedication of the roadway, it will become an obligation of the County to reimburse the developer under the Developer Agreement.

Commissioner McGuffey thanked Mr. Whitten for describing how this work is paid for. Mr. McGuffey also expressed appreciation that this bid is well under the highest bid.

No public comment.

Motion: Approve the Milan Drive Extension Reimbursement of Bid Approval, **Action:** Approve, **Moved by:** Commissioner McGuffey **Seconded by:** Chair McBride **Vote:** Motion carried by unanimous vote (**Summary:** Yes=2)

13. **DISCUSSION/POSSIBLE ACTION:** Approve application by Dr. Vincent Malfitano for Liquor and General Business licenses for The Bonanza & The Delta.

District Attorney Anne Langer presented this item on behalf of Sheriff Antinoro.

Ms. Langer stated the licenses being requested by Dr. Malfitano are the general business license, liquor license and a gaming license. At present, Bruce Dewing, the lessee of the Bonanza and the Delta, has these three licenses in place. According to Storey County ordinances, it appears that the County cannot issue licenses for two different entities for the same location. Mr. Dewing, the license holder, is current through September 30, 2015.

The alternatives of the Board are to deny the licenses at this time because the request is premature, or if approval is granted with some sort of follow-up, the licenses would not be issued by the Sheriff because presently there is already one person with the licenses in place.

Chair McBride explained that it is staff recommendation to deny the licenses as it would be a duplication of licenses for establishments already in operation. If Dr. Malfitano were to sever relations with Dewing Gaming to operate the businesses himself, there would be no delay in obtaining the licenses. There is no reason not to license Dr. Malfitano except for the fact that it would be a duplication.

Dr. Malfitano said it is his position to have the licenses approved but not issued. It is clear that there cannot be two licenses in the same location. The properties will be operated as non-gaming properties. The lease with Mr. Dewing will be terminated within days. Dr. Malfitano again stated he would like to have the licenses approved but not issued and then he would not have to come back to the Board at a later time.

Chair McBride explained in the past there has never been an issue of approving a license and not having it issued. Licenses are issued immediately upon approval. Upon Dr. Malfitano taking control of the businesses, the application will be approved soon after. With approval of the Sheriff, the businesses could be operated before final approval from the Commissioners.

County Manager Whitten stated that Sheriff Antinoro asked Mr. Whitten to explain the licenses will be considered for approval. In the meantime, the Sheriff has traditional powers and authority to issue interim licenses. The Sheriff indicated that as long as the application is reconsidered within a reasonable amount of time, there would be no additional fees for background checks and, based on past practice, to refund any of the quarterly or annual payments made upon application.

Mr. Whitten reviewed what is received for the funds paid out for a background check. There are three levels of licensing: the general license for non-liquor business with no real background

obtained. The next level would be the liquor/cabaret business with investigation above and beyond the general license level. The brothel licenses are highly scrutinized, patterned along the lines of a gaming investigation.

Public Comment:

Mark Joseph Phillips, Virginia City Resident: Asked that the physical addresses of the business be included in the record.

Pat Whitten indicated that the Delta address is 18 North C Street, and the Bonanza is 27 South C Street.

Motion: Deny the application by Dr. Vincent Malfitano for Liquor and General Business licenses for The Bonanza and The Delta, **Action:** Deny, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

14. **DISCUSSION/POSSIBLE ACTION:** Approve second reading of Ordinance 15-266 an ordinance amending Storey County Code section 17.12.064 Public Utility Uses to establish a procedure for permitting aboveground utility projects and renewable energy generation projects and providing for other properly related matters.

Continued to November 3, 2015

15. **DISCUSSION/POSSIBLE ACTION:** Consideration of Commissioner request for County to provide necessary funding to cape seal the approximately 2 +/- miles of Cartwright Road owned by the Home Owner's Association(s).

Chairman McBride said this item is brought before the Board at his request. Storey County owns all of Lousetown Road and approximately 1.11.2 miles of Cartwright Road from the 341 entrance to approximately the Saddleback Road area. Storey County maintains all of Cartwright with the exception of a two mile section. This section is utilized by the homeowners as well as by school buses, police, fire, and ambulance services. The estimate for the cape seal project is approximately \$132,600. Highlands residents have requested improvements on this section of road for many years. The County maintains and plows the roads in the winter enabling the residents, as well as school and emergency vehicles, to get in and out.

Commissioner McGuffey: Being a Highlands resident said he believes Cartwright Road was paved by the County at one time and left up to the association to maintain. The association does not have the funds to maintain this road, as well as the dirt roads. The big hang-up has been that the road is private property. Most of the feedback received by Commissioner McGuffey has been that the County should take care of the road. There was no opposition expressed at the recent One-Acre Association meeting.

Vice-Chairman Gilman: This issue has been brought up more than once. If the County undertakes the consideration of the cape seal project and the maintenance of this road, there should be some form of maintenance agreement. It is time to resolve this issue, as opposed to a "one-time only" project.

County Manager Whitten: In the two weeks since this item was brought up, the District Attorney's Office has been working diligently on this issue. Mike Nevin has obtained an estimate for the cape seal work. There are issues regarding liability, design standards, and so forth, that the County needs to be conscious of. In looking at the road, there is a lot of growth along the

shoulders to be cut back - which will be a priority of the Fire Department once the excavator is in service. At this time we are walking the legal path in order to accomplish the project.

Vice-Chairman Gilman: The residents in the Highlands have made it clear that they want private roadways and private use of their community. There is a faction that is adversarial against the County doing anything within the community and with roadways/right-of-ways. This cannot be done without the approval and consensus of the neighborhood.

District Attorney Langer: One of the things the District Attorney's Office is working to provide is information as to whether or not this can be done legally. Especially in light of the fact of the County taking on potential liability having to do with privately owned property. This is not an overnight decision - it is a process. There most likely would have to be an Ordinance, with two readings - allowing for public comment. As stated by Chair McBride, this is a roadway important to Storey County, the Highlands, the Fire Station, and others using the road. It is not an easy issue. There are questions regarding responsibility and maintenance. The District Attorney's Office wants to present an opinion as quickly as possible, but wants to make sure that all issues and options have been thoroughly addressed.

County Manager Whitten: It is suggested to continue this item to the next meeting on October 6, 2015. The goal is to try to get all roads in the same condition within 12 months. This would mean having Cartwright Road in the same condition as Lousetown Road and the other roads that were done. Jay Carmona of the One-Acre Association has been great to work with. The Association appears very receptive to this solution. Mr. Carmona has reached out to the other Associations. Letters of request and support from the Associations are anticipated.

Vice-Chairman Gilman: Looking at USA Parkway, the County still owns 3 to 5 miles from I-80 into the Parkway and the State took over the maintenance of that roadway. This may be something to look at.

District Attorney Langer: One area where there may be an issue is the Code regarding the steepness of the roadway.

Chair McBride: We're looking at a one-time fix. Perhaps either two of the three associations combining forces, maybe form a General Improvement District. The two miles of Cartwright Road would still be the responsibility of property owners. For example, there is a prescriptive right held by NDOT on Highway 342 from the Fourth Ward School through Silver City - which is privately owned land. NDOT does all repairs and maintenance although it is private property.

District Attorney Langer: This is what is being worked on. The clarification is appreciated and once there is a request or plan, research can be continued.

Chair McBride: A simple cape-sealing will give the road several years of longevity.

County Manager Whitten: Mr. Whitten advised he will meet with the Public Works Director and report to the Commission at the next meeting.

No public comment.

Motion: Continue Item 15 to the October 6, 2015 meeting, **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

Chair called for a 10 minute recess.

COMMUNITY DEVELOPMENT AND PLANNING

16. **DISCUSSION/POSSIBLE ACTION:** FIRST READING Ordinance No. 15-269: Application No. 2014-020 by the Tahoe-Reno Industrial Center, LLC to amend the text of Storey County Code Title 17 (Zoning Ordinance) by adding chapter 17.39 IC Industrial-Commercial Zone. The intent of the proposed IC Zone is to provide for certain mixed-use industrial and commercial uses where found appropriate by the board with recommendation by the planning commission. Additional information including, but not limited to, reports and the draft zone text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.

Vice-Chairman Gilman recused himself from the item due to having a pecuniary interest in the project.

County Manager Whitten said there will be some anticipated changes between the first and second readings.

Outside Counsel, Robert Morris read the title of the Ordinance:

An Ordinance amending the text of Storey County Code Title 17 (Zoning Ordinance) by adding chapter 17.39 IC Industrial-Commercial Zone, and other properly related matters.

Commissioner McGuffey expressed concern that this is for the property located along the river and under Light Industrial Use under the items checked, it shows chemical and oil storage. Commissioner McGuffey would oppose this. Further along, it indicates light industrial is normally located near major arterial roads - I-80 and USA Parkway. Chemicals should not be stored by the river. It is noted there are chemical storage provisions in heavy industrial areas. The chemical storage provisions should be moved from the light industrial section to heavy industrial.

Chair McBride asked when the land is being developed, and there is a truck stop installed, wouldn't there be storage of oil and chemicals on site.

Commissioner McGuffey replied he is not concerned about what a truck stop would store, he is talking about companies storing solvents - cleaning solvents, which are quite common in industrial manufacturing. The Fire Department regulates this with contained storage.

Mr. Whitten indicated that Commissioner McGuffey has shared his concerns with Austin Osborne who is working through the specific definitions of the provisions. The property in question is prime commercial and not intended to be a chemical storage area. This will be addressed before the second reading.

No public comment.

Motion: Approve FIRST READING Ordinance No. 15-269: Application No. 2014-020 by the Tahoe-Reno Industrial Center, LLC to amend the text of Storey County Code Title 17 (Zoning Ordinance) by adding chapter 17.39 IC Industrial-Commercial Zone, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chair McBride, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=2)

17. **DISCUSSION/POSSIBLE ACTION:** FIRST READING Ordinance No. 15-268 (Zone Text Amendments) An ordinance amending Storey County Code Title 17 Zoning to update the procedures and requirements of the title by amending the following chapters: Ordinance title page; Chapter 17.03 Administrative Provisions; 17.06 Nonconforming Uses; 17.08 Zones

Generally; 17.10 Definitions; Chapter 17.12 General Provisions; 17.15 P Public Zone; 17.16 R-1 Single-Family Residential Zone; 17.20 R-2 Multi-Family Residential Zone; 17.24 A Agriculture Zone; 17.28 C Commercial Zone; 17.30 C-R Commercial-Residential Zone; 17.32 F Forestry Zone; 17.34 I-1 Light Industrial Zone; 17.35 I-2 Heavy Industrial Zone; 17.36 I-3 Heavy Industrial Zone; 17.38 I-S Special Industrial Zone; 17.40 E Estate Zone; 17.44 SPR Special Planning Review Zone; 17.48 Historic Overlay District; 17.56 PUD Planned Unit Development; 17.76 N-R Natural Resources Zone; 17.84 Signs and Billboards; 17.92 Mineral Exploration Mining and Extraction; and other properly related matters.

County Manager Whitten presented this item. This codifies updates to zoning - County-wide. There are no material changes anticipated with this Ordinance, subject to input from the public and Commissioners.

Commissioner McGuffey said after reading the Ordinance it looks great.

Vice-Chairman Gilman commented that Austin Osborne has done an incredible job and feels that the Ordinance is ready to move forward. There has been a lot of community input at various meetings.

Mr. Morris read the title into the record:

An ordinance amending Storey County Code Title 17 Zoning to update the procedures and requirements of the title by amending the following chapters: Ordinance title page; Chapter 17.03 Administrative Provisions; 17.06 Nonconforming Uses; 17.08 Zones Generally; 17.10 Definitions; Chapter 17.12 General Provisions; 17.15 P Public Zone; 17.16 R-1 Single-Family Residential Zone; 17.20 R-2 Multi-Family Residential Zone; 17.24 A Agriculture Zone; 17.28 C Commercial Zone; 17.30 C-R Commercial-Residential Zone; 17.32 F Forestry Zone; 17.34 I-1 Light Industrial Zone; 17.35 I-2 Heavy Industrial Zone; 17.36 I-3 Heavy Industrial Zone; 17.38 I-S Special Industrial Zone; 17.40 E Estate Zone; 17.44 SPR Special Planning Review Zone; 17.48 Historic Overlay District; 17.56 PUD Planned Unit Development; 17.76 N-R Natural Resources Zone; 17.84 Signs and Billboards; 17.92 Mineral Exploration Mining and Extraction; and other properly related matters.

Public Comment:

Mark Joseph Phillips, Virginia City Resident: Asked Chair McBride to confirm that the Chair sits on the Storey County Historic Commission. Have the changes to Historic Overlay District been discussed at meetings of the Historic Commission?

Chairman McBride replied there has been no discussion at meetings he has attended. There does not seem to anything in the Ordinance that conflicts with the Historic Commission's jurisdiction.

Motion: Approve the FIRST READING Ordinance No. 15-268 (Zone Text Amendments), **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

18. **DISCUSSION/POSSIBLE ACTION:** Special Use Permit 2015-027, by Ronald Jensen. The applicant requests a boundary line adjustment between the two properties located at 21410 Sazarac Road and 2115 Conestoga Road, Virginia City Highlands, Storey County, Nevada (APN: 003-052-46 and 003-052-47).

Planner Jason VanHavel presented this item. This is an application requesting a boundary line adjustment between two properties in Virginia City Highlands. The application is signed by Ronald and Carolyn Jensen, and Thomas and Erin Rahme.

Mr. VanHavel stated that the landowners noticed that a fence, a propane tank, and landscaping, on their properties did not follow their adjoining property line. The landowners worked together to compromise and agreed to adjust the boundary line to accommodate the infrastructure that was on the property. This application codifies the agreement between the landowners.

The Planning Commission recommends approval. No public comments have been received for or against this application.

No public comment.

Mr. VanHavel read the findings into the record as follows:

5.1.1 The Boundary Line Adjustment complies with NRS 278.475 through 278.477 relating to the change in location of boundary line; and

5.1.2 The Boundary Line Adjustment complies with all Federal, State, and County regulations pertaining to Parcel Maps, Boundary Line Adjustments, and allowed land uses; and

5.1.3 The Boundary Line Adjustment will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity; and

5.1.4 The conditions of approval for the requested Boundary Line Adjustment do not conflict with the minimum requirements in Storey County Code Chapters 17.40 Estate Zone or any other Federal, State, or County regulations.

Motion: Approve Special Use Permit 2015-027, by Ronald Jensen requesting a boundary line adjustment between the two properties located at 21410 Sazarac Road and 2115 Conestoga Road, Virginia City Highlands, Storey County, Nevada (APN: 003-052-46 and 003-052-47), **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

19. **DISCUSSION/POSSIBLE ACTION:** Special Use Permit 2015-028, Jeffrey Rockstrom. The applicant is requesting a Special Use Permit to conduct business outside of a permanent building, i.e., operate a Hot Dog Trailer in Virginia City.

Chairman McBride and Vice-Chairman Gilman each disclosed that they own a business on C Street.

Planner Jason VanHavel presented this item. The applicant, Jeffrey Rockstrom, is in attendance and available for comment and questions. The applicant requests a Special Use Permit to operate a hot dog trailer at the V & T Depot, during its hours of operation, and along C Street.

At the Planning Commission, it was determined that applicant's interest was to only operate on C Street during special events. It was concluded that the applicant will work through the Tourism Commission for special events.

This item applies to applicant's operation of a hot dog trailer at the V & T Depot location. The applicant has stated he has verbal authorization from the V& T to conduct his operation, but does not have authorization in writing. A vote by the Planning Commission to continue the item to allow the applicant to obtain written authorization was denied.

There were approximately 15 public comments at the Planning Commission meeting. Most comments were against the application in its entirety - along C Street and at the V & T Depot. A couple of comments were neutral, and there was one in support of the application.

The Planning Commission moved to deny the application for a Special Use Permit, 5 -2.

Staff is recommending denial of this Special Use Permit as well.

Commissioner McGuffey said he attended the Planning Commission meeting. One of the issues discussed was that applicant does not have written permission from the V & T to operate the hot dog trailer. Applicant is allowed to obtain a permit from the VCTC for special events.

Mr. VanHavel commented that with special events the VCTC identifies the location where vendors can operate.

Vice-Chairman Gilman asked if there was a plan for locating a business such as the hot dog trailer on C Street other than at a special event.

County Manager Whitten answered that the Planning Commission and staff have recommended to deny the application so there would be no provision other than special events. Mr. Whitten outlined the requirements for obtaining a permit from the VCTC for special events.

Chairman McBride commented that he is in favor of mobile vending for special events. Some of the merchants testifying at the Planning Commission didn't feel outside vendors were needed for special events. Chair McBride tends to disagree when it comes to special events. However, Chair McBride stated he does see where the merchants have overhead and someone coming in on busy weekends or holidays can take the "cream off the top" as they do not have the same overhead.

Applicant Jeffrey Rockstrom commented that he only requested to be on C Street during special events. The original request was to work at the V & T Depot, on their property. Tom Gray of the V & T gave verbal permission to work on the property. Mr. Rockstrom said he is a resident of the County, he pays taxes, and he will have to obtain licenses and inspections, just the same as the "brick and mortar" businesses. Mr. Rockstrom would like to work at the V & T seven days a week, as long as they are open. There are no food services down there. He has wanted to do this for five years. The cart is 80% complete.

Vice Chair Gilman said he feels having the hot dog cart at the V & T would be reasonable.

Chair McBride said there would need to be written permission before the Commission could go forward.

Mr. Rockstrom responded that Mr. Grey has given verbal approval, but would not put it in writing.

Pat Whitten suggested that Mr. Rockstrom consider conducting his business at Tahoe Reno Industrial Center. There may be way to have on-site storage of the cart so that it does not have to be towed back and forth.

Mr. Rockstrom said he is not adverse to this idea, but the distance is a big consideration.

Vice Chair Gilman said the Board would like to help Mr. Rockstrom, but is unable to so with the Special Use Permit. There may be other options.

Mr. VanHavel read the findings for denial into the record as follows:

5.2.1 Substantial evidence shows that the Special Use Permit may conflict with the purpose, intent, and other specific requirements of SCC 17.30 Commercial Residential Zone, 17.12 General Provisions or Chapter 17.03.150 Special Use Permit or other federal, state, or county regulations.

5.2.2 The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for public and surrounding uses.

No public comment.

Motion: Deny the Special Use Permit 2015-028 of Jeffrey Rockstrom, requesting a Special Use Permit to conduct business outside of a permanent building, i.e., operate a Hot Dog Trailer in Virginia City, **Action:** Deny, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

20. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- A. SOLAR UNITED NETWORK -- Contractor / 3555 Airway Drive #314 ~ Reno (solar contractor)
- B. BI NUTRACEUTICALS, INC. - General / 625 Waltham Way #101 (milling botanicals) TRI
- C. UNIQUE BUILDING GROUP - Contractor / 6390 Greenwich Drive ~ San Diego (lathing contractor)
- D. A-Z TRUCK MARINE AND RV - General / 3033 Waltham Way (repair, parts, access.) TRI
- E. RICH DOSS, INC. - General / 201 Wild Horse Canyon Drive (transportation) MCC

On behalf of Community Development, Pat Whitten, requested that items a. and c. be approved, and items b., d., and e., be continued.

Motion: Continue items b., d., and e., **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

Motion: Approve items a. and c., **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

21. PUBLIC COMMENT (No Action)

Mark Joseph Phillips, Storey County Resident: In regards to the First Reading of Ordinance No. 15-269, Section 17.48, Historic Overlay District has been deleted. Mr. Phillips is concerned that the Historic Overlay District has been deleted altogether.

Outside Counsel, Robert Morris replied he noticed this as well. Most of the text has been moved into another section, not actually deleted.

22. ADJOURNMENT

The meeting was adjourned by the call of the Chair at 12:20pm

Respectfully submitted,

By _____
Vanessa Stephens Clerk-Treasurer