

Storey County Planning Commission Meeting

Condensed Deposition Transcript of

July 19, 2007

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MEETING OF THE STOREY COUNTY PLANNING COMMISSION

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JULY 19, 2007; THURSDAY
Storey County Courthouse
26 South B, 2nd Floor
Virginia City, Nevada

Reported by:

LORI URMSTON, CCR #51, RPR, RMR
CALIF. CCR #3217

1 APPEARANCES:

2

3 COMMISSION MEMBERS PRESENT:

4 DOUGLAS WALLING, CHAIRMAN
5 VIRGIL BUCCHIANERI, VICE-CHAIRMAN
6 LYDIA HAMMACK, COMMISSIONER
7 PETER MAHOLLAND, COMMISSIONER
8 AUSTIN OSBORNE, COMMISSIONER
9 LARRY PRATER, COMMISSIONER
10 BRET TYLER, COMMISSIONER

11 STOREY COUNTY STAFF MEMBERS PRESENT:

12 DEAN HAYMORE, BUILDING AND PLANNING
13 ADMINISTRATOR
14 PAT WHITTEN, COUNTY MANAGER
15 DONNA GIBONEY

16 FOR STOREY COUNTY:

17 MARK H. GUNDERSON
18 ELAINE GUENAGA
19 ATTORNEYS AT LAW
20 5345 KIETZKE LANE
21 RENO, NEVADA 89511

22 ON BEHALF OF APPLICANT, VIRGINA HIGHLANDS, LLC:

23 STEPHEN C. MOLLATH
24 Prezant & Mollath
25 6560 SW McCarran Blvd., Suite A
Reno, Nevada 89509

MARK E. AMODEI
Kummer, Kaempfer, Bonner, Renshaw & Ferrario
5585 Kietzke Lane
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BLAKE SMITH, CORDEVISTA
JOSEPH CACIOPPO, RESOURCE CONCEPTS
CORY SHUPE, THE PLANNING CENTER
ERIC HUBBARD, KLEINFELDER
ROBERT KAUTZ, KAUTZ ENVIRONMENTAL CONSULTANTS

1 VIRGINIA CITY, NEVADA; THURSDAY, JULY 19, 2007
2 6:00 P.M.

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4 CHAIRMAN WALLING: I would like to call this
5 meeting to order of the Storey County Planning
6 Commission, Thursday, July 19th, 2007, Storey County
7 Courthouse, District Courtroom.

8 Madam Secretary, could we have a call of the roll
9 for a quorum, please.

10 MS. GIBONEY: Virgil.

11 VICE-CHAIRMAN BUCCHIANERI: Here.

12 MS. GIBONEY: Linda Hammack.

13 COMMISSIONER HAMMACK: Lydia. I'm here.

14 MS. GIBONEY: Peter Maholland.

15 COMMISSIONER MAHOLLAND: Here.

16 MS. GIBONEY: Austin Osborne.

17 COMMISSIONER OSBORNE: Here.

18 MS. GIBONEY: Larry Prater.

19 COMMISSIONER PRATER: Here.

20 MS. GIBONEY: Bret Tyler.

21 COMMISSIONER TYLER: Here.

22 MS. GIBONEY: Doug Walling.

23 CHAIRMAN WALLING: Here.

24 We have a quorum in its entirety. The next item is
25 the Pledge of Allegiance, please.

1 (Pledge of Allegiance)

2 (Other matters were heard by the Planning Commission.)

3 CHAIRMAN WALLING: Thank you. I do want to thank
4 the audience for their participation this evening and
5 their interest in the subject of this evening. Next
6 item is Master Plan Amendment 2007-049 by Virginia
7 Highlands, LLC. Do we have a representative?

8 COMMISSIONER PRATER: Mr. Chairman.

9 CHAIRMAN WALLING: Yes.

10 COMMISSIONER PRATER: Before we get into
11 presentations on this issue, the commission is in
12 recent-- receipt of recent correspondence from
13 attorneys representing the applicant challenging the
14 necessity for this provision. It seems to me that if
15 there's a strong thinking on their part that this-- the
16 process we're going through right now is unnecessary,
17 then we're wasting our time. I would like the
18 applicant to state whether or not they intend to pursue
19 this issue.

20 CHAIRMAN WALLING: This evening?

21 MEMBER PRATER: This evening.

22 MR. MOLLATH: Stephen Mollath, attorney for the
23 applicant. I'm here with Mr. Mark Amodei, another
24 attorney for the applicant.

25 To answer that first initial question, we are here

1 to have a hearing on both applications. It's our
2 opinion that the application for master plan amendment
3 is not necessary, but I think it's necessary to go
4 through the process to put on the record what the
5 position of the county is in this regard and what the
6 position of the applicant is in this regard. So in--

7 CHAIRMAN WALLING: So you have just stated your
8 position.

9 MR. MOLLATH: Yeah, we need to go through and have
10 the hearing and discuss the issue.

11 CHAIRMAN WALLING: Which will happen.

12 MR. MOLLATH: Okay.

13 COMMISSIONER PRATER: Mr. Chairman.

14 CHAIRMAN WALLING: Yes.

15 COMMISSIONER PRATER: My feeling is if they are of
16 the opinion that this is unnecessary and for some
17 reason it is denied, then there is a source then for
18 legal recourse in this matter. I feel that we're
19 wasting our time. If they want to pursue the legal
20 recourses, they should do that in advance, and once
21 that is all sorted out, then we can continue this.

22 MR. MOLLATH: Well, what you have to understand,
23 Mr. Chairman, is the legal process-- the precedent or
24 the precursor to the legal process, if there should be
25 any, and hopefully there will not be, is a making of a

1 record before this commission. And you have certain
2 protocols that you go through in order to make the
3 record for the issues that are presented at that
4 particular hearing. After this body goes through its
5 review of the matter, then it goes up to the County
6 Commission.

7 CHAIRMAN WALLING: Well, certainly.

8 MR. MOLLATH: So we have to go through the protocol
9 that the law prescribes under NRS 278 and Storey County
10 ordinances. So to say that we're wasting our time, it
11 really isn't a waste of time, this is a good use of
12 time, because that's what is proscribed under the
13 process that is set forth by the legislature in this
14 county.

15 COMMISSIONER PRATER: Can you explain to me why
16 this wasn't brought up at the beginning of the process?

17 CHAIRMAN WALLING: Good point.

18 MR. MOLLATH: Well, what you have to understand is
19 the application for master plan amendment was requested
20 of the applicant by the county, and we acceded to that
21 request and we filed two applications, one for a zone
22 change and one for a master plan amendment.
23 Thereafter, we went through the process to look at what
24 is appropriate for this development along with getting
25 all our experts and our consultants to determine what

1 exactly is the-- what are the merits of this project.

2 In that process we have determined that the master
3 plan amendment we believe is not necessary. And I say
4 that because the zone change that we are asking for we
5 believe is consistent with the existing master plan.

6 If the zone change that we're asking for is consistent
7 with the existing master plan, there's no need for an
8 amendment to that master plan. If the zone change is
9 inconsistent with the master plan that's in place right
10 now, then there's a need to ask for an amendment to the
11 master plan.

12 So it's our position, and we believe that there is
13 a consistency between the zone change application and
14 the master plan, therefore, the master plan amendment
15 application and the issues related to that are moot.

16 Now, I understand there may be a dispute between
17 the county and the applicant in that regard, but that
18 issue needs to be aired on the record so all the issues
19 are now contained so the county commissioners and
20 yourselves can review the matter appropriately.

21 COMMISSIONER PRATER: Mr. Chairman, could we ask
22 our counsel for their opinion in this matter?

23 CHAIRMAN WALLING: Certainly. Please.

24 MR. GUNDERSON: Mr. Mollath has correctly stated
25 the law. What the commission has before it tonight is

1 the applicant's request for a master plan amendment. I
2 think that it is a unique argument to make-- or file an
3 application for a master plan amendment and then argue
4 that a master plan amendment is not necessary. I think
5 the applicant in making the application has
6 acknowledged that a master plan amendment is required.
7 Otherwise, there would be no need for an application
8 for a master plan amendment.

9 And in the application that's been filed by the
10 developer, the developer is required to set forth its
11 justification for why it believes that a master
12 planning amendment is required. And if you take a look
13 in your materials at page-- or at tab 5, it's document
14 VH 30, the applicant makes the representation to the
15 commission that it is justifying its request for a
16 master plan amendment because the zoning sought is
17 inconsistent with the current zoning.

18 As Mr. Mollath said, that's the threshold issue.
19 And the applicant has indicated that the property
20 that's involved is currently zoned special industrial
21 on this property. What the applicant is seeking in its
22 application is a mixed-use zoning. Those are
23 inconsistent zonings. The zoning sought is
24 inconsistent with the master plan. So the applicant in
25 my view is correct to pursue a master plan amendment

1 and has properly filed the documents; and that's the
2 issue before the commission.

3 It is my opinion that the commission should address
4 the application that is before it, and it's the
5 application that's been noticed, it's the application
6 that all of the people here in Virginia City and all
7 the other places here in Storey County have had an
8 opportunity to come in and voice their opinions upon,
9 but frankly, this is what you have before you tonight
10 is the applicant's request for a master plan amendment.
11 And I think that's what we need to hear.

12 COMMISSIONER PRATER: I would like to ask the
13 applicant's attorney if he concurs with our attorney or
14 still has a difference of opinion.

15 MR. MOLLATH: We still have a difference of
16 opinion.

17 COMMISSIONER PRATER: Mr. Chairman.

18 CHAIRMAN WALLING: Yes, sir.

19 COMMISSIONER PRATER: I would like to move that we
20 continue this until the attorneys have reached a
21 consensus and then at that time we can proceed with
22 this issue. I don't want to waste my time here if
23 we're going to be-- everything is going to be tied up
24 in courts for years over some kind of a legal issue.

25 MR. MOLLATH: Mr. Chairman, I'm going to object to

1 that, because that's a violation of due process. We
2 are entitled as the applicant to make a record before
3 this commission in order to sort out for everybody's
4 concerns all the issues and facts in this case.

5 You do not go from just a blanket we're going to
6 continue this thing or deny this thing to District
7 Court or litigation. You go through and make the
8 record that the legislature has proscribed as the
9 manner in which you organize and process zoning
10 applications and in the manner in which this county has
11 adopted its zoning ordinances. You cannot say: Go
12 away or come back until you get this sorted out. We're
13 here tonight to sort this out. And I demand that we
14 have--

15 COMMISSIONER PRATER: That's why I'm asking you to
16 sort out with our attorneys.

17 MR. MOLLATH: No.

18 COMMISSIONER PRATER: We don't have legal expertise
19 here. We don't know if this is valid or not. You have
20 raised the question. I wish you would sort it out with
21 our attorneys. And then when there's a consensus as to
22 the validity of this action, then I feel that it's
23 appropriate for this commission to act on the thing.
24 In the meantime, I feel my time is wasted. And if you
25 insist on going on, I will not-- I'm not going to

1 participate tonight. I'm sorry.

2 (Clapping)

3 MR. MOLLATH: That is your choice. We are entitled
4 to make the record and process the application under
5 the Nevada Revised Statute 278 and this county's
6 ordinances. And you cannot deny, Mr. Chairman, the
7 right of the applicant to do that in a contested zoning
8 matter, because then we're right back to the District
9 Court and the District Court will order you to hold a
10 hearing. And that is a waste of everybody's time. And
11 I'm trying to avoid that.

12 All I'm telling you tonight is we need to discuss
13 this issue, we need to go through the record and you
14 need to make a decision whether you think we need a
15 master plan amendment or we don't need a master plan
16 amendment. And so be it, that's the decision that you
17 make and those decisions are going to have to be
18 supported by substantial evidence and the reason that
19 you give. We're entitled to know whether we need one
20 or we don't need one. And that's what this process
21 here tonight is about.

22 CHAIRMAN WALLING: The chairman prefers to continue
23 on with your objections, your definition of whether you
24 want-- a master plan amendment is needed or not, the
25 chair with the approval of the remainder of the board

1 would like to press on with this.

2 MR. MOLLATH: Thank you.

3 COMMISSIONER PRATER: Mr. Chairman, my motion still
4 stands. I would like to--

5 CHAIRMAN WALLING: Okay. Excuse me. Excuse me,
6 sir. Do we have a second to that motion?

7 The chair sees that there is-- the motion dies
8 because of the lack of a second.

9 Can we have a motion to proceed for this evening?

10 COMMISSIONER HAMMACK: Mr. Chairman, I would like
11 to make a motion that we deny a master plan amendment
12 on the basis that we need to find out whether or not it
13 is needed.

14 COMMISSIONER PRATER: I'll second that motion.

15 VICE-CHAIRMAN BUCCHIANERI: I think our counsel
16 said that they applied for it and so they themselves
17 must think it was needed when they applied.

18 CHAIRMAN WALLING: Yeah, that does follow.

19 VICE-CHAIRMAN BUCCHIANERI: The other thing I have
20 is if we go straight to the zone change and the master
21 plan doesn't provide for that kind of a zone change,
22 and the master plan governs future growth, then we have
23 a conflict. We would have to turn down the zone change
24 if we're going to try to conform that to our master
25 plan.

1 CHAIRMAN WALLING: Thank you, Virgil.

2 We have a motion on the floor for denial.

3 COMMISSIONER PRATER: You also have a second,
4 Mr. Chairman.

5 CHAIRMAN WALLING: Thank you.

6 Any further discussion on the matter?

7 MR. HAYMORE: Mr. Chairman, I would like to rehear
8 the motion of why the denial and for what purpose.

9 MEMBER HAMMACK: Until we can find out whether or
10 not we need to hear this master plan amendment at all.
11 If we did not need to change the master plan, we should
12 only be hearing the zone change. In other words, it
13 needs to be worked out.

14 VICE-CHAIRMAN BUCCHIANERI: Perhaps if that's the
15 position they're taking now they should address us as
16 to why we don't need to vote on the master plan
17 amendment. I'm not sure where they're coming from
18 there.

19 MR. MOLLATH: I would agree with that, Commissioner
20 Bucchianeri, I think we need to--

21 CHAIRMAN WALLING: Sir?

22 MR. MOLLATH: Yes.

23 CHAIRMAN WALLING: You have an answer to--

24 MR. MOLLATH: Yeah, I was just addressing
25 Mr. Bucchianeri.

1 VICE-CHAIRMAN BUCCHIANERI: I think we should have
2 on the record why--

3 CHAIRMAN WALLING: Oh, certainly.

4 VICE-CHAIRMAN BUCCHIANERI: --you don't believe
5 that the zoning change involves our present master plan
6 and why that doesn't have to be changed.

7 MR. MOLLATH: I agree with that. I think we should
8 be able to do that.

9 If I may, Mr. Chairman, can I place on the record--

10 CHAIRMAN WALLING: Certainly.

11 MR. MOLLATH: --issues regarding the master plan?
12 Thank you.

13 I have provided to the Planning Commission staff,
14 special counsel, Mr. Gunderson, the County Manager an
15 application record in this binder that's in front of
16 me, and I think some of you have copies of it, that
17 have been tabbed 1 to 53 and Bates stamped VH 001 to
18 VH 0668. The special counsel for the county,
19 Mr. Gunderson, has also supplemented the record today
20 which I had a copy of it with tabs numbered 50 through
21 120, and they are sequentially marked as document number
22 Bates stamped 669 through 1048. And I think
23 Mr. Gunderson and I agree that this constitutes the
24 written and/or oral record that has proceeded this hearing
25 on these two applications.

1 Would that be a correct statement, Mr. Gunderson?

2 MR. GUNDERSON: I agree.

3 MR. MOLLATH: So these two binders constitute the
4 record upon which you review the two applications that
5 exist which are the application for a master plan
6 amendment and a zone change.

7 Now, let's go-- I'm not going to go into all the
8 details right now as to the specific things that are
9 contained in this record that are significant, but I
10 want to make a couple of highlights.

11 CHAIRMAN WALLING: Please.

12 MR. MOLLATH: They contain the applications which
13 are Exhibits 5 and 6 and the supplemental information,
14 Exhibit 9, which was provided to Mr. Haymore and his
15 staff. It contains the transcripts of the prior
16 Planning Commission meetings. That's Exhibit 19, that
17 being the meeting of 4/13/07. It also contains a memo
18 from Larry Prater dated April 23rd, '07, which is
19 Exhibit 20, and our responses to that, which are tabs
20 26 to 30. It contains the transcript of the Planning
21 Commission meeting at Lockwood, Exhibit 32; a
22 chronological list of all the meetings that the
23 applicant has had with staff and governmental
24 officials. That's Exhibit 42. An economic analysis,
25 Exhibit 43; the support letters from Washoe County,

1 Sparks and the City of Reno, Exhibit 44; a transcript
2 of the Town Hall Meeting, Exhibit 45; the phasing
3 letter on this project, how it would be phased
4 ultimately, Exhibit 46; and then the issues and
5 concerns letter and the discussions between counsel and
6 myself concerning--

7 CHAIRMAN WALLING: How, sir, is that pertinent to
8 this question?

9 MR. MOLLATH: Okay. So now I'm going to-- I
10 wanted to make a record of the pertinent items that are
11 contained in the record for purposes of discussing the
12 issue that we're just now going to discuss.

13 So the threshold issue now becomes whether the
14 application for a master plan amendment is appropriate.
15 And in that regard, as I stated before, the issue that
16 is before you is if the zoning that is applied for
17 under application 050 is consistent with the master
18 plan, then there is no need for a master plan
19 amendment. That's what you have to decide.

20 We believe that a review of the master plan in its
21 entirety clearly indicates that the uses applied for
22 under the zone change, and the zone change that is
23 being requested, are not inconsistent with the master
24 plan.

25 And the law is if a zone change is consistent or

1 substantially compliant with the master plan, a master
2 plan amendment does not have to be made. And I think
3 counsel would not agree-- would agree with me on that
4 general legal principle.

5 CHAIRMAN WALLING: Do you in fact agree?

6 MR. GUNDERSON: That is a correct statement of the
7 law, Mr. Chairman.

8 MR. MOLLATH: Now, on Exhibit 30, tab 30, we have
9 provided-- And that would really be exhibit-- Exhibit
10 30, tab 20, there is a comparison of the master plan
11 conformance, and we have gone through every bit of the
12 master plan and outlined why we are consistent with
13 that master plan going through the goals and policies.

14 And essentially if you want to boil it down to a
15 nutshell, it is that the zoning that is being requested
16 enhances the economic diversification and economic
17 opportunities of this county, it encourages and
18 provides for adequate housing, it provides and
19 encourages adequate water supply for the whole county,
20 protects the petroglyphs, it provides for regional
21 economic development and regional means, everything
22 with the adjacent counties and the changes that have
23 occurred there in the last 15 years, it provides for
24 housing and the land uses in the great interior. And
25 all those are specifically set forth in the master plan

1 itself.

2 So what you have to do on this threshold question
3 is determine-- And I would invite staff to comment,
4 because they're the people that you look at to
5 adjudicate and administer your master plan and zoning
6 ordinances. I would ask them to comment as to whether
7 there is an inconsistency as a matter of land use
8 planning and zoning operational function, because
9 that's what your zoning administrator does, whether
10 there's an inconsistency between the master plan and
11 the zoning request for it.

12 If there's an inconsistency, then we need to have a
13 master plan amendment. If there's no inconsistency or
14 if the zone change is in compliance or substantial
15 compliance with the master plan, there is no need for a
16 master plan amendment. That's what you have to
17 determine here.

18 CHAIRMAN WALLING: Dean.

19 MR. HAYMORE: Thank you, Mr. Chairman.

20 Going back-- And I'm going to read right from our
21 master plan on page 2 at the bottom paragraph. "A
22 master plan is not a zoning ordinance. It carries no
23 penalties under the law, rather it is a guide to
24 development. It sets forth a view of the future, a
25 direction for development growth and a guide for

1 community action.

2 "However, a zoning ordinance is a law. It creates
3 districts and land use regulations. Land owners must
4 abide by the zoning ordinance. Violations of the
5 zoning ordinance are the same as violations of any law
6 and are punishable by fines and even imprisonment. The
7 master plan forms a basis for the designation of the
8 various zoning districts.

9 "The relationship between the master plan and a
10 zoning ordinance should be considered. Since the
11 master plan is a statement of direction, the zoning
12 ordinance should be only amended in conformity with the
13 master plan. In fact, once a master plan is officially
14 adopted, non-conformity with the master plan is ample
15 reasons for rejecting an amendment to the zoning
16 ordinance. In short, the zoning ordinance expresses
17 more closely what is. The master plan expresses what
18 should be."

19 If we go back-- And the applicant and their
20 counsel has brought out many points of where their plan
21 for their new proposal meets requirements of the master
22 plan, which are general points and goals for all of
23 Storey County, too. You could fit almost every one of
24 those in any part of Storey County.

25 On the objections and goals of the River District

1 we come out and say, "Objection 5.3: Define and
2 designate an area, including and surrounding the
3 Aerojet facility, as high-risk industrial zoning with
4 appropriate buffer zones." So back in the master plan
5 we identified that we need to have a special industrial
6 zoning for out there for the Aerojet.

7 Real quick history. Hi-Shear came in, got his
8 special use permit back in 1986. There were some
9 problems that we had out there and so a show cause
10 hearing was held here in front of the Storey County
11 Commissioners to pull their special use permit.

12 The applicant sat here in front of the county
13 commissioners and said, "We want to be a good neighbor,
14 we'll comply." A couple of days later Mr. Mollath as
15 the representative of Defense System and Hi-Shear sued
16 the county saying that they believed the master-- that
17 their special use permit says this.

18 After legal counsel-- and I believe Virgil was the
19 District Attorney at that time, we went through and
20 came with an agreement with Hi-Shear and Defense System
21 what their special use permit said. That's why we
22 recognized that and came back in the master plan, and
23 the master plan wasn't written then, and came back and
24 identified it that we need a special zoning out there.

25 The applicant bought 11 sections of that land that

1 has a special use permit that govern that, and we
2 created a zoning because the new owners came in,
3 Aerojet at the time, which Aerojet mothballed the
4 facility and never used it and turned around and sold
5 it to TRW which the applicant bought it from TRW. They
6 transferred their special use permits to the next
7 succeeding buyer. At that time we created the special
8 industrial zoning for the protection of that land, a
9 buffer zone for the residents and everything else.

10 The applicant then further bought another
11 1800 acres which is about 600 acres of heavy industrial
12 zone and the remainder of forestry zone. And so I
13 feel, and I told the applicant, that they're changing
14 substantially the special industrial zoning out there
15 and the uses that the zoning by law allows them to do
16 and that they would need a master plan amendment to be
17 able to go forward with the next step and ask for a
18 zone change.

19 And so I still feel, and let the record say, that
20 they need to go through this process. We did the same
21 process, and I don't want to tie them together,
22 numerous times on forestry zoned to different to
23 forestry off of 50 that's been in front of you, and we
24 changed those zones and we made them do the same thing.
25 TRI, the industrial center, in our master plan we

1 identified as a good place to have an industrial
2 center, so they did not have to come for a master plan
3 amendment, but they did have to come for a zone change.

4 So it's my recommendation to this board that we
5 hear the master plan amendment and fill out and have
6 findings of if that's where we want to go as a vision
7 with that land in question, not talking about the PUC,
8 that's another whole issue and it shouldn't have come
9 up. We're just looking at the vision of that land that
10 the applicant has submitted, is this a good zoning, do
11 we want to change the zoning, do we want a differ
12 vision for out there. And that's what in front of you
13 tonight.

14 VICE-CHAIRMAN BUCCHIANERI: That would apply to the
15 master plan.

16 MR. HAYMORE: That's the master plan.

17 CHAIRMAN WALLING: That's the master plan.

18 COMMISSIONER OSBORNE: Mr. Chairman.

19 CHAIRMAN WALLING: Austin.

20 COMMISSIONER OSBORNE: Concurring with Mr. Haymore,
21 there are also eight other points of the master plan
22 itself that do not concur with what the applicant is
23 saying, in other words, the master plan does not fit
24 with what the applicant is asking. Therefore, a master
25 plan amendment, I believe, would need to be looked at

1 before anything else.

2 CHAIRMAN WALLING: The chair feels the same ways.

3 COMMISSIONER OSBORNE: I've got the eight points if
4 you would like me to--

5 VICE-CHAIRMAN BUCCHIANERI: Your argument is put in
6 that big thick book there that I got about two days
7 ago.

8 CHAIRMAN WALLING: We do have a motion on the floor
9 and we've got a second.

10 MR. WHITTEN: Mr. Chairman.

11 CHAIRMAN WALLING: Yes, sir.

12 MR. WHITTEN: For the record, Pat Whitten, Storey
13 County Manager. I might also add, because apparently
14 in some of the dialogues and some of the documentation
15 equality and fairness in the process with TRI has come
16 up, and Dean mentioned something with TRI that is very
17 important. The master plan I believe in our opinion
18 does call for industrial processing out at TRI, it does
19 not call for residential. If TRI all of a sudden
20 wanted to do residential, they would be back before
21 this very same process before you. And I want that to
22 be clear.

23 CHAIRMAN WALLING: Thank you.

24 MR. MOLLATH: Fair enough. I don't disagree with
25 what Mr. Haymore said as to the state of the issue

1 that's before you. I think we need to decide, you
2 know, whether a master plan-- you need to decide
3 whether a master plan amendment is appropriate or not,
4 tell us the reasons why and then we go to the master
5 plan amendment.

6 CHAIRMAN WALLING: Just did.

7 MR. MOLLATH: Well, I think we need to put that in
8 a formal motion.

9 MR. HAYMORE: Mr. Chairman, I would ask that for
10 the record that Austin puts out those other eight.

11 COMMISSIONER OSBORNE: I have them listed right
12 here in front of me.

13 CHAIRMAN WALLING: Please.

14 COMMISSIONER OSBORNE: All right. It starts with
15 Goal 1.2, which is number 1, "A future goal of this
16 master plan is derived essentially from a desire to
17 preserve and improve the present quality of life in
18 Storey County." And it goes further to say, "The
19 potential threat of a change is perceived to come from
20 large-scale subdivisions.

21 2: "The zoning ordinance should only be amended in
22 conformity with the master plan."

23 Goal 1, Chapter 4: "Encourage adequate housing is
24 provided to residents of Storey County through the
25 zoning and planning." That could be looked at as

1 current or future people living in the county.

2 Number 2 on that, "Encourage development of
3 affordable housing." This you could see in the past is
4 done through Painted Rock.

5 Goal 1, Chapter 5, number 1: "Ensure that present
6 and future county residents have adequate water supply
7 meeting safe drinking standards."

8 There's been no proof at this time that there's
9 adequate water supply.

10 Number 2: "Require all proposed development
11 furnish proof of availability of owned water rights to
12 adequate water meeting safe drinking standards before
13 necessary land use or planning applications are
14 approved.

15 3: "Actively protesting or granting of water
16 rights or land development proposals which will have a
17 negative impact on the quality or quantity of Storey
18 County residents' water supply."

19 Goal 4.11: "Cooperate with ranchers, property
20 owners and interested groups in maintaining wild horses
21 and other grazing animals, but in numbers which will
22 not exceed capacity of the land."

23 Goal 1, Chapter 8: Protection of the historic
24 resources," meaning the petroglyphs, which leads to
25 number 2, "Protecting the petroglyphs from vandalism."

1 At this point there's no undisputable proof that
2 this has been done.

3 Number 3: "Archeological sites." It continues on
4 to say the same thing with petroglyphs.

5 And then there's the last one, Goal 1, Chapter 9,
6 "Maintain a healthy environment for all residents of
7 the county," and most specifically in this case the
8 Highlands. And there's a list of things that do not
9 fit inside the master plan.

10 CHAIRMAN WALLING: Thank you.

11 We do have a motion; we do have a second. Lydia,
12 would you like to rephrase your motion or just repeat
13 your motion?

14 MEMBER HAMMACK: My motion was to deny it because
15 we were hearing here that it was not needed and now I'm
16 hearing otherwise, so I withdraw my motion.

17 CHAIRMAN WALLING: Thank you.

18 VICE-CHAIRMAN BUCCHIANERI: I think they have to
19 argue or try to convince us that it's consistent with
20 the master plan or not needed, one or the other.

21 MR. HAYMORE: And that's not on the agenda. What
22 is on the agenda is their application, and they need to
23 present their application as stated on the agenda.

24 MR. MOLLATH: I agree with that, Mr. Haymore.

25 CHAIRMAN WALLING: Planning Commission, would you

1 like to continue on with the agenda?

2 COMMISSIONER PRATER: I believe that's your call,
3 Mr. Chairman.

4 CHAIRMAN WALLING: Thank you. The chairman would
5 like to continue on with our agenda.

6 VICE-CHAIRMAN BUCCHIANERI: Wait. Where are we on
7 this one?

8 CHAIRMAN WALLING: Well, that's what we're--
9 that's what we're going to start the formal hearing on
10 this evening.

11 Appreciate your input, sir.

12 MR. MOLLATH: Okay. Thank you, Mr. Chairman.

13 So let me kind of summarize where I think we are at
14 this point in time. You've made the determination that
15 a master plan amendment is necessary--

16 CHAIRMAN WALLING: Correct.

17 MR. MOLLATH: --because you believe that the zoning
18 application that we have made is inconsistent with the
19 master plan so we have to change the master plan to
20 allow the zoning application to go forward, is that
21 correct?

22 CHAIRMAN WALLING: I think that was the original
23 concept--

24 MR. MOLLATH: Okay. All right.

25 CHAIRMAN WALLING: --months ago.

1 MR. MOLLATH: Now the question before you is
2 whether a master plan amendment is appropriate or not.
3 That's the next level of inquiry. Would you agree,
4 counsel?

5 MR. GUNDERSON: I would, that's what's before the
6 commission tonight.

7 MR. MOLLATH: Okay. Now, in that regard, let me
8 kind of have you turn to the-- again, to an exhibit
9 which is essentially Exhibit 40. And there's a board I
10 think over there that kind of compares the two, if I
11 may. We've got two boards here.

12 CHAIRMAN WALLING: I would ask Mr. Smith, is this
13 in fact your presentation?

14 MR. SMITH: Yes.

15 CHAIRMAN WALLING: Thank you.

16 MR. MOLLATH: Now, let me also hand out a list of
17 all our consultants that are here this evening. I'll
18 give a copy to the clerk. I have copies for all the
19 members of the commission and staff.

20 We, of course, have Blake Smith who is the managing
21 partner of Cordevista, Joseph Cacioppo who is Vice
22 President of Resource Concepts; Robert Kautz from
23 Environmental consultants, Eric Hubbard, Cory Shupe and
24 Mark Amodei. They're here to answer any questions that
25 you may have concerning this matter.

1 Now, let's talk about this master plan amendment
2 and why we believe that if the powers to be determine
3 that one is needed why I think one is appropriate. As
4 you know, over the last 15 years, Storey County has
5 changed quite a bit, especially over in the area by the
6 Truckee River, Lockwood and that area. There's been a
7 great change over in that area and, in fact, the
8 development of the county has been such that probably
9 the largest-- at least it's been advertised that the
10 largest industrial park in the world is sitting in your
11 county.

12 That has given rise to a great amount of activity,
13 industrial and commercial activity, coming in from
14 Washoe County, coming in from Interstate 80, the
15 highway, the road, the railroads and such. So the
16 question that is posed before you today is: Is that
17 use that was in place on the Cordevista property by
18 Hi-Shear and its predecessors back in the 1980s, which
19 consists of a rocket manufacturing testing processing
20 facility, explosives and such, appropriate for the
21 county today and whether the county wants to see that
22 type of use developed in that particular location as
23 time goes on into this millennium.

24 We believe when you look at all the-- and analyze
25 all the provisions of the master plan, the master plan

1 specifically talks about integrating this county into
2 the region as a whole. We have to recognize that there
3 is a great amount of development occurring in Washoe
4 County, occurring in Lyon County, occurring through the
5 Interstate 80 corridor, the Highway 50 corridor that
6 has changed and put Virginia City and Storey County in
7 the center of a great metropolitan area. So you have
8 to think in your mind: Do we want a special industrial
9 zone that allows all these types of uses to be the
10 centerpiece of our county or do we want to look at the
11 other elements of the master plan and say we want to
12 fit into the regional policies and goals and direction
13 that this northern Nevada area is going.

14 You will see in the record-- And I'm not going to
15 refer to everything in the record. It's all in front
16 of you, it's detailed, it's voluminous. But you have
17 letters of support from the Mayor of the City of Reno,
18 the Mayor of the City of Sparks, the Chairman of the
19 Washoe County Commission. You know what's going on
20 down in Reno as far as economic development. And so
21 you have to ask yourself: Is the current special
22 industrial zoning appropriate 15 years later, 20 years
23 later in 2007 and 2008 for Storey County?

24 And looking at that, you have to look at the master
25 plan as a whole and not just look at the Hi-Shear

1 special use permit and the reasons why that special use
2 permit caused the creation of that or the delineation
3 of that particular use in the master plan and caused
4 the placement of that zoning on that particular
5 property at that time.

6 As Mr. Haymore pointed out, I was counsel for
7 Hi-Shear back in the '80s and I'm familiar with that
8 and I know what happened. That was carved out because
9 it had to be carved out, not necessarily because it was
10 something good for the community or bad for the
11 community, but that was carved out by virtue of a legal
12 process.

13 We're here 15 years later looking at the future of
14 this community and deciding, well, we have a huge
15 industrial park at the other end of this county that
16 there's no connection to, and people are coming into
17 this community. Do we want to grow with the
18 surrounding community or do we want to leave that as a
19 special industrial zone for these particular types of
20 uses?

21 In essence what you have to ask yourself tonight
22 is: Do we want to diversify our investment portfolio?
23 Right now in your investment portfolio you have one
24 asset, and that asset is a special industrial-zoned
25 property for a high-intensity, hazardous waste,

1 explosive type of use.

2 And so you have to look for the next 50 years and
3 you say: Does Storey County want to have in their
4 community as the center part of their community
5 surrounded by all the growth in northern Nevada, do we
6 want to have that, or do we want to have a master plan
7 development that then has many, many parcels of
8 diversified uses that go onto the tax rolls of this
9 community that constitute, you know, apartments,
10 single-family homes, stores, buildings, shopping
11 centers that build the tax base to allow the county to
12 grow and meet the needs of not only the northern part
13 of the community but also the area in Virginia City and
14 the Highlands and provide for all the infrastructure
15 that this community has to deal with over the next 50
16 years?

17 And the easiest way to deal with that is to look to
18 the future, not look to the past, and say: How do we
19 assimilate ourselves to the economic engine that's just
20 down the hill in Washoe County, Reno and Sparks,
21 Interstate 80 and the 21st century?

22 That's the issue that you have to look at tonight
23 and that's the issue that we believe all the documents
24 in the record clearly indicate that, A, there is a
25 basis in the current master plan to change that master

1 plan to allow this planned unit development use and,
2 secondly, the nature of the facts, the nature of all
3 the technical planning, the nature of the economics
4 dictate that this is a good move, a good economic move,
5 for the health, safety and welfare of this community,
6 both economically and socially, in the future.

7 There is the chart, current zoning versus proposed
8 zoning. That's the choice that you have, current
9 special industrial zoning or proposed mixed-use zoning.
10 And Storey County benefits. That's the decision that's
11 before you tonight.

12 Now, that's your call. This is the legislative
13 process. You can, you know, make any decision that you
14 want. I can't tell you what to do; Mr. Gunderson can't
15 tell you what to do. And I'm not trying here tonight
16 to tell you what to do, I'm encouraging you to have
17 vision for this community and not have a look back and
18 say: Well, we had this special industrial zone then
19 and that's what we want. Look for all the future of
20 the community, what this community is going to need in
21 the next 25 to 50 years, where the community is going
22 to get the money to do that, how is the community going
23 to service its schools, its infrastructure, its roads,
24 its growing population and integrate financially and
25 socially into the community that it has become a part

1 of and which has become readily apparent in the last 15
2 years as to what has occurred in Washoe County and
3 Sparks. That's the decision you've got to make.

4 So that is the basis based upon all the documents
5 in the record here that you have to make tonight; and
6 we encourage you to make a finding that a master plan
7 amendment to change it from the existing special
8 industrial type of master plan use to a PUD or mixed
9 use is appropriate.

10 Now, those arguments are basically the same
11 arguments that I use to then change the zoning from
12 special industrial to the mixed use, but they're
13 inter-tied. So that's the issue that's before you and
14 the evidence that's--

15 CHAIRMAN WALLING: Well, certainly they are.

16 MR. MOLLATH: Pardon me?

17 CHAIRMAN WALLING: Certainly they are. Now, are
18 you saying that you do not have an objection to the
19 process of a master plan amendment?

20 MR. MOLLATH: No, I'm not saying that. We
21 preserved--

22 CHAIRMAN WALLING: Yes, you did, sir.

23 MR. MOLLATH: No, no. Listen, what you have to
24 understand is we have a legal position that we believe
25 that we are consistent with that, but you've made the

1 decision that the application has to be processed. And
2 that is the legislative and legal way to do that. We
3 recognize that, we acquiesce to that and we say fine,
4 if you believe that we have to go through the process,
5 we'll go through the process. Now, I don't necessarily
6 agree that you're correct in that determination, but
7 that's my right under the zoning laws--

8 CHAIRMAN WALLING: Well, certainly it is.

9 MR. MOLLATH: --to disagree, right? And it's your
10 right to disagree with me. All I'm saying is that
11 we've come to a position at this point in time that the
12 county and this planning commission has determined that
13 the use that we're asking for is inconsistent with the
14 master plan for the reasons stated.

15 All right. So we're saying: Okay, fine, we want
16 to change the master plan. Even though we disagree
17 with that position, let's talk about the reasons why we
18 believe the master plan should be changed. And that's
19 what's contained in this big book here that Virgil has
20 read every page of it I'm sure.

21 CHAIRMAN WALLING: Of which we're very well aware.
22 This is, in fact, our fourth public meeting.

23 MR. MOLLATH: Right. And this has been debated,
24 you know, many times long and hard. And we're here
25 tonight saying what's contained in this book, what's

1 contained in the record that's before you and questions
2 that may be asked by you of the consultants here today
3 on these very important issues to the community, we
4 believe that the master plan amendment should be
5 granted and be allowed to have mixed use. That's where
6 we are today.

7 CHAIRMAN WALLING: Thank you. Thank you very much.

8 MR. HAYMORE: Mr. Chairman.

9 CHAIRMAN WALLING: A comment from the chair at this
10 time. There has been an attempt to lead this panel to
11 believe that the Tahoe-Reno Industrial Park feels that
12 there is a great need for a project like this. We are
13 in receipt of a letter from a representative from TRI,
14 and I would like at this time to have our County
15 Manager read it, please.

16 Everybody has got a copy but you.

17 Thank you.

18 MR. WHITTEN: Thank you. Mr. Chair, again, for the
19 record, Pat Whitten. I received this afternoon a
20 letter that I will read as follows:

21 "To the Storey County Planning Commission,
22 regarding Cordevista. Dear Commissioners, I am writing
23 as a principal partner of the Tahoe-Reno Industrial
24 Center, parenthetically TRI."

25 CHAIRMAN WALLING: Sir, speak up just a little.

1 MR. WHITTEN: Yes, okay.

2 CHAIRMAN WALLING: You can use one of those mics if
3 you choose to.

4 UNIDENTIFIED SPEAKER: Yeah, use a mic.

5 MR. WHITTEN: All right. I'll try that.

6 Okay. Again, I received a letter this afternoon
7 that's addressed to the planning commission and it
8 reads as follows:

9 "Dear Commissioners, I am writing as a principal
10 partner of the Tahoe-Reno Industrial Center,
11 parenthetically TRI, regarding the proposed Cordevista
12 subdivision.

13 "First, I would like to preface my comments by
14 saying I appreciate the outstanding relationship we
15 have historically enjoyed between TRI and Storey
16 County. As such, I fully support whatever decisions
17 the county might make as it considers this and other
18 similar project proposals."

19 CHAIRMAN WALLING: Is there a cell phone in the
20 crowd?

21 MR. WHITTEN: No, it's the chimes of the clock.

22 CHAIRMAN WALLING: Thank you. At home I turn it
23 off. Excuse me.

24 (Laughter)

25 MR. WHITTEN: "I would like to make a few comments

1 for the record in my desire to ensure the commissioners
2 are clear where TRI may or may not be involved in this
3 new project. My comments are as follows:

4 Bullet point: "I understand that TRI has been
5 mentioned as a primary justification for the Cordevista
6 proposal. Specifically the need to balance rooftops
7 with TRI business employee growth has been repeatedly
8 referenced. Based on my ongoing experiences in dealing
9 with site selectors and national firms, it appears that
10 nothing is impeding their desire to locate in TRI in
11 Storey County. In fact, all involved seem most
12 satisfied with existing housing availability on a
13 regional basis.

14 "When we mentioned plans by others to develop over
15 17,000 acres of the southern most portion of the
16 original ranch property into 35,000 housing units,"
17 this would be the Lyon County portion, "coupled with
18 the 2,400 plus acre Painted Rock properties project
19 estimated to encompass over 3,000 additional homes, the
20 potential only seems to more clearly lead prospects to
21 the conclusion that we are the place to be.

22 "While additional projects such as Cordevista do
23 not represent a detriment to our further development,
24 we feel they are not essential to our continued
25 marketing success at this point in time."

1 Bullet point 2: "For the record, TRI has not
2 entered into any agreement pertaining to establishing
3 access roads from the Cordevista site into the TRI
4 project.

5 "Again, I wish to be clear that while the
6 development LLC members of TRI may not be closed to
7 such a concept at some future point, and following
8 extensive traffic studies with impacts identified to
9 our project infrastructure, we may do so only when it
10 becomes advantageous to both the industrial park
11 project and with the approval of Storey County."

12 Bullet point 3: "TRI has not, and is not
13 currently, negotiating for the sale or transfer of
14 water rights to Cordevista or their principle agents.
15 In fact, we continue to work diligently through the
16 permitting process to procure sufficient rights to
17 develop the park to its optimum potential. It's
18 painful to occasionally lose major companies due to an
19 inability to deliver the water sufficient to meet their
20 needs even when we believe it is already contained
21 within our property borders.

22 "In conclusion, I thank you for your diligence in
23 making sure the future of our county is well planned
24 and managed. As a proud partner of Storey County, we
25 are confident that we shall continue to grow and

1 prosper in the right directions and retain all that
2 motivated us to choose this great part of northern
3 Nevada in the first place. Sincerely, Lance Gilman.

4 CHAIRMAN WALLING: Thank you.

5 (Clapping)

6 CHAIRMAN WALLING: Lydia, do you have-- in fact, do
7 you want to change your motion? It's my call to
8 continue on this master plan amendment hearing.

9 COMMISSIONER HAMMACK: I would still like to hear
10 it.

11 CHAIRMAN WALLING: On what?

12 COMMISSIONER HAMMACK: I would like to hear
13 specifically about leaving it the way it is what our
14 water needs would be if it was still a special
15 industrial zone.

16 CHAIRMAN WALLING: Oh, that's going to be part of
17 our question.

18 COMMISSIONER HAMMACK: And I would need to have one
19 of our (inaudible).

20 CHAIRMAN WALLING: Okay. I think I would like to
21 open this to the-- at this point the planning
22 commission's questions of the applicant, please.

23 COMMISSIONER PRATER: Mr. Chair, can we start at
24 this end?

25 CHAIRMAN WALLING: Sure, yes.

1 COMMISSIONER PRATER: As long as we have the
2 attorneys here involved, another issue, question. I
3 would like to direct your attention to tab 48,
4 correspondence from the law firm of Kummer, Kaempfer,
5 Bonner, Renshaw and Ferrario dated, again, July 13,
6 2007. I don't know if we need to read the entire
7 letter into this record, but it appears there's an
8 attempt by the attorneys to impugn the integrity of
9 certain county officials, especially an unnamed
10 commissioner.

11 I'll read just part of a paragraph that says, "What
12 is particularly disturbing about this circumstance is
13 the fact that the apparent source of the special
14 scrutiny--" Earlier they talked about this process
15 seeming to take a long time and meeting a lot of
16 roadblocks "--the apparent source of this special
17 scrutiny is a commissioner who has significant and as
18 yet undisclosed ties to a potentially competing project
19 in the same market area."

20 It goes on and it discusses a letter that was dated
21 clear back in September 2006 from the same attorneys,
22 several references to TRIC in that. And to my
23 knowledge, this September 21st letter, this is the
24 first time it's become a matter of record.

25 It seems to me that the applicant through his

1 attorneys are starting to take a position to impugn the
2 integrity of this commission, the county administration
3 on the basis that whatever we do is being swayed by
4 unnamed county officials. And I would appreciate it if
5 the-- if counsel-- the applicant's counsel would
6 address this issue.

7 CHAIRMAN WALLING: Do they still feel that way?

8 MR. AMODEI: Mr. Chairman, as the author of the
9 letter may I speak to the commission?

10 CHAIRMAN WALLING: Certainly.

11 MR. AMODEI: Thank you. For your record, Mark
12 Amodei, Kummer, Kaempfer, Bonner, Renshaw and Ferrario,
13 the author of the September '06 letter as well as--
14 that appears earlier in your materials at tab 5 or 6 or
15 something like that, it may be 2, and also the one at
16 tab 48.

17 First of all, Commissioner Prater, I would not
18 agree with your characterization of impugning the
19 integrity of this commission. I would indicate that
20 both letters were referenced and included in your
21 record to set forth the circumstance and the history of
22 this project from when it was purchased, when informal
23 discussions were begun with county staff and when they
24 were continued with county staff, ended in the
25 application process and went through the public meeting

1 process, informal and formal, before this commission.

2 So both of those letters were reacting to specific
3 circumstances that happened to this applicant before
4 they were an applicant and after an applicant. And
5 they were also the result of direct conversations with
6 your staff.

7 Nothing in those letters in any way, shape or form,
8 and nobody should leave this room with the impression,
9 meant to impugn the work of staff of Storey County or
10 the members of this commission as you weigh the
11 factors, as you are duty bound to do, to decide how you
12 vote on any application that comes before you. Rather,
13 the initial letter which was addressed to Mr. Whitten,
14 which was never responded to, and the most recent one
15 were an attempt to say: If there are reasons for
16 treating this project differently than the ones that
17 the author of the letter, myself, had experienced in
18 previous representations before the county commission,
19 before this planning commission and before county
20 staff, we would just like to know why, because in the
21 face of continued failures to say this is why this is
22 going to be done differently, all you can draw from
23 that is it is being done differently.

24 And when you have reports from people in your staff
25 that indicate that they are being threatened about even

1 talking to an applicant and you have indications that
2 follow that along-- The people of the county are free
3 to think what they want on any application; that's
4 America. You are free to vote any way you decide you
5 want to. But after representing the county in the TRI
6 process ten years ago, there was a gentleman here from
7 Barrick in the western 102 process, before your staff
8 and your commission, the Painted Rock folks, the basis
9 of those letters was there's been a sea change in the
10 way this is being received.

11 Now, that doesn't mean it needs to be approved, but
12 it is being received very differently. And the source
13 of a lot of that was attributed by your staff to a
14 single county commissioner.

15 So those letters were an attempt not to do things
16 behind the closed door or sweep things under the rug,
17 to merely say in the open, it's like, listen, if
18 there's a reason for this being done differently,
19 great, we would like to know what it is. If there
20 isn't, we would like to be treated in accordance with
21 the rules that apply to everybody that comes before
22 Storey County.

23 So the concern was we just want to be treated in
24 accordance with your particular provisions. There is
25 nothing in those letters that should be interpreted to

1 in any way, shape or form impugn this commission,
2 Mr. Prater, or any of the staff members of the county.
3 If that's not an adequate answer, I would be happy to
4 respond to a follow-up question.

5 CHAIRMAN WALLING: Well, the special scrutiny that
6 was spoke of, this project never received any special
7 scrutiny more than we've ever applied to any applicant
8 that's ever come before us in my 18 years.

9 MR. AMODEI: I think the context, Mr. Chairman, is
10 important in that it was receiving special scrutiny
11 from one individual.

12 MR. WHITTEN: Mr. Chairman, may I reply?

13 CHAIRMAN WALLING: Yes, please, Mr. Whitten.

14 MR. WHITTEN: Mr. Chairman, Mr. Amodei or Senator
15 Amodei-- I'm not sure which role he's here for.

16 MR. AMODEI: Well, your record should reflect that.

17 (Clapping)

18 MR. WHITTEN: --raises a couple of issues that I
19 believe I'm compelled to respond to. And I'm certainly
20 not going to get--

21 UNIDENTIFIED SPEAKER: We can't hear you.

22 CHAIRMAN WALLING: Give Pat a mic.

23 MR. WHITTEN: Senator Amodei raises a couple of
24 issues that I feel compelled to respond to. The
25 September 2006 letter addressed to me, it's in your

1 packages, was not responded to by me. It was reviewed
2 by our then legal counsel for guidance. And, quite
3 frankly, due to the fact that there seemed to be little
4 to no merit to the issues raised in that letter, I
5 opted not to respond.

6 I might add also that that very same letter
7 references a meeting that Dean Haymore and myself did
8 have with the applicant in which we gave him for lack
9 of a better phrase kind of a real-world perspective as
10 to the obstacles that he faced with a project of this
11 size.

12 And I might also reference that subsequent to that
13 first letter, the September 2006 letter, there is a
14 letter from the applicant, from Blake, addressed, I
15 believe, to both Dean and I that thanked us for taking
16 time in outlining what would be needed to proceed with
17 that process. So that's why there is no response to
18 that September 2006 letter.

19 The other issue that keeps coming up over and over
20 again is the fact that we are dealing with this
21 application differently. You know, I don't know what
22 Senator Amodei would expect us to do. If we had a
23 single home going in on 40 acres, you know, would we
24 look at it differently than we're going to look at
25 17,500 homes, the answer is hell, yes. You know, this

1 is--

2 (Clapping)

3 MR. WHITTEN: This is a completely different size
4 project with completely different citizen reactions
5 that I think as officials of the county you are
6 responsible to listen to and to take into consideration
7 as part of the process, both at the staff level and at
8 the commission levels.

9 I might add that the TRI project in which Senator
10 Amodei was key counsel, you know, went through a
11 similar process in my opinion for many, many months,
12 many public meetings, much scrutiny, and for good or
13 for bad, many attorneys involved in the process at the
14 same time. We're proud of TRI, we're proud of the
15 efforts that we put it through to get it there.

16 Another thing that he mentioned is we want to be
17 treated the same. Well, you know, if we're talking
18 Painted Rock-- And again, they are an apple and an
19 orange in my opinion. Painted Rock came before you in
20 public hearings, at least two public hearings as I
21 recall, you know, and at the same time received
22 absolutely no public objection that I recall. And I
23 might also add that Senator Amodei was the legal staff
24 to that same project.

25 And last I guess I want to say for the record--

1 Well, there's a few things. Excuse me. I can't sit
2 quiet when Mark gets up and says that. You know, how
3 are we looking at future projects like this? There are
4 others to come. Dean and I have already met with one.
5 There are others. And we again have basically told
6 them the same thing, projects of this size, projects of
7 this scope, projects in these areas are facing a major
8 uphill battle and probably aren't the type of thing
9 that at this stage we think that the citizens and the
10 people of Storey County want.

11 Are we considering looking at advisory boards, all
12 you have to do is listen to the county commission.
13 This past Tuesday again Commissioner Kershaw raised the
14 perspective that we might be looking at citizen
15 advisory boards to help guide us through some of these
16 larger projects as we go forward.

17 And again, for the record I want to say that no
18 commissioner, no county commissioner, has ever
19 threatened me in any part of my job performance for any
20 reason. Thank you.

21 CHAIRMAN WALLING: Thank you.

22 (Clapping)

23 MR. AMODEI: Mr. Chairman, may I?

24 CHAIRMAN WALLING: Excuse me?

25 MR. AMODEI: May I follow up? Are there any

1 further questions on this issue of Commissioner
2 Prater's?

3 COMMISSIONER PRATER: I would like to-- I feel the
4 same as Mr. Whitten in that it should be obvious that a
5 project of this scope-- You're talking about
6 increasing the county's population 10, 12 fold at
7 least, and anything like that is an extremely
8 significant impact on this county. And there have been
9 very few projects even similar to that over the years
10 that I've been-- lived in this county. And I'm proud
11 to live in this county; it's very unique. I don't
12 necessarily feel that there is an obligation by this
13 county to conform to everything that's going on around
14 us.

15 (Clapping)

16 COMMISSIONER PRATER: We do have an obligation to
17 hear the applicant, hear his arguments on the questions
18 and submit that he can do this in the-- for the
19 betterment of the community. And I believe he's
20 getting that opportunity. I don't believe that as
21 alleged in here that there are outside forces that are
22 going to sway our vote other than the citizens of this
23 county and the merits of the application.

24 MR. AMODEI: And, Commissioner Prater, I don't
25 disagree with the statement you just made. But when we

1 do these things, whether it's on the county level or
2 another level, if I may, Mr. Chairman, we do them based
3 on rules, ordinances in your case, statutes in mine.
4 And when Mr. Mollath talks about making a record of
5 what the process was in this particular project-- And
6 I don't dispute that every project is unique. When
7 this is part of the experience-- And if I have
8 offended Mr. Whitten or any member of the staff by
9 indicating what-- I guess we just have a different
10 view of what the practical realities discussions were.
11 And that's fine, I'll leave it at that.

12 However, I do think that we do have a set of rules
13 that we follow in every jurisdiction in the state and
14 to the extent-- And you folks have to make a decision
15 based upon what's in the record before you. It's our
16 job to make sure the record is complete for when it
17 goes up to the county commission.

18 This is one of the aspects that I sincerely believe
19 was experienced. It's not something that ought to make
20 you vote for it or against it, but it's something that
21 I think I have an obligation to have in your record so
22 that when it's reviewed up above for compliance with
23 the ethical standards that apply to all of us in
24 elected or appointed office that it's been disclosed
25 instead of somebody being-- Now, that shouldn't be the

1 reason why you vote for or against.

2 CHAIRMAN WALLING: It's not going to be, sir.

3 MR. AMODEI: Pardon?

4 CHAIRMAN WALLING: It's not going to be.

5 MR. AMODEI: I understand that, but I want-- Since
6 the context of the letter is being interpreted one way,
7 I want to provide some context.

8 CHAIRMAN WALLING: Well, I think the subject has
9 been sufficiently addressed personally.

10 MR. AMODEI: Thank you.

11 CHAIRMAN WALLING: Anything?

12 COMMISSIONER PRATER: I'm satisfied.

13 MR. AMODEI: Thank you, Mr. Chairman.

14 CHAIRMAN WALLING: You're quite welcome. Thank
15 you.

16 COMMISSIONER HAMMACK: Mr. Chairman, may I speak?

17 CHAIRMAN WALLING: Go right ahead.

18 COMMISSIONER HAMMACK: A lot of people since
19 July 1, 1999 have purchased property in Storey County.
20 They purchased property knowing that there was this
21 special industrial zone in a particular area. I
22 believe that we need to leave it alone, leave it the
23 way it is. That was in our zoning, that was--
24 Regardless of whether the master plan needs to be
25 amended, that needs to be looked at down the road and

1 see what kind of things need to change in the master
2 plan, but I believe we need to leave it where it is
3 now, because the majority of the people that purchased
4 property in this county knew what the zoning was in
5 this county. It's right here, July 1, 1999.

6 CHAIRMAN WALLING: Thank you.

7 (Clapping)

8 CHAIRMAN WALLING: I would like to continue on with
9 questions from the planning commissioners of the
10 applicant.

11 COMMISSIONER MAHOLLAND: I do want to take the time
12 to publicly acknowledge the work of Pat Whitten and the
13 staff of the county for the report that they put
14 together. I truly appreciate that. It helped me out a
15 lot in sorting through some of the initial issues we
16 had. I've asked a lot of questions through the
17 process, so at this time I don't have any.

18 CHAIRMAN WALLING: On this side, any questions of
19 the applicant?

20 Okay. At this time I would like to open the floor
21 up to the public which have filled out their
22 declarations of testimony. I would encourage you folks
23 to try not to duplicate what your neighbor just said.
24 If he said it correctly and if he said it thoroughly
25 enough, hopefully that's sufficient for you.

1 On the top for this evening is Bill Sjovangen.

2 MR. SJOVANGEN: Mr. Chairman, I believe all my
3 points have been covered this evening.

4 CHAIRMAN WALLING: Thank you.

5 MR. SJOVANGEN: And I thank you.

6 CHAIRMAN WALLING: Jeanne Gribben. Ma'am.

7 MS. GRIBBEN: Hi. Jean Gribben, president of the
8 Virginia Range Wildlife Protection Association. I know
9 we haven't been on record yet to talk about this
10 project. We are completely against it. We want to
11 leave the open space open. We know there's not a lot
12 of horses that live up there, but, you know, when he
13 talks about wildlife and having, you know, areas for
14 the horses, well, you can't train the horses where to
15 go. If there's grass, they're going to go. And we
16 just want it on record that we're in support of the
17 horses and the wildlife out there.

18 CHAIRMAN WALLING: Thank you.

19 (Clapping)

20 CHAIRMAN WALLING: Mark Joseph Phillips. Sir.

21 MR. PHILLIPS: I'm Mark Joseph Phillips, and my
22 testimony would be inappropriate at this time. Thank
23 you very much.

24 CHAIRMAN WALLING: Thank you.

25 Jim Watson.

1 MR. WATSON: Yeah, Jim Watson here. Real quickly.
2 Most of my questions got answered anyways and most of
3 my statements got made. I'm still not sure about one
4 thing.

5 CHAIRMAN WALLING: Sir, could you come up to the
6 mic. It's right there, that little guy. Thanks.

7 MR. WATSON: I keep hearing that we're here-- that
8 the planning commission is here tonight I've heard
9 several times recently to decide whether we want
10 industrial or residential. I came here to hear if we
11 are going to change the master plan or not. All of the
12 other--

13 CHAIRMAN WALLING: That is the item.

14 MR. WATSON: All of the other stuff is-- you know,
15 I don't know why this is being discussed.

16 CHAIRMAN WALLING: Of course, as you would
17 understand, it's part of the presentation.

18 MR. WATSON: I understand. Due to the many
19 contradictions in the many hearings I've been to
20 regarding this project, many contradictions and so
21 forth through these meetings and a lot of answers that
22 we've not gotten on questions that have been asked, I
23 just-- I don't think we should approve it. I would
24 leave it up to the discretion of the board whether we
25 at this time put it on hold or whether they disapprove

1 it.

2 CHAIRMAN WALLING: Thank you.

3 Here's an old friend, Gerry Olson.

4 MS. OLSON: Limping up. Yes, I'm Gerry Olson from
5 the Virginia City Highlands. I just wanted to correct
6 a couple of what I think are misinterpretations. The
7 impression has been given that this project is way out
8 in the hinterlands and it will-- you know, we wouldn't
9 even know it existed when, in fact, it is just over the
10 hill from where the Deans have built a home which is at
11 the border-- the northeast border of the Highland
12 Ranches. It's just over the hill. It will be visible
13 from the higher homesites in the Highlands. It is
14 visible from the top of Cartwright as you're coming
15 into the Highlands and it will be visible from the
16 highway just below the summit as you're going towards
17 Virginia City. That was-- It was just that.

18 I don't think that we should change the master plan
19 because we have 19,000 acres between the Highlands and
20 the river district, it's known as Sunny Hills Ranchos,
21 and perfectly-- the impression is that the only place
22 that can be developed in this whole area out there is
23 this valley that Cordevista plans to develop. And that
24 is not true. There's rolling hills and high plateaus.
25 And I know the Sunny Hills Ranchos people are waiting

1 in the offing. If they are going to build ranchos,
2 that might be all right, but to build-- to be able to
3 subdivide because of the change in the master plan,
4 which they will undoubtedly try to do, too, even if
5 they have to go to court to do it. That's my
6 impression.

7 CHAIRMAN WALLING: Thank you, ma'am.

8 Tom Purkey.

9 MR. PURKEY: Thank you, Mr. Chairman. I'm Tom
10 Purkey. I'm a resident of Virginia City. It seems to
11 me this hearing as it's advertised here is all about
12 amendments to the master plan. I have called the
13 planning department trying to see what those amendments
14 actually are. The amendments haven't been written.

15 How is the public supposed to respond to such a
16 vague thing that we're going to change the master plan?
17 What is being proposed? I don't know. I haven't been
18 able to find out. Has anybody written the amendments?
19 Where are the amendments? I haven't seen them. I
20 think the public has a right to see them.

21 CHAIRMAN WALLING: Dean? Where is he?

22 MR. HAYMORE: Did you call me?

23 CHAIRMAN WALLING: Yeah. Do you want to--

24 MR. HAYMORE: As I understand, the applicant made
25 an application to amend the master plan to-- for mixed

1 uses, and those mixed uses would fit into a further
2 zoning as he has applied as a second application as a
3 planned unit development. That amendment would allow
4 housing, it would allow stores, offices, schools. It
5 would be a basic little city by itself. And that's
6 what he's asked for is mixed uses.

7 MR. PURKEY: Mr. Chairman, I haven't used up all my
8 time yet.

9 CHAIRMAN WALLING: Excuse me?

10 MR. PURKEY: I haven't used all my time yet. That
11 has to do with the zoning ordinance. There's two
12 things here, there's the master plan and there's the
13 zoning ordinance. Everything we're talking about is
14 the zoning ordinance. I think Mr. Osborne raised all
15 the questions in the master plan that rightly do not
16 conform to what Cordevista is going to do. I think
17 that's proper.

18 But which of those are you talking about changing?
19 You know, there's Section 1.2, paragraph 2, Mr. Osborne
20 already quoted, 90 percent of the county land is in
21 private hands, that the development is a threat. Are
22 you going to change that?

23 Once the master plan is officially adopted,
24 non-conforming with the master plan is ample reason for
25 rejecting the amendment to the zoning ordinance. Are

1 you going to change that? That doesn't conform to
2 Cordevista.

3 Require all proposed development furnish proof of
4 the availability of owned rights to adequate water
5 meeting safe drinking water standards before necessary
6 land use or building permit applications are approved.
7 We haven't seen anything. I haven't as a member of the
8 public. I don't know if the planning commission has or
9 if the county commission has. I haven't seen anything.
10 That doesn't fit with Cordevista, so we're going to
11 have to change that one.

12 The issue of affordable housing. Mr. Smith stated
13 at one of the previous meetings that he doesn't do
14 affordable housing. That's not his thing, that's fine,
15 but that's not in accordance with the master plan, so
16 we're going to have to change that.

17 So I as a member of the public would like to see
18 exactly what changes would have to be made in order to
19 approve Cordevista. I haven't seen that.

20 CHAIRMAN WALLING: Comments from the--

21 MR. PURKEY: The devil's in the details, and I
22 haven't seen the details.

23 COMMISSIONER PRATER: Under the current master plan
24 the area that's under all this scrutiny, certain types
25 of industrial uses can be made without zone changes or

1 anything else. What's being proposed is a change to
2 the master plan where with the zone change a mixed-use
3 development can be made. I don't know, to me it's been
4 pretty clear from the outset.

5 CHAIRMAN WALLING: It has for the board, too.

6 Mr. Purkey, I think that's a sufficient answer.

7 Thank you.

8 Anita Strong.

9 MS. STRONG: I have nothing further to add. Thank
10 you.

11 CHAIRMAN WALLING: Ma'am?

12 MS. STRONG: I have nothing further to add. Thank
13 you.

14 CHAIRMAN WALLING: Thank you.

15 Kirk Jensen.

16 MR. JENSEN: Kirk Jensen. Question for Mr. Smith.

17 Why would a group of investors invest all this
18 money, I assume there's a lot of money, I don't know
19 how much, on a particular piece of land and it's all
20 based on-- the worth of the land is all based on
21 changing the master plan, in other words, if that
22 doesn't go, what have you got? What did you gamble on
23 doing that? Is that a fair question?

24 In other words, all I'm saying is if I bought
25 property, for example, down in Smith Valley and it was

1 zoned-- it was zoned for something other than what I
2 wanted to use it for, would it be worth it to me to buy
3 that land and pray to God that the zoning commission
4 down there would pass it through? In other words,
5 you're gambling a heck of a lot of money on something
6 being passed here. As it stands now the way I
7 understand it, it doesn't fly. Is that correct?

8 MR. SMITH: Would you like me to respond?

9 CHAIRMAN WALLING: Sure.

10 MR. SMITH: Blake Smith, managing partner of the
11 Virginia Highlands. Sir, we acquired the property.
12 The property has current zoning on it, the special
13 industrial that we're addressing right now. We don't--
14 The purpose for the application is because we don't
15 feel that that's the best use for that property. So,
16 yes, we did purchase it with the special industrial,
17 and we can build special industry, we just don't think
18 that is the best use for that property.

19 MR. JENSEN: In other words, do you think you can
20 make-- I'm a born-again capitalist. Do you think you
21 can make more profit changing it the way you want to do
22 it?

23 MR. SMITH: I think that the county currently has
24 the TRI park which is 102,000 acres of industrial
25 combined with the 8,000 acres of our industrial, that

1 that-- that there is not enough-- that is so much
2 industrial that you could never develop-- it would be
3 centuries possibly to develop that much industrial. So
4 from our standpoint looking at it, it is a better use
5 and a complementary use to the existing park, because
6 the park has 30,000 acres of developable industrial
7 which could take decades and decades to develop, but
8 there is no counterbalance to it of any type of
9 offices, retail or residential that is adjacent to it.
10 And in good planning practices, when you have something
11 that generates a lot of jobs, you want to balance as
12 close to it as you can those services that those people
13 that have those jobs need. And that would be office,
14 retail and residential.

15 And so our request before the board here and has
16 been for several months is going through this process
17 of saying the master plan states that-- And again, the
18 master plan was approved before the zoning on it, so
19 we're going all the way back to the master plan which
20 was approved in 1994. We're saying that the uses of
21 the property today are higher and better and more
22 balancing for the county than having 110,000 acres of
23 industrial. We think that 102 that's approved plus
24 8,000 acres of mixed use is better for the county. And
25 that's what our request is here.

1 UNIDENTIFIED SPEAKER: That wasn't your question.

2 MR. JENSEN: Well, in closing, I think I can get
3 around to what we're talking about. I'm a baseball
4 fan, grew up in San Francisco. I picked up a book the
5 other day about when the San Francisco Giants moved out
6 in 1957 to San Francisco. They moved into Seals
7 Stadium. A man by the name of Harding bought
8 Candlestick Cove. Anybody ever been out there? Ain't
9 nothing out there. He bought it for about 1.5 million.
10 He got it zone changed. And, of course, he was a good
11 friend of Mayor Christopher at the time, and he ended
12 up selling it for about eight million dollars.

13 All I'm saying is there's something very beneficial
14 to be had here. Do we have a guarantee, would your
15 investors put down in writing that you would stay with
16 this program for 20, 30 years, not turn around, get it
17 changed in the master plan and then sell it because it
18 will be worth more when the zoning is changed, if
19 that's what happens? Do you understand what I'm
20 saying?

21 MR. SMITH: Yeah. Well, it's not so much--

22 MR. JENSEN: It's a little nefarious, but that's
23 how it is.

24 MR. SMITH: Our intent is to develop the property
25 out. Anything that is approved here goes with the

1 property, it stays with the property forever. And
2 whether I live one year or 50 years, I can't give you
3 that promise, but our intent from our company is to
4 develop this property out with the current zoning.

5 MR. JENSEN: And perhaps sell it three years down
6 the line or five years down the line or who knows?

7 MR. SMITH: Who knows, but that's not our intent.
8 That's what I can express to you.

9 MR. JENSEN: All right.

10 CHAIRMAN WALLING: Thank you, sir. Gentlemen,
11 thank you, both of you.

12 Next testimony here is from Sue Eckert who lives at
13 2125 Maple Leaf Trail, Somerset. Ma'am.

14 MS. ECKERT: I'm back here.

15 CHAIRMAN WALLING: Step right up, please.

16 MS. ECKERT: Yeah. You know, based on the fact
17 that we've got toxic rays and we have bombs and bad
18 water, it's amazing we even want to live here to begin
19 with. But I have to be very, very careful, because
20 obviously this is an extremely litigious group. You
21 could see everybody who's said anything being sued.

22 I've already gotten a fax saying that if-- I have
23 a bad house, I have a real bad house. I have to
24 preface this by saying everything that's wrong with my
25 house is not the developer's fault, 50 percent of the

1 problem with my house is the developer's fault. The
2 rest is the builder's fault who was brought in by the
3 developer and not thoroughly checked, I don't know.
4 This is a builder who is on his third contractor's
5 license. Because every time-- I found out a lot
6 building this home. And I've built a lot of homes.
7 I'm an investor as well. Mr. Smith is an investor.

8 Nobody goes out of their way to put money on the
9 line unless they're going to make money. But there's a
10 difference between when you make money and when you do
11 the right thing. And I'm not saying that they didn't.
12 Believe me, I'm not passing any judgment, I'm going to
13 tell you my specific story and where I'm at.

14 I bought the house, I closed on it July 2005. In
15 my walk-through papers, there were-- I have common
16 area behind my home. Now, my home has many more
17 problems than this, which have nothing to do with the
18 developer.

19 The common area behind my home, in my punch list I
20 said, you got water coming down from the trees and it's
21 July. What's going to happen when the real water
22 comes? And we're pretty high up in Somerset. I'm
23 living the Somerset dream up there at whatever, 5,000
24 feet. We're going to get water, we're going to get
25 snow. My punch list has it.

1 Now, again, I don't have any of my paperwork,
2 because it's with my attorneys, because I'm going
3 through two years of litigation on a home I can't sell.
4 I can't get rid of it. I want out of it. I can't,
5 because I've got a home that has drainage problems. So
6 if you guys need water, I could probably supply you
7 some.

8 Nonetheless, on my punch list I said I had drainage
9 problems. In the fall of that 2005 the development
10 company got e-mails from my builder saying: We've got
11 drainage problems behind these homes. What are you
12 going to do? Now, to my builder's credit, he gave
13 those to me. I'm sure his counsel is not thrilled with
14 that, but he did give those to me.

15 So they knew-- we knew we had problems behind my
16 home. I'm speaking specifically of me, nobody else, my
17 issues. In January when we had the water, I had
18 18 feet of mud slide down my hill, (inaudible) my
19 pavers in my backyard, nine inches deep, 18 feet of
20 brick. They all looked at me like, okay, dumb little
21 blonde girl, maybe you're not as dumb as you look.
22 Okay. I said, "Okay, fine, whatever, you know, just
23 fix it."

24 January, February, March, April. My house is--
25 it's very clear my house is a disaster. I want out of

1 this house. I want to sell this house. I can't
2 because I can't get anybody to come clean up their mud
3 from my backyard which has now killed the entire
4 backyard.

5 Lastly, so we bring in the development, the
6 builder. I've got attorneys and contractual
7 obligations and contractors and Contractors' Board more
8 than anybody has ever known. The bottom line was it
9 took me ten grand, nine months to get the mud out of my
10 backyard.

11 What the development company-- They were present,
12 they suggest this is a problem, but guess what, that
13 mud is on your yard now, talk to the builder. About
14 three weeks ago when I had the recorded conversation
15 with Michele Attaway saying, "We just went and looked
16 at your-- at the common area and, yes, you've got
17 water."

18 I have a house I can't sell. Now the market has
19 changed. I've got a damaged home. And I'm sitting
20 there with a huge loss. That's my personal story.

21 The only thing that I want to say in closing on
22 this is maybe we need homes, maybe we don't need homes.
23 I'm not saying these guys are good or bad, my only
24 point is I think whatever happens in this county-- It
25 was my intent to maybe build up here. I called

1 Phyliss. I want to sell, I want out. I'm trying to
2 keep my emotions out of this. This is more than any
3 single person should have to go through for a house
4 that was not cheap. And I just want out and I can't.
5 I'm stuck.

6 CHAIRMAN WALLING: Thank you for that point, ma'am.

7 MS. ECKERT: So it's just cross your Ts, dot your
8 Is, do all your checking. Whoever comes in and builds
9 in this county, check them out, look at their other
10 developments. If they're happy, great; if they're
11 not-- I'm not saying Mr. Blake-- There's tons of
12 happy people in Somerset. Okay. I'm not saying
13 anything but my personal thing. I don't want to get
14 another letter from another attorney, because if I do--
15 Was I really all that unfair and unbalanced? I told my
16 specific story.

17 CHAIRMAN WALLING: Thank you, ma'am, for your
18 input.

19 (Clapping)

20 CHAIRMAN WALLING: Would you agree, Mr. Smith, this
21 is not the forum to respond?

22 MR. SMITH: Yes.

23 CHAIRMAN WALLING: Thank you. But we encourage--
24 Mike Hynick.

25 MR. HYNICK: Hynick.

1 CHAIRMAN WALLING: Sir.

2 MR. HYNICK: Mike Hynick, 240 Elizabeth Lane. And
3 my questions were addressed by Ms. Hammack and
4 Mr. Osborne.

5 UNIDENTIFIED SPEAKER: Can't hear you.

6 MR. HYNICK: Sorry. Do you want me to start over?

7 Mike Hynick, 240 Elizabeth Lane, and my questions
8 were addressed by Planning Commissioners Hammack and
9 Osborne, but I just wanted to agree with them saying
10 that we did look at the master plan, we looked at the
11 zoning. I moved from Las Vegas, an area that everybody
12 might remember, PEPCON, which was something in the
13 same, the development changes down there where they put
14 houses real close to a rocket fuel factory and there
15 was an explosion, people died, damage to property.

16 So I don't think that their proposed mixed use does
17 mix with the existing zoning, so I would like the
18 commission to, you know, uphold the existing zoning. I
19 think the decision was made 15 years ago, the vision
20 was right what we wanted. I think the people here and
21 the county also believe in the vision. And that's all
22 I would like to say. Thank you for your time.

23 CHAIRMAN WALLING: Thank you, sir.

24 (Clapping)

25 CHAIRMAN WALLING: Okay. I don't know what I'm

1 looking at. Kathy, is it P or M? Is it Bigby?

2 MS. BIGBY: Bigby.

3 CHAIRMAN WALLING: Ma'am. Territory Road?

4 MS. BIGBY: Yes.

5 CHAIRMAN WALLING: Yes, ma'am.

6 MS. BIGBY: I just have a couple of comments to
7 these gentlemen over here. Who are you to insult our
8 intelligence telling us that we're not 21st century, we
9 want this and we want that? Who are you to impose what
10 your wants and needs are on us? We live up here for a
11 reason. We go through certain inconveniences for a
12 reason, because this is what we want. We don't want
13 your development and you can go bye-bye. Your deep
14 pockets are not welcome here. We like our land.

15 Who do you think you are? We're 21st century. We
16 have computers, we have cell phones, we have, you know,
17 the DSL. We don't need the homes. You going to try to
18 make us into Vegas? We already have water problems.
19 What gives you the right to take from our wells? We
20 don't have water. Get it through. Didn't you learn
21 from Vegas? Don't make us your mistake as well. And
22 I'm being very polite right now, very polite.

23 (Clapping)

24 CHAIRMAN WALLING: Raymond McPartlin.

25 MR. McPARTLIN: Yeah, I think you can hear me

1 without--

2 CHAIRMAN WALLING: Sure can. Thank you, sir.

3 MR. McPARTLIN: --without the microphone. There's
4 a couple of-- half a dozen things here. I'll try and
5 be quick and concise to address the sales job that
6 Cordevista has given us in their three prior
7 presentations.

8 One, Mr. Smith has repeatedly said the county needs
9 balance and Cordevista is intended for the workers of
10 TRI. Well, you just heard what TRI had to say about
11 it. It's nonsense. TRI workers are 90 percent hourly
12 employees who can in no way, shape or form afford the
13 planned housing that's being proposed for Cordevista
14 unless they're going to put in all doublewide trailers.

15 They've promised to provide Lockwood with flood
16 control. Unless there's been a (inaudible) of the laws
17 of nature, that isn't going to happen. They're empty
18 promises. The Army Corps of Engineers said they can't
19 stop the flooding. Cordevista says they can. Flooding
20 cannot be control. Development will always increase
21 flood potential as available soil is covered. Their
22 own engineers said that only 16 percent of the flood
23 water comes through Cordevista land. This can no way,
24 shape or form stop the flooding at Rainbow Bend.

25 They also indicated they're going to provide

1 schools for Lockwood children. I thought it was the
2 school board that decides where our kids go to school,
3 not developers. The school board decides where they
4 go. The schools will not be available-- will already
5 be available at Painted Rock long before Cordevista has
6 any input into it.

7 They've also indicated that they will make water
8 available to the Virginia City Highlands people. They
9 don't have water rights, they don't know how much
10 they're going to get, but, by God, they're going to
11 make it available for those of us that live up there.

12 These pledges have absolutely no validity and are
13 empty promises of a chicken in every pot, a desperate
14 attempt to influence Storey County voters to back this
15 scheme. Mr. Smith emphasizes that if his rezoning of
16 the master plan modification is not approved the county
17 will end up with additional industrial development, he
18 just said so.

19 Cordevista in no way will be able to compete with
20 TRI as far as industrial development. TRI already has
21 the infrastructure in place and the capacity to expand
22 for the next 10 to 15 years.

23 In a related issue-- in a related issue, the bill
24 Senator Mark Amodei proposed the-- pushed through the
25 2007 legislature for the state at the 13th hour formed

1 a regional water board for northern Nevada. The
2 attempt was put back. What he wanted to do was have a
3 bill which would allow a water authority to be able to
4 acquire water, sell it, incur debt and set rates.
5 Fortunately that was not what got put through, but I
6 can guarantee you it will be pushed again next time.

7 Cordevista needs water. Theoretically this bill as
8 originally proposed would have allowed the water
9 authority to incur debt to run water from Washoe to
10 Cordevista and set rates for the homeowners to pay off
11 the cost of the required water infrastructure, thereby
12 eliminating virtually all costs to the developer.
13 Senator Amodei is the lawyer for Cordevista.

14 Finally, what got proposed today is you don't need
15 a modification to the master plan. Well, if they
16 believe a modification is not needed to the master
17 plan, they should pull the application for it. They're
18 setting this whole thing up already for litigation.
19 They're on both sides of the issue, we don't need to
20 apply for this, but we're going to apply for it anyhow.
21 You know, they're setting up the board by saying
22 there's undue influence.

23 CHAIRMAN WALLING: That's what we're hearing.

24 MR. McPARTLIN: That's why we're here is right. If
25 this issue that's come up today is the first time, I

1 don't think the planning commission can make any
2 decision on the modification to the master plan because
3 they haven't had time to look into this issue that was
4 raised by Cordevista. They're playing games. Thank
5 you.

6 (Clapping)

7 CHAIRMAN WALLING: Speaking of schools, Henry
8 Kilmer. Henry, where are you?

9 MR. KILMER: Right here. I'll be brief, although I
10 could talk all night.

11 CHAIRMAN WALLING: What's it going to be, Henry?

12 MR. KILMER: Brief.

13 CHAIRMAN WALLING: Thank you.

14 MR. KILMER: Two issues. One, I would like to know
15 who built the schools in Somerset. I think I have a
16 good idea. Did the people in Washoe County build them
17 or did the people in Somerset build those schools? I
18 think that's a question we need to answer.

19 Now, I think everybody here knows that the cost of
20 maintaining schools, paying teacher salaries and such,
21 that's a state issue, not a local issue. But the
22 original construction of schools, there's only two ways
23 to construct schools. One is you pass a bond. Who
24 pays for the bond? The entire county pays for the
25 bond. Or you put some kind of impact fee on people.

1 That's the only two ways I know of. And the impact fee
2 to build schools in Somerset is going to be at least
3 10 to \$12,000 per lot. And I don't think the Somerset
4 people-- I'm sorry, I don't think the developer wants
5 to do that. That means we're going to pay for the
6 schools when they're constructed.

7 Now, there's a big difference between-- also
8 between Washoe County and Somerset and Storey County
9 and Cordevista. Here's the difference. Washoe County
10 has all those people to absorb cost. What do we got,
11 4,000 people to absorb cost, or 8,000. There's a big
12 difference, believe me, from here and Washoe County
13 and-- I'm sorry, Storey County and Washoe County.

14 The other thing I wanted to ask-- That's one
15 question: Who is going to build those schools and
16 where is the money coming from?

17 The second question deals with an issue I just
18 heard the other day; and I don't know the answer to
19 this. I understand there may have been some soil
20 testing going on out there. I know TRW was somewhere
21 in that area. I think most of you know what happened
22 out here when we tried to build a football field. It
23 took six years to get approval. You know why, because
24 of a few contaminants from miners. I can't imagine
25 what it would cost to-- what the issues would be to

1 build a school on some of the contaminants that could
2 be in that area down there. I'd sure like to know
3 what--

4 CHAIRMAN WALLING: Well, that has been addressed.

5 MR. KILMER: It has been?

6 CHAIRMAN WALLING: Yes, sir.

7 MR. KILMER: And what--

8 CHAIRMAN WALLING: Contaminants are minimal
9 according to the survey that was done on that property.

10 MR. KILMER: If that's the answer, that's good.
11 Okay. Thank you.

12 CHAIRMAN WALLING: Thank you.

13 (Clapping)

14 CHAIRMAN WALLING: Jed Margolin.

15 MR. SMITH: Mr. Chairman.

16 CHAIRMAN WALLING: Excuse me.

17 MR. SMITH: Do you want me to address any of these?

18 THE AUDIENCE: No.

19 CHAIRMAN WALLING: Well, the man certainly has a
20 right to, but I think that most of those issues that
21 were specific have already been addressed by you, sir.

22 MR. SMITH: Well, the purpose-- You originally
23 asked if this was the presentation. If I can just
24 address the audience for a second. We have--

25 CHAIRMAN WALLING: Stay here, Jed.

1 MR. SMITH: These applications were applied for
2 four or five months ago, somewhere in that timeframe,
3 but in that timeframe we have had three town hall
4 meetings and this is the fourth planning commission
5 meeting of which in all of those meetings before-- We
6 abbreviated tonight's because not to be redundant.

7 CHAIRMAN WALLING: Appreciate that.

8 MR. SMITH: And so the purpose was for-- to have
9 the planning commission hear the discussion or the
10 summary of what has happened over seven previous-- or
11 six previous meetings, this being the seventh one. So
12 some of these questions and comments that have been
13 said have been answered, I believe, in detail in the
14 previous. If the board would enjoy or would like, we
15 can readdress them. It's just we have addressed them
16 in the past to summarize it. So we are here to answer
17 them if there's any question.

18 CHAIRMAN WALLING: Thank you.

19 MEMBER HAMMACK: That's what the binder is.

20 MR. SMITH: Yeah, that's what the binder is is the
21 past--

22 COMMISSIONER HAMMACK: (Inaudible)

23 MR. SMITH: --seven long meetings.

24 CHAIRMAN WALLING: Please, sir.

25 MR. MARGOLIN: My name is Jed Margolin. I live in

1 the Virginia City Highlands. I've been to most of the
2 other meetings, and I thought this one would be just
3 like it, and I'm not quite sure what to make of what
4 happened here tonight. It sounds like Blake Smith's
5 attorneys are just building a record for the future
6 litigation that they've promised.

7 And so the other questions that I was going to ask
8 come down to-- I notice that we have a court reporter
9 here. Will a transcript for this meeting be available
10 sometime soon?

11 CHAIRMAN WALLING: Certainly.

12 MR. MARGOLIN: And--

13 CHAIRMAN WALLING: I think the turnaround time has
14 been about two weeks, sir? Yes. It's been about two
15 weeks, the turnaround time.

16 MR. MARGOLIN: Could I get it in a form that I
17 could easily convert to text as opposed to the other
18 ones?

19 CHAIRMAN WALLING: I don't know. That would have
20 to be--

21 MR. MARGOLIN: Okay. And the other thing is I'm
22 looking at these really thick binders. I wonder if you
23 have maybe an extra one that I could have? I already
24 know--

25 CHAIRMAN WALLING: I don't know if anyone is

1 willing to give up such a (inaudible) document.

2 MR. MARGOLIN: Well, no, but from the letters that
3 have already been-- from the letters-- from the letters
4 that have already been read here, I know there's some
5 documents in there that I really want to read for
6 myself and post.

7 MS. GIBONEY: Doug.

8 CHAIRMAN WALLING: Yes.

9 MS. GIBONEY: If you would like to see the binder,
10 you may come up to the building and planning
11 department, we have one there. Anybody is welcome to
12 come up and see it. If you wish copies of any of the
13 pages, we will do that, and there is a cost of a dollar
14 a page.

15 CHAIRMAN WALLING: Ma'am.

16 MR. MARGOLIN: I know, I can't afford that. I want
17 everything.

18 COMMISSIONER HAMMACK: Could we loan a copy to him?

19 MR. MARGOLIN: There are large parts of it that I
20 want to scan and put up on the website unless the
21 county wants to promise to put it on its website.

22 CHAIRMAN WALLING: Is that at all practical?

23 MR. WHITTEN: Mr. Margolin knows that probably I am
24 the only county resource right now dedicated internally
25 to the website, and that would be virtually impossible

1 for the county, as I think he knows. We don't have the
2 space, the staff or anything.

3 MR. MARGOLIN: All right. Well--

4 COMMISSIONER HAMMACK: Mr. Chairman.

5 MR. WHITTEN: I believe at least one of our
6 planning commissioners is willing to--

7 COMMISSIONER HAMMACK: I'm willing to loan a copy.
8 I have mine in my car. My back would not allow me to
9 carry it. But I have my copy in my vehicle, and I'm
10 willing to loan it to you, but I do want it back.

11 MR. MARGOLIN: Okay. That's great. I promise to
12 return it in the same condition that I receive it.

13 MR. WHITTEN: And I would like to thank
14 Mr. Margolin for his help in keeping that information
15 out there, but we are having a difficult time keeping
16 up with it.

17 CHAIRMAN WALLING: Thank you, sir.

18 (Clapping)

19 CHAIRMAN WALLING: Anthony Houts?

20 MR. HOUTS: Houts.

21 CHAIRMAN WALLING: Help me again. Once again, sir.

22 MR. HOUTS: Houts.

23 CHAIRMAN WALLING: Houts?

24 MR. HOUTS: H-o-u-t-s.

25 CHAIRMAN WALLING: Thank you, sir.

1 MR. HOUTS: Do I need to lean down or can people
2 hear me?

3 CHAIRMAN WALLING: No.

4 MR. HOUTS: Oh, good. This is my first meeting
5 on-- I'm a resident of the Mark Twain area and part of
6 the Mark Twain Community Group. I think probably
7 everybody knows that by now. And this is my first
8 meeting of Cordevista. And I've asked the county for
9 some documents which I haven't been able to get yet.
10 And I understand there's time constraints, I understand
11 everybody is busy, but I would like to get the
12 application for Cordevista.

13 And I would suggest that instead of the county
14 having to loan out its own copies that perhaps the
15 developer would supply additional copies so that there
16 could be four or five additional copies that people
17 could sign out at the county if they want to examine
18 them. And if they want to put a deposit down, \$50 or
19 something, they have a week or so to examine the
20 document and they can return it.

21 MR. SMITH: We would be happy to.

22 MR. HOUTS: That's just a suggestion, because there
23 is a lot of information there, you know, that the rest
24 of us haven't seen and we would like to see it.

25 CHAIRMAN WALLING: Okay.

1 MR. SMITH: We would be happy to. Give us a day or
2 two obviously to copy it and we'll get it up to Dean's
3 office.

4 CHAIRMAN WALLING: Well, the initial applications?

5 MR. SMITH: Well, those are inside the binder.

6 CHAIRMAN WALLING: Well, I understand that. Okay.

7 MR. HOUTS: Because it's difficult for citizens to
8 advise the planning commission or the commissioners if
9 they don't really have all the information.

10 CHAIRMAN WALLING: Certainly.

11 MR. HOUTS: And those documents would help us.

12 I've seen homes like this before. I've seen
13 developments like this in Ohio, in Illinois and
14 Indiana, lots of places where there's lots of rain.
15 And, you know, I see a lot of green things here in this
16 picture. And, you know, I mean, everybody knows about
17 the water problems, we're all concerned about that, but
18 the other thing we're concerned about is none of us
19 moved here because we wanted to be-- I don't want to
20 live in Reno. I don't know why the Mayor of Reno said
21 it's a good idea, but if he wants it, he can have it.
22 When I go to Reno, I don't like the traffic. I didn't
23 move into Storey County because I want to live in Reno
24 or Vegas or LA, and I don't want it to be that way ten
25 years from now.

1 power? If not, then I certainly think it should be
2 done. And it's not done by the applicant, it's
3 solicited by the applicant and done by another party.
4 That's all I have to say. Thank you.

5 CHAIRMAN WALLING: Thank you.

6 (Clapping)

7 CHAIRMAN WALLING: JoAnn Smith.

8 MS. SMITH: Everybody here has just about covered
9 everything I wanted to say except one thing is a little
10 fuzzy. When they removed-- I'm on Territory Road.
11 When they removed our horses we were--

12 CHAIRMAN WALLING: Thank you, ma'am.

13 MS. SMITH: --told that there was a sanctuary. And
14 it was our impression it was somewhere around where
15 this Cordevista is. Am I wrong in thinking that, or
16 was somebody just cramming something down our throat?

17 UNIDENTIFIED SPEAKER: No, there were plans for
18 that.

19 CHAIRMAN WALLING: Mr. Smith, could you--

20 MR. SMITH: I had heard of a sanctuary. When we
21 were acquiring this property, the sanctuary comment
22 came up. I know there's been several groups that
23 have-- I'm unaware of a sanctuary. I know that
24 there's been several groups that have tried to create a
25 sanctuary, and at times they've said our property is

1 the sanctuary, but I am unaware, unless, Dean, you can
2 help me or somewhere, I'm unaware of any sanctuary in
3 the county by any legal means or other things.

4 MR. HAYMORE: No. There's quite a few different
5 organizations that have gone out to the prior owners
6 and asked for their support, even TRW, even TRI, and
7 asked for their support to try to organize their
8 sanctuary, even right up here off of the bottom of Six
9 Mile Canyon, but there was never on the private lands
10 anything set aside. Some previous owners had provided
11 water out there for the horses to come. And where you
12 have water, the horses will come. And so the previous
13 operator did keep a pond full which drew the horses up
14 there on that property that you're talking about, but
15 there was no official sanctuary put together.

16 Probably the Highlands has probably the most
17 organized horse group to help and protect and enhance
18 the horses. And those have gone through different
19 presidents and everything else. But there hasn't been
20 a sanctuary set out, defined and stated.

21 MS. SMITH: Okay. So basically the previous owner
22 that we thought handled this sold his property to
23 somebody who sold his property to these people to
24 develop it for homes and other things. So basically
25 this is just another stage before you guys do something

1 else with this. Not you, these guys.

2 CHAIRMAN WALLING: Yes.

3 MR. HAYMORE: And I can't answer if they sold
4 (inaudible) whatever, they sold their property and
5 liquidated their property. They decided not to operate
6 it, so they liquidated their property. And Mr. Smith
7 is the one that bought it. There were others
8 interested in buying it that came and talked to me
9 about opening up the industrial or rocket fuel and
10 different things, but nobody came through until
11 Mr. Smith contacted me and said he is the purchaser of
12 the property.

13 And the first time I rode up with Mr. Smith, I told
14 him, "No way are we going to put houses up there,
15 because that's not what the county master plan says."

16 And he kept on saying, "Well, this is my plan."

17 He's just like you. If I want to go out and build
18 something on my property, I'd have that right, and
19 that's what he's trying to do is go through the
20 political process by-- and the law process to ask to
21 change at this time.

22 CHAIRMAN WALLING: Thank you, ma'am.

23 MR. HAYMORE: And let me clarify. I cannot tell
24 Mr. Smith what he can do with his property as you
25 can't. All's I can do is enforce the ordinances that

1 are here in Storey County. And that's all I can do.

2 CHAIRMAN WALLING: And that's all we've ever done.

3 MR. HAYMORE: Yes.

4 CHAIRMAN WALLING: Thank you.

5 Okay. Joe, before I foul up your last name, Joe
6 from Resource Concepts.

7 MR. CACIOPPO: Back here. I only filled out the
8 form in case I was asked to respond to questions. I
9 have no comments personally.

10 CHAIRMAN WALLING: Okay. Thank you. Help me with
11 your last name.

12 MR. CACIOPPO: Cacioppo.

13 CHAIRMAN WALLING: Okay. Thank you.

14 MR. CACIOPPO: You're welcome.

15 CHAIRMAN WALLING: I see Ireland is represented.
16 Denise deRenzy.

17 MS. deRENZY: Yes. I had to sit on the floor
18 because I rode a bus for an hour to get up here.

19 CHAIRMAN WALLING: Appreciate your effort, really.

20 MS. deRENZY: Yeah, I have a couple of questions.
21 One is we heard that 20 percent of the runoff in
22 Lockwood was going to be held back by the new
23 development. Who is responsible for that other
24 80 percent of runoff that comes through Lockwood and
25 floods us? Is there anybody who's done a study or

1 anything?

2 CHAIRMAN WALLING: Well, I think it was down to,
3 what, 19 percent actually goes through. Where's the
4 other gentleman that brought up that figure?

5 MR. CACIOPPO: It's approximately 18 percent that
6 would contribute from the Cordevista project.

7 MS. deRENZY: Yeah, so where does the other
8 80 percent come from?

9 MR. CACIOPPO: Well, the entire-- Cordevista is
10 part of the entire contributing watershed.
11 Specifically I don't know who all the land owners are,
12 but it would come from the rest of the watershed.

13 MS. deRENZY: The watershed from the firehouse
14 down?

15 MR. CACIOPPO: Up the hill.

16 MS. deRENZY: Up the hill, which means the
17 Highlands, right? Am I mistaken?

18 UNIDENTIFIED SPEAKER: And beyond.

19 MS. deRENZY: And beyond. Aren't retention ponds
20 state law? Do we have a lawyer? I would like--

21 CHAIRMAN WALLING: We have a legal--

22 MR. GUNDERSON: We've got lots of lawyers.

23 MS. deRENZY: Isn't it state law that to prevent
24 runoff to flooding an area the responsible party is
25 supposed to have retention ponds?

1 MR. GUNDERSON: The developer is required to
2 handle, manage and address runoff. How they do that is
3 up to them and their engineers and the approval
4 process. It may include detention ponds or it may not.
5 It depends on how they decide they want to manage the
6 water.

7 MS. deRENZY: So whoever owns the property above
8 for the runoff is responsible for taking care of
9 preventing floods?

10 MR. GUNDERSON: That's correct.

11 MS. deRENZY: Okay. So that means like the
12 Highlands homeowners association is responsible for
13 preventing floods in Lockwood?

14 MR. GUNDERSON: Well, I can't address that.

15 CHAIRMAN WALLING: Good point.

16 MR. GUNDERSON: That's getting too technical for
17 me. If you have water on your property, you've got to
18 take responsible steps to corral it and to manage it.

19 MS. deRENZY: Well, I just-- You know, we have a
20 lot of water that runs through Lockwood every time it
21 rains from the firehouse down, and I just wanted to
22 know who was responsible. And I know like state law
23 prevents-- you know, what did he say, that everybody
24 expected a reasonable safe home.

25 UNIDENTIFIED SPEAKER: Mr. Chairman, point of

1 order.

2 MR. GUNDERSON: In general, but I can't really
3 address specifically what you're asking.

4 UNIDENTIFIED SPEAKER: We're not here this evening
5 to discuss flooding in Lockwood. That's not on the
6 agenda.

7 CHAIRMAN WALLING: That's a fact. But thank you
8 for your concerns. I think you have been sufficiently
9 answered by our legal counsel.

10 MS. deRENZY: Okay. Thank you. The other thing is
11 that special industrial includes explosives?

12 CHAIRMAN WALLING: It has, yes.

13 MS. deRENZY: Okay. I'm definitely against--

14 CHAIRMAN WALLING: To all different degrees.

15 MS. deRENZY: Different degrees of explosives from
16 like little explosives to big explosives?

17 CHAIRMAN WALLING: Well, the projects that you're
18 speaking of, the last project was a small device to
19 explode air bags in cars. And any larger projects
20 never were finished to produce--

21 MS. deRENZY: I'm definitely against explosives in
22 Lockwood or anywhere near Lockwood.

23 CHAIRMAN WALLING: Appreciate that.

24 MS. deRENZY: Thank you.

25 CHAIRMAN WALLING: Thank you.

1 COMMISSIONER HAMMACK: Mr. Chairman.

2 CHAIRMAN WALLING: Yes.

3 COMMISSIONER HAMMACK: Mr. Chairman, should we read
4 something from the special industrial zone required
5 criteria for permitted use? It says-- Number C.
6 Excuse me. I'll back up. 17.38.040, required criteria
7 for permitted use. This is reading from the special
8 industrial zone. "The boundaries of the property
9 shall--"

10 CHAIRMAN WALLING: I (inaudible) you should read
11 it.

12 COMMISSIONER HAMMACK: You want me to? Okay.

13 "The boundaries of the property shall not be
14 located closer than one mile to property which permits
15 a residential use, except for those boundaries
16 permitting a residential use at the time of the passage
17 of this zoning ordinance.

18 "The boundaries of the property--" This is number
19 D. "The boundaries of the property shall not be closer
20 than two miles from a permitted city or town."

21 So that pretty much limits how much area there can
22 be explosives in.

23 MS. deRENZY: Well, I had my windows broken by an
24 explosion at Mustang that one year.

25 CHAIRMAN WALLING: What happened at Mustang?

1 MS. deRENZY: I've lived in Lockwood since 1979 and
2 we had an explosion there. There was an explosion and
3 two Mexicans were killed.

4 CHAIRMAN WALLING: Correct. That was in Washoe
5 County. That was across the river. Yeah, that was a
6 biggie.

7 MS. deRENZY: Yeah, that was a biggie.

8 CHAIRMAN WALLING: Okay. Thank you.

9 David Laney.

10 MR. LANEY: Hello. Both my questions have been
11 answered, but two quick questions for Blake Smith.
12 One, have you not listened to the people of Storey
13 County; and, two, don't you think it's time to pull the
14 plug on Cordevista?

15 (Clapping)

16 MR. LANEY: That's my only question.

17 CHAIRMAN WALLING: Okay, folks, that is the end of
18 the testimony declarations. Is there someone who would
19 like to speak that did in fact not fill out a
20 declaration?

21 Gentlemen over here from my left. Sir.

22 MR. MASSICOTT (phonetic): Yeah, my name is Steven
23 Massicott. I live down on Wagon Wheel Way in Mark
24 Twain. There was a statement made earlier here that
25 kind of went right past everybody and it just-- it

1 absolutely floored me.

2 Question to any of the commissioners or anybody
3 over here. What is the average growth rate of a county
4 on a national basis in a percentage point? Is it one
5 percent, two percent, three percent? Is there anybody
6 here that can answer that on a national basis, even on
7 a-- Take Vegas out of the equation. What is the
8 average growth rate per county in the state?

9 They made a statement, I forget who said it, that
10 this proposal is going to grow Storey County by 12
11 fold. What is the timeline for this plan? Is it five
12 years, six years, seven years? What is the-- From
13 start to finish, bulldozers are gone, how long is the
14 timeline for this project? Does anybody know?

15 MR. SMITH: I can tell you a couple of things that
16 I know. I am not a demographic-- demographer I believe
17 it's pronounced, but Reno-Sparks has grown over the
18 past 15 years compounded at 2.8 percent per year.
19 Storey County has grown at 4.9 percent per year.
20 Las Vegas, the one that everyone looks to, I believe is
21 still growing at about 9 percent per year. Outside of
22 Nevada I couldn't tell you the population of the
23 country growth--

24 MR. MASSICOTT: And now we have to take those
25 growth curves, we have to average them out over the

1 population, because nine percent of 4,000 is a whole
2 lot different than 2.3 percent of a quarter million
3 dollars down at the bottom of the hill-- a quarter
4 million people at the bottom of the hill. So it's all
5 relative.

6 I ask you, what is your timeline, if they gave you
7 permission today, five years, ten years, how fast can
8 you do this project?

9 MR. SMITH: And I think we've stated that in the
10 past, that this project would be envisioned to go 30 to
11 50 years to build it out.

12 MR. MASSICOTT: To build all 15,000 houses?

13 MR. SMITH: Um-hum, yes. It's a very long-term
14 project, just like TRI is. There's an unknown
15 timeframe in that as to how long it would take to build
16 it out. This one would be an unknown also, but it
17 could very easily take that long to build out this
18 project.

19 MR. MASSICOTT: Do you have-- You're just
20 estimating, you have not on your finances, your banking
21 or anything said it will be so many houses per year--

22 MR. SMITH: No.

23 MR. MASSICOTT: --to pay your note off? You don't
24 really care how long it takes you? So if they approve
25 it based on a hundred houses a year, you would wait 400

1 years to do the whole thing?

2 You have to have a building timeline. You can't go
3 to this commission and say 30 years, 40 years, anything
4 could happen. You know and I know, building
5 contractors, they have phases and those phases have
6 timelines. And I think they should know give or take a
7 reasonable average what that timeline will be, because
8 we can't afford-- There isn't a county in this state
9 that can take a 12-fold growth even over a 20-year
10 program, because we're not going to be able to afford
11 it. It will cause more mayhem in this county that I
12 can even imagine; and I'm not that smart a guy.

13 CHAIRMAN WALLING: Thank you.

14 (Clapping)

15 MR. SMITH: And, again, in the previous
16 presentations we've shown where this is step one of the
17 process which is the master plan and the zone change.
18 The next step where we would request a PUD or a
19 development plan, that would-- then we would go in and
20 actually define how many homes are at that point and we
21 could do an economic model. We're not at that stage
22 yet, but it would be part of the second stage of the
23 process here that we would come in and show the
24 economics, show the taxes and how it all works.

25 What we've pledged is that it would be a net

1 positive to Storey County, the tax base that came in
2 through the project, but that couldn't be determined
3 until we got to the next stage.

4 MR. MASSICOTT: So you're saying that you expect
5 these guys to vote for a special use permit without
6 knowing all that information?

7 MR. SMITH: No, this is not a special use permit,
8 this is a master plan and a zone change.

9 MR. MASSICOTT: Somehow you're going to have to get
10 permits to do this project.

11 MR. SMITH: Yes, and the second--

12 CHAIRMAN WALLING: It might or might not come
13 later.

14 MR. SMITH: Yeah, but the second step of that--

15 CHAIRMAN WALLING: But we will need that, yes.

16 MR. SMITH: The second step of that would be us
17 delivering all that and then they would approve it at
18 that point or decline it. There is a second step that
19 goes beyond this. And there's actually a third step,
20 that it comes before the public in the process and
21 there's either an acceptance or a denial at that point.
22 So approving this allows us to go to the next step
23 which would have another process similar to this going
24 on that has an acceptance or a denial process.

25 MR. MASSICOTT: I just find it hard to believe that

1 common sense with such a large project and ungodly
2 impact on the community, in your opinion good, and in
3 everybody's opinion bad, that there's not an estimated
4 timeline, you're not giving them, hey, 25 percent in
5 the first three years, 35 percent over the next four.
6 There's no timeline.

7 MR. SMITH: No, it is in there. We've stated it
8 clearly that we could see it from a 20- to 50-year
9 horizon, but it's market driven. The problem is--

10 MR. MASSICOTT: It's in the big book?

11 MR. SMITH: Yes.

12 MR. MASSICOTT: The timeline. I'm going to suggest
13 to you that-- I know you guys didn't do that on a
14 typewriter, that's a digital document. You should be
15 able to supply that to the county, they can put it up
16 on the website. I know a guy who can put it up on the
17 website probably for free. It can't be more than 15 to
18 20 megabytes. That thing could be put on line for all
19 of us to see, very little trouble. It's better than
20 you trying to supply 10 or 20 copies.

21 MR. SMITH: It is not all scanned in. I wish it
22 all was, but it's actually a copying process.

23 CHAIRMAN WALLING: Thank you, gentlemen.

24 Sir.

25 MR. VAN DAM: I'm Alex Van Dam from Virginia City.

1 I would like to add a little bit to it, because I can
2 look a little bit in the future. We've been talking
3 about what could happen to Storey County in the future.
4 I happened to live 30 years of my life in Europe in a
5 country where it was the trend to fill up every little
6 spot with houses and factories.

7 I left there because of the acid rain, the traffic
8 that was horrendous at every hour of the day wherever
9 you wanted to go, work, school, whatever. It was a
10 hell to live there. And, I'm sorry, I'm a little
11 emotional about this.

12 CHAIRMAN WALLING: That's okay.

13 MR. VAN DAM: Since then I've traveled the world,
14 I've seen a lot of places in this world, and I was
15 lucky enough and privileged enough to end up in Storey
16 County, because I thought it was a treasure. And I've
17 seen a lot of places, and this is a treasure, this is a
18 paradise.

19 And if I tell my family in Europe that I can walk
20 on rocky cliffs and there's hundreds of ancient
21 drawings, petroglyphs, at the same time I can look at
22 12 horses running by, they don't even believe me until
23 they saw it with their own eyes. This is something
24 very unique in the world what we have here. And please
25 don't fall in the mistake that the Europeans did,

1 filling up every spot until they have ten hours to
2 drive. If you go to places in Poland or Austria, there
3 is still a little bit of open land there. We still
4 have some (inaudible), but it's a treasure, a whole
5 treasure, that we have here.

6 (Clapping)

7 MR. VAN DAM: I have one more thing to say. I've
8 heard a lot of things said about what would be good for
9 Storey County, and it usually comes from the people
10 that don't live in Storey County. Well-meaning
11 politicians think of things that would be good for a
12 certain population or what is good for Storey County.
13 Politicians are not always right. Some well-meaning
14 politicians thought Iraq was going to be good for us,
15 and that's certainly not.

16 So, Mr. Amodei, I would like to tell you what we,
17 the people in Storey County, would think would be good
18 for Storey County. These petroglyphs and the wild
19 horses out there are so unique in this world that it
20 should be at least a national heritage site or at least
21 a state heritage site. And there's ways to do that.
22 There is ways to purchase the land from Blake Smith and
23 declare the whole area a state heritage site. There is
24 ways to do that. Bill Clinton can tell you how to do
25 that.

1 UNIDENTIFIED SPEAKER: Another politician.

2 MR. VAN DAM: But that is what Storey County would
3 love you to do. Then we would be proud of our senator.
4 Don't fill up-- don't fill up our open space that we
5 treasure with economical things that make sense, but it
6 would make us very unhappy. Talk to the people in
7 Dayton and ask how happy they are with what has been
8 going on there. That's all I want to say.

9 (Clapping)

10 CHAIRMAN WALLING: Sir.

11 MR. WINTERS: My name is Ernie Winters. I live in
12 the Highlands. I'm also a member of the Nevada Rock
13 Art Foundation. The director of the Nevada Rock Art
14 Foundation today died. Everybody knows Alanah. And
15 I'm very sorry to bring you that sad information. But,
16 as you know, the foundation has been working at the
17 petroglyphs for the last three years documenting every
18 petroglyph that's there.

19 I'm not coming as a representative of the
20 foundation. I'm just a member. But my point is if
21 there's 15,000 houses in that immediate vicinity, how
22 many 20-year-old boys with spray cans are there going
23 to be in those 15,000 houses? And when you say that
24 those are going to be protected, I don't believe it.
25 You can't make me believe it, that those will be

1 protected, just the same as those petroglyphs up there
2 in north Reno were protected.

3 CHAIRMAN WALLING: On Peavine.

4 MR. WINTERS: On Peavine. You can't protect them.
5 In Alanah's memory I just had to stand up and say
6 please, please, please do not approve this project.

7 CHAIRMAN WALLING: Thank you, sir.

8 (Clapping)

9 CHAIRMAN WALLING: Yes, sir.

10 MR. GILBERT: Yeah, Mr. Commissioner and Planning
11 Commission, my name is Ed Gilbert and I'm from the
12 River District. And I hope I don't get lynched by the
13 time I get out of this building tonight, but I'm going
14 to speak for this project. Even though Mr. Gilman says
15 he does not need this project for his population or for
16 his employees within his industrial park, that's where
17 they're going to come from. Other than that, they're
18 going to come from Washoe County, Reno-Sparks.

19 Interstate 80 right now is a zoo, trying to get on
20 that thing at 8:00 o'clock in the morning, trying to
21 come out here at 4:30 in the night. Yes, Mr. Gilman
22 does not need it, but it's going to help.

23 Also, it was brought up about the flooding.
24 Anything that Mr. Smith can do for the flooding along
25 Lagomarsino Canyon will be an assistance to us. And

1 whatever he's going to do is going to help us. I
2 believe his figure was, what, 18 percent he was going
3 to reduce it, something like that. Anything is going
4 to be a help.

5 Also, as far as the school districts, the northern
6 district is going to grow of Storey County. Are we
7 going to continue to bus our kids up to Virginia City
8 day in and day out? Again, he has offered to build the
9 infrastructure, not the county, but he is going to
10 build it according to county specifications I'm sure.
11 And I'm sure that all these requirements are going to
12 be in writing on his permit. So that's all I got to
13 say about it. Thank you for hearing me out.

14 CHAIRMAN WALLING: Thank you.

15 (Clapping)

16 CHAIRMAN WALLING: Okay. This gentleman in the
17 back there.

18 MR. MAYS: My name is Bud Mays. I live in Rainbow
19 Bend and Lockwood. I heard Mr. Smith say this evening
20 that this was the seventh time that he has appeared and
21 been put under the microscope, dissected and trisected
22 about all the different aspects of this project; and
23 you're still sputtering. I think common decency
24 dictates that you give him an answer. I'm not telling
25 you how to vote. I don't really care how you vote.

1 But I think you ought to do something other than say
2 we'll table this until our next meeting. Thank you.

3 CHAIRMAN WALLING: This, sir-- This has been a
4 continuation of a process that gave the citizens of
5 this county in different districts a chance to voice
6 their opinion on their home turf. This is the meeting.

7 And, Planning Commissioners, at this juncture I
8 think the chair is looking for a motion on the master
9 plan amendment.

10 COMMISSIONER PRATER: Mr. Chairman.

11 CHAIRMAN WALLING: Yes, sir.

12 COMMISSIONER PRATER: Before we do that, there's
13 one other item I feel that we need to address. We've
14 asked county staff to provide us information regarding
15 impacts to their various departments. We have received
16 that report.

17 CHAIRMAN WALLING: Yes, we have.

18 COMMISSIONER PRATER: I'm hoping Mr. Smith has also
19 received the report.

20 MR. SMITH: Yes.

21 COMMISSIONER PRATER: And my question-- I would
22 like to hear from Mr. Smith if he has any comments or
23 concerns regarding anything that came out of the
24 reports from the county.

25 CHAIRMAN WALLING: That's fair.

1 MR. MOLLATH: Go ahead. I think they need to hear
2 from you.

3 MR. SMITH: That's fine. Yes, we did receive it,
4 and we did review the impacts report as it was
5 presented. We actually believe those impacts and
6 understand those and do see those costs and those
7 infrastructure items as things that will come. We see
8 those that will come, whether it's under a mixed use or
9 under an industrial, but those will be coming. And we
10 do agree that it's-- those impacts will come to the
11 county under either business model.

12 And so we really don't have a discrepancy with it.
13 I mean, there's some fine-tuning things, but at this
14 level we agree with what's said in there, that it would
15 be-- under either one of these zoning proposals you'll
16 have those same type of occurrences within that. So I
17 don't know if I'm answering appropriately.

18 MR. MOLLATH: And let me just add in that regard,
19 certainly all those things are absolutely essential
20 items to be addressed. This level of the approval
21 process is not the time where you address those
22 particular issues. Those issues are addressed as the
23 project unfolds past the master plan amendment, past
24 the zone change and you get into the specific design of
25 the project. They're all legitimate things that staff

1 has to look at, the county has to look at, and we agree
2 they have to be looked at, but you don't look at that
3 at the beginning, you look at that throughout the
4 process and then you hone that process to adopt to and
5 provide for all those concerns of staff.

6 CHAIRMAN WALLING: Thank you.

7 Mr. Prater.

8 MR. SMITH: You know, can I make one additional
9 comment?

10 CHAIRMAN WALLING: Certainly.

11 MR. SMITH: Because there's been a lot of comments
12 and different things in here. This process-- And
13 there's been a lot of comments towards myself or our
14 organization or whatever. We are by no means a
15 litigious organization. In fact, I have never been
16 sued and I have never sued anyone. That is not the
17 reason why Mr. Mollath is here.

18 We have come through this process and it has been a
19 very long and detailed and very orientated one. There
20 was special counsel actually introduced into this which
21 with this process brought a lot of correspondence and a
22 lot of questions and a lot of other things of why--
23 The reason I introduced Mr. Mollath into it was to
24 question have we completed everything we need to do
25 within here and this is a complete record here.

1 So I know there was a lot of questions, a lot of
2 other things in here, but I want to really clear the
3 air of who we are. This is a process that we believe
4 in. We think it is better. I think that there are--
5 you know, there's-- I can sense the emotions within
6 here, but from a logical standpoint, this is something
7 that we see that is beneficial and balancing to the
8 county. So I did want to mention that, too.

9 CHAIRMAN WALLING: Thank you, sir.

10 MR. HAYMORE: Mr. Chairman, can I make a statement
11 for the record?

12 CHAIRMAN WALLING: Yes.

13 MR. HAYMORE: I shoot straight with everybody. And
14 I've been here 20, 21 years working for the taxpayers
15 of Storey County. And there is a document in there,
16 and I want to clear it up. I'm going on vacation next
17 week. I'm going to try to-- my wife is making me go on
18 a boat so I can't answer the phone. And there were
19 some allegations that staff-- And I have never been
20 threatened by county management or a commissioner about
21 my job.

22 Now, I may feel that the pressure of this process
23 has put a lot of pressure on me that I've felt. And
24 I've made numerous comments that I don't know if I'll
25 be here eight more years before I retire or eight more

1 days, because the pressure-- And I take everything to
2 heart. I've given my soul to Storey County residents.
3 I give my soul to Blake Smith.

4 The process is this, it's my job to go through the
5 process, it's my job to enforce the decision. But I
6 want it clear, so, newspaper, the chat rooms and
7 everybody, nobody has threatened my job. I might feel
8 that I had a lot of pressure on me and everything else
9 and I might have relayed that to Mr. Smith that, you
10 know, I feel I got all this pressure, but I want it
11 clear that nobody has threatened my job.

12 I do my job. The county commissioners stand behind
13 me, management stands behind me, you guys have always
14 stood behind me and you as residents have always stood
15 behind me. And I've always tried to give my all to
16 everybody. If it's bad or good or negative or
17 positive, I try to serve the taxpayers of Storey
18 County. And I've given the better part of my life and
19 my family to do that. And I just want to clear that
20 for the record so there's nothing else going on.

21 And, Blake, I apologize to you personally if I
22 might have said that, if you felt that. There was some
23 discussions back and forth with me and Blake and then
24 we were directed to send everything through legal
25 counsel which has actually made my job easier, but I

1 just wanted to make that for public record.

2 CHAIRMAN WALLING: Thank you.

3 (Clapping)

4 CHAIRMAN WALLING: Dean, I want to thank you.

5 MR. MOLLATH: Let me add one thing to that.

6 CHAIRMAN WALLING: And this audience thanks you for
7 your service to Storey County for all these years.

8 Sir.

9 MR. MOLLATH: I've been acquainted with Dean since
10 the Hi-Shear days, and I would echo that he's a great
11 public servant and he's done a great job for this
12 community. We've been at odds many times, but he does
13 a great job for this community and he's an asset; and I
14 just wanted to put that on the record.

15 CHAIRMAN WALLING: Appreciate it.

16 MR. SMITH: And I would ditto that to the entire
17 staff across the board.

18 CHAIRMAN WALLING: Thank you. The chair would like
19 to get on with the process. Ladies and gentlemen, the
20 chair is looking for a motion on this master plan
21 amendment, 2007-049.

22 VICE-CHAIRMAN BUCCHIANERI: I have a question.
23 Dean, you have part of it forestry and part of is as
24 industrial. What's the percentage of that?

25 MR. HAYMORE: 6800 acres or 11 sections was zoned

1 as special industrial. That was the
2 TRW/Hi-Shear/Aerojet property. Mr. Smith then
3 purchased 1800 acres, plus or minus, from Storey County
4 Properties that abut and wrap around the TRW property.

5 Some of that, if you're familiar with it, as you
6 drive in to TRW there's a big flat plateau. That
7 plateau, when we did the zoning and stuff, we looked at
8 it and said that at some point would be perfect to tie
9 into the (inaudible) industrial or the special
10 industrial. So 600, 800 acres of that was zoned heavy
11 industrial. The remainder of that is forestry.

12 And I don't have exactly the numbers. I think
13 counsel has asked me and we never set it down exactly.
14 I think Blake had it down on one of his presentations
15 of kind of what it was, but the majority of the
16 8600 acres, 6800 acres is special industrial, 6 to 800
17 or maybe a thousand, don't quote me, is heavy
18 industrial and then the rest is forestry.

19 COMMISSIONER OSBORNE: Mr. Chairman.

20 CHAIRMAN WALLING: Yes, sir.

21 COMMISSIONER OSBORNE: Before a motion is made, I
22 just want to make one point as far as the staff
23 correspondence and what staff feels about the impacts
24 this will have on Storey County. I do believe it is
25 pertinent at this time and not later on, because it

1 does say, the master plan, a further goal of this plan
2 is derived essentially from the desire to preserve and
3 improve the present quality of Storey County. It goes
4 on further to say other things. And what staff has
5 provided us are issues that would affect the present
6 life of people here in Storey County. So whatever the
7 motion is, I just think that needs to be considered,
8 the recommendations by staff.

9 CHAIRMAN WALLING: As it will be. Thank you.

10 The chair is looking for a motion, folks.

11 COMMISSIONER PRATER: Mr. Chairman.

12 CHAIRMAN WALLING: Yes, sir.

13 COMMISSIONER PRATER: First off, I would like to
14 state that Mr. Smith's proposal is probably the most
15 thorough and most thoroughly examined proposal that
16 we're going to see perhaps-- I've ever seen and may see
17 in the future. I have no doubt that this project to be
18 done correctly could be done by Mr. Smith and that he's
19 obviously well qualified and obviously capable of doing
20 this. However, in my opinion it falls back to the
21 basics of whether or not the development is really
22 necessary and whether or not it's appropriate.

23 With regards to the necessity, as everyone is well
24 aware, almost a year ago now, we did approve a similar
25 type development at Painted Rock that will if it's seen

1 through as approved triple the county's population.
2 Again, we have no timelines with that project either,
3 so when that will occur, I don't know, but at this time
4 we already have in place that mechanism for-- as far as
5 increasing housing within the county--This is the
6 argument--balance, that sort of thing.

7 The other aspect to me is the appropriateness. And
8 I raised the question earlier on as to the proposed
9 zoning aspect of spot zoning. This development is
10 currently zoned on three sides by an industrial park
11 and on the fourth side to the west very low density
12 residential, forestry, in fact, which also could have
13 other kinds of uses. In my opinion that is spot
14 zoning. The developers argue that this is transitional
15 zoning. I'm afraid that I don't see it that way.
16 Therefore, because of that, I at this point will move
17 to deny.

18 CHAIRMAN WALLING: We have a motion for denial. Do
19 we have a second?

20 COMMISSIONER HAMMACK: I'll second that,
21 Mr. Chairman.

22 CHAIRMAN WALLING: Any further discussion?
23 All in favor?

24 (Collective aye)

25 COMMISSIONER TYLER: I abstain.

1 CHAIRMAN WALLING: We have one abstention. The
2 chair at this time has the prerogative to vote, and I
3 vote--

4 COMMISSIONER PRATER: Mr. Chairman.

5 CHAIRMAN WALLING: --in favor of the motion.

6 COMMISSIONER PRATER: I'm sorry. Are we going to
7 call for a vote for no's?

8 COMMISSIONER HAMMACK: You didn't call for no's.

9 CHAIRMAN WALLING: Excuse me. No?

10 COMMISSIONER MAHOLLAND: Neigh.

11 CHAIRMAN WALLING: Okay. We will pass on our
12 approval to the county commissioners. Thank you,
13 everyone, for your attention to the matter.

14 (Clapping)

15 CHAIRMAN WALLING: Gentlemen, thank you for your
16 presentation.

17 MR. MOLLATH: A procedural issue. That dispenses
18 with the master plan, but we haven't gotten to the zone
19 change, which is really the same issue, so I think you
20 need to vote on that.

21 CHAIRMAN WALLING: The zone change-- Okay.
22 Planning Commissioners, I would like to--

23 COMMISSIONER HAMMACK: Quiet. We're not done.

24 COMMISSIONER PRATER: Can we have a brief recess?
25 Could we have a brief recess?

1 (Multiple discussions held off the record.)

2 CHAIRMAN WALLING: Okay. Secretary, could we have
3 a call of the roll on the vote, please.

4 MS. GIBONEY: Virgil.

5 VICE-CHAIRMAN BUCCHIANERI: No.

6 MR. HAYMORE: Folks, we need this on the record.

7 MS. GIBONEY: Lydia.

8 COMMISSIONER HAMMACK: I voted yes.

9 CHAIRMAN WALLING: On the motion?

10 COMMISSIONER HAMMACK: On the motion.

11 CHAIRMAN WALLING: You voted yes on the motion?

12 COMMISSIONER HAMMACK: I voted yes on the motion to
13 deny.

14 MEMBER OSBORNE: Is there a way we can do this to
15 make sure it's perfectly clear?

16 COMMISSIONER HAMMACK: The motion is on the floor
17 to deny, wasn't it?

18 MS. GIBONEY: Okay. The motion on the floor was to
19 deny.

20 CHAIRMAN WALLING: Yes.

21 COMMISSIONER HAMMACK: Correct.

22 MS. GIBONEY: If you tell me yes, that means you
23 voted for the denial. If you tell me no, that means
24 that you're voting against the denial. So I'm going to
25 start with Virgil again.

1 VICE-CHAIRMAN BUCCHIANERI: Yes.

2 MS. GIBONEY: Lydia.

3 COMMISSIONER HAMMACK: Yes.

4 MS. GIBONEY: Peter.

5 COMMISSIONER MAHOLLAND: No.

6 MS. GIBONEY: Austin.

7 COMMISSIONER OSBORNE: Yes, I'm voting for the
8 denial.

9 MS. GIBONEY: Larry.

10 COMMISSIONER PRATER: Yes.

11 MS. GIBONEY: Bret.

12 COMMISSIONER TYLER: I abstain.

13 MS. GIBONEY: Doug.

14 CHAIRMAN WALLING: Yes.

15 MS. GIBONEY: Okay. Thank you.

16 CHAIRMAN WALLING: Okay. Thank you.

17 (Clapping)

18 COMMISSIONER HAMMACK: We're not done. If they'll
19 be quiet, we can finish.

20 CHAIRMAN WALLING: Just as a matter of fact here,
21 we're going to have to make a statement that the
22 requested zone change will be only heard when and if
23 the master plan amendment has been approved as
24 requested. So the master plan has-- plan amendment has
25 been denied, so we will not be hearing at this time the

1 zone change.

2 Thank you, once again, everybody. I would-- I've
3 got the softest chair in this town and my butt hurts,
4 guys. Please, enjoy your evening.

5 (The proceedings were concluded at 8:37 p.m.)

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1 STATE OF NEVADA)
)
2 COUNTY OF WASHOE) ss.

3 I, LORI URMSTON, a Certified Court Reporter and
4 Notary Public for the County of Washoe, State of
5 Nevada, do hereby certify that on Thursday, the 19th
6 day of July, 2007, at the Storey County Courthouse, 26
7 South B Street, Virginia City, Nevada, I reported the
8 Storey County Planning Commission meeting;

9 That the foregoing transcript, consisting of
10 pages 1 through 114, is a true and correct transcript of
11 the stenographic notes of testimony taken by me in the
12 above-captioned matter to the best of my knowledge, skill
13 and ability.

14 I further certify that I am not an attorney or
15 counsel for any of the parties, nor a relative or
16 employee of any attorney or counsel connected with the
17 action, nor financially interested in the action.

18 DATED: At Reno, Nevada, this 6th day of
19 August, 2007.

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LORI URMSTON, CSR #51