



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, OCTOBER 20, 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, District Attorney Anne Langer, County Manager Pat Whitten, Clerk & Treasurer Vanessa Stephens, Planning Director/Administrative Officer Austin Osborne, Tourism Director Deny Dotson, Communications Director Dave Ballard, Comptroller Hugh Gallagher, Outside Counsel Robert Morris, Public Works Director Mike Nevin, Recorder Jen Chapman, Community Services Director Cherie Nevin, Community Development Director Dean Haymore, Fire Chief Gary Hames, Chief Sheriff's Deputy Melanie Keener,

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

The meeting was called to order by the Chair at 10:01a.m.

2. **PLEDGE OF ALLEGIANCE**

The Chair led those present in the Pledge of Allegiance.

3. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for October 20, 2015

Public Comment:

Virginia City resident, Mark Joseph Phillips: Supporting materials for the Ordinance Amending Title 17 are not here, specifically a readable map of the Comstock Historic District. The map provided was not in a format large enough to read detail. A letter was submitted to the Clerk's Office yesterday - the meeting is starting without it. Mr. Phillips read Attorney General's file no. 00-25, relating to materials not available on agenda posting date.

County Manager Pat Whitten stated it is staff's position that Mr. Phillips has available exactly the same information provided to the Commission.

Planning Director Austin Osborne said the matter will be discussed during the presentation of the item.

Motion: Approve the Agenda for October 20, 2015, **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

CONSENT AGENDA

4. For possible action approval of Payroll Checks date 09/29/15 for \$67,359.82, date 09/29/15 for \$119,844.68 and date 10/09/15 for \$467,474.12. Accounts Payable Checks date 10/02/15 for \$421,098.75 and \$10,566.07.
5. For possible action approval of Treasurer Report for September 2015
6. For possible action approval of Justice Court Quarterly Report
7. For possible action approval of Business Licenses First Readings:
 - A. **RED-D-ARC, INC.** - Contractor / 685A Lee Industrial Boulevard ~ Austell, GA (ind. equipment sales)
 - B. **PANASONIC ENERGY OF N.A. - General / Electric Avenue (lithium-ion battery manufact) TRI**
 - C. **SUMMIT CONTRACTING, LLC** - Contractor / 120 North Lime St ~ Lancaster, PA (insulation contractor)
 - D. **SYSTEMS CONTRACTORS, INC.** - Contractor / 701 South Carson Street ~ Carson City (steel erectors)
 - E. **HIGH DESERT SURFACE PREP --** Contractor / 1885 Temple Hill Rd ~ Reno (concrete prep contractor)
 - F. **SANKYO USA, INC.** - Contractor / 1555 Mittel Blvd ~ Wood Dale, IL (cargo handling svcs.)
 - G. **STEP BY STEP** - Home Business / 2321 Cartwright Road ~ VCH (foot care nurse - no public traffic)
 - H. **OAKRIDGE INDUSTRIES, INC.** - Contractor / 352 East Monterey ~ Pomona, CA (epoxy coatings)
 - I. **SOLUM CONSTRUCTION** - Contractor / 10105 Indian Ridge ~ Reno (contractor)
 - J. **VERITAS MANAGED SOLUTIONS, INC.** - General / 5302 Greenside Drive ~ San Jose, CA (IT)
 - K. **CMC STEEL FABRICATORS, INC.** - Contractor / 2990 East Annadale ~ Fresno, CA (rebar cont)
 - L. **INDUSTRIAL LOGISTICS** - Contractor / 3868 Goni Road ~ Carson City (machinery transport, sales)
 - M. **MESA FIRE SERVICES, INC.** - Contractor / 7442 Tahoe Basin Drive ~ Las Vegas (fire protection)
 - N. **CARR ELECTRICAL TECH, INC.** - Contractor / 2929 Quality Dr ~ Petersburg, VA (elect cont)
 - O. **DESERT COMMERCIAL SWEEPING** - Contractor / 5620 Madras St ~ Carson City (indust. sweeping)
 - P. **JC ROOFING, INC.** - Contractor / 10580 N McCarran ~ Reno (roofing contractor)
 - Q. **C & M CLEANING** - Home Business / 137 D Street ~ Virginia City (cleaning service—no public traffic)
 - R. **RYAN'S ROCK & HOE** - Contractor / 274 North A Street ~ Virginia City (dirt hauling)

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)

8. **DISCUSSION ONLY (No Action - No Public Comment):** Committee/Staff including Quarterly financial updates for fiscal year 2015/2016

Committee/Staff Reports:

Recorder Jen Chapman :

- Ms. Chapman reviewed new TRID disclosures affecting the Recorder's Office, as well as consumers. Title companies and lenders have to abide by the new rules, which control most all aspects of a loan. Recording fees are now integrated into this disclosure. This will provide more transparency for the consumer. The Recorder's Office is making fees and fee structure more transparent, available and out there. They are working closely with title companies and lenders.

Community Services Cherie Nevin :

- Mark Twain residents are urged to complete and return the income surveys. 56 additional responses are needed to validate the survey. The surveys need to be postmarked by October 31st and returned to UNR.
- A Health Fair will be held November 7th, 10AM to 1PM, at Piper's Opera House. 20 vendors will be present and flu, pneumonia, and possibly shingles, shots will be available.
- Flu shots will be available at Mark Twain Community Center on Wednesday, October 21st - 10 AM to 12PM.
- The Nevada Health Center will hold its Open House in Virginia City on October 28 from 1PM to 4PM. This is an opportunity to meet the attending nurse practitioner.

Planning Director /Administrative Officer Austin Osborne :

- The Black & Howell plaza on C Street is coming along. This project has been vetted through the VCTC as well as the Comstock Historic District and Historic District Commissions - and they have approved the project.
- Bids for the Courthouse parking lot will be taken to Farr West Engineering on October 22nd. Work is being done with Comstock Mining for the rip-rap to be used to surface the slopes.
- Before making large improvements to the Mark Twain area, a program has been started to develop community involvement, and hopefully to one day development improvements in that area. This will tie into the Master Plan and potential land uses that can occur in and around Mark Twain. Jason VanHavel will be taking the lead on this program.
- Land's Bill in Virginia City and Gold Hill is moving along. It will be over a year before something is done. In that year, there will be a lot of work between the Planning Department, the BLM, and the Department of Interior. Everyone is on the same page that this needs to be completed as quickly and as soon as possible.
- The BLM Resource Master Plan is near completion. Mr. Osborne has been working with their office for three years, providing comments from Storey County.

District Attorney Anne Langer :

- A live auction of the Hoover Estate items will be held Saturday, October 24th, at 270 E. Washington Street. A preliminary view of items will be at 8 AM, with the auction beginning at 9 AM.

County Manager Pat Whitten:

- The Public Works Department has done a great job in painting limit lines for the stop signs on the streets, enabling motorists to be aware of stop signs that may otherwise be difficult to see.
- An appraisal has been received at the Rich Connell lot, immediately north of the parking area at the Sheriff/District Attorney offices. Hopefully a purchase can be concluded before the first of the year.
- Unless Mr. Whitten hears differently, there will be one Commission meeting a month in November and December. If necessary, a special meeting can be held. This will also allow time for up-grades to the recording system in the Courtroom
- The County Christmas Party will be held Friday, December 11th, at Piper's Opera House. Food and beverages will be served. The party is open to all citizens of Storey County.

Quarterly financial updates:

Comptroller Hugh Gallagher reported that at a recent meeting of all Counties, the representatives were astonished at the cooperation and abilities this County has to go through the budgets with all department heads at such an easy pace, which is critical with budgets of this magnitude.

This review gives the opportunity for all department heads to look at their budgets, thereby cleaning-up the financials as we go, allowing for a clean, accurate budget at the end of the year. The review gives the departments trends of where they are and indications of where they will be at the end of the year.

Mr. Gallagher reviewed the first quarter, actual to budget, financial reports with no significant deviations from the budget that were not able to be explained by each Department.

In addition to budget review, Assessor Jana Seddon discussed the recent Assessor's Conference held in Virginia City - the County makes it easy to put on these conferences. Pat Whitten said this was a great event for show-casing the County, Jana and her team did a great job.

Mr. Gallagher presented the IT and Comptroller, Equipment Acquisition, Infrastructure, USDA Bond, Park Tax Fund and TRI Payback financial updates.

Chair McBride commented that all departments are to be commended for having such clean budgets.

Chair McBride called for a recess at 11:45AM; reconvened at 11:55PM

9. BOARD COMMENT (No Action - No Public Comment)

None

10. DISCUSSION ONLY: Provide an overview of the State of Nevada Community Development Block Grant (CDBG) program for the upcoming 2016 grant application cycle.

Cherie Nevin presented this item. This is a discussion of possible Community Development Block Grant projects for 2016. Items to be applied for will be presented to the Commission in December. Funds for this program are Federal funds from HUD and are spent on projects that help achieve suitable living environments, decent housing, and creation of economic opportunities in rural parts of the state.

There are various activities eligible with this program. Basically, this would include projects related to public facilities and services, planning type projects, and economic development. Projects have to

fall into one of three national objectives: benefit low to moderate income households or persons, elimination of slums and blight, or meeting an urgent community development need.

Currently, the only area in Storey County that qualifies based on low to moderate income is Lockwood. After the results of the income survey, it is hoped that Mark Twain will be eligible as well. Projects that benefit clientele such as senior citizens or disabled persons are automatically eligible. There is approximately \$2.4 million dollars available for funding.

This is a competitive application process amongst most of the Counties and Cities in the State. Two applications can be submitted each year and are due January 6, 2016.

CDBG has brought in millions of dollars to the County since 1982. There is no match required for CDBG funds.

Ms. Nevin reviewed past CDBG projects. Input and ideas from the community are being sought for projects to be considered, and will accepted until November 4th. The Virginia City Senior Center has expressed interest in submitting a project to fund a vehicle for the Senior Center.

Anyone who has an idea for a project should contact Ms. Nevin by email, phone call or in person.

Virginia Highlands and Virginia City do not qualify. The process is becoming more and more competitive.

COMMUNITY DEVELOPMENT AND PLANNING

Chair McBride called for discussion on Item 11. Note: Although Item 11 was called, Item 12 was actually discussed at this time.

12. DISCUSSION/POSSIBLE ACTION: SECOND 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. Public participation is encouraged. Copies of the text amendments may be obtained from the Planning Department website at www.storeycounty.org/521/updates, at 775.847.1144 or from planning@storeycounty.org.

Austin Osborne stated this item is the Title 17 update - last update being in 2012. The purpose of this update is to clean up language, make the ordinance easier to understand and use, and to ease up on businesses and homeowners. This is a substantial update with a lot of changes.

Mr. Osborne summarized and described the major elements and changes, including the following:

- Accessory buildings - made this chapter more general and simpler;
- Mother-in-Law quarters - added very clear language on what constitutes a "mother-in-law" quarters. A deed restriction on the property must be recorded, acknowledging who is living on the property. The deed restriction can be released when the person(s) is no longer living there.

- Downtown Development District for Virginia City, an area within the commercial/residential zone in which a little more urbanized items can be done.
 1. The purpose is to support business on C Street, as well as a little on B and D Streets and in a couple other panhandle areas;
 2. Allow for a little more residential living environment in the downtown area. There are zero residential setbacks - only in this area;
 3. Allow for a special use permit, with review by this Board, for off-site parking for lodging at a building that does not have enough on-site parking or enough space for that parking. This allows a review process.
- Require a special use permit for all wind devices in the Comstock Historic District.
- Extended-stay hotels would be a defined use. This would be County-wide, with the exception of TRI, allowing a 28 - day stay, with additional days for business purposes. Other ordinances will need to be up-dated regarding room tax and where it will be applied.
- This text does not have the IC Zone - which is next on the agenda - but accommodates it.
- The animal ordinance will allow for four dogs and two pigs. Any number above that will require a special use permit and 10 acres.
- There are no changes to the mining ordinance, except the reference to an I-4 Zone is out.

Mr. Osborne is in receipt of a request made to the Clerk by Mr. Phillips asking to look at the details of the map associated with the 17.92 mining ordinance. The maps are on-line and have been for the last 3 years. The maps have not changed at all.

- The Historic District chapter has been moved to General Provisions.
- The sign ordinance - chapter 2 Zoning - is being worked on to come up with substantial and reasonable business-friendly updates that will not be included here.

Commissioner McGuffey: Asked about the chemical storage in the light-industrial area, which Mr. McGuffey does not endorse. It is listed in light-industrial but not addressed on page 5 and 6.

Mr. Osborne replied that should be in a warehouse facility if it's in an I-1 zone. This would be a company that has chemical storage, and it would not be in large tanks. That's what has been recommended. The current zoning under I-1 Light Industrial within a warehouse facility, does allow petroleum, chemical and certain storages - typically in cans, totes, or things like that.

Current zoning does allow propane sales in the I-1 and I-2 zones.

Commissioner McGuffey said he is watching out for the river district. There is some items he does not want in there.

Mr. Osborne will note what the Board recommends regarding this issue. The I-1 Zone exists in different places across the County, including - the most prominent area near the river - Lockwood. An option, in order to allow that variance, it could be moved to a special use permit allowing for Board over-sight to say that a site may not be appropriate because of the river or other circumstances but may be supported in an I-1 Zone in another part of the County.

Commissioner McGuffey: This area along the river is one that is zoned industrial-commercial.

Mr. Osborne: That one is another item.

Commissioner McGuffey: ...some of these I don't see being intertwined with the commercial. If there's going to be a hotel, you don't want a chemical plant next to it.

Mr. Osborne: To be real clear, that area you are referring to - the 600 acres along the river - will be the next agenda item, which is the IC Zone. That is separate from this one, the I-1 Zone. There are currently several I-1 Zones existing in Virginia City-Gold Hill, and one along Avenue of the Colors. I am not aware of any other I-1 Zones. This would not apply to that 600 acres along the river - I have to be careful - we are not on that item, that's a separate map item, in fact not even on today's agenda. The I-1 Zone would be a zone that would apply in other parts of the County. Would you be comfortable adding that item to Special Use Permit, to provide the Board over-sight in the I-1 Zone so if there was a proposal for propane near the river the Board can say, let's hold off on that or let's put some mitigation on that, or whatever it takes - or not allow it- but if there happened to be an I-1 Zone in Virginia City, American Flat, or wherever, that it would be a considered use.

Chair McBride: You say we already have I-1 zoning in Lockwood right now, along the river.

Mr. Osborne: Correct.

Chair McBride: So you would want to remedy that, go back and change so there would be no I-1 along the river in Lockwood?

Mr. Osborne: I think I'm hearing that you're concerned about this particular listed use. That if a grey area, ie., an I-1 Zone, happens to be near the river, that the listed uses we're talking about today, could be an impact. I'm asking if a mitigation to move that to special use with Board oversight would be enough to allow that use to still continue but allow also review and oversight by this Board to address Commissioner McGuffey's concern.

Vice Chair Gilman: There is a full Union Pacific rail line that is operated in conjunction with the NSF. There will be - has been - a full operating switch with railyards and the probability of intermodal and container operation. It is not a hotel park area - it's a heavy industrial park. Rail will actually drive a lot of the uses along the rail line. Looking at the overall project, we can restrict indoors or tanking inside, those kind of things, with a special use permit. Definitely there is a probability of heavy use along the rail line.

County Manager Whitten: I would be concerned making too many material changes. I agree safeguarding the river is important, but we have to be careful of unintended consequences. For instance, what defines propane storage. We might be going a little bit too far with some of this.

Chair McBride: Half of the river is already in Storey County. That's the boundary line, with the exception of the 600 acres.

Mr. Osborne: For clarification, I want to make sure that we're not thinking that the 600 acres is what we're talking about with this zoning - that actually is kind of zoned white at the moment - there is no zoning on it as vacant land. That would be the next item - not even the next item - we don't have zone map on this agenda. Down the road we will look at applying zoning to the 600 acres. This is a County-wide ordinance - there are I-1 Zones in Virginia City on F Street, on Avenue of the Colors, and east of Lockwood. The Master Plan and the update is trying to support mixed use communities. The I-1 Zones we believe complement our existing neighborhoods as they provide light industry and small internal manufacturing that would be next to our existing residential communities to provide a little bit of employment.

Mr. Osborne continued whatever this Board decides would be able to be integrated into a motion. Other items need to be reviewed as well.

Chair McBride said he is trying to grasp how to remedy Commissioner McGuffey's issue.

Outside Counsel Robert Morris suggested that Mr. Osborne continue with the rest of the changes and then the Board members could recommend amendments to what has been proposed and see if there is something the Board would like to add or take away from what is proposed.

Chair McBride: Are there any SUP's attributed to I-1 zoning?

Mr. Osborne: There is a list of uses allowed, and a list of uses that require Special Use.

Vice Chair Gilman: Maybe there should be additional definitions for the concerns along the river. Is there a set-back, or something along those lines, that could be addressed?

Mr. Osborne: There was a Truckee River Ordinance, which was amended as it was not consistent with the uses. TRI Center, Lockwood, Painted Rock are right on the river - none in the riparian area of the river. The new Master Plan says no development in the riparian area - essentially the flood plain. The flood plain ordinance does not allow development in the flood way - river, without substantial mitigation. NDEP has regulations on any type of industrial uses anywhere, as well as near a river. If a river ordinance were developed, there would be concern that it would conflict with existing zoning along the river.

Commissioner McGuffey: We don't want to lose control of what is built along the river.

Mr. Osborne: Regarding the 600 acres, that land is white and if this is adopted, nothing changes there. We will look at the IC Zone text and the zoning for the 600 acres still is white - there will be another hearing by the Board to decide whether to apply IC Zoning to that 600 acres, or other zoning. If the 600 acres is Commissioner McGuffey's biggest concern, when we get to the IC Zone, we can discuss some of the uses to make sure they are commensurate with his concerns of the river. Even though we move forward on Title 17, it does not include the IC Zone.

Commissioner McGuffey: The way I see the IC Zone, is light industrial area mixed with a commercial area. There are all these companies listed in light industrial with commercial companies. Is another set of companies going to be created for the IC Zone?

Mr. Osborne: Yes. If we approve all of Title 17 now - IC Zone is still another agenda that could be denied or changed. The IC Zone will be a separate chapter in Title 17, having its own listed uses that are customized for arterial areas.

Mr. Osborne reviewed the addendum to Title 17 with new text highlighted in bold text.

Public Comment:

Mark Joseph Phillips, Storey County Resident: This is a discussion of agenda Item 12, Ordinance No. 15-268.

Vice Chair Gilman: The Board is discussing Item 11 not 12.

Mr. Phillips: The discussion is about the map - are we talking about the Industrial zoning and the application for TRI.

Vice Chair Gilman: No, for the County. Title 17 for the County.

Mr. Phillips: That's Item number 12?

Chair McBride: We're on number 11.

Mr. Osborne: The addendum applies completely to number 11 - the Title 17 update, not Item 12 - the IC Zone.

Clerk, Vanessa Stephens: Item 11 is the IC Zone and Item 12 is the Title 17.

Mr. Osborne: I might be out of order. Thank you Mr. Phillips. I would ask that we are discussing item 12 right now. The order really does not matter - both items are pretty benign to each other.

Mr. Phillips: All of the amendments to Title 17 referencing IC Zone would be moot if it is decided not to approve the next Ordinance. Could what it is being talked about be clarified?

Mr. Osborne: If there was a concern about the structure, we could leave Item 12 go to Item 11, or make sure a vote is made on 11 before 12, which would work with how everything functions together.

District Attorney Anne Langer: To be sure, for the record, it is Item 12 that we are working on.

Mr. Osborne: Item 12. It is suggested that, even if the discussion on item 12 is considered - that 12 not be voted on. Go back item 11 to be discussed

Outside Counsel Robert Morris: It should be made clear on the record that Item 12 is being discussed, and then have a vote on 12. The Board can take it in any order that they want. They will have to go back to 11 after that.

District Attorney Langer: We are talking about Item 12, there is no recusal because the TRI Center is actually Item 11, that hasn't even been discussed yet. As Mr. Morris has told the Board, you are allowed - at any time - to take certain items out of order. To make sure, the only thing that we are really talking about here is that, all the verbage Mr. Osborne has been telling the Board is actually related to Item 12, instead of 11 - correct?

Mr. Osborne: I hear Commissioner McGuffey's discussion has always been a reference to the I-1 Zone which is Item 12.

Commissioner McGuffey: Is it? I thought we were on Item 11.

Mr. Osborne: I apologize.

District Attorney Langer: Relative to the questions Mr. McGuffey has had, and the materials being looked at, those are all related to Item 12 - not Item 11.

Mr. Osborne: Such as the I-1 Zone, etc., - Yes. That's why I continually said we are not talking about the IC Zone.

Chair McBride: We will continue the discussion on Item 12.

Mark Joseph Phillips: Mr. Phillips read and asked that correspondence be attached to the minutes of this meeting. The correspondence stated that a copy of the Comstock Historic Preservation Area Map is made a part of Chapter 17.2. A copy of this map has not been made available in a format large enough to read all of the detail prior to or during this meeting.

Mr. Phillips continued that the County Clerk took the time and enlarged the map that had been given to the Clerk. The map is not large enough to be read. Mr. Phillips does not understand why a copy of the original map was not available to be put on an easel as part of this discussion. This is a violation of the Open Meeting Law. This material must be available to the public upon request. The map on line is not readable. There is so much reference to the map, how can it be discussed.

Mr. Phillips also said that there is no definition or acknowledgment of medical marijuana facilities included in the text amendments - after a year moratorium. The revised statute was passed overwhelmingly by Storey County voters.

Chair McBride: Mr. Osborne has mentioned this (the map) has been on the website for three years and is accessible there. The Clerk provided a "blown up" map that Mr. Phillips refused to accept.

Mr. Osborne: Again, that map is un-changed.

Commissioner McGuffey: Sometimes the items published cannot be read, especially maps. Is there some other media that could be used that would be more clear.

Mr. Osborne: The on-line version enables you to zoom in. The concerns are understood. These items have been discussed at almost every Planning Commission workshop. This map has been publicly vetted and directed. This map is well known in the community and is one of the most important with regard to mining, and really any use, in the zoning ordinance. Mr. Osborne said he has been very careful not to change it.

Chair McBride: Mr. Phillips could have gone to Mr. Osborne's office yesterday and requested the map.

Mr. Osborne: In regards to the addendum, even if it is a black and white copy, changes are bold and items are stricken out. Copies of the map have been available at Planning Commission meetings.

Chair McBride: Call for a motion.

Mr. Morris: It is understood that we are discussing Item 12...

Chair McBride: A motion to approve the second reading of Ordinance No. 15-268 Zone Text Amendments, the Storey County Title 17 Zoning.

Motion: Approve the Second Reading of Ordinance No. 15-268 Zone Text Amendments, 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, including all of the changes in the addendum per today's meeting, **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

Chair McBride called for discussion on Item 11:

11. **DISCUSSION/POSSIBLE ACTION:** SECOND 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 Chair Gilman recused himself from discussion and vote on Item 11 due to having a pecuniary interest in Tahoe-Reno Industrial Center.

Austin Osborne presented this item. This is a request by Tahoe-Reno Industrial Center to create the IC Zone. If adopted today, this is zone text that will become a new chapter in the zoning ordinance. It does not apply to any land and there is not a zone map in front of us. It is the desire of the applicant for this to apply to the 600 acres by the Truckee River. However, at this time, that is not the proposal - that will have to done in a separate proposal.

This is an amendment to Title 17, and will be under Title 17.39. This is a mixed-use zone, industrial and commercial uses. This zone will facilitate truck stops, hotels, casinos, large commercial malls, high-intensity commercial uses - not necessarily high-intensity industrial uses. This zone is intended for arterial routes and includes text that states: not for Lockwood, Virginia City, Gold Hill, Mark Twain or Virginia City Highlands.

The findings are this conforms with the Master Plan in the area which it would, or would be allowed, to apply, and to Title 17. Staff recommends a motion not consistent with the Planning Commission motion.

Commissioner McGuffey: On page 4, there is chemical storage in the light industrial. This is the IC list.

Mr. Osborne: Page 4, item 33 - Chemical Oil Storage, is a use that would be allowed. That's correct. Page 14 - we had discussed propane sales and storage. Page 15, section 17.39.020C Heavy Industrial Uses, including the following...that's where you have chemical storage. Within a warehouse facility, so it would not be open. This would be inside a building, it would not be a tank farm. Manufacturing of listed chemicals is prohibited.

Chair McBride: You are not looking at large quantities.

Mr. Osborne: If it was, it would still be in a building with its own containment.

Mr. Whitten: You have to be careful with what you are allowing as you could accidentally preclude certain businesses from consideration because of storage in cans and so forth.

Commissioner McGuffey: We don't want a big tank farm with chemicals. When you say chemical storage....

Mr. Osborne: But within a warehouse facility. Typically these are divided between storage outside a facility - large tanks. This is also intended for truck stops with fuel storage on site - we don't want to preclude that. A tank farm would not be allowed - they are prohibited.

Public Comment:

Nicole Barde, Storey County Resident: Would like to hear what the Planning Commission said and why the staff's recommendation is different from that of the Planning Commission.

Mr. Osborne: It is not often that I go against a Planning Commission recommendation. Originally staff had recommended that large-scale casinos be included as an allowed use. What better revenue could be seen for the County, as well as an attraction for the entrance to the park (TRI). In order to make that happen, it needs to be as simple as possible. In a volatile use, such as explosive manufacturing, there are a lot of moving parts to be followed for protection. A casino is probably the lowest impact use for that area and is very conducive to the freeway-interchange environment.

At the Planning Commission, Commissioner Tyler had questions regarding impacts created by large-scale casinos allowed by the zone. Staff stated the IC zone is only allowed near major arterial routes, such as I-80 and USA Parkway, typically developed to standards for large scale casinos and other uses. Commissioner Tyler and the Planning Commission asked that a SUP be required for large scale casinos. Mr. Tyler was asked what his findings were for this decision. The response was there was going to be a lot of traffic. It would be on the Interstate, the best place for that. The area would have to be developed to accommodate traffic generated. A Special Use Permit should not be required for something that is already regulated to address traffic and where it will be located on an interstate system. Staff is requesting that it is left to be an allowed use for a casino.

County Manager Whitten: For years we have envisioned the highest and best use for the property. The County wants to incent rapid development of certain parcels within the new property to attract lucrative, diverse revenue sources and to put developers in position to go forward with any perspective new purchaser and to say this is a pre-approved, pre-planned use. Mr. Whitten advocates that the Board follow what Mr. Osborne is requesting, and respectfully disagree with the Planning Commission in this case.

Mr. Osborne read the Findings for Approval:

The following are found regarding the zone text amendment under the recommended conditions of approval shown in Section 5. A motion for approval should include at a minimum these findings and may include other findings deemed appropriate and factual by the body:

4.1.1 The zone text amendment complies with federal, Nevada State and Storey County regulations.

4.1.2 The zone text amendment substantially conforms to and supports the goals, objectives, and recommendations of the Storey County Master Plan concerning land use and related policies.

4.1.3 The zone text amendment considers uses that pursuant to the master plan and zoning ordinance occur on abutting lands, and it reasonably mitigates potential adverse impacts that may be caused by its uses.

4.1.4 The zone text amendment does not conflict with the minimum requirements of Title 17 zoning ordinance or SCC Chapter 17.03 Administrative Provisions for zone text amendments.

4.1.5 The proposed zone text amendment will not cause uses that will likely

negatively impact existing or planned public facilities, and it will not adversely impact the public health, safety, and welfare.

4.1.6 The proposed zone text amendment will not create any non-conforming conditions, such as non-conforming setback distances or minimum parcel area and width requirements.

Motion: Based on the findings of fact shown in Subsection 4.1 and the conditions of approval shown in Section 5 of this report, and conformance with federal, state, and county regulations, and the master plan, in relation to Ordinance 15-269, and the recommendation by staff and the planning commission, except against , the recommendation by the planning commission that a special use permit shall be required for large scale casinos, I motion to approve Storey County Zone Text Amendment Application No. 2014-020 to include “Chapter 17.39 IC Industrial Commercial Zone” to Storey County Code, Title 17 Storey County Zoning Ordinance, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chair McBride, **Vote:** Motion carried by unanimous vote, **(Summary = Yes-2)**

13. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- A. **ROCK RAT ADVENTURES, LLC -- General / 160 South A Street (guided UTV tours) VC**
- B. **MAVERICK TECHNOLOGIES, LLC - Contractor / 265 Admiral Trost Drive ~ Columbia, IL (eng)**
- C. **PAPA FRED’S FOOD (DBA) - General / 1575 Linda Way ~ Sparks (mobile food truck)**
- D. **PRECISION CONCRETE - Contractor / 1640 West Brooks Avenue ~ N. Las Vegas (concrete cont.)**
- E. **JET.COM - General / 2777 U SA Parkway (fulfillment center) TRI**
- F. **RELIABLE PLUMBING - Contractor / 4075 Desatoya ~ Reno (plumbing contractor)**
- G. **DUKE’S PLUMBING - Contractor / 1424 Industrial Way ~ Gardnerville (plumbing contractor)**
- H. **FAMILY LANDSCAPE MAINTENANCE - Contractor / 330 River Road ~ Dayton**
- I. **NEVADA COMMERCIAL COATINGS, LLC - Contractor / 4890 Aircenter Cir ~ Reno (painting cont.)**
- J. **FARWEST INSULATION - Contractor / 1220 South Sherman St., ~ Anaheim, CA (insulation contractor)**
- K. **MIDWEST RECYCLEING SERVICE & SALES, INC. - Contractor / 855 Rowland Springs Rd ~ Cartersville, GA (install recycling equipment)**
- L. **TILE ALLIANCE, INC. - Contractor / 4615 Aircenter Cir ~ Reno (tile contractor)**
- M. **PETRO SOLUTIONS - General / 2511 Edgerock Road ~ Reno (truck storage @ 3033 Waltham)**
- N. **PLATINUM SCAFFOLDING SERVICES - Contractor / 14950 Heathrow Forest ~ Houston (scaffolding)**
- O. **M G & H CONSULTING, LTD - Home Business / 21570 Dortort Drive ~ VC Highlands (consultant)**
- P. **BI NUTRACEUTICALS, INC. - General / 625 Waltham Way #101 (milling botanicals) TRI**
- Q. **A-Z TRUCK MARINE AND RV - General / 3033 Waltham Way (repair, parts, access.) TRI**
- R. **RICH DOSS, INC. - General / 201 Wild Horse Canyon Drive (transportation) MCC**

Planning Director Austin Osborne said Community Development recommends approve of items A. through O., and continuance of items P., Q., and R.

Motion: Approve items A. through O., **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote **Summary:** Yes=3)

Motion: Continue items P., Q., and R., **Action:** Approve, **Moved by:** Vice Chair Gilman,
Seconded by: Commissioner McGuffey, **Vote:** Motion carried by unanimous vote **Summary:**
Yes=3)

14. **PUBLIC COMMENT (No Action)**

Nicole Barde, Storey County Resident: Asked if there is a hearing tomorrow on the injunction case?

District Attorney, Anne Langer, answered yes, there is a hearing at 1:30 tomorrow, here, on the Malfitano case.

15. **ADJOURNMENT**

The meeting was adjourned by the call of the Chair at 1:26pm

By _____
Vanessa Stephens Clerk-Treasurer