



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

10/01/2019 10:00 A.M.

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

AGENDA

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

LANCE GILMAN
VICE-CHAIRMAN

JAY CARMONA
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

Members of the Board of County Commissioners also serve as the Board of Fire Commissioners for the Storey County Fire Protection District, Storey County Brothel License Board, Storey County Water and Sewer System Board and the Storey County Liquor and Gaming Board and during this meeting may convene as any of those boards as indicated on this or a separately posted agenda.

All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Pursuant to NRS 241.020 (2)(d)(6) Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting. The Commission Chair reserves the right to limit the time allotted for each individual to speak.

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

1. **CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**
2. **PLEDGE OF ALLEGIANCE**
3. **DISCUSSION/POSSIBLE ACTION:**

Approval of the Agenda for October 1, 2019.

4. **DISCUSSION/POSSIBLE ACTION:**

Approval of the Minutes for September 3, 2019.

5. **CONSENT AGENDA**

I For possible action, approval of claims in the amount of \$1,985,286.90.

II For possible action, approval of Interlocal Agreement with Washoe County Human Services Agency for Senior Nutrition Meals at the Lockwood Senior Center.

III For possible action, approval of business license first readings:

A. Bonanno Concrete, Inc. - Contractor / 36 Glen Carran Circle ~ Reno, NV

B. Fraternal Order of Eagles- Non-Profit / 36 N. B Street ~ Virginia City, NV

C. Nevada ICF, LLC- Contractor / 1491 Serendipity Ct. ~ Sparks, NV

D. Transport Refrigeration Services, Inc. - General / 2195 USA Parkway ~ McCarran, NV

E. Chromatic Software Solutions, LLC- General / 748 S. Meadows Pkwy ~ Reno, NV

F. Cybermetrics Corporation. - General / 1523 W. Whispering Wind Dr. ~ Phoenix, AZ

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

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

8. **DISCUSSION/POSSIBLE ACTION:**

Approval of contract with Summit Food Service for providing meals for inmates.

9. **DISCUSSION/POSSIBLE ACTION:**

Consideration of letters of interest and the appointment of a qualified person to fill the existing Storey County Recorder vacancy in the Storey County Recorder's Office. The appointee will fill the vacancy until January 4, 2021.

10. **DISCUSSION/POSSIBLE ACTION:**

Consideration and possible approval of Memorandum of Understanding between Storey County and the Virginia Township Justice's Court regarding the handling of additional fees to be generated by the Court's adoption of new fees.

11. **DISCUSSION/POSSIBLE ACTION:**

Approval and acceptance of grant of easement from Joyce and Larry Herceg across their property in Washoe County for the purpose of constructing, maintaining, repairing, and servicing a water pipe and related equipment.

12. DISCUSSION/POSSIBLE ACTION:

Abandonment request (File 2019-042) to abandon a portion of unimproved Main Street right-of-way, located within Gold Hill. The right-of-way abandonment is approximately 25-feet in width and extends from the developed intersection at Main Street adjacent to the northern most point of APN 002-113-02 to the southern boundary of APN 002-111-08. The right-of-way abandonment is located adjacent to parcels owned by Storey County and the DuFresnes, adjacent to 2377 Main Street, Gold Hill, Storey County, Nevada and borders Assessor's Parcel Numbers (APNs) 002-111-07, 002-111-08 and 002-113-02.

13. DISCUSSION/POSSIBLE ACTION:

Zone Map Amendment request (File 2019-029) to rezone two Commercial- Residential (CR) zoned parcels, and a portion of abandoned right-of-way between the two parcels, to Public (P) zoning. The existing parcels have been owned by Storey County since 1993/94 and are either vacant or are associated with the Gold Hill wastewater system. No modifications to the existing conditions are proposed with this zone map amendment application. The property is located at 2377 Main Street, Gold Hill, Storey County, Nevada, and has Assessor's Parcel Numbers 002-111-08 and 002-113-02.

14. DISCUSSION/POSSIBLE ACTION:

Special Use Permit request (2019-030) to replace the existing sewage septic system with a surface discharge package wastewater treatment plant facility. The facility includes an approximate 40-foot by 60-foot building and associated driveway, parking area and fencing. The property is owned by Storey County and is located at 2377 Main Street, Gold Hill, Storey County, Nevada, Assessor's Parcel Number (APN) 002-111-08 and 002-113-02.

15. DISCUSSION/POSSIBLE ACTION:

Special Use Permit request (File 2019-039) 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 004-291-02, 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.

16. DISCUSSION/POSSIBLE ACTION:

Special Use Permit request (File 2019-040) 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

18 North, Range 23 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.

17. DISCUSSION/POSSIBLE ACTION:

Approval of business license second readings:

- A. Buildings & Dwellings Company, Inc. - Contractor / 2465 Sutro St. ~ Reno, NV
- B. Dianne S. Drinkwater PC - General / 2490 Keystone Ave. ~ Reno, NV
- C. MG Builders LLC- Contractor / 8345 Opal Ranch Way ~ Reno, NV
- D. Nevada Recycling & Salvage Ltd. - General/ 1085 Telegraph St. ~ Reno, NV
- E. Ventura Transfer Company - Transportation/ 750 Freeport Blvd. ~ Sparks, NV
- F. W A Rasic Construction Company Inc. - Contractor / 4150 Long Beach Blvd. ~ Long Beach, CA
- G. A & J Paving - Contractor / 1490 Cherokee Trail ~ Reno, NV
- H. Big Johnson Construction, LLC - Contractor / 138 West St. ~ Ft. Morgan, CO
- I. Burke Roofing, Inc. - Contractor / 109 Shadow Mountain Dr ~ Fernley, NV
- J. E & M Contracting, LLC - Contractor / 4880 Donovan Way ~ N. Las Vegas, NV
- K. Gerhardt & Berry Construction, Inc. - Contractor / PO Box 51749 ~ Sparks, NV
- L. Phillip Joel Kasper - Contractor / 3131 Oreana Dr ~ Carson City, NV
- M. Qumulo, Inc. - General / 1501 4th Avenue Ste. 1600 ~ Seattle, WA
- N. Sick Inc. - General / 6900 W 110th St. ~ Bloomington, MN
- O. Wetzel Tank Construction CO, Inc. - Contractor / 105 W Cherokee St. ~ Southwest City, MO
- P. Capital Machinery Systems, Inc. - General / 3207 Angle Road ~ Pendleton, IN
- Q. Centimark Corporation - Contractor / 1010 Winding Creed Rd. Ste. 130 ~ Roseville, CA

18. PUBLIC COMMENT (No Action)

19. ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA

NOTICE:

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

discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

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

CERTIFICATION OF POSTING

I, Vanessa Stephens , Clerk to the Board of Commissioners, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before 9/25/2019; Virginia City Post Office at 132 S C St, Virginia City, NV, the Storey County Courthouse located at 26 S B St, Virginia City, NV, the Virginia City Fire Department located at 145 N C St, Virginia City, NV, the Virginia City Highlands Fire Department located a 2610 Cartwright Rd, VC Highlands, NV and Lockwood Fire Department located at 431 Canyon Way, Lockwood, NV.

By Vanessa Stephens
Vanessa Stephens Clerk-Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: October 1, 2019

Estimate of time required: 0-5 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Approval of the Minutes for September 3, 2019

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

3. **Prepared by:** Vanessa Stephens

Department: Clerk & Treasurer

Telephone: 775-847-0969

4. **Staff summary:** Attached are the minutes from the September 3, 2019 Board of County Commissioners meeting.

5. **Supporting materials:** Minutes are attached.

6. **Fiscal impact:**

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

____ District Attorney

8. **Reviewed by:**

ND Department Head

Department Name: Commissioner's Office

____ County Manager

Other agency review: _____

9. **Board action:**

☐ Approved

☐ Approved with Modifications

☐ Denied

☐ Continued

Agenda Item No. 4



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, SEPTEMBER 3, 2019 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

LANCE GILMAN
VICE-CHAIRMAN

JAY CARMONA
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

ROLL CALL: Chairman McBride, Vice Chairman Gilman, Commissioner Carmona, County Manager Austin Osborne, Clerk-Treasurer Vanessa Stephens, Deputy District Attorney Keith Loomis, Sheriff Antinoro, Comptroller Hugh Gallagher, IT Director James Deane, Fire Marshal Martin Azevedo, Interim Recorder Marney Hansen-Martinez, Director of Communications Dave Ballard, Tourism Director Deny Dotson, Administrative Officer Jen Chapman, Public Works Director Jason Wiezrbicki, Project Coordinator Mike Northan

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.

3. DISCUSSION/POSSIBLE ACTION: Approval of Agenda for September 3, 2019.

Mr. Osborne requested item 5II be removed from the Consent Agenda and to follow item 10 on the regular agenda. He also requested item 8 be removed from the agenda.

Public Comment: None

Motion: I move to approve Agenda for September 3, 2019, with changes, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

4. DISCUSSION/POSSIBLE ACTION: Approval of the Minutes for July 23, 2019.

Public Comment:

Mark Joseph Phillips, Virginia City Resident: Referred to page 2, item 5 of the July 23, 2019 minutes. His concern is publication of the lease and the lack of availability of the newspaper during the publication period. He also commented that County Manager Osborne has failed to file a Financial Disclosure Statement.

Motion: I move to approve Minutes for July 23, 2019, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

5. CONSENT AGENDA:

- I For possible action, approval of claims in the amount of \$2,398,505.10.
- II For possible action, approval of Assessor's Recommended Corrections to 2016-17, 2017-18, 2018-19 and 2019-20 Secured Tax Rolls. **This item was pulled to be heard on regular agenda.**
- III For possible action, approval of the Assessor's Log of Changes made to the 2019-20 Secured Roll pursuant to NRS 361.310.
- IV For possible action, approval of 1st reading for business license Virginia City Gun Works, 145 S C St. Unit #C, Virginia City, NV 89440. Applicants are Erin Stoneback and TJ Lord.
- V For possible action, approval of business license first readings:
 - A. A & J Paving - Contractor / 1490 Cherokee Trail ~ Reno, NV
 - B. Big Johnson Construction, LLC - Contractor / 138 West St. ~ Ft. Morgan, CO
 - C. Burke Roofing, Inc. - Contractor / 109 Shadow Mountain Dr ~ Fernley, NV
 - D. E & M Contracting, LLC - Contractor / 4880 Donovan Way ~ N. Las Vegas, NV
 - E. Gerhardt & Berry Construction, Inc. - Contractor / PO Box 51749 ~ Sparks, NV
 - F. Phillip Joel Kasper - Contractor / 3131 Oreana Dr ~ Carson City, NV
 - G. Qumulo, Inc. - General / 1501 4th Avenue Ste. 1600 ~ Seattle, WA
 - H. Sick Inc. - General / 6900 W 110th St. ~ Bloomington, MN
 - I. Wetzel Tank Construction CO, Inc. - Contractor / 105 W Cherokee St. ~ Southwest City, MO
 - J. Capital Machinery Systems, Inc. - General / 3207 Angle Road ~ Pendleton, IN
 - K. Centimark Corporation - Contractor / 1010 Winding Creed Rd. Ste. 130 ~ Roseville, CA

Public Comment:

None

Motion: Approve Consent Agenda for September 3, 2019, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

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

Fire Marshal Martin Azevedo:

- The Delta bar is now open. Reconstruction is starting on the kitchen areas.

Tourism Director Deny Dotson:

- The Camel Races are this weekend, starting with Friday 5PM to 7PM. This is new this year – tickets are \$10.
- Saturday and Sunday ticket sales are going really well. They will sell out.
- School buses are scheduled to provide free transportation to the venue.
- The outside wall of the Visitor's Center – damaged by rain fall – will be torn down and replaced.
- The V&T Commission report number are doing well. Engine 18 is expected to be in service by next month.

Interim Recorder Marney Hansen-Martinez:

- The Recorder's Office has completed imaging of documents back to 1974.
- The office is in process of implementing Fraud Guard. Citizens can sign up with an email address to be alerted when something is recorded in their name.

Public Works Director Jason Weizrbicki:

- Upsizing of the main culvert crossings in Mark Twain has been completed. Ditches and driveway culverts have been started on Martin Lane.
- On September 10th through 12th, there will be delays- up to 30 minutes - on Six Mile Canyon for road repair.

County Manager Austin Osborne:

- Thank you to Miles Construction for donating \$250 to the Slammer Museum during the celebration of Pat Whitten's retirement.
- With the purchase of the freight depot, Jason Weizrbicki is excited to provide some type of parking at the depot for upcoming events.
- A task force is being put together to determine what needs to be done with the depot – dealing with everything from roof, sprinklers, and parking so that it can be used for events.
- Working with Sherrie Whelan at the TRI GID. She has skilled at what she does and has “taken the bull by the horns”. The County is working with her to provide some “in kind” space at Station 75. Ultimately, a more situated will be created for the GID.
- He will be meeting with Linda Ritter to prepare her scope of work for the Strategic Plan.
- In the last two weeks, 52 hours has been spent on one item of public record requests.
- Waste Management negotiations have been positive. Items discussed include:
 1. Improvements to the transfer station;
 2. A location in the Highlands providing a type of recycling;
 3. Creating fair rates across the County;
 4. Zero charge for waste at the School District;
 5. Free dump vouchers, rather than free dump days;
 6. Allowing Mark Twain to use Dayton Transfer Station rather than Virginia City;
 7. Getting rates down and service to residents is the number one objective;
 8. Waste Management has been very cooperative, and there have been discussions with other providers as well.

7. BOARD COMMENT (No Action – No Public Comment):

Chairman McBride:

- The County closed escrow on the freight depot property last Friday.
- This last weekend the Civil War reenactors were in town.

8. DISCUSSION/POSSIBLE ACTION: Authorize the County Manager to approve a contract with CFA, Inc. for assistance in professional planning and engineering services related to any planned unit development and/or large land subdivision applications or proposals in Storey County. This contract will provide assistance to county planning staff with certain civil and engineering review of such applications and projects, although there are no such applications occurring or anticipated to occur at this time.

Item removed from the agenda

9. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of 99 year lease of the Ice House and associated real property to the Storey County Jeep Posse for an annual rent of \$1.

Deputy District Attorney Keith Loomis reviewed this item, a proposed lease of the Ice House as indicated in the title. This is authorized by State statute - the Jeep Posse meets the requirements for a corporation for public benefit. The County is authorized to enter into a lease for up to 99 years.

County Manager Osborne explained it would be appropriate for this lease to be retroactive to the last known lease in 1992, with the 99 year period starting from that date – creating a 72 year remaining lease. This is a “clean up” - creating a proper lease, indemnifications, scope of work – things that should have happened in the 90’s.

Public Comment:

Rollie Hess, Jeep Posse member said the Jeep Posse has been in charge of the Ice House for almost 60 years. He explained the work the Jeep Posse has done to maintain the building. It was decided to hold off on further work until there is a “sound lease”. Mr. Hess reviewed the scholarships, and requirements, given away over the last 30 years – totaling between \$50,000 - \$60,000. Most of the funds going to children whose family are not involved in the Jeep Posse. They have never said no to a request from local organizations or schools for a donation. He is in favor of the lease being retroactive 72 years.

Greg “Bum” Hess, Jeep Posse member reviewed other things the Jeep Posse does in addition to scholarships - including letting organizations and people use the facilities. They also assist in search and rescue. With a solid lease they can put their efforts into maintaining the historic building.

Nicole Barde, Storey County resident: Missing from the new lease is the term being retroactive to the previous 1992 lease and the payment of \$1.00. Is this deliberate?

Mr. Loomis replied that this came up after the proposed lease was prepared. If it is to be retroactive, an amended lease will be provided. The \$1.00 per year term is in the lease.

Chairman McBride: It’s in the original lease.

Ms. Barde said it should be referred to in the new document. In addition, she objects to the County doing business with an organization comprised only of men. Other "fraternal" organizations own their own buildings and do not get County support. How can the County do business with an organization that broadly discriminates?

Debra Durden, Virginia City resident commented that no woman has applied. The members should have been asked if they do invite women.

Robertina Ruth Pearson: Would like to a member of the organization – they do a lot for the town. She would like to show that they do not discriminate.

Casey Kelley, Storey County Jeep Posse President: The By-Laws do not exclude women from the group. All new members are invited into the group by other Posse members.

Sam Toll, Gold Hill resident: Complimented the Jeep Posse on past contributions. Both the Clampers and Eagles own their buildings – paid for without County involvement. The last two approved cell towers generate about \$1,500 per month for the Jeep Posse, as well as an existing lease generating the same amount. Whatever the amount, the Jeep Posse shares in revenues.

Chairman McBride said the Jeep Posse does not collect any money from the cell tower lease, and the County does not reimburse them. The County gives the Jeep Posse a "block grant" grant each, like all of the other non-profits in the County. The Eagles and Clampers do take care of their own buildings – the Jeep Posse takes care of a County-owned building.

Mr. Toll commented that other County-owned facilities have a Board of Directors. This is absent from the lease agreement with the Jeep Posse. There is no transparency to what they are doing, other than the scholarships – the last scholarships were \$4,000. The best move for the County would be to allow the Jeep Posse to purchase the building at fair market value, remove the cell towers from the land, and allow an organization – such as Community Chest – to take over the block grants generated by the cell towers to be used in more impactful manner on residents.

Rollie Hess clarified that a total of \$5,000 in scholarships was given to four recipients (\$1,250 each) last year.

Mr. Osborne said the new lease includes a map – the cell towers are excluded from the map and not included. Regarding terms – the lease states the Jeep Posse must meet the Public Use Benefit portion, as well as other things. A note should be made to the new lease referencing a payment of \$99 made in 1992 will apply to the new lease for the remaining period.

Vice-Commissioner Gilman comments seem to be about justifying the existence of the Jeep Posse. They have been a great community support group for 50 years, plus. This item has nothing to do with justifying their existence. There is an existing lease which we are re-drafting.

Chairman McBride this is basically cleaning up the verbiage of the lease. If he was lost or injured somewhere in the County – these are the guys to call. The Jeep Posse brings a lot to this community and he fully supports this action.

Motion: I move to approve the re-drafting of the lease subject to the approval of the Jeep Posse, and their consideration, in light of the fact that they have an existing lease with the County today, **Action:** Approve, **Moved by:** Vice Chairman Gilman, Commissioner Carmona commented that he agrees if we're cleaning up verbiage, we should not start the 99 years over, **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

10. DISCUSSION/POSSIBLE APPROVAL: Consideration and possible approval of settlement agreement between International Investments, the Peri Trust and Vanessa Stephens as Storey County Treasurer and Tax Receiver in Case No. 18 RP 00002 1E filed in the First Judicial District Court.

Deputy District Attorney Keith Loomis explained that International Investments filed suit for quiet title to real property in Lockwood. The property contains the old Bridge Ranch brothel building. Mr. Loomis reviewed the background of the suit. Tax payments have not been made since 2007 leading to the Treasurer's right to sell the property to collect the taxes, penalties, and interest. The Peri Trust was also named in the suit due to a claim that they owned real property underneath the improvements. A settlement agreement was reached whereby International Investments will pay the County \$42,302.89 for past due taxes. The County will forgive penalties and interest as authorized by NRS, based on the fact the tax bills were not going to International Investments. The Assessor will reduce the value of the building to \$0 based on the state of disrepair. The County will contribute \$3,000 to the removal of the building as it basically a nuisance. International Investments is obligated to do this within the next two years.

Chairman McBride commented this settlement allows the County to receive back-taxes and to continue to receive property taxes in the future. This will also take care of the nuisance building. He recommends acceptance of this agreement.

Chair McBride called for recess at 10:45 A.M.
Meeting reconvened at 10:52 A.M.

Public Comment:
None

Motion: I, Lance Gilman, move to approve the terms of the settlement agreement reached between International Investments LLC, the Peri Trust, and Vanessa Stephens in her role as the Storey County Treasurer and Tax Receiver, and ratify the Chairman's signature to that agreement, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

5.II FOR POSSIBLE ACTION, APPROVAL of Assessor's Recommended Corrections to 2016-17, 2017-18, 2018-19 and 2019-20 Secured Tax Rolls.

Keith Loomis explained this item is part of the Settlement Agreement to re-evaluate the value of the improvements from what they were in 2007 to zero dollars today, as well as the last three years.

Public Comment:

None

Motion: I move to approve (Assessor's Recommended Corrections to 2016-17, 2017-18, 2018-19 and 2019-20 Secured Tax Rolls), **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

11. DISCUSSION/POSSIBLE ACTION: Consideration and possible award of fuel contract to lowest and most responsive bidders as follows:

- Fuel contract award to Carson Valley Oil at rack rate plus \$0.12 per gallon for Storey County Public Works and rack rate plus \$0.15 per gallon for Virginia City Highlands fire station;
- Fuel Contract award to Interstate Oil at rack rate plus \$0.08 for fire station in Lockwood and Government Center in TRI;
- Propane contract award to Ferrellgas at \$0.32 per gallon to County over BPN TARGA price in San Francisco; \$0.50 per gallon for County employees over BPN TARGA price in San Francisco ; and \$0.60 per gallon for Storey County residents over BPN TARGA price in San Francisco.

Austin Osborne asked to continue the propane portion of this item and hear the fuel portion today.

Project Coordinator Mike Northan said bids for gasoline and diesel deliveries were solicited and received. Competitive bids were received from Carson Valley Oil and Interstate Oil. Staff is recommending the bid be awarded split between the two as stated in this item.

Public Comment:

Nicole Barde: Thanked the County for its negotiations Waste Management, the propane, and all of that. As a diesel user, why not negotiate diesel for the rest of the County residents. It would be great to get the benefit of the County's rate for the residents.

Mr. Northan said this was modeled the arrangement of the existing contract.

Chairman McBride commented maybe this can be done in the future.

Mr. Northan explained this contract is for 12 months, extendable by 36 months.

Motion: I, Lance Gilman, move to award the contract for the fuel deliver to Interstate Oil for the Lockwood and TRI locations, and to Carson Valley Oil, for the Virginia City and Highlands locations, and I further move to continue the award of the contract for propane delivery to Ferrellgas to September 17, 2019 Commission meeting, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

12. DISCUSSION/POSSIBLE ACTION: Authorize County Manager to approve a Task Order with Farr West Engineering to provide professional services, drawings and specifications, assistance in bidding, construction management, and materials testing for the rehabilitation of approximately 650,000 square feet of existing roadway in Storey County for an amount not to exceed \$35,971.00.

Public Works Director Jason Wiezrbicki explained this item allows Farr West Engineering to provide surveying, testing of materials, and drawings, for this road re-hab project. This includes six roads in TRI, and two total rebuilds in Mark Twain.

Public Comment:

None

Motion: I, Lance Gilman, move to approve the County Manager to authorize a Task Order for Farr West Engineering to provide professional services for the rehabilitation of approximately 650,000 square feet of existing roadway in Storey County, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

13. DISCUSSION/POSSIBLE ACTION: Authorize the County Manager to approve Task Order as part of Master Services Agreement for Farr West Engineering to perform GIS services and Parcel Map Books and Change to Storey County Assessor's Office and other offices and departments of Storey County.

Mr. Osborne, on behalf of Assessor Jana Seddon, said this is part of an annual contract for GIS services for the Assessor's and other offices. Approval is recommended.

Public Comment: None

Motion: I move to approve and authorize County Manager to approve Task Order as part of Master Services Agreement for Farr West Engineering to perform GIS services and Parcel Map Books and Change to Storey County Assessor's Office and other offices and departments of Storey County, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

14. DISCUSSION/POSSIBLE ACTION: Approval of Resolution No. 19-555 supporting Fulcrum Sierra Holdings, LLC's efforts to obtain bonding and funding support through the Director of the State of Nevada Department of Business and Industry for constructing, improving, and equipping a facility to be used for converting municipal solid waste into renewable fuel products located on an approximately 19.4-acre site located at 3600 Peru Drive in the Tahoe-Reno Industrial Center, Storey County, Nevada and/or (ii) the improvements to and equipping of a facility used for preliminary sorting and processing of municipal solid waste located on an approximately 10.0-acre site located at 350 Saddle Court in Mustang, Storey County, Nevada.

Mr. Osborne explained Fulcrum made adjustments to previous actions taken by this Board. This is not a Storey County bond, there is no impact to the County budget. This is a Resolution that this Board supports Fulcrum.

Public Comment: None

Motion: Based on the recommendation by staff, I, Lance Gilman, move to approve Resolution No. 19-555 supporting Fulcrum Sierra Holdings, LLC's efforts to obtain bonding and funding support through the Director of the State of Nevada Department of Business and Industry for constructing,

improving, and equipping a facility to be used for converting municipal solid waste into renewable fuel products located on an approximately 19.4-acre site located at 3600 Peru Drive in the Tahoe-Reno Industrial Center, Storey County, Nevada and/or (ii) the improvements to and equipping of a facility used for preliminary sorting and processing of municipal solid waste located on an approximately 10.0-acre site located at 350 Saddle Court in Mustang, Storey County, Nevada, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

15. DISCUSSION/POSSIBLE ACTION: Approval of business license second readings:

- A. Kelley Erosion Control, Inc. - Contractor / 2395 B Tampa St. ~ Reno, NV
- B. N J B Electric LLC - Contractor / 5250 Palo Alto Circle ~ Sparks, NV
- C. Peak Builders Co. - Contractor / 2004 Michael Dr. ~ Carson City, NV
- D. Splendid Cup - Home Business / 2530 Flatiron Rd ~ Virginia City Highlands, NV
- E. Sunlit USA, Inc. - General / 1400 Waltham Way
- F. Zayo Group, LLC - General / 1821 30th St. ~ Boulder, CO

On behalf of Community Development, Mr. Osborne recommended approval of items A. through F.

Public Comment: None

Motion: I move to approve, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

16. PUBLIC COMMENT (No Action)

Debra Durden, Virginia City resident: Complained about the speeding on Washington Street. This includes ATV's and dirt bikes that belong on the dirt. She requested suggested six additional 20 mile per hour signs be installed on the street. She also said dog barking is a problem and is annoying. She has complained to the Sheriff, but no citations have been issued.

Sam Toll, Gold Hill resident: Seconded the previous speaker's comments regarding speeding. Once again is requesting that public comment be added to the beginning of the meeting. He also inquired about the Public Records request that required 52 hours of Public Records requests. Thanked Mr. Osborne for fulfilling his requests.

The meeting was adjourned by the Chair at 11:20 AM

Respectfully submitted,

By: Vanessa Stephens
Vanessa Stephens Clerk-Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 10/01/2019

Estimate of time required: 0 min

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☐

For possible action, approval of claims in the amount of \$1,985,286.90.

2. **Recommended motion:** Approval of claims as submitted.

3. **Prepared by:** V Stephens

Department: Clerk/Treasurer

Telephone: 775 847-0969

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

5. **Supporting materials:** Attached

6. **Fiscal impact:**

Funds Available: NA

Fund: NA

__NA__ Comptroller

7. **Legal review required:**

__NA__ District Attorney

8. **Reviewed by:**

V Department Head

Department Name: ~~Comptroller~~ Treasurer

____ County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. 51



Payroll Check Register Report Summary

Pay Period: 9/2/2019-9/15/2019

Packet: PRPKT00447 - 2019-09-20 Payroll cw
Payroll Set: Storey County - 01

Type	Count	Amount
Regular Checks	3	2,333.92
Manual Checks	0	0.00
Reversals	0	0.00
Voided Checks	0	0.00
Direct Deposits	168	340,764.59
Total	171	343,098.51

Approved by the Storey County Board of Commissioners:

Chairman

Commissioner

Commissioner

Comptroller

Date

Treasurer

Date



Check Register

Packet: APPKT01145 - 2019-09-13 Payments cw

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
404671	PORTER GROUP LLC	09/13/2019	EFT	0.00	6,000.00	10046
404974	ADR SOLUTIONS LLC	09/13/2019	Regular	0.00	2,809.60	96995
10050	ADVANCED DATA SYSTEMS INC	09/13/2019	Regular	0.00	1,808.00	96996
100135	ALSCO INC	09/13/2019	Regular	0.00	300.89	96997
403949	AMERIGAS PROPANE LP	09/13/2019	Regular	0.00	11.99	96998
403651	ARC HEALTH AND WELLNESS	09/13/2019	Regular	0.00	75.00	96999
405113	AXON ENTERPRISE, INC	09/13/2019	Regular	0.00	168.00	97000
403959	BENDER, DEBORAH	09/13/2019	Regular	0.00	90.00	97001
404181	Board of Commissioners	09/13/2019	Regular	0.00	125,000.00	97002
100422	BOB BARKER COMPANY INC	09/13/2019	Regular	0.00	106.48	97003
405388	Boyer, Bryce	09/13/2019	Regular	0.00	1,786.58	97004
403671	BURRELL, SCOTT LEWIS	09/13/2019	Regular	0.00	249.00	97005
99763	CANYON GENERAL IMPROVEMENT I	09/13/2019	Regular	0.00	56.80	97006
99720	CASELLE INC	09/13/2019	Regular	0.00	202.00	97007
404096	CENTURY PUBLISHING CO INC	09/13/2019	Regular	0.00	6,161.11	97008
405655	Charlton, Mark	09/13/2019	Regular	0.00	36.21	97009
403775	CHARM-TEX	09/13/2019	Regular	0.00	232.70	97010
100505	CITY OF CARSON TREASURER	09/13/2019	Regular	0.00	10.00	97011
405134	CMC TIRE INC	09/13/2019	Regular	0.00	1,378.80	97012
100655	COMMUNITY CHEST INC	09/13/2019	Regular	0.00	16,458.33	97013
403990	COMSTOCK CEMETERY FOUNDAT	09/13/2019	Regular	0.00	240.00	97014
99652	COMSTOCK CHRONICLE (VC)	09/13/2019	Regular	0.00	656.26	97015
403887	COMSTOCK GOLD MILL LLC	09/13/2019	Regular	0.00	130.50	97016
405213	CONNELL, RICHARD	09/13/2019	Regular	0.00	58.00	97017
404060	CREATIVE CONCEPTS MEDIA +	09/13/2019	Regular	0.00	3,106.73	97018
404466	DAIOHS USA INC	09/13/2019	Regular	0.00	333.50	97019
403825	DEUCE NINE LLC	09/13/2019	Regular	0.00	59.65	97020
405648	Dianne S. Drinkwater PC	09/13/2019	Regular	0.00	937.50	97021
404547	ELLIOTT AUTO SUPPLY INC	09/13/2019	Regular	0.00	702.82	97022
403216	FARR WEST ENGINEERING	09/13/2019	Regular	0.00	1,770.00	97023
403216	FARR WEST ENGINEERING	09/13/2019	Regular	0.00	3,734.50	97024
403216	FARR WEST ENGINEERING	09/13/2019	Regular	0.00	2,033.50	97025
403712	FAST GLASS INC	09/13/2019	Regular	0.00	150.00	97026
404509	FASTENAL COMPANY	09/13/2019	Regular	0.00	168.03	97027
404640	GLADDING, EDWARD A.	09/13/2019	Regular	0.00	5,940.00	97028
404896	GOLDEN GATE/SET PETROLEUM	09/13/2019	Regular	0.00	2,815.48	97029
101899	GRAINGER	09/13/2019	Regular	0.00	1,943.12	97030
100856	GRANITE CONSTRUCTION CO	09/13/2019	Regular	0.00	1,277.60	97031
103470	GREAT BASIN TERMITE & PES	09/13/2019	Regular	0.00	195.00	97032
405650	Greene, Sage	09/13/2019	Regular	0.00	140.00	97033
405634	Hames, Garrett	09/13/2019	Regular	0.00	70.00	97034
404778	HAT, LTD	09/13/2019	Regular	0.00	2,714.88	97035
103218	HD SUPPLY CONST SUPPLY LT	09/13/2019	Regular	0.00	848.93	97036
102983	HD SUPPLY FACIL MAINT LTD	09/13/2019	Regular	0.00	470.62	97037
403040	HENRY SCHEIN	09/13/2019	Regular	0.00	1,249.73	97038
100826	HISTORIC FOURTH WARD SCHOOL F	09/13/2019	Regular	0.00	411.00	97039
403105	HOSE & FITTINGS ETC	09/13/2019	Regular	0.00	545.80	97040
405462	Hunt, Jason	09/13/2019	Regular	0.00	25.00	97041
405454	Hunt, Jennifer J.	09/13/2019	Regular	0.00	25.00	97042
405302	Institute for Enviornmental Health It	09/13/2019	Regular	0.00	718.66	97043
404328	INTERCEPT INC	09/13/2019	Regular	0.00	248.00	97044
100885	IRON MOUNTAIN INFO MGT IN	09/13/2019	Regular	0.00	590.90	97045
403834	IT1 SOURCE LLC	09/13/2019	Regular	0.00	4,769.92	97046
404583	JAMES C MCLENNAN MDPC	09/13/2019	Regular	0.00	500.00	97047

Check Register

Packet: APPKT01145-2019-09-13 Payments cw

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
103317	JBP LLC	09/13/2019	Regular	0.00	580.08	97048
403613	JNA CONSULTING GROUP LLC	09/13/2019	Regular	0.00	1,800.00	97049
101040	L N CURTIS & SONS	09/13/2019	Regular	0.00	504.00	97050
404102	LIQUID BLUE EVENTS LLC	09/13/2019	Regular	0.00	2,300.00	97051
404102	LIQUID BLUE EVENTS LLC	09/13/2019	Regular	0.00	494.34	97052
405554	Lord, Linda	09/13/2019	Regular	0.00	42.18	97053
405548	Lumos & Associates, Inc	09/13/2019	Regular	0.00	437.50	97054
405077	MACKAY MANSION	09/13/2019	Regular	0.00	673.50	97055
405560	Mancuso, James V	09/13/2019	Regular	0.00	350.00	97056
404691	MARK TWAIN COMMUNITY CTR	09/13/2019	Regular	0.00	1,666.67	97057
405307	McKechnie, Marla J.	09/13/2019	Regular	0.00	1,159.00	97058
102857	MICHAEL HOHL MOTOR CO	09/13/2019	Regular	0.00	68.81	97059
405613	Midtgard, Denise Jean	09/13/2019	Regular	0.00	45.41	97060
403629	MIGAN, TAMARA	09/13/2019	Regular	0.00	21.96	97061
403839	MORRIS, ROBERT T	09/13/2019	Regular	0.00	4,200.00	97062
100471	MOUND HOUSE TRUE VALUE	09/13/2019	Regular	0.00	188.41	97063
101228	NEV ADMIN BLDG & GROUNDS	09/13/2019	Regular	0.00	8,300.59	97064
101226	NEV COMPTROLLER	09/13/2019	Regular	0.00	7,739.50	97065
101226	NEV COMPTROLLER	09/13/2019	Regular	0.00	965.64	97066
101343	NEV DEPT HUMAN RESOURCES	09/13/2019	Regular	0.00	2,494.83	97067
403317	NEV DEPT PUBLIC SAFETY	09/13/2019	Regular	0.00	1,247.75	97068
103234	NEV FIRE MARSHAL	09/13/2019	Regular	0.00	900.00	97069
403632	NEVADA BLUE LTD (RNO)	09/13/2019	Regular	0.00	100.00	97070
101269	NEVADA LEGAL SERVICE INC	09/13/2019	Regular	0.00	673.86	97071
405653	Nevada Small Engines	09/13/2019	Regular	0.00	6,902.76	97072
404163	NORTON CONSULTING LLC	09/13/2019	Regular	0.00	372.50	97073
102782	OFFICE DEPOT INC	09/13/2019	Regular	0.00	150.43	97074
402926	OFFSITE DATA DEPOT, LLC	09/13/2019	Regular	0.00	266.95	97075
405127	O'REILLY AUTO ENTERPRISES LLC	09/13/2019	Regular	0.00	753.40	97076
402987	OSBORNE, AUSTIN	09/13/2019	Regular	0.00	83.86	97077
405592	Outside Television, Inc.	09/13/2019	Regular	0.00	350.00	97078
403104	OVERHEAD DOOR COMPANY	09/13/2019	Regular	0.00	398.00	97079
405051	P & F CONSULTING LLC	09/13/2019	Regular	0.00	3,120.00	97080
103486	PAPE MACHINERY	09/13/2019	Regular	0.00	1,215.00	97081
101825	PETERBILT TRUCK PARTS & E	09/13/2019	Regular	0.00	8,128.68	97082
403895	PETRINI, ANGELO D	09/13/2019	Regular	0.00	196.00	97083
405256	PIPER'S OPERA HOUSE	09/13/2019	Regular	0.00	16.00	97084
101435	PITNEY BOWES GLOBAL (LEA)	09/13/2019	Regular	0.00	165.12	97085
403329	PROTECTION DEVICES INC	09/13/2019	Regular	0.00	254.85	97086
103221	PUBLIC EMPLOY RETIREMENT RETIRE	09/13/2019	Regular	0.00	2,367.84	97087
404929	PUCKETT, LANE	09/13/2019	Regular	0.00	100.00	97088
100348	PURCELL TIRE & RUBBER CO	09/13/2019	Regular	0.00	1,989.48	97089
404398	RAD STRATEGIES INC	09/13/2019	Regular	0.00	6,000.00	97090
404398	RAD STRATEGIES INC	09/13/2019	Regular	0.00	700.00	97091
404134	RAPID SPACE LLC	09/13/2019	Regular	0.00	330.40	97092
404863	REFUSE, INC	09/13/2019	Regular	0.00	561.47	97093
403339	RENO GREEN LANDSCAPING IN	09/13/2019	Regular	0.00	373.00	97094
200395	SAINT MARYS ARTCENTER INC	09/13/2019	Regular	0.00	40.00	97095
101210	SBC GLOBAL SERVICES INC	09/13/2019	Regular	0.00	4,426.21	97096
	Void	09/13/2019	Regular	0.00	0.00	97097
405637	Security Transport Services, Inc	09/13/2019	Regular	0.00	878.40	97098
405074	SHAW, BRIAN	09/13/2019	Regular	0.00	77.05	97099
405081	SHERMARK DISTRIBUTORS INC	09/13/2019	Regular	0.00	63.50	97100
404187	SHOAF, BRIAN ALLEN	09/13/2019	Regular	0.00	7.50	97101
102462	SIERRA ENVIRONMENTAL MONITOR	09/13/2019	Regular	0.00	258.00	97102
102980	SIERRA FIRE PROTECTION LL	09/13/2019	Regular	0.00	3,316.95	97103
101630	SIERRA PACIFIC POWER CO	09/13/2019	Regular	0.00	278.86	97104
403480	SLICK INDUSTRIES LLC DBA	09/13/2019	Regular	0.00	135.00	97105
404195	SOUTHERN GLAZERS WINE & S	09/13/2019	Regular	0.00	1,238.10	97106
101658	SPB UTILITY SERVICES INC	09/13/2019	Regular	0.00	400.00	97107
405657	Spencer Investigations, LLC	09/13/2019	Regular	0.00	3,157.06	97108

Check Register

Packet: APPKT01145-2019-09-13 Payments cw

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
101717	ST CO SCHOOL DISTRICT	09/13/2019	Regular	0.00	1,123,578.43	97109
101745	ST CO WATER SYSTEM	09/13/2019	Regular	0.00	4,867.90	97110
404487	STANARD & ASSOC INC	09/13/2019	Regular	0.00	290.00	97111
405475	Staples Contract & Commercial, Inc	09/13/2019	Regular	0.00	318.54	97112
405654	Stark, Jennifer	09/13/2019	Regular	0.00	732.87	97113
101229	State of Nevada	09/13/2019	Regular	0.00	10.00	97114
403892	SUN PEAK ENTERPRISES	09/13/2019	Regular	0.00	1,164.00	97115
405244	SUTTON HAGUE LAW CORP	09/13/2019	Regular	0.00	507.50	97116
405124	TERRY, SHIRLEY	09/13/2019	Regular	0.00	839.00	97117
404615	THE ANTOS AGENCY	09/13/2019	Regular	0.00	1,313.28	97118
404473	THE DUBE' GROUP INC	09/13/2019	Regular	0.00	7,727.46	97119
405651	Third Degree Communications, Inc	09/13/2019	Regular	0.00	225.00	97120
404845	THOMAS PETROLEUM LLC	09/13/2019	Regular	0.00	6,814.94	97121
405589	Thompson Garage Doors	09/13/2019	Regular	0.00	47.20	97122
404030	TIJSELING, DICK G	09/13/2019	Regular	0.00	720.00	97123
405010	TIMELY TESTING LTD	09/13/2019	Regular	0.00	115.00	97124
405112	TYLER TECHNOLOGIES, INC	09/13/2019	Regular	0.00	19,818.40	97125
405649	U.S. Armor Corporation	09/13/2019	Regular	0.00	1,598.00	97126
101947	UNITED RENTALS	09/13/2019	Regular	0.00	860.00	97127
101845	US POSTOFFICE (VC)	09/13/2019	Regular	0.00	200.00	97128
404486	USA CASH SERVICES MGT INC	09/13/2019	Regular	0.00	377.80	97129
403983	VCTC	09/13/2019	Regular	0.00	78.00	97130
403894	VIRGINIA & TRUCKEE RR CO, INC.	09/13/2019	Regular	0.00	2,744.00	97131
403893	VIRGINIA CITY TOURS INC	09/13/2019	Regular	0.00	318.00	97132
405574	Washoe County Forensic Science Div	09/13/2019	Regular	0.00	429.00	97133
101809	WEDCO INC	09/13/2019	Regular	0.00	45.20	97134
101920	WESTERN NEVADA SUPPLY CO	09/13/2019	Regular	0.00	48.70	97135
405558	Young, Theodore William	09/13/2019	Regular	0.00	1,050.00	97136
404295	WELLS ONE COMMERCIAL CARD	09/13/2019	Bank Draft	0.00	19,818.65	DFT0000332
404295	WELLS ONE COMMERCIAL CARD	09/12/2019	Bank Draft	0.00	200.00	DFT0000334

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	206	141	0.00	1,459,386.74
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	24	2	0.00	20,018.65
EFT's	1	1	0.00	6,000.00
	231	145	0.00	1,485,405.39

Approved by the Storey County Board of Commissioners:

Chairman_____
Commissioner_____
Commissioner_____
Comptroller_____
Date_____
Treasurer_____
Date

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash Account	9/2019	1,485,405.39
			<u>1,485,405.39</u>



Check Register

Packet: APPKT01160 - 209-09-20 SpclCk Silver St Trailer cw

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
405667	Capital Vending Co. Inc,	09/20/2019	Regular	0.00	1,930.00	97151

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	1,930.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	1	1	0.00	1,930.00

Approved by the Storey County Board of Commissioners:

Chairman

Commissioner

Commissioner

Comptroller

Date

Treasurer

Date

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash Account	9/2019	1,930.00
			<u>1,930.00</u>



Check Register

Packet: APPKT01154 - 2019-09-20 PR Payments

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
404869	SCSO EMPLOYEES ASSOCIATIO	09/19/2019	EFT	0.00	547.00	
300007	USAA 529 College Savings Plans	09/19/2019	EFT	0.00	50.00	
405456	Public Employees Retirement	09/19/2019	EFT	0.00	119,557.45	
300003	AFLAC	09/20/2019	Regular	0.00	1,223.20	97137
300008	AFSCME Union	09/20/2019	Regular	0.00	604.41	97138
405610	California State Disbursement Unit	09/20/2019	Regular	0.00	36.94	97139
405519	Cigna Health and Life Insurance Cor	09/20/2019	Regular	0.00	5,750.10	97140
300001	Colonial Life & Accident	09/20/2019	Regular	0.00	111.69	97141
404704	DVM INSURANCE AGENCY	09/20/2019	Regular	0.00	141.26	97142
405264	FIDELITY SEC LIFE INS CO	09/20/2019	Regular	0.00	63.42	97143
300011	Nevada State Treasurer	09/20/2019	Regular	0.00	4.00	97144
103233	PUBLIC EMPLOY RETIREMENT SYSTEM	09/20/2019	Regular	0.00	46.66	97145
300010	State Collection & Disbursement Un	09/20/2019	Regular	0.00	197.70	97146
300006	Storey Co Fire Fighters Assoc	09/20/2019	Regular	0.00	1,200.00	97147
404639	VOYA RETIREMENT INS	09/20/2019	Regular	0.00	7,996.50	97148
300005	Washington National Ins	09/20/2019	Regular	0.00	518.99	97149

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	25	13	0.00	17,894.87
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	8	3	0.00	120,154.45
	33	16	0.00	138,049.32

Approved by the Storey County Board of Commissioners:

Chairman

Commissioner

Commissioner

Comptroller

Date

Treasurer

Date

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash Account	9/2019	138,049.32
			<u>138,049.32</u>



Vendor History Report

By Vendor Name

Posting Date Range -

Payment Date Range 09/20/2019 - 09/20/2019

Payable Number	Description	Units	Price	Post Date	Amount	1099	Payment Number	Payment Date	Account Name	Amount	Shipping	Tax	Discount	Net	Payment
Item Description						Account Number				Dist Amount					
Vendor Set: 01 - Storey County Vendors															
405424 - Optum Bank, Member FDIC															
INV0006880	HSA Contributions	0.00	0.00	9/20/2019	10,803.68	001-29506-000	DFT0000339	9/20/2019	Insurances	10,803.68	0.00	0.00	0.00	10,803.68	10,803.68
	HSA Contributions									10,803.68					
Vendors: (1)										10,803.68	0.00	0.00	0.00	10,803.68	10,803.68
Total 01 - Storey County Vendors:										10,803.68	0.00	0.00	0.00	10,803.68	10,803.68
Vendors: (1)										10,803.68	0.00	0.00	0.00	10,803.68	10,803.68
Report Total:										10,803.68	0.00	0.00	0.00	10,803.68	10,803.68



Check Register

Packet: APPKT01158 - 2019-09-20 Porter EFT not done 9/13/19
CW

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
404671	PORTER GROUP LLC	09/20/2019	EFT	0.00	6,000.00	10050

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	0	0	0.00	0.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	1	1	0.00	6,000.00
	1	1	0.00	6,000.00

Approved by the Storey County Board of Commissioners:

Chairman	Commissioner	Commissioner
Comptroller		Date
Treasurer		Date



Check Register

Packet: APPKT01158 - 2019-09-20 Porter EFT not done 9/13/19
CW

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
404671	PORTER GROUP LLC	09/20/2019	EFT	0.00	6,000.00	10050

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	0	0	0.00	0.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	1	1	0.00	6,000.00
	1	1	0.00	6,000.00



Storey County Board of County Commissioners Agenda Action Report

Meeting date: October 1, 2019

Estimate of time required: 5 minutes

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☐

1. **Title:** DISCUSSION/POSSIBLE ACTION: Approval of Interlocal Agreement with Washoe County Human Services Agency for Senior Nutrition Meals at the Lockwood Senior Center.
2. **Recommended motion:** I move to approve the Interlocal Agreement between Storey County and Washoe County through its Human Services Agency for Senior Nutrition Meals at the Lockwood Senior Center.

3. **Prepared by:** Stacy York

Department: Senior Services

Telephone: 775-847-0957

4. **Staff summary:** This Interlocal Agreement with Washoe County has been in place for many years and this is simply a renewal to the existing agreement to provide meals to the Lockwood Senior Center. Due to the fact that there is currently no commercial kitchen at the Lockwood Senior Center, this is our most cost effective option to provide a Senior Nutrition Program to the River District.

5. **Supporting materials:** Interlocal Agreement

6. **Fiscal impact:**

Funds Available: \$18,000

Fund: Community Relations

____ Comptroller

7. **Legal review required:**

KL District Attorney

8. **Reviewed by:**

CMN Department Head

Department Name: Commissioner's Office

[Signature] County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. 5 II

INTERLOCAL AGREEMENT

THIS AGREEMENT dated this _____ day of _____, 2019, by and between the County of Storey, a political subdivision of the State of Nevada, hereinafter "Storey," and Washoe County, a political subdivision of the State of Nevada, through its Human Services Agency, hereinafter "Washoe":

WITNESSETH

WHEREAS, Storey desires to furnish meals to its senior citizens in the River District area which is close to Sparks and Reno, and

WHEREAS, Washoe has the closest kitchen to furnish said meals and is willing to do so with conditions.

WHEREAS, NRS 227.180 authorized public agencies to contract with one another to perform any governmental service, activity, or undertaking which any of the public agencies entering into the contract is authorized by law to perform; and

WHEREAS, Storey and Washoe are public agencies within the meaning of the NRS 277.180;

NOW THEREFORE, in consideration of the aforesaid premises, and the good and valuable consideration, Storey and Washoe mutually agree as follows:

- A. Storey agrees to purchase an average of twenty (20) or more meals per day over a five-day week, Monday through Friday, from Washoe.
- B. Storey agrees to pay the current rate Washoe has negotiated in their Food Management Services agreement. The rate effective July 1, 2014 is three dollars and 53 cent (\$3.53) per meal. Washoe will notify Storey in writing if there is a future rate increase or decrease and will provide a minimum of thirty (30) calendar days notice before the new rate will take effect.
- C. Storey guarantees funding will come from Storey County.
- D. Washoe agrees to furnish said number of meals or more per day for said price.
- E. Washoe agrees to deliver the meals to the Lockwood Senior/Community Center at 800 Peri Ranch Road, Lockwood, Nevada 89434, and to qualified homebound persons over sixty (60) years of age who live in the River District area.
- F. This agreement shall not become effective until and unless ratified and approved by both Washoe and Storey.
- G. The term period of the contract is from October 1, 2019 through September 30, 2021.

- H. All written notices of termination or potential termination of this agreement shall be delivered to the following persons via U.S. mail at the addresses shown and shall be deemed received three days after they are sent.

Storey County

County Commissioners
P.O. Box D
Virginia City, NV 89440

Washoe County

Amber Howell, Director
Washoe County Human Services Agency
1155 E. 9th St.
Reno, NV 89512

- J. Neither party shall assign, transfer, nor delegate any of their rights, obligations, or duties under this Agreement without the prior written consent of the other party.
- K. In the event that the governing body appropriating funds for Storey or Washoe fails to obligate the funds necessary to make payments or provide services beyond Storey or Washoe's then current fiscal period, this Agreement shall be terminated without penalty, charge, or sanction.
- L. Either party may terminate this Agreement by giving the other party written notice of intent to terminate. Th notice must specify a day upon which the termination will be effective, which date may not be less than thirty (30) calendar days from the date of the mailing notice.
- M. To the extent allowed by law, Storey agrees to indemnify, save, and hold harmless Washoe from any and all claims, causes of action or liability arising from any negligent act, failure to act, error or omission in the performance of this Agreement by Storey or its agents or employees. Similarly, to the extent allowed by law, Washoe agrees to indemnify, save, and hold harmless Storey from any and all claims, causes of action or liability arising from any negligent act, failure to act, error or omission in the performance of this Agreement by Washoe or its agents or employees.
- N. The laws of the State of Nevada shall be applied in interpreting and construing this Agreement. Any action arising out of or relating to this Agreement shall be commenced in Washoe County.
- O. The illegality or invalidity of any provision or portion of this Agreement shall not affect the validity of the remainder of the Agreement. *
- P. This Agreement constitutes the full and final agreement between the parties and supersedes any previous agreement. This Agreement shall not be modified unless in writing and signed by both parties.

- Q. It is not intended, and this Agreement shall not be construed, to provide any entity or person not a party to this Agreement with any benefits or to obligate the parties to this Agreement to any entity or persons not a party to this Agreement.

Date

Chairman
Storey County Commission

ATTEST:

Date

Storey County Clerk

Date

Vaughn Hartung, Chair
Washoe County Commission

ATTEST:

Date

Washoe County Clerk



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 10-01-2019

Estimate of time required: 0 - 5

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☐

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

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

3. **Prepared by:** Ashley Mead

Department: Community Development

Telephone: 847-0966

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

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

6. **Fiscal impact:**

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

____ District Attorney

8. **Reviewed by:**

☒ Department Head

Department Name: Community Development


County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. 5 III

Storey County Community Development

110 Toll Road ~ Gold Hill Divide
P O Box 526 ~ Virginia City NV 89440



(775) 847-0966 ~ Fax (775) 847-0935
CommunityDevelopment@storeycounty.org

To: Vanessa Stephens, Clerk's office
Austin Osborne, County Manager

September 23, 2019
Via Email

Fr: Ashley Mead

Please add the following item(s) to the **OCTOBER 1, 2019,**

COMMISSIONERS Consent Agenda:

LICENSING BOARD FIRST READINGS:

- A. Bonanno Concrete, Inc. - Contractor / 36 Glen Carran Circle ~ Reno, NV**
- B. Fraternal Order of Eagles- Non-Profit / 36 N. B Street ~ Virginia City, NV**
- C. Nevada ICF, LLC- Contractor / 1491 Serendipity Ct. ~ Sparks, NV**
- D. Transport Refrigeration Services, Inc. - General / 2195 USA Parkway ~ McCarran, NV**
- E. Chromatic Software Solutions, LLC- General / 748 S. Meadows Pkwy ~ Reno, NV**
- F. Cybermetrics Corporation. - General / 1523 W. Whispering Wind Dr. ~ Phoenix, AZ**

Ec: Community Development
Commissioner's Office

Planning Department
Comptroller's Office

Sheriff's Office



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 10/1/19

Estimate of time required:

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Approval of contract with Summit Food Service for providing meals for inmates.
2. **Recommended motion:** I motion to approve the contract with Summit Food Services for providing meals for inmates.

3. **Prepared by:** Brandy Gavenda, Admin. Asst.

A handwritten signature in black ink, appearing to be "BG", is written over the text.

Department: Storey County Sheriff's Office

Telephone: 775-847-0959

4. **Staff summary:** Approval of contract with Summit Food Service for providing meals for inmates.

5. **Supporting materials:** None

6. **Fiscal impact:** None

Funds Available:

Fund:

_____ Comptroller

7. **Legal review required:**

_____ District Attorney

8. **Reviewed by:**

☒ Department Head

Department Name: Sheriff, Gerald Antinoro

A handwritten signature in black ink, appearing to be "G. Antinoro", is written over the text.

_____ County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. 8

**Summit Food Service, LLC – Red Peaks Distributed Meals Service
Customer Agreement**

This Agreement is made between Storey County, having its principal place of business at 911 Highway 341, Virginia City, NV 89440 (hereinafter "**CUSTOMER**") and Summit Food Service, LLC, a New Mexico limited liability company having its principal place of business at 500 East 52nd Street, Sioux Falls, SD 57104 (hereinafter "**SUMMIT**"). WHEREAS, the parties hereto desire that this Agreement outline the terms and conditions relating to the sale of goods by SUMMIT to CUSTOMER. NOW THEREFORE, in consideration of the mutual covenants and promises set forth herein, the parties agree as follows:

1. **Sale of Goods.** CUSTOMER agrees to purchase frozen meals, shelf-stable meals or other products from SUMMIT as identified on each order placed by CUSTOMER or as may be attached and SUMMIT agrees to sell such goods to CUSTOMER subject to the terms herein. Such products shall be delivered FOB shipping point. Any and all changes to an order must be made one hundred twenty business hours (120) prior to order processing.

2. **Price.** The product pricing is \$4.99 per meal, each meal contains the menu items listed in Red Peaks menu contained in our proposal. Orders are to total one (1) pallet containing fifty-six (56) cases of product per order. Partial pallets will incur any non-allocated shipping cost as an additional charge to the order. SUMMIT may increase prices due to uncontrollable circumstances, including but not limited to, changes in market conditions, transportation, or fuel costs. In the event of any such price change, SUMMIT will provide CUSTOMER 30 days advance written notice.

3. **Payment Terms.** Payments made by CUSTOMER to SUMMIT are due within 30 days of the invoice date. Unpaid invoices due to SUMMIT will bear an interest charge of eighteen percent (18%) per annum, or the maximum allowable by law if less, from due date until paid. The Client will be responsible for all collection costs and attorney's fees incurred by SUMMIT to obtain payment. SUMMIT may delay or cancel any order to CUSTOMER in the event that CUSTOMER has a past due balance with SUMMIT.

4. **Taxes.** CUSTOMER understands and agrees that SUMMIT may charge CUSTOMER for state and local sales tax on the full amount of any invoice unless the CUSTOMER provides documentation, to the sole satisfaction of SUMMIT, which shall not be unreasonably withheld, that demonstrates that CUSTOMER is exempt from all or part of the state and/or local sales tax. In the event that CUSTOMER is entitled to an exemption, either partial or complete, from state and local sales tax, CUSTOMER will use its best efforts to obtain appropriate documentation indicating such exemption prior to (or simultaneous with) execution of this Agreement. Furthermore, CUSTOMER shall notify SUMMIT promptly should its sales tax status be changed.

5. **Claims.** CUSTOMER waives any claim or defense based on the quality of goods unless such claim is made within 24 hours after receipt by CUSTOMER of the goods. All claims shall be communicated in writing by email to redpeaks@summitfoodservice.com Attn: CUSTOMER CLAIM. CUSTOMER agrees to ship a sample of the goods in question to SUMMIT via overnight delivery within 24 hours of request, if requested.

6. **Warranty Disclaimer and Limitation of Liability.** The articles contained in any delivery made by Summit is hereby guaranteed, as of the date of delivery, (a) to not be adulterated or misbranded within the meaning of the Federal Food, Drug and Cosmetic Act (the "Act"), (b) to not be an article which cannot be introduced into interstate commerce under the provisions of Sections 404 and 505 of the Act, and (c) to be in compliance with all applicable federal, state and local laws.

7. **Term.** This Agreement shall be for one year from the date executed and shall automatically renew and continue unless terminated.

8. **Termination.** Either party may terminate this Agreement without cause upon thirty (30) days advance written notice.

9. **Indemnity.** CUSTOMER hereby releases, indemnifies and agrees to hold harmless SUMMIT from and against any loss, liability, claims, damages, costs, and expenses, including without limitation attorneys' fees, asserted by any third-party for claims or actions arising out of or as a result of the CUSTOMER's acts or omissions. SUMMIT shall release, indemnify and agree to hold harmless the CUSTOMER from and against any loss, liability, claims, damages, costs, and expenses, including without limitation attorneys' fees, asserted by any third-party for claims or actions arising solely out of or as a result of SUMMIT's gross negligence. This Section 9 shall survive termination of this Agreement.

10. **Arbitration.** Any controversy or claim greater than \$10,000 arising out of or relating to this Agreement or the breach thereof shall be settled by arbitration administered by the American Arbitration Association under its Commercial Arbitration Rules and shall be binding on all parties. Any controversy or claim less than \$10,000 may be heard either in a court of law or, as with claims in excess of \$10,000, settled by arbitration. The parties mutually agree that the proper locale for any such arbitration proceeding shall be Charlotte, North Carolina. Judgment on any award rendered by the arbitrator(s) may be entered in any court having competent jurisdiction thereof. Any judicial proceedings filed by either party to enforce the terms of this Agreement shall be held in either Federal District Court or the appropriate state court. The prevailing party in any controversy or proceeding (whether judicial or arbitration in nature) shall be entitled to a recovery of all of its expenses incurred in enforcing this Agreement, including but not limited to all filing or administrative fees, attorneys' fees and court costs. Any claim or controversy arising out of this Agreement, regardless of whether heard by a judge or by an arbitrator, shall be governed by the laws of the State of North Carolina without regard to any conflicts of laws or principles.

11. **Miscellaneous.**

(a) **Assignment; Binding Effect.** This agreement is not assignable and shall be binding upon the parties hereto and their respective successors and assigns.

(b) **Severability.** If any term, covenant, or condition of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable, the remainder of this Agreement and the application of any term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and all other terms shall be valid and enforceable to the fullest extent permitted by the law.

(c) **Entire Agreement.** This It is mutually agreed that this Agreement sets forth the entire agreement of the parties with respect to the subject matter here of and supersedes all existing written or oral agreements between the parties concerning such subject matter. It is further agreed that no alterations or amendments shall be made to this Agreement unless they be in writing and approved by both parties. A facsimile signature shall stand as an original signature.

(d) **Waiver.** The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

(e) **Force Majeure.** Except for the obligation of CUSTOMER to make payments as described herein, neither party shall be liable in damages for any delay or default in performing hereunder if such delay or default is caused by Acts of God, Government restrictions, wars, insurrections, failure of suppliers, subcontractors, and carriers, or party to substantially meet its performance obligations, and/or any other cause beyond the reasonable control of the party whose performance is affected.

(f) **Notices.** Any notice required or permitted to be given shall be in writing and shall be delivered only by certified mail. Any notice to CUSTOMER and SUMMIT must be sent to the address below. Either party may change its address by giving ten (10) days written notice to the other party using the method described herein.

IN WITNESS WHEREOF, the parties have caused this Agreement to become their binding agreement by execution of their duly authorized officers as of the day and year set forth below.

CUSTOMER:

By: _____

Title: _____ Date: _____

Address: _____

SUMMIT FOOD SERVICE, LLC:

By:  _____
D8E32592058F428
Title: President Date: 7/15/2019

Address: 500 East 5nd Street

Sioux Falls, SD 57104



Storey County Board of County Commissioners

Agenda Action Report

Meeting date: 10/01/19

Estimate of time required: 30 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☒

1. **Title:** Discussion/Possible Action: Consideration of letters of interest and the appointment of a qualified person to fill the existing Storey County Recorder vacancy in the Storey County Recorder's Office. The appointee will fill the vacancy until January 4, 2021. (Continued from 09/17/19 board meeting)
2. **Recommended motion:** In accordance with the recommendation by staff, I [commissioner] motion to appoint Marney Hansen Martinez, current Deputy Recorder, to fill the existing County Recorder vacancy in the Storey County Recorder's Office. The appointee will fill the vacancy until January 4, 2021.
3. **Prepared by:** Austin Osborne
4. **Department:** County Manager **Telephone:** 847-0968
5. **Staff summary:** Upon vacancy of the Storey County Recorder occurring on August 6, 2019, the board appointed an interim Recorder to temporarily fill the vacancy per NRS while the county published a county-wide notice of vacancy and request for letters of interest. Two letters of interest with resumes were received during the posting period, one from Marney Hansen Martinez and the other from Durward James Hindle III. Both applicants exhibited diverse and distinguished education and background. Staff recommends Marney Hansen Martinez to fill the vacancy because her education and background are best aligned with the duties of the Storey County Recorder's Office and because she has demonstrated years of dedicated and distinguished service as the Storey County Deputy Recorder. The appointee will fill the vacancy until January 4, 2021, and this mid-term appointment will cause no change to the normal election cycle of the Storey County Recorder's Office.
6. **Supporting materials:** Enclosures: (A) Letter from Marney Hansen Martinez; (B) letter from Durward James Hindle III; and (C) vacancy posting.
7. **Fiscal impact:** None on local government.

Funds Available: _____ Fund: _____ Comptroller

8. **Legal review required:** _____ District Attorney

9. **Reviewed by:**
____ @ _____ Department Head
____ County Manager
Department Name: _____
Other agency review: _____

10. **Board action:**
☐ Approved ☐ Approved with Modifications
☐ Denied ☐ Continued

Agenda Item No. 9

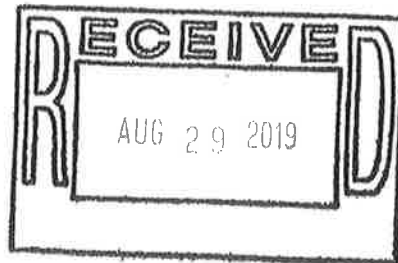
Marney Hansen Martinez

P.O. Box 15, Virginia City, Nevada 89440 Tel: (775) 583-8868

Email: marneyhmartinez@gmail.com

August 29, 2019

Board of County Commissioners
Storey County
P.O. Box 176
Virginia City, NV 89440



Dear Chairman McBride and Board of County Commissioners,

I am expressing my interest in long term appointment to the position of Storey County Recorder.

The interim appointment has given me the opportunity to experience the greater management functions of the office as well as the importance of being part of this team. It has been an exciting change, one that I have enjoyed.

As I mentioned in my previous letter, there are many important functions and processes in the Recorder's Office that require training and specialized knowledge. I have been trained in all of these, including application of transfer tax principals, image auditing and exporting, and state reporting, among many others. The teamwork and enthusiasm in our office is evident with every transaction - each customer we assist, request we fulfill or recording we complete. It is a pleasure each morning to head to work knowing the smiling faces I will see.

I would very much enjoy continuing in the position of Storey County Recorder. Representing the county and taxpayers in this role has given me new purpose and I look forward to applying my experience and passion, while moving into the future and honoring the past.

I welcome any questions you may have. Thank you for your time and consideration.

Sincerely,

Marney Hansen Martinez
Interim Storey County Recorder

Marney Hansen Martinez

P.O. Box 15, Virginia City, Nevada 89440 Tel: (775) 583-8868

Email: marneyhmartinez@gmail.com

EDUCATION & TRAINING

Supervisory Management Certificate, estimated completion Spring 2020
EXTENDED STUDIES UNIVERSITY OF NEVADA, RENO

Associates of Applied Science, Construction Management, Spring 2011
TRUCKEE MEADOWS COMMUNITY COLLEGE · RENO, NEVADA

- Awarded Construction Management Outstanding Student 2010/11
- Dean's List Spring, Fall 2010 and Spring 2011 semester

Bachelor of Science, Interior Design, Fall 2000
UNIVERSITY OF NEVADA, RENO

- Student member of ASID (American Society of Interior Designers)

WORK EXPERIENCE

Interim Recorder and Deputy Recorder, January 2013 to current
STOREY COUNTY RECORDER'S OFFICE · Virginia City, Nevada

- Manage office and staffing needs including hiring, payroll, budget and project management
- Collaborate with other Nevada County Recorders to calibrate processes
- Review and process documents for recordation per NRS
- Assist public with information requests
- Index current and historic documents
- Manage current and historic records and databases

Office and Systems Management · Project Management, June 2009 to January 2013
CONSULTANT · Reno, Nevada & San Francisco, California

Wittlinger Woodworks & Construction, LLC · Reno, Nevada

Pix Lighting, LLC & ChicExplosion.com · Reno, Nevada

- Manage office, systems management and assist with daily functions and tasks
- Create, teach and implement new templates, protocol and systems
- Research and collaborate on marketing and business development strategies

Duque Design Group · San Francisco, California

- Update project status, schedules and budgets using Microsoft Excel
- Create hand and AutoCAD drawings
- Expedite orders and follow-up communication with clients and vendors

Project Manager & Designer, September 2007 to March 2009
STEVEN VOLPE DESIGN · San Francisco, California

- Lead point for client and vendor communication
- Job site coordination with contractor and management of design sub-contractors
- Propose, purchase and expedite custom goods and furnishings
- Create and maintain project budgets and furnishings schedules using Microsoft Excel
- Fast track management and installation of high-end residential projects
- Create and update drawings using AutoCAD 2006

Marney Hansen Martinez

P.O. Box 15, Virginia City, Nevada 89440 Tel: (775) 583-8868

Email: marneyhmartinez@gmail.com

Project Manager & Designer, December 2002 to September 2007

DOUGLAS DURKIN DESIGN · San Francisco, California

- Manage on-site installations with multiple design sub-contractors and vendors
- Communicate project directives with client, contractor and sub-contractors
- Create project specifications, proposals to clients and manage project purchasing
- Source fabrics, furnishings and architectural materials
- Update and create drawings using AutoCAD 2004
- Collaborate with principals and vendors in development of custom furnishings

Junior Designer, October 2000 to December 2002

DOMUS DESIGN GROUP · Reno, Nevada & San Francisco, California

- Team member for space planning on residential and commercial projects
- Apply AutoCAD, hand drafting and sketching skills to communicate design ideas and concepts
- Research and select fabrics, finishes and furniture for both commercial and residential installations
- Purchasing, order tracking and install coordination
- Coordinate site visits with client, contractor, and design team

Office Clerk and Bookkeeper, September 1995 to October 2000

LAW OFFICE OF CALVIN R.X. DUNLAP · Reno, Nevada

- Responsible for scheduling and maintenance of calendar in extremely busy multi-attorney firm
- Create and revise legal documents
- Organize and maintain client files
- Process payroll and track business and personal accounts

Student Intern, July 1999 to September 1999

Assistant, September 1999 to July 2000

INTERIORS, CHERYL CHENAULT · Reno, Nevada

- Drafting and space planning for residential projects
- Creation of professional color and material boards for client presentation
- Maintenance, organization and indexing of design library
- Understand design concepts and ideas and elevate to next level

Marney Hansen Martinez

July 26, 2019

Vanessa Stephens
Storey County Clerk Treasurer
P.O. Box D
Virginia City, NV 89440

Dear Storey County Clerk Treasurer Vanessa Stephens, Chairman McBride and Board of County Commissioners,

I am asking and hoping for your support in an interim - and hopefully longer term appointment - for the position of Storey County Recorder. My ability in this capacity would maintain and expand upon the level of service our office has been known to provide.

For the past six and a half years, I have served in the role of Deputy Recorder. Working alongside Recorder Jen Chapman, I have gained invaluable experience, knowledge and training pertinent to the duties and functions of the office.

Due to the nature and requirements of the office there are many important functions and processes that require training and specialized knowledge. I have been trained in all of these, including application of transfer tax principals, image auditing and exporting, and state reporting, among many others.

I am grateful for any sort of support you can give the Recorder's Office during this transition and would welcome questions at any time.

Sincerely,



Marney Hansen Martinez

cc: Chairman McBride and Board of County Commissioners

Durward James Hindle III

Board of County Commissioners
c/o The Human Resource Office
Storey County, NV

RECEIVED
AUG 29 2019

August 29, 2019

Dear Commissioners:

I am pleased to submit for your review and consideration my statement of interest for the appointment as Storey County Recorder.

It has been my privilege to serve Storey County for over five years as a Planning Commissioner with the last two as Chair. As you know, I take that role seriously and have dedicated myself to making educated, fact-based and judicious decisions that preserve the rights of those that come before the Board while also benefiting the citizens of the County. My time on the Planning Commission has exposed me to many of the issues challenging the County. This experience, coupled with my leadership and management skills and business experience, uniquely prepare me to step into the Recorder's role during this time of transition and ensure that the Office continues to operate with efficiency, integrity, and professionalism.

As I have presented previously to this Board: I have been blessed to have had a successful business career. I have managed complex multimillion-dollar contracts with major Fortune 100 industrial companies on both a domestic and international basis. I am expert in building cooperative relationships to constructively solve problems and address new opportunities. I have led organizational transition and operational evolution (resume attached).

Consistently in all my assignments and endeavors I have been valued for my disciplined and reasoned approach to planning, team building, problem solving, and for decisive action in challenging circumstances and complex interpersonal and technical environments.

I have familiarized myself with the responsibilities of the Office of County Recorder as defined by NRS 247, and I understand through conversations with people inside and outside the County that the scope and daily detail of the Office involves much more activity of impact on citizens and organizations. I know I can quickly acquire the knowledge required to perform and lead office operation.

As the new Recorder, I would dedicate my effort to quickly learning the detail of the daily operation, while concurrently pursuing three objectives:

- Retain current staff and build their trust and confidence;
- Collaborate with County Officials and staff, and key stakeholders to understand current performance perceptions and identify key activities and opportunities for service enhancement; and,
- Cooperate and integrate in the County's Strategic Assessment to define the future opportunities and challenges the Office of Recorder needs to prepare to address.

Additionally, the growth and development the County has recently experienced is going to continue – most probably at an increased rate – and the Office of County Recorder is going to be challenged to evolve software, systems, process and procedure to economically perform its functions (Blockchains among other developments is top of mind in this regard). I have the skills and experience to lead the Office's preparation for this future.

If you appoint me as County Recorder, I pledge to be a thoughtful manager and leader so that the professionalism and reputation of the Office of Storey County Recorder is maintained, to promote development to enhance our economy and support the unique quality of life we enjoy here on the Comstock and across the county, and that the office will always operate in the best interest of the current and future citizens of Storey County.

I thank you for your time and consideration and look forward to addressing any questions you may have regarding my interest and qualifications.

Respectfully,



Jim Hindle

attachment

Durward James Hindle III

PO Box 122
Virginia City, NV 89440

+1.775.847.0796 :Phone
djhthree@gmail.com :eMail

SENIOR MANAGEMENT EXECUTIVE

Marketing & Sales Leadership ■ International Business Development ■ General Management
MBA with 30 years of success in development of new businesses and organizations to meet emerging and evolving market opportunities. Valued for a creative and disciplined problem-solving approach, insightful business judgment, and decisive management style. Skilled in the leadership of multi-disciplinary and cross-cultural teams for the development and implementation of market, product and supplier programs and strategies, as well as organizational change and cost-reduction projects.

- Strategic Account Management
- Market & Sales Strategy & Planning
- Prospecting & Customer Development
- Cross-Functional Team Leadership

HISTORY OF ACHIEVEMENT & SUCCESS

CASCADE SURVEY RESEARCH, LLC

2001 to Present

Managing Partner

Seattle, WA & Virginia City, NV

Founded a privately-owned business services consulting firm with international scope of operations.

Key Accomplishments

- Over 13 years of profitable operation through development of commercial relationships with major multinational manufacturing companies.

RYERSON INCORPORATED

1997 - 2001

North America's largest steel processor and distributor generating over \$2 Billion in annual revenue.

Jos. T Ryerson & Sons - West

Director of Materials Management (2000 – 2001)

Seattle, WA

Senior executive in Western business unit responsible for 20 professionals that managed \$275 Million in annual purchases, inventory investment at 8 metal service centers, and supplier relationships.

Key Accomplishments

- Key member of team that reorganized Materials Management functions corporate-wide. Restructuring regional operations decreased administrative costs by 30%, reduced inventory investment by over \$16 Million and increased turnover by 20%.

Ryerson International/I.M.F. Steel International Ltd.

General Manager (1998 - 2000)

Hong Kong, China; Chicago, IL

P & L responsibility for Business Unit that generated over \$75 Million in annual sales for the international trading joint venture between Ryerson International and MacSteel International. Led a staff of 11 in the Chicago and Hong Kong offices that negotiated and executed customer sales contracts, global supply programs, and import-export logistics.

Key Accomplishments

- Established new trading organization that increased business unit turnover by 50% in 12 months.

Shanghai Ryerson Ltd.

Director, Marketing & Sales (1997 – 1998)

Shanghai, China

Recruited, trained and established Sales organization for a \$25 Million start-up joint venture steel processing and distribution center between Ryerson International and Baoshan Iron & Steel.

Key Accomplishments

- Completed a technical market feasibility study for a \$12 Million investment in plant and equipment to supply first operational processed steel sheets to major automotive manufacturers in the Shanghai area.
- Completed an extensive market survey of metal consuming industrial ventures in the East China region that resulted in a qualified prospective customer contact list of over 500 accounts.

INLAND STEEL COMPANY (now ArcelorMittal) 1984 - 1997*A leading integrated flat rolled steel manufacturing company generating in excess of \$2.3 Billion in annual revenue.***Sales Manager, Automotive Inside Sales Division** (1993 - 1997)

Chicago, IL

Led 22 professional sales representatives and 4 hourly staff in the implementation of negotiated sales contracts that generated over \$500 Million in annual sales. Account responsibility for **General Motors** and major independent automotive parts manufacturers, including 6 of the company's top 25 revenue-generating customers. Also responsible for a staff of 5 professionals that managed the resolution of customer returns and defective material claims.

Key Accomplishments

- Increased billings by 15% as a result of leading Division reorganization and staff retraining project that enhanced skills in sales negotiation, revenue forecasting & order scheduling, and inventory management.
- Led initiative that reduced company inventory investment by \$30 Million and improved order fulfillment and on-time delivery as a result of SPC-based analysis driven order management practice changes.
- Reorganized customer return and defective material claim management division and reduced claim resolution time by 35% and outstanding case backlog by 80%.

Marketing Manager, Commercial & Industrial Markets (1989 - 1993)

Chicago, IL

Managed 10 Marketing professionals and coordinated the activities of 6 Engineering professionals in the research, development and implementation of new market and product strategies for the Appliance, Electric Machinery, and Office Furniture business units that generated \$1 Billion in annual sales.

Key Accomplishments

- Increased sales by 15% as a result of recommended action to Corporate Officers for a new marketing and sales strategy for the company's \$400 Million in annual revenue Hot Rolled Steel product line.
- Presented to Marketing & Sales Executive Management, market assessments and strategic action plans for the Office Furniture, Domestic & European Home Appliance, and Electric Motor & Machinery business units. Within 2 years, in terms of sales and profits, the company was the leading supplier in each of these domestic market segments.

Sales Representative (1986 - 1989)

Minneapolis, MN

Managed a 5-State sales territory that included key customers in the Consumer Appliance, HVAC, Construction Equipment, Auto Parts, Electrical Equipment, and Agricultural Machinery markets.

- Expanded revenues to \$50 Million, or by 22% in 18 months.
- Generated over \$1 Million in sales in special market development assignment selling to the U.S. Department of Energy's High Energy Physics program and related industrial affiliates.

Management Training & Development Program (1984 - 1985)

Chicago, IL

Developmental assignments in preparation for fast track promotion to management responsibilities.

- Developed and implemented an automated inventory system reducing odd-lot billet inventory by 30%

EDUCATION

M.B.A., Marketing & Finance (1984) **WASHINGTON UNIVERSITY**

St. Louis, MO

B.A., Biology (1982) **LAWRENCE UNIVERSITY** with Dean's List recognition

Appleton, WI

ORGANIZATIONS & AFFILIATIONS

Chair – Planning Commission of Storey County Nevada

Chair – Marketing & Communications Committee of the National Association of Parliamentarians

Treasurer – 1st Nevada Unit of the National Association of Parliamentarians

Past President – Fraternal Order of Eagles Comstock Aerie #523

STOREY COUNTY PUBLIC NOTICE
INTERIM RECORDER VACANCY
STOREY COUNTY

Position: Interim Storey County Recorder to fulfill term ending 2020. All interested parties must live within Storey County. The Recorder represents Storey County constituents. General provisions governing the duties of county recorders are found in NRS 247. Examples of duties include:

- Overall management of Storey County's recorded documents. The County Recorder is responsible for all documents deposited in the office and includes both paper and electronic records;
- Reviewing and recording a variety of documents authorized by law to be recorded, presented either electronically, by mail, or over-the-counter, in the order received and with the appropriate recording and Real Property Transfer Tax fees;
- Maintenance of records pertaining to all transactions conducted within the office;
- Ensuring that the records maintained by the office are available for public inspection during regular business hours;
- Performing a variety of budgeting, accounting and financial duties as required;
- Indexing, reviewing and scanning documents into the computer and ensuring personal information is redacted from documents before releasing to general public; and
- Certification of documents as necessary.

Required Qualifications:

This is an elected position, so the following requirements must be fulfilled:

- For non-federal offices, reside within the boundaries of the district where you plan to run for office, beginning on a date at least 30 days immediately preceding the close of declarations-of-candidacy filing for this office;
- Be a registered member of the Party you claim to represent (not required for candidates of non-partisan offices);
- Be a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada;
- Have your civil rights restored by a court of competent jurisdiction, if you have ever been convicted of treason or a felony; and
- If running as a candidate of a major political party, have not, in violation of the provisions of NRS 293.176, changed the designation of your political party or political party affiliation on an official application to register to vote in any state since December 31st before the closing filing date for this election.

Candidates are required by law to submit various public financial reports including Contributions & Expenses, Financial Disclosure Statements and Ethics Reports.

The county clerk or the registrar of voters is the filing officer for county and township offices and for any offices elected from districts completely within one county or part of one county. (NRS 293.185)

Letter of Interest: All interested parties must submit a letter of interest showing qualifications and reason for applying for the appointment. An official job application is not necessary but may be provided if desired.

Closing Date: Letters of interest (originals) must be received by the Storey County Human Resources Office, Storey County Courthouse, 26 South "B" Street (P.O. Box 176), Virginia City, NV 89440 by **5:00 p.m., Wednesday, August 29, 2019**. Please contact 775.847.0968 for further questions.

Tentative Appointment Date: The County Commissioners will consider this appointment on 10-01-2019. Applicants may be asked to speak and should attend.

Storey County is an Equal Opportunity Employer. Posting dates: 08/14/19 – 08/29/2019



Storey County Board of County Commissioners Agenda Action Report

Meeting date: October 1, 2019

Estimate of time required: 15 minutes

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title: FOR POSSIBLE ACTION:** Consideration and possible approval of Memorandum of Understanding between Storey County and the Virginia Township Justice's Court regarding the handling of additional fees to be generated by the Court's adoption of new fees
2. **Recommended motion:** I _____ (Commissioner) move to approve the Memorandum of Understanding with the Virginia Township Justice's Court and authorize the chairman to sign.
3. **Prepared by:** Keith Loomis
4. **Department:** District Attorney's Office **Telephone:** 847-0964
5. **Staff summary:** The Justice's Court of Virginia Township is proposing to establish new fees to cover the costs of mental health evaluations and pretrial services ordered by the Court. The Memorandum of Understanding sets forth the process by which the fees will be deposited with the County Treasurer, accounted for by the Comptroller's Office and payments made from the monies deposited.
6. **Supporting materials:** Memorandum of Understanding
7. **Fiscal impact:**
Funds Available: _____ Fund: _____ Comptroller
8. **Legal review required:**
____ ☒ District Attorney
8. **Reviewed by:**
____ Department Head
____ County Manager
Department Name: _____
Other agency review: _____
9. **Board action:**

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

Agenda Item No. 10

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made between the Virginia Township Justice's Court and the County of Storey.

BACKGROUND

In the case of *Blackjack Bonding v. City of Las Vegas Municipal Court*, 116 Nev. 1213 (2000) the Nevada Supreme Court held that municipal courts in the State of Nevada have certain inherent powers by virtue of their position as a court in the Nevada judicial system. The court's inherent authority includes the authority to charge reasonable fees despite the lack of specific statutory authority for the fees. The Justice's Court of Virginia Township intends to exercise this authority by adopting and collecting fees in addition to those set out in NRS Chapter 4. Those fees are set out in the attached Exhibit A consisting of an order addressing the fees to be issued by the Court. The court desires to deliver the revenue to the County Treasurer to be kept in a separate account. The funds will be utilized by the Justice's court for the purposes of covering the costs of mental health evaluations and pretrial services.

NOW THEREFORE IS IT HEREBY UNDERSTOOD between the parties as follows:

1. The Virginia Township Justice's Court will impose the fees set out in the attached Exhibit A.
2. The Court will deliver the revenues obtained by the collection of the additional fees to the Storey County Treasurer and advise the County Comptroller's Office of the amounts delivered to the Treasurer.
3. The Comptroller's office will create a separate line item within the Court's revenue fund to track the amounts being collected.
4. When invoices are submitted to the Justice's Court for services intended to be paid out of the additional revenues generated, the Justice's court will deliver them to the County Comptroller's Office.
5. Upon receipt of the invoices from the Justice's Court, the Comptroller's Office will review the invoices.
6. If the Comptroller's Office is satisfied that monies are owed for the services reflected in the invoice, the Comptroller's Office will authorize the Treasurer to make the payment.
7. The Comptroller will reduce the amount reflected in the line item created to track the funds generated by the new fees by the amount of the authorized payment.

DATED this ____ day of _____, 2019,

DATED this ____ day of _____, 2019

Board of County Commissioners of Storey County

Justice of the Peace of Virginia Township

Marshall McBride, Chairman

Honorable Eileen Herrington,
Justice of the Peace

Attest:

Vanessa Stephens
Storey County Clerk/Treasurer



Storey County Board of County Commissioners

Agenda Action Report

Meeting date: Oct 01, 2019

Estimate of time required: 10 min.

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

1. **Title: Discussion/For Possible Action:** Approval and acceptance of grant of easement from Joyce and Larry Herceg across their property in Washoe County for the purpose of constructing, maintaining, repairing, and servicing a water pipe and related equipment.

2. **Recommended motion:** I, (commissioner), move to approve and accept the grant of easement from Joyce and Larry Herceg across their property in Washoe County for the purpose of maintaining, repairing, and servicing a water pipe and related equipment.

3. **Prepared by:** M. Northan

4. **Department:** Public Works

Telephone: (775) 335 6991

5. **Staff summary:** This easement is to address the Duck Hill Waterline relocation due to a pipe failure under the Herceg's house in July of 2018. The easement is relocated to the north of the existing easement which has been relinquished.

6. **Supporting materials:** Attached resolution and easement documents.

7. **Fiscal impact:**

Funds Available: N/A

Fund:

21 Comptroller

8. **Legal review required:**

____ District Attorney

9. **Reviewed by:**

[Signature] Department Head

Department Name:

____ County Manager

Other agency review: _____

10. **Board action:**

[] Approved
[] Denied

[] Approved with Modifications
[] Continued

Agenda Item No. 11

RESOLUTION NO. 19-556

**RESOLUTION Accepting grant of easement
from Joyce and Larry Herceg
across their property in Washoe
County for the purpose of constructing,
reconstructing, maintaining, repairing,
and servicing a water pipe and related
equipment**

**WHEREAS, A waterline runs from Marlette Lake to Five Mile Reservoir providing
water to Virginia City and environs which crosses a parcel of land owned by Joyce and
Larry Herceg; and,**

**WHEREAS, Storey County desires to relocate the water line and provide for
construction, serving and maintenance of said water pipe on the land of the Hercegs; and,**

**WHEREAS, the Hercegs have granted to Storey County a permanent easement for
the construction, reconstruction, maintenance, repair and servicing of the pipeline where it
crosses their property;**

NOW THEREFORE IS IT HEREBY RESOLVED,

**That Storey County accepts the grant of the easement from the Hercegs and agrees
to be bound by the terms of said easement.**

Signatures on next page

ADOPTED this ____ day of _____, 2019

BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY

By: _____
MARSHALL McBRIDE, Chairman

ATTEST:

VANESSA STEPHENS Storey County Clerk/Treasurer

The undersigned affirms that this document does not contain the personal information of any person.

Keith Loomis
Deputy District Attorney
Storey County, Nevada

APN: 055-270-11

Recording Requested By:

Thorndal Armstrong Delk, et al.
6590 S. McCarran Blvd., Ste. B
Reno, NV 89509

When Recorded Return To:

Storey County
Department of Public Works
100 Toll Road
Virginia City, NV 89440

Send Subsequent Tax Notices To:

Larry and Joyce Herceg
3110 Duck Hill Rd.
Carson City, NV 89702

RELINQUISHMENT OF EASEMENT AND AGREEMENT

THIS RELINQUISHMENT OF EASEMENT AND AGREEMENT, made and entered into this ____ day of _____, 2019, by and between COUNTY OF STOREY, a political subdivision of the State of Nevada, Party of the First Part, hereinafter referred to as "Grantor"; and the JOYCE A. HERCEG and LARRY HERCEG, wife and husband, Party of the Second Part, hereinafter referred to as "Grantee."

WITNESSITH

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, Grantor hereby relinquishes to Grantee the non-exclusive permanent easement for roadway and utility purposes, over a strip of ground which is more particularly described in Exhibit "A" (p. 3 of 4) to previous recorded document No. 3468804.

AS FURTHER GOOD AND VALUABLE CONSIDERATION, Grantee acknowledges and agrees that a new non-exclusive permanent easement for roadway and utility purposes will be granted to County of Storey by way of subsequently recorded written easement agreement between Larry Herceg and County of Storey which will specifically identify and describe that portion of the subject property where the new easement will be located.

IN WITNESS WHEREOF, the parties hereto have executed this Relinquishment of Easement and Agreement the day and year first above written.

By: Larry Herceg, Grantee

STATE OF _____)
) ss.
COUNTY OF _____)

**Notary Public in and for said
County and State**

STATE OF _____)
) ss.
COUNTY OF _____)

On the _____ day of _____, 2019, personally appeared before the undersigned, a Notary Public in and for said County and State, JOYCE A. HERCEG, who acknowledged to the undersigned that he executed the above instrument.

Notary Public in and for said
County and State

STATE OF _____)
) ss.
COUNTY OF _____)

On the _____ day of _____, 2019, personally appeared before the undersigned, a Notary Public in and for said County and State, LARRY HERCEG, who acknowledged to the undersigned that he executed the above instrument.

Notary Public in and for said
County and State

APN: 055-270-11

Recording Requested By:

Thorndal Armstrong Delk, et al.
6590 S. McCarran Blvd., Ste. B
Reno, NV 89509

When Recorded Return To:

Storey County
Department of Public Works
100 Toll Road
Virginia City, NV 89440

Send Subsequent Tax Notices To:

Joyce and Larry Herceg
3110 Duck Hill Rd.
Carson City, NV 89702

EASEMENT AND AGREEMENT

THIS GRANT OF EASEMENT AND AGREEMENT, made and entered into this _____ day of _____, 2019, by and between JOYCE A. HERCEG and LARRY HERCEG, wife and husband, Party of the First Part, hereinafter referred to as "Grantor"; and the COUNTY OF STOREY, a political subdivision of the State of Nevada, Party of the Second Part, hereinafter referred to as "Grantee."

WITNESSITH

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, Grantor hereby grants to Grantee a permanent easement and right of entry for Storey County, its agents or contractors and equipment upon, over, across and through the land herein described, for the purposes of constructing, reconstructing, maintaining, repairing and servicing a water pipe and related equipment including the right to remove trees, bushes, undergrowth, concrete, concrete asphalt or other obstructions interfering with the location, construction and maintenance of said facilities.

The subject real property is situate in the County of Washoe, State of Nevada, and more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof.

The easement and right of entry is hereby granted is a portion of the real property described in Exhibit "A", and is more particularly described in Exhibits "B" and "C" attached hereto and by this reference made part hereof.

TO HAVE AND TO HOLD, said easement and right of entry, unto Grantee and unto its successors and assigns forever.

Grantor covenants and agrees for his, her, or their heirs, successors and assigns, to release, and does hereby release, Grantee, its successors and assigns, of and from any and all claims, liability, obligations and responsibilities for any loss, damage or destruction of any kind or character whatsoever, to the property and improvements within the above described easement of Grantor, by reason of resulting from construction, reconstruction, maintenance, or repair upon, over, across or through the property described herein.

Permission is hereby granted to County of Storey, its authorized agents and/or its contractors to enter in and upon said easement described in Exhibit "B" and "C" and made a part hereof, for the purpose of constructing, reconstructing, maintaining, or servicing the water facilities and equipment on Grantor's property and to accomplish all necessary incidents thereto.

This permission is granted with the understanding that the Grantor agrees to hold harmless and indemnify Grantee from any loss or liability, financial or otherwise resulting from any construction, reconstruction, or removal of any concrete, asphalt concrete, landscaping or other obstructions caused by the performance of the work under this agreement.

This is a non-exclusive easement and to the extent that other uses do not interfere with the use of said easement by Grantee as permitted hereunder, Grantor, its successors and assigns, shall be permitted to use the same for any purpose they may desire.

The covenants and agreements herein contained shall inure to the benefit of and shall be binding upon the executors, administrators, heirs, successors and assigns of the parties and shall be, and are, covenants running with the land that are binding upon said property of Grantors and for the benefit of Grantee as described in Exhibit "A".

The undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the personal information of any person or persons (Per NRS 239B.030).

IN WITNESS WHEREOF, the parties hereto have executed this Grant of Easement and Agreement the day and year first above written.

By: _____
Joyce A. Herceg, Grantor

By: _____
Larry Herceg, Grantor

STATE OF _____)
) ss.
COUNTY OF _____)

On the _____ day of _____, 2019, personally appeared before the undersigned, a Notary Public in and for said County and State, JOYCE A. HERCEG, who acknowledged to the undersigned that he executed the above instrument.

Notary Public in and for said
County and State

STATE OF _____)
) ss.
COUNTY OF _____)

On the _____ day of _____, 2019, personally appeared before the undersigned, a Notary Public in and for said County and State, LARRY HERCEG, who acknowledged to the undersigned that he executed the above instrument.

Notary Public in and for said
County and State

EXHIBIT "A"
LEGAL DESCRIPTION
APN 055-270-11

All that certain real property situate in the County of Washoe, State of Nevada, described as follows:

Parcel 1:

Parcel A and a portion of Parcel B of Parcel Map No. 1708, and a portion of Parcel 1 of Parcel Map No. 1709, filed in the Office of the County Recorder of Washoe County, State of Nevada, as Document Nos. 943948 and 943949, on August 16, 1984, as shown on Parcel A on Record of Survey No. 2837, described as follows:

Commencing at the Center of Section 36, Township 16 North, Range 19 East, M.D.B.&M., Washoe County, Nevada; thence North 57°07'25" West, 790.84 feet; thence on a curve to the right whose tangent bears South 55°51'24" West, with a radius of 670.00 feet, central angle of 03°10'32" and arc length of 37.13 feet; thence North 58°39'49" West, 104.69; thence North 23°50'00" East, 346.70 feet; thence North 13°58'37" West, 130.14 feet to the True Point of Beginning; thence North 30°44'42" West, 61.38 feet; thence North 89°09'49" West 571.65 feet; thence North 22°24'34" West, 71.66 feet; thence North 00°52'39" East, 296.47 feet; thence South 89°09'49" East, 888.67 feet; thence South 21°43'22" East, 323.77 feet; thence South 78°03'22" West, 264.90 feet; thence South 37°41'08" West, 69.98 feet; thence West 80.65 feet to the True Point of Beginning.

Basis of Bearing: The East line of Parcel 2, as shown on Parcel Map for SLM Partnership, Washoe County, Nevada, Parcel Map No. 1709, Document No. 943949. (South 00°38'27" West)

Reference is made to the certain Boundary Line Adjustment, Document No. 1870544, and that certain Survey Map No. 2837, Filed in the Office of the County Recorder of Washoe County, State of Nevada, on February 10, 1995. FURTHERMORE, to Quitclaim Deed Document 3468804, recorded November 30, 2006, Official Records of Washoe County, Nevada.

Descriptions Prepared By:
Ryan G. Cook, PLS 15224
Summit Engineering Corporation
5405 Mae Anne Ave.
Reno, NV 89523
775-747-8550



4-8-2019

EXHIBIT "B"
LEGAL DESCRIPTION
PORTION OF APN 055-270-11

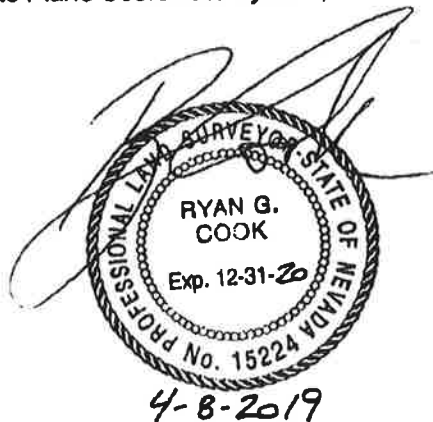
An easement, fifty (50.00) feet in width, located within a portion of Parcel A of Record of Survey Map 2837, File Number 1870544, recorded on February 10, 1995 in the Official Records of Washoe County, Nevada, situate within the Northwest Quarter of Section 36, Township 16 North, Range 19 East, MDM, being more particularly described as follows:

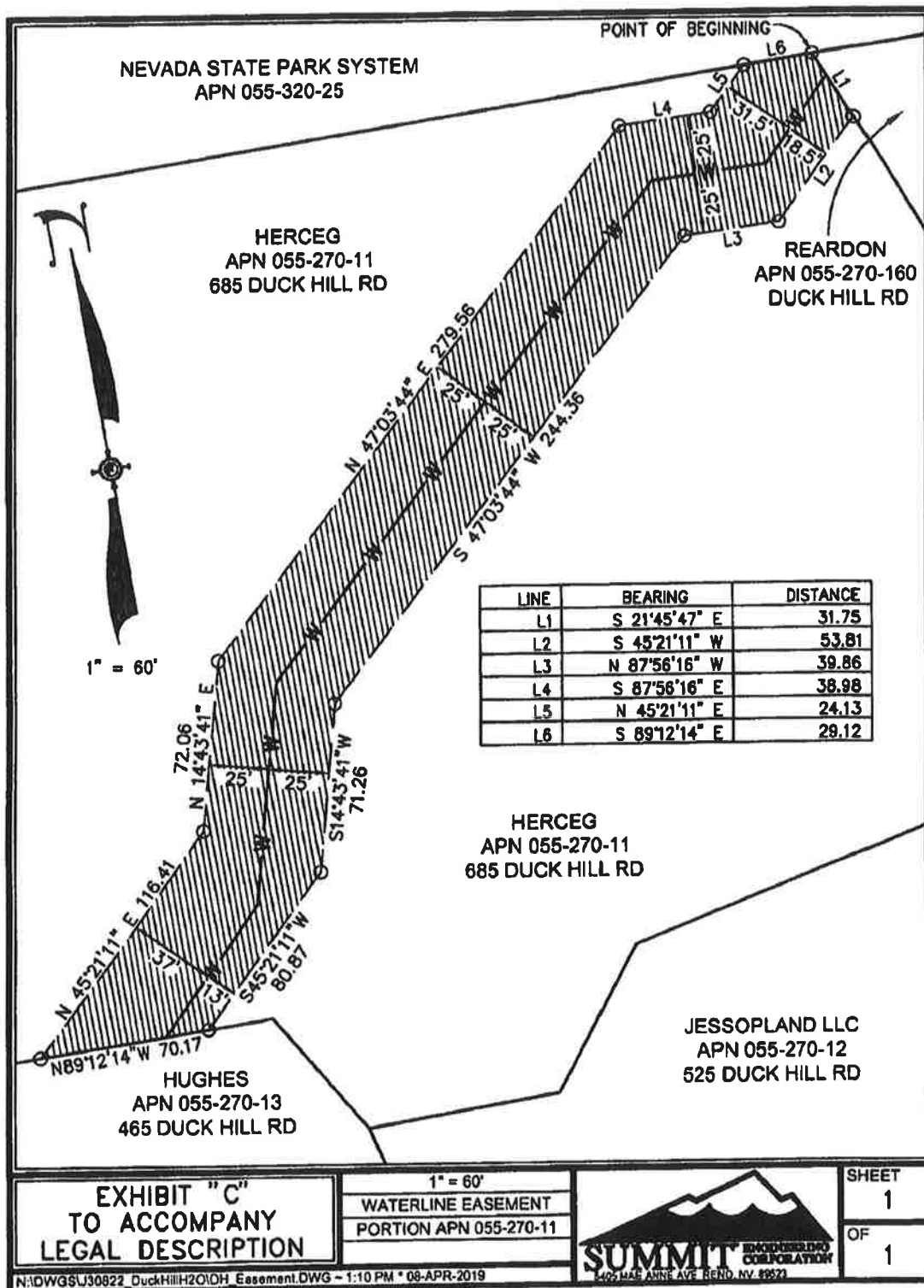
Beginning at the Northeast corner of said Parcel A from which the Center Quarter Corner of said Section 36 bears South 17°27'26" East a distance of 1381.38 feet;
thence along the Easterly boundary of said Parcel A South 21°45'47" East a distance of 31.75 feet;
thence departing said Easterly boundary South 45°21'11" West a distance of 53.81 feet;
thence North 87°56'16" West a distance of 39.86 feet;
thence South 47°03'44" West a distance of 244.36 feet;
thence South 14°43'41" West a distance of 71.26 feet;
thence South 45°21'11" West a distance of 80.87 feet to a point on the Southerly boundary of said Parcel A;
thence along said Southerly boundary North 89°12'14" West a distance of 70.17 feet;
thence departing said Southerly boundary North 45°21'11" East a distance of 116.41 feet;
thence North 14°43'41" East a distance of 72.06 feet;
thence North 47°03'44" East a distance of 279.56 feet;
thence South 87°56'16" East a distance of 38.98 feet;
thence North 45°21'11" East a distance of 24.13 feet to a point on the Northerly boundary of said Parcel A;
thence along said Northerly boundary South 89°12'14" East a distance of 29.12 feet to the Point of Beginning.

Said parcel contains an area of approximately 25,959 square feet.

BASIS OF BEARINGS: Nevada State Plane Coordinate System, West Zone, (NAD 83/94).

Descriptions Prepared By:
Ryan G. Cook, PLS 15224
Summit Engineering Corporation
5405 Mae Anne Ave.
Reno, NV 89523
775-747-8550







Storey County Board of County Commissioners Agenda Action Report

Meeting date: October 1, 2019

Estimate of time required: 10 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☒

1. **Title: Discussion/Possible Action:** Abandonment request (File 2019-042) to abandon a portion of unimproved Main Street right-of-way, located within Gold Hill. The right-of-way abandonment is approximately 25-feet in width and extends from the developed intersection at Main Street adjacent to the northern most point of APN 002-113-02 to the southern boundary of APN 002-111-08. The right-of-way abandonment is located adjacent to parcels owned by Storey County and the DuFresnes, adjacent to 2377 Main Street, Gold Hill, Storey County, Nevada and borders Assessor's Parcel Numbers (APNs) 002-111-07, 002-111-08 and 002-113-02.
2. **Recommended motion:** In accordance with the recommendation by staff and the Planning Commission, the Findings under section 3.A of the Staff Report, and in compliance with all Conditions of Approval, I [*Commissioner*], hereby move to approve the abandonment of a portion of unimproved Main Street right-of-way, located within Gold Hill. The right-of-way abandonment is approximately 25-feet in width and extends from the developed intersection at Main Street adjacent to the northern most point of APN 002-113-02 to the southern boundary of APN 002-111-08. The right-of-way abandonment is located adjacent to parcels owned by Storey County and the DuFresnes, adjacent to 2377 Main Street, Gold Hill, Storey County, Nevada and borders Assessor's Parcel Numbers (APNs) 002-111-07, 002-111-08 and 002-113-02.
3. **Prepared by:** Kathy Canfield
4. **Department:** Planning **Telephone:** 775.847.1144
5. **Staff summary:** See enclosed Staff Report No. 2019-042
6. **Supporting materials:** Enclosed Staff Report No. 2019-042
7. **Fiscal impact:** None on local government.

Funds Available:

Fund:

____ Comptroller
8. **Legal review required:** ____ District Attorney
9. **Reviewed by:**

____ Department Head

Department Name: Planning

County Manager

____ Other agency review: _____
10. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

STOREY COUNTY PLANNING DEPARTMENT

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



To: Storey County Board of County Commissioners

From: Storey County Planning Department

Meeting Date: October 1, 2019

Meeting Location: Storey County Courthouse, 26 S. B Street, Virginia City, Nevada

Staff Contact: Kathy Canfield

File: 2019-042 Road Abandonment Request

Applicants: Storey County, Kelli DuFresne, John DuFresne, and Robert DuFresne

Property Location: An undeveloped portion of the Main Street right-of-way, bordering Assessor's Parcel Numbers (APNs) 002-111-07, 002-111-08 and 002-113-02, Gold Hill, Storey County, Nevada.

Request: The applicants request to abandon a portion of unimproved Main Street right-of-way, located within Gold Hill. The right-of-way abandonment is approximately 25-feet in width and extends from the developed intersection at Main Street adjacent to the northern most point of APN 002-113-02 to the southern boundary of APN 002-111-08. The right-of-way abandonment is located adjacent to parcels owned by Storey County and the DuFresnes, adjacent to 2377 Main Street, Gold Hill, Storey County, Nevada and borders Assessor's Parcel Numbers (APNs) 002-111-07, 002-111-08 and 002-113-02.

Summary of Planning Commission Meeting: The Planning Commission heard this project at their September 19, 2019 meeting. The project was discussed and the DuFresnes raised a question regarding if the word "irrevocable" could be added to the easement language. Staff has looked into the request and has added the word "irrevocable" to the easement language in recommended Condition of Approval 4.E of this staff report. The Planning Commission voted 6-0 (with one absent) to recommend approval of the project.

1. Background & Analysis

A. Site Location. The proposed abandonment is located adjacent to Assessor's Parcel Numbers

(APNs) 002-111-07, 002-111-08 and 002-113-02. This area is an approximately 25-foot wide strip of land that historically appears to have been a roadway. The proposed abandonment will extend from the developed intersection at Main Street adjacent to northern most point of APN 002-113-02 to the southern boundary of APN 002-111-08. Although a roadway most likely existed at one point in time, it no longer functions as a roadway and is undeveloped.



Vicinity Map

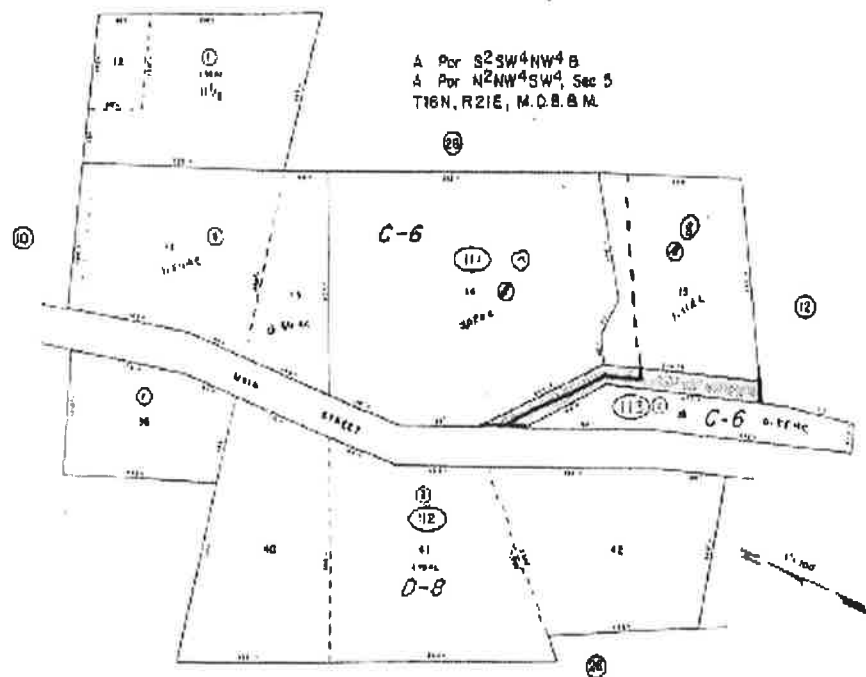


Location Map



Abandonment area

02-11



Gold Hill
STOREY COUNTY

Assessor's Parcel Map, yellow area proposed for abandonment



View looking south



View looking southeast

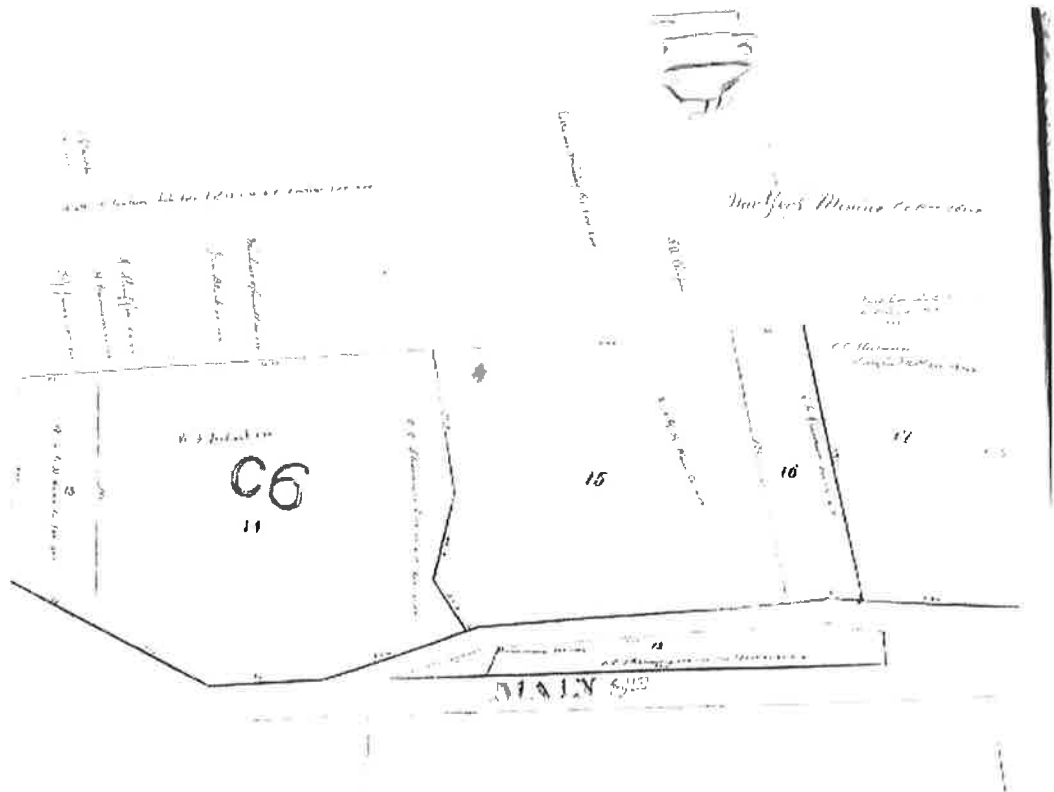


View looking northeast.

- B. **Background.** This roadway alignment appears on the Gold Hill map of approximately 1875 in the same configuration as exists today. This segment of roadway appears to always have been an offshoot of Main Street. A separate street name doesn't appear on any maps that could be found.



Gold Hill map



Enlarged section of Gold Hill map

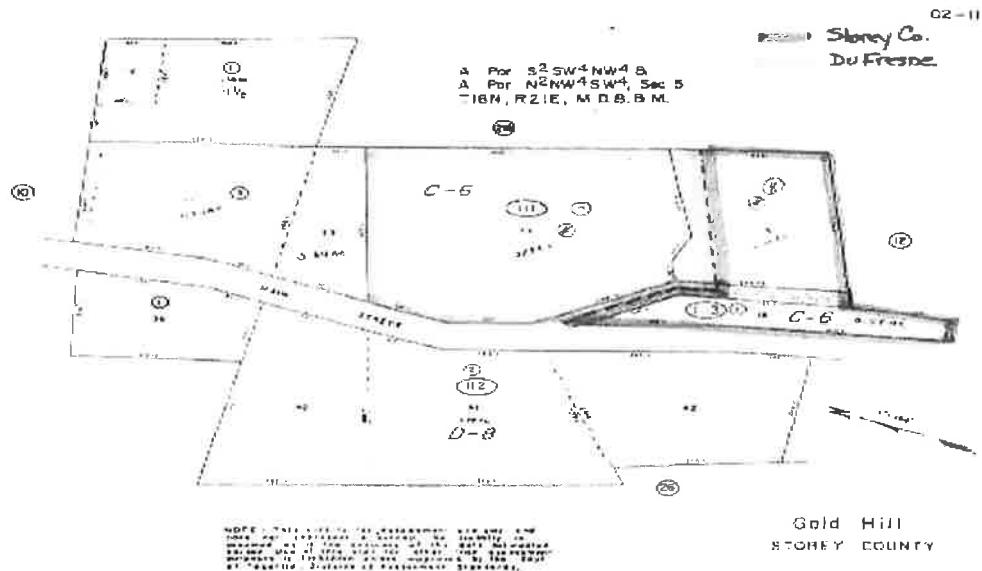
This abandonment is being proposed to facilitate a public works project related to the Gold Hill sewer system. An existing septic system is located on APN 002-113-02. This septic system is not functioning correctly and Storey County is required to fix the system to meet current environmental standards. Storey County is proposing to fix the system by removing the existing septic tank system and constructing a building to house the new sewer system. The construction of a building requires building setbacks from property lines and fencing for security reasons. The existing site (APN 002-113-02) is a long narrow parcel. Fitting a building onto this parcel while meeting setback requirements makes for a building envelope that doesn't fit with the needs for the facility.

The area to be abandoned is public right-of-way. The proposed new construction will place security fencing across the public right-of-way which then makes this area not accessible to the general public. The abandonment of the right-of-way will allow for this area of land, although still owned by a public entity and utilized for a public purpose, to limit public access due to security reasons.

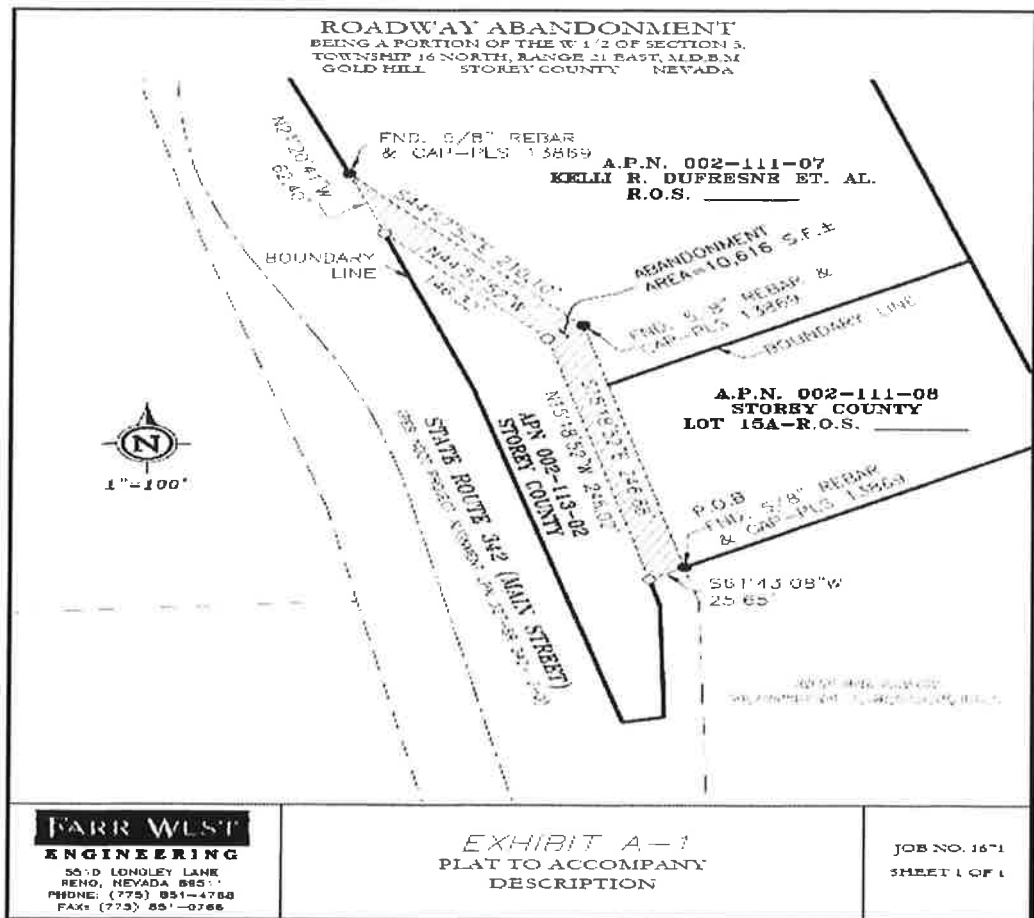
When surveying occurred to determine the property boundary locations, it was noticed that access to APN 002-111-07 did not follow the existing roadway alignment but was crossing Storey County property. As part of this abandonment application, an access easement will be granted across Storey County property in the existing driveway alignment, to allow for the continued use of the driveway by the adjacent property owner. This access easement will not interfere with the proposed project.

- C. **Proposed Project.** The applicants requests that a portion Main Street right-of-way be abandoned. If approved, the abandoned area would be split evenly between the adjacent

parcels. As Storey County owns property on both sides of the right-of-way, the area of abandonment will be consolidated into one Storey County parcel as part of the abandonment process. The other portion bordering APN 002-111-07 will be consolidated into the parcel owned by the DuFresne family.



Proposed parcels if abandonment approved



- D. **Abandonments.** Nevada Revised Statutes (NRS) 278.480 defines requirements for abandonment of a street or easement. Storey County has not adopted its own process and therefore follows the NRS process.

Staff acknowledges the importance of keeping right-of-way for the public and public circulation patterns. In this specific case, this roadway does not exist any longer, access to the adjacent properties is provided through other means, and the area of land associated with the right-of-way is needed for a different public purpose.

- E. **Noticing.** NRS 278.480 requires additional noticing of the public beyond the typical noticing procedures of Storey County per NRS 278. In addition to noticing a minimum of properties within 300-feet of the project, and a minimum of 30 unique property owners, NRS required the project to be advertised in the newspaper (Comstock Chronicle, September 6, 2019) and to notify each property owner abutting the proposed abandonment with a notice method that provides confirmation of delivery and does not require the signature of the recipient. In addition, each public utility and video service provider (NV Energy, AT&T, Storey County Public Works, Comstock Cable) serving the affected area was notified with a written notice.

In addition, separate inquiries were sent to NV Energy, AT&T and NDOT regarding input regarding the proposed abandonment. AT&T responded that they have overhead wires located along the edge of the Highway 342 travelway. This abandonment will not impact the location of those existing lines. NV Energy had no concerns with the proposed abandonment. Staff did not receive a response from NDOT prior to this staff report being completed.

- F. **Adjacent Properties Existing Land Uses.** The property is located within Gold Hill area of Storey County and is zoned CR Commercial Residential. A portion of the surrounding property is proposed to be rezoned to P Public (File 2019-029). The portion to be abandoned is undeveloped as a roadway. Surrounding land uses include residential to the north and east, mining land uses to the south and west, and public service to the east and west.

	APN	Property Owner	Zoning
Land to the North & East	002-111-07	K., J. & R. DuFresne	Commercial/Residential
Land to the East	002-111-08	Storey County	Commercial/Residential
Land to the South	002-121-01	Northern Comstock, LLC	Commercial/Residential
Land to the West	002-113-02	Storey County	Commercial/Residential

2. Use Compatibility and Compliance

- A. **Compatibility with surrounding uses and zones.** The following table documents land uses, zoning classification and master plan designations immediately abutting the proposed abandonment land. There are no evident conflicts between the proposed abandonment and Storey County Title 17 Zoning or the 2016 Master Plan.

	Land Use	Master Plan	Zoning
Land to be Abandoned	Vacant right-of-way	Mixed use Commercial Residential	CR Commercial Residential
Land to the North	Residential, vacant	Mixed use Commercial Residential	CR Commercial Residential
Land to the East	Residential, vacant	Mixed use Commercial Residential	CR Commercial Residential, Proposed P Public
Land to the South	Vacant, mining	Mixed use Commercial Residential	CR Commercial Residential
Land to the West	Public sewer system, vacant	Mixed use Commercial Residential	CR Commercial Residential, Proposed P Public

- B. **Compliance with the Storey County Code.** Section 17.12.090 discusses Access and Right-of-Ways. This chapter states that “No commercial, industrial, or dwelling construction may be permitted on any parcel or lot not served by a public right-of-way of at least 50 feet in width, with a minimum public traveled way of 24 feet in width. ”

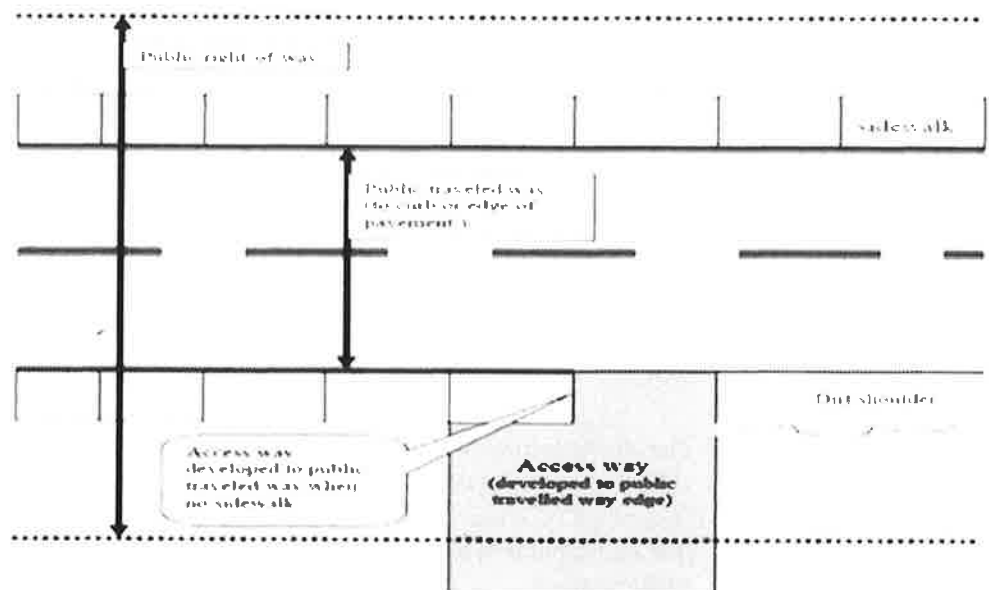


Figure 12.7: The public right-of-way encompasses much more land than the traveled way. While public utilities such as power, sanitary sewer, and water may be located above or below the traveled way, they are oftentimes located within the outer edges of the public right-of-way.

The existing right-of-way is currently undersized to meet the requirements of the zoning code. This portion of Main Street was shown existing on the approximate 1875 map of Gold Hill. It appears that the right-of-way is approximately 25-feet in width which would not meet the basic service requirements for a roadway to be constructed. It is not expected that a roadway is needed in this location and the land has been identified as needed for another public purpose.

- C. **Compliance with 2016 Storey County Master.**

The proposed abandonment is consistent with the 2016 Storey County Master Plan. The Master Plan does not specifically mention abandonments of roadways. This proposed abandonment will allow for the development of a public facility which will serve the Gold Hill community. The abandonment will not change the circulation pattern of the Gold Hill community.

3. Findings of Fact

The Storey County Board of County Commissioners shall cite Findings in a motion for approval, approval with conditions, or denial. The approval, approval with conditions or denial of the requested Abandonment must be based on Findings. The Findings listed in the following subsections are the minimum to be cited. The Board of County Commissioners may include additional Findings in their decision.

A. Motion for Approval. The following Findings of Fact are the minimum to be cited for approval or approval with conditions. The following Findings are evident with regard to the requested Abandonment when the conditions of approval in Section 4 are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

- (1) This approval is to abandon a portion of unimproved Main Street right-of-way, located within Gold Hill. The right-of-way abandonment is approximately 25-feet in width and extends from the developed intersection at Main Street adjacent to the northern most point of APN 002-113-02 to the southern boundary of APN 002-111-08. The right-of-way abandonment is located adjacent to parcels owned by the Storey County and the DuFresnes, adjacent to 2377 Main Street, Gold Hill, Storey County, Nevada and borders Assessor's Parcel Numbers (APNs) 002-111-07, 002-111-08 and 002-113-02.
- (2) The Abandonment complies with NRS 278.480 relating to Abandonment of a street or easement.
- (3) The Abandonment complies with all Federal, State, and County regulations pertaining to vacation or abandonment of streets or easements, including NRS 278.240.
- (4) The Abandonment will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity.
- (5) The Abandonment will not cause the public to be materially injured by the proposed abandonment.
- (5) The conditions of approval for the requested Abandonment do not conflict with the minimum requirements in Storey County Code Chapters 17.12.090, General Provision – Access and Right-of-Ways, or any other Federal, State, or County regulations.

B. Motion for Denial. Should a motion be made to deny the Abandonment request, the following Findings with explanation of why should be included in that motion.

- (1) Substantial evidence shows that the Abandonment with the purpose, intent, and other specific requirement of Storey County Code Chapter 17.12.090, General Provision, Access and Rights-of-Ways, or any other Federal, State, or County regulations, including NRS 278.480.

- (2) The Recommended Conditions of Approval for the Abandonment do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding uses.

4. **Recommended Conditions of Approval**

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

- A. **Approval.** This approval is to abandon a portion of unimproved Main Street right-of-way, located within Gold Hill. The right-of-way abandonment is approximately 25-feet in width and extends from the developed intersection at Main Street adjacent to northern most point of APN 002-113-02 to the southern boundary of APN 002-111-08. The right-of-way abandonment is located adjacent to parcels owned by the Storey County and DuFresnes, adjacent to 2377 Main Street, Gold Hill, Storey County, Nevada and borders Assessor's Parcel Numbers (APNs) 002-111-07, 002-111-08 and 002-113-02.
- B. **Abandonment Area.** The required Parcel Map shall be in substantial conformance to the proposed request of abandonment of right-of-way described in the staff report.
- C. **Parcel Map.** The Permit Holder shall submit to the Storey County Planning Department a Parcel Map for review and approval prior to the Parcel Map being recorded. The Parcel Map must comply with Nevada Revised Statutes (NRS) and must comply with Federal, State, and County regulations. The Parcel Map must show all parcel boundaries, consolidated parcel boundaries, easements and areas to be dedicated at easements, and right-of-ways. Upon acceptance of the Parcel Map format, and completion of all other conditions of approval, the Parcel Map may be recorded.
- D. **Consolidation.** The Parcel Map shall demonstrate that APN 002-111-07 and the half portion of the abandoned section adjacent to APN 002-111-07 have been consolidated into one legal lot of record, and APN 002-111-08 and APN 002-113-02, along with the remaining portion of abandonment area have been consolidated into one legal lot of record.
- E. **Access and Easements.** An irrevocable access easement shall be dedicated across APN 002-113-02 following the existing driveway alignment for the benefit of APN 002-111-07. The dedication of this easement shall be shown on the Map. The driveway alignment and associated easement may be modified based on agreement by both parties.
- E. **Taxes Paid.** Prior to the recording of the proposed Parcel Map, the Applicant shall submit to the Planning Department evidence that property taxes have been paid in full for the fiscal year.
- F. **Duties of the Parcel Map Preparer.** The preparer of the proposed Map shall meet all requirements pursuant to Nevada Revised Statutes.
- H. **Null and Void.** The Map must be recorded with the Storey County Recorder within 12 months of the Board's approval. If the Map is not recorded by that time, this approval will become null and void.

- I. **Indemnification.** The Property Owner warrants that the future use of land will conform to requirements of Storey County, State of Nevada, and applicable federal regulatory and legal requirements; further, the Property Owners warrant that continued and future use of the land shall so conform. The Property Owners agree to hold Storey County, its officers, and representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this Approval.

5. Public Comment

As of September 10, 2019, Staff has received no comments from the public regarding this abandonment. This right-of-way abandonment was also noticed in the September 6, 2019, edition of the Comstock Chronicle.

6. Power of the Board

At the conclusion of the hearing, the Board of County Commissioners must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Board of County Commissioners upon which it bases its decision.

7. Proposed Motions

This Section contains two motions from which to choose. The motion for approval is recommended by Staff in accordance with the findings under Section 3.A of this report. Those findings should be made part of that motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Board of County Commissioners should be made part of either motion.

A. Recommended Motion (motion for approval)

In accordance with the recommendation by staff and the Planning Commission, the Findings under section 3.A of the Staff Report, and in compliance with all Conditions of Approval, I [Commissioner], move to approve the abandonment of a portion of unimproved Main Street right-of-way, located within Gold Hill. The right-of-way abandonment is approximately 25-feet in width and extends from the developed intersection at Main Street adjacent to the northern most point of APN 002-113-02 to the southern boundary of APN 002-111-08. The right-of-way abandonment is located adjacent to parcels owned by Storey County and the DuFresnes, adjacent to 2377 Main Street, Gold Hill, Storey County, Nevada and borders Assessor's Parcel Numbers (APNs) 002-111-07, 002-111-08 and 002-113-02.

B. Alternative Motion (motion for denial)

In accordance with the Findings under section 3.B of this report and other Findings against the recommendation for approval with conditions by Staff and the Planning Commission, I [Commissioner], hereby move to deny the abandonment a portion of unimproved Main Street right-of-way, located within Gold Hill. The right-of-way abandonment is approximately 25-feet in width and extends from the developed intersection at Main Street adjacent to the northern most point of APN 002-113-02 to the southern boundary of APN 002-111-08. The right-of-way abandonment is located adjacent to parcels owned by Storey County and the DuFresnes, adjacent to 2377 Main Street, Gold Hill, Storey County, Nevada

and borders Assessor's Parcel Numbers (APNs) 002-111-07, 002-111-08 and 002-113-02.

APPENDIX 1

NRS 278.480

NRS 278.480 Vacation or abandonment of street or easement: Procedures, prerequisites and effect; appeal; reservation of certain easements; sale of vacated portion.

1. Except as otherwise provided in subsections 11 and 12, any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by a city or a county, or any portion thereof, shall file a petition in writing with the planning commission or the governing body having jurisdiction.

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an easement may be approved in conjunction with the approval of a tentative map pursuant to NRS 278.349.

3. A government patent easement which is no longer required for a public purpose may be vacated by:

(a) The governing body; or
(b) The planning commission, hearing examiner or other designee, if authorized to take final action by the governing body,

↪ without conducting a hearing on the vacation if the applicant for the vacation obtains the written consent of each owner of property abutting the proposed vacation and any utility that is affected by the proposed vacation.

4. Except as otherwise provided in subsection 3, if any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall, not less than 10 business days before the public hearing described in subsection 5:

(a) Notify each owner of property abutting the proposed abandonment. Such notice must be provided by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient.

(b) Cause a notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing.

5. Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

6. In addition to any other applicable requirements set forth in this section, before vacating or abandoning a street, the governing body of the local government having jurisdiction over the street, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide each public utility and video service provider serving the affected area with written notice that a petition has been filed requesting the vacation or abandonment of the street. After receiving the written notice, the public utility or video service provider, as applicable, shall respond in writing, indicating either that the public utility or video service provider, as applicable, does not require an easement or that the public utility or video service provider, as applicable, wishes to request the reservation of an easement. If a public utility or video service provider indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the street that is proposed to be vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or video service provider, as applicable, and shall ensure that such easement is recorded in the office of the county recorder.

7. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city or county. If the governing body sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his or her property, but no action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

8. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable.

If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against a determination of reasonable consideration which did not take into account the public benefit.

9. If an easement for light and air owned by a city or a county is adjacent to a street vacated pursuant to the provisions of this section, the easement is vacated upon the vacation of the street.

10. In any vacation or abandonment of any street owned by a city or a county, or any portion thereof, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may reserve and except therefrom all easements, rights or interests therein which the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, deems desirable for the use of the city or county.

11. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body.

12. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of a street for the purpose of conforming the legal description of real property to a recorded map or survey of the area in which the real property is located. Any such simplified procedure must include, without limitation, the requirements set forth in subsection 6.

13. As used in this section:

(a) "Government patent easement" means an easement for a public purpose owned by the governing body over land which was conveyed by a patent.

(b) "Public utility" has the meaning ascribed to it in NRS 360.815.

(c) "Video service provider" has the meaning ascribed to it in NRS 711.151.

[30:110:1941; 1931 NCL § 5063.29]—(NRS A 1967, 268, 696; 1969, 588; 1973, 1830; 1975, 164; 1977, 1506; 1979, 600; 1981, 165, 580; 1987, 663; 1993, 2580; 1997, 2436; 2001, 1451, 2815, 2822; 2007, 992; 2013, 700)

APPENDIX 2

NRS 278.240

NRS 278.240 Approval required for certain dedications, closures, abandonments, construction or authorizations. Whenever the governing body of a city, county or region has adopted a master plan, or one or more elements thereof, for the city, county or region, or for a major section or district thereof, no street, square, park, or other public way, ground, or open space may be acquired by dedication or otherwise, except by bequest, and no street or public way may be closed or abandoned, and no public building or structure may be constructed or authorized in the area for which the master plan or one or more elements thereof has been adopted by the governing body unless the dedication, closure, abandonment, construction or authorization is approved in a manner consistent with the requirements of the governing body, board or commission having jurisdiction over such a matter.

[12:110:1941; 1931 NCL § 5063.11]—(NRS A 1997, 2419; 2013, 1508)



Storey County Board of County Commissioners Agenda Action Report

Meeting date: October 1, 2019

Estimate of time required: 10 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☒

1. **Title: Discussion/Possible Action:** Zone Map Amendment request (File 2019-029) to rezone two Commercial- Residential (CR) zoned parcels, and a portion of abandoned right-of-way between the two parcels, to Public (P) zoning. The existing parcels have been owned by Storey County since 1993/94 and are either vacant or are associated with the Gold Hill wastewater system. No modifications to the existing conditions are proposed with this zone map amendment application. The property is located at 2377 Main Street, Gold Hill, Storey County, Nevada, and has Assessor's Parcel Numbers 002-111-08 and 002-113-02.
2. **Recommended motion:** In accordance with the recommendation by staff and the Planning Commission, the findings of fact under Section 3.A of this report, and other findings deemed appropriate by the planning commission, and in compliance with the conditions of approval, I, [commissioner], move to approve Zone Map Amendment (File 2019-029) to rezone two Commercial- Residential (CR) zoned parcels, and a portion of abandoned right-of-way between the two parcels, to Public (P) zoning. The existing parcels have been owned by Storey County since 1993/94 and are either vacant or are associated with the Gold Hill wastewater system. No modifications to the existing conditions are proposed with this zone map amendment application. The property is located at 2377 Main Street, Gold Hill, Storey County, Nevada, and has Assessor's Parcel Numbers 002-111-08 and 002-113-02.
3. **Prepared by:** Kathy Canfield
4. **Department:** Planning **Telephone:** 775.847.1144
5. **Staff summary:** See enclosed Staff Report No. 2019-029
6. **Supporting materials:** Enclosed Staff Report No. 2019-029
7. **Fiscal impact:** None on local government.

Funds Available:

Fund:

____ Comptroller
8. **Legal review required:** ____ District Attorney
9. **Reviewed by:**

____ Department Head

KC Department Name: Planning

[Signature] County Manager

____ Other agency review: _____
10. **Board action:**

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

Agenda Item No. 13

STOREY COUNTY PLANNING DEPARTMENT

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



To: Storey County Board of County Commissioners

From: Storey County Planning Department

Meeting Date: October 1, 2019

Meeting Location: Storey County Courthouse, 26 S. B Street, Virginia City, Nevada

Staff Contact: Kathy Canfield

File: 2019-029

Applicant: Storey County

Property Owner: Storey County

Location: 2377 Main Street, Gold Hill, Storey County, Nevada, APN 002-111-08 and 002-113-02 and a portion of abandoned right-of-way between the two parcels.

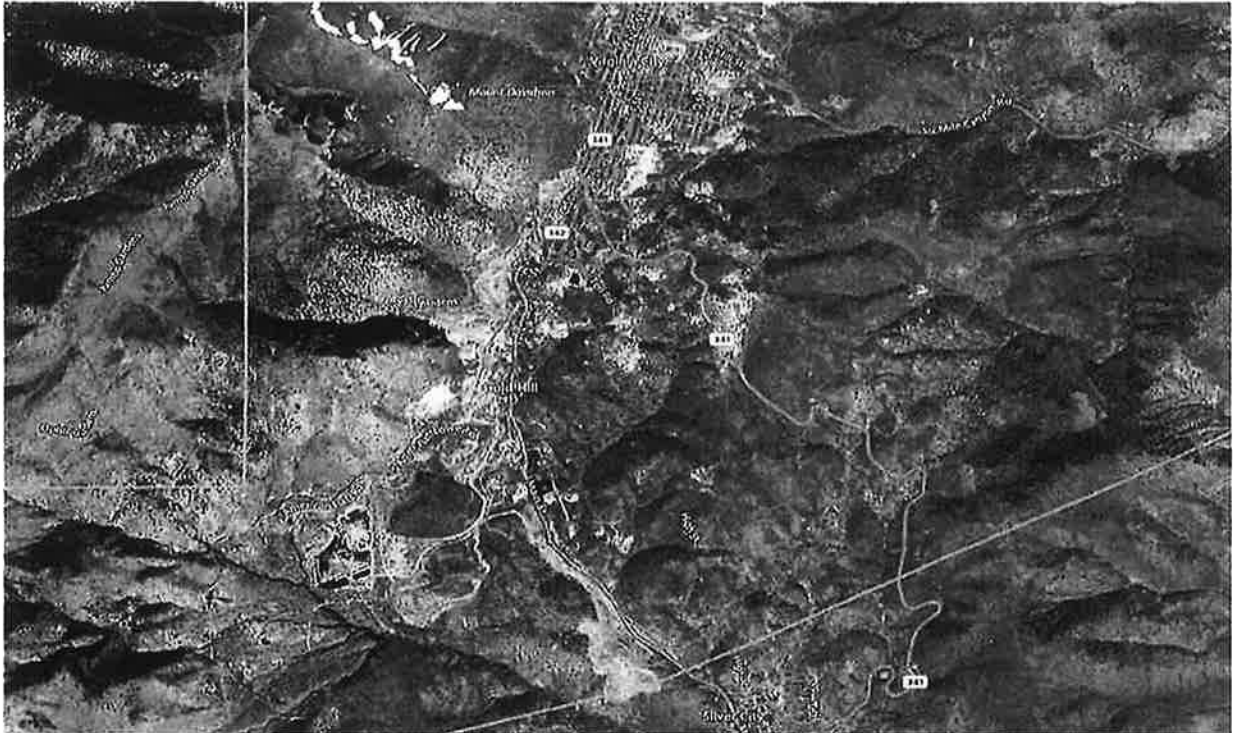
Request: This request is for a Zone Map Amendment (File 2019-029) to rezone two Commercial- Residential (CR) zoned parcels, and a portion of abandoned right-of-way between the two parcels, to Public (P) zoning. The existing parcels have been owned by Storey County since 1993/94 and are either vacant or are associated with the Gold Hill wastewater system. No modifications to the existing conditions are proposed with this zone map amendment application. The property is located at 2377 Main Street, Gold Hill, Storey County, Nevada, and has Assessor's Parcel Numbers 002-111-08 and 002-113-02.

Summary of Planning Commission Meeting: The Planning Commission heard this request at their September 19, 2019 meeting. The zoning change was discussed and the Planning Commission voted 6 – 0 (with one absent) to recommend approval of the proposed zone map amendment.

1. Background & Analysis

- A. Property History.** The two parcels of land located at the south end of the Gold Hill area of Storey County have been owned by Storey County since 1993/94 (this was approved to be

county property in 1993, paperwork to complete ownership happened in 1994). As County-owned property, the existing and future uses of the property will be for uses that benefit the public purpose and the zoning for the property should reflect the public purpose for why the parcels were obtained.



Vicinity map

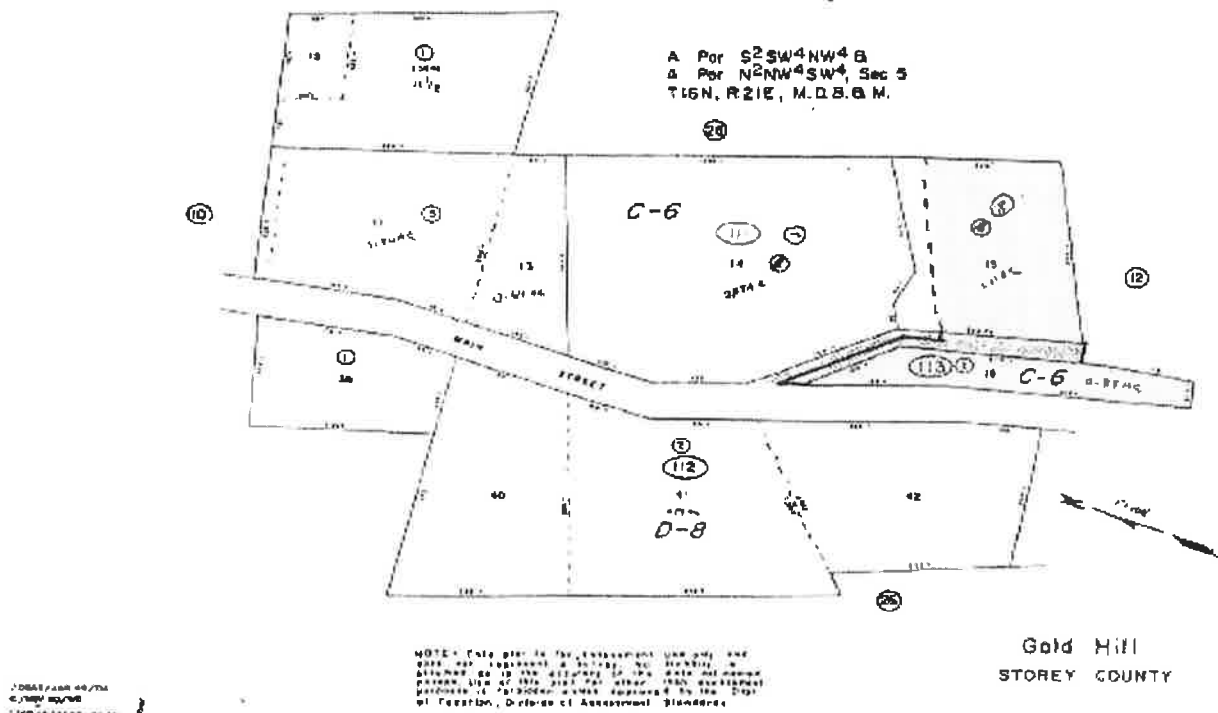


Location Map

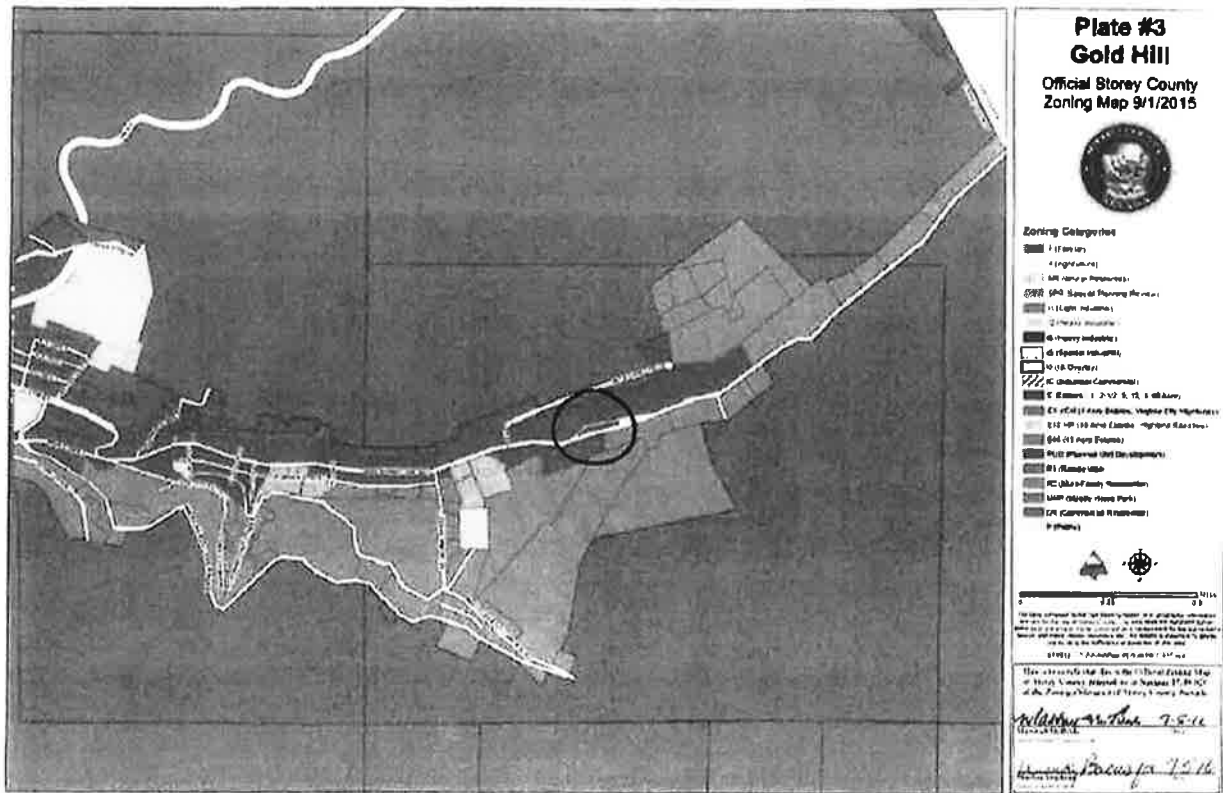


Zone Change area

02-11



Assessor's Parcel Map, area in yellow to be zoned P - Public.
Assessor's Parcel Map



The parcels in questions were acquired in approximately 1993/1994 from Lorraine DuFresne. The County had contacted her about acquiring the land associated with APNs 002-111-08 and 002-113-02 for the purpose of installing a community septic tank. An agreement was reached to trade the land associated with APNs 002-111-08 and 002-113-02 for land within Block 173 within Virginia City. At the time, Storey County believed they owned the Block 173 land. Later, through court actions, the court determined that "Storey County did not have good title to the land conveyed to Ms. DuFresne because title had been acquired by Storey County through a defectively noticed tax sale." The Court (First Judicial District Court of the State of Nevada) also determined the amount Storey County owed Ms. DuFresne (at this point in 2008, her estate) based on an appraisal of the Block 173 property and damages for not being able to utilize the land for many years. Ms. DuFresne's estate was awarded over \$300,000 at the conclusion of the lawsuits.

Throughout all the legal problems with the land trade, it was always noted in the court documentation that the Gold Hill land was acquired for the community septic system. The septic system was installed quickly after acquisition and was existing and operating through all the legal proceedings.

- B. Zoning.** The first Storey County zoning code and maps were adopted in 1999. The parcels of land associated with this application, although owned by Storey County, were somehow overlooked as parcels which should have been zoned Public land. The properties were designated as Commercial/Residential as were the majority of properties fronting Main Street (Hwy 342). Since acquisition of the property by Storey County in 1993/94, the property has always continuously had a use associated with the sewer system for the Gold

Hill area. The use existed prior to the zoning ordinance and is now considered a legally established non-conforming use. The sewer system land use is allowed in Public zoning but is not a listed use in the Commercial/Residential zoning. This application will change the zoning to Public which allows for the sewer system land use.

The current zoning ordinance, Chapter 17.15 states the purpose for the Public zoning:

17.15.010 Purpose and Intent

The purpose of the P Public Zone is to achieve the following:

- A. To accommodate the wide range of public institutional and auxiliary uses that are established in response to the health, safety, cultural, and welfare need of the citizens of the county;*
- B. To organize the assemblage of specific, non-profit, and profit public facilities into efficient, functionally compatible, and attractively planned administrative centers in conformance with the master plan;*
- C. To establish allowed uses and those requiring a special use permit to ensure compatibility with adjacent zones; and*
- D. To ensure development standards and setback requirements that are compatible with abutting regulatory zones.*

The existing sewer system land use will be consistent with the Purpose and Intent of the Public zoning district.

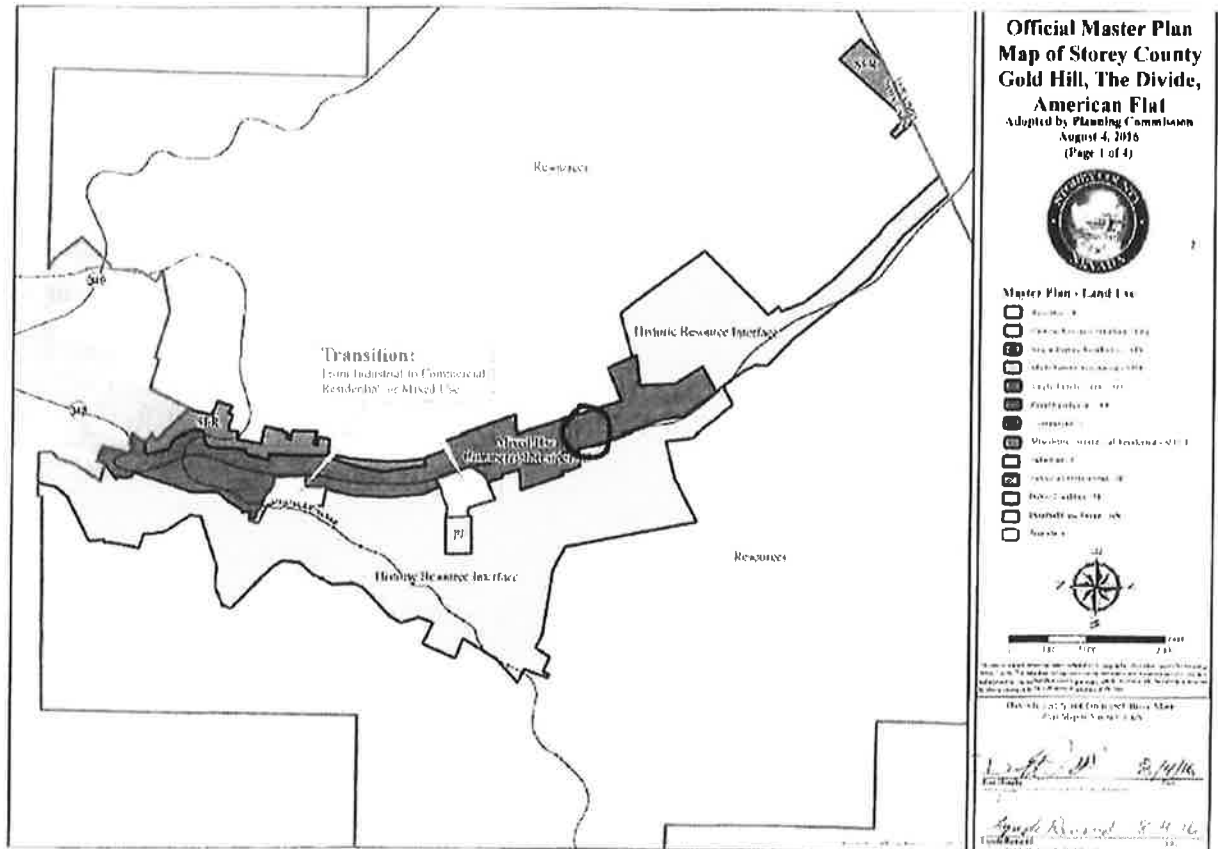
C. Abutting properties.

	APN	Property Owner	Zoning
Land to the North	002-111-07	K., J. & R. DuFresne	Commercial/Residential
Land to the East	002-281-01	Bureau of Land Management	Forestry
Land to the South	002-121-01	Northern Comstock, LLC	Commercial/Residential
Land to the West	002-122-01	Northern Comstock, LLC	Special Plan Review
Land to the West	002-112-02	Comstock Mining, LLC	Commercial/Residential



2. **Compliance with Storey County's Guiding Documents.**

- A. **Storey County 2016 Master Plan.** The Storey County Master Plan identifies the property as Mixed Use Commercial/Residential. There are other Public zoned land in the vicinity, and the land use associated with the property has been a public service use before the Zoning Ordinance was adopted and was existing when the 2016 Master Plan was adopted. The land is used as part of the sewer system for the Gold Hill community, serving the surrounding parcels. Changing the zoning of the land associated with this application will not change the character of the neighborhood or the existing use on the subject properties.



- B. **Storey County Code.** Section 17.03.220 Zone map amendments and zone text amendments states:

Before a zoning map amendment may be recommended for approval, the Applicant must provide evidence to the Board and Planning Commission concerning the physical use of the land and zoning currently existing in the general vicinity, and which have occurred in the previous five year time period, and describe:

- (1) How the proposal will impact the immediate vicinity.

The proposed zone change from Commercial/Residential to Public is consistent with the surroundings. The property has an existing public sewer system which supports the Gold Hill community. Access to the site is from Main Street (Hwy 342).

Surrounding land uses include residential to the north, vacant Bureau of Land Management land to the east and mining land uses to the south and west.

- (2) How the proposal supports the goals, objectives and recommendations of the master plan concerning land use and related policies for the neighborhood where the subject project is situated.

The proposed zoning allows for public facilities to support the surrounding community. An overall goal of the Master Plan is to direct and manage orderly, efficient and sustainable development. The Gold Hill community requires public facilities to support the existing and proposed development. This is also consistent with the Comstock Area goal of promoting commercial business in Gold Hill, Virginia City, and the Divide that serves the specific interests and needs of tourists and local residents.

- (3) If the proposed amendment will impact properties within that use district.

The land use on the property is associated with the sewer system for the Gold Hill community. This use was constructed in 1993/94 and has continuously existed since that time. The proposed Public zoning will be consistent with the existing land use pattern and uses on the property will be facilities that support the public.

- (4) Impacts on public services and facilities, and availability of water resources.

The property subject to this application has a public facility land use. The property contains the septic system associated with the sewer system of the Gold Hill Community and has existed on this site since 1993/94. Water resources availability are not expected to be impacted by the zoning change for the property.

3. Findings of Fact

The Storey County Board of County Commissioners shall cite Findings in a motion for approval, approval with conditions, or denial. The approval, approval with conditions or denial of the requested zone map amendment must be based on Findings. The Findings listed in the following subsections are the minimum to be cited. The Board of County Commissioners may include additional Findings in their decision.

- A. Motion for Approval. The following Findings of Fact are the minimum to be cited for approval or approval with conditions. The following Findings are evident with regard to the requested zoning map amendment. At a minimum, an approval or conditional approval must be based on the following Findings:

- (1) The proposed Zone Map Amendment complies with all Federal, Nevada State, and Storey County regulations;
- (2) The proposed Zone Map Amendment will not impose substantial adverse impacts or safety hazards on the abutting properties;
- (3) The conditions of approval of the Zone Map Amendment require compliance with the applicable codes;

- (4) The conditions of approval of the Zone Map Amendment do not conflict with the minimum requirements in Chapter 17.15 P Public Zone or Chapter 17.03.220 Zone map amendments and zone text amendments;
- (5) The uses allowed by the new zone do not appear to cause substantial adverse impacts to the uses allowed in abutting zones;
- (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;
- (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;
- (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;
- (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.

B. Motion for Denial. Should a motion be made to deny the Zone Map Amendment request, the following Findings with explanation of why should be included in that motion.

- (1) Substantial evidence shows that the Zone Map Amendment may conflict with the purpose, intent, and other specific requirements of Chapter 17.15 P Public zone or Chapter 17.03.220 Zone Map Amendments and zone text amendments or other Federal, Nevada State, or Storey County regulations;
- (2) The conditions of approval under the Zone Map Amendment do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding uses;
- (3) No reasonable level of conditions of approval imposed on this Zone Map Amendment would be sufficient to reasonably mitigate visual, safety or other potential impacts on adjacent and surrounding residences and land uses.
- (4) The proposed Zone Map Amendment is not in substantial compliance with and does not support the goals, objectives and recommendations of the master plan;
- (5) The proposed Zone Map Amendment will not provide for land uses compatible with existing adjacent land uses and will have detrimental impacts to other properties in the vicinity;

- (6) The proposed Zone Map Amendment will negatively impact existing or planned public services or facilities and will adversely impact the public health, safety and welfare.

4. Recommended Conditions of Approval

- A. Approval.** This approval is for a Zone Map Amendment (File 2019-029) to rezone two Commercial- Residential (CR) zoned parcels, and a portion of abandoned right-of-way between the two parcels, to Public (P) zoning. The existing parcels have been owned by Storey County since 1993/94 and are either vacant or are associated with the Gold Hill wastewater system. No modifications to the existing conditions are proposed with this zone map amendment application. The property is located at 2377 Main Street, Gold Hill, Storey County, Nevada, and has Assessor's Parcel Numbers 002-111-08 and 002-113-02.
- B. Official Storey County Zoning Map.** The Official Storey County Zoning Map must be amended to depict the Zone Map Amendment approved by the Storey County Board of Commissioners (the Board) with the recommendation by the Storey County Planning Commission (the Planning Commission). The Official Storey County Zoning Map must be identified by the signature of the chairman of the Board attested by the Storey County Clerk (the Clerk) under the following words: "This is to certify that this is the Official Zoning Map of Storey County referred to in Section 17.08.040 of the Zoning Ordinance of Storey County, Nevada" together with this date of adoption.
- C. Changes Made Promptly.** The changes approved by the Board with the recommendation by the Planning Commission must be entered by the Planning Department on the Official Storey County Zoning Map (and the applicable Area Zoning Map) promptly after the amendment has been approved with an entry indicating the ordinance number and date adopted. Regardless of the existence of the purported copies of the Official Storey County Zoning Map and the applicable Area Zoning Map which may from time to time be made or published, the Official Zoning Storey County Map and the Area Zoning Maps are to be located in the offices of the Clerk and Recorder and are the final authority as to the currently zoning status of land and water area, buildings and other structures in the County.
- D. Signed and sealed copies of the Official Storey County Zoning Map.** Signed and sealed copies of the Official Zoning Storey County Map and the Area Zoning Maps must be available in both the Storey County Clerk and Recorder's office.
- E. No Other Map Actions.** No parcel map, consolidation, or other map action may occur until the Official Storey County Zoning Map is officially adopted pursuant to SCC 17.08.040.
- F. Requirements.** The Zone Map Amendment must comply with and remain in compliance with all provisions set forth by this Zone Map Amendment and all Federal, Nevada State and Storey County Codes and Regulations.

5. Public Comment

Staff have notified adjacent Storey County property owners and has published this Zone Map Amendment in the September 6, 2019, and September 13, 2019, editions of the Comstock Chronicle. As of September 10, 2019, Staff have not received any public comments for this application.

6. Power of the Board

At the conclusion of the hearing, the Board of County Commissioners must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution and such resolution must recite the findings of the Board of County Commissioners upon which it based its decision.

7. Proposed Motions

This section contains two motions from which to choose. The motion for approval is recommended by staff and the Planning Commission in accordance with the findings under section 3.A of this report. Those findings should be made part of that motion. A motion for denial may be made and that motion should cite one or more of the findings shown in section 3.B. Other findings of fact determined appropriate by the Board of County Commissioners should be made part of either motion.

A. Recommended motion

In accordance with the recommendation by staff and the Planning Commission, the findings of fact under Section 3.A of this report, and other findings deemed appropriate by the planning commission, and in compliance with the conditions of approval, I, [commissioner], move to approve Zone Map Amendment (File 2019-029) to rezone two Commercial-Residential (CR) zoned parcels, and a portion of abandoned right-of-way between the two parcels, to Public (P) zoning. The existing parcels have been owned by Storey County since 1993/94 and are either vacant or are associated with the Gold Hill wastewater system. No modifications to the existing conditions are proposed with this zone map amendment application. The property is located at 2377 Main Street, Gold Hill, Storey County, Nevada, and has Assessor's Parcel Numbers 002-111-08 and 002-113-02.

B. Alternative motion

Against the recommendation by staff and the Planning Commission, but in accordance with the findings of fact under Section 3.B of this report, and other findings deemed appropriate by the Board of County Commissioners, I, [commissioner], move to deny Zone Map Amendment (File 2019-029) to rezone two Commercial- Residential (CR) zoned parcels, and a portion of abandoned right-of-way between the two parcels, to Public (P) zoning. The existing parcels have been owned by Storey County since 1993/94 and are either vacant or are associated with the Gold Hill wastewater system. No modifications to the existing conditions are proposed with this zone map amendment application. The property is located at 2377 Main Street, Gold Hill, Storey County, Nevada, and has Assessor's Parcel Numbers 002-111-08 and 002-113-02.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: October 1, 2019

Estimate of time required: 10 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☒

1. **Title: Discussion/Possible Action:** Special Use Permit request (2019-030) to replace the existing sewage septic system with a surface discharge package wastewater treatment plant facility. The facility includes an approximate 40-foot by 60-foot building and associated driveway, parking area and fencing. The property is owned by Storey County and is located at 2377 Main Street, Gold Hill, Storey County, Nevada, Assessor's Parcel Number (APN) 002-111-08 and 002-113-02.

2. **Recommended motion:** In accordance with the recommendation by staff and the Planning Commission, the findings of fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Special Use Permit 2019-030 to replace the existing sewage septic system with a surface discharge package wastewater treatment plant facility. The facility includes an approximate 40-foot by 60-foot building and associated driveway, parking area and fencing. The property is owned by Storey County and is located at 2377 Main Street, Gold Hill, Storey County, Nevada, Assessor's Parcel Number (APN) 002-111-08 and 002-113-02.

3. **Prepared by:** Kathy Canfield

4. **Department:** Planning

Telephone: 775.847.1144

5. **Staff summary:** See enclosed Staff Report No. 2019-030

6. **Supporting materials:** Enclosed Staff Report No. 2019-030

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

Funds Available:

Fund:

____ Comptroller

8. **Legal review required:**

____ District Attorney

9. **Reviewed by:**

____ Department Head

KC Department Name: Planning

KC County Manager

____ Other agency review: _____

10. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. 14

**Storey County
Planning Department**
Storey County Courthouse
26 South B Street, PO Box 176, Virginia City, Nevada 89440
Phone 775-847-1144 – Fax 775-847-0949
planning@storeycounty.org



To: Storey County Board of County Commissioners

From: Storey County Planning Department

Meeting Date: October 1, 2019

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

Staff Contact: Kathy Canfield

File: 2019-030

Applicant: Storey County Public Works Department

Property Owner: Storey County

Property Location: 2377 Main Street, Gold Hill, Storey County, APN 002-111-08 and 002-113-02.

Request: The applicant is requesting a Special Use Permit (2019-030) to replace the existing sewage septic system with a surface discharge package wastewater treatment plant facility. The facility includes an approximate 40-foot by 60-foot building and associated driveway, parking area and fencing. The property is owned by Storey County and is located at 2377 Main Street, Gold Hill, Storey County, Nevada, Assessor's Parcel Number (APN) 002-111-08 and 002-113-02.

Summary of Planning Commission Meeting: The Planning Commission heard this application request at their September 19, 2019 meeting. The project was discussed and the Planning Commission voted 6 – 0 (with one absent) to recommend approval of the Special Use Permit.

1. Background & Analysis

- A. Site Location and Characteristics:** The property is located at 2377 Main Street in Gold Hill. The property is just over 2 acres in size and is bordered by Main Street on the west and Keystone Circle to the east. The site drops lower from Main Street, remains level and rises steeply to Keystone Circle. The level area of the site contains an existing septic system. Surrounding uses include a residence and associated accessory structures to the north, vacant Bureau of Land Management land and Keystone Circle roadway to the east, and vacant and mining land use activities to the south and west.

B. **Other Associated Actions:** This property has been subject to several associated modifications.

- (1) A Boundary Line Adjustment was completed for the land associated with APN 002-111-08. When this land was originally deeded to the County, a portion of the parcel was retained by the then land owner. While the recorded deed described this transaction, the mapping was never completed correctly. In August 2019, this mistake was corrected and the boundary line adjustment was recorded.
- (2) A roadway abandonment was also required to facilitate the project (File 2019-042). Storey County owns two pieces of property (APN 002-111-08 and 002-113-02) which has roadway right-of-way between the two parcels. This right-of-way goes back to the original Gold Hill mapping from approximately 1875. The right-of-way appeared to be an offshoot of Main Street, but it no longer provided any roadway function. Because the proposed sewer facility design will require security fencing, this roadway was abandoned and incorporated into the Storey County parcels so public access could be limited for security purposes.
- (3) A Zone Map Amendment was processed to change the zoning from the existing CR - Commercial/Residential to P – Public to accommodate the sewage treatment facility. The County zoning ordinance was adopted in 1999. Storey County had acquired this property in 1993/94 and the septic system was installed immediately after acquisition. It appears this was overlooked when the 1999 zoning maps were adopted. As the property will have a land use that serves the Gold Hill community, the Public zoning is appropriate.



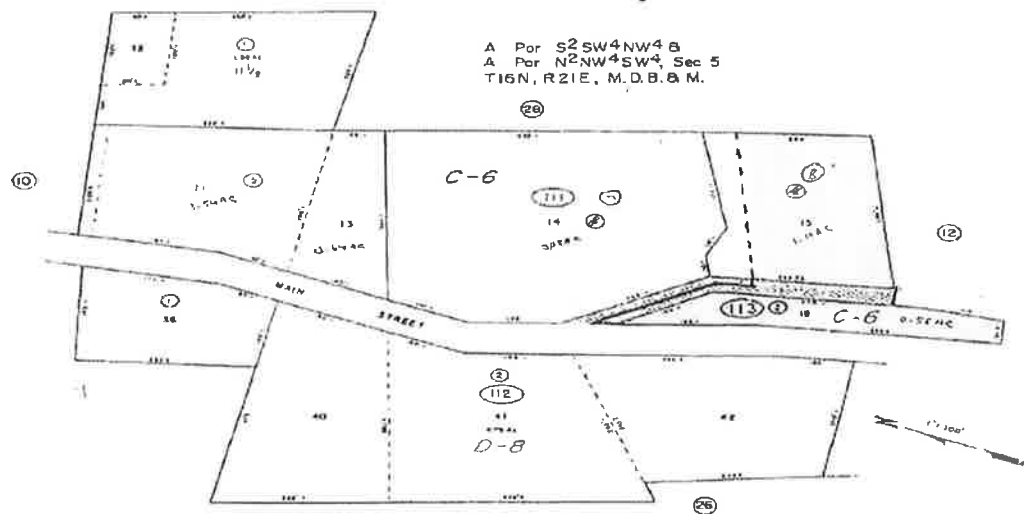
Vicinity Map



Location Map



Project Area



Assessor's Parcel Map



View looking northeast.



View looking south.

- C. **Reason for Project:** The existing septic system has been in a state of failure for more than 10 years. The system serves approximately 27 sewer connections. The existing system consists of a 6,000 gallon tank and is discharged into the ground through a leach field system covering approximately 0.75 acres. The Nevada Division of Environmental Protection (NDEP) conducted an inspection of the Gold Hill facility and found effluent surfacing from the failed leach system. A notice of violation was issued to the County that identified penalties of up to \$25,000 per day for noncompliance. Until a permanent solution has been installed, Storey County has been pumping the septic tank and taking wastewater to the Virginia City facility and monitoring the site discharges.

The inspection identified a high water table, inadequate soil permeability and hydraulic overloading as potential causes for the existing failure of the septic system. The existing system cannot remain as it is and some type of fix to the system is necessary to eliminate the discharge that is occurring. Replacing the failing system with a new septic system does not appear feasible based on the existing potential causes for failure at this location.

- D. **Alternatives Studied:** A Sewer Master Plan was developed in 2009 which evaluated all sewer facilities operated by the Storey County Public Works Department in both Virginia City and Gold Hill. The plan documented historical failures of the Gold Hill plant and recommended the facility be replaced with a small treatment facility or lift station system that would convey wastewater from Gold Hill over the divide and into the Virginia City wastewater collection system.

The Master Plan identified three alternatives for further study: install a new septic system, establish a package wastewater treatment system or pumping the effluent to the Virginia City system (lift stations). Replacing the existing septic system with a new septic system was dismissed due to the ground conditions and the causes of failure for the existing system.

Initially, pumping the effluent to the Virginia City system was the most attractive option, however the bids received to construct this option came in over 50% higher than anticipated, with a cost of approximately 6 million dollars for the Gold Hill portion of the overall County sewer project. This higher dollar amount could have raised the sewer rates for the limited Gold Hill users an estimated \$430 a month, an amount found to be unacceptable to the County. Another solution was needed.

The idea of another location for the sewer system was discussed, however, the alternatives studied were limited to this site. To utilize gravity for lines feeding the plant to the greatest extent possible, the system would need to be located at the lowest elevation possible. This site is located near the lowest point of Gold Hill in Storey County, on land owned by Storey County. Land that is located lower topographically than this site is privately owned and associated with mining activities. There is mapped FEMA floodplain further south which has regulations which would discourage the development of this critical infrastructure. In addition, when the property was acquired by Storey County in 1993/94, the public purpose for the sewer system use was identified as the reason for the acquisition.

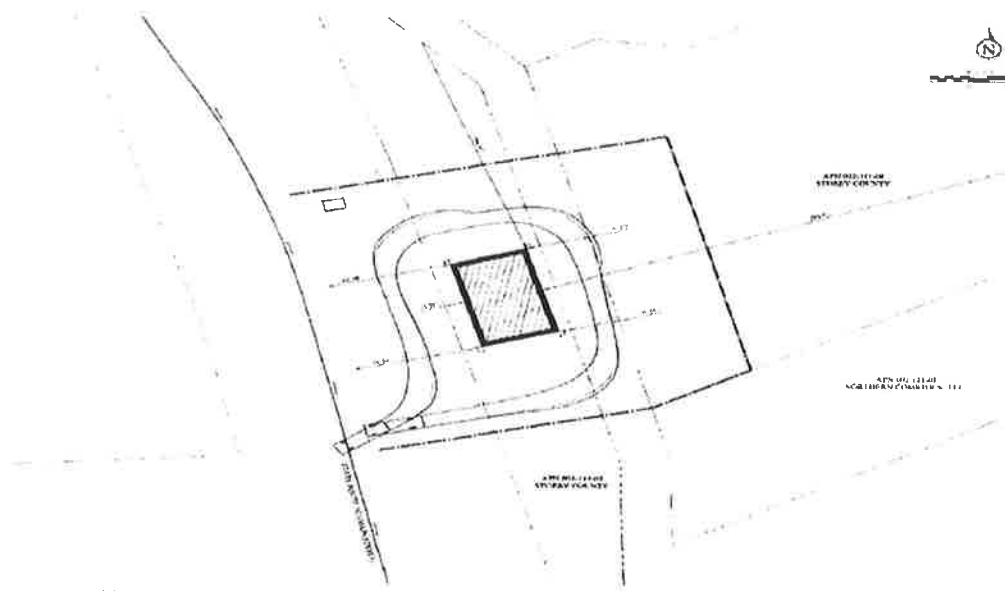
- E. **Selected Alternative/Proposed Project:** The proposed project is to remove the existing septic system on the parcel and replace the entire system with a surface discharge package wastewater treatment plant. The plant will provide treatment of 10,000 – 12,000 gallons per day. An analysis was completed and accepted by NDEP which demonstrated that the discharge from this package treatment plant would infiltrate into the ground within 2,000 feet of the discharge locations and, even during significant flow events, the discharge will be substantially diluted with no adverse effect to the downstream Carson River.

The treatment plant will be contained within a building. The project will consist of the construction of an approximately 40-foot by 60-foot building with a surrounding driveway, parking for maintenance vehicles and fencing. Odor is expected to be minimal because of the proposed equipment and the equipment being located within the building. The building design will be constructed with passive air flow circulation (windows) but space will be reserved for mechanical odor abatement equipment, such as scrubbers, and will be installed if necessary.

This option was selected based on the other two options not being feasible because of site conditions and costs. County staff, FarrWest Engineering and NDEP worked on developing the selected option to meet the environmental requirements while also being sensitive to costs. Funding was secured from the USDA loans and grant programs and from the State of Nevada State Revolving Fund. By utilizing these funding sources, the County is limited to fixing the existing environmental problem and cannot expand

the treatment plant to serve more parcels. The plant itself is designed to allow for future growth, but that growth is not a part of this project.

The project has been presented and approved by the Comstock Historic District. Minor modifications to materials, roof design and lighting will be presented to District staff for review and approval as the design formalizes.



Proposed layout



View looking north. Initial design, windows will be added and treatment of the building will be consistent with Comstock Historic District requirements.

- F. **Zoning Code.** The property is zoned P - Public which allows for "sewage treatment plants and facilities and other sewage or sludge processing, treatment or storage". The parcel contains an existing sewer septic system owned by Storey County. The expansion of the existing use to a package treatment plant requires a special use permit.
- G. **Special Use Permit.** A Special Use Permit is required because of the proposed sewage treatment plant. Section 17.03.150 of the Storey County Code identifies the process for Special Use Permits. This report follow the requirements outlined in the Code.

2. Use Compatibility and Compliance

- A. **Compatibility with surrounding uses and zones.** The following table documents land uses, zoning classification and master plan designations for the land at and surrounding the proposed project. There are no evident conflicts between the proposed project and Storey County Title 17 Zoning or the 2016 Master Plan. The proposed use is also consistent with the surrounding zoning and master plan designations.

	Land Use	Master Plan Designation	Zoning
Applicant's Land	Public sewer septic system	Mixed Use Commercial/Residential	P - Public
Land to the North	Residential	Mixed Use Commercial/Residential	CR – Commercial/Residential
Land to the East	Vacant BLM land	Resources	F - Forestry
Land to the South	Mining	Mixed Use Commercial/Residential	CR – Commercial/Residential
Land to the West	Mining and vacant	Mixed Use Commercial/Residential and Historic Resource Interface	CR – Commercial/Residential and SPR – Special Planning Review

- B. **General use allowances and restrictions.** Storey County Code 17.03.150, Special Use Permit, identifies the administration for the Board and Planning Commission for allowing a special use permit. The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed below are the minimum to be cited in an approval, with rationale for the findings included below each finding.

- (1) **Complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.**

The proposed use will be a replacement to the existing sewage septic system existing at the site. The new facility will be a surface discharge package wastewater treatment plant to serve the Gold Hill community. The use is identified as a special use for the P – Public zoning district. The new facility is required to replace the existing failing system.

- (2) **The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on**

adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

The site contains an existing community septic system. This system has been existing on the property since 1993/94 and the property was originally acquired by the County for this purpose. The new surface discharge package wastewater treatment plant will replace the existing failing septic system. The new facility will be housed in a single "garage-like" building with associated access, parking and fencing. The new facility will serve the Gold Hill community. The design of the building will be consistent with Comstock Historic District requirements.

- (3) **Will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.**

The new surface discharge package wastewater treatment plant will replace the existing onsite septic system. The new system will be placed within a "garage-like" building and utilize existing access from Main Street. The area is a mix of residential and mining activities and the design of the building will be consistent with the Comstock Historic District requirements. The new system will serve the surrounding Gold Hill community. Odor and noise are expected to be minimal. Odor abatement will utilize passive design, but room for mechanical abatement will be provided if deemed necessary.

- (4) **The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.**

The proposed use will replace a failing septic system and will serve the surrounding Gold Hill community. No additional governmental services or impacts existing facilities are expected.

- C. **Conformance with the 2016 Storey County Master Plan.** The property is located within Gold Hill, part of the Comstock Area Plan. Gold Hill is a mixed-use community of residential, commercial and mining uses. The Master Plan encourages commercial, residential-commercial, single-family residential and mixed uses within the core of Gold Hill. To continue these uses, a community sewage system is necessary. The proposed new surface discharge package wastewater treatment plant will allow for the existing uses in Gold Hill to have a safe and functional sewage disposal system.

3. Findings of Fact

- A. Motion for approval (staff and Planning Commission recommendation). The following findings of fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.
- (1) This approval is for Special Use Permit 2019-030 to replace the existing sewage septic system with a surface discharge package wastewater treatment plant facility. The facility includes an approximate 40-foot by 60-foot building and associated driveway, parking area and fencing. The property is owned by Storey County and is located at 2377 Main Street, Gold Hill, Storey County, Nevada, Assessor's Parcel Number (APN) 002-111-08 and 002-113-02.
 - (2) The proposed project complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.
 - (3) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.
 - (4) The proposed project will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.
 - (5) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.
 - (6) The Special Use Permit conforms to the 2016 Storey County Master Plan for the Gold Hill portion of the Comstock Area Plan area in which the subject property is located. A discussion supporting this finding is provided in Section 2.C of this staff report and the contents thereof are cited in an approval of this Special Use Permit.
 - (7) The conditions under the Special Use Permit do not conflict with the minimum requirements in Storey County Code Sections 17.03.150 - Special Use Permit and Section 17.15 P - Public Zone.

B. Motion for denial. Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.

- (1) This denial is for Special Use Permit 2019-030, a request to replace the existing sewage septic system with a surface discharge package wastewater treatment plant facility. The facility includes an approximate 40-foot by 60-foot building and associated driveway, parking area and fencing. The property is owned by Storey County and is located at 2377 Main Street, Gold Hill, Storey County, Nevada, Assessor's Parcel Number (APN) 002-111-08 and 002-113-02.
- (2) The conditions under the Special Use Permit conflict with the minimum requirements in Storey County Code Sections 17.03.150 - Special Use Permit and Section 17.15 P Public Zone.
- (3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. Recommended Conditions of Approval

- A. Special Use Permit.** Special Use Permit 2019-030 is to replace the existing sewage septic system with a surface discharge package wastewater treatment plant facility. The facility includes an approximate 40-foot by 60-foot building and associated driveway, parking area and fencing. The property is owned by Storey County and is located at 2377 Main Street, Gold Hill, Storey County, Nevada, Assessor's Parcel Number (APN) 002-111-08 and 002-113-02
- B. Requirements.** The Permit Holder/Licensee shall apply for any/all required permits and licenses, including building and fire permits, for the project within 24 months from the date of final approval of this Special Use Permit, and continuously maintain the validity of those permits/licenses, or this approval shall be null and void. This permit shall remain valid as long as the Permit Holder remains in compliance with the terms of this permit and Storey County, Nevada State, and federal regulations. The Permit Holder/Licensee may install or cause to be installed now and into the future an unlimited number of additional wireless communications facilities and towers at any time that the special use permit is active.
- C. Permit Contents.** This permit incorporates by reference the standards, objectives, conditions, terms and requirements of all plans and submitted separately from this permit. The requirements of all submitted plan, along with support material submitted with the application, become part of this Special Use Permit.
- D. Separate Permits Required.** This Special Use Permit shall not be construed to be a permit for design or construction. A separate Storey County plan review, fire safety review, and building permit may be required.

- E. **Lighting.** All exterior lighting must conform to Storey County Code 8.02 Outdoor Lighting (Dark Skies) along with the Comstock Historic District requirements.
- F. **Noise.** All noise associated with the project shall conform to Chapter 8.04 of the Storey County code. The building shall include design elements that insulate any equipment noise so that sound is muffled/dampen so as not to impact surrounding properties.
- G. **Cautionary Signage.** Signage shall be installed at the main port of entry (i.e., facility gates) stating the name, site address, and 24-hour emergency contact phone number(s). Signage shall indicate all potential hazards and safety requirements associated with entering the facility and the hazards within the building.
- H. **Fencing.** All fencing shall be consistent with Chapter 17.12 of the Storey County zoning ordinance.
- I. **Odor.** Odor control shall be maintained at the site at all times. If odors do occur beyond the property line, mechanical means of odor control, such as scrubbers, shall be implemented to reduce or eliminate odors to surrounding properties.
- J. **Abandonment.** Prior to obtaining a permit for construction, the associated right-of-way abandonment (File 2019-042) shall be completed. This condition may be modified if final construction drawings demonstrate no construction or fencing is occurring within the proposed abandonment area. Access which is open to the public is not considered construction for the purpose of this condition of approval.
- K. **Design Modifications.** Any modifications to the design of the building, including the addition of windows for ventilation, doors and roof modifications, shall be approved by the Comstock Historic District (CHD). A CHD Certificate of Appropriateness shall be provided to the building department prior to issuance of any building construction permits.

5. **Public Comment**

As of September 10, 2019, Staff has not received any comments from the public regarding this special use permit application.

6. **Power of the Board**

At the conclusion of the hearing, the Board of County Commissioners must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Board of County Commissioners upon which it bases its decision.

7. **Proposed Motions**

This section contains two motions from which to choose. The first motion (A) for approval is recommended by staff and the Planning Commission in accordance with the findings under Section 3.A of this report. The second motion (B) is a motion for denial and that motion should

cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Board of County Commissioners should be made part of either motion.

A. Recommended motion for approval (staff and Planning Commission recommendation)

In accordance with the recommendation by staff and the Planning Commission, the findings of fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Special Use Permit 2019-030 to replace the existing sewage septic system with a surface discharge package wastewater treatment plant facility. The facility includes an approximate 40-foot by 60-foot building and associated driveway, parking area and fencing. The property is owned by Storey County and is located at 2377 Main Street, Gold Hill, Storey County, Nevada, Assessor's Parcel Number (APN) 002-111-08 and 002-113-02.

B. Alternative motion for denial

Against the recommendation by staff and the Planning Commission, but in accordance with the findings of fact under Section 3.B of this report, and other findings deemed appropriate by the Board of County Commissioners, I (*commissioner*), move to deny Special Use Permit 2019-030 to replace the existing sewage septic system with a surface discharge package wastewater treatment plant facility. The facility includes an approximate 40-foot by 60-foot building and associated driveway, parking area and fencing. The property is owned by Storey County and is located at 2377 Main Street, Gold Hill, Storey County, Nevada, Assessor's Parcel Number (APN) 002-111-08 and 002-113-02.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: October 1, 2019

Estimate of time required: 10 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☒

1. **Title: Discussion/Possible Action:** Special Use Permit request (File 2019-039) 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 004-291-02, 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.
2. **Recommended motion:** In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Special Use Permit 2019-039 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 004-291-02, 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.
3. **Prepared by:** Kathy Canfield
4. **Department:** Planning **Telephone:** 775.847.1144
5. **Staff summary:** See enclosed Staff Report No. 2019-039
6. **Supporting materials:** Enclosed Staff Report No. 2019-039
7. **Fiscal impact:** None on local government.

Funds Available: _____

Fund: _____

_____ Comptroller
8. **Legal review required:** _____ District Attorney
9. **Reviewed by:**

_____ Department Head

KC Department Name: Planning

[Signature] County Manager

_____ Other agency review: _____
10. **Board action:**

☐ Approved

☐ Approved with Modifications

☐ Denied

☐ Continued

Agenda Item No. 15

**Storey County
Planning Department**

Storey County Courthouse
26 South B Street, PO Box 190, Virginia City, Nevada 89440
Phone 775-847-1144 – Fax 775-847-0949
planning@storeycounty.org



To: Storey County Board of County Commissioners

From: Storey County Planning Department

Meeting Date: October 1, 2019

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

Staff Contact: Kathy Canfield

File: Special Use Permit File 2019-039

Applicant: Reno Tahoe R&D Business Park, LLC

Property Owner: Reno Tahoe R&D Business Park, LLC

Property Location: APN 004-291-02, located in 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.

Request: The applicant requests a Special Use Permit 2019-039 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 004-291-02, 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.

Summary of Planning Commission Meeting: The Planning Commission heard this request at their September 19, 2019 meeting. The project was discussed and neighboring property owners asked questions regarding future utility connections and permitting and roadway issues. The Planning Commission voted 6-0 (with one absent) to recommend approval of the project.

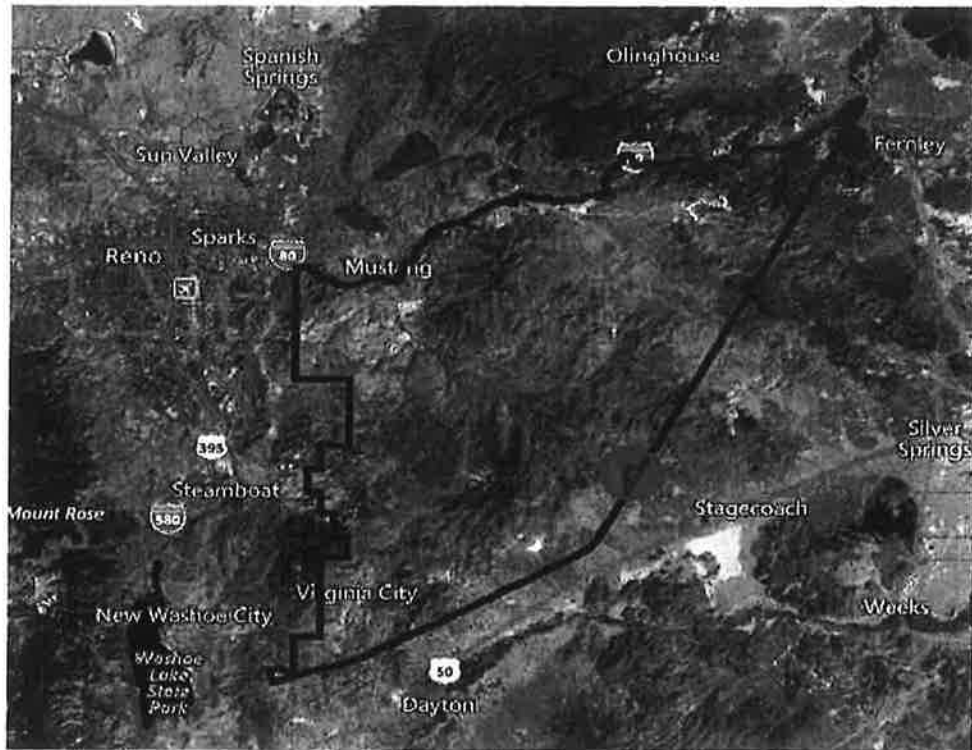
1. **Background & Analysis**

A. **Background.** This application is for a new solar field northeast of the Mark Twain area of Storey County. This project was previously approved by Storey County in February 2017 and expired in February 2019. No activity commenced and the applicant has submitted two new applications for re-approval of the Special Use Permit. The original permit combined APNs 004-181-02 and 004-291-02, however, this time the applicant desires a separate permit for each parcel. The rezoning application that was approved at the same time as the special use permit did not expire and the zoning has been changed to the light industrial zone. No modifications to the original proposal, with the exception of a permit for each parcel, are proposed with this application.

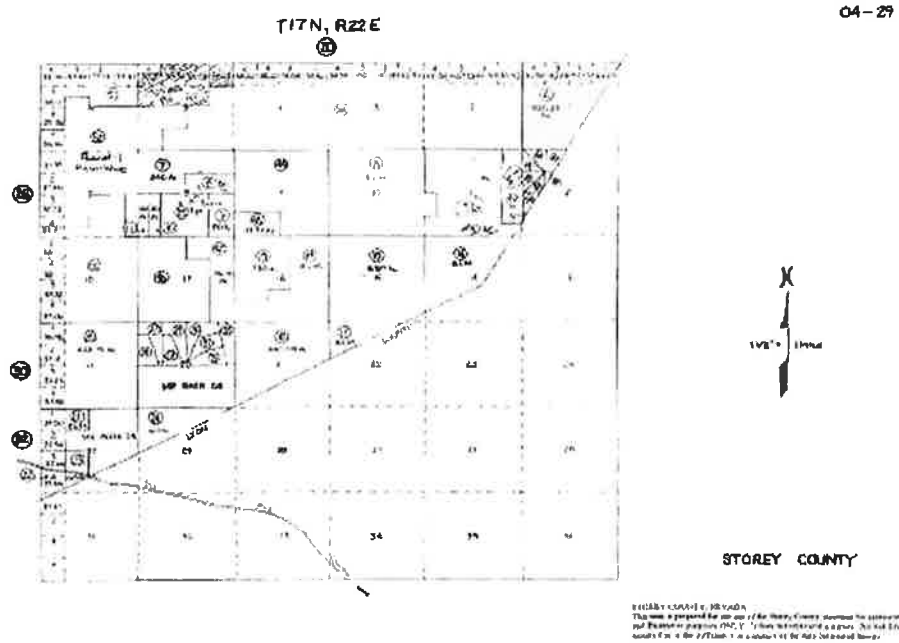
B. **Site Location.** The project consists of one parcel of land located along the Storey County/Lyon County boundary. The parcel is 520 acres in size and is currently vacant. The parcel generally slopes downward from the northwest to the southeast, and has some significant drainage channels across the site. This site is located outside of the study area for the Dayton Valley Area Drainage Master Plan recently adopted by both Storey and Lyon Counties.

The property is surrounded by vacant land most of which is Forestry zoned with the exception of a single family residence along the southernmost property line. There are several residences in Lyon County (Iron Mountain Ranch estate subdivision) located to the southeast of this property; however, these residences are not immediately adjacent to the project site. Property immediately to the east and southeast of the parcel within Lyon County is owned by the applicant. The applicant also owns the parcel at the northeast corner of APN 004-291-02 located in Storey County (APN 004-181-02).

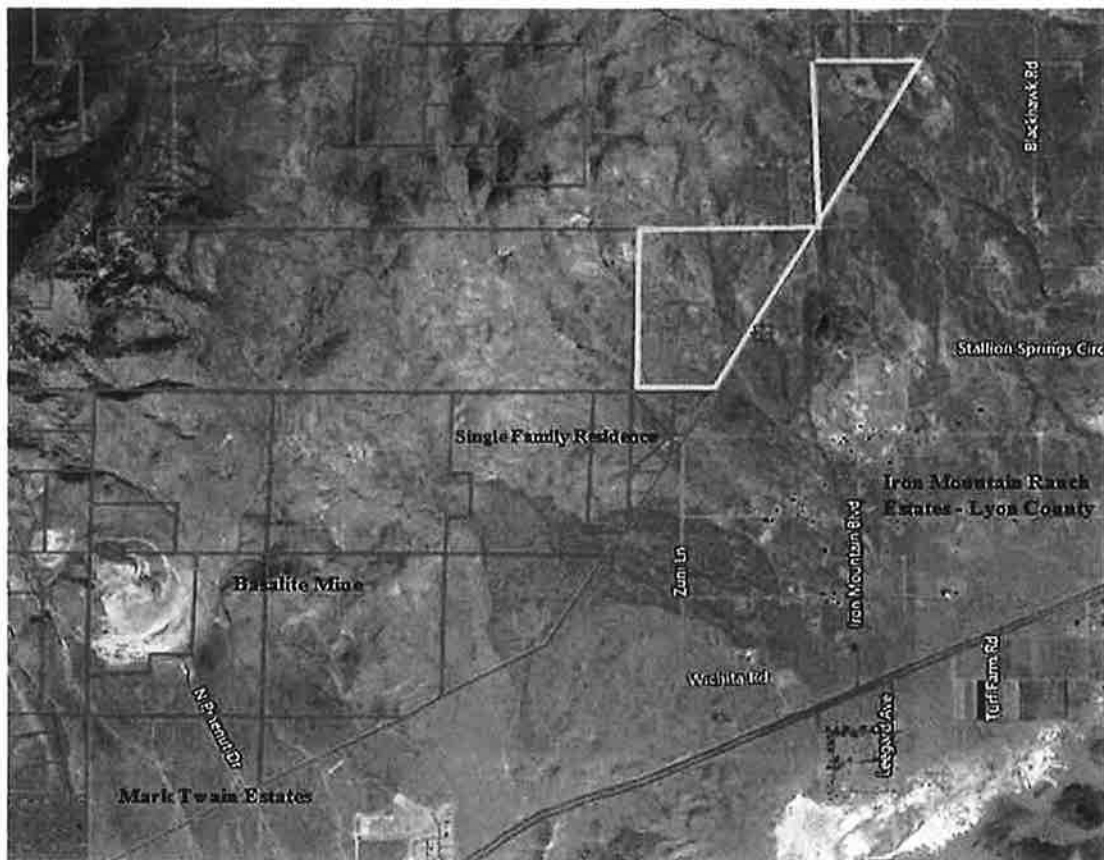
The existing single family residence located south of the project area is located on Forestry zoned land. Forestry zoning requires a minimum of 40 acre parcels and any uses proposed on the land require a Special Use permit. The parcel that the single family resides, along with the five other adjacent parcels, were legally created in 1998 and are considered legal non-conforming for the Forestry zone. The residence appears to have been constructed in 2011 and does not appear to have acquired a Special Use permit prior to construction.



Vicinity Map



Assessor's Map



Location Map



Approximate northeast corner, looking southwest.



Looking northeast along county line

- C. **Proposed Project.** The proposed project will be an approximately 5 to 170 megawatt ground mounted solar photovoltaic power system using solar panel array technology that will generate clean electricity. The applicant anticipates the generated electricity will be sold to a third party purchaser, such as NV Energy for example, through a power purchase agreement. The power purchase agreement is expected to be for a term of 15 to 25 years. This project is approximately one mile northeast of the approved (but not constructed) Blackhawk power substation and the project is anticipated to connect to this facility (See Special Use Permit No. 2008-060). Any power purchase agreement or connection to a power facility is a private agreement and Storey County is not a part of any discussions or negotiations. Any proposed physical connections (such as power lines) may require future Storey County review and/or permitting.

Development of the project will most-likely consist of separate phases. It is anticipated that first phase may consist of a 5 to 10 megawatt installation, with additional 5 to 10 megawatt installations to follow for a possible total build out of approximately 170 megawatts. Each 5 to 10 megawatt installation utilizes about 20 acres of land area. In order for the project to be economically viable for the applicant, it is estimated the entire site will be utilized to optimize production capacity.

It is anticipated that support facilities onsite will include storage buildings for equipment and possibly a small office for staff and/or a watchman's dwelling.

- D. **Zoning Ordinance.** The purpose and intent of the I1 – Light Industrial zone is to provide areas for the development and operation of industrial uses that do not create or cause fumes, odor, smoke, gas, noise, vibrations, or other impacts which are or may be detrimental to abutting properties and land uses. Section 17.34.030.H. states that commercial energy production use types such as geothermal, hydrological, solar, wind, and other similar low-impact renewable energy generation systems are permitted in the I1 zone subject to a Special Use Permit.

E. **Potential Area Impacts:** Staff has reviewed the project proposal and has identified the following potential impacts:

(1) **Temporary Construction:** During construction activities, there is the potential for noise, dust and additional traffic which is expected to last for the duration of the construction activities.

- **Noise:** Potential noise at the site would be associated with construction activities. Once constructed, the solar panels will not generate noise. Noise at the property line shall be limited to 84 decibels (A weighted, SCC 8.04.020) and shall be subject to further reasonable limitations as determined by Storey County.
- **Dust:** Dust from construction activities could also have a potential impact on surrounding areas. As a condition of the Special Use Permit approval, the applicant will be required to meet Nevada Division of Environmental Protection (NDEP) air quality standards. Fugitive airborne containments must be within NDEP guidelines at all times and shall be subject to further reasonable limitations as determined by Storey County.
- **Traffic:** The applicant estimates a maximum of 10 vehicles to the site per day during construction activities. Equipment would be delivered to the site on trucks no larger than supplies provided to construct a residence according to the applicant. This traffic would be temporary during construction activities.

(2) **Access:** The applicant has identified several potential access points to the parcel. Potential access to the southern parcel (004-291-02) may be from Zuni Lane. The current Zuni Lane is located within Lyon County and adjacent to the Iron Mountain Ranch estate subdivision. The roadway ends at the Storey County line, at Shawnee Road. There is a public roadway easement identified along the east property line of Sections 1 and 24 in Storey County which would allow for Zuni Road to *extend* from Shawnee north to the southern subject parcel approximately 0.25 miles. This access would need to be constructed in accordance with Storey County standards. The Zuni Lane access may also require improvements to connect to Highway 50 in accordance with Lyon County requirements.

Another alternative is to access the property from Iron Mountain Boulevard which is aligned through the approximate center of the Iron Mountain Ranch estate subdivision. This would allow for potential access to both the southern and northern parcels. This would also potentially require improvements to roadways/easements, but all access would be from within Lyon County.

Onsite access between the northern (APN 004-181-02) and the applicants southern (APN 004-291-02) parcel, if proposed, would also require some type of easement on adjacent property, as the applicant's two parcels meet at a point and do not have overlapping land area wide enough for vehicular access. If separate roadway/easement access for each parcel can be provided, internal

access may not be necessary.

As a condition of Special Use permit approval, the applicant will be required to identify the access to the site and any proposed vehicle access between the southern and northern parcels along with any associated necessary easements. Any proposed access located within Storey County shall be required to meet Storey County requirements.

The applicant stated to planning staff that he is working with Lyon County staff on determining the most appropriate access to the site through Lyon County. Storey County staff have also outreached to the Lyon County Manager and the Community Development Department and informed them of the special use permit application.

- (3) Drainage: There are several natural regional drainages that cross the applicant's property and continue in a southerly direction toward Lyon County, including to the Iron Mountain Ranch estate subdivision. The drainage comes down from the adjacent hills, flows through the property and continues on downhill. It is anticipated that the construction on the site may impact the existing drainage system. As a condition of approval, the applicant will be required to demonstrate that all site drainage and storm water management systems must be designed as to not adversely impact any other properties.
- (4) Water Usage: The proposed use is not expected to utilize a significant amount of water. Water usage is anticipated for any onsite office/storage buildings, potential watchman's dwelling (restrooms, sinks, potential fire suppression) and for periodic washing of solar photovoltaic panels. Water may also be used for dust control during construction activities and land restoration activities. The applicant will be required to furnish proof of water rights and drill a well to serve the property. Water rights or the ability to install a well will be managed by the Nevada State Engineer's Office/Nevada Division of Water Resources. The applicant must show valid evidence of water permits or rights before obtaining a Storey County building permit.
- (5) Phasing: The applicant proposes to develop the property in 20-acre increments. Mass grading of the site is not proposed as the site has existing slopes that generally work with the design of the solar field. As a condition of project approval, permits will be issued in approximately 20 acre increments. This will allow for the development to occur but to retain the natural condition of the site for areas outside the construction area. Disturbance should only occur when construction is occurring.
- (6) Closure/Abandonment: In the event that the solar facility becomes decommissioned, Storey County shall reserve the right to deem the facility abandoned and mandate the solar field and associated facilities be removed within 180 days thereof at the Permit Holder's expense. The applicant shall reserve the right to appeal the decision of abandonment. The process for the appeal shall be as pursuant to Chapter 17.03 Administrative Provisions of the Storey County Code. Removal and reclamation shall include complete removal

of the entire facility including the solar field, accessory structures and access ways, foundations and pads up to two feet below grade, and all other appurtenances. Reclamation shall also include revegetation. The revegetation program shall be that established by the U.S. Bureau of Land Management for projects located on public lands. Reclamation of the site to a condition reasonably existing prior to development shall be completed to the satisfaction of Storey County. Under no circumstances shall Storey County, its officers, and representatives bare any cost or responsibility for the removal of said facilities or reclamation of the site.

2. Compatibility and Compliance

A. Compatibility with surrounding uses and zones.

The following table documents land uses, zoning classifications, and master plan designations for the land at and surrounding the proposed project.

Land	Land Use	Master Plan	Zoning
Applicant's Land	vacant	Industrial	I1
Land to the east	vacant (Lyon County)	Rural Residential (Lyon)	R
Land to the southeast	vacant (Lyon County)	Rural Residential (Lyon)	R
Land to the south	vacant (Storey) vacant (Lyon)	Resources (Storey)	F
Land to the southwest	vacant	Resources, Transition to Industrial	F
Land to the west	vacant	Resources	F
Land to the northwest	vacant	Resources	F
Land to the north	vacant	Resources, Transition to Industrial	F
Land to the northeast	vacant	Rural Residential (Lyon)	R

B. Compliance with Zoning. The proposed land use for the commercial energy production is consistent with the requirements of the 2015 zoning ordinance including Section 17.12 General Provisions and Section 17.34 I1 Light Industrial Zone.

C. General use allowances and restrictions. Storey County Code 17.03.150, Special Use Permit, identifies the administration for the Board and Planning Commission for allowing a special use permit. The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed below are the minimum to be cited in an approval.

(1) **Complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.**

The proposed commercial energy production will be consistent with the requirements of Section 17.34 I1 Light Industrial Zone and 17.12 General Provisions. The project requires a special use permit for the I1 zoning. The

project, as conditioned, is consistent with the Zoning Ordinance and the Storey County Master Plan.

- (2) **The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.**

The proposed solar field will be located on land within Storey County that is zoned light industrial. The surrounding area within Storey County is undeveloped Forestry and Light Industrial zoned land. The use, with the possible exception of the temporary construction activities, is not expected to impact adjacent properties.

- (3) **Will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.**

The proposed commercial energy production is a use permitted within the light industrial zoning and is consistent with the zoning code and the Storey County Master Plan. Impacts to public health, safety and general welfare are not expected.

- (4) **The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.**

The proposed use is not expected to require any additional governmental services or impact existing governmental facilities.

- D. **2016 Storey County Master Plan.** Chapter 3, Land Use, Goal 8 of the Storey County Master Plan states: "Balance renewable energy systems with other uses." The three policies listed under this goal are:

1. By allowing small-scale domestic renewable energy systems, including solar and wind, when they are found to be scaled, placed, and designed as to not substantially detract from the existing character of each community.
2. By prohibiting commercial-scale renewable energy systems, including solar and wind, in and adjacent to residential areas.
3. By requiring planning commission and board review and action pertaining to

all commercial-scale renewable energy systems.”

This project is considered a commercial-scale project, and is not a small-scale domestic system. The Storey County Master Plan identifies the surrounding land uses to be Resources and Transition from Resources to Industrial. This project will be reviewed by the planning commission and the board.

In addition to the above policies, Chapter 3 of the Master Plan identifies that “A major power transmission substation (NV Energy’s Blackhawk substation) was approved by the board with recommendation by the planning commission in 2009. If developed, the substation may provide utility access for industrial users, as well as a connection point for utility-scale renewable energy generating systems feeding into the grid.”

This solar project proposes to connect with the approved (but not constructed) Blackhawk substation is approximately one mile to the southwest of the southern border of the solar project parcels.

3. Findings of Fact

A. 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 4, Recommended Conditions of Approval, are applied.

- (1) This approval is for Special Use Permit 2019-039 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 004-291-02, 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.
- (2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the Transition from Resources to Industrial designated area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit. The Special Use Permit complies with the general purpose, goals, objectives, and standards of the county master plan, the zoning ordinance and any other plan, program, map or ordinance adopted, or under consideration pursuant to the official notice by the county.
- (3) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.
- (4) The Special Use Permit will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions,

parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.

- (5) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.
- (6) The Special Use Permit, with the recommended conditions of approval, complies with the requirements of Chapters 17.03.150 – Special Use Permit, 17.12 – General Provisions, and 17.34 - Light Industrial Zone.

B. **Motion for denial.** Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.

- (1) This denial is for Special Use Permit 2019-039 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 004-291-02, 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.
- (2) The conditions under the Special Use Permit conflict with the minimum requirements/findings in the 2015 Storey County Zoning Ordinance Sections 17.03.150-Special Use Permit, 17.12-General Provisions and/or 17.34 – Light Industrial Zone.
- (3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. **Recommended Conditions of Approval**

- A. **Special Use Permit.** This Special Use Permit (SUP) No. 2019-039 is 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 004-291-02, 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.
- B. **Requirements.** The Permit Holder shall apply for all required permits and licenses, including business license, for the project within twenty-four (24) months from the date

of final approval of SUP No. 2019-039, and continuously maintain the validity of the permits/licenses, or this approval shall be null and void. This SUP shall remain valid as long as the Permit Holder remains in compliance with the terms of this SUP and Storey County, Nevada State, and federal regulations.

- C. **Transfer of Rights.** This special use permit shall inure to the record owner of the subject property and to the special use permit applicant (Reno Tahoe R&D Business Park, LLC) and shall run with the land defined herein, see Appendix A for map. This special use permit, subject to its terms and conditions, may be transferred by the special use permit holder, its successors, heirs, or assigns. The subject property owner may lease the subject land; however, the subject property owner and special use permit holder are ultimately responsible for ensuring compliance with the special use permit requirements. Any and all transfers of Special Use Permit No. 2019-039 shall be advised in writing to Storey County Planning Department 90 days prior to assignee taking over operation of facility. The operators of the facility must sign and accept all stipulations and requirements of the special use permit. No gap in surety bond/guarantee or the closure plan may occur (see conditions R and S) during the transfer of the special use permit.
- D. **Access.** The applicant shall document the proposed access to the parcel. For access located within Storey County, all access shall be consistent with Storey County regulations and the Storey County Fire Department requirements. Evidence of any proposed access easements across private property shall be provided and the easements recorded prior to any permits being issued. Internal access, if any, between the Permit Holder's northern and southern parcels shall be identified and any easement on private property for access shall be identified and documented. The applicant shall collaborate with Lyon County for any access needs located within Lyon County.
- E. **Noise.** The use of motorized generators and equipment is limited to daytime hours between 7:00 a.m. to 6:00 p.m. and Monday through Saturday. Noise on the subject property is otherwise limited by Storey County Code 8.04 Noise Limitations.
- F. **Airborne Containments.** All work performed subject to this SUP, will be compliant with all Nevada Division of Environmental Protection (NDEP) air quality standards. Fugitive airborne containments must be within NDEP guidelines at all times and shall be subject to further reasonable limitations as determined by Storey County.
- G. **Drainage.** The applicant shall demonstrate that all site drainage and storm water management systems are designed to not adversely impact any adjacent properties, and shall be subject to further reasonable limitations as determined by Storey County. A drainage plan, prepared by a licensed engineer, shall be submitted for review and approval.
- H. **Accessory Uses.** The permit holder may build and maintain accessory structures needed to shelter equipment associated with the subject solar use. The permit holder may also build and maintain a watchperson's dwelling on the subject property. All structures are subject to obtaining a Storey County building and other permit(s). The permit holder shall acquire a permit from the State of Nevada and present such permit to the building

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

- I. **Restrooms.** The permit holder must provide an adequate and properly maintained permanent or portable restroom facility on the subject property for occupants and visitors.
- J. **Truck Traffic.** No trucks or other heavy equipment shall enter or exit the premise through residential neighborhoods between the hours of 7:00 p.m. and 7:00 a.m. Pacific Standard Time.
- K. **State/Federal Taxes.** Whenever Nevada law requires the payment of a sales and/or use tax, all materials and equipment purchased or rented for this project shall when feasible be received in Storey County and the value reported as 'county-of-delivery' on the Nevada Dept. of Taxation form TXR-01.01 'Sales/Use Tax Return'. Proof of appropriate reporting is required prior to a 'Certificate of Occupancy' being issued.
- L. **Emergency Plan.** An emergency plan must be submitted to the Storey County Fire Protection District for review and approval prior to obtaining rights to develop the land pursuant to this special use permit. The permit holder and the subject property must be in compliance with the approved emergency plan. The plan must include:
 - Basic company owner, site, and emergency contact information.
 - Plot plan including detailed sketch drawings of the premises, areas of activity including structures and other accessory uses.
 - Emergency contact procedure, including for Emergency 9-1-1 and Storey County Emergency Direct-Connect 775.847.0950 from cellular telephone; documenting and reporting procedures, and other items determined appropriate by the fire district. All personnel and clients on the property must be informed by the permit holder to dial Emergency Services Direct-Connect 775.847.0950 (in lieu of Emergency 9-11) from cellular telephones during times of emergencies.
 - Wildland fire prevention and suppression, including water storage and flows for wildland fire suppression and fire fuels management.
 - Emergency vehicle access, circulation, and staging.
 - Documenting and reporting of emergency situations.
 - Documenting and reporting of Nevada Division of Environmental Protection and other environmental permits and notices.
 - Noxious weed management.
 - Environmental management and Best Management Practices (BMP).
- M. **Water Usage.** A plan shall be submitted to Storey County Community Development Department indicating the amount and place of origin of all water that will be used in connection with construction, management, and maintenance of the facility as well as

for local and wild land fire protection as required by the Storey County Fire Protection District.

- N. Fire Protection Plan.** The applicant shall submit a fire protection plan for the property. The plan shall document a minimum of 500 gpm (gallons per minute) for 2 hours of protection, for a total of 60,000 gallons of storage. This amount may be reduced by the Storey County Fire Marshall if a plan for hauled water is found acceptable. The plan shall also include an onsite fuel reduction plan for property acceptable to the Storey County fire district.
- O. Signage.** Legible signage shall be placed at appropriate entry points of the premises. The signage must state the name of company/organization, street address (or descriptive location), contact phone number(s), and other information required by the fire district.
- P. Outdoor Lighting.** Lighting within the property shall comply with Chapter 8.02 ("Dark Skies") of the Storey County Code in order to prevent nighttime light pollution. Motion detector and other types of lighting installed and managed in accordance with the Storey County Code shall be permitted at the entrance of buildings within the premises. There shall be no other lighting permitted on the premises, including around solar panels, access/maintenance roads, fencing, buildings, equipment yards, light poles, etc., with exception of Temporary Lighting in accordance with the Code during times when emergency repairs may be necessary. Notwithstanding the foregoing, this restriction shall not apply to infrared heating devices used to protect the monitoring equipment. The Planning Director shall reserve the right to make additional requirements as needed.
- Q. Fencing. Security/Screening.** An aesthetically acceptable security barrier of a minimum 6 foot fence (chain-link or vertical bars) topped with three strands of barbwire shall enclose the area of the property developed with solar energy producing devices and related facilities including, but not limited to, photovoltaic panels, power substations, and all structures related to the production, transformation, or transmission of electricity. A gate shall be installed at each entrance to the premises and other enclosed facilities and be kept closed and locked at times during which no operations are taking place. A Knox Box or Knox Lock shall be supplied to and approved by the SCFPD at the expense of the permit holder. Appropriate signage shall be installed on and around the premises, and at each site entrance, stating rules of entry and circulation (e.g., "No Trespassing", "Danger", etc.) and a sign stating days and hours of operation, the company's name, and emergency contact phone number(s) shall be installed at each site entrance.
- R. Abandonment/Restoration.** In the event that the solar facility, hereinafter "facility" becomes unused for a period of any three consecutive years or longer, Storey County reserves the right to deem the facility abandoned and decommissioned. The special use permit holder may appeal a determination of abandonment pursuant to the appeal procedure set forth in Storey County Code 17.03 Administrative Provisions. Upon a determination that the facility has been abandoned, the county may mandate that the facility, including solar panels; solar panel support structures and foundations (to a point below-grade); electrical wiring, support apparatus, and connections; interior roads

and driveways accessing the equipment; and related structures, herein referred to as "equipment" within the facility be removed and reclaimed in accordance with the required closure plan approved by the county's director of planning, subject to review and approval of the county commission, within 180 days and at the special use permit holder's expense. Equipment does not include permanent buildings and their permanent accessory buildings, roads and driveways principally accessing the permanent buildings and their permanent accessory buildings, and all parameter fencing and gates, herein referred to as "improvements". The improvements within the facility are not subject to reclamation, closure, and surety bond/guarantee requirements in this special use permit.

Ground surfaces within the facility that are disturbed, excluding disturbance associated with the improvements, shall be regraded and revegetated to a condition reasonably existing at the time of issuance of this special use permit or reasonably consistent with the majority of future surroundings at the time of decommissioning. Reseeding of the disturbed areas shall be performed in a similar fashion as the program administered by the U.S. Bureau of Land Management on public lands. Reclamation of the facility shall be completed to the reasonable satisfaction of the county's director of planning and in accordance with the provisions of this special use permit. Transition of the use of the subject property to new uses allowed by the Storey County code that may inherently cause disturbance (e.g., development of permanent buildings on all or portions of the subject property) may be considered by the county in determining required grading, reseeding, and other reclamation requirements associated with the special use permit. The determinations in this paragraph are subject to review and approval of the county commission.

Under no circumstances shall Storey County, its officers, or representatives bare any cost or responsibility for the removal of equipment or reclamation of the subject property. If the special use permit holder does not reclaim the facility in accordance with this special use permit, and the county bears the decommissioning and reclamation costs, the county agrees to fully reimburse the special use permit holder funds received from the salvage value of the equipment that exceed the decommissioning/closure and reclamation costs.

- S. Surety Bond/Guarantee.** The required closure plan shall include an estimate of the cost for the removal of the equipment and complete reclamation of the facility as described in Condition R. The estimate must be made by a qualified licensed professional. The estimate will be subject to review and validation by an independent qualified licensed professional selected by the county's director of planning, with approval by the county manager, subject to review and approval by the county commission, at the special use permit holder's expense. Inasmuch as the special use permit holder intends to develop and decommission the facility in phases, the surety bond/guarantee estimate may include a breakdown of the cost of removing and reclaiming the facility for each phase.

The special use permit holder must provide to Storey County either: (1) a cash deposit; (2) a certified check made out to Storey County; (3) an irrevocable LC issued in favor of Storey County; or (4) a surety bond, herein collectively referred to "surety bond/guarantee" as covering the costs of reclamation and closure of the facility. The

surety bond/guarantee shall be adjusted upward and downward to cover each phase of the facility.

In the event that the special use permit holder determines to cease operations under the special use permit for three or more years, the facility will be decommissioned and reclaimed in accordance with condition #18 and other applicable provisions of the special use permit.

In the event that the facility is decommissioned, the county may require receipt of documented certification, signed by an independent licensed professional, verifying that final removal of the equipment and reclamation of the facility has been completed in accordance with the submitted closure plan. The certification shall include all applicable documentation necessary for certification of closure. Before closure, the county reserves the right to retain the service of an independent licensed professional, at the expense of the special use permit holder, to verify that closure has been completed in accordance with the closure plan for the areas within the facility affected. In the event that closure has not been completed in accordance with the closure plan, the county shall send two notice(s) to the special use permit holder and the subject property owner. If the special use permit holder or property owner fails to fulfill the necessary obligations under this special use permit after the second notice is sent by the county, the county shall place a lien on the subject property in order to induce the special use permit holder and/or owner to complete the reclamation requirements in this special use permit. The lien shall remain on the property until the county receives the necessary documented certification.

- T. Post Closure Monitoring.** In the event that the permit lapses or the use is discontinued or abandoned, the permit holder, its heirs, assigns, or successors shall remain responsible for environmental monitoring and post-closure maintenance.
- U. Liability Insurance/Indemnification.** The permit holder, as well as its assigns, heirs or successors, shall provide proof of insurance to Storey County and maintain a satisfactory liability insurance for all aspects of this operation under SUP # 2019-039 for a minimum amount of \$5,000,000.00 (five million dollars). The permit holder warrants that the future use of land will conform to the applicable requirements of the County of Storey, State of Nevada, and federal regulatory and legal requirements for a solar energy production facility; further, the permit holder warrants that continued and future use of the land shall so conform. The permit holder, its assigns, heirs or successors, agrees to hold Storey County, its officers, and representatives harmless from the costs associated with any environmental damage, environmental liability, and any/all other claims now existing or which may occur as a result of this SUP.
- V. Separate Permits Required.** This SUP shall not be construed to be a permit for design or construction. A separate Storey County plan review, fire safety review, and building permit will be required.
- W. Health, Safety and Welfare.** The applicant will not adversely affect the health, safety or general welfare of the citizens of the county.

- X. Stormwater Management.** Any increased stormwater from development of the land must be detained on-site or directed appropriately to the abutting public right-of-ways and not allowed to enter abutting private properties. Stormwater drainage onto the right-of-way must be to the satisfaction of the Public Works Director.
- Y. Noxious weed abatement.** The permit holder must submit to the planning department a plan to mitigate the proliferation of invasive weed species (with emphasis on hoary cress and perennial pepperweed). The plan must address the weed-seed management of imported hay and other seed-containing feed and how graded and disturbed surfaces will be managed to prevent the germination and proliferation of invasive weed species. The plan will apply to entire subject property and must conform to the applicable state or federal regulations, and the requirements imposed by this special use permit and the fire district. The permit holder must conform to the plan.
- Z. Survey Monument Protection.** No survey monument may be moved or disturbed (as prohibited by federal or state law). To the extent practicable, all monument witness corners, reference monuments, bearing trees and line trees shall be protected against undue destruction, obliteration, or damage. If in the course of operations any survey monument is destroyed, obliterated, or damaged, the Permit Holder shall immediately report the matter to the Planning Department and the Bureau of Land Management. The notice shall describe the monument and its geo-coordinates before disturbance, how it was disturbed and to what extent, and the plan for immediate corrective action. The Permit Holder shall be financially responsible for the immediate and appropriate corrective action.
- AA. Taxes paid.** Before obtaining a building permit, the holder of the special use permit must show the building department valid evidence that all property taxes on the land are paid to-date.
- BB. Best Management Practices.** Nevada State Department of Environmental Protection (NDEP) Best Management Practices (BMPs) shall be implemented throughout the entire project, including the project site, ingress and egress points, and all access roads, in order to minimize associated impacts.
- CC. Phasing.** The project shall be constructed in phases. Any grading or ground disturbance shall be permitted for the area of the construction phase only with a reasonable perimeter. The remainder of the site shall be undisturbed until construction is proposed for that area of the parcel.
- DD. Compliance.** The permit holder shall be responsible for maintaining the premises in conformance with all conditions and stipulations set forth by SUP 2019-040 and all other Federal, Nevada State, and Storey County codes and regulations. Failure to comply with the requirements herein shall elicit a written warning to the permit holder by Storey County on the first and second offence. A third offense shall warrant Storey County to revoke the SUP. Storey County shall reserve the right to conduct an annual review of the permit holder's conformance with all conditions and stipulations of the SUP at cost to the owner/permit holder.

5. Public Comment

As of September 10, 2019, Staff has not received any comments from the public.

6. Power of the Board

At the conclusion of the hearing, the Board of County Commissioners must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Board of County Commissioners upon which it bases its decision.

7. Proposed Motions

This section contains two motions from which to choose. The motion for approval is recommended by staff and the Planning Commission in accordance with the Findings of Fact under Section 3.A of this report. Those findings should be made part of the approval motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Board of County Commissioners should be made part of either motion.

A. Motion for approval

In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Special Use Permit 2019-039 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 004-291-02, 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.

B. Alternative motion for denial

Against the recommendation by staff and the Planning Commission, but in accordance with the Findings of Fact under Section 3.B of this report, and other findings deemed appropriate by the Board of County Commissioners, I (*commissioner*), move to deny Special Use Permit 2019-039 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 004-291-02, 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.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: October 1, 2019

Estimate of time required: 10 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☒

1. **Title: Discussion/Possible Action:** Special Use Permit request (File 2019-040) 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 18 North, Range 23 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.

2. **Recommended motion:** In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Special Use Permit 2019-040 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 18 North, Range 23 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.

2. **Prepared by:** Kathy Canfield

4. **Department:** Planning

Telephone: 775.847.1144

5. **Staff summary:** See enclosed Staff Report No. 2019-040

6. **Supporting materials:** Enclosed Staff Report No. 2019-040

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

Funds Available:


Fund:

____ Comptroller

8. **Legal review required:**

____ District Attorney

9. **Reviewed by:**

 Department Head

 Department Name: Planning

 County Manager

____ Other agency review: _____

10. **Board action:**

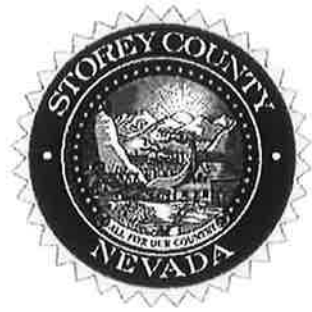
☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. 16

**Storey County
Planning Department**

Storey County Courthouse
26 South B Street, PO Box 190, Virginia City, Nevada 89440
Phone 775-847-1144 – Fax 775-847-0949
planning@storeycounty.org



To: Storey County Board of County Commissioners

From: Storey County Planning Department

Meeting Date: October 1, 2019

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

Staff Contact: Kathy Canfield

File: Special Use Permit File 2019-040

Applicant: Reno Tahoe R&D Business Park, LLC

Property Owner: Reno Tahoe R&D Business Park, LLC

Property Location: APN 004-181-02, located in Section 31, Township 18 North, Range 23 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.

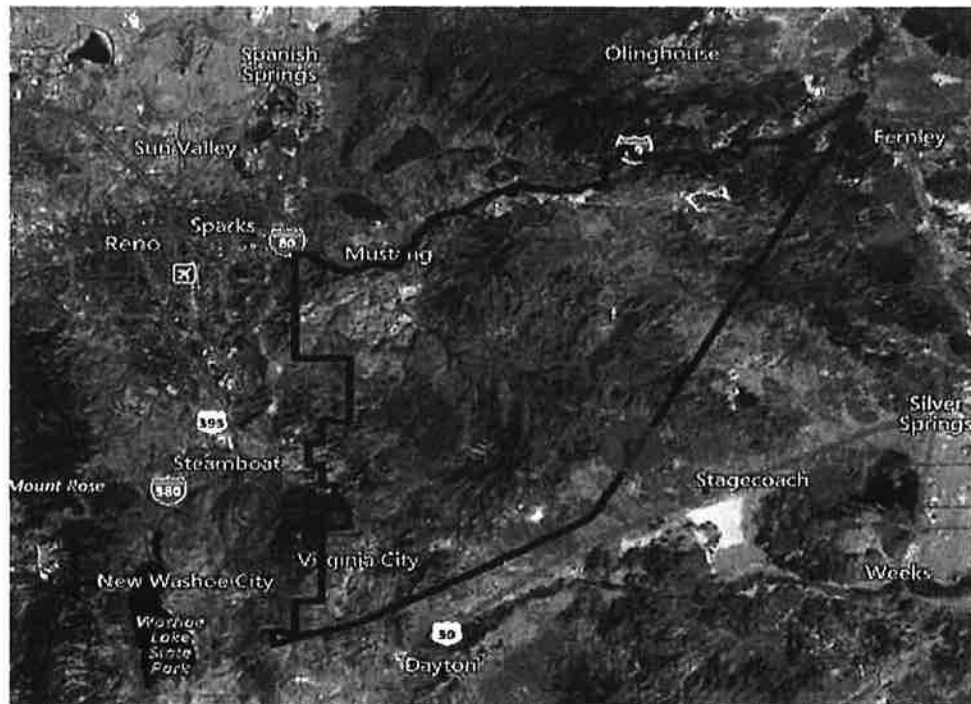
Request: The applicant requests a Special Use Permit 2019-040 to construct an approximately 5 to 170 megawatt utility-scale ground mounted solar photovoltaic power generating facility using solar panel array technology with associated equipment storage buildings, office and watchman's dwelling on APN 004-181-02, located in Section 31, Township 18 North, Range 23 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.

Summary of Planning Commission Meeting: The Planning Commission heard this request at their September 19, 2019 meeting. The project was discussed and neighboring property owners asked questions regarding future utility connections and permitting and roadway issues. The Planning Commission voted 6-0 (with one absent) to recommend approval of the project.

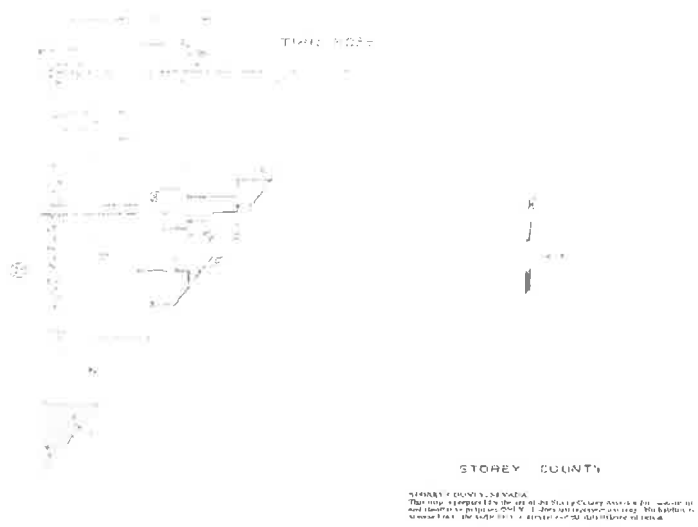
1. Background & Analysis

- A. Background.** This application is for a new solar field northeast of the Mark Twain area of Storey County. This project was previously approved by Storey County in February 2017 and expired in February 2019. No activity commenced and the applicant has submitted two new applications for re-approval of the Special Use Permit. The original permit combined APNs 004-181-02 and 004-291-02, however, this time the applicant desires a separate permit for each parcel. The rezoning application that was approved at the same time as the special use permit did not expire and the zoning has been changed to the light industrial zone. No modifications to the original proposal, with the exception of a permit for each parcel, are proposed with this application.
- B. Site Location.** The project consists of one parcel of land located along the Storey County/Lyon County boundary. The parcel is 159 acres in size and is currently vacant. The parcel generally slopes downward from the northwest to the southeast, and has some significant drainage channels across the site. This site is located outside of the study area for the Dayton Valley Area Drainage Master Plan recently adopted by both Storey and Lyon Counties.

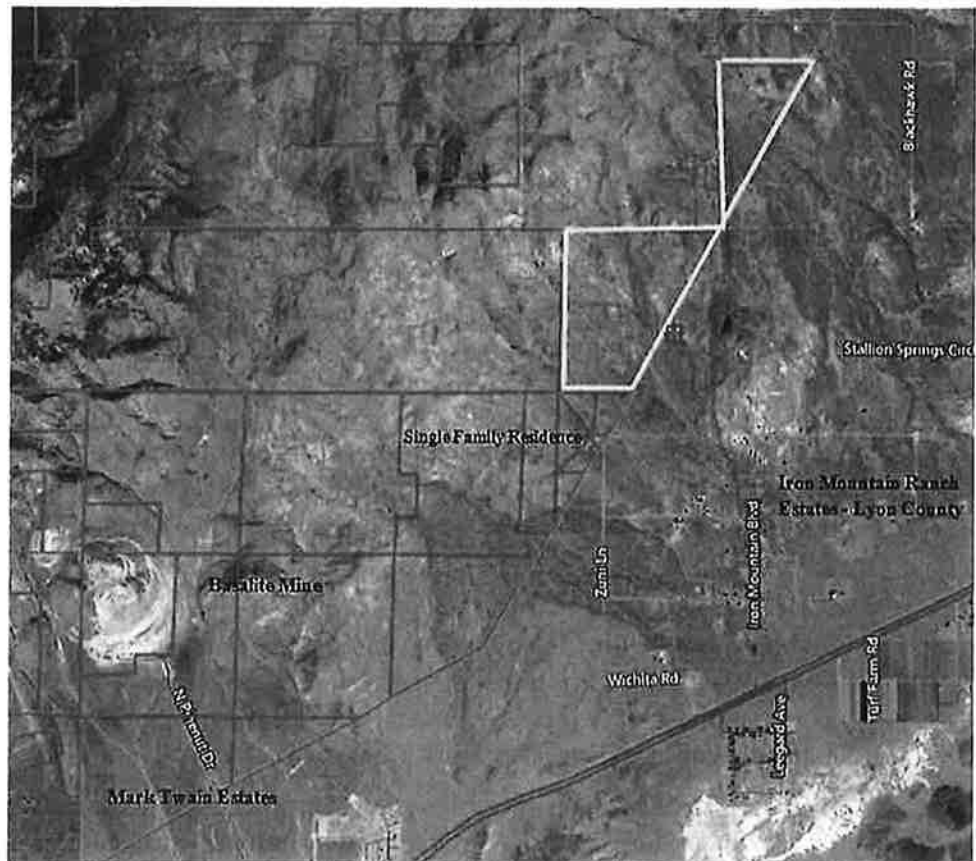
The property is surrounded by vacant land most of which is Forestry zoned. There are several residences in Lyon County (Iron Mountain Ranch estate subdivision) located to the southeast of this property; however, these residences are not immediately adjacent to the project site. Property immediately to the east and southeast of the parcel within Lyon County is owned by the applicant. The applicant also owns the parcel at the southern corner of APN 004-181-02 located in Storey County (APN 004-291-02).



Vicinity Map



Assessor's Map



Location Map



Approximate south corner, looking north.

- C. **Proposed Project.** The proposed project will be an approximately 5 to 170 megawatt ground mounted solar photovoltaic power system using solar panel array technology that will generate clean electricity. The applicant anticipates the generated electricity will be sold to a third party purchaser, such as NV Energy for example, through a power purchase agreement. The power purchase agreement is expected to be for a term of 15 to 25 years. This project is approximately one mile northeast of the approved (but not constructed) Blackhawk power substation and the project is anticipated to connect to this facility (See Special Use Permit No. 2008-060). Any power purchase agreement or connection to a power facility is a private agreement and Storey County is not a part of any discussions or negotiations. Any proposed physical connections (such as power lines) may require future Storey County review and/or permitting.

Development of the project will most-likely consist of separate phases. It is anticipated that first phase may consist of a 5 to 10 megawatt installation, with additional 5 to 10 megawatt installations to follow for a possible total build out of approximately 170 megawatts. Each 5 to 10 megawatt installation utilizes about 20 acres of land area. In order for the project to be economically viable for the applicant, it is estimated the entire site will be utilized to optimize production capacity.

It is anticipated that support facilities onsite will include storage buildings for equipment and possibly a small office for staff and/or a watchman's dwelling.

- D. **Zoning Ordinance.** The purpose and intent of the I1 – Light Industrial zone is to provide areas for the development and operation of industrial uses that do not create or cause fumes, odor, smoke, gas, noise, vibrations, or other impacts which are or may be detrimental to abutting properties and land uses. Section 17.34.030.H. states that

commercial energy production use types such as geothermal, hydrological, solar, wind, and other similar low-impact renewable energy generation systems are permitted in the I1 zone subject to a Special Use Permit.

E. **Potential Area Impacts:** Staff has reviewed the project proposal and has identified the following potential impacts:

(1) **Temporary Construction:** During construction activities, there is the potential for noise, dust and additional traffic which is expected to last for the duration of the construction activities.

- **Noise:** Potential noise at the site would be associated with construction activities. Once constructed, the solar panels will not generate noise. Noise at the property line shall be limited to 84 decibels (A weighted, SCC 8.04.020) and shall be subject to further reasonable limitations as determined by Storey County.
- **Dust:** Dust from construction activities could also have a potential impact on surrounding areas. As a condition of the Special Use Permit approval, the applicant will be required to meet Nevada Division of Environmental Protection (NDEP) air quality standards. Fugitive airborne containments must be within NDEP guidelines at all times and shall be subject to further reasonable limitations as determined by Storey County.
- **Traffic:** The applicant estimates a maximum of 10 vehicles to the site per day during construction activities. Equipment would be delivered to the site on trucks no larger than supplies provided to construct a residence according to the applicant. This traffic would be temporary during construction activities.

(2) **Access:** The applicant has identified several potential access points to the parcel. Potential access to the southern parcel (004-291-02) may be from Zuni Lane. The current Zuni Lane is located within Lyon County and adjacent to the Iron Mountain Ranch estate subdivision. The roadway ends at the Storey County line, at Shawnee Road. There is a public roadway easement identified along the east property line of Sections 1 and 24 in Storey County which would allow for Zuni Road to *extend* from Shawnee north to the southern subject parcel approximately 0.25 miles. This access would need to be constructed in accordance with Storey County standards. The Zuni Lane access may also require improvements to connect to Highway 50 in accordance with Lyon County requirements. An easement to APN 004-181-02 would be required across APN 004-291-02 if this is the route selected.

Another alternative is to access the property from Iron Mountain Boulevard which is aligned through the approximate center of the Iron Mountain Ranch estate subdivision. This would allow for potential access to both the southern and northern parcels. This would also potentially require improvements to roadways/easements, but all access would be from within Lyon County.

Onsite access between the northern (APN 004-181-02) and the applicants southern (APN 004-291-02) parcel, if proposed, would also require some type of easement on adjacent property, as the applicant's two parcels meet at a point and do not have overlapping land area wide enough for vehicular access. If separate roadway/easement access for each parcel can be provided, internal access may not be necessary.

As a condition of Special Use permit approval, the applicant will be required to identify the access to the site and any proposed vehicle access between the southern and northern parcels along with any associated necessary easements. Any proposed access located within Storey County shall be required to meet Storey County requirements.

The applicant stated to planning staff that he is working with Lyon County staff on determining the most appropriate access to the site through Lyon County. Storey County staff have also outreached to the Lyon County Manager and the Community Development Department and informed them of the special use permit application.

- (3) Drainage: There are several natural regional drainages that cross the applicant's property and continue in a southerly direction toward Lyon County, including to the Iron Mountain Ranch estate subdivision. The drainage comes down from the adjacent hills, flows through the property and continues on downhill. It is anticipated that the construction on the site may impact the existing drainage system. As a condition of approval, the applicant will be required to demonstrate that all site drainage and storm water management systems must be designed as to not adversely impact any other properties.
- (4) Water Usage: The proposed use is not expected to utilize a significant amount of water. Water usage is anticipated for any onsite office/storage buildings, potential watchman's dwelling (restrooms, sinks, potential fire suppression) and for periodic washing of solar photovoltaic panels. Water may also be used for dust control during construction activities and land restoration activities. The applicant will be required to furnish proof of water rights and drill a well to serve the property. Water rights or the ability to install a well will be managed by the Nevada State Engineer's Office/Nevada Division of Water Resources. The applicant must show valid evidence of water permits or rights before obtaining a Storey County building permit.
- (5) Phasing: The applicant proposes to develop the property in 20-acre increments. Mass grading of the site is not proposed as the site has existing slopes that generally work with the design of the solar field. As a condition of project approval, permits will be issued in approximately 20 acre increments. This will allow for the development to occur but to retain the natural condition of the site for areas outside the construction area. Disturbance should only occur when construction is occurring.
- (6) Closure/Abandonment: In the event that the solar facility becomes decommissioned, Storey County shall reserve the right to deem the facility

abandoned and mandate the solar field and associated facilities be removed within 180 days thereof at the Permit Holder's expense. The applicant shall reserve the right to appeal the decision of abandonment. The process for the appeal shall be as pursuant to Chapter 17.03 Administrative Provisions of the Storey County Code. Removal and reclamation shall include complete removal of the entire facility including the solar field, accessory structures and access ways, foundations and pads up to two feet below grade, and all other appurtenances. Reclamation shall also include revegetation. The revegetation program shall be that established by the U.S. Bureau of Land Management for projects located on public lands. Reclamation of the site to a condition reasonably existing prior to development shall be completed to the satisfaction of Storey County. Under no circumstances shall Storey County, its officers, and representatives bare any cost or responsibility for the removal of said facilities or reclamation of the site.

2. Compatibility and Compliance

A. Compatibility with surrounding uses and zones.

The following table documents land uses, zoning classifications, and master plan designations for the land at and surrounding the proposed project.

Land	Land Use	Master Plan	Zoning
Applicant's Land	vacant	Industrial	I1
Land to the east	vacant (Lyon County)	Rural Residential (Lyon)	R
Land to the southeast	vacant (Lyon County)	Rural Residential (Lyon)	R
Land to the south	vacant (Storey) vacant (Lyon)	Resources (Storey)	F
Land to the southwest	vacant	Resources, Transition to Industrial	F
Land to the west	vacant	Resources	F
Land to the northwest	vacant	Resources	F
Land to the north	vacant	Resources, Transition to Industrial	F
Land to the northeast	vacant	Rural Residential (Lyon)	R

B. Compliance with Zoning. The proposed land use for the commercial energy production is consistent with the requirements of the 2015 zoning ordinance including Section 17.12 General Provisions and Section 17.34 I1 Light Industrial Zone.

C. General use allowances and restrictions. Storey County Code 17.03.150, Special Use Permit, identifies the administration for the Board and Planning Commission for allowing a special use permit. The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed below are the minimum to be cited in an approval.

- (1) **Complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.**

The proposed commercial energy production will be consistent with the requirements of Section 17.34 I1 Light Industrial Zone and 17.12 General Provisions. The project requires a special use permit for the I1 zoning. The project, as conditioned, is consistent with the Zoning Ordinance and the Storey County Master Plan.

- (2) **The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.**

The proposed solar field will be located on land within Storey County that is zoned light industrial. The surrounding area within Storey County is undeveloped Forestry and Light Industrial zoned land. The use, with the possible exception of the construction activities, is not expected to impact adjacent properties.

- (3) **Will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.**

The proposed commercial energy production is a use permitted within the light industrial zoning and is consistent with the zoning code and the Storey County Master Plan. Impacts to public health, safety and general welfare are not expected.

- (4) **The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.**

The proposed use is not expected to require any additional governmental services or impact existing governmental facilities.

- D. **2016 Storey County Master Plan.** Chapter 3, Land Use, Goal 8 of the Storey County Master Plan states: "Balance renewable energy systems with other uses." The three policies listed under this goal are:

1. By allowing small-scale domestic renewable energy systems, including solar and wind, when they are found to be scaled, placed, and designed as to not substantially detract from the existing character of each community.

2. By prohibiting commercial-scale renewable energy systems, including solar and wind, in and adjacent to residential areas.
3. By requiring planning commission and board review and action pertaining to all commercial-scale renewable energy systems.”

This project is considered a commercial-scale project, and is not a small-scale domestic system. The Storey County Master Plan identifies the surrounding land uses to be Resources and Transition from Resources to Industrial. This project will be reviewed by the planning commission and the board.

In addition to the above policies, Chapter 3 of the Master Plan identifies that “A major power transmission substation (NV Energy’s Blackhawk substation) was approved by the board with recommendation by the planning commission in 2009. If developed, the substation may provide utility access for industrial users, as well as a connection point for utility-scale renewable energy generating systems feeding into the grid.”

This solar project proposes to connect with the approved (but not constructed) Blackhawk substation is approximately one mile to the southwest of the southern border of the solar project parcels.

3. Findings of Fact

A. 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 4, Recommended Conditions of Approval, are applied.

- (1) This approval is for Special Use Permit 2019-040 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 18 North, Range 23 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.
- (2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the Transition from Resources to Industrial designated area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit. The Special Use Permit complies with the general purpose, goals, objectives, and standards of the county master plan, the zoning ordinance and any other plan, program, map or ordinance adopted, or under consideration pursuant to the official notice by the county.
- (3) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on

adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

- (4) The Special Use Permit will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.
- (5) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.
- (6) The Special Use Permit, with the recommended conditions of approval, complies with the requirements of Chapters 17.03.150 – Special Use Permit, 17.12 – General Provisions, and 17.34 Light Industrial Zone.

B. **Motion for denial.** Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.

- (1) This denial is for Special Use Permit 2019-040, a request 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 18 North, Range 23 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.
- (2) The conditions under the Special Use Permit conflict with the minimum requirements/findings in the 2015 Storey County Zoning Ordinance Sections 17.03.150-Special Use Permit, 17.12-General Provisions and/or 17.34 – Light Industrial Zone.
- (3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. **Recommended Conditions of Approval**

A. **Special Use Permit.** This Special Use Permit (SUP) No. 2019-040 shall be for the purpose of constructing an up to 170 megawatt ground mounted solar photovoltaic power system using solar panel array technology. The operation shall remain in compliance with all of the provisions set forth by this SUP and federal, Nevada State,

and Storey County codes and regulations. Issuance of this SUP does not convey property rights of any sort or any exclusive privilege, nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations.

This Special Use Permit is for the purpose of constructing 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 18 North, Range 23 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.

- B. Requirements.** The Permit Holder shall apply for all required permits and licenses, including business license, for the project within twenty-four (24) months from the date of final approval of SUP No. 2019-040, and continuously maintain the validity of the permits/licenses, or this approval shall be null and void. This SUP shall remain valid as long as the Permit Holder remains in compliance with the terms of this SUP and Storey County, Nevada State, and federal regulations.
- C. Transfer of Rights.** This special use permit shall inure to the record owner of the subject property and to the special use permit applicant (Reno Tahoe R&D Business Park, LLC) and shall run with the land defined herein, see Appendix A for map. This special use permit, subject to its terms and conditions, may be transferred by the special use permit holder, its successors, heirs, or assigns. The subject property owner may lease the subject land; however, the subject property owner and special use permit holder are ultimately responsible for ensuring compliance with the special use permit requirements. Any and all transfers of Special Use Permit No. 2019-040 shall be advised in writing to Storey County Planning Department 90 days prior to assignee taking over operation of facility. The operators of the facility must sign and accept all stipulations and requirements of the special use permit. No gap in surety bond/guarantee or the closure plan may occur (see conditions R and S) during the transfer of the special use permit.
- D. Access.** The applicant shall document the proposed access to the parcel. For access located within Storey County, all access shall be consistent with Storey County regulations and the Storey County Fire Department requirements. Evidence of any proposed access easements across private property shall be provided and the easements recorded prior to any permits being issued. Internal access, if any, between the Permit Holder's northern and southern parcels shall be identified and any easement on private property for access shall be identified and documented. The applicant shall collaborate with Lyon County for any access needs located within Lyon County.
- E. Noise.** The use of motorized generators and equipment is limited to daytime hours between 7:00 a.m. to 6:00 p.m. and Monday through Saturday. Noise on the subject property is otherwise limited by Storey County Code 8.04 Noise Limitations.

- F. Airborne Containments.** All work performed subject to this SUP, will be compliant with all Nevada Division of Environmental Protection (NDEP) air quality standards. Fugitive airborne containments must be within NDEP guidelines at all times and shall be subject to further reasonable limitations as determined by Storey County.
- G. Drainage.** The applicant shall demonstrate that all site drainage and storm water management systems are designed to not adversely impact any adjacent properties, and shall be subject to further reasonable limitations as determined by Storey County. A drainage plan, prepared by a licensed engineer, shall be submitted for review and approval.
- H. Accessory Uses.** The permit holder may build and maintain accessory structures needed to shelter equipment associated with the subject solar use. The permit holder may also build and maintain a watchperson's dwelling on the subject property. All structures are subject to obtaining a Storey County building and other permit(s). The permit holder shall acquire a permit from the State of Nevada and present such permit to the building department to install septic system(s) and septic leach-field(s) capable of serving administrative offices and other occupied uses not accessible to a municipal sewerage system. The septic systems shall be removed and reclaimed by the Permit Holder as required by NRS at closure or removal of the buildings.
- I. Restrooms.** The permit holder must provide an adequate and properly maintained permanent or portable restroom facility on the subject property for occupants and visitors.
- J. Truck Traffic.** No trucks or other heavy equipment shall enter or exit the premise through residential neighborhoods between the hours of 7:00 p.m. and 7:00 a.m. Pacific Standard Time.
- K. State/Federal Taxes.** Whenever Nevada law requires the payment of a sales and/or use tax, all materials and equipment purchased or rented for this project shall when feasible be received in Storey County and the value reported as 'county-of-delivery' on the Nevada Dept. of Taxation form TXR-01.01 'Sales/Use Tax Return'. Proof of appropriate reporting is required prior to a 'Certificate of Occupancy' being issued.
- L. Emergency Plan.** An emergency plan must be submitted to the Storey County Fire Protection District for review and approval prior to obtaining rights to develop the land pursuant to this special use permit. The permit holder and the subject property must be in compliance with the approved emergency plan. The plan must include:
- Basic company owner, site, and emergency contact information.
 - Plot plan including detailed sketch drawings of the premises, areas of activity including structures and other accessory uses.
 - Emergency contact procedure, including for Emergency 9-1-1 and Storey County Emergency Direct-Connect 775.847.0950 from cellular telephone; documenting and reporting procedures, and other items determined appropriate by the fire district. All personnel and clients on the property must be informed by the permit holder to dial

Emergency Services Direct-Connect 775.847.0950 (in lieu of Emergency 9-11) from cellular telephones during times of emergencies.

- Wildland fire prevention and suppression, including water storage and flows for wildland fire suppression and fire fuels management.
- Emergency vehicle access, circulation, and staging.
- Documenting and reporting of emergency situations.
- Documenting and reporting of Nevada Division of Environmental Protection and other environmental permits and notices.
- Noxious weed management.
- Environmental management and Best Management Practices (BMP).

- M. Water Usage.** A plan shall be submitted to Storey County Community Development Department indicating the amount and place of origin of all water that will be used in connection with construction, management, and maintenance of the facility as well as for local and wild land fire protection as required by the Storey County Fire Protection District.
- N. Fire Protection Plan.** The applicant shall submit a fire protection plan for the property. The plan shall document a minimum of 500 gpm (gallons per minute) for 2 hours of protection, for a total of 60,000 gallons of storage. This amount may be reduced by the Storey County Fire Marshall if a plan for hauled water is found acceptable. The plan shall also include an onsite fuel reduction plan for property acceptable to the Storey County fire district.
- O. Signage.** Legible signage shall be placed at appropriate entry points of the premises. The signage must state the name of company/organization, street address (or descriptive location), contact phone number(s), and other information required by the fire district.
- P. Outdoor Lighting.** Lighting within the property shall comply with Chapter 8.02 ("Dark Skies") of the Storey County Code in order to prevent nighttime light pollution. Motion detector and other types of lighting installed and managed in accordance with the Storey County Code shall be permitted at the entrance of buildings within the premises. There shall be no other lighting permitted on the premises, including around solar panels, access/maintenance roads, fencing, buildings, equipment yards, light poles, etc., with exception of Temporary Lighting in accordance with the Code during times when emergency repairs may be necessary. Notwithstanding the foregoing, this restriction shall not apply to infrared heating devices used to protect the monitoring equipment. The Planning Director shall reserve the right to make additional requirements as needed.
- Q. Fencing. Security/Screening.** An aesthetically acceptable security barrier of a minimum 6 foot fence (chain-link or vertical bars) topped with three strands of barbwire shall enclose the area of the property developed with solar energy producing devices and related facilities including, but not limited to, photovoltaic panels, power substations, and all structures related to the production, transformation, or transmission of electricity. A gate shall be installed at each entrance to the premises and other enclosed facilities and be kept closed and locked at times during which no operations are taking

place. A Knox Box or Knox Lock shall be supplied to and approved by the SCFPD at the expense of the permit holder. Appropriate signage shall be installed on and around the premises, and at each site entrance, stating rules of entry and circulation (e.g., "No Trespassing", "Danger", etc.) and a sign stating days and hours of operation, the company's name, and emergency contact phone number(s) shall be installed at each site entrance.

- R. Abandonment/Restoration.** In the event that the solar facility, hereinafter "facility" becomes unused for a period of any three consecutive years or longer, Storey County reserves the right to deem the facility abandoned and decommissioned. The special use permit holder may appeal a determination of abandonment pursuant to the appeal procedure set forth in Storey County Code 17.03 Administrative Provisions. Upon a determination that the facility has been abandoned, the county may mandate that the facility, including solar panels; solar panel support structures and foundations (to a point below-grade); electrical wiring, support apparatus, and connections; interior roads and driveways accessing the equipment; and related structures, herein referred to as "equipment" within the facility be removed and reclaimed in accordance with the required closure plan approved by the county's director of planning, subject to review and approval of the county commission, within 180 days and at the special use permit holder's expense. Equipment does not include permanent buildings and their permanent accessory buildings, roads and driveways principally accessing the permanent buildings and their permanent accessory buildings, and all parameter fencing and gates, herein referred to as "improvements". The improvements within the facility are not subject to reclamation, closure, and surety bond/guarantee requirements in this special use permit.

Ground surfaces within the facility that are disturbed, excluding disturbance associated with the improvements, shall be regraded and revegetated to a condition reasonably existing at the time of issuance of this special use permit or reasonably consistent with the majority of future surroundings at the time of decommissioning. Reseeding of the disturbed areas shall be performed in a similar fashion as the program administered by the U.S. Bureau of Land Management on public lands. Reclamation of the facility shall be completed to the reasonable satisfaction of the county's director of planning and in accordance with the provisions of this special use permit. Transition of the use of the subject property to new uses allowed by the Storey County code that may inherently cause disturbance (e.g., development of permanent buildings on all or portions of the subject property) may be considered by the county in determining required grading, reseeding, and other reclamation requirements associated with the special use permit. The determinations in this paragraph are subject to review and approval of the county commission.

Under no circumstances shall Storey County, its officers, or representatives bare any cost or responsibility for the removal of equipment or reclamation of the subject property. If the special use permit holder does not reclaim the facility in accordance with this special use permit, and the county bears the decommissioning and reclamation costs, the county agrees to fully reimburse the special use permit holder funds received from the salvage value of the equipment that exceed the decommissioning/closure and reclamation costs.

- S. Surety Bond/Guarantee.** The required closure plan shall include an estimate of the cost for the removal of the equipment and complete reclamation of the facility as described in Condition R. The estimate must be made by a qualified licensed professional. The estimate will be subject to review and validation by an independent qualified licensed professional selected by the county's director of planning, with approval by the county manager, subject to review and approval by the county commission, at the special use permit holder's expense. Inasmuch as the special use permit holder intends to develop and decommission the facility in phases, the surety bond/guarantee estimate may include a breakdown of the cost of removing and reclaiming the facility for each phase.

The special use permit holder must provide to Storey County either: (1) a cash deposit; (2) a certified check made out to Storey County; (3) an irrevocable LC issued in favor of Storey County; or (4) a surety bond, herein collectively referred to "surety bond/guarantee" as covering the costs of reclamation and closure of the facility. The surety bond/guarantee shall be adjusted upward and downward to cover each phase of the facility.

In the event that the special use permit holder determines to cease operations under the special use permit for three or more years, the facility will be decommissioned and reclaimed in accordance with condition #18 and other applicable provisions of the special use permit.

In the event that the facility is decommissioned, the county may require receipt of documented certification, signed by an independent licensed professional, verifying that final removal of the equipment and reclamation of the facility has been completed in accordance with the submitted closure plan. The certification shall include all applicable documentation necessary for certification of closure. Before closure, the county reserves the right to retain the service of an independent licensed professional, at the expense of the special use permit holder, to verify that closure has been completed in accordance with the closure plan for the areas within the facility affected. In the event that closure has not been completed in accordance with the closure plan, the county shall send two notice(s) to the special use permit holder and the subject property owner. If the special use permit holder or property owner fails to fulfill the necessary obligations under this special use permit after the second notice is sent by the county, the county shall place a lien on the subject property in order to induce the special use permit holder and/or owner to complete the reclamation requirements in this special use permit. The lien shall remain on the property until the county receives the necessary documented certification.

- T. Post Closure Monitoring.** In the event that the permit lapses or the use is discontinued or abandoned, the permit holder, its heirs, assigns, or successors shall remain responsible for environmental monitoring and post-closure maintenance.
- U. Liability Insurance/Indemnification.** The permit holder, as well as its assigns, heirs or successors, shall provide proof of insurance to Storey County and maintain a satisfactory liability insurance for all aspects of this operation under SUP # 2019-040 for a minimum amount of \$5,000,000.00 (five million dollars). The permit holder warrants that the

future use of land will conform to the applicable requirements of the County of Storey, State of Nevada, and federal regulatory and legal requirements for a solar energy production facility; further, the permit holder warrants that continued and future use of the land shall so conform. The permit holder, its assigns, heirs or successors, agrees to hold Storey County, its officers, and representatives harmless from the costs associated with any environmental damage, environmental liability, and any/all other claims now existing or which may occur as a result of this SUP.

- V. Separate Permits Required.** This SUP shall not be construed to be a permit for design or construction. A separate Storey County plan review, fire safety review, and building permit will be required.
- W. Health, Safety and Welfare.** The applicant will not adversely affect the health, safety or general welfare of the citizens of the county.
- X. Stormwater Management.** Any increased stormwater from development of the land must be detained on-site or directed appropriately to the abutting public right-of-ways and not allowed to enter abutting private properties. Stormwater drainage onto the right-of-way must be to the satisfaction of the Public Works Director.
- Y. Noxious weed abatement.** The permit holder must submit to the planning department a plan to mitigate the proliferation of invasive weed species (with emphasis on hoary cress and perennial pepperweed). The plan must address the weed-seed management of imported hay and other seed-containing feed and how graded and disturbed surfaces will be managed to prevent the germination and proliferation of invasive weed species. The plan will apply to entire subject property and must conform to the applicable state or federal regulations, and the requirements imposed by this special use permit and the fire district. The permit holder must conform to the plan.
- Z. Survey Monument Protection.** No survey monument may be moved or disturbed (as prohibited by federal or state law). To the extent practicable, all monument witness corners, reference monuments, bearing trees and line trees shall be protected against undue destruction, obliteration, or damage. If in the course of operations any survey monument is destroyed, obliterated, or damaged, the Permit Holder shall immediately report the matter to the Planning Department and the Bureau of Land Management. The notice shall describe the monument and its geo-coordinates before disturbance, how it was disturbed and to what extent, and the plan for immediate corrective action. The Permit Holder shall be financially responsible for the immediate and appropriate corrective action.
- AA. Taxes paid.** Before obtaining a building permit, the holder of the special use permit must show the building department valid evidence that all property taxes on the land are paid to-date.
- BB. Best Management Practices.** Nevada State Department of Environmental Protection (NDEP) Best Management Practices (BMPs) shall be implemented throughout the entire project, including the project site, ingress and egress points, and all access roads, in order to minimize associated impacts.

- CC. Phasing.** The project shall be constructed in phases. Any grading or ground disturbance shall be permitted for the area of the construction phase only with a reasonable perimeter. The remainder of the site shall be undisturbed until construction is proposed for that area of the parcel.
- DD. Compliance.** The permit holder shall be responsible for maintaining the premises in conformance with all conditions and stipulations set forth by SUP 2019-040 and all other Federal, Nevada State, and Storey County codes and regulations. Failure to comply with the requirements herein shall elicit a written warning to the permit holder by Storey County on the first and second offence. A third offense shall warrant Storey County to revoke the SUP. Storey County shall reserve the right to conduct an annual review of the permit holder's conformance with all conditions and stipulations of the SUP at cost to the owner/permit holder.

5. Public Comment

As of September 10, 2019, Staff has not received any comments from the public.

6. Power of the Board

At the conclusion of the hearing, the Board of County Commissioners must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Board of County Commissioners upon which it bases its decision.

7. Proposed Motions

This section contains two motions from which to choose. The motion for approval is recommended by staff and the Planning Commission in accordance with the Findings of Fact under Section 3.A of this report. Those findings should be made part of the approval motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Board of County Commissioners should be made part of either motion.

A. Motion for approval

In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Special Use Permit 2019-040 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 18 North, Range 23 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.

B. Alternative motion for denial

Against the recommendation by staff and the Planning Commission, but in accordance with the Findings of Fact under Section 3.B of this report, and other findings deemed appropriate by the Board of County Commissioners, I (*commissioner*), move to deny Special Use Permit 2019-040 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 18 North, Range 23 East, MDBM. The property is located along the Storey County/Lyon County boundary northeast of Mark Twain Estates.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 10-01-2019

Estimate of time required: 0 - 5

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Business License Second Readings -- Approval

2. **Recommended motion:** Approval

3. **Prepared by:** Ashley Mead

Department: Community Development

Telephone: 847-0966

4. **Staff summary:** Second readings of submitted business license applications are normally approved unless, for various reasons, requested to be continued to the next meeting. A follow-up letter noting those to be continued or approved will be submitted prior to the Commission Meeting. The business licenses are then printed and mailed to the new business license holder.

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

6. **Fiscal impact:**

Funds Available:

Fund:

___ Comptroller

7. **Legal review required:**

___ District Attorney

8. **Reviewed by:**

X Department Head
M. J. [Signature]
___ County Manager

Department Name: Community Development

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. 17

Storey County Community Development



110 Toll Road ~ Gold Hill Divide
P O Box 526 ~ Virginia City NV 89440

(775) 847-0966 ~ Fax (775) 847-0935
CommunityDevelopment@storeycounty.org

To: Vanessa Stephens, Clerk's office
Austin Osborne, County Manager

September 23, 2019
Via Email

Fr: Ashley Mead

Please add the following item(s) to the **OCTOBER 1, 2019,**

COMMISSIONERS Consent Agenda:

LICENSING BOARD SECOND READINGS:

- A. Buildings & Dwellings Company, Inc.** - Contractor / 2465 Sutro St. ~ Reno, NV
- B. Dianne S. Drinkwater PC** – General / 2490 Keystone Ave. ~ Reno, NV
- C. MG Builders LLC**– Contractor / 8345 Opal Ranch Way ~ Reno, NV
- D. Nevada Recycling & Salvage Ltd.** – General/ 1085 Telegraph St. ~ Reno, NV
- E. Ventura Transfer Company** – Transportation/ 750 Freeport Blvd. ~ Sparks, NV
- F. W A Rasic Construction Company Inc.** – Contractor / 4150 Long Beach Blvd. ~ Long Beach, CA

Ec: Community Development
Commissioner's Office

Planning Department
Comptroller's Office

Sheriff's Office