



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, DECEMBER 6, 2016 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, Clerk - Treasurer Vanessa Stephens, Comptroller Hugh Gallagher, District Attorney Anne Langer, Deputy District Attorney Keith Loomis, Community Outreach Director Cherie Nevin, Public Works Director Mike Nevin, Interim Public Works Director Jason VanHavel, Community Development Director Dean Haymore, Tourism Director Deny Dotson, Fire Chief Gary Hames, Battalion Chief Jeff Nevin, Recorder Jen Chapman, Deputy Sheriff Tony Dosen

1. CALL TO ORDER REGULAR MEETING AT 10:00 A.M.

Meeting was called to order by the Chair at 10:03 A.M.

2. PLEDGE OF ALLEGIANCE

The Chair led those present in the Pledge of Allegiance.

3. DISCUSSION/POSSIBLE ACTION: Approval of Agenda for December 6, 2016

Public Comment:
None

Motion: Approve Agenda for December 6, 2016, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

4. DISCUSSION/POSSIBLE ACTION: Approval of Minutes for November 1, 2016.

Public Comment:
None

Motion: Approve Minutes for November 1, 2016 , **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

5. DISCUSSION/POSSIBLE ACTION: Approval of Minutes for November 10, 2016.

Public Comment:
None

Motion: Approve Minutes for November 10, 2016 , **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

6. CONSENT AGEND A:

I For possible approval: First reading for Pacific Summit Energy LLC, out of county gas company providing service to a Storey County business.

II For possible approval: Assessor's Recommended Corrections to 2016-17 Secured Tax Roll for Clerical Error.

III For possible approval: Assessor's Recommended Corrections to 2016-17 Unsecured Tax Roll for Exemptions.

IV For possible approval: Update to Storey County Administrative Policies and Procedures including: Policies 202 Anti-Harassment; 203 Dealing with Discrimination; and 1002 Definitions.

V For possible approval: Treasurer's Report for October 2016.

VI For possible approval: Accounts payable claims dated 10/27/2016 for \$919,259.40 and \$9,053.98, dated 10/31/2016 for \$2,950.00, dated 11/10/2016 for \$1,729,184.86 and \$6,855.95, and dated 11/23/2016 for \$193,898.73 and \$13,371.82. Payroll claims dated 10/16/2016 for \$4,604.53, dated 11/03/2016 for \$132,0010.86, dated 11/03/2016 for \$479,250.27 and 11/18/2016 for \$370,472.56.

VII For possible approval: Cancellation of the December 20, 2016 Storey County Board of Commissioners Meeting.

VIII For possible approval: Business License First Readings

- A. SHANGHAI RESTAURANT dba SHANGHAI EXPRESS FOOD TRUCK – General / 1269 Baring Blvd ~ Sparks (mobile food truck)
- B. SAINT MARY'S MEDICAL GROUP, INC. – General / 411 W Sixth St ~ Reno (mobile medical)
- C. ASTEELFLASH USA CORPORATION – Contractor / 4211 Starboard Dr ~ Fremont (manufacturing)
- D. ROSS HEATING AND AIR CONDITIONING, INC. – Contractor / 5245 Vista ~ Sparks (hvac cont.)
- E. BRAZILIAN STONE, INC. – Contractor / 2 Round Robin Lane ~ Reno (paver installer)
- F. WEST EDNA ASSOC dba Mojave Electric – Contractor / 3755 W Hacienda ~ Las Vegas (elect cont)

- G. FST TECHNICAL SERVICES, LLC – Professional / 450 E Warner ~ Chandler, AZ (quality assurance)
- H. INTERSTATE FIRE SALES & SVC dba State Fire DC Specialties – Contractor / 5370 East Idaho Street ~ Elko (fire suppression and security)
- I. AUTOMATION MOVERS INTERNATIONAL – Contractor / 4110 Maret Place ~ Flint, MI (mechanical)
- J. COMMUNICATION TECHNOLOGY SERVICES, LLC – Contractor / 33 Locke Dr ~ Marlborough, MA (wireless services contractor)
- K. AMERICAN DOOR INSTALLATION, LP – Contractor / 209 W Mayflower ~ N Las Vegas (contractor)
- L. GOFERU – Home Business / 350 Prospector ~ Dayton (errands concierge)
- M. MESA ENERGY SYSTEMS, INC. dba EMCOR Services Nevada – Contractor / 2 Cromwell ~ Irvine, CA (hvac contractor)
- N. COLD JET, LLC – General / 455 Wards Corner ~ Loveland, OK (blasting machine sales)
- O. DREAMCRAFTERS, LLC – Contractor / 5488 Reno Corporate Blvd ~ Reno (general contractor)
- P. BART MANUFACTURING, INC. – Contractor / 3787 Spinnaker Ct ~ Fremont (manufacturing)
- Q. PROSTAR STAFFING SERVICES, INC. – General / 390 Potrero Ave ~ Sunnyvale, CA (staffing svcs)
- R. CLASSIC TOUCH MOBILE EQUIPMENT REPAIR – Contractor / 9756 N Virginia St ~ Reno (equipment repair)
- S. SWEEP EASY CHIMNEY SWEEP, LLC – General / 935 Bejay Place ~ Reno (chimney sweep)

Public Comment:
None

Motion: Approve Consent Calendar for November 1, 2016, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

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

Erik Schoen, Community Chest, Inc.:

- Holiday programs are in full swing. Angel Trees are at the Post Office and the Catholic Church for all who wish to take a name for donation.
- Food baskets are available and anyone who knows someone in need should contact Community Chest.
- Construction to begin soon on the second half of the Community Center.

Tourism Director Deny Dotson:

- Christmas on the Comstock, the last event of the year, was held last weekend and was a great success. The Parade of Lights had the largest turnout ever. There were thousands of “likes” on Facebook commenting what a great, small town celebration this was.
- Thank you to the Fire Department for assistance and to all merchants who participated in lighting up the town.
- The Virginia City Tourism Commission Calendar of Events for 2017 will be available soon.
- One of the original rams that was transplanted to Storey County was unfortunately hit and killed. This ram will be mounted and displayed - most likely in the Courthouse.

Senior Citizens Center Director Stacey Gilbert:

- The Senior Center served over 120 meals at Thanksgiving lunch. Turkeys and hams were donated by the community.
- During Christmas on the Comstock, the Senior Center roasted chestnuts and had a successful craft and bake sale.
- The December Birthday lunch will take place on December 21st and the Christmas Lunch will be held on December 22nd.
- Gift baskets and meals will be distributed this up-coming weekend to homebound seniors.
- Donations to the Senior Center will be made by Amazon for all Amazon purchases made by the public at smile.amazon.com. Be sure to designate Storey County Senior Citizens Center as the charitable organization of your choice.
- AA meetings continue on Wednesdays at the Senior Center with an average turnout of approximately 15 people.

Comptroller Hugh Gallagher:

- Introduced the new Superintendent of Schools, Todd Hess, to the Board. Mr. Gallagher talked about the history of his father, Hugh Gallagher, when he was appointed Superintendent of Schools in 1946. Mr. Hess is smart, resilient and follows the principles of the senior Mr. Gallagher. With the newly elected School Board members, Storey County School system is in great hands.
- The new Board of Trustees members are Melissa Field and Gary Hames.

Superintendent of Storey County Schools Todd Hess:

- Very excited to be in this new position and looks forward to working with the County in the future.

Merilee Miller, River District/ Lockwood Senior Center:

- New kitchen cabinets have been installed. Ms. Miller passed out pictures of the new kitchen. The Senior Center is grateful for the cabinets.
- Thanksgiving meals were served to 45 people at the Senior Center.
- The Paws to Read program continues and is held two times per month.
- Card games are held on Thursdays and bunco once a month.
- A Christmas Parade of Lights will be held on Friday, December 23rd. The parade will be through the community and there will be refreshments at the Senior Center.
- Thank you to Commissioner Gilman for keeping track of all that is going on in the River District and for attending all meetings.

John Miller, River District/ Louise Peri Ranch Park:

- One flower bed has been completed and another one is being built.
- The addition of a dog run in the park is being considered for the future.
- Work continues to keep the park clean. Thank you to Jason from Public Works for all the help.

County Manager Whitten read a letter from Hillside Elementary School requesting assistance from the Commissioners for the purchase of new swings for Louise Peri Ranch Park. This park is the only playground and the swings are not in good shape. Hillside Elementary School would appreciate any assistance. The letter is signed by school staff and all students at the school.

Mr. Whitten indicated he will work with John Miller and Commissioner Gilman regarding funding for the requested swings.

Mr. Miller: This should start with playground equipment for the younger kids - the demographic of Lockwood/Rainbow Bend is getting much younger.

Public Works Director Mike Nevin:

- The transition of work to the new Public Works Director is going smoothly. Mr. Nevin is very confident in Jason Van Havel's abilities.
- There have been a couple of promotions in the Public Works department. The "unfilled" position of Assistant Public Works Director has been given to Jason Wierzbicki. Jeff Holman has been promoted to Senior Lead position. There is an open position for a custodial/maintenance worker.
- The Miners Park project has been completed as well as installation of a new roof on the Virginia Highlands gazebo.
- Farr West Engineering has conducted an extensive audit of existing County roads - other than those in TRI - providing information regarding future work to be completed in areas of the County. A program is being developed for the County with substantial assessments and cost analysis for moving forward. Mr. VanHavel is working on a protocol to develop priorities.
- Work has been on-going to get phase two of the water and sewer project up and running. USDA has given the County a competitive interest rate to fund the project. The application has to be in by December 20th:
 1. Thank you to Cherie Nevin for working with USDA and making the funding application happen.
 2. Approval from BLM may be a stumbling block. USDA staff is fairly confident this should not be a major issue.
 3. Once approved, the work can begin to get the pipeline in place between Five Mile Reservoir and the Virginia City treatment plant.
- Another project is the Virginia City-Gold Hill wastewater treatment system improvements - the main lines throughout Virginia City and Gold Hill. A meeting was held regarding easements that would be necessary.
- This will be the last report before retiring.
- Mr. Nevin talked about his 46 years working for Storey County and thanked everyone. Mr. Nevin stated: "I hope I made a difference".

District Attorney Anne Langer:

- The District Attorney is the "keeper of the clock" - the time clock used at Commission meetings to keep comments to 3 minutes. Mike Nevin did not adhere to the time limits. Therefore, the clock will be re-named the "Nevin Clock, or "Nevin" for short!
- Thank you to Mike Nevin for all you have done for Storey County.

Fire Chief Gary Hames:

- Chief Hames announced his retirement on July 1, 2017 after 29 years working for the District and with great people.
- A succession plan is in place which will be presented to the Board.

Community Development Director Dean Haymore:

- Two new hotels are being built in the Tahoe Reno Industrial Park area of Storey County. Studio 6, a 90 room, extended stay hotel - and a Marriott with 125 rooms. Both are expected to be finished in December 2017. Each of these facilities will have restaurants and bars, and the Marriott will also have a swimming pool.
- At the Tahoe Reno Industrial Park, Panasonic (giga-factory) has started running and will be in full operation in January 2017.
- Tesla is currently in operation and Switch began today.

- Agua Metals has begun recycling batteries and is the first environmentally clean, battery recycling facility in the world to do so.
- Mr. Haymore announced his retirement on June 30, 2017. Thank you to the Commission, the Storey County staff, and especially the Community Development staff.
- Storey County is the “littlest - biggest” county in the United States with the historic district and the world’s largest industrial park.

County Manager Pat Whitten:

- The U. S. House of Representatives passed a postal bill which mandates the Postal System to establish one zip code for all of Storey County - an issue the Commission has been looking into for some time. This bill still needs to pass the Senate before this year’s session ends and then signed by the President. Staff and the team in Washington will continue to push for completion.
- Work continues on the Courthouse parking lot with completion anticipated in the 45 day deadline.
- The County Christmas party will be held Friday, December 9th, at Pipers Opera House. Everyone is invited, employees and community members.
- For the first time in many years, lights are shining on “Lady Justice” located on the Courthouse building. The building has been painted as it was in the 1930’s/1940’s and looks great.
- The County continues to work closely with Canyon GID in monitoring water quality:
 1. Six sites have been tested.
 2. There were no coliform or e-coli issues found at the 6 sites - manganese and iron were well below the threshold standards for 5 of the 6 sites.
 3. The 6th site was the Fire Station and any issue will be addressed by additional filtering at that location.
 4. Additional testing will be done at 3 or 4 additional locations where concerns have been raised.
 5. Mr. Whitten is confident that water provided by Canyon GID is safe to drink. Questions and concerns should be addressed to the GID at 342-2850.

8. BOARD COMMENT: (No Action - No Public Comment)

Commissioner McGuffey:

- The NACO convention held in November went well. Updates were given on current bills.
- Senator Jon Porter gave a great update speech on the election.
- Storey County stood out with the largest number of individuals receiving Certified Public Official certificates.
- The Christmas Parade of Lights was awesome with a large crowd attending.
- There have been a lot of accomplishments this year - including the paving of Cartwright Road and Six Mile Canyon, a new roof on the Highlands gazebo, new playground at Miners Park, upgrades at the senior center in Lockwood, and assistance with Veterans Memorial in Mark Twain. Thanks, in part, to Mike Nevin and the Public Works team along with the District Attorney’s office.
- Congratulations to Todd Hess, the new Superintendent of Schools.

Vice Chairman Gilman:

- So much to celebrate at this year-end and the end of the first four years of Mr. Gilman’s term as a Commissioner.
- Thank you to everyone - and to Dean Haymore, Mike Nevin - for the hours invested here. Everyone has worked tirelessly with the growth at TRI, Virginia City, in tourism and events.

- Around the nation, folks are asking how did little Storey County pull this off? There had been a lot of questioning and doubt.
- Those retiring - Mike, Dean, and Gary - have put the County in position to take the next step. These are “big shoes” to be filled. What is happening in the County right now is just the beginning.
- It would not be a surprise that another 5,000 acres of Storey County/TRI would be in escrow by the end of this month - representing several users from every industry all over the globe.
- In the first quarter of next year, a property larger than Tesla or Switch, will be closed.
- There is an incredible amount of success and challenges ahead. The persons filling the shoes of those retiring need to be ready as the County is just getting started. Thank you to each of you.

Chairman McBride:

- In regards to the zip code issue - this was Utah Congressman Chaffey's bill. Congressman Amodei spoke on this issue before the House of Representatives in order to get this bill passed.
- It's nice to know that the Utah congressmen are working hand-in-hand with Nevada representatives - these efforts are appreciated.
- Congratulations to County Manager Whitten for “ram-rodding” the work on the exterior of the Courthouse building. Many complaints have been received over the years. This was not an easy task including involvement of historic commissions, having the old paint analyzed, and dealing with the painting contractor. The result resembles the building in the 1930's or 40's.
- Keep in mind that tomorrow is Pearl Harbor Day.

9. DISCUSSION/POSSIBLE ACTION: Approval of resolution 16-450, 2016 Storey County Business of the Year Awarded to Nick and Jessie Fain, Divide Fitness.

Tourism Director Deny Dotson stated that over the last several years Storey County has recognized a business that has shown significant achievements or made significant contributions to the residents of Virginia City and/or Storey County. The award is selected by the Commission, County Manager, Storey County Department heads, and the Virginia City Tourism Commission.

The 2016 Business of the Year is awarded to Nick and Jessie Fain, and Divide Fitness.

Jessie Fain accepted the award.

County Manager Whitten read the Resolution:

A Resolution Honoring Nick and Jessie Fain & Divide Fitness as the 2016 Annual Storey County Business of the Year;

WHEREAS, this award will be given to a Storey County Business or Organization that has shown significant contributions towards the economic stability in Storey County;

WHEREAS, Nick and Jessie Fain & Divide Fitness have shown extraordinary entrepreneurship, market innovation, strong community relations and contributions towards fulfilling a needed service in Virginia City;

THEREFORE LET IT BE KNOWN to all present that the Board of County Commissioners of Storey County do hereby resolve to commend and honor Nick and Jessie Fain & Divide Fitness for their continued and exemplary service to the people of Storey County.

Ms. Fain said this has been a fun business to put together. Thanks to family and especially to members who signed up before the doors were open. It's been a busy eight months. Thank you all for this award.

No Public Comment.

Motion: Approve Resolution 16-450, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

10. DISCUSSION/POSSIBLE ACTION: Approve and award Storey County Extraordinary Partner of the Year Presentation.

This item was presented by Cherie Nevin, Community Outreach Director. The Storey County Extraordinary Partner of the Year award honors an organization whose partnership with Storey County has proven to be an asset to the County and its communities. This award is presented to the Nevada State Office of the United States Department of Agriculture Rural Development. Ms. Nevin presented an award certificate to each of the USDA staff members present.

Ms. Nevin reported that Storey County has received \$148,717,213.00 from USDA - between affordable housing programs, community infrastructure - water and sewer projects, fire apparatus, and business development.

Nevada State Director, Sarah Adler, introduced Cheryl Couch, Community Programs Director. Ms. Couch thanked the Commissioners, County staff, and the USDA staff. Working with the County has been interesting and educational. It is a team effort between the County and USDA.

Sarah Adler presented USDA Rural Development "Top Performer" awards to Cherie Nevin, Mike Nevin, Gary Hames, Austin Osborne, Dean Haymore, Pat Whitten, and the County Commissioners.

Chairman McBride commented that without Ms. Adler and team, there is no way Storey County could afford to do the projects that are supported by grants and loans from USDA - projects such as fire engines, wastewater treatment plant, replacement of water lines, and the up-coming sewer line project. Chairman McBride does not know what the County would do without the cooperation of USDA Rural Development.

Motion: Approve and award the USDA Rural Development of Nevada as Storey County Extraordinary Partner of the Year, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

11. DISCUSSION/POSSIBLE ACTION: Approval of Resolution 16-452 Honoring Michael E. Nevin

County Manager Pat Whitten congratulated Michael Nevin on his retirement. Mr. Nevin's retirement is effective the end of year however he has committed to over-see the progress of the wastewater treatment facility project.

Mr. Whitten read Resolution 16-452:

A Resolution honoring Michael E. Nevin;

WHEREAS, Michael E. Nevin has faithfully served Storey County for 46 years from 1970-2016; and

WHEREAS, Michael E. Nevin is dedicated to his job and the citizens of Storey County; and
WHEREAS, Michael E. Nevin has served with distinction, earning the respect of all he works with both locally and statewide; and
WHEREAS, Michael E. Nevin's professional skills in several capacities have served to make Storey County a better place to live, work and play.

THEREFORE IT BE KNOWN to all present that the Board of County Commissioners of Storey County do hereby resolve to commend and honor Michael E. Nevin for exemplary service to the people of Storey County, Nevada this 6th day of December 2016.

Mr. Whitten reviewed Mr. Nevin's service to the County since 1970 and presented Mr. Nevin with a plaque in honor of his employment.

Mike Nevin thanked the Commissioners and Mr. Whitten for the recognition and spoke about his years with the County.

Motion: Approve Resolution 16-452 honoring Michael E. Nevin, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

Chairman McBride called for recess at 11:43 AM.
Meeting reconvened at 11:57 AM.

County Manager Whitten announced there is a staff addendum to Item 19. Copies are available at the back of the room.

12. DISCUSSION/POSSIBLE ACTION: Consideration of and possible action to approve Resolution 16-451 advising Rural Development of County's resolve to defend or obtain title to location of rights of way for county sewer lines in Virginia City and Gold Hill.

Deputy District Attorney Keith Loomis presented this item:

- At a meeting with Farr West Engineering, it was requested that the District Attorney's Office give an opinion stating that all of the properties where the sewer lines are to be located are held in good title by the County. There are approximately 80 properties in which there was a question of title.
- John Nelson of USDA Rural Development suggested obtaining a Board resolution advising Rural Development that the County intended to take whatever action necessary to insure the County does have good title to the locations where the sewer lines would be.
- The Office of General Counsel indicated that a condition that would be imposed on the transaction for sale of the bond is the County would do what it takes to make sure there is good title.
- The General Counsel Office is satisfied with, and has approved, the Resolution.
- Exceptions to the Title Report - questions regarding patent mining claims, the town site map, and the surveying - have been sent to General Counsel. The exceptions have been reviewed and approved.
- The Board is requested to approve this Resolution in order to complete one of the conditions of the bond sale.

Public Comment:
None.

Commissioner McGuffey: Is this a title issue or an easement issue?

Mr. Loomis: There are “rights of ways” and “easements” where the sewer line will be located that do raise title issues.

Commissioner McGuffey: Is there possibility of someone not having access to their property?

Mr. Loomis: Not at this point. Research indicates the sewer lines have been in existence in Virginia City since at least 1863 for the most part in 7 streets. Nothing was found earlier than 1888 for sewer lines in Gold Hill. The Resolution states the sewer lines have been here for 150 years and as far as it is known, no one has challenged it.

Mr. Loomis read Resolution No. 16-451:

RESOLUTION Advising Department of Interior, Rural Development (hereafter Rural Development) of County intent to obtain or defend title to any property in which sewer improvements financed by funds from Rural Development will be placed.

WHEREAS, Storey County is proposing to issue a Sewer Revenue Bond to be purchased by Rural Development for the purpose of financing improvements to the County’s sewerage system located with the Gold Hill and Virginia City areas of Storey County; and

WHEREAS, the United States Department of Agriculture, Rural Development is requesting an opinion of counsel that the rights of ways for the construction operation and maintenance of the facilities to be installed, repaired, or enlarged with the proceeds of a loan to be made or insured by, and/or grant from Rural Development to Storey County confer upon Storey County the necessary rights-of-way for the construction, operation and maintenance of the facilities in their present or proposed locations and, that the instruments conveying the rights of way give Storey County a continuous and adequate right of way to permit the construction, operation, and maintenance of the Counties sewer facilities; and, WHEREAS, there are a number of title issues extant in Virginia City due to such matters as fires, loss or original documents, inconsistent surveys and other matters; and,

WHEREAS, there has continually been an operating sewer system in Virginia City and Gold Hill since prior to 1888 in much the same location as it exists today; and

WHEREAS, there are no known challenges to any of the rights of ways in which the sewer lines in Virginia City and Gold Hill are located; and

WHEREAS, there are no known challenges to any of the rights of ways in which the sewer lines in Virginia City and Gold Hill are located; and

WHEREAS, the United States Department of Agriculture, Rural Development seeks that Storey County will defend its title to the rights of ways and/or easements where the sewer lines are located or will be realigned in Virginia City and Gold Hill and/or will take action to obtain clear title to the rights of ways and/or easements where the sewer lines are located or will be located in Virginia City and Gold Hill.

NOW, THEREFORE IT IS HEREBY RESOLVED AS FOLLOWS:

The County of Storey will make every effort to defend its title to the rights of ways and/or easements where its sewer lines are presently located or will be located by virtue of improvements proposed to be made to the sewer lines in Virginia City and Gold Hill.

IT IS HEREBY FURTHER RESOLVED:

Should it become necessary, the County of Storey will take affirmative actions

to obtain clear title to the rights of ways and/or easements where its sewer lines are located or will be located as a result of improvements proposed to be made to the sewer lines.

Motion: Approve Resolution 16-451 advising Rural Development of the County's resolve to defend or obtain title to location of rights of way for sewer lines in Virginia City and Gold Hill and authorize the acting Chair to sign, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

13. DISCUSSION/POSSIBLE ACTION: Ordinance 16-273 authorizing the issuance of the Storey County, Nevada, Sewer Revenue Bond, Series 2016 in the principal amount of \$4,058,000 to pay in part the cost to finance the Virginia City Sewer Improvement Project.

Cherie Nevin, Community Outreach Director, presented Ordinance 16-273. Pursuant to NRS 350.579 this ordinance is drafted for adoption in one reading and must be approved by 2/3 vote of the County Commission. After adoption, the Ordinance must be published twice and the debenture must close by December 20, 2016. The loan with USDA is for a period of 40 years and is in the amount of \$4,058,000.00. There is also a grant for an amount just short of \$9 million.

Public Comment:
None

Motion: Approve Ordinance 16-273 authorizing the issuance of the Storey County, Nevada, Sewer Revenue Bond, Series 2016 in the principal amount of \$4,058,000 to pay in part the cost to finance the Virginia City Sewer Improvement Project, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

Cherie Nevin: This loan is at a very small interest rate. If the rate would happen to drop after the first of the year, this Ordinance may be repealed and the County may get a lower rate.

14. DISCUSSION/POSSIBLE ACTION: Review and possible approval of Storey County Audited Financial Statements draft and proposed changes for the year ended June 30, 2016.

Comptroller Hugh Gallagher requested this item be continued to January 3, 2017 due to several issues yet to be resolved.

Mr. Whitten expressed some disappointment with the auditor but acknowledged that the two pending issues are significant and the answers are outside the control of the County. The Department of Taxation has been advised of the delay.

Motion: Continue the draft of the Storey County Audited Financial Statements with approved changes for the year ended June 30, 2016 to the January 3, 2017 meeting, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

15. DISCUSSION/POSSIBLE ACTION: The applicant requests a special use permit allowing the required 75 feet building and structure height limitation to be increased to 250 feet and to exceed six stories, and for an extension of the allowed timeframe of the special use permit on property located at the Tahoe-Reno Industrial Center, McCarren, Storey County, Nevada (APNs 005-011-13, 14, 28, 29 and 39, approximately at T19N, R23E, MDM).

Vice Chairman Gilman recused himself from discussion and vote on this item due to a conflict of interest because of his pecuniary interest in the Tahoe-Reno Industrial Center

County Manager Whitten presented this item:

- The facts in this item are extremely clear and passage of this item is heavily advocated.
- The property owner is Tahoe-Reno Industrial Center.
- The current County zoning ordinance has a height maximum anywhere in the County of 75 feet.
- The purpose of this item is to pre-approve a specific property in hopes of being one step ahead of any other sites under consideration.
- Two exceptions (to the zoning ordinance) are being looked at. First, to exceed the 75 foot height to a maximum of 250 feet, and second to extend the allowed timeframe of the special use permit to 5 years rather than the normal one year.
- Staff recommends approval.

Public Comment:

None

Commissioner McGuffey: Attended the Planning Commission meeting and is aware of what's going on. The customer does understand that funding for fire suppression may be required?

Mr. Whitten: The applicant is aware that anything in excess of 55 feet could require participation in the program the County has with Tesla. This will be worked out with the applicant, and any subsequent land purchasers as there may be other heights and uses that may not trigger this (fire suppression).

Commissioner McGuffey: Such as radio towers, things like that?

Mr. Whitten: Yes. The recommendations for approval, condition 3 - under Fire District requirements - state, "the use on the subject property must comply special requirements of Storey County and the Storey County Fire Protection District for excessive buildings and structures exceeding 55 feet in height, including requirements to mitigate financial and other impacts caused by the increased building and structure height".

Mr. Whitten read the Findings of Fact:

3.1 Motion for approval:

The following findings of fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section IV Recommended Conditions of Approval are applied.

1. The special use permit applies only to allowing increased height of the buildings and structures on the subject property and an extension of the time limit of the permit, and it is recognized that the use type on the subject land is a use allowed without a special use permit.

2. The special use permit conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located. A discussion supporting this finding for the special use permit is provided in section 2.4 of this staff report and the contents thereof are cited in an approval of this special use permit.

3. Because of the special circumstances applicable to the subject property, the strict application of the zoning ordinance would deprive privileges enjoyed by other properties in the vicinity or under identical zone classification. Granting of the special use permit is necessary for the preservation and enjoyment of substantial property rights of the applicant. A discussion supporting

this finding for the special use permit is provided in section 2.3 of this staff report and the contents thereof are cited in an approval of this special use permit.

4. The special use permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state, and county regulations.

5. The conditions of the special use permit adequately address potential fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings.

6. The conditions under the special use permit do not conflict with the minimum requirements in 1999 Storey County Code Sections 17.62 Special Uses and 17.37 I2, Heavy Industrial Zone, or the development agreement between Storey County and the Tahoe-Reno Industrial Center, LLC.

7. Granting of the special use permit 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 or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

Motion: In accordance with the recommendation by staff and the Planning Commission, the findings of fact under Section 3.1 of this report, and other findings deemed appropriate by the Board, and in compliance with the conditions of approval, I, Commissioner Jack McGuffey, move to approve Special Use Permit No. 2016-031 allowing the required 75 feet building and structure height limitation to be increased to 250 feet and to exceed six stories, and for an extension of the allowed timeframe of the special use permit on property located at the Tahoe-Reno Industrial Center, McCarren, Storey County, Nevada (APNs 005-011-13, 14,28, 29 and 39, approximately at T19N, R23E MDM), **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

16. DISCUSSION/POSSIBLE ACTION: The applicant requests a special use permit allowing the construction and maintenance of an accessory dwelling (mother-in-law quarters), and primary occupancy of the accessory dwelling during construction of the principal dwelling (primary residence), at property located at 160 Vermillion Road, Highland Ranches, Storey County, Nevada (APN 003-442-15).

County Manager Whitten stated applicant is requesting a special use permit to construct an accessory dwelling on property located at 160 Vermillion Road, Highland Ranches. The request is for an accessory dwelling of approximately 1,450 square feet. Storey County Code limits accessory dwellings to a maximum of 1,000 square feet.

Applicant Kevin Singleton, owner of the property at 160 Vermillion Road, said the additional square footage is requested to accommodate elderly parents with a quality place to live. There is no option in Storey County for assisted-living. The building is the same size whether a bedroom or a horse stall. We can make 1,000 feet work however in the future consideration should be given to bumping this up a bit.

Public Comment:
None

Mr. Whitten: Staff recommends the 1,000 square foot limitation. Mr. Singleton's suggestion is acknowledged. One issue (in this case), is the property is subject to CC&R's of the Homeowners Association.

Chairman McBride: Is sympathetic to this request. However, the Planning Commission just spent seven years over-hauling the Master Plan where all of these things were taken into account. To build another house on the property to accommodate more residents is not high density, but is going beyond what has been the norm. Not that it cannot be looked at in the future - however, the applicant would need to go to the Homeowners Association to see where the Association stands. If other residents agree that changes should be made, that would be a strong point to go back to the Planning Commission for review.

Deputy District Attorney Loomis: The reason for the 1,000 foot limitation is that is what is set out in existing Code. Mr. Singleton has the option to come back for a request for a variance.

Mr. Whitten: That process (request for a variance) is less cumbersome than requesting a Special Use Permit. This is our legal staff's way of suggesting that if Mr. Singleton is okay with it, we'll go with 1,000 feet at this time and work with the applicant and the HOA's .

Mr. Whitten read the Findings of Fact:

3.1 Motion for Approval:

The following findings of fact are evident with regard to the requested variance when the recommended conditions of approval in Section IV Recommended Conditions of Approval, are applied.

1. The special use permit complies with all federal, state, and county regulations
2. The special use permit will not impose substantial adverse impacts or safety hazards on the adjacent properties or the surrounding area.
3. The conditions of the special use permit adequately address potential fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings;
4. The conditions under the special use permit do not conflict with the minimum requirements in Storey County Code 17.40 Estate zone and 17.03.150 Special Use Permits, or any other federal, state, or county regulations, including building and fire codes.
5. The 2016 Storey County Master Plan designates the Highland Ranches as rural residential community with parcels no less than 10 acres. Master Plan Section 3.4.3 Goal 1 (p. 120) for land uses in the Highlands states that land use decisions, including the implementation of zoning and regulations in and around the Highlands area, must preserve the rural residential character of and conform to historic use patterns in the area. The accessory use for direct relatives of the subject property owner(s) will not permanently increase the allowed density of or create a condition that is substantially different than that of the surrounding area. Additionally, the Master Plan encourages multi-generational housing options for county residents and their aging family members in order to improve the quality of life for senior citizens in the county and to reduce strain on local and regional senior citizen services.

Motion: In accordance with the recommendation by staff, the findings of fact under Section 3.1 of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I, Commissioner Jack McGuffey recommend approval with conditions Special Use Permit No. 2016-027 allowing the construction and maintenance of an accessory dwelling (mother-in-law quarters), primary occupancy of the accessory dwelling during construction of the principal dwelling (primary residence) at property located at 160 Vermillion Road, Highland Ranches, Storey County, Nevada (APN 003-442-15), **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

Chairman McBride commented that neighbors had submitted letters along with this application indicating there are other residences in the area with attached mother-in-law quarters that are not in

compliance - built without permits. This issue needs to be looked into. This is a problem when someone goes through the process and wants to do things legally.

17. DISCUSSION/POSSIBLE ACTION: The applicant requests a variance allowing the required 10 foot side corner-lot setback distance between a principal building and the property line to be reduced up to zero feet for the placement of a principal building expansion located at 106 East Carson Street, Virginia City, Storey County, Nevada (APN 001.156.02).

Chairman McBride: This request is for the expansion of the Community Chest building located next to the swimming pool.

County Manager Whitten : Staff is recommending approval consistent with the Planning Commission. Community Chest has been a great partner through Phase 1. Phase 2 has now been funded.

Public Comment:
None

Commissioner McGuffey: Is the plan to open up the pathway to the baseball field on the west side of the building?

Chairman McBride: That could be a nice addition.

Mr. Whitten read the Findings of Fact:

3.1 Motion for approval:

The following findings of fact are evident with regard to the requested variance when the recommended conditions of approval in Section IV Recommended Conditions of Approval, are applied.

1. The variance conforms to the 2016 Storey County Master Plan for the Comstock area and for the V&T Midtown specific planning area in which it is located. The use does not conflict with the abutting Silver Star Neighborhood specific planning area. The subject master plan goals and objectives are described in Section 2.4 of the staff report.

2. The variance will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state, and county regulations.

3. The conditions of the variance adequately address potential fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings.

4. The conditions under this variance do not conflict with the minimum requirements in Storey County Code Sections 17.03 Administrative Provisions, 17.12 General Provisions and 17.15 P Public Zone.

5. Because of the special circumstances applicable to the subject property, including shape, size, topography, or location or 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.

6. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the appellant.

7. 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 improvements in the neighborhood of the subject property.

Motion: In accordance with the recommendation by staff, the findings of fact under Section 3.1 of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with

the conditions of approval, I, Commissioner Jack McGuffey, recommend approval with conditions Variance No. 2016-029 allowing the required 10 foot corner-lot side setback distance between a principal building expansion located at 106 East Carson Street, Virginia City, Storey County, Nevada (APN 001.156.02), **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

18. DISCUSSION/POSSIBLE ACTION: The applicant requests a variance to light emission shielding requirements in Storey County Code 8.02 Outdoor Lighting by allowing replacement of two existing outdoor modern light fixtures with historically appropriate light fixtures to the front and north entrances of the Storey County Courthouse, and allowing an existing non-conforming but historically appropriate outdoor light fixture at the south entrance of the Storey County Courthouse located at 26 South B Street, Virginia City, Nevada (APN 001.081.03). The subject light fixtures must comply with Comstock Historic District and Nevada State Historic Preservation Office requirements.

Mr. Whitten explained this (lighting) is the next in the refurbishment of the Courthouse building. The packet includes pictures of the building with 1930 - 40 era lighting, as well as of the proposed light fixtures. The Comstock Historic District and State Historic Preservation Office have approved the fixtures which will be installed at the front entrance and north side entrance of the building. The light at the south entrance was previously approved.

Public Comment:
None

Commissioner McGuffey: Is there any anticipated concern from neighbors across the street?

Mr. Whitten: This (lighting) will be more directive and less intrusive than what exists. Mr. Whitten is not aware of any objections.

Chairman McBride: When the current light is working, it is very obnoxious.

Mr. Whitten read the Findings of Fact:

3.1 Motion for approval:

The following findings of fact are evident with regard to the requested variance when the recommended conditions of approval in Section VI Recommended Conditions of Approval are applied.

1. Office, retail, commercial, public institutional, single-family, and multi-family buildings and their lighting are part of the overall image of the community. In all cases, these standards stress the importance of visually identifying and unifying the community character. Unnecessary and improperly designed light fixtures cause glare, or intense light that results in unnecessary brightness, a reduction of visual performance and visibility, light pollution and wasted resources through additional expense for utility costs, hazardous conditions for all modes of transportation, and also affects the ability to view the night sky, including astronomical observations. The regulations in Storey County Code 8.02 are intended to mitigate these conditions by regulations that require shielding, pointing lighting downward (other than certain lighting allowed with a variance), and only using the amount of light that is necessary. This variance serves to conform as much as possible to the purpose and intent of this ordinance while also conforming and preserving the historical integrity of the Storey County Courthouse.

2. The variance complies with all federal, state, and county regulations, including the approval of the Comstock Historic District as evidenced by the Certificate of Architectural and Historic Approval granted thereby.

3. Because the Storey County Courthouse is listed in the National Register of Historic Places, and because the exterior architectural design and preservation is under the jurisdiction of the Comstock Historic District Commission and the Nevada State Historic Preservation Office, the strict application of Storey County Code 08.02 Outdoor Lighting requirements would potentially not conform to Nevada Revised Statutes regulating historic buildings in the Comstock Historic District, and would potentially degrade the historic value and authenticity of the building and the enjoyment thereof by visitors, residents, and scholars.

4. The variance takes into consideration and incorporates provisions of Storey County Code 08.02 "Dark Skies" to reduce the light emission impacts on adjacent uses while maintaining historic authenticity in accordance with Comstock Historic District requirements.

5. The conditions under this variance do not conflict with the minimum requirements in Storey County Code Sections 17.03 Administrative Provisions, 17.12 General Provisions, and 17.30 CR Commercial-Residential Zone, or any other federal, state, or county regulations, including building and fire codes.

6. 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 improvements in the neighborhood of the subject property.

Public Comment:

John Miller, Lockwood District: What kind of bulb system is being used? LED will give the brightest light with less glare.

Chair McBride: The bulb itself will not be seen because of the design of the fixture.

Mr. Whitten: (reading from the Conditions of Approval) - "the light emitting device, e.g. light bulb, within the light fixture shall not exceed 3,000 lumens (equivalent to 200w incandescent light bulb) unless a shield is placed thereon preventing light trespass onto east abutting properties as limited by Storey County Code 08.02 Outdoor Lighting".

Motion: In accordance with the recommendation by staff, the findings of fact under Section 3.1 of this report, the approval by the Comstock Historic District and the Nevada State Historic Preservation Office, and other findings deemed appropriate by staff, and in compliance with the conditions of approval, I Commissioner Jack McGuffey, recommend approval with conditions Variance No. 2016-028, a variance to light emission shielding requirements in Storey County Code 8.02 Outdoor Lighting, by allowing replacement of two existing outdoor modern type light fixtures with historically appropriate light fixtures to the front and north entrances of the Storey County Courthouse, and allowing an existing non-conforming but historically appropriate outdoor light fixture at the south entrance of the Storey County Courthouse located at 26 South "B" Street, Virginia City, Nevada (APN 001.081.03). This motions recognizes that the subject light fixtures must comply with Comstock Historic District and Nevada State Historic Preservation Office requirements, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

19. DISCUSSION/POSSIBLE ACTION: The applicant requests a special use permit allowing: (a) a single family dwelling combined with a non-dwelling use (combined residence-barn) that will separately house humans, animals, and agricultural equipment; (b) the maintenance of up to 80 large domestic animals and various accessory structures for sheltering, feeding, watering, protecting, and servicing the animal; and (c) a temporary (up to one year) occupancy watchperson's travel trailer on property located at 199 Scales Road, American Flat, Storey County, Nevada (APNs 004.331.40; 004.331.08; and 004.33.22).

County Manager Whitten presented this item. Both applicant, Sally Summers, and the property owner, Comstock Mining, LLC (by Scott Jolcover) are present. As mentioned earlier, a staff report addendum is available and will be the working document for this item. The areas in bold print on the addendum are the areas that Mr. Osborne has asked to make sure it is understood this is what staff and the Planning Commission recommend.

Mr. Whitten noted an email was received within the last two hours from Susan Kaufman asking that the email be read into the record. It will be provided for the record, however last minute items are not typically read into the record verbatim. Basically this email requests Ms. Kaufman's comments in support of Horse Power and Sally Summers to be heard, although Ms. Kaufman is unable to attend this meeting.

Scott Jolcover, representative of property owner:

- Attended the Planning Commission meeting when this item was approved. The Commission directed that Addendum D be added.
- As the landlord, Mr. Jolcover has no issues with the recommendations but would like to address Item 11, Public Access Ways. Mr. Jolcover errantly told Ms. Summers to put the gate up on the road believing it to be private property. Mr. Jolcover assumes now that it may not be.
- There is no intent to keep the public off the road.
- Because there is an unlocked gate, it is winter, and because the project started off on the right foot but then received a "red tag"- it would be difficult with the frozen conditions at this time to realign all the fencing to be able to remove and re-gate it.
- Requests the Commission to allow six months to accomplish this work.
- If this request is approved, Ms. Summers could present a status (of the re-positioning of the fencing) to the Commission at the April meeting.
- By that time, the issue of whether or not it is public or private will be resolved. The intent is remove and re-position the fencing and gate either way.
- There are two other accesses in the area - roadways to get to the same locations.

Mr. Whitten: For years these areas have been heavily accessed and enjoyed by the public and, in particular, by people with off-road vehicles. Assuming that the road is found to be public, six months is a long time to deny access to locals. The alternate accesses referred to are quite lengthy.

Mr. Jolcover: Not at all - there is a map which can be shared. The request is not to deny access, but to allow the gate to remain unlocked until such time this matter is resolved and the fencing can be realigned. The gate can be opened and the public is not bound to close it, although it is recommended.

Commissioner McGuffey: To Mr. Loomis - if this is a public road, traffic cannot be impeded without being in violation of an NRS statute. Correct?

Mr. Loomis: The issue of whether or not this is a public road came up at the Planning Commission. Information has been obtained indicating there are two dedicated easements - one dedicating Scale Road to Storey County and another to Lyon County. This increases the likelihood that this will be considered a public road. Statutes under Chapter 405 prohibit obstructing a public roadway with the threat of misdemeanor prosecution.

Mr. Jolcover: This needs to be determined. Just because it is said there is an easement for Storey County, exactly what and where this is needs to be figured out. While this is being figured out and because no work could be done while the property was red-tagged, and now it is winter, it is hard to

believe the Board would want to put an undue hardship on the property owner, the tenant, or the animals. Access to the public is not being denied - there is access on the road system around it and through it by going through the gate. If six months is too long, whenever it starts getting warm. The traffic in "the Flats" is not what it was when the American Flat Mill was there. No one attended the Planning Commission and protested.

Chairman McBride: The determination should have been made before the gate was erected.

Mr. Jolcover: Does not disagree.

Chairman McBride: District Attorney Loomis - if the Commission allows this to continue, is the County in violation of NRS - by allowing the gate to be kept up and blocking access, whether the gate can be opened or not.

Mr. Whitten: Given the significant difference of opinion regarding that public road and while it is being determined, has the applicant or Mr. Jolcover looked at alternate means, without impeding traffic, to resolve this without the gate - maybe a wider cattle-guard.

Chair McBride asked applicant Sally Summers if she had read the staff report and talked with Austin Osborne.

Sally Summers, Applicant:

- Yes to reading the staff report.
- Spoke briefly with Mr. Osborne.
- Ms. Summers is willing to abide with the requirements, but requests an extension.
- Originally it was assumed the road was private.
- The gates were installed to keep feral stallions away from the hay and our horses. The road is a perfect place to use for long stretches and exercise, as well as hay delivery.
- With a six month extension, the road could be re-configured to outside the fence line. This had not been considered, thinking the road was private.

Chair McBride: What is the purpose of having the horses?

Ms. Summers: These horses were saved from slaughter.

Chair McBride: Not aware of any "slaughter program" with USDA or BLM.

Ms. Summers: There are killer buyers who buy horses for meat. This is an illegal activity and it continues.

- A number of horses were "dumped" on this group with no help from the individuals who brought the horses.
- Horses are being trained and "re-homed" into better homes. Older horses are given a place to die.
- Horsepower is a non-profit organization that handles the license plate for the State of Nevada.
- All of the horses are "Nevada horses" from all over the State.

Chair McBride: Do other organizations bring horses to Horsepower?

Ms. Summers: Organizations that were closing were being helped, but because of financial stress (Horsepower) is no longer accepting horses and is at capacity.

- Other programs have been developed for horses in the vicinity.

- Horsepower has been helping Virginia Range horses for some time.

Chair McBride: There are horses at your facility now? The gate is to keep the stallions out - wouldn't you want the horses to come in for the feed?

Ms. Summers: Yes, there are horses there. No, it's against the law (to feed wild horses). None of the water has been fenced out. All water sources have been kept open.

Chair McBride: You have no working arrangements with BLM or USDA to take in horses?

Ms. Summers: No, Horsepower is not part of that. This is a charitable organization helping small rescues and developing new programs when a need is seen. There is program - "return to sender" - for people with older, suffering animals.

Chair McBride: You stated you are willing to comply with these....

Ms. Summers: Yes. All that is being asked is for time to move the fence line or reconfigure the road.

Chair McBride: There will have to be a legal opinion from the District Attorney as to whether this (fence/gate) can stay or not and if it's a violation of NRS or not. Mr. Jolcover stated that nothing had been done since being "red tagged". Chair McBride understands that construction continued after receiving the red tag.

Ms. Summers:

- No, the fence is not done. The buildings or shelters were pre-existing.
- It was in the process. There are animals that require shelter.

Chair McBride: Is it understood that "red tag" means stop?

Ms. Summers: Now it is understood. Further fencing was not put up - nothing else was done. The reason to have a "watch person" there is to keep the wild horses out.

Chair McBride: This contradicts what has been said by staff - that work continued after the red tag was issued.

Ms. Summers: Shelters that are not permanent, not requiring a building permit, were installed - especially for the older animals. These were pre-existing.

- It was thought that "stop" meant building permits were needed.
- A building permit was purchased for an existing telephone pole in order to put up power. The fence line was stopped.
- The gate is the only thing keeping the stallions out and away from the hay.

Vice Chairman Gilman: According to the staff report, Ms. Summers has agreed to comply with the conditions contained in that report with the exception of public access. Today an extension of time is being requested to leave the gate closed for a period of time while the fence is being realigned or there is a conclusion as to whether the road is public or private.

Ms. Summers: Yes, or move the road.

Vice Chair Gilman: Which you would be undertaking?

Ms. Summers: Yes.

Vice Chair Gilman: This may or may not be possible for the Board because of a violation. It is believed that the regulations state that a gate may not be put up on public access.

Mr. Loomis: Any type of obstruction on a public road is prohibited - which would include a gate.

Ms. Summers: It is movable. Information provided indicates this is a normal practice on large ranches where there are signs saying "keep all gates closed" in order to keep livestock in. This is throughout Nevada on roads that are public.

Vice Chair Gilman: Recalls that a suggestion was made at the Planning Commission to install a substantial cattle-guard in place of the gate. This would not be an obstruction.

Mr. Loomis: Does not believe this would constitute an obstruction.

Ms. Summers:

- Waiting to hear back from someone who has cattle-guards.
- Horsepower is looking for used ones which would be cheaper.
- The hay needs to be secure.
- Ms. Summers would be happy to do the footwork to locate cattle-guards and can check with the State to see if there are some available somewhere.
- Consideration should be given to the fact the gate is movable, not locked and does not stop people from using the road.

Vice Chair Gilman: The State is building approximately 18 miles of 4-lane highway through TRI and installing multiple cattle-guard crossings, fencing the both sides of the highway, but allowing for ingress and egress to various parcels with the use of the cattle-guards - specifically identified as managing the wild horse population.

Mr. Whitten: The Planning Commission stated, "all public right of ways, including but not limited to Scale Road and access easements, must remain open to the public and not be gated, fenced, barricaded, or otherwise made to be inaccessible to the public."

- A gate is a gate. The Planning Commission is specific that it is not to be gated.
- To alter the recommendation by the Planning Commission is "treacherous slope".
- Unless Ms. Summers is acceptable with every item and condition from the Planning Commission, it is suggested this item be remanded back to the Planning Commission .

Ms. Summers:

- The gates are removable and this could be done, but then wild horses would come in there.

Chair McBride:

- Does not understand why the hay cannot be fenced off.

Ms. Summers:

- The wild horses would cause havoc with the (Horsepower) horses that are in corrals and the fenced area. The perimeter fence is intended to keep Horsepower animals safe and the stallions away and to prevent injury to both.
- The hay is placed in the center as far away as possible. But if the (wild horses) came in and were feeding, that would be breaking the law as well.
- The gates can be taken off, but the consequences of that are being talked about now.

Chair McBride:

- There is an option - the Chair can recommend the Board approve the staff report as it is - as amended. Or, Ms. Summers can go back to the Planning Commission to try to work it out differently.

Ms. Summers:

- At this point, the animals are fostered in other areas- this is time consuming and expensive. Horsepower would like to get this taken care of and bring the animals on. The gates can be taken off while there are no mares there, and what happens - happens.
- Moving the road is also an option.

Mr. Whitten:

- This is also a time consuming item. The horse sanctuary is a great cause, but other similar items have taken significantly less time.
- The options are simple:
 1. Accept every condition - which means no gate;
 2. Consider to remand it - that will take more time;
 3. Deny as presented as not acceptable to the applicant.

Ms. Summers: Originally the thought was to accept it all with the need for additional time to at least finish the interior fence-line. This way not breaking the law by allowing the wild horses to eat as Nevada is a "fence out" State.

Commissioner McGuffey: The County is still being asked to break the law.

Ms. Summers: There are other NRS codes that allow for this.

Mr. Loomis: There is no provision in the statute that authorizes putting a gate across a public road.

Ms. Summers: It has not yet been established that this is a public road.

Chair McBride: It has to be established that it is not a public road - not that it is a public road. This is not up to the Board, it is up to the applicant.

Ms. Summers: Okay. The gates can be taken off.

Chair McBride: Does not see any other choice. Either find out that the County is wrong and it is a private road, or make other accommodations - moving the fence, moving the road.

Mr. Jolcover: If the Board approves the conditions "as is", Ms. Summers needs to immediately remove the gate and fence and whatever can be done, as fast as possible, to keep other animals out?

Mr. Whitten: That would be staff's recommendation. Regarding the red tag - the Special Use Permit has very clear provisions should any compliance person or agency find the gate is still there - there are legal provisions to show cause why the (SUP) should not be revoked. At this point, this cannot be approved with the gate.

Ms. Summers: Will have the gates removed.

Mr. Whitten read the Findings of Fact:

3.1 Motion for approval:

The following findings of fact are evident with regard to the requested variance when the recommended conditions of approval in Section V Recommended Conditions of Approval, are applied.

1. The special use permit does not conflict with the provisions of the 2016 Storey County Master Plan including the goals and objectives listed in Chapter 3 LandUse and Chapter 11 Cultural and Historic Resources, including as related for the maintenance of an orderly, efficient, and sustainable development; compatibility between existing and future uses; the advancement and diversity of the local economy from tourism and other sources;
2. The special use permit will not impose substantial adverse impacts or safety hazards on the adjacent properties or the surrounding area;
3. The conditions of the special use permit adequately address potential structure and wildland fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings;
4. The conditions of this special use permit do not conflict with the minimum requirements in Storey County Code 17.32 F Forestry Zone, or any other federal, state, or county regulations, including building and fire codes.

Mr. Whitten: The statement regarding state codes, laws, should be presumed that it applies to the gate so (the Board's condition) should contain all conditions, including the one in section 11 - suggesting no gate, no barrier.

Motion: In accordance with the recommendation by staff, the findings of fact under Section 3.1 of Staff Report No. 2016-030, and other findings deemed appropriate by the planning commission, and in compliance with the conditions of approval as amended pursuant to Staff Report Addendum No. 2016-030, I, Commissioner Jack McGuffey, motion to approve with stated conditions Special Use Permit No. 2016-030, allowing: (a) single-family dwelling combined with a non-dwelling use (combined residence-barn) that will separately house humans, animals, and agricultural equipment; (b) the maintenance of up to 80 large domestic animals and various accessory structures for sheltering, feeding, watering, protecting, and servicing the animals; and (c) for a temporary (up to one year) occupancy watchperson's travel trailer on property located at 199 Scales Road, American Flat, Storey County, Nevada (APNs 004.331.40; 004.331.08; and 004.331.22.) , **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

20. DISCUSSION/POSSIBLE ACTION: Licensing Board/Second Readings:

- A. TOOLS & TECHNOLOGY BY BURNS, LLC – General / 550 W Plumb ~ Reno (mobile tool store)
- B. BUREAU VERITAS NORTH AMERICA, INC. – Professional / 1601 Sawgrass ~ Sunrise, FL (consult)
- C. HESSE MECHATRONICS, INC. – Contractor / 6105 South Ash ~ Tempe, AZ (equipment)
- D. ADVENT TECHNOLOGIES, INC. – Professional / 503 Bangs Ave ~ Modesto, CA (consultant)
- E. DOUG WALL CONSTRUCTION, INC. – Contractor / 78450 Ave 41 ~ Bermuda Dunes, CA (contractor)
- F. F & M MAFCO, INC. – Contractor / 9149 Dry Fork Rd ~ Harrison, OH (equipment)
- G. RENO CARSON HOME SERVICES – Contractor / 2206 Bordeaux ~ Carson City (contractor)
- H. PEOPLE READY, INC. – General / PO Box 2910 ~ Tacoma, WA (staffing)
- I. KEYENCE CORPORATION OF AMERICA – General / 669 River Dr ~ Elmwood Pk, NJ (distributor)
- J. CHEWY, INC. – General / 385 Milan (ecommerce, fulfillment) TRI
- K. SSUSA WEST, LLC – General / 470 East Sydney (steam sterilization of herbs/spices) TRI
- L. AQUA METALS RENO, INC. – General / 2500 Peru Drive (battery recycling facility) TRI

On behalf of the Community Development Department, Pat Whitten requested approval of Items A. through K. and continuance of Item L.

Motion: Approve Items A. through K., **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

Motion: Continue Item L., **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

21. CORRESPONDENCE:

- a. Storey County Fire Protection District October 2016 Report.
- b. Canyon GID Independent Water Test Results

County Manager Whitten: An item in the Fire Protection District Report to keep an eye on - North County Auto-Aid to Truckee Meadows. This is a substantial number and was a requirement agreed to with Washoe County when Storey County acquired the 600 acres (previously in Washoe County). Storey County is living up to the agreement with 22 mutual-aid calls to Truckee Fire and District calls totaling 46 of 68.

The County continues to work closely with Canyon GID monitoring water quality concerns. Based on six sites tested, there were no issues/no traces at all with chloroform or e-coli. Testing was also done for iron and manganese, neither of which constitute a health risk - only cosmetic issues. Five of the six sites tested below, and some with no traces. The sixth site was Fire Station 74 - an old building, which did show iron and manganese. Four additional test sites have been requested by the GID, which are being done.

22. PUBLIC COMMENT:

None

23 . ADJOURNMENT

The meeting was adjourned by the Chair at 1:40 PM

Respectfully submitted,

By: _____
Vanessa Stephens Clerk-Treasurer