


**Storey County
Planning Commission**

Douglas Walling, *Chairman*
Virgil Bucchianeri, *Vice-Chairman*

Lydia Hammack ~ Peter Maholland ~ Austin Osborne ~ Larry Prater ~ Bret Tyler

MINUTES OF 19 JULY 2007

Members Present:

Douglas Walling, Virgil Bucchianeri, Bret Tyler, Larry Prater, Lydia Hammack Austin Osborne, and Peter Maholland

OTHERS PRESENT: Planning Administrator Dean Haymore, County Manager Pat Whitten, Legal Counsel Mark Gunderson and Elaine Guenaga.

Call to Order:

With a quorum present, Chairman Walling called the meeting to order at the Storey County Court House in Virginia City at 6:02pm.

Pledge of Allegiance

APPROVAL OF AGENDA FOR July 19, 2007

Lydia Hammack made a motion to approve the agenda and Bret Tyler seconded the motion, and with no further discussion, all voted aye and the motion carried.

Approval of Minutes for June 21 2007

Austin Osborne had two corrections to the minutes on page 2 half way down a spelling correction and the comment he made on the location of the substation in Mark Twain Estates. Austin Osborne made a motion to approve the minutes with the corrections and Bret Tyler seconded the motion, and with no further discussion, all voted aye with Lydia Hammack and Larry Prater abstaining and the motion carried.

2007-079 – Special Use Permit – by Barrick Goldstrike Mines Inc.

A Special Use Permit to construct a one megawatt (1000 KW) solar photovoltaic system on the property adjoining the existing Western 102 Power Plant site.

Larry Morasse, General Manager – Western 102 Power Plant – Barrick Goldstrike Mines Inc., gave a synopsis of their request for a Special Use Permit. They plan to put 7400 solar panels on approximately 10 acres adjoining their existing power plant site. They will actually only be using six acres and there will be no reflection off the panels for the people driving on Highway 80 or Waltham Way. The panels will be approximately 3 feet off the ground and will track with the sun. The panels are 3X5 and there will be 3 panels per row and they will have a mechanism so they can sun track and cables that will go to the converter to convert from DC to AC.

Dean Haymore spoke for the county saying that it was a good idea and that he had been working with the applicant on fencing, ground cover, and other considerations. Dean Haymore also mentioned that they were planning to put up carports for their employees vehicles and would be putting solar panels on the roof of the carports.

Lydia Hammack asked if it would be entirely fenced. Larry responded that it would be an extension of the existing fence which is 6' high and have barbed wire on top.

Bret Tyler asked about expansion in the future. Larry said that there was no room for any further expansion as the land was not conducive for it.

Peter Maholland asked if the tracking would be away from the road. Larry assured them that the tracking would be perpendicular to the and would not result in glare for motorists.

Bret Tyler made a motion to approve the Special Use Permit, Austin Osborne seconded the motion and with no further discussion, all voted aye and the motion carried.

2007-049 Master Plan Amendment – by Virginia Highlands, LLC

A Master Plan Amendment on approximately 8,590 acres that are currently zoned “Special Industrial” and “Forestry” to be amended to allow mixed-uses through a “Planned Unit Development” (PUD) zone designation for their “CORDEVISTA” project.

Blake Smith, Managing Partner for Cordevista, Joseph Cacioppo, Jr., P.E., Vice President of Resource Concepts, Robert Kautz, Ph.D., RPA, President/CEO for Kautz Environmental Consultants, Inc., Eric Hubbard, Environmental Geologist for Kleinfelder West, Inc., Cory Shupe, Senior Designer/Planner, for the Planning Center, Mark Amodei, Legal Counsel for Kummer Kaempfer, and Stephen C. Mollath, Esq. for Prezant & Mollath were present to represent Cordevista.

Larry Prater said before the presentation that he would like to bring up the correspondence recently received from legal counsel for challenging the necessity of a Master Plan Amendment. If that is the case then it is a waste of time for the Planning Commission to hear and should wait until both legal counsels could come to agreement and then be brought before the Planning Commission.

Stephen Mollath brought up that the applicant did disagree with the requirement of a Master Plan Amendment but they had a right to be heard and get into record the issues. A discussion pursued between Larry and legal counsel. Chairman Doug Walling asked for the opinion of the County’s legal counsel. Mark Gunderson said he agreed with Stephen Mollath that he had correctly stated the law and that the application must go through the process.

Larry Prater made a motion to continue the Master Plan Amendment application until the attorneys resolved the issue. There was no second and the motion died.

Lydia Hammack made a motion to deny the application on the basis of needing more information on whether it was needed or not needed, seconded by Larry Prater. Virgil Bucchianeri commented on the fact that the application for Master Plan Amendment had been made and that the commission needed to hear and have put into the record the reasons from the applicant for not needing the Master Plan Amendment.

Stephen Mollath gave his validation which was supplied through the written record of application (available to view at the Building/Planning office) and from this the Zone Change request was consistent with the current Master Plan and he would like to hear the staff comments.

Dean Haymore commented on the Master Plan being a view of the future and the Zoning Ordinance was what we enforce. He recommended that the Master Plan Amendment be heard keeping in mind that it was the vision of what we want for the land in the future and not take into consideration the PUD which is not relevant at this time.

Austin Osborne mentioned eight points from the Master Plan that he felt needed to be addressed which included water, wild horses, preserving historical sites, as well as protecting the quality of life for current Storey County residents.

Pat Whitten said that if TRI wanted to do residential building that they would have to come back in for a Master Plan Amendment.

Lydia Hammack withdrew her motion since it was shown that the Master Plan Amendment was needed. Chairman Doug Walling called to continue with the agenda as hearing the Master Plan Amendment was appropriate.

Stephen Mollath then gave the reasons why the Master Plan Amendment was not needed which included the need for Storey County to look to the future, integrating with the region as a whole, need to diversify, support tax rolls and infrastructure, etc.

Pat Whitten read a letter from TRI into the record from Lance Gilman as follows:

Dear Commissioners,

I am writing as a principle partner of the Tahoe-Reno Industrial Center (TRI) regarding the proposed Cordevista subdivision. First I would like to preface my comments by saying I appreciate the outstanding relationship we have historically enjoyed between TRI and Storey county. As such, I fully support whatever decisions the County might make as it considers this and other similar project proposals.

I would like to make a few comments for the record in my desire to insure the commissioners are clear where TRI may, or may not be involved in this new project. My comments are as follows:

- I understand that TRI has been mentioned as a primary justification for the Cordevista proposal. Specifically the need to balance “rooftops” with TRI business employee growth has been repeatedly referenced. Based on my ongoing experiences in dealing with site selectors and national firms, it appears that nothing is impeding their desire to locate in TRI and Storey County. In fact, all involved seem most satisfied with the existing housing availability on a regional basis. When we mention plans by others to develop over 17,000 acres of the southernmost portion of the original ranch property into 35,000 housing units, coupled with the 2400+ acre Painted Rock Properties project (estimated to encompass over 3000 additional homes), the potential only seems to more clearly lead prospects to the conclusion that we are *the* place to be. While additional projects such as Cordevista do not represent a deterrent to our further development, we feel they are not essential to our continued marketing success at this point in time.
- For the record, TRI has not entered into any agreement pertaining to establishing access roads from the Cordevista site into the TRI project. Again, I wish to be clear that while the development LLC members of TRI may not be closed to such a concept at some future point, and following extensive traffic studies with impacts identified to our project infrastructure, we may do so only when it becomes advantageous to both the Industrial Park project and with the approval of Storey County.
- TRI has not and is not currently, negotiating for the sale or transfer of water rights to Cordevista or their principle agents. In fact, we continue to work diligently thru the permitting process to procure sufficient rights to develop the Park to its optimum potential. It’s painful to occasionally lose major companies due to an inability to deliver the water sufficient to meet their needs, even when we believe it is already contained with our property holdings.

In conclusion, I thank you for your diligence in making sure the future of our County is well planned and managed. As a proud partner of Storey County, we are confident that we shall continue to grow and prosper in the right directions and retain all that motivated us to choose this great part of Northern Nevada in the first place.

Larry Prater and Mark Amodei got into a discussion about Tab 48 on correspondence which he felt impugned the integrity of the County. Both Pat Whitten and Dean Haymore said they did not feel threatened or that the applicant was being treated any different than any other applicant. An application of this magnitude and impact on the county will take more time and be viewed very closely. Both TRI and Painted Rock went through several hearings but there were no objections to either which there are to this application. Lydia Hammack commented that the current Zoning Ordinance is dated July 1, 1999 and the people who purchased property in the area were aware of the Special Industrial zoning, it should be left alone for now and looked at sometime down the road.

Chairman Doug Walling went to the Testimony Declaration to receive comments from the floor asking that if someone had already asked the question please not to ask it again.

Bill Sjovangen said that all points had been covered.

Jeanne Gibbin, President of the Virginia Ranch Wildlife Preservation Association, wanted to go on record that their organization was against the application and they wanted open space and not a lot of houses.

Mark Joseph Phillips said that his comments would be inappropriate at this time.

Jim Watson said that due to the contradictions and the fact that answers have not been given that the Planning Commission should be on hold or not approved.

Geraldine Olson from Virginia City Highlands had believed that the project was way out but said that it could be seen from the higher home sites along Cartwright. Sunny Hills Ranchos was also wanting to do a subdivision and there was another 19,000 acres to be developed and Cordevista was not necessary.

Thomas Purkey had not been able to get the wording on the amendment even though he called the Planning Department and he wanted to know exactly what the wording was and how many sections were being changed so the applicant could have his amendment. Dean Haymore tried to explain that the change was from Special Industrial and Forestry to Mixed Uses and this was not the Zone Change but would make the Zone Change possible.

Anita Strong had nothing further.

Kirk Jensen wanted to know why they had invested all that money when they knew they would need the changes and it was a gamble on their part. Also if they got it, would they guarantee that they were in it for the long haul. Blake Smith said that they felt that Special Industrial was not the best use of the land and since the county had TRI, a mixed use was better. It would complement and counter balance the industrial already being developed.

Sue Eckert gave her impressions of Somerset and her bad house which had many building and developer problems including drainage.

Mike Hynick came to Storey County from Las Vegas and mentioned the explosion that happened there and asked the commissioners to uphold the current Master Plan.

Cathy Rigby recited a statement about insulting our intelligence, not wanting their investment and that we are in the 21st century and have all the amenities that go with it.

Raymond McPartlin commented that the applicant had done a sales job and that the TRI employees were hourly and could not afford the housing in Cordevista unless they planned to put mobile homes on every lot. Schools were approved by the School Board and Painted Rock would have schools before Cordevista even got started. There were a lot of empty promises and a chicken in every pot that could not be met by applicant. The applicant could not compete with TRI and even Senator Amodei was trying to push through special water bills to help Cordevista. Finally that the applicant was just trying to set things up for litigation.

Henry Kilmer had two issues – 1. who built the schools in Somerset and that the state had to maintain once built. The only way for a school to be built was through a Bond and/or Impact Fee which would be large due to less residents in Storey County and 2. soil testing – took 6 years to get approval for football field do to contaminants from the miners. Blake Smith said that through 3 Town Hall meetings and 3 Planning Commission meetings that his comments had already been addressed.

Jed Margolin, from the Virginia City Highland since 12/05, has attended other meetings and set up a Website to keep people informed. Made comment that the applicant was just building a record for litigation. Wanted to know when the transcript would be ready and if he could have in a form to be put onto Website and could he also get one of the large books for his review and to put documents onto his Website. He was informed that the book was available for review at the Building/Planning Department and that anything he wanted copies of would be \$1.00 a page. Lydia offered her book for loan and the offer was taken.

Anthony Houts, representing the Mark Twain Non-Profit Organization, said that this was his first meeting on Cordevista and he had made requests for the application packet. He suggested that the applicant supply 4 or 5 copies of the binder to the county so would be available to check out and possibly leave a deposit. Blake Smith said that they would be happy to but would take a couple of days to make the copies. Mr. Houts mentioned all the green in the picture and said that project would be good for Illinois or Indiana where they had lots of water. He moved to Storey County in April of this year and hoped that the Planning Commission and the Commissioners would use reasonable control for implementing growth.

Del Williams wanted to know if an environmental impact study had been done.

JoAnn Smith of the Mark Twain area was told that when the wild horses had been removed there was a sanctuary for them around the Cordevista area. Neither Blake Smith nor Dean Haymore had heard of an official sanctuary even though several groups had tried to create one.

Joe Cacioppo said that he was with resource Concepts and only here to answer questions as needed.

Denise deRenzy was interested in the flood situation below the Cordevista development and who was responsible for the runoff from the Virginia City Highlands were 80% of the runoff comes from. Answer was the landowner. She is very much against explosives being close to the Lockwood area. Lydia Hammack read from the Zoning Code 17.38.020 Purpose and intent in I-S Special Industrial Zone

David Laney said that his questions had been answered.

Steve Massicotti of Mark Twain Estates challenged the applicant on the growth rate and time line for project. Blake Smith answered with the fact that Reno/Sparks has a growth rate of 2.8%, Storey County has a growth rate of 4.9% and Las Vegas a growth rate of 9%. Their project will be done in phases which will be dependant on the market so they are looking at from 20 to 50 years. Steve Massicotti made it quite clear that he felt that all documents should be available on line and that he is against the project.

Allard VanDam of Virginia City has lived in Europe for 30 years and saw the growth of a house in every available space and the acid rain which is why he left and traveled over most of the world and settled in Storey

County. Requested that we not make the mistake of Europe or let other people who do not live in Storey County influence our decision.

E. Winters, member of the Rock Art Foundation, informed everyone of the Director's death and that he would like to see the petroglyph's protected and that it would be difficult to do with that many houses and people so close to the area.

Ed Gilbert spoke in favor of the project and the good it would do for the Northern part of the county.

Bud Maize from Rainbow Bend said that it was time to show common decency and give the applicant an answer to his application no matter how they decided to vote.

Chairman Doug Walling asked for a motion on the application. Larry Prater wanted to know if Mr. Smith had received the staff report with comments and concerns? Mr. Smith did receive and they had reviewed and concurred with the report but this would be addressed at a later time in the development stage whether as a PUD or Special Industrial. He also said that he had never been sued or sued anyone and special council had been brought in to make sure everything had been done correctly and appropriately. Dean Haymore said he was a straight shooter and had never at anytime felt threatened by staff but there was a lot of pressure of a project this size and his job was to go through the process and enforce the decision of the Commissioners.

Larry Prater stated that he felt that the applicant's proposal was very thorough and well prepared, and that if the project were to be approved, Mr. Smith was very qualified to complete it satisfactorily. However, he also felt that the proposed project was not necessary due to Storey County having previously approved a similar project at Painted Rock which, when completed, would triple the county's population. He further stated that in his opinion the proposed project constituted spot zoning in that it was surrounded on three sides by industrial zoning and on the fourth by forestry zoning.

Larry Prater made a motion to deny the Master Plan Amendment, Lydia Hammack seconded the motion and without further discussion four voted aye, one nay and one abstention. Chairman Doug Walling said that he would use his right to vote and voted aye.

There was a request for a roll call on the vote and it was explained by the secretary that an aye vote meant that they were voting to deny the application, a nay vote was not to deny. Virgil Bucchianeri – aye, Lydia Hammack – aye, Peter Maholland – nay, Austin Osborne – aye, Larry Prater, aye, Bret Tyler – abstained, and Doug Walling – aye. The motion carried for denial with five voting aye, one nay and one abstention.

2007-050 Zone Change – by Virginia Highlands, LLC

A Zone Change on approximately 8,590 acres that are currently zoned "Special Industrial" and "Forestry" to have the zone changed to "Planned Unit Development"(PUD) which will allow mixed-uses for their "CORDEVISTA" project. *This requested Zone Change will only be heard when and if the Master Plan Amendment (2007-049) has been approved as requested.*

Chairman Doug Walling informed the applicant that since the Master Plan Amendment had been denied that the Zone Change would not be heard.

DETERMINATION OF NEXT PLANNING COMMISSION MEETINGS:

Lydia Hammack made a motion for the next meeting to be held on August 2, 2007 at the Lockwood Community Center. The motion was seconded by Bret Tyler, with no further discussion, all voted aye and the motion carried.

CORRESPONDENCE: None

CLAIMS: None

PUBLIC COMMENT: None

ADJOURNMENT: Chairman Walling adjourned the meeting at 8:55pm.

Respectfully Submitted,

Donna Giboney, Sitting Secretary

Douglas Walling, Chairman