



# Storey County Planning Commission

## Meeting Agenda

Thursday, August 4, 2016 6:00 p.m.  
Storey County Courthouse, District Courtroom  
26 South "B" Street, Virginia City, Nevada

*Larry Prater – Chairman*

*Virgil Bucchianeri – Planning Commissioner*

*Pamela Smith – Planning Commissioner*

*John Herrington – Planning Commissioner*

*Jim Hindle – Vice-Chairman*

*Kris Thompson – Planning Commissioner*

*Ron Engelbrecht – Planning Commissioner*

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

1. **Call to Order at 6:00 p.m.**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Discussion/Possible Action:** Approval of Agenda for August 4, 2016.
5. **Discussion/Possible Action:** Approval of Minutes for May 19, 2016.
6. **Discussion/Possible Action:** Approval of Minutes for June 2, 2016.
7. **Discussion/Possible Action:** 2016-013 Special Use Permit by Mickey Hazelwood of the Nature Conservancy. The applicant is requesting a special use permit to alter portions of the existing Truckee River channel and abutting floodplain environment to facilitate flood management, water quality improvement, biodiversity and habitat enhancement, noxious weed eradication, and recreation opportunity. Location is 191 Wunotoo Rd, McCarran, Storey County, Nevada (APN: 004-091-72) 0 PLC#4: PTN NW4 S34 T20N R22E, McCarren, Storey County, Nevada (APN: 004-091-30).
8. **Discussion/Possible Action:** 2016-018 Parcel Map by Laurie Weatherston of Weatherston Surveying. The applicant is requesting a parcel map merging and re-subdividing three parcels into two parcels located at 180 South O Street, 190 South O Street, and 200 South O Street in Virginia City, Storey County, Nevada (APNs 001-251-10, 001-251-11, 001-251-12).
9. **Discussion /Possible Action (Master Plan Amendments):** Discussion and possible action on the adoption of comprehensive text amendments to the existing Storey County Master Plan, including the following elements: land use; population; housing; economic development; transportation; public services and facilities; water and natural resources; cultural and historical resources; and other provisions thereof, and the adoption of comprehensive map amendments to the existing Storey County Master Plan area and land use designation maps. Public participation is encouraged. Copies of the master plan draft may be obtained from the Planning Department website at <http://www.storeycounty.org/521/Updates>, at 775.847.1144, or from [planning@storeycounty.org](mailto:planning@storeycounty.org).
10. **Discussion/Possible Action:** Determination of next Planning Commission meeting.
11. **Discussion/Possible Action:** Approval of Claims.

12. **Correspondence** (no action)

13. **Public Comment** (no action)

14. **Staff** (no action)

15. **Board Comments** (no action)

16. **Adjournment**

**Notes:**

Note: Additional information pertaining to any item on this agenda may be requested from the Planning Department (775-847-1144).

- Note: There may be a quorum of Storey County Commissioners in attendance, but no action or discussion will be taken by the Commissioners.
- Note: Public comment will be allowed after each item on the agenda (this comment should be limited to the item on the agenda). Public comment will also be allowed at the end of each meeting (this comment should be limited to matters not on the agenda).

**Certification of Posting**

I, Lyndi Renaud, on behalf of the Storey County Planning Commission, do hereby certify that I posted, or caused to be posted, a copy of this Agenda at the following locations on or before July 26, 2016: Virginia City Post Office; Storey County Courthouse; Virginia City Fire Station 71; Virginia City RV Park; Mark Twain Community Center; Rainbow Bend Clubhouse; Lockwood Community Center; Lockwood Fire Station; Virginia City Highlands Fire Station; and the Virginia City Highlands mailbox buildings.

By Lyndi Renaud, Secretary



# STOREY COUNTY PLANNING COMMISSION MEETING

Thursday, May 19, 2016 6:00 p.m.

Rainbow Bend Clubhouse

500 Ave de la Bleu de Clair in Lockwood, Nevada

## MEETING MINUTES

CHAIRMAN: Larry Prater

VICE-CHAIRMAN: Jim Hindle

COMMISSIONERS:

Virgil Bucchianeri, John Herrington, Pamela Smith, Ron Engelbrecht, Kris Thompson

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1. **Call to Order:** The meeting was called to order by the Chair at 6:11 P.M.
  2. **Roll Call:** Jim Hindle, Larry Prater, Virgil Bucchianeri, John Herrington, Kris Thompson, Pamela Smith, and Ron Engelbrecht.  
  
**Also Present:** Planning Director Austin Osborne, Planner Jason VanHavel, Deputy D.A. Keith Loomis, County Commissioner Lance Gilman, County Commissioner Marshall McBride, County Commissioner Jack McGuffey, and Contract Attorney Bob Morris.
  3. **Pledge of Allegiance:** The Chair led those present in the Pledge of Allegiance.
  4. **Discussion/Possible Action:** Approval of Agenda for May 19, 2016.  
  
**Motion:** Approve Agenda with correction of wording of Item 7, Discussion/Possible Action to Discussion Only/No Possible Action for May 19, 2016 **Action:** Approve, **Moved by** Commissioner Hindle, **Seconded by** Commissioner Herrington, **Vote:** Motion carried by vote (**summary:** Yes=7).
  5. **Discussion/Possible Action:** Approval of Minutes for March 3, 2016.  
  
**Motion:** Approve Minutes for March 3, 2016 **Action:** Approve, **Moved by** Commissioner Smith, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by vote (**summary:** Yes=7).
  6. **Discussion/Possible Action:** Approval of Minutes for April 7, 2016.  
  
**Motion:** Approve Minutes for April 7, 2016 **Action:** Approve, **Moved by** Commissioner Smith, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by vote (**summary:** Yes=7).

**No public comment.**

7. **Discussion Only/No Possible Action (Master Plan Amendments):** Discussion and comments from the commission, staff, and public regarding existing and potential future land uses and development patterns in the county and its communities. Discussion will include a review of draft Master Plan Chapter 4 Land Uses; Chapter 5 Population; Chapter 6 Housing; Chapter 8 Transportation; and other chapters of the draft master plan. Public participation is encouraged. Copies of the master plan draft may be obtained from the Planning Department website at <http://www.storeycounty.org/521/Updates>, at 775.847.1144, or from [planning@storeycounty.org](mailto:planning@storeycounty.org).

**Planning Director Osborne:** Began by explaining that a master plan is a guiding document for land use in the county, as well as a defensible document in court. The draft narrative version of the master plan is complete and available for viewing on the county website. Due to the large turnout, Mr. Osborne concentrated on the Lockwood part of the master plan. He gave a brief overview of the master plan's narrative for Lockwood and emphasized that tonight's meeting is just a workshop – there is no action planned. He further explained that there are no pending planning applications or proposals for land uses submitted at this time for the Lockwood area.

**Rose Austin, Lockwood Resident:** Asked when the master plan is scheduled to be adopted? Will there be multi-family residential use in the Lockwood area?

**Planning Director Osborne:** After working on the master plan for 7 years, it will be adopted in August. There is no zoning in the area for multi-family at this time. The master plan suggests that any multi-family residences would have to be in an integrated mixed-use community under the provisions of the new master plan. An applicant would have to come before the planning commission in a public hearing, and then the county commission in another public hearing, to request a zone change.

**Rose Austin, Lockwood Resident:** The majority of people in Lockwood don't want multi-family here.

**Planning Director Osborne:** Assured the audience that all comments will be heard today. He explained that ultimately it will be the planning commission that will make a recommendation to the county commission on what happens in the master plan. Mr. Osborne reiterated that there is nothing in the zoning ordinance that would allow someone to come in right now and start building multi-family residences without further public review.

**Chairman Prater:** This planning commission historically has involved the community in every decision that may affect it. There are no plans on changing that policy.

**Merilee Miller, Lockwood Resident:** Commented that the road structure cannot handle the kind of traffic that apartments would bring. Lockwood is a quiet community and the residents want to keep it that way. She asked "And what about water and sewer?"

**Jessica Ferguson, Lockwood Resident:** People do not obey the speed limits. Does the master plan address the need for speed bumps? Does the master plan take into consideration townhouses that are owned versus rented? Young families do not want to move here because of the cell service and internet connection issues we have here.

**Planning Director Osborne:** Explained that while speed bumps are not mentioned specifically, the master plan does discuss using calming devices and circular patterns in neighborhoods to slow traffic. If a major residential use were to be approved in the future, there are standards that would have to be met. It would have to be built in such a way to attract the right kind of residents described in the master plan. It would have to be built so that it interfaces with the existing neighborhoods.

**Bill Meyer, Lockwood Resident:** Expressed his personal feeling that the planning commission is already thinking that this is probably going to happen and that the commission didn't exercise its due diligence. For example, the Interstate-80 congestion is directly the result of the USA Parkway extension and the Tahoe-Reno Industrial Center (TRIC). The county is getting tax money from all this growth without improving the I-80 congestion which is a direct result of the growth. This area cannot handle apartment complexes and all the traffic it will bring.

**Chairman Prater:** This planning commission is not involved with what goes on with TRIC. That is between the developers and the county commission under a development agreement. Those concerns should be taken up with the county commissioners.

**Bill Meyer, Lockwood Resident:** The I-80 corridor was not designed to handle this kind of load and you want to add even more people to an already impossible situation.

**Planning Director Osborne:** Explained that the planning department is working with the Nevada Department of Transportation (NDOT), the Regional Transportation Commission of Washoe County (RTC), the Carson Area Metropolitan Planning Organization (CAMPO), and others that are involved in the planning of I-80 to address issues and concerns along the I-80 corridor.

**Planner VanHavel:** Explained that he was an NDOT engineer for 10 years before coming to work for Storey County. For those 10 years, Planning Director Osborne, County Manager Whitten, and Community Development Director Dean Haymore brought their concerns about I-80 to him. Storey County will continue to work with NDOT before this situation gets worse.

**Unknown, Lockwood Resident:** I think that heavy industrial use over there (east of Lockwood and across the river) is a bad idea for the community. It's noisy. There is so much land out there, why does it have to be back up right against our community?

**Chairman Prater:** Explained the land described across the river is in Washoe County.

**Martin Reeves, Lockwood Resident:** Voiced his displeasure with the cell phone and internet service in Lockwood. How can you plan anything without first fixing our cell phone service and getting us up on fiber optics?

**Chairman Prater:** Our emergency management people have been working on this. Unfortunately, that is all private enterprise. And if they don't see a buck in it, they don't feel it's worth their while. The county is sympathetic to this issue.

**Michael Wilson, Lockwood Resident:** What you are hearing from these individuals here tonight are individual problems? Water, sewer, DSL, cell service and traffic – they are all legitimate issues. But what we are really talking about is the nature and quality of our life here in this community. We heard that there are going to be 400 to 800 apartments put in to the east of here. This will negatively impact our existence, because this is a true community. None of you live here – you don't have skin in the game. Renters are transient by nature and they don't have skin in the game either.

**Chairman Prater:** Speaking strictly for myself here, I agree with everything you said except the fact that we do not have any skin in the game. Every person on this board is giving up their time to be here tonight. We volunteered for these jobs because we care about and love Storey County. We do have skin in the game – we want Storey County to be the best county in the state of Nevada. That's why we're here and that's why we are listening to you. We are not your enemy.

**Commissioner Thompson:** I am relatively new to the board, appointed five months ago. But in the five or six meetings I have attended, I can tell you that this board is engaged. These people care and they are listening to you. There is no apartment complex on the agenda tonight. I live in the River District right down the road and I do have skin in this game. The commission is doing its due diligence by listening to you.

**Commissioner Smith:** I'm on the planning commission because I love all of Storey County. I have raised children here and served twelve years on the school board.

**Michael Wilson, Lockwood Resident:** Apologized if the board was offended. He explained that they aren't trying to attack the board, only trying to get their attention.

**Tami Funk, Lockwood Resident:** Expressed concern about the impact apartments would have on the school and children in the community.

**Larry Elderson, Lockwood Resident:** Believes that somebody sent out a "trial balloon" to see if it would float, and now the maps being shown tonight have the words "multi-family unit" on them.

**Chairman Prater:** Adjourned the meeting for 15 minutes at 7:10pm. Reconvened at 7:25pm.

**Chairman Prater:** It was suggested that a survey of audience members be taken regarding multi-family units in Lockwood. He asked how many are against multi-family housing in the Lockwood area. Almost everyone in the audience raised their hands and voted that yes, they are against it. There were an estimated 105 people in the audience. Chairman Prater asked anyone who supported the multi-family use to raise their hand. No one raised their hand in support.

**Planning Director Osborne:** Explained that every area of the county has its issues. Over 250 people in Virginia City attended planning meetings because of mining in the Comstock. In Mark Twain it was over Sierra Pacific Power's Emma

substation. In the Highlands it has been about allowing commercial use into that area. I commend this board for going to every community in our county and listening to the residents.

**Vice-Chairman Hindle:** The statement made earlier that this master plan will be approved in August was a general statement. The map that you see tonight probably will not be the one adopted in August. It will be some variation of it, and that's why we're here – to get your input.

**Merilee Miller, Lockwood Resident:** Thanked the board and the county commissioners for coming to Lockwood and listening to the community's concerns.

**Jessica Ferguson, Lockwood Resident:** Believes Lockwood is a great community, but some growth is needed to attract young families.

**Peter Toos, Lockwood Resident:** East Lockwood was all under water during the flood of 1997.

**Planner VanHavel:** Explained that he carries a flood plain management certification. County policy does not allow construction in flood plains, which that area (Peri Ranch) is. The developers would have to modify it first in order to build there.

**Philip Hilton, Lockwood Resident:** Asked what kind of industrial uses can the community expect?

**Planning Director Osborne:** It will be light industrial under its existing zoning.

**Jennifer Agnew, Lockwood Resident:** Expressed concern about single-family (R1) having as many dwellings as multi-family. Believes Lockwood can't support any extra growth.

**Planning Director Osborne:** Explained single-family R1 zoning. R1 means single family residential and the suffix 5 (R-1-5 for example) means five thousand square feet lots. Suffix 10 would mean ten thousand square feet lots, etc. The master plan will say that single family homes should be in this general area only if they are "in scale" with the existing community, without impacts to traffic, schools, etc. If an applicant wants to put houses in that area, they have to come before this planning commission, in this community, and then the county commission for a zone change, as well as for a planned unit development and tentative map if it's a large subdivision.

**Jennifer Agnew, Lockwood Resident:** Looking at the total number of dwelling units that Lockwood could facilitate, traffic, schools, water, sewage would all be greatly impacted.

**Planning Director Osborne:** During a planned unit development process, all of those things have to be analyzed and they will be brought forth in the public setting.

**Philip Hilton, Lockwood Resident:** Who is pushing to have this development here in this community?

**Chairman Prater:** Again, this is a master plan. We are not pushing anything. We are trying to anticipate what may happen – and make what may happen, compatible with the existing area. Reno and Sparks are growing again, and with the industrial park growing like it is, there will be pressure on Storey County to accept more development.

**Rose Austin, Lockwood Resident:** What is that area (referring to east of Rainbow Bend) zoned for now?

**Planning Director Osborne:** About 20 acres are zoned agricultural and the remaining is light industrial. That is how it is zoned now.

**Michael Wilson, Lockwood Resident:** Who is pressuring this community to grow? We were here first – please keep us in mind.

**John Miller, Lockwood Resident:** What would the impact be on the fire and sheriff departments?

**Planning Director Osborne:** There is no pressure locally to do this. But there is pressure regionally from neighboring school districts, the Washoe Regional Transportation Commission, Carson Area Metropolitan Organization (CAMPO), commissioners and city supervisors from neighboring jurisdictions. That is where the pressure comes from, and these groups can lobby the legislature to impose actions on Storey County if we don't address certain issues in our planning. That is where the pressure is from; it's not developers. Our fire district is required to meet ISO (insurance service organization) rates. A fire district station needs to be five miles from activity and every station has to have a certain amount of employees and apparatus. Before development can come in, all those things need to be worked out.

**Eva Yaergis, Lockwood Resident:** Expressed concern about industrial creating pollution during an inversion.

**Planning Director Osborne:** Explained that is why light industrial is considered for the Peri Ranch area. Most of the uses are zero emission.

**Marsha Askov, Lockwood Resident:** Asked if the extension of USA Parkway to Highway 50 would also bring more development and traffic.

**Chairman Prater:** Explained that the industrial park goes all the way to the Lyon County line and there is no provision for residential zoning in the industrial park.

**Planning Director Osborne:** Added that the USA Parkway connection to Highway 50 would actually divert truck traffic from the I-80 corridor toward Highway 50 and south.

**Jennifer Agnew, Lockwood Resident:** Concerned about the current safety issues of Peri Ranch Road.

**Planner VanHavel:** This is addressed in the transportation section of the master plan. It states that since Peri Ranch Road connects Lockwood and Mustang, it should be a priority to keep it maintained.

**Edna Cudworth, Lockwood Resident:** Asked if Peri Ranch Road is a county road.

**Planning Director Osborne:** Peri Ranch Road goes through agricultural land to the east and there is a public access easement on that land for the road. That is an access easement that has to be maintained by the property owner.

**Chairman Prater:** Gave out the email address that correspondence can be sent to: [planning@storeycounty.org](mailto:planning@storeycounty.org).

**Peter Toos, Lockwood Resident:** Is Peri Ranch Road a private road, and what about the Tahoe-Pyramid Bikeway using Peri Ranch Road?

**Planning Director Osborne:** That portion of Peri Ranch Road is private property and is a public access easement that is required to be maintained by the property owner. As far as the Tahoe-Pyramid Bikeway, it is written in the master plan that Storey County supports the project through most of the county, but stands firmly beside the Lockwood and Rainbow Bend residents' desire to not have the path aligned near their community. What the residents want in this area is what we have been supporting.

**Chairman Prater:** Asked for board comment.

**Vice-Chairman Hindle:** Thanked attendees for their participation and input. It is the commission's job to listen to the community.

**Dennis Smith, Lockwood Resident:** After tonight, I have the utmost respect for the integrity of the board and staff.

8. **Discussion/Possible Action:** Determination of next Planning Commission meeting.

**Motion:** Next Planning Commission Meeting to be held on Thursday, June 2, 2016 at 6:00 p.m. at the Storey County Courthouse in Virginia City, NV **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Smith, **Vote:** Motion carried by vote (**summary:** Yes=7).

9. **Discussion/Possible Action:** Approval of Claims. None.

10. **Correspondence** (no action) – None.

11. **Public Comment** (no action)

**Unknown, Lockwood Resident:** Announced that Lockwood's 100 year anniversary celebration will be held July 16<sup>th</sup> at the park.

**Jessica Ferguson, Lockwood Resident:** Asked if Peri Ranch Road will be repaired.

**Edna Cudworth:** Explained that he has been in contact with Dean Haymore. Public Works has been out to look at the road and they are looking into the drainage problem.

12. **Staff** (no action)

**Planning Director Osborne:** Informed the community about the Fulcrum Sierra Biofuels recycling separation facility that is being built to the east. It is a waste separation plant.

13. **Board Comments** (no action)

**Commission Bucchianeri:** Historically, we wouldn't have Rainbow Bend here if Henry Bland, a county commissioner at the time, had succeeded in making this area a greyhound racing track.

**Chairman Prater:** Thanked everyone for attending and participating in the meeting.

14. **Adjournment (No Action)** - The meeting was adjourned at 8:23 P.M.

Respectfully Submitted, By Lyndi Renaud



# STOREY COUNTY PLANNING COMMISSION MEETING

Thursday, June 2, 2016 6:00 p.m.  
Storey County Courthouse, District Courtroom  
26 South "B" Street, Virginia City, Nevada

## MEETING MINUTES

CHAIRMAN: Larry Prater

VICE-CHAIRMAN: Jim Hindle

COMMISSIONERS:

Virgil Bucchianeri, John Herrington, Pamela Smith, Ron Engelbrecht, Kris Thompson

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1. **Call to Order:** The meeting was called to order by the Chair at 6:00 P.M.
  2. **Roll Call:** Larry Prater, Virgil Bucchianeri, Kris Thompson, Pamela Smith.

**Absent:** Jim Hindle, John Herrington, and Ron Engelbrecht.

**Also Present:** Planning Director Austin Osborne, Planner Jason VanHavel, Deputy D.A. Keith Loomis, and County Commissioner Lance Gilman.

Chairman Larry Prater was present at the meeting via teleconference. The Chairman appointed Commissioner Pamela Smith to preside as Chairman for the meeting.

3. **Pledge of Allegiance:** The Chair led those present in the Pledge of Allegiance.
4. **Discussion/Possible Action:** Approval of Agenda for June 2, 2016.

**Motion:** Approve Agenda for June 2, 2016 **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Bucchianeri, **Vote:** Motion carried by vote (**summary:** Yes=4).

**No public comment.**

5. **Discussion/Possible Action:** Special Use Permit 2016-008 by Kevin and Ambre Chevalier. The applicants are requesting a Special Use Permit to operate a business for classic automobile chassis, mechanical, and body restoration in a CR(Commercial Residential) zone at 790 South A Street, Virginia City, Storey County, Nevada, (APN 001-041-12).

**Planner VanHavel** presented the file to the commission.

- The property is located at 790 South A Street in Virginia City.
- The applicant proposes to operate a high end automobile restoration business from his property, which will include body, engine, transmission, suspension, electrical, and interior.

- There are no needed site improvements other than to meet the public safety requirements.
- The onsite work is expected to be performed inside, with all storage inside an existing detached garage and is not expected to cause any offsite noise, fumes, or vapors.
- This special use permit appears to add to the diversity of Virginia City and the business appears to add to the local economy.

**Planner VanHavel:** Pointed out that there are two potential motions for approval. The first motion for approval allows full restoration including body work. At this point in time the applicant is not expecting to do body work onsite, but this approval would allow him to do so in the future without coming back in front of the planning commission.

**Kevin Chevalier, Applicant:** Introduced himself. He and his wife moved to Virginia City three years ago.

**Commissioner Thompson:** Will the automobiles being serviced be parked inside? Is the staff recommendation to approve?

**Planner VanHavel:** The vehicles will be stored inside. Yes, staff recommendation is to approve with the paint work.

**Commissioner Thompson:** I think you are a great fit for this community.

**Chairman Smith:** If we do not approve the painting, the applicant will have to come back to the Planning Commission?

**Planner VanHavel:** Yes. If he would like to change his business model in the future, he will need to come back.

**Commissioner Thompson:** I understand that spray booths are environmentally safe these days.

**Kevin Chevalier, Applicant:** Spray booths have their own climate control, filters, and intake and exhaust fans. Nothing gets outside other than air. We may have multiple vehicles that are being serviced, but storage of the vehicles will be indoors.

**Planner VanHavel:** Read the findings into the record:

- 5.1.1 – The Special Use Permit (SUP) complies with all federal, state, and county regulations.
- 5.1.2 – The SUP will not impose substantial adverse impacts or safety hazards on the adjacent properties or the surrounding area.
- 5.1.3 – The conditions of the SUP adequately address potential fire hazards and require compliance with applicable fire codes, including fire protection ratings.
- 5.1.4 – Use will not adversely affect the existing South Street, B or A Street, and if the use does impact the road, the applicant will maintain effected streets to conditions as of SUP approval.
- 5.1.5 – Any paint and/or body work will be mitigated appropriately to maintain public health and safety.
- 5.1.6 – The conditions under the Special Use Permit do not conflict with minimum requirements in SCC Chapter 17.12 General Provisions, Chapter 17.30 CR Commercial Residential Zone and Chapter 17.03.150 Special Use Permits, or any other federal, state or county regulations, including building and fire codes.

**No public comment.**

**Motion:** In accordance with the recommendation by Staff, the Findings under Section 5.1 of the Staff Report and other Findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval in Section 6 of this report, I Kris Thompson, hereby recommend conditional approval of Special Use Permit Application Number 2016-008 for the operation of the automobile restoration business, including local body and paint work, located at 790 South A Street, Virginia City, Storey County, Nevada (APN: 001-041-12).

**Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Bucchianeri, **Vote:** Motion carried by vote (**summary:** Yes=4).

6. **Discussion Only/ No Possible Action (Master Plan Amendments):** Discussion and comments from the commission, staff, and public regarding existing and potential future land uses and development patterns in the county and its communities. Discussion will include a review of draft Master Plan Chapter 4 Land Uses; Chapter 5 Population; Chapter 6 Housing; Chapter 8 Transportation; and other chapters of the draft master plan. Public participation is encouraged. Copies of the master plan draft may be obtained from the Planning Department website at <http://www.storeycounty.org/521/Updates>, at 775.847.1144, or from [planning@storeycounty.org](mailto:planning@storeycounty.org)

**Planning Director Osborne:** Began by explaining that a master plan is a guiding document for land use in the county, as well as a defensible document in court. The draft narrative version of the master plan is complete and available for viewing on the county website. He continued with the transportation chapter which discusses how current and future needs will be met. Parking, congestion and visibility on "C" Street in Virginia City are addressed. Also the possibility of a roundabout at the intersection of "B" Street, SR-341 and SR 342 in the future is discussed. A traffic signal would not be appropriate at the location because of the Fourth Ward School.

**Chairman Smith:** When it comes to roundabouts, the biggest factor is engineering. We need to make sure it's what's best for those living here while accommodating those who don't.

**Planner VanHavel:** I believe NDOT has developed a proficiency of designing really good roundabouts. Roundabouts can be tricky; NDOT should take the lead on the design if we decide to go that route in the future.

**Planning Director Osborne:** The master plan does not say it must be a roundabout - it's just a suggestion as there may be other traffic signal alternatives. This could be twenty years in the future or not be needed at all; however, we should plan for this now. Some of the key challenges of roads throughout the Comstock include dead-ends, clouded title, intersections, and lighting. Gold Hill is discussed as a haphazard parcel ownership and parcel creation since the 1860's. The parcels don't follow roads and this needs to be addressed.

**Commissioner Thompson:** The master plan is a magnificent document. You all have gone above and beyond the call of duty by going into the local communities and getting feedback. What is the timeline for getting this master plan stamped and done?

**Planning Director Osborne:** August 31, 2016 it has to be done. We have a housing moratorium that cannot be extended anymore. The next planning meeting will be in Lockwood and that will be our last workshop. On June 19<sup>th</sup> - July 7<sup>th</sup> Fred Steinmann will edit the master plan. Fred Steinmann is an Economic Development Specialist at the College of Business Administration, University of Nevada Reno. This service is provided by the Governor's Office of Economic Development, so there is no charge to the county. I pledged to our communities years ago that this was to be a homegrown master plan from the ground up; it definitely has become that.

**Chairman Smith:** Commended the staff and planning commission for their efforts to reach out to all communities.

**Commissioner Thompson:** This has been a totally transparent process. You've gone out of your way to get public comment.

**Planner VanHavel:** Shared an experience from when he worked at NDOT illustrating how important public input is to the process and success of the project.

**Planning Director Osborne:** Once the master plan is adopted we will immediately begin working on zoning that conforms to the master plan. I think everyone in this room will agree that we are probably going to be looking at substantial subdivisions, including housing and industrial in the future. I am proud that we have this kind of plan in place to guide us into the future. It wasn't written by the XYZ Corporation, it's written by us.

**Chairman Smith:** It's our document. I think that's really important.

7. **Discussion/Possible Action:** Determination of next planning commission meeting.

**Motion:** Next planning commission meeting to be held on Thursday June 16, 2016 at the Rainbow Bend Clubhouse in Lockwood, NV at 6:00 p.m., **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Bucchianeri, **Vote:** Motion carried by vote (**summary:** Yes=4).

**Commissioner Thompson** stated that he will not be attending the June 16<sup>th</sup> meeting due to another obligation.

8. **Discussion/Possible Action:** Approval of claims - None

9. **Correspondence (No Action)** - None

10. **Public Comment (No Action)** - None

11. **Staff (No Action):**

**Planning Director Osborne:**

- Thanked special counsel Bob Morris for his legal counsel throughout the master plan process. He's been helping to make sure the master plan is legally compliant.
- Will be looking into creating design standards in the county code as talked about in the master plan.
- The District Court made a mandate to the county to plan on moving the Justice Court into some other facility other than the current room. We are looking into an annex that compliments the courthouse and other alternatives.

**Chairman Prater:** Who owns the courthouse?

**Planning Director Osborne:** Storey County owns the courthouse.

**Chairman Prater:** Then why are we at the beck and call of the district court? He said that this has been an ongoing issue and he is frustrated about it.

**Planning Director Osborne:** The ownership of the building is Storey County, but the district court judges are the master of the court facilities portion of the building. The district court can direct the county what to do in this regard. We are using the room at the pleasure of the judges.

**Keith Loomis, Deputy District Attorney:** I did talk to Judge Russell and he informed me that they were doing a favor for the Justice of the Peace by allowing them to use the courtroom. They are not inclined to continue that forever. I don't know if they have specific authority to control that, but it's not in our best interest to challenge the District Court.

**Chairman Prater:** If the county was in a financial bind and decided to sell the courthouse it sounds like they have the authority to block something like that.

Discussion between board members about the courtroom.

**Planning Director Osborne:**

- Public Works Director Mike Nevin is moving forward with the sewer retrofit in Virginia City and Gold Hill.
- Working on easements for the completion of seven miles of water line from Marlette Lake.
- Working with the BLM office and Department of the Interior to get the language straightened out for the lands bill, which will transfer BLM land back to Virginia City and Gold Hill.
- Switch at the Tahoe-Reno Industrial Center (TRI) is moving forward.
- There are some exciting potential commercial uses coming to TRI to serve employees of the area.
- There will be a ribbon cutting for the expansion of USA Parkway on June 7<sup>th</sup>. The target date for completion is August 2017.

**12. Board Comments (No Action) - None**

**13. Adjournment (No Action) - The meeting was adjourned at 6:50 P.M.**

Respectfully Submitted,

By Lyndi Renaud

**STOREY COUNTY  
PLANNING DEPARTMENT**

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



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**To:** Storey County Planning Commission

**From:** Storey County Planning Department

**Meeting Date:** August 4, 2016

**Meeting Location:** Storey County Courthouse - 26 South B Street, Virginia City, Nevada 89440

**Case Number:** 2016-013

**Applicant:** Nature Conservancy

**Property Owners:** Sierra Pacific Power Company

**Staff Contact:** Jason VanHavel, Storey County Planner

**Figures:** Figure 1: Area Map; Figure 2: South Street from C Street; Figure 3: Buildings from A Street; Figure 4: Land Use Compatibility Table

**Appendix:** Appendix 1: Applicant Statement

**Guiding Documents:** Storey County Code, Section 17.03.150 Special Use Permit (conditional use), 17.35 I-2 Heavy Industrial Zone, 17.76 NR Natural Resources Zone; Storey County Master Plan

**Property Location:** 191 Wunotoo Rd, McCarren, Storey County, Nevada (APN: 004-091-72)  
0 PLC#4: PTN NW4 S34 T20N R22E, McCarren, Storey County, Nevada (APN: 004-091-30)

**Request:** Request to obtain a special use permit to alter portions of the existing Truckee River channel and abutting floodplain environment to facilitate flood management, water quality improvement, biodiversity and habitat enhancement, noxious weed eradication, and recreation opportunity.

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# 1. Background & Analysis

## 1.1 Site location and characteristics

The properties are located at 191 Wunotoo Rd, McCarren, Storey County, Nevada (APN: 004-091-72) and 0 PLC#4: PTN NW4 S34 T20N R22E, McCarren, Storey County, Nevada (APN: 004-091-30). The parcels are approximately 54.6 and 9.0 acres respectively. APN 004-091-72 is zoned I-2 and contains some electric transmission improvements on the west end of the property. APN 004-091-30 is zoned Natural Resources, contains no improvements and generally has the Truckee River running through it, as the river has been moving a bit in this area (Figure 1 & 2, Maps).

Access to 004-091-72 is from Wunotoo Road from Washoe County to the north via the I-80 frontage road. There does not appear to be any direct access to 004-091-30. While Sierra Pacific Power Company owns the identified property, Nature Conservancy have provided easements on the subject land. The easements from Sierra Pacific Power to Nature Conservancy allow Nature Conservancy to build and maintain this project.

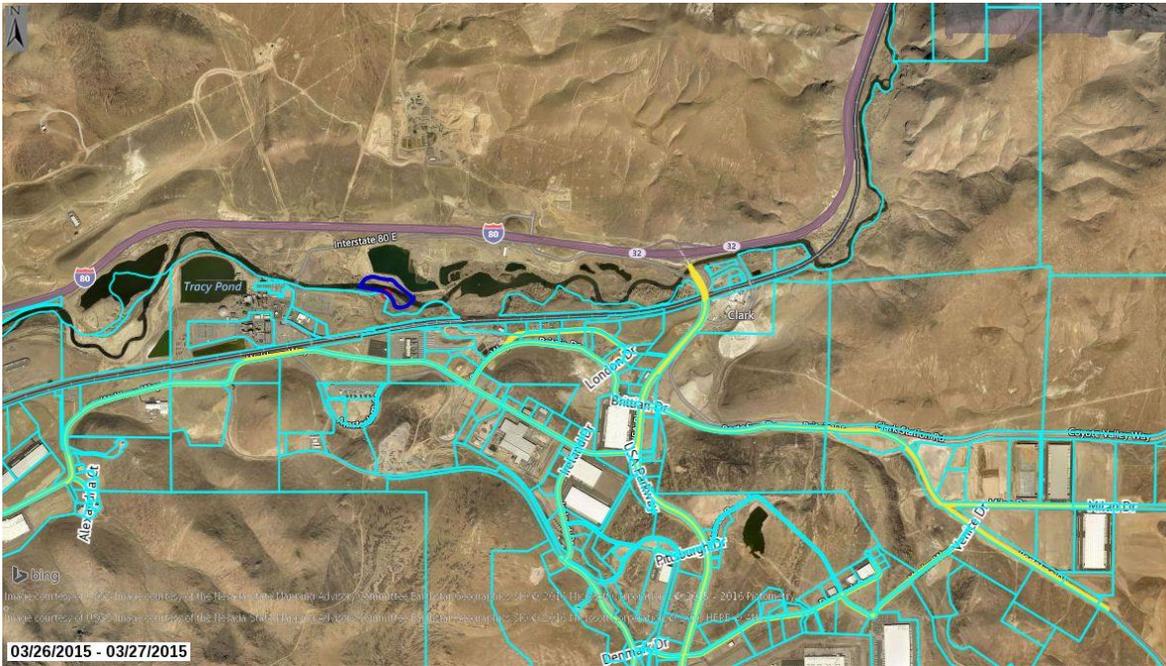


Figure 1: Area Map with parcels



Figure 2: Area Map 004-091-72 on the left, 004-091-30 on the right

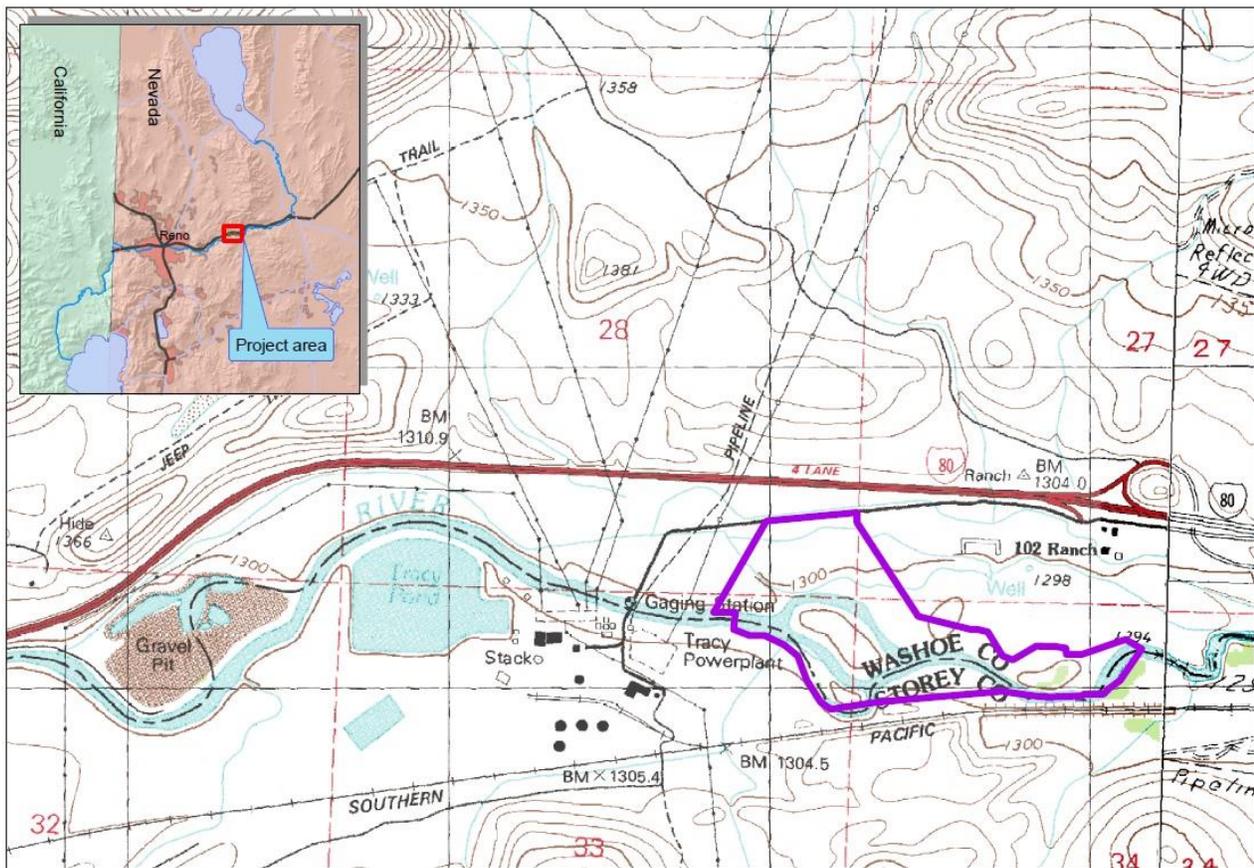


Figure 3: Proposed project area

## 1.2 Proposed Use

The following is the short description from the Applicant regarding the project.

### Nature of Activity

The project proposes to lower the existing (abandoned) floodplain in order to reconnect it with the Truckee River. Swales and scour channels will be excavated into the designed floodplain surface to provide topographic and hydrologic complexity and to increase flood water storage potential. A grade control structure will be constructed of 1 ton boulders on the downstream end of the project to prevent the river from outflanking the existing riffle located there. A series of rock groins, keyed into the banks of the river, will be constructed in two strategic locations, one on the northern (river left) bank and one on the southern (river right) bank of the river to reduce shear stress and prevent river migration into undesirable areas during high flows. The areas between the groins will be armored with cobble rock material and staked with willows to further reinforce the banks. Along the inside of the two slight bends in this reach, cobble/gravel material will be placed instream to establish pointbars. The elevation of the earthen berm separating the floodplain and the gravel pit will be lowered slightly, and the face of the berm will be protected as necessary with rip rap/rock slope protection. All excavated earth material will be placed in the southwestern portion of the gravel pit pond to create additional floodplain-elevation acreage, rather than open water. A temporary river crossing will have to be built in order to move excavated material from the south side of the river to the gravel pit pond on the north side of the river. All disturbed surfaces will be revegetated with native plant species.

**Primary elements of this project include:**

- Lowering the floodplain
- Construction of point bars, rock groin migration barriers, and a grade control structure in and adjacent to the active channel
- Lowering the elevation of an earthen berm structure
- Sequestering spoils in an old gravel pit pond to create additional floodplain-elevation acreage

### **1.3 Special Use Permit Required**

This special use permit was submitted as required by SCC Sections 17.12.100(G) which reads, “A special use permit is required for all natural resources river and waterway restoration, wetland creation, and water restoration and recycling.”

SCC 17.35.30 (Uses Subject to Special Use Permit) in the “I-2 Heavy Industrial Zone” paragraph T reads, “Natural resources river restoration regulated under section 17.12.100.” SCC 17.76.30 (Uses Subject to Special Use Permit) in the “NR Natural Resources Zone” paragraph I reads, “Natural resources river restoration regulated under section 17.12.100.”

### **1.4 Surrounding Uses**

The property to the north in Washoe county is vacant and Master Planned as Resources. Land to the west is used for power generation and owned by Sierra Pacific Power. The land to the south is the Union Pacific Rail line and further south is the Barrick solar power generation facility. To the east there is vacant Washoe County resource land and vacant Sierra Pacific Power land.

### **1.5 Existing Conditions**

Under the authority of the Flood Control Act of 1954, the U.S. Army Corps of Engineers altered the natural flow of the Truckee River between the Truckee Meadows and Pyramid Lake to reduce flooding in the Cities of Reno and Sparks. The river channel was straightened and widened in many sections. The straightening led to channel down-cutting and deepened the groundwater table. These man-made changes to the river environment disconnected the river from the riparian habitat and surrounding floodplains. Without access to groundwater, regeneration of native riparian vegetation had been impaired for decades.

### **1.6 Area Impacts**

The SUP Application includes a detailed description (pp. 2-6) of Best Management Practices (BMPs) that will “minimize surface water contact with exposed cuts and fills, and reduce or prevent associated impacts.” BMPs include measures that are taken to protect air, water, and land quality at and surrounding the project site. A summary of the BMPs to be implemented in the project are as follows:

A. Pre-Construction.

- Staging will be in the northwest part of the project in an old Sierra Pacific employee parking lot and southern access staging will be off Waltham Way on Sierra Pacific land high ground well away from the river.
- Equipment and materials will be washed before use and runoff will be controlled on site.
- Protection of the river turbidity curtains will be used.
- No off project site disturbances are planned.

B. Construction.

- Air and water quality monitoring.

- Protection of the river while conducting floodplain grading, including activities inside the river floodway and reusing identified materials.
- Installation of appropriate swales and scour channels to slow and manage weather and flood events.
- Installation of point bars, groins, and grade control structures to prevent channel movement.
- Erosion control during construction, including straw wattles, silt fencing, etc.

C. Post-Construction.

- Primary haul roads along both north and south sides of the river will be graveled with three-quarter inch road base rock
- Re-vegetation/Air Quality/Erosion Treatments
- Temporary construction roads of native surface will be ripped or disked to reduce compaction in preparation for re-vegetation efforts

Past well intended efforts to straighten and control the river have adversely impacted the water table, riparian areas and floodplains. This project helps to restore those elements. “The primary purpose of the project is to contribute to the ecological restoration of the lower Truckee River. Overall, the project is intended to help restore basic physical and biological functions to a more natural condition so that the ecological systems and native organisms can depend on those functions” (P 8).

The schedule for the project is to start construction in September 2016. It is hoped that the project will be completed in early 2017.

Other agencies that are required to provide permits or approvals for this project include: NDEP, NDWR, Washoe County Health district, Air quality Management, Nevada State Lands, Washoe and Storey Counties, and other federal agencies through state agencies.

It appears that the proposed Nature Conservancy SUP will impose no adverse impacts on the surrounding lands when the above items are addressed.

## 2. General Compliance with Storey County’s Guiding Documents

### 2.1 Summary Table

The table below shows land uses, master plan designations and zoning for the land surrounding the proposed residence. There are no evident conflicts between the proposal and the County Master Plan. The proposed use is consistent with the surrounding land that allows for commercial/residential uses.

<b>Figure 4: Land Use Compatibility</b>			
<b>Land</b>	<b>Land Use</b>	<b>Master Plan</b>	<b>Zoning</b>
Applicant's Land parcel 1	Vacant	Resources	NR
Applicant's Land parcel 2	Power transmission	Industrial	I-2
Land to the south	Railroad and Solar Power	Industrial	I-2
Land to the west	Power Generation	Industrial	I-2
Land to the north (Washoe)	Vacant	Resources	GR*
Land to the East (Washoe)	Vacant	Resources	GR*

\* GR=General Rural

### 2.2 Compliance with Storey County Master Plan

The proposed special use permit conforms to the goals and objectives of the Storey County Master Plan including: protecting the quality of present and future water resources (Chapter 5, Goal 2); regulating use of watershed areas

to minimize fire danger and prevent degradation (Chapter 5, Goal 4); assisting property owners and interested groups in controlling public use of critical watershed and riparian areas (Chapter 5, Objective 4.1); cooperating with property owners and interested groups in the county in maintaining wild horses and other grazing animals (Chapter 5, Objective 4.2); providing adequate park and recreation facilities for all residents of the county (Chapter 6, Goal 2); maintaining a healthy environment for all residents of the county (Chapter 9, Goal 1); and ensuring land use plans are compatible with the zoning map, master plan, and previous planning decisions (Chapter 9, Objective 1.1).

### **3. Compliance with the Storey County Code**

#### **3.1 Uses Subject to Special Use Permit**

SCC 17.35.30

I-2 Heavy Industrial Zone paragraph T reads, “Natural resources river restoration regulated under section 17.12.100.”

SCC 17.76.30

NR Natural Resources Zone paragraph I reads, “Natural resources river restoration regulated under section 17.12.100.”

#### **3.2 Stated when to allow a special use permit**

SCC 17.12.018

“Uses listed as requiring a special use permit are considered as special exceptions within each zone. Any special permitted use must meet with the regulations for special use permits and any conditions imposed by the board. In addition to the special use permit, all necessary federal, state, and county permits and licenses are required.”

The applicant is in compliance with this section of the code. This passage of the SCC illustrates when to allow a special use permit and this situation is in compliance.

#### **3.3 No Other Non-compliance Problems**

All other aspects of the project are expected to be within the county code.

### **4. Public Comment**

#### **4.1 Public Comment**

As of July 26, 2016 (date of posting) Staff has not received any comments from the public.

### **5. Findings**

#### **5.1 Motion for Approval**

The following findings of fact are evident with regard to the requested Special Use Permit when the recommended conditions of approval in Section 6 Recommended Conditions of Approval are applied:

5.1.1 SCC Sections 17.35.040(T) and 17.76.020(I) (Uses Subject to a Special Use Permit) require a special use permit for nature resource projects including river and waterway restoration, wetland creation, and recycling in the I-2 Heavy Industrial and NR Natural Resources Zones.

5.1.2 The subject land is located in McCarran, Nevada, but is not located within the boundaries of the

Tahoe-Reno Industrial Center; therefore, the proposed use is not subject to the restrictions or entitlements of the Development Agreement between Storey County and the Tahoe-Reno Industrial Center.

5.1.3 The conditions of SUP No. 2016-013 will not conflict with the purpose, intent, and other specific requirements of the I-2 Heavy Industrial Zone and the NR Natural Resources Zone, in which the project is located.

5.1.4 The Special Use Permit complies with all federal, state, and county regulations.

5.1.5 The Special Use Permit will not impose substantial adverse impacts or safety hazards on the adjacent properties or the surrounding area. The proposed project and the final product will not conflict with or adversely impact surrounding existing land uses, future land uses, or land use entitlements

5.1.6 The conditions of approval under SUP No. 2016-013 impose sufficient regulations on the proposed project to reasonably mitigate associated impacts on the surrounding environment and closest land uses.

5.1.7 The conditions under this The Special Use Permit do not conflict with the minimum requirements in SCC Chapter 17.12 General Provisions, Chapter 17.35 I-2 Heavy Industrial Zone, 17.76 NR Natural Resources Zone and Chapter 17.03.150 Special Use Permits, or any other federal, state, or county regulations, including public safety and health codes.

## **5.2 Motion for Denial**

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

5.2.1 The proposed river restoration project or the final product thereof conflicts with one or more of the stated goals and objectives of the county master plan.

5.2.2 The proposed river restoration project or the final product thereof, even with reasonable conditions and mitigation, will conflict with the purpose, intent, and other specific requirements set forth in the I-2 Heavy Industrial Zone or the NR Natural Resources Zone in which it will be located.

5.2.3 The proposed river restoration project or the final product thereof, even with reasonable conditions and mitigation, will cause adverse impacts to surrounding existing land uses, future land uses, or land use entitlements therein under the I-2 Heavy Industrial Zone and/or the Development Agreement between Storey County and the Tahoe-Reno Industrial Center.

5.2.4 The proposed river restoration project or the final product thereof, even with reasonable conditions and mitigation, will cause adverse impacts public health and safety.

## **6. Recommended Conditions of Approval**

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

1. **Special uses.** Special Use Permit (SUP) No. 2016-013 is for the purpose of restoring and enhancing the water quality and riverine habitats of the Truckee River to a more natural condition by moving and widening the exiting river channel; creating meanders, oxbows, and other water bodies associated with the river environment; and removing existing vegetation and replacing it with native plant species. The SUP will be used pursuant to the advisory motion made by the planning commission and approved by the Board of Storey County Commissioners (“Board”) on property located approximately at 191 Wunotoo Rd, McCarren, Storey County, Nevada (APN: 004-091-72) 0 PLC#4: PTN NW4 S34 T20N R22E, McCarren, Storey County, Nevada (APN: 004-091-30). The operation will comply with all of the requirements under this SUP and federal, state, and county regulations. Issuance of this SUP does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations.
2. **Permits and expiration.** The Permit Holder must apply for all applicable building and grading permits within 24 months from the date of Board approval. This SUP will remain valid as long as the Permit Holder and facility complies with the terms of this SUP and federal, state, and county regulations. No construction or permitting for construction may commence prior to issuance of this SUP and granting of required grading permits.
3. **Transfer of rights.** This SUP will inure to the record owner of the Subject Property (NV Energy) and to the Permit Holder (The Nature Conservancy) and will run with the land. Any and all transfers of this SUP to other persons, agencies, or entities must be advised in writing by Certified Mail to the Planning Department at least 90 days prior to assignee taking over the project. The new owners/managers must sign and accept all conditions and requirements of this SUP.
4. **Indemnification and insurance.** The Permit Holder warrants that the future use of land will conform to federal, state, and county requirements; further, the Permit Holder warrants that continued and future use of the land shall so conform. The Permit Holder and property owner(s) agree to hold Storey County, its officers, and representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this SUP. The Permit Holder must maintain satisfactory liability insurance for all aspects of this operation under this SUP for a minimum amount of \$1,000,000.00 (one million dollars) and provide proof thereof to Storey County prior securing rights to this SUP.
5. **Site supervision.** A staff manager must be present on the premises at all times during operations. That person must have knowledge of and immediate access to restrooms, fire suppression devices, First-Aid kits, and all locked gates. While on the premises, the on-site manager must possess a cellular telephone with adequate signal to send and receive signals to and from Emergency 9-1-1 and Storey County Emergency Services direct-connect 775-847-0950. All staff using cellular phones must be directed by the Permit Holder or his designed to **dial Storey County Emergency Services Direct-Connect (775) 847-0950 (in lieu of 9-1-1) in case of emergency.** Emergency 9-1-1 still is appropriate from land-line telephones.
6. **Fire suppression.** The Permit Holder must maintain fire extinguishers throughout the premises to the satisfaction of the Storey County Fire Protection District (“SCFPD”). Each device must be identified by large and brightly colored (i.e., red and white) identification which includes the words “FIRE EXTINGUISHER”. Additionally, the Permit Holder will be held responsible for assuring that all vehicles and heavy equipment (e.g., tractors and other mobile equipment) are equipped with a 5 pound minimum ABC rated fire extinguisher.
7. **Egress and circulation.** The Permit Holder must coordinate an emergency access plan with the SCFPD prior to project commencement. All access and circulation routes must meet the requirements for hard-surfacing sufficient to support the weight of a fire engine as approved by the SCFPD.

8. **Roadway approaches.** Egress points abutting Waltham Way or other paved county right-of-ways must include an approach sufficient in design to prevent mud and debris tracking from the site onto the public roadway. Any mud or debris tracked onto the roadway must be removed by the contractor immediately as allowable by the Nevada Division of Environmental Protection (“NDEP”) and the National Environmental Policy Act (NEPA) regulations. Mud, sand, and debris must not be allowed to adversely impact existing drainage systems.
9. **Signage.** A legible sign must be placed at entry of the premises during project phases stating the name of company/organization responsible for construction, street address and number of the project site, and contact phone number(s). This sign must be at least 2 feet by 3 feet in size. Appropriate signage must be installed on and around the premises stating rules for entry and circulation (e.g., no trespassing, travel permitted only on designated pathways, etc.). The Storey County Public Works Director may require that temporary signs (e.g., sandwich-boards) indicating crossing truck traffic (i.e., “Truck Crossing”) be installed along the east and west bound lanes of Waltham Way near egress.
10. **Restrooms.** The Permit Holder must provide properly maintained restroom facilities (porta-potties) and wash stations adequate to meet the sanitation needs of persons on the premises during project construction phases. The number of restroom facilities provided during this period is pursuant the projected number persons on the premises at any given time, as recommended by the Portable Sanitation Association International (PSAI). Each restroom must include a properly maintained alcohol-based gel hand sanitizer dispenser.
11. **Cultural resources plan.** A comprehensive archeological, historic, and cultural resources study must be performed on the premises as required and directed by the Nevada State Department of Cultural Affairs at the expense of the Permit Holder in order to determine the presence of any paleontological resources (historic or prehistoric site or artifacts) that may be located on the premises. Should any prehistoric or historic remains/artifacts be discovered during development or excavation, work must temporarily be halted at the specific site and the Storey County Community Development Department must be notified in order to evaluate the site and, if deemed necessary, to record and photograph the site in question. The period of temporary delay will be limited to a minimum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and protect historical remains or artifacts.
12. **No-rise.** The project and the conditions it creates must comply with the Federal Insurance Rate Map (FIRM) Base Flood Elevation (BFE) requirements (e.g., “No Rise Certification”) of the Federal Emergency Management Agency (FEMA).
13. **Release of species.** No species listed as “threatened” or “endangered” pursuant to the U.S. Endangered Species Act may be brought to or released on or near the subject property. Species include, but are not limited to, Sage Grouse.
14. **Environmental controls.** The Permit Holder must obtain an NDEP Dust Control Permit and furnish Storey County copies of the permit. All non-vegetated surfaces must be appropriately and consistently treated to mitigate fugitive dust and sand. Best Management Practices (BMPs) must be employed throughout the entire project premises and egress points. At no time may secondary effluent be applied to surfaces within the premises, including for dust control, vehicle and equipment washing, and other activities. BMPs and other environmental controls in and around the Truckee River and the project site must comply with the detailed plans contained in SUP Application No. 2016-013, unless required otherwise by a federal or state agency. Trees, shrubs, and other vegetation and ground surfaces must be preserved to the extent feasible.
15. **Vehicle and equipment storage.** Inactive vehicles and equipment must be stored within a protected staging areas located a minimum of 100 feet from natural water bodies. To minimize the potential for discharge of fuel spills and other pollutants into the river, the staging area must be located and graded such as to contain and prevent potential contaminates from entering natural water bodies.

16. **Sales tax reporting.** All material and equipment purchased for the project must as possible be received in Storey County and the value reported as “County-of-Delivery” on the Nevada Department of Taxation Form TPI-02.01 “Combined Sales and Use Tax Return”. The Permit Holder must also report the value for all materials and equipment (personal and rented) “used” on this project as “Use Tax” on TPI-02.01 or TPI-02.02.
17. **Spillage.** Any hydrocarbon or environmental spill incidents involving 25 gallons or more of any petroleum product (e.g., gasoline, diesel, and hydraulic fluid) or 3 or more cyds of contaminated material, or any presence of such material on or in ground/surface water must be reported immediately to Storey County Emergency Services (775) 847-0950 (in lieu of 9-1-1). Additionally, under Nevada State Law, the incident must be immediately reported to the Local Emergency Planning Committee (Emergency Management Director), Storey County Community Development Department, and the NDEP. The applicant must comply with the NDEP’s clean-up requirements and provide said County departments a copy of NDEP’s completion of remediation. All hazardous materials incident clean-up and response costs are borne by the Permit Holder as part of this SUP.

## **7. Power of the Board & Planning Commission**

At the conclusion of the hearing, the Planning Commission must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Special Use Permit is advisory only to the Board of County Commissioners and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

## **8. Proposed Motions**

This Section contains two motions from which to choose. The motion for approval is recommended by Staff in accordance with the findings under Section 5.1 of this report. Those findings should be made part of that motion. The motion for denial may be made and that motion should cite one or more of the findings shown in Section 5.2. Other findings of fact determined appropriate by the Planning Commission should be made part of either motion.

### **8.1 Recommended Motion (Motion for approval)**

In accordance with the recommendation by Staff, the Findings under Section 5.1 of the Staff Report and other Findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval in Section 6 of this report, I [Planning Commissioner] hereby recommend conditional approval of Special Use Permit Application Number 2016-013 to amend portions of the Truckee River channel and abutting floodplain areas for the purpose stated forth in the SUP Application, located at 191 Wunotoo Rd, McCarren, Storey County, Nevada (APN: 004-091-72) & 0 PLC#4: PTN NW4 S34 T20N R22E, McCarren, Storey County, Nevada (APN: 004-091-30).

*Summary: Approval of special use permit with conditions*

### **8.2 Alternative Motion (motion for denial)**

In accordance with the Findings under Section 5.2 of the Staff Report and other Findings deemed appropriate by the Planning Commission, I [Planning Commissioner] hereby recommend denial of Special Use Permit Application Number 2016-013 to amend portions of the Truckee River channel and

abutting floodplain areas for the purpose stated forth in the SUP Application, located at 191 Wunotoo Rd, McCarren, Storey County, Nevada (APN: 004-091-72) & 0 PLC#4: PTN NW4 S34 T20N R22E, McCarren, Storey County, Nevada (APN: 004-091-30).

*Summary: Denial of special use permit*

Prepared by: Jason VanHavel

# **APPENDIX 1**

Applicant Cover Letter



THE NATURE CONSERVANCY IN NEVADA  
Northern Nevada Office      Southern Nevada Office  
One East First Street, #1007      1771 East Flamingo Road, Ste. 104A  
Reno, NV 89501      Las Vegas, NV 89119  
T: 775-222-4000      T: 702-737-8744  
Fax: 775-222-5132      Fax: 702-737-3557

June 15, 2016

Jason VanLavel, Planner  
Storey County Planning Department  
Storey County Courthouse  
P.O. Box 176  
Virginia City, Nevada 89440

*Subject: Tracy Phase II Restoration Project Special Use Permit Application*

Dear Mr. VanLavel,

Enclosed is The Nature Conservancy's application for a Special Use Permit for the Tracy Phase II Restoration Project. The portion of this project that lies in Storey County is to be constructed on land owned by Sierra Pacific Power Company (SPPC), adjacent to the Tracy Power Plant. The Truckee River Flood Management Authority (TRFMA) holds a Restoration Easement (Easement) over a portion of the SPPC Parcel (APN 004-091-72). Included with this application is a copy of the Easement granted by SPPC to TRFMA to cover the projects TNC and TRFMA have partnered to implement within the Easement area. The Easement is the enabling document for the proposed project, granting TRFMA and its Contractors, including TNC, the right to engage in restoration activities on the covered lands. By way of this Easement, TRFMA has signed the Owner's Affidavit.

We appreciate your time and consideration in reviewing these application materials. Please let us know if there is any other information required.

Sincerely,

Mickey Hazelwood  
Truckee River Project Director  
The Nature Conservancy in Nevada

## **APPENDIX 2**

Applicant Authority Letter



# TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY

June 6, 2016

Officers  
Pat Smith, Chair  
Craig Robinson, Vice Chair  
David Bekker  
Eric Long  
Gene Harsh  
Paul Roberts

Storey County Planning Department  
26 South "B" Street  
P.O. Box 176  
Virginia City, NV 89440

Executive Director  
Jay Alden, PE

Re: Special Use Permit Application for Grading

Board Counsel  
Michael Wolz

This letter is written in support of the Property Owner Affidavit that is a part of the Development Application for the Tracy Ecosystem Restoration Phase II submitted by the Nature Conservancy.

I am the General Counsel of the Truckee River Flood Management Authority (TRFMA), which is a joint powers authority created by an Interlocal Cooperative Agreement between the County of Washoe, the City of Reno and the City of Sparks. The Executive Director of TRFMA, Jay Alden, has authority over the management of real property or interests in real property owned by the Authority. TRFMA Resolution No. 2011-3, Section 3.8. He therefore may sign the Property Owner Affidavit as the owner of the relevant easements.

The Restoration Easement at issue was granted to TRFMA by Sierra Pacific Power Company, d.b.a. NV Energy by a Grant of Easement for Restoration on November 5, 2012 (Storey County Recorder Document #0117738) and was amended on May 13, 2016 (Storey County Recorder Document #0124055). The Grant of Easement for Restoration conveyed to TRFMA a perpetual and nonexclusive easement for the establishment, use, operation and maintenance of an ecosystem restoration project. The Grant of Easement allows for the work that is the subject of the Development Application, including but not limited to the excavating and depositing of earth for restoration, rerouting the Truckee River channel, the construction of berms, etc.

If you need additional documentation or information please do not hesitate to contact me.

Sincerely,

Michael L. Wolz  
General Counsel  
Truckee River Flood Management Authority

# **APPENDIX 3**

## Applicant Project Details

**Storey County Special Use Permit Application  
Truckee River Restoration Program  
Tracy Phase II Project**

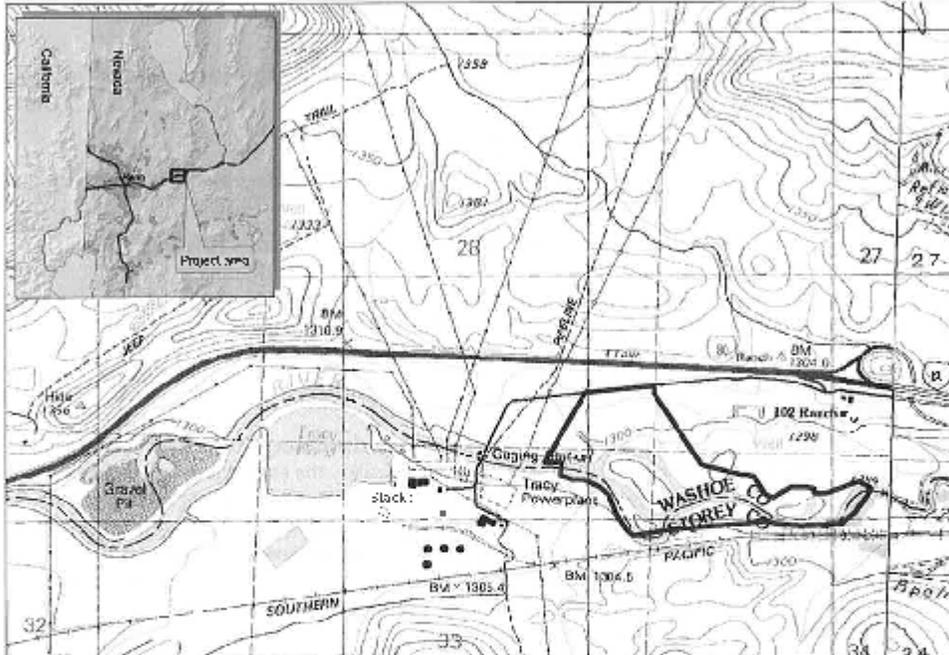


Figure 1. Project Location Map

**Nature of Activity**

The project proposes to lower the existing (abandoned) floodplain in order to reconnect it with the Truckee River. Swales and scour channels will be excavated into the designed floodplain surface to provide topographic and hydrologic complexity and to increase flood water storage potential. A grade control structure will be constructed of 1 ton boulders on the downstream end of the project to prevent the river from outflanking the existing riffle located there. A series of rock groins, keyed into the banks of the river, will be constructed in two strategic locations, one on the northern (river left) bank and one on the southern (river right) bank of the river to reduce shear stress and prevent river migration into undesirable areas during high flows. The areas between the groins will be armored with cobble rock material and staked with willows to further reinforce the banks. Along the inside of the two slight bends in this reach, cobble/gravel material will be placed in-stream to establish pointbars. The elevation of the earthen berm separating the floodplain and the gravel pit will be lowered slightly, and the face of the berm will be protected as necessary with rip rap/rock slope protection. All excavated earth material will be placed in the southwestern portion of the gravel pit pond to create additional floodplain elevation acreage, rather than open water. A

temporary river crossing will have to be built in order to move excavated material from the south side of the river to the gravel pit pond on the north side of the river. All disturbed surfaces will be revegetated with native plant species.

**Primary elements of this project include:**

- Lowering the floodplain
- Construction of point bars, rock groin migration barriers, and a grade control structure in and adjacent to the active channel
- Lowering the elevation of an earthen berm structure
- Sequestering spoils in an old gravel pit pond to create additional floodplain-elevation acreage

**A. Pre-construction Activities and Best Management Practices (BMPs)**

Phased construction will combine various activities and BMPs to minimize surface water contact with exposed cuts and fills, and reduce or prevent associated impacts. The following Pre-construction, construction and Post-construction BMPs will be implemented.

**1. Construction Access**

Primary access to the site is along the Clark station frontage road, then through the old NV Energy parking lot on the left before the power company's bridge across the Truckee. The staging area will be located in the northwestern corner of the project site, well away from the river. The south side of the river may be accessed through NV Energy's Tracy Power Plant driveway off Waltham Way. The south side staging area will be located on high ground away from the river, owned by NV Energy who is a project partner. Additional secondary access roads will be graded as needed on floodplains and will have a native surface which can be watered and re-graded as necessary during construction.

**2. Location of Rock and Gravel Stockpiles**

Gravel and rubble can be end dumped and loaded in areas with good turnout and access along the north and south sides of the river. Riprap materials will be stored near the placement sites. All materials to be placed in the river will be cleaned prior to placement.

**3. All Construction Volumes and Areas**

CUT/FILL	PROJECT TOTAL (CY)	STOREY COUNTY (CY)	WASHOE COUNTY (CY)
CUT	240,000	107,000	133,000
FILL	240,000	3,000	237,000
NET	0	104,000	110,000

Table 1. Estimated Cut/Fill Volumes

*PROJECT ELEMENT	MATERIAL TYPE	PROJECT TOTAL (CY)	PROJECT TOTAL (TON)	WASHOE COUNTY (CY)	WASHOE COUNTY (TON)	STOREY COUNTY (CY)	STOREY COUNTY (TON)
1/2 TON RSP	1/2 TON ROCK	6,100	15,600	4,600	10,200	1,500	3,400
	CLASS 1 ROCK	2,400	5,700	1,900	4,300	700	1,400
	**RSP FABRIC (SQ) YDS)	8,500	-	6,400	-	2,100	-
BOULDER GRADE CONTROL	1 TON ROCK	8,100	19,000	2,400	5,300	5,700	12,700
WILLOW GROINS	1/2 TON ROCK	300	600	25	50	275	550
	2" - 12" GRAVEL/ COBBLE	700	1,500	75	160	625	1,400
CHANNEL GRAVEL/ COBBLE PLACEMENT	2" - 12" GRAVEL/ COBBLE	5,500	12,300	1,100	2,400	4,400	9,900

\* RSP FABRIC UNITS ARE SQUARE YARDS

NOTE: VOLUMES/WEIGHTS ASSUME 30% VOID RATIO FOR ROCK AND 20% VOID RATIO FOR GRAVEL/COBBLE. WEIGHTS ASSUME 165 LBS/CY

Table 2. Estimated Construction Materials Volumes for Tracy Phase II Restoration Project

#### 4. Staging Areas and Equipment Wash Sites

The staging areas will double as equipment wash sites. Parking surfaces will be graded to contain runoff and will be covered with gravel. Straw wattles (fiber rolls) will be staked along perimeters to further facilitate containment.

#### 5. Establishment of Turbidity Curtains

To minimize turbidity impacts during floodplain grading, Type I heavy duty turbidity curtains (Figure 2) will be installed parallel to the Truckee River stream bank. If both floodplains are graded simultaneously, the Type I turbidity curtains will be staked along both banks. These turbidity curtains will also be used to isolate the areas where point bar cobble/gravels being placed and rock groins are being constructed from active flows. A floating Type III heavy duty turbidity curtain will be installed across the channel downstream of the project site.

#### 6. Sensitive Areas

No disturbance will take place outside the project boundaries. Riparian save areas within the project footprint will be fenced, flagged and avoided as delineated in final plans.

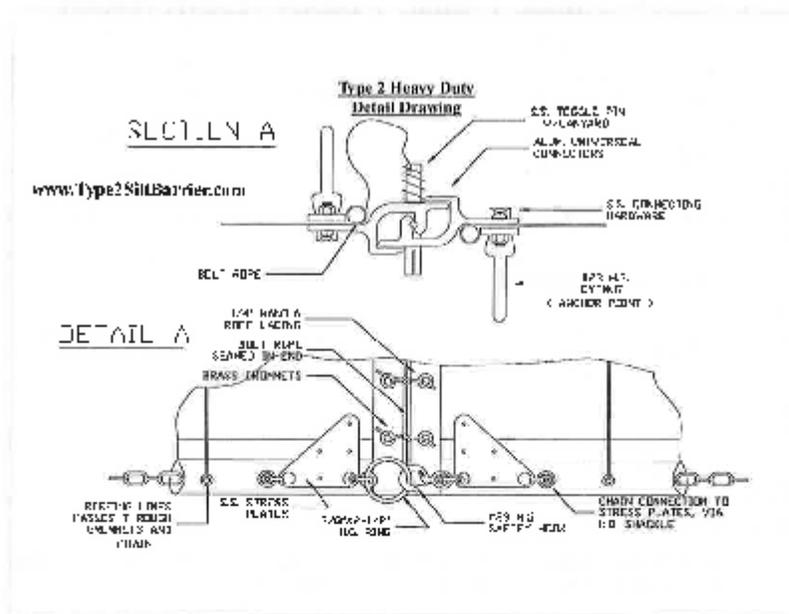


Figure 2. Detail of Type II heavy duty turbidity curtain, courtesy Granite Environmental

## B. Construction and BMPs

### 1. Water and Air Quality Monitoring

Background turbidity samples will be collected twice per day upstream of all planned activities, above the upstream grade control structure. Downstream samples will be collected at a location determined by NDLP below the downstream grading boundary of the project. Samples will be collected at the downstream site before, during and after construction activities each day at a sampling frequency of approximately once per hour.

Air quality will be qualitatively monitored by the contractor during all ground disturbance activities. Water trucks will be deployed as necessary to keep the production of air borne particulates to a minimum.

### 2. Floodplain Grading

The starting location and progression of floodplain grading will be chosen by the contractor. Excavators or scrapers will likely be used to lower the floodplains to the design grade. When gravel or cobble lenses are encountered, these materials should be screened and separated for potential use in cobble blankets.

### **3. Excavation of Swales and Scour Channels**

After the floodplain is lowered to the designed grade, new features will be cut into the landscape as detailed in the (final) plan and under supervision from TNC staff. The primary elements of such features are to provide seasonal hydrologic connectivity to water in the main river channel: swales will be wet during spring runoff and scour channels will flow during flood events, serving to slowly return water from floodplains back to the main channel.

### **4. Placement of Spoils**

Excavated materials will be spoiled in the old gravel pit pond and along the toe and face of the gravel pit pond berm.

### **5. Construction of Point Bars, Groins, and Grade Control Structure**

All materials will be cleaned prior to placement in the channel. Point bar will be constructed by gently placing 2'-12" gravel/cobble along the bank of the river and extending out into the active channel. The work will be conducted behind a k-rail/turbidity curtain BMP that will isolate the area from active flows, and no channel excavation will be required. Cobbles and gravel can be delivered to the riffle locations by driving trucks along the newly excavated floodplain (soil conditions permitting). Spreading and grading can be accomplished from either bank with an excavator.

The groins will be constructed of ½ ton rock that will be keyed into the river banks and edge of the river bed, and work will be separated from active flows by k-rails, turbidity curtains, or other diversion structures. This work will also be accomplished from either bank with an excavator.

The grade control structure is intended to prevent the river from outflanking the existing riffle at the downstream end of the project site which could cause unnecessary erosion in the vicinity or the river to abandon its channel and reestablish in another low-lying area. Grade control materials (1 to 1 boulders) will be stockpiled near the existing channel location. The ends of the grade control structure will also be keyed into the river banks and edge of the river bed, and work will be separated from active flows by k-rails, turbidity curtains, or other diversion structures. Voids must be backfilled with gravel and cobble prior to placement of the next layer of 1-2 ton boulders if more than one course is required. Again, the work will be accomplished from either bank with an excavator.

### **6. Post Grading Treatment**

TNC assumes responsibility for post grading soil treatments to reduce short term erosion. Such treatments may include: pole plantings, containerized seedlings, water jetted cuttings, and seeding. Mulch can be added to facilitate water retention, reduce erosion and inhibit colonization by undesired species. Given the extremely windy conditions which often occur in the region, a tackifier may be added as needed.

### **7. Erosion Prevention Treatments during Construction**

All large disturbance areas will be fenced with wire backed sil. fencing which provides extra strength in windy areas. Spacing of steel posts will not exceed 8 feet. Wire fencing will be installed on the downhill side of the filter fabric, between the fabric and the posts and the fabric will be anchored in a 12-inch deep ditch (Nevada BMP Guide, June 2008). Some areas (e.g. long slopes along floodplain boundaries and spoils sequestration areas) may be protected with rows of straw wattles (fiber rolls), staked in place.

along level contours. Rolls should be keyed in to the ground surface 2-4 inches and staked at least every 4 feet with the space between rows not to exceed 20 feet (Nevada BMP Guide, June 2008).

## **C. Post-construction**

### **1. Road Surfaces Treatments**

Primary haul roads along both north and south sides of the river will be graded and watered regularly, and track-out areas will be graveled with ¾ inch road base rock as needed. Temporary construction roads of native surface will be ripped or disked to reduce compaction in preparation for TNC revegetation efforts.

### **2. Revegetation/Air Quality/Erosion Treatments**

Silt fencing and fiber rolls located in non-flood prone areas will remain on site until vegetation becomes established. BMP's located along the river's edge and on the lowest floodplain surfaces will be removed following construction. Under TNC direction a spray mulch/lockifier mixture may be applied to exposed soils to reduce wind-blown soils. Weed free straw mulch may also be applied.

### **3. Riparian, Wetland, Upland Vegetation Restoration**

In riparian and wetland areas revegetation will occur as a combination of natural recruitment and TNC planting efforts. Floodplain and upland plantings will need to be watered for the first few years following construction as in other TNC restoration projects along the Truckee River. Removal of invasive species will be a component of TNC's Vegetation Restoration Plan.

## **D. Type of equipment to be used and how it will be operated**

The excavation of the floodplain, rock placement, and other activities at the site will require contracting an excavation crew. The equipment listed below, or its equivalent, is expected to be used throughout the site.

Cat 330 Excavator  
Cat 973 Loader  
Cat D400  
Cat D7 Dozer  
Cat 14G Grader  
4000 gal water truck



## **Proposed Project Purpose**

### **Background**

Over the past century, the lower Truckee River downstream from Vista has suffered from many human caused changes, which have greatly altered the ecological integrity and functioning of the river. Truckee River flows are regulated by a number of agreements, decrees, and river operating requirements.

Well intended but failed efforts at flood control in the early 1960s led to exacerbated channel down cutting along the lower Truckee River and as a result, depression of the groundwater table. The lowered groundwater depth and deeply incised channel has disconnected the river from the riparian habitat and surrounding floodplains. Without access to groundwater, regeneration of native riparian vegetation has been impaired for decades, and invasive species have begun to dominate the riparian communities along the river's edge.

Land use practices along the Truckee River have altered the flow regimes, also causing the condition of riparian vegetation to decline and resulting in a significant reduction of important habitat for birds, mammals, reptiles, and amphibians. Urban growth and development in the cities of Reno and Sparks have increased the amount of impervious surfaces, affecting water quality and the extent and timing of flooding.

Since 2003, TNC and its partner agencies have demonstrated river restoration techniques on the lower Truckee River through two projects at TNC's 305-acre McCarran Ranch, the Lockwood site, the lower Mustang Ranch site, the 102 Ranch site, and the Tracy site. The site proposed for restoration is within the same reach of the lower Truckee River as the completed restoration sites. The restoration activities at McCarran Ranch included the creation of a new river meander; approximately one-mile of new channel and riffle construction; revegetation of approximately 120 acres; creation of wetlands and ponds, including oxbow wetlands; and a variety of wildlife nesting, cover, and shelter improvements. The constructed riffles raised the water surface level and promoted more frequent overbank flooding within the project areas. The localized overbank flooding of these uninhabited floodplain areas improved soil fertility and ecological productivity, while attenuating downstream flooding.

These river and riparian restoration measures are correcting the undesirable effects of channelization and river entrenchment, while retaining the benefits of flood flow attenuation. Restoration at the McCarran Ranch sites is resulting in the recovery of the groundwater table in the project area, increased populations and survivorship of native plants, and increased fish and native bird populations. The decreased channel width promotes improved hydraulic connection between the river channel and its floodplain to better support wetland habitat.

### **Purpose of and Need for the Proposed Action**

The primary purpose of the project is to contribute to the ecological restoration of the lower Truckee River. Overall, the project is intended to help restore basic physical and biological functions to a more natural condition so that the ecological systems and native organisms can depend on those functions. Generally, the restoration project will involve the creation of new areas of aquatic and terrestrial habitat, including river channel modifications, scour channels and swales, and areas of native vegetation, for the purposes of restoring the degraded ecosystem to a more natural condition.

Monitoring results support the effectiveness of TNC's restoration projects since 2003 and the need for continued, well designed restoration projects at high priority sites on the lower Truckee River.

The Tracy site was selected by TNC and cooperating agencies in order to restore the river channel, floodplain, and riparian forest and to undo the damage of the human-caused changes. The proposed channel-and-floodplain restoration work to be implemented at the site would create a variety of benefits in terms of long-term floodwater flow attenuation, water quality improvement, improved habitats for native plants and animals including special status species, biological productivity and diversity, noxious weed reduction and control, and restoration of native species. The proposed project would continue TNC's program of restoration on key reaches of the lower Truckee River and provide linkage and continuity with the previously restored sites.

The decision to propose this site, as well as previous projects for restoration, was based in part on its relatively high scores in a report prepared by Otis Bay Ecological Consultants (Otis Bay Ecological Consultants 2007) for the U.S. Army Corps of Engineers. The report includes a ranking of the ecological restoration potential of 20 sites along the lower Truckee River based on field and aerial observations. The criteria included flow regime, average floodplain width and potential for floodplain expansion, riparian forest and potential for recovery, existing aquatic habitat diversity and potential to increase hydraulic habitat diversity, encroachments into the channel and floodplain, existing entrenchment, floodplain reconnection potential, and connection to natural features.

#### **Tracy Phase II**

The Tracy Phase II restoration site includes three different properties; a conservation easement donated by NV Energy and being held by the Flood Management Authority, a 12 acre parcel (the former Moss Equipment property) acquired by TNC in 2014, and the upstream portion of the 102 Ranch property owned by BLM who TNC has a cooperative management agreement with. The Truckee River at Tracy has a deeply incised and relatively straight channel, a disconnected floodplain, and a large earthen berm and gravel pit pond that are relics of a former gravel mining operation. The site also contains existing elements such as functional historic swales/abandoned river channel and remnant late seral cottonwoods, which would accelerate the restoration process.

The Tracy Phase II site is just downstream of the Tracy Phase I project and abuts the 102 Ranch restoration project at its upstream end. Extensive restoration work was done at Tracy Phase I in 2013 and at 102 Ranch in 2008 to lower the floodplain, realign the channel, and restore native riparian vegetation. The purpose and need for restoration proposed at Tracy Phase II is to provide river and ecological restoration, and to provide physical and biological continuity with previously restored sites upstream and downstream of the Tracy Phase II reach.

#### **Timeframe of the proposed project**

January-August 2016 Finalize design and secure permits.

August-December 2016 Site preparation; rock stockpiling; plant salvage; floodplain excavation and gravel pit fill; grade control, groin, and point bar construction.

## Other Permits and Approvals Required

The construction work associated with restoring this site requires a series of federal, state, and local permits, as well as letters of permission and easements. As of April 2016, the permit application process is in the initial stages, and all permits are expected to be in hand by late August/September 2016. The permits and easements needed are as follows:

1. Temporary Working in Waterways (Rolling Stock) Permit – Issued by NDEP.
2. 401 Water Quality Certification – issued by NDEP.
3. Stormwater General Permit – issued by NDFF.
4. Letters of Authorization from State of Nevada – both the State Engineer (Division of Water Resources) and Department of Wildlife must approve the project.
5. Grading Permits – issued by Washoe and Storey Counties.
6. Special Use Permits – issued by Storey and Washoe Counties.
7. Dust Control and Vector Control Permits – Washoe County District Health Department, Air Quality Management Division.
8. Right of Entry and Construction Authorization – Division of State Lands.

TNC will be responsible for preparing and submitting all necessary materials to secure these permits and easements. TNC will be named on each permit for the project (as will contractors as appropriate)

**STOREY COUNTY  
PLANNING DEPARTMENT**

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



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**To:** Storey County Planning Commission

**From:** Storey County Planning Department

**Meeting Date:** August 4, 2016

**Meeting Location:** Virginia City Courthouse, 26 South B Street, Virginia City, NV 89440

**Case Number:** 2016-018

**Applicant:** Laurie Weatherston

**Property Owners:** Richard and Doreen Bacus and Kerschner Living Trust (Willeta H. Kerschner, Trustee)

**Staff Contact:** Jason VanHavel, Storey County Planner

**Figures:** Figure 1: Area Map; Figure 2: Existing and Proposed New Parcel Map; Figures 3: Land Use Compatibility

**Appendix:** Appendix 1: Nevada Revised Statutes 278.475 - 278.477; Appendix 2: Statement in Application on Purpose for Parcel Map

**Guiding Documents:** Storey County Code Section 17.40 Estate Zone; Storey County Master Plan and Nevada Revised Statutes 278.475 through 278.477

**Property Location:** 180 S O St, Virginia City, Storey County, APN: 001-251-10  
190 S O St, Virginia City, Storey County, APN: 001-251-11  
200 S O St, Virginia City, Storey County, APN: 001-251-12

**Request:** The Applicant requests merging three approximately 50' X 100' Virginia City lots into two approximately 75' X 100' lots located at 180 S O St, Virginia City, Storey County, APN: 001-251-10, 190 S O St, Virginia City, Storey County, APN: 001-251-11 and 200 S O St, Virginia City, Storey County, APN: 001-251-12.

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# 1. Background & Analysis

## 1.1 Site location and Characteristics

The subject properties are located at 180 S O St, Virginia City, Storey County, APN: 001-251-10, 190 S O St, Virginia City, Storey County, APN: 001-251-11 and 200 S O St, Virginia City, Storey County, APN: 001-251-12 and are all about 50 feet by 100 feet. This location in Virginia City is on the west side of O Street and south of Washington Street. The subject and adjacent properties in the area are also zoned R1. (Figure 1 - Area Map). With the R1 zoning, the subject properties are buildable with single family housing.

The properties abut each other and have access from O Street. All of the subject properties can be serviced with public water and sewer.



Figure 1: Area Map with parcels. The dark blue rectangle contains three existing parcels.

## 1.2 Proposed Parcel Map

The existing parcels (shown below on left) are adjacent on the West side of O Street. The proposed parcel map (shown below right). The new map will result in two 75' by 100' lots. These two new lots are larger than the currently existing three lots. The new lots are well within the zoning requirements for the R1 zone.

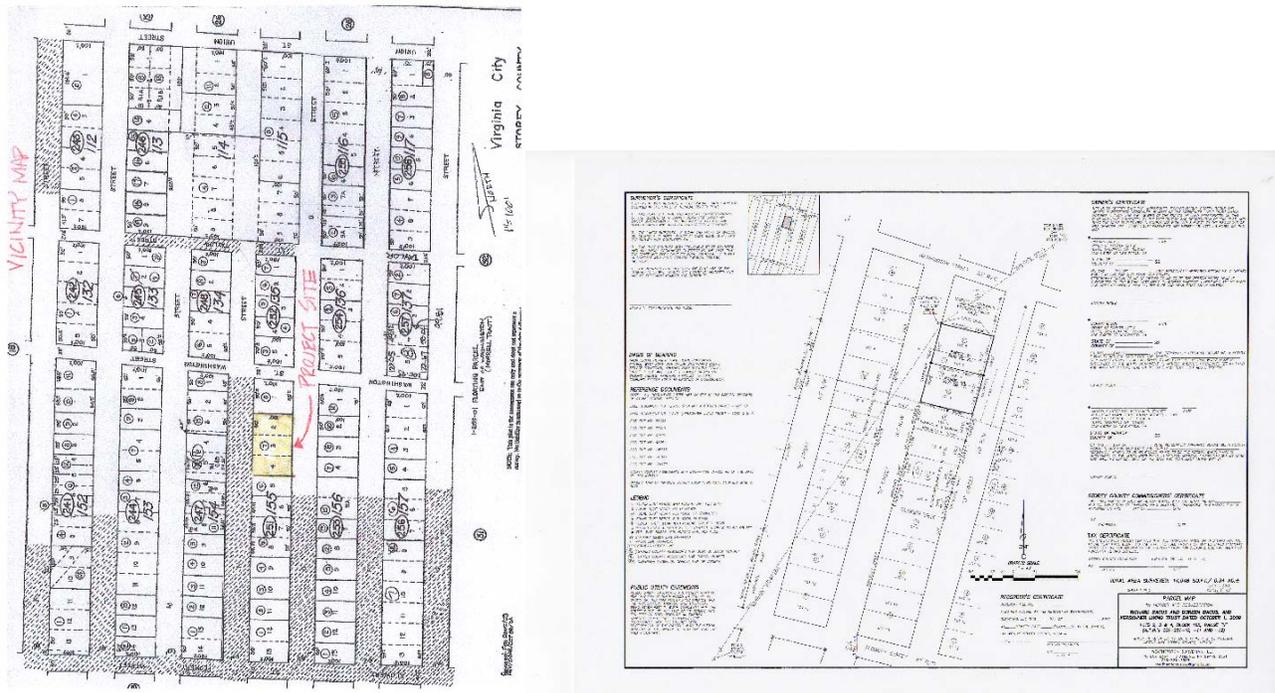


Figure 2: Existing parcels on left, proposed new parcel map on right.

### 1.3 Application for a Parcel Map

Nevada Revised Statutes (NRS) 278.475 through 278.477 defines requirements for a parcel map boundary lines adjustment. Storey County Code (SCC) does not specifically require an application for a Parcel Map. A proposed Parcel Map must comply with NRS 278.475 through 278.477. The referenced NRS details required map elements, some details on procedural requirements, and recording.

Most of the NRS that refers to parcel maps in the context of NRS 278.320 “Subdivision” of land. In the referenced NRS, subdivision of land means dividing into five or more parcels. Because this application will not divide land into five or more parcels, most of NRS 278 that refers to “parcel maps” will not apply to the application. In this report, the term “parcel map” does not mean subdividing land into five or more parcels.

The three existing lots have two owners. One owner, Kerschner Living Trust (Willeta H. Kerschner, Trustee), currently owns two lots, APN 001-251-11 and 001-251-12. The other owner, Richard and Doreen Bacus own just APN 001-251-10. Richard and Doreen Bacus have agreed to purchase half of lot 001-251-11 from the trust and this map is part of that transaction. Richard and Doreen Bacus plan to build a house on their new lot with enough parking to accommodate an RV. Both owners have signed consenting to this parcel map.

### 1.4 Adjacent Properties Existing Land Uses

The abutting properties are a mix of single-family residential and vacant. (Figure 3: Land Uses Compatibility).

### 1.5 Abutting Properties Zoning

The abutting properties are zoned R1. (Figure 3: Land Uses Compatibility).

## 2. General Compliance with Storey County’s Guiding Documents

### 2.4 Table 1: Land Use Compatibility

While there are no zoning changes, the following table shows land uses, Storey County Master Plan (Master Plan) designations and zoning for the land surrounding the proposed parcel map. There appears to be no evident conflicts between the proposed map and SCC Title 17 Zoning or the Master Plan. The proposed map is also consistent with the surrounding existing uses.

<b>Figure 3: Land Use Compatibility</b>			
<b>Land</b>	<b>Land Use</b>	<b>Master Plan</b>	<b>Zoning</b>
Applicant's Land	Vacant	Single-family residential	R1
Land to the east	Existing single-family residence	Single-family residential	R1
Land to the southeast	Existing single-family residence	Single-family residential	R1
Land to the south	Vacant	Single-family residential	R1
Land to the southwest	Existing single-family residence	Single-family residential	R1
Land to the West	Existing single-family residence	Single-family residential	R1
Land to the Northwest	Existing single-family residence	Single-family residential	R1
Land to the North	Existing single-family residence	Single-family residential	R1
Land to the Northeast	Existing single-family residence	Single-family residential	R1

## 3. Compliance with the Storey County Code - Section 17.16 R1 Zone

### 3.1 Storey County Code 17.16 R1 Residential Zone

The proposed parcel map is compliant with zoning is SCC 17.16 R1 Residential Zone.

### 3.2 Minimum Lot Size

The minimum lot area in the R1 zone is 5,000 square feet. The Applicant’s properties do conform and exceed the minimum lot size requirements with lot sizes going from about 5,000 to 7,500 square feet.

### 3.3 Lot Dimension Requirements

The minimum width of a 7,500 square foot lot in the R1 zone is 60 feet (SCC 17.16.50). The new lots have a width of 75 feet. The new lots conform.

## 4. Public Comment

### 4.1 Public Comment

As of July 26, 2015 (date of posting) Staff has not received any comments from the public.

## **5. Findings**

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

### **5.1 Motion for Approval**

The Findings listed in this subsection are the minimum to be cited in an approval or approval with conditions. The following Findings are evident with regard to the requested parcel map when the recommended conditions in Section 6 are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

**5.1.1** The parcel map complies with NRS 278.475 through 278.477 relating to the change in location of boundary lines; and

**5.1.2** The parcel map complies with all Federal, State, and County regulations pertaining to parcel maps and allowed land uses; and

**5.1.3** The parcel map will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity; and

**5.1.4** The conditions of approval for the requested parcel map do not conflict with the minimum requirements in Storey County Code Chapters 17.16 R1 Residential Zone or any other Federal, State, or County regulations.

### **5.2 Motion for Denial**

Should a motion be made to deny the parcel map request, the following Findings with explanation of why should be included in that motion.

**5.2.1** Substantial evidence shows that the parcel map conflicts with the purpose, intent, and other specific requirement of Storey County Code Chapter 17.16 R1 Residential Zone or any other Federal, State, or County regulations, including NRS 278.475 through 278.477; or

**5.2.2** The Recommended Conditions of Approval for the parcel map do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding uses.

## **6. Recommended Conditions of Approval**

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

**1. General requirements.** The Parcel Map must comply with Nevada Revised Statutes (NRS) 278.475 through 278.477 relating to the change in location of boundary line(s). The parcel map must comply with Federal, State, and County regulations pertaining to parcel map and allowed land uses.

**2. Final Map.** The Applicant shall submit to the Storey County Planning Department (Planning Department) the Final Map. The Final Map must show all parcel boundaries, easements, right-of-ways and be approved by staff.

**3. Access and Easements.** All existing streets, easements, and utility easements, whether public or private, must remain in effect and be delineated clearly on the Final Map. No existing easements will be affected by the approval of this parcel map.

**4. Taxes Paid.** Prior to the recording of the proposed parcel map, the Applicant shall submit to the Planning Department evidence that property taxes on the land have been paid up to date.

**5. Duties of the Parcel Map Preparer.** The preparer of the proposed parcel map shall meet all requirements pursuant to NRS 278.475 through 278.477.

**6. Final Map.** The final parcel map must meet the form and contents pursuant to NRS 278.477.

**7. Null and Void.** The final parcel map must be recorded with the Storey County Recorder within 12 months of the Board's approval. If the Final Map is not recorded by that time, this approval will become null and void.

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

## **7. Power of the Board & Planning Commission**

At the conclusion of the hearing, the Planning Commission must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Approval is advisory only to the Board of County Commissioners and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

## **8. Proposed Motions**

This Section contains two motions from which to choose. The motion for approval is recommended by Staff in accordance with the findings under Section 5.1 of this report. Those findings should be made part of that motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 5.2. Other findings of fact determined appropriate by the Planning Commission should be made part of either motion.

### **8.1 Recommended Motion (Motion for approval)**

In accordance with the recommendation by Staff, the Findings under section 5.1 of the Staff Report,

and in compliance with all Conditions of Approval, I [Planning Commissioner] hereby recommend approval with conditions for the parcel map application number 2016-018 that merges three Virginia City lots into two lots located at 180 S O St, Virginia City, Storey County (APN: 001-251-10), 190 S O St, Virginia City, Storey County (APN: 001-251-11) and 200 S O St, Virginia City, Storey County (APN: 001-251-12).

*Summary: Approval of parcel map with conditions*

## **8.2 Alternative Motion (motion for denial)**

In accordance with the Findings under section 5.2 of this report and other Findings, and against the recommendation for approval with conditions by Staff, I [Planning Commissioner] hereby recommend denial for the parcel map application number 2016-018 that merges three Virginia City lots into two lots located at 180 S O St, Virginia City, Storey County (APN: 001-251-10), 190 S O St, Virginia City, Storey County (APN: 001-251-11) and 200 S O St, Virginia City, Storey County (APN: 001-251-12).

*Summary: Denial of parcel map*

Prepared by: Jason VanHavel

# **APPENDIX 1**

NRS 278.475 through 278.477

**NRS 278.475 Amended plat, survey or map to correct or amend recorded plat, survey or map if correction or amendment changes location of survey monument, property line or boundary line: Request; preparation and recordation.**

1. To correct an error or omission in or to amend any recorded subdivision plat, record of survey, parcel map, map of division into large parcels or reversionary map, if the correction or amendment changes or purports to change the physical location of any survey monument, property line or boundary line, an amended plat, survey or map must be requested and recorded pursuant to this section.

2. An amended plat, survey or map may be requested by:

(a) The county surveyor to make a correction or amendment which affects land located within the boundaries of an unincorporated area or Carson City;

(b) The city surveyor or a professional land surveyor appointed by the governing body of the city to make a correction or amendment which affects land located within an incorporated city;

(c) The planning commission if authorized by local ordinance; or

(d) A professional land surveyor registered pursuant to [chapter 625](#) of NRS.

3. Except as otherwise provided in this subsection, a surveyor who:

(a) Performed the survey; or

(b) Is responsible for an error or omission which is to be corrected,

➤ shall prepare and record the amended plat, survey or map within 90 days after the surveyor receives notification of the request made pursuant to subsection 2. The time within which the surveyor must prepare and record the amended plat, survey or map may be extended by the county surveyor, the city surveyor or a professional land surveyor appointed by the governing body of the city or the planning commission. If the surveyor who performed the survey or is responsible for the error or omission is no longer professionally active, the county surveyor, city surveyor or a professional land surveyor appointed by the governing body shall prepare and file the amended plat, survey or map.

(Added to NRS by [1977, 1505](#); A [1979, 1501](#); [1991, 1152](#); [1993, 2578](#); [1997, 2434](#))

**NRS 278.477 Amendment of recorded plat, map or survey which changes location of survey monument, property line or boundary line: Procedures and requirements.**

1. In addition to the requirements of subsection 2, an amendment of a recorded subdivision plat, parcel map, map of division into large parcels or record of survey which changes or purports to change the physical location of any survey monument, property line or boundary line is subject to the following requirements:

(a) If the proposed amendment is to a parcel map, map of division into large parcels or record of survey, the same procedures and requirements as in the original filing.

(b) If the proposed amendment is to a subdivision plat, only those procedures for the approval and filing of a final map.

2. Any amended subdivision plat, parcel map, map of division into large parcels or record of survey required pursuant to subsection 1 must:

(a) Be identical in size and scale to the document being amended, drawn in the manner and on the material provided by law;

(b) Have the words "Amended Plat of" prominently displayed on each sheet above the title of the document amended;

(c) Have a legal description that describes only the property which is to be included in the amendment;

(d) Have a blank margin for the county recorder's index information;

(e) Have a 3-inch square adjacent to and on the left side of the existing square for the county recorder's information and stamp; and

(f) Contain a certificate of the professional land surveyor licensed pursuant to [chapter 625](#) of NRS who prepared the amendment stating that it complies with all pertinent sections of [NRS 278.010 to 278.630](#), inclusive, and [625.340 to 625.380](#), inclusive, and with any applicable local ordinance.

3. Any amended subdivision plat, parcel map, map of division into large parcels or record of survey that is recorded in support of an adjusted boundary must:

(a) Contain or be accompanied by the report of a title company and the certificate required by [NRS 278.374](#) or an order of the district court of the county in which the land is located that the amendment may be approved without all the necessary signatures if the order is based upon a finding that:

(1) A bona fide effort was made to notify the necessary persons;

(2) All persons who responded to the notice have consented to the amendment; and

(3) The amendment does not adversely affect the persons who did not respond; and

(b) Contain a certificate executed by the appropriate county surveyor, county engineer, city surveyor or city engineer, if he or she is registered as a professional land surveyor or civil engineer pursuant to [chapter 625](#) of NRS, stating that he or she has examined the document and that it is technically correct.

4. Upon recording the amended document, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

5. A county recorder who records a plat, map or record of survey pursuant to this section shall, within 7 working days after he or she records the plat, map or record of survey, provide to the county assessor at no charge:

(a) A duplicate copy of the plat, map or record of survey and any supporting documents; or

(b) Access to the digital plat, map or record of survey and any digital supporting documents. The plat, map or record of survey and the supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

(Added to NRS by [1977, 1505](#); A [1979, 1501](#); [1987, 380](#); [1989, 796](#); [1991, 1890](#); [1993, 2579](#); [1997, 1065, 2434](#); [2001, 1563](#); [2003, 2789](#))

## **APPENDIX 2**

Statement in application on purpose for parcel map

July 5, 2016

**Detail Description/Justification of Project (Bacus/Kerschner Parcel Map)**

This project proposes to merge three approximately 50'x100' Virginia City lots zoned R1 and resubdivide the total merged area into two approximately 75'x100' parcels. The subject lots are Lot 2, owned by Richard and Doreen Bacus, and Lots 3 and 4, owned by Kerschner Living Trust dated October 1, 2009 (Willeta Huffstetler Kerschner, Trustee) in Block 155, Range "N".

The primary purpose of this project is to accommodate the Bacus' plan to construct a residence and have enough area to also have a parking area on one side of the residence for a large vehicle, as an R.V. This could be accomplished by splitting Lot 3 and merging the north half with Lot 2 and the south half with Lot 4. Willeta Kerschner has agreed to sell the north half of Lot 3 to Richard and Doreen Bacus in order to do this.

By merging the total area and resubdividing it into two parcels, no non-compliant parcels will be created. Sewer, water and power utilities are available to the subject parcels.