



# STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, FEBRUARY 21, 2017 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-

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**ROLL CALL:** Chairman McBride, Vice Chairman McGuffey, Commissioner Gilman, County Manager Pat Whitten, Clerk & Treasurer Vanessa Stephens, District Attorney Anne Langer, Comptroller Hugh Gallagher, Communications Director Dave Ballard, Community Relations Coordinator Cherie Nevin, Fire Chief Gary Hames, Battalion Chief Jeff Nevin, Security Director Melanie Keener, Planning Director/Administrative Officer Austin Osborne, Public Works Director Jason VanHavel, Storey County Lobbyist Greg "Bum" Hess, Sergeant Jeff Bowers, and Recorder Jen Chapman

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

Meeting was called to order by Chairman McBride at 10:00 A.M.

### **2. PLEDGE OF ALLEGIANCE**

Chairman McBride led those present in the Pledge of Allegiance.

**Motion:** Approve Agenda for February 21, 2017, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

### **3. CONSENT AGENDA**

I For possible action: Approval of claims, Accounts Payable Checks dated 2/3/2017 for \$433,736.78 and \$10,940.08 and dated 2/10/2017 for \$15,080.00. Payroll checks dated 2/07/2017 for \$15,080.00. Payroll checks dated 2/07/2017 for \$76,519.02 and \$133,974.07 & dated 2/10/2017 for \$484,850.14.

II For possible action: Approval of Licensing Board First Readings:

- A. **CMF GROUP, INC. dba CMF Group NV, Inc.** – Contractor / 1701 Lincoln ~ Madison Hts, MI (machinery)
- B. **HIGHLAND ELECTRIC & LIGHTING, LLC – General / 198 N C Street (office w/Collins)VC**
- C. **RINALDI ENVIRONMENTAL CONSULT., INC.** – Professional / 15100 Broili Dr ~ Reno (consult.)
- D. **JOHNSON BEARING & SUPPLY, INC.** – Contractor / 515 Vista ~ Sparks (industrial supplier)
- E. **PACIFIC SOUTHWEST CONTAINER, LLC** – General / 4530 Leckron Rd ~ Modesto (packaging)
- F. **PULIZ MOVING & STORAGE CO.** – Contractor / 1095 Standard ~ Reno (moving services)
- G. **PERBIX MACHINE COMPANY, INC.** – Contractor / 4405 Winnetka ~ Brooklyn Park, MN (equipment)
- H. **FYN AIR, INC.** – General / 4865 Joule Street ~ Reno (crate supplier)
- I. **METOKOTE CORPORATION** – Contractor / 1340 Neubrecht ~ Lima, OH (equipment installation)
- J. **IPG PHOTONICS CORPORATION** – General / 50 Old Webster Rd ~ Oxford, MA (service equipment)
- K. **KURTZ ERSA NORTH AMERICA** – Contractor / 1779 Pilgrim Rd ~ Plymouth, WI (soldering svcs.)
- L. **NEXT SOURCE, INC.** – General / 1040 Ave of the Americas ~ New York (staffing)
- M. **SCAFCO CORPORATION** – Contractor / 2800 E. Main ~ Spokane (construction materials)
- N. **MIKE KEENAN, SR. dba Keenan’s Kreations** – Home Business / 173 Cerese (online sales art)
- O. **MISTRAS GROUP, INC.** – Contractor / 8587 White Fir ~ Reno (rescue training)
- P. **JLM INDUSTRIAL SUPPLY, INC.** – General / 955 South McCarran ~ Sparks (industrial supplier)
- Q. **I.T. HEATING & AIR** – Contractor / 2900 Vassar ~ Reno (hvac contractor)
- R. **NIKKE MACHINE MFG CORP** – Contractor / 440 Sendo ~ HYOGO JAPAN (machine service)
- S. **BOSCHMAN TECHNOLOGIES BV** – Contractor / Stenograaf THE NETHERLANDS (machinery)
- T. **JENSEN HUGHES, INC.** – Contractor / 3610 Commerce Dr ~ Baltimore, MD (engineering)
- U. **TRIPLE PLAY SERVICES, INC.** – Transportation / 42505 Christy Street ~ Fremont, CA (transportation)
- V. **CAPITOL CITY ELECTRIC, INC.** – Contractor / 5415 South Edmonds ~ Carson City (electrical cont.)
- W. **THE BUG GUY PEST CONTROL, INC.** – Contractor / 8570 Eaglenest ~ Reno (pest control)
- X. **RAUL MARTINEZ dba Martinez Landscaping** – Contractor / 9685 Meadow Star ~ Reno (landscaping)

Public Comment:  
None

**Motion:** Approve Consent Agenda for February 21, 2017, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

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

**Public Works Director Jason VanHavel:**

- Received shipment of a boom-lift which was used to remove loose bricks off of the courthouse.
- Work is being done to clear culverts in TRI as well as repairs being done on Lousetown Road and Six Mile Canyon.
- Last night’s precipitation in Six Mile Canyon measured higher than the storm in January - causing additional damage.

- Only two months into the year, the County is at 150% of normal precipitation.
- The next phase of the sewer project is going out to bid, with groundbreaking in the spring and completion expected late summer 2018.

**Sergeant Jeff Bowers:**

- The Sheriff's Office will have two first readings for liquor licenses: **one for Canvas Café, and an amended license for the Tap House.**

**Director of Community Relations Cherie Nevin:**

- The President approved the Declaration of Emergency for Nevada. Work with FEMA will begin with a meeting in March - this process could take up to 18 months.
- A presentation will be given this Thursday to the Carson River Subconservancy regarding the wastewater improvement project. USDA will be teaming with the County on this project.
- Working with NDOT in applying for emergency relief funds through the Federal Highway Administration for repairs to area roads with hopes to have Six Mile Canyon approved and included.
- Nevada Arts Council held an art forum at St. Mary's Art Center. There was conversation regarding re-establishing the Comstock Arts Council.

**Storey County Lobbyist Greg "Bum" Hess:**

- Legislature update:
  1. Approximately 17 meetings were postponed yesterday.
  2. A report will be given most likely at the March 21<sup>st</sup> (Commission) meeting including the tax cap, public works bills, water rights, impact fees and gender orientation.
  3. Only majority leaders can file bills at this point.

Commissioner Gilman: This will be a year to be very vigilant. There are a lot of bills that could specifically impact Storey County.

**Planning Director/Administrative Officer Austin Osborne:**

- Thank you to all, including Commissioners, who attended the first strategic plan meeting. There will be a series of meetings and this should be an eight month process.
- Some of the meetings will be with the Planning Commission, some with department heads and elected officials.
- A town hall meeting will be held with the USGS at Fire Station 72 in the Highlands on March 23<sup>rd</sup>, 6PM, to discuss water surveys for volunteers who wish to have USGS monitor wells.
- Health benefit premiums will likely go up this year - the first time in a long time. An insurance committee to include employees will be formed. It is probable that substantial contributions by employees will be discussed - not necessarily with premiums, but with deductibles, co-pays, and the like.
- Katie Herrington, Judge Herrington's daughter, is present today. Katie is getting her Masters Degree in Legal Studies and is visiting from North Carolina.

**Comptroller Hugh Gallagher:**

- The budget process has begun. The budget committee has done a good job determining where things are and what needs to be done.
- Staffing requirements have been reviewed.
- Department operational budgets are due on Friday. After review, the committee will meet with the County Manager and make tentative budget requests to the Commission.

- As mentioned previously, County audit services will be put out for bid. The current CPA has sent notice that the lead auditor is preparing to retire.
- The auditor must be selected by March 30<sup>th</sup> to start on July 1<sup>st</sup>.

**District Attorney Anne Langer:**

- Residents should be aware there are a lot of phone scams saying to be from the IRS claiming there is a warrant for your arrest due to unpaid taxes as well as traffic tickets or unresolved court issues. The IRS would send letters not make phone calls.

**County Manager Pat Whitten:**

- The Comstock Chronicle and the Virginia City News are merging. The first issue will be out March 3<sup>rd</sup>.
- Commissioners McBride and McGuffey did a stellar job testifying on SB57. Mr. Whitten is working on a couple of pending questions which will be discussed with the Senate Majority Leader.
- Roger Norman, and team, is gifting a mountain top access for radio tower coverage in the industrial corridor.

**5. BOARD COMMENT (No Action - No Public Comment) :**

**Vice Chairman McGuffey:**

- NACO update:
  1. NACO is watching all of the bills going through the Legislature
  2. SB176 would require law enforcement to wear body cameras. Possible funding would come from increase in 911 fees.
  3. AB43 - Property tax cap bill, a restructure of the past bill.
  4. SB8 - Presentencing investigation bill. Counties currently pay 70% of these costs - NACO is trying to reduce this to 30%.
  5. SB57 - Reconfiguration of the V&T Commission Board.
  6. The “well bill” - people owning wells are encouraged to go to meetings regarding this issue.

**Chairman McBride:**

- The Republican annual “Lincoln Day Brunch” was held at and hosted by the Delta Saloon. Attending was U.S. Senator Dean Heller, Congressman Mark Amodei, State Senator James Settlemyer, and Assemblyman Jim Wheeler. Also, Senator Don Gustafson from Reno, State Comptroller Ron Knecht, State Treasurer Dan Schwartz, along with Commissioners McBride and McGuffey. This event was well attended and received.
- Along with Chair McBride, Commissioner McGuffey, and Austin Osborne will be attending the national NACO conference in Washington DC. This conference provides opportunity to meet with the Congressional Delegation one-on-one as well as Federal representatives, along with attending various workshops.

**6. DISCUSSION/POSSIBLE ACTION :** Approval of the Storey County/Lyon County Rawe Peak Radio Equipment Inter-Local Agreement.

Communications Director, Dave Ballard, presented this item. The purpose of this lease with Lyon County is for installation of Storey County equipment in the Lyon County facility. There are two buildings on Rawe Peak, one owned by the State - currently housing Storey County equipment, and one owned by Lyon County. It makes sense to move the equipment out of the State building into the Lyon County building based on the partnership with Lyon County in several areas.

The lease with the State will be replaced by this agreement with Lyon County. This lease costs more, \$3,000 per year, however the Lyon County building is better maintained and has easier access.

Mr. Whitten: The rate being charged is very fair. The County pays more for this at Pond.

Mr. Ballard: Pond costs \$360 per month, plus \$40 for utilities. The amount paid to Lyon County goes toward maintenance, upgrade of the generator, and fuel. These costs would be split with Lyon County.

Vice Chairman McGuffey: Is the equipment being shared?

Mr. Ballard: The quad-county microwave is being shared. Storey County is actually the first county using it for communications. The State was asked if (Storey) County could run fiber lines to the State building, but there were too many "hoops" to go through to get this done.

Public Comment:  
None

**Motion:** Approve Storey County/Lyon County Rawe Peak Radio Equipment Inter-Local Agreement, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

**7. DISCUSSION/POSSIBLE ACTION:** Confirm reappointment of Marshall McBride and Laura Kekule to the Storey County Board of Equalization.

Chairman McBride abstained from discussion and vote on this item.

Vice Chairman McGuffey stated this item is to confirm reappointment of Marshall McBride and Laura Kekule to the Storey County Board of Equalization.

Public Comment:  
None

**Motion:** Approve reappointment of Marshall McBride and Laura Kekule to the Storey County Board of Equalization, **Action:** Approve, **Moved by:** Commissioner Gilman, **Seconded by:** Vice Chairman McGuffey, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

**8. DISCUSSION/POSSIBLE ACTION:** Confirm reappointment of Marshall McBride, Pat Whitten, and Laura Kekule to the Storey County Debt Management Board.

Chairman McBride abstained from discussion and vote on this item.

Vice Chairman McGuffey presented this item.

Public Comment:  
None

**Motion:** Approve reappointment of Marshall McBride, Pat Whitten, and Laura Kekule to the Storey County Debt Management Board, **Action:** Approve, **Moved by:** Commissioner Gilman, **Seconded by:** Vice Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

## 9. RECESS TO CONVENE THE 474 FIRE DISTRICT BOARD

**10. DISCUSSION/POSSIBLE ACTION:** Confirm and Appoint Jeff Nevin as the Storey County Fire Protection District Chief Appointee.

Chairman McBride said Jeff Nevin started as a student member and has worked his way up the ranks to Fire Chief. Jeff has been a firefighter, Fire Captain, Battalion Chief - a native and resident of Virginia City.

Public Comment:

**Mike Nevin**, Resident: Jeff is following in the footsteps of Mr. Nevin, who served as Fire Chief in the 1980s, as well as Jeff's great, great grandfather. Jeff's grandfather served as Virginia City Paid Fire Chief, 1901-1906, 1911, 1912. The County formed the 474 Fire District in the 1990's . Congratulations to Jeff, he will do a fantastic job.

**Gary Hames, Fire Chief:** Jeff Nevin is a great choice. Jeff has been around the firehouse since he was young. There are several personnel of the Fire Department who started as student members.

**Motion:** Approve appointment of Jeff Nevin as the Storey County Fire Protection District Chief Appointee, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

## 11. ADJOURN TO CONVENE THE STOREY COUNTY LIQUOR LICENSE BOARD

**12. DISCUSSION/POSSIBLE ACTION:** Approve first reading for a Cabaret and On & Off Liquor License. Applicants are Richard Oates and Alexia Sober, owners of the Canvas Café located at 110 N C St., Virginia City, Nevada.

County Manager Pat Whitten: This is a first reading for the Cabaret and On & Off Liquor License for the **Canvass Café**. There is no reason to not approve while investigation is completed.

Sergeant Jeff Bowers: No comment on this matter at this time.

Public Comment:

None

**Motion:** Approve first reading for a Cabaret and On & Off Liquor License. Applicants are Richard Oates and Alexia Sober, owners of the Canvas Café located at 110 N C St., Virginia City, Nevada, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

**13. DISCUSSION/POSSIBLE ACTION:** Approve amendment of the Virginia City Brewery liquor license. Amending the license from Kurt Holt and Jason Hawkins, to solely in the name of Kurt Holt, removing Jason Hawkins.

Public Comment:

None

**Motion:** Approve amendment of the Virginia City Brewery liquor license. Amending the license from Kurt Holt and Jason Hawkins, to solely in the name of Kurt Holt, removing Jason Hawkins, **Action:**

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

#### **14. ADJOURN TO RECONVENE THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS**

**15. DISCUSSION/POSSIBLE ACTION:** Continued from the 02/07/17 board meeting) The applicants request to change the zoning of APN 004-181-02, specifically Section 31, Township 18 North, Range 23 East, MDBM, from Forestry (F) to Light Industrial (I1). The property owner is proposing to develop a utility-scale solar photovoltaic use on the property. The approximate 159 acre parcel is identified in the 2016 Storey County Master Plan as a Transition parcel from Resources to Industrial, and the requested zone change is consistent with that designation. The property is located along the Storey County/Lyon County boundary approximately 5 miles northeast of the Mark Twain Estates.

Planning Director Austin Osborne presented this item.

- This is a zone change request of a 59 acre parcel in Mark Twain, currently zoned Forestry to Light Industrial.
- The request is compliant with the Master Plan which designates this as a transition area - Forestry to Industrial.
- This is not a Use Application, it is a Zone Application. Once the parcel is zoned I-1, the applicant will be able to do anything listed for the I-1 Zone.
- The nearest residents in that area attended the Planning Commission meeting and did not express any concerns.
- The Lyon County Manager was also contacted and was aware of the applicant's proposal.
- Staff recommends approval.

Public Comment:

None

Mr. Osborne read the findings of fact:

6.1.1 The proposed Zone Map Amendment complies with all Federal, Nevada State and Storey County regulations;

6.1.2 The proposed Zone Map Amendment will not impose substantial adverse or safety hazards on the abutting properties.

6.1.3 The conditions of approval of the Zone Map Amendment require compliance with the applicable codes.

6.1.4 The conditions of approval of the Zone Map Amendment do not conflict with the minimum requirements in SCC Chapter 17.34 I1 Light Industrial Zone or chapter 17.033.220 Zone map amendments and zone text amendments;

6.1.5 The uses allowed by the new zones do not appear to cause substantial adverse impacts to the uses allowed in abutting zones;

6.1.6 The proposed Zone Map Amendment is in substantial compliance with and supports the goals, objectives and recommendations of the 2016 Storey county Master Plan;

6.1.7 The proposed Zone Map amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity;

6.1.8 The proposed Zone Map Amendment will not cause uses that will negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare;

6.1.9 The proposed Zone Map Amendment will not create any non-conforming conditions, such as non-conforming setbacks distances or minimum parcel area and width requirements.

**Motion:** In accordance with the recommendation by staff and the Storey County Planning Commission, the findings of fact under Section 6.1 of this report, and other findings deemed appropriate by the County Commission, and in compliance with the conditions of approval, I, Commissioner McGuffey, make a motion to approve with conditions Zone Map Amendment 2013-033, allowing the applicant's request to change the zoning of APN 004-181-02, specifically Section 31, Township 18 North, Range 23 East, MDBM, from Forestry (F) to Light Industrial (I1). The property owner is proposing to develop a utility-scale solar photovoltaic use on the property. The approximate 159 acre parcel is identified in the 2016 Storey County Master Plan as a transition parcel from Resources to Industrial, and the requested zone change is consistent with that designation. The property is located along the Storey County/Lyon County boundary approximately 5 miles northeast of the Mark Twain Estates, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

**16. DISCUSSION/POSSIBLE ACTION:** (Continued at the 02/07/17 board meeting) The applicant requests a Special Use Permit to construct an approximately 5 to 170 megawatt utility-scale ground mounted solar photovoltaic power generating facility using solar panel array technology with associated equipment storage buildings, office and watchman's dwelling on APN 004-181-02, located in Section 31, Township 16 North, Range 22 East, MDBM, and APN 004-291-02, located in Section 1, Township 17 North, Range 22 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.

Austin Osborne stated the Applicant is requesting a Special Use Permit to construct a photovoltaic power generating facility on an approximately 520 acre property.

- This use is consistent with the Master Plan.
- Photovoltaic is basically solar panels, not a tower.
- This facility will be located next to what may become the Blackhawk sub-station by NV Energy. Applicant indicates there have been discussions with NV Energy about connecting to the sub-station if that was to happen.
- Conditions of this Permit are standard. It could be transferred to another user.
- Noise, light, and drainage conditions are included.
- A watchman's dwelling will be allowed on this property. Water must be on-site and available to the dwelling.
- The Planning Commission requested the County Commissioners consider substantial bonding language to insure when the project expires that the equipment disappears, the area is re-graded, re-seeded, and brought back to a reasonable condition as it exists today.
- There is no expiration date on this permit. However, if the facility does not operate for three years, or more, the County can deem the facility abandoned and decommissioned.
- If the facility is never built, the Special Use Permit expires at the end of 24 months.

Public Comment:

Rafi Abrishami, Applicant: Will follow the recommendations of Mr. Osborne. If a bond is necessary, that advice will be followed. This is not similar to a mining project where there tends to be a very deep excavation. Once a solar facility terminates after the 25 year cycle, or if the project manager walks away sooner - which is unlikely, the salvage value of the equipment on the property would exceed the cost of reclamation many times over. We would not move forward if it was thought this project was not viable. We suggested that a bond be required for the last 5 years (of the 25 year cycle). However, the recommendations will be followed.

Chairman McBride: Is this the first venture into this type of project? It could turn out to be a very small to a very large project?



Mr. Abrishami: Yes.

Vice Chairman McGuffey: Will this power be sold to NV Energy or private homes?

Mr. Abrishami: Both avenues will be looked at. Discussions will be held with NV Energy regarding purchase agreements. We were waiting for the Special Use Permit to be in place before discussions.

Commissioner Gilman: Has the possibility of a re-sale program been discussed with NV Energy?

Mr. Abrishami: There have been several meetings with NV Energy's third party advisors. Negotiations will be through these advisors. We were waiting for approval of the SUP before beginning formal negotiation. Multiple facets have been heard, including:

1. That NV Energy does not plan to build Blackhawk Energy anytime soon;
2. Other sources indicate otherwise.

Chair McBride: From a first-hand account, NV Energy is not going forward with the Blackhawk sub-station at this time, or in the foreseeable future. Has the Public Utilities Commission been contacted?

Mr. Abrishami: Would consider setting up a sub-station if the NV Energy sub-station does not materialize. We were waiting for approval of the SUP before contacting the PUC which will be the next step.

Commissioner Gilman recused himself from any further discussion or vote on this item as there may be future issues.

Nicole Barde, Virginia Highlands Resident: Is this going to be photovoltaic only or is there the potential there will be wind? Does changing to light industrial mean any alternative energy? Does this allow a sub-station?

Chair McBride: Not for this SUP which is photovoltaic only. If wind were to be incorporated, another SUP would be required as well as one for a sub-station. Mr. Osborne, has the issue of obtaining the bond for the last five years been discussed?

Mr. Osborne: There has been discussion. It is assumed that the equipment has a 25 year lifespan. It sounds like a good idea - bond it up front during the construction, the highest risk area, and then there is a gap for 10, 15, or 20 years. The bond is kicked back up when the equipment is reaching its lifespan. The challenge is with potential successors where the "plug is pulled" the day before obtaining a bond, leaving the County with 500 acres of equipment to be removed. There is no way to tell whether this would be the case or not. Another concern would be precedent. Every possible alternative has been discussed with applicant. A lot of changes were made that were agreed on.

Chair McBride: Agrees with Mr. Osborne. Looking at other areas where there is dilapidated equipment such as windmills, the equipment has been there for decades as there was no provision in place to remedy the issues.

Mr. Osborne read the findings of fact:

5.1.1 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 Land Use including as related for the maintenance of an orderly, efficient and sustainable development; create and maintain a diverse economy; balance renewable energy systems with other uses; and compatibility between existing and future uses;

- 5.1.2 The Special Use Permit complies with all federal, state, and county regulations;
- 5.1.3 The Special Use Permit will not impose substantial adverse impacts or safety hazards on the adjacent properties or the surrounding area;
- 5.1.4 The conditions of the Special Use Permit adequately address potential fire hazards and require compliance with the applicable fire codes, including fire protection ratings;
- 5.1.5 The conditions under the Special Use Permit do not conflict with the minimum requirements in SCC Chapter 17.12 General Provisions, Chapter 17.34 I1 Light Industrial Zone, Chapter 17.32 Forestry Zone and Chapter 17.03.150 Special Use Permits, or any other federal, state, or county regulations, including building and fire codes.

**Motion:** In accordance with the recommendation by Staff, and the Storey County Planning Commission, the Findings under Section 5.1 of the Staff Report and other Findings deemed appropriate by the County Commission, and in compliance with the conditions of approval in Section 6 of this report, I Commissioner McGuffey, hereby motion to approve with conditions and the addendum to Special Use Permit Application Number 2016-034 for a Special Use Permit to construct an approximately 5 to 170 megawatt utility-scale ground mounted solar photovoltaic power generating facility using solar panel array technology with associated equipment storage buildings, office and watchman’s dwelling on APN 004-181-02, located in Section 31, Township 16 North, Range 22 East, MDBM, and APN 004-291-02, located in Section 1, Township 17 North, Range 22 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates, in addition to this motion is included a copy of the addendum to Staff Report 2016-034 SUP Conditions of Approval, recommendation by Planning Department, to Conditions 3, 18, and 19, Special Use Permit 2016-034, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

Chairman McBride called for Recess at 11:30 AM  
Meeting reconvened at 11:40 AM

**17. DISCUSSION/NO ACTION:** Comstock Mining, LLC to report the overflow of an event pond located at 1200 American Flat Road (heap-leach facility) during the January rain and snow storm event. The report will show that no known violations are evident, and it will summarize monitoring, remediation, and future prevention that is underway with guidance and direction from the Nevada Division of Environmental Protection.

Scott Jolcover, Director of Business Development for Comstock Mining, LLC, presented this item:

- This Comstock Mining facility is designed in accordance to EPA standards to sustain 25 year events.
- CMI has suffered its fourth 100-year event - 2 inches of rain in a 24 hour period. This equals about 1.6 million gallons over the CMI facility.
- The event pond was designed for 4.9 million gallons and approved by The EPA engineers.
- CMI has been very pro-active and stopped adding cyanide to the leach facility in November.
- Pond levels were brought down when storms were coming.
- The solution that was left was “hit” with peroxide which kills cyanide.
- In January there was a power outage creating a breaker failure and approximately 95,000 gallons escaped the event pond.
- NDEP, County Emergency Management Director Joe Curtis, and Planning Director Osborne were advised and met at the site. The sampling protocol was conducted.
- There was a second breaker failure creating a water leak and the second spill. The same persons were notified and the same protocol was followed.

- After the first spill, CMI obtained three “land sharks” evaporators and two pond evaporators. Six additional evaporators were obtained from Michigan. That’s nine “snow maker” evaporators and two pond evaporators.
- Evaporating is being done to the maximum capacity of the facility.
- CMI is in touch with NDEP regularly. The NDEP Bureau Chief toured the facility along with Mr. Jolcover on Saturday.
- CMI is compliant and there are no violations. There are no degradations to the waters of the State of Nevada, as required by CMI’s permit.
- Along with the Bureau of Land Management, remediation will be conducted in the spring.
- Thank you to Storey County Fire who were “beyond helpful” providing needed hoses. The building department was able to get sandbags.

Austin Osborne: Mr. Jolcover has summarized the situation very well. For the record, on behalf of Planning, everything Mr. Jolcover said is true to Mr. Osborne’s knowledge. Mr. Osborne, the NDEP, Mr. Jolcover, and the County’s team communicate continuously. NDEP continues to monitor.

Commissioner Gilman: It appears that this area is not out of the storm pattern yet. Are there plans for further mitigation should the weather events continue?

Mr. Jolcover: CMI could use some sunshine. Friday, Saturday and Sunday, evaporation efforts continued getting some capacity, which held during this last storm. It is possible that it could spill again if the “river” hits hard enough. Every “river” that comes through is deluding it again. Sampling continues, with samples going in today, so there is a baseline prior to the next event. Everything possible is being done to avoid another spill. A corrective action plan will be filed with NDEP on mitigation going forward.

Commissioner Gilman: Is there an alternative source that could be pumped to, temporary holding, or draw down at all?

Mr. Jolcover: Those possibilities have been exhausted.

**18. DISCUSSION/POSSIBLE ACTION:** Approval of Licensing Board Second Readings:

On behalf of Community Development, County Manager Pat Whitten requested Items A. through Z. be approved.

- A. LEAD STAFFING LA BASIN, LLC dba Lead Staffing** - General / 12631 Imperial ~ Santa Fe Springs CA
- B. SOUTHWEST SPECIALTY CONTRACTORS, LLC** - Contractor / 5277 Cameron ~ Las Vegas (cont.)
- C. FORSGREN ASSOCIATES, INC.** - Professional / 370 E 500 South ~ Salt Lake City (engineer)
- D. NIDEC-SHIMPO CORPORATION** - Contractor / 1 Terada ~ KYORA JAPAN (machinery)
- E. FIKE CORPORATION** - Professional / 704 SW 10th St ~ Blue Springs, MO (consulting)
- F. CONXTECH, INC.** - Contractor / 6701 Koll Center Pkwy ~ Pleasanton, CA (contractor)
- G. SILVER STATE WIRE ROPE AND RIGGIN, INC.** - Contractor / 8740 S Jones ~ Las Vegas (contractor)
- H. UNICO MECHANICAL CORP** - Contractor / 1209 Polk St ~ Benicia, CA (machine shop)
- I. ATLAS RIGGING & TRANSFER** - Contractor / 8556 S. 4000 West ~ West Jordan, UT (rigging cont.)
- J. TOTAL-WESTERN, INC** . - Contractor / 8049 Somerset Blvd ~ Paramount, CA (contractor)
- K. ALL WEST COACHLINES, INC** . - General / 390 Wolverine ~ Sparks (Coachline)

- L. KATERRA CONSTRUCTION, LLC** - Contractor / 2494 Sand Hill ~ Menlo Park, CA (Contractor)
- M. BALANCE STAFFING** - General / 2800 N Cherryland ~ Stockton, CA (staffing)
- N. BATTLEBORN DIGITAL MEDIA & MKTG** - HB / 1721 Main St ~ Gold Hill (marketing svcs.)
- O. GEORGE KOCH SONS, LLC** - Contractor / 10 South 11th Ave ~ Evansville, IN (equip mfg.)
- P. JOSEPH TADROS** - Contractor / 13095 Trail Dust Ave ~ San Diego, CA (HVAC verification)
- Q. ALPHA AND OMEGA DETAILING, LLC** - Professional / 797 Summer Dr ~ Reno (autocad consult)
- R. PARSONS ELECTRIC, LLC** - Contractor / 5960 Main ~ Minneapolis, MN (electrical cont.)
- S. NIPPON EXPRESS USA, INC** . - General / 24-01 44th Rd ~ Long Island, NY (logistics)
- T. PROCESS PROTECTION SYSTEMS, INC** . - Contractor / 64 Hardy Dr ~ Sparks (HVAC supplier)
- U. SOUTHERN INDUSTRIAL CONSTRUCTORS, INC** . - Contractor / 6101 Triangle ~ Raleigh, NC (cont.)
- V. PREMIER RESTORATION & REMODEL, INC** . - Contractor / 11545 Sitka St ~ Reno (contractor)
- W. SCADA SYSTEMS, LTD** - Contractor / 126 Vincent St AUCKLAND NEW ZEALAND (training)
- X. TABOR CONSTRUCTION, LLC** - Contractor / 2290 West 7th ~ Reno (contractor)
- Y. PACIFIC ROOFING CO** - Contractor / 304 Wildrose Ct ~ Fernley (roofing contractor)
- Z. JAMES J. JUAREZ** - Professional / 4800 Stoltz Rd ~ Reno (safety consultant)

On behalf of Community Development, County Manager Whitten, requested all Items A. through Z. be approved.

Public Comment:  
None

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

**19. CORRESPONDENCE:**

- Storey County Fire Protection District Report for the month of January 2017

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

**Nicole Barde, Virginia City Highlands resident:** Last weekend, a neighbor reported a drone looking into their house through windows. A report was taken by the Sheriff's Office. This is being brought to the attention of the Commission - it is starting and will get worse. Thought should be given to zoning ordinances regarding the use of drone.

Chairman McBride: There may be State protection for drones.

District Attorney Langer: Has prosecuted trespassing with the use of drones.

Chair McBride: Has heard of people being prosecuted for shooting drones out of the sky.

Ms. Barde: The FAA considers (drones) aircraft. But this is uncharted territory at a county level. The Commission should look into an ordinance.

Another item, the gas and diesel tax was defeated by voters. Is there any work going on to try and tax those two items?

Mr. Whitten: Correct, fuel indexing failed in all 15 rural counties. It passed in Clark County. Storey County has approached majority leadership to consider enacting a tax of up to 5 cents on diesel only. Gasoline would stay the same. The structure of the proposed BDR to the Legislature would say to

each Board of County Commissioners that it can or cannot be done depending on decision of each County. The BDR would include where funds could be used, which would be major roads, and perhaps roads such as Cartwright and Lousetown, that feed into a State highway or major road.

**John Crouch, Virginia City Highlands resident:** Was snowed in to his residence in the Virginia City Highlands in January, and has been snowed out since - only getting out with help from Washoe County Search and Rescue. The problem is Riverview Road has washed out - the only way the Fire Department can get up to the Dayton side. There are people who live above Mr. Crouch who use Riverview or Six Mile Canyon, which has problems. Mr. Crouch cannot get to his residence on Mountaintop Road due to the wash-out on Riverview Road. This was presented to the (Planning) Commission. With thaw coming and more water flows down Cottonwood Creek, the rest of the road will be taken out. No fire equipment can get to the Dayton side of the range. Mr. Crouch appeals to the Commission to look at this situation. This is a problem. All help would be appreciated. Thank you to Kris Thompson for his assistance and for contacting others to address the issues. There will be a problem if there is a fire season as there is only one way in. The County says it is the HOA's problem, and the HOA's do not want to touch it.

Commissioner Gilman: Currently Mr. Thompson is away on family emergency. Prior to leaving, Mr. Thompson appealed to Joy Engineering and Ames Construction - both companies have agreed, as private parties, to come in and assist with the problem Mr. Crouch has in reaching his home. It is assumed, that this will have to wait until a break in the weather.

Mr. Crouch: Is aware of this and has been informed that weather is a factor, that repairs will have to wait until the weather clears. Mr. Thompson really stepped up.

Chairman McBride: This will be checked out - to see if any of the connector roads are supposed to be maintained by the County. If the roads are in the HOA's, the HOA's will have to step up. The County can help when state of emergency is declared, but not on a regular basis.

Mr. Crouch: Contacted the Governor's Office, but there is no help available. There might be a way through FEMA for funds to upgrade some of these "private" County roads which are on County maps. There is a culvert system, which had been large enough, that did not hold the water capacity from the last storms.

Chairman McBride: There were the same issues on Six Mile and in Rainbow Bend - the culverts could not hold the water.

Mr. Crouch: Over the years, has put in thousands of dollars of gravel to maintain the road to his property.

Mr. Whitten: The County is aware of this and is grateful to Kris (Thompson), Joy Engineering, and Ames Construction. The issues are the roads in the Highlands are believed to be private, but are they the HOA's? There is no HOA for the forty-acres. In the past, through the District Attorney, it has been determined that the County cannot work on private roads unless certain mechanisms are in place or operating under a state of emergency. At this point, the best answer is the County cannot help without violating State law.

Mr. Crouch: Last summer, the Forestry Service graded Long Valley Road which has been there since the 1840's. Storey County has refused to take responsibility for Long Valley Road since that time and this was the main avenue to get provisions to the miners in Virginia City.

Chairman McBride: Believes the Fire Department did do some improvements on Long Valley Road last summer, not Forest Service.

Mr. Crouch: Just wanted to be sure the County was aware of the situation.

Chairman McBride: Thank you and thank you for your service to the Country.

The meeting was adjourned by the Chair at 12:15 PM

Respectfully submitted,

By: \_\_\_\_\_  
Vanessa Stephens Clerk-Treasurer