



Storey County Planning Commission

Meeting Agenda

Thursday January 4, 2018 6:00 p.m.
Storey County Courthouse, District Courtroom
26 South "B" Street, Virginia City, Nevada

Larry Prater – Chairman

Virgil Bucchianeri – Planning Commissioner

John Herrington – Planning Commissioner

Summer Pellett – Planning Commissioner

Jim Hindle – Vice-Chairman

Kris Thompson – Planning Commissioner

Laura Kekule – Planning Commissioner

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 January 4, 2018.
5. **Discussion/Possible Action:** Election of Chairperson and Vice-Chairperson for 2018.
6. **Discussion/Possible Action:** Approval of Minutes for October 19, 2017.
7. **Discussion/Possible Action:** 2016-030-A1-2017 Special Use Permit Condition Amendment by Sally Summers. A request to amend Special Use Permit 2016-030, Condition 5, by the applicant Sally Summers to allow for additional time for the onsite temporary trailer (watchperson's dwelling) to remain on the property. No other changes or modifications to the original Special Use Permit are proposed. The property is located at 199 Scales Road, American Flat, Storey County, Nevada, APNs 004-331-08, 004-331-22 & 004-331-40, Amended Special Use File 2016-030-A1-2017.
8. **Discussion/Possible Action:** Ordinance No. 18-279 amending Storey County Code Title 16 Subdivisions to adopt new codes for land subdivisions, parcel maps, division of land into large parcels, surety requirements, land readjustments, boundary line adjustments, and reversions to acreage/lot consolidations. Additional information including, but not limited to draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.*
9. **Discussion/Possible Action:** Ordinance No. 18-278 amending Storey County Code Title 17 Zoning, including Chapter 17.56 Planned Unit Developments to revise the procedure for approval and standards of planned unit developments. Additional information including, but not limited to draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.*
10. **Discussion/Possible Action:** Ordinance No. 18-280 amending Storey County Code Title 17 Zoning including chapters 17.03 Administrative Provisions, 17.10 Definitions, 17.12 General Provisions, 17.15 Public Zone, 17.24 Agriculture Zone, 17.28 Commercial Zone, 17.30 Commercial-Residential Zone, 17.32 Forestry Zone, 17.34 Light Industrial Zone, 17.35 Heavy Industrial Zone, 17.40 Estate Zone, 17.44 Special Planning Review Zone; and 17.84 Signs and Billboards. Additional information including, but not limited to draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.*
11. **Discussion/Possible Action:** Ordinance No. 18-281 amending Storey County Code Title 17 Zoning including Chapter 17.06 Nonconforming Uses pertaining to legally nonconforming uses and adding language pertaining to substandard development. Additional information including, but not limited to draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.*

12. **Discussion/Possible Action:** Ordinance No. 18-276 amending Storey County Code Title 17 Zoning to provide for design criteria and improvement standards for certain types of development and a design review process with review by the planning director with appeal to the planning commission and board. Additional information including, but not limited to draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.*
 13. **Discussion/Possible Action:** Ordinance No. 18-282 amending Storey County Code Title 17 Zoning including Chapter 17.03 Administrative Provisions to revise the procedure for the expiration of development permits. Additional information including, but not limited to draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.*
 14. **Discussion/Possible Action:** Proposed Resolution No. 18-474 to the Board of County Commissioners with recommendation by the Planning Commission adopting a design criteria and improvement manual setting forth certain development and design standards and guidelines for residential and non-residential planned unit developments, multi-family residential complexes, and other uses. Additional information including, but not limited to draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.*
 15. **Discussion/Possible Action:** Proposed Resolution No. 18-461 to the Board of County Commissioners with recommendation by the Planning Commission determining and consolidating all planning fees, including removing certain fees from code and placing them into resolution. Additional information including, but not limited to draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.*
- * In addition to provisions of the NRS, any person may complete and return to the Board or Planning Commission a statement supporting or opposing the proposed amendments to the county code and zoning ordinance.
16. **Discussion/Possible Action:** Determination of next Planning Commission meeting.
 17. **Discussion/Possible Action:** Approval of Claims.
 18. **Correspondence** (no action)
 19. **Public Comment** (no action)
 20. **Staff** (no action)
 21. **Board Comments** (no action)
 22. **Adjournment**

Notes:

- There may be a quorum of Storey County Commissioners in attendance, but no action or discussion will be taken by the Commissioners.
- 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).
- Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
- Additional information pertaining to any item on this agenda may be requested from the Planning Department (775-847-1144).

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 December 26, 2017: 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 Online Message Board. By Lyndi Renaud, Secretary



STOREY COUNTY PLANNING COMMISSION MEETING

Thursday October 19, 2017 6:00 p.m.
Lockwood Community/Senior Center
800 Peri Ranch Road in Lockwood, NV

MEETING MINUTES

CHAIRMAN: Larry Prater

VICE-CHAIRMAN: Jim Hindle

COMMISSIONERS:

Virgil Bucchianeri, John Herrington, Kris Thompson, Laura Kekule, Summer Pellett

1. **Call to Order:** The meeting was called to order by the Chairman at 6:00 P.M.
2. **Roll Call:** Virgil Bucchianeri, Larry Prater, Laura Kekule. Kris Thompson, Summer Pellett. **Arrived at 6:20-** Jim Hindle, John Herrington, **Absent:** None

Also Present: Planning Director Austin Osborne, Planner Kathy Canfield, Deputy D.A. Keith Loomis, County Commissioner Lance Gilman, and County Commissioner Jack McGuffey.
3. **Pledge of Allegiance:** The Chairman led those present in the Pledge of Allegiance.
4. **Discussion/Possible Action:** Approval of Agenda for October 19, 2017.

Planning Director Osborne asked the Chairman if agenda items 6, 7, 8, 9, and 10 may be combined. Chairman Prater agreed and also asked the board to move agenda item 5 to later in the meeting due to lack of quorum at this time (Jim Hindle and John Herrington late to meeting).

Motion: Approve amended agenda with combination of items 6, 7, 8, 9, 10 and move item 5 to later in the meeting when a quorum is present, for October 19, 2017, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Kekule, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

5. **Discussion/Possible Action:** Approval of Minutes for August 17, 2017.

Motion: Approve Minutes for August 17, 2017, **Action:** Approve, **Moved by** Commissioner Hindle, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

6. **Discussion/No Possible Action:** Ordinance No. 17-279 amending Storey County Code Title 16 Subdivisions to adopt new codes for land subdivisions, parcel maps, division of land into large parcels, surety requirements, land readjustments, boundary line adjustments, and reversions to acreage. Additional information including, but not limited to draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.
7. **Discussion/No Possible Action :** Ordinance No. 17.280 amending Storey County Code Title 17 Zoning including chapters 17.03 Administrative Provisions, 17.10 Definitions, 17.12 General Provisions, 17.15 Public Zone, 17.24 Agriculture Zone, 17.28 Commercial Zone, 17.30 Commercial-Residential Zone, 17.32 Forestry Zone, 17.34 Light Industrial Zone, 17.35 Heavy Industrial Zone, 17.40 Estate Zone, 17.44 Special Planning Review Zone; and 17.84 Signs and Billboards. Additional information including, but not limited to, reports and the draft zone text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.
8. **Discussion/No Possible Action:** Ordinance No. 17.278 amending Storey County Code 17.56 Planned Unit Developments to revise the procedure for approval of planned unit developments. Additional information including, but not limited to, reports and the draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.
9. **Discussion/No Possible Action:** Proposed Resolution No. 17-474 to the Board of County Commissioners with recommendation by the Planning Commission adopting a design criteria and improvement manual setting forth certain development and design standards and guidelines for residential and non-residential planned unit developments, multi-family residential complexes, and other uses. Additional information including, but not limited to, reports and the draft resolution may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.
10. **Discussion/No Possible Action:** Proposed Resolution No. 17-461 to the Board of County Commissioners with recommendation by the Planning Commission determining and consolidating all planning fees, including removing certain fees from code and placing them into resolution. Additional information including, but not limited to, reports and the draft resolution may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.

Planning Director Osborne: We are nearing the end of the update phase of the zone text amendments. What you see on the agenda tonight is what will be voted on by the Board with recommendation by the Planning Commission. Most of the updates are clarification and clean-up of language.

General Discussion/Workshop on updates to Title 16 and 17 included the following topics and were discussed by Staff, members of the commission, and members of the public:

- Special Use Permits to be used instead of Variances in most cases pertaining to setbacks reductions on the Comstock.
- Adjustments in Estate zone includes language clarifying setbacks from road easements. Many properties have road easements going through their property.
- New codes for shipping containers allowed on properties in certain zones. Industrial zone uses are very available, but there are limits and allowances for use in Estate and Forestry zones. There is also new review criteria language included in the zone text for shipping containers. Special Use Permits may be required for having more than one shipping container on a property in certain zones. These can also potentially be approved for use at the discretion of the Planning Director.
- New definition language regarding junkyards, wrecking yards, open storage and auction houses. New zoning will clarify that an “auction house” is an “auction house”. Open storage which is visible, will require a special use permit so that it doesn’t become an issue with surrounding uses.
- “Definitions” has been updated with some relevant words that were not included previously, and some words were deleted that were irrelevant to the code.
- Density adjustments to the commercial, commercial residential and residential zones. Right now there is no minimum square footage requirement in the commercial zone. This will stay that way. Square footage requirements in the residential zone are 800 square feet for 1 bedroom, 1,000 square feet for 2 bedroom. These will remain; only change is to make this standard for a residential use in the commercial residential zone.
- Change in Heavy Industrial zone to include language for Livestock in industrial agriculture uses.
- There are no zone map amendments in this update. May look at that in the future for areas that have conflicting uses.
- Existing uses prior to this update will be legally non-conforming.

- Expansion of non-conforming uses would not be allowed to expand, or it would be limited, and potentially be discussed at a public hearing for any requested changes and expansions. The county may want to consider not necessarily prohibiting any expansions, but may allow administrative review or review of the expansion through the public process. Discussed accessory uses and expansion/limitations and allowances for existing non-conforming uses.
- For existing PUDs, the Design Standards manual will not apply. A property owner will still have the option to expand or add on to their home but will still have to go through the current review and permitting process. There will be one Design Standards handbook for the entire county. The handbook is advisory, a guideline, not law.
- CCRs are in place for the Rainbow Bend PUD. There are not many requests for additions to homes in Rainbow Bend because of the small lot configurations. Rainbow Bend is the only PUD zoning the county has at this time. Painted Rock is a “transition zone” to PUD in the Storey County Master Plan.
- CCRs are in place in the Highlands 1 acre and 10 acre developments.
- Louise Pena, Lockwood resident: Rainbow Bend has CCRs through the HOA. It is a nightmare. The CCRs are not enforced. Setbacks don’t appear to have been enforced when initial building occurred. Stated that she would like to add on to her garage. Would like to see code that allows a homeowner to grow, and not create conflicts with the HOA.
- Maximum flexibility regarding additions for existing homeowners in PUDs was suggested by Commissioner Thompson, others agreed.
- Design Standards handbook is a guideline for PUD developments. It covers aspects of PUDs such as lot design and configuration, suggestions on what types of roofs, exterior building materials, facades, windows, driveway lengths, perimeter landscaping, arterial roads, open space and amenities, accessory buildings, etc. It is a guideline for development. The design criteria within this chapter are intended to assist the designer in understanding the county's goals for certain residential projects, including parcel maps, subdivision maps, planned unit developments and multi-family residential complexes.
- Painted Rock will most likely be a high density Planned Unit Development (PUD). There will not be any large scale development on the Agriculture zoned parcels. The master plan states that development in Painted Rock must be south of the canal.
- Title 16 updates include how to file tentative and final maps for subdivisions. Simple code language for splitting parcels and how to consolidate lots. Lot consolidation is done administratively. Simple boundary line adjustments will be done administratively as well. Lot splits will still have to go through the public process.
- Discussion on the potential to allow a “minor deviation” to code administratively. Details would need to be worked out and potential for code change would be in the future, not in this update. Definition of a Variance (hardship) is harder to meet than a “minor deviation”. Building in flexibility within the code language using “minor deviation” was suggested by Commissioner Pellett. She also stated that “minor deviation” code language was effectively used in PUDs where there were odd shaped lots. This allowed deviations to the code administratively to address minor deviations without having to go through the public process. Discrepancies that may come up during this process would be referred to the Planning Commission and the Board.
- Discussion regarding the CR zone and Residential (R1) zoning next to each other in Virginia City. Currently, the CR zone allows zero setbacks. The property next door may be residential zoning and have a twenty foot setback. Code now requires the abutting property be an average of the two setbacks, meaning ten feet in this instance. Keep language the same for the CR zone, but do not apply this restriction to the Virginia City Downtown District as shown in the existing zoning code.
- New language will be introduced to address expiration of permits, and the process involved.
- Acronyms may be considered for use in the Definitions, i.e. Planned Unit Development (PUD).
- Discussion ensued about the pros and cons of waiving variance fees. Advised to proceed as current.

Issues were discussed regarding accessory structures and open storage of materials, equipment and vehicles on properties with no principal dwellings or active building permits. The building department is aware of this and is actively working on resolving these issues.

Commissioner Thompson asked Staff what is next for the planning department to address. (See agenda item 15. Staff).

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

Motion: Next planning commission meeting to be held at the Mark Twain Community Center 500 Sam Clemens Ave, Mark Twain, Nevada, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Kekule, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).

12. Discussion/Possible Action: Approval of claims - None

13. Correspondence (No Action) - None

14. Public Comment (No Action) - None

15. Staff (No Action): Planning Director Osborne stated that Planner Canfield would begin updating the sign ordinance.

Planner Kathy Canfield: Updating the sign ordinance has been on hold for a few months due to staff reports and items that have a deadline attached to them. Plans to begin looking at the ordinance again, and the plan is to simplify it; make it more user friendly. Comments already received by business owners are not generally complaints or concerns, but rather questions for clarification as to what kind of signs they can put up, how many, design, style, etc.

Planning Director Osborne: Stated that the Historic District doesn't care how many signs are put up at a business, but rather, are they historic looking. Staff will look at possibly changing the ordinance to square footage of the building for signage rather than how many signs a business can have.

Discussion about types of signs included:

-Historic look is most important aspect of the ordinance.

-Chalkboard type sandwich boards with metal frames will be encouraged to be used on the boardwalk instead of white boards which are not historic. Sandwich boards will be allowed as long as they do not inhibit traffic flow.

-Content of signs will not be regulated.

-Potentially revise the ordinance to allow a certain percentage of the building for signage and not worry about how many are added as long as it remains within the allowed percentage.

-Hanging signs will still be regulated as far height above the boardwalk.

-Sign permits are not being issued at this time. Will consider that in the update. Previously there was a sign permit required, and it was very difficult to track. The current ordinance does not require it.

-Business owners are legally required to maintain the boardwalk in front of their business. Business owners are also taxed on the boardwalk as part of their parcel.

-Signage on the backs of buildings is currently not allowed. Potential to change that to allow signs on the sides and backs of buildings.

-Billboards will not be encouraged to be erected. They currently require a special use permit. Changeable copy signs may be considered in the update.

Planning Director Osborne: A Fee Resolution will be presented to the Board. There are no changes in fees, just putting them into a consolidated resolution. This will be a Board reviewed Fee Schedule.

Commissioner Prater asked if waiving the fee for a Variance (hardship) may be considered.

Discussion ensued about the pros and cons of waiving variance fees.

Planning Director Osborne: Working with the GID here in potentially providing water to the east by Chisolm's property. There are some easements we are working through with the BLM.

Peri Ranch, Lepori's property, the owners are very close to submitting a letter of map review to FEMA for flood plain map adjustments.

There has been no word on development or use proposals for the Lockwood area.

Sewer project in Virginia City is being completed. Due to this project, some of the roads that were dead end roads will now be continuing on like the original grid map.

Planner Canfield: We turned in the county's annual application for the Community Rating System (CRS) to FEMA. Our CRS gives the residents of Lockwood a discount on their annual flood insurance premium.

16. Board Comments (No Action) -

17. Adjournment (No Action) - The meeting was adjourned at 7:43 P.M.

Respectfully Submitted, By Lyndi Renaud

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



To: Storey County Planning Commission

From: Storey County Planning Department

Meeting Date: January 4, 2018 at 6:00 p.m.

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

Staff Contact: Kathy Canfield

File: 2016-030-A1-2017 Special Use Permit Condition Amendment

Applicant: Sally Summers

Property Owner: Comstock Mining, LLC

Property Location: 199 Scales Road, American Flat, Storey County, Nevada, APNs 004-331-08, 004-331-22 & 004-331-40.

Request: A request to amend Special Use Permit 2016-030, Condition 5, by the applicant Sally Summers to allow for additional time for the onsite temporary trailer (watchperson’s dwelling) to remain on the property. No other changes or modifications to the original Special Use Permit are proposed. The property is located at 199 Scales Road, American Flat, Storey County, Nevada, APNs 004-331-08, 004-331-22 & 004-331-40, Amended Special Use File 2016-030-A1-2017.

1. Background

The Special Use permit for the proposed project was approved by the Board of County Commissioners in December 2016. The original project description is as follows:

The applicant proposes to construct a single-family residential dwelling on the subject property. The dwelling will be combined with a non-dwelling use (barn) that will house animals and agricultural equipment. The applicant also proposes to maintain up to 80 horses or other large domestic animals on the property and construct various accessory structures for sheltering, protecting, and servicing the animals. The animals will be fed in a controlled manner and, therefore, there will be no pastures created or mass grading on the premises. The proposed use is non-commercial and, therefore, will not facilitate commercial business or public visitors, except volunteer and other works caring for the

animals and providing maintenance and security. A travel trailer providing for a site security person is proposed to be located at the site for up to one year. The proposed uses may only occur on the subject property with a special use permit.

The applicant has commenced the animal use on the property and has installed the temporary trailer. Construction on the residence and the barn has not yet occurred and the applicant has requested additional time to keep the temporary trailer in place.

Storey County staff conducted a compliance review of the site during the Fall of 2017. The results of the review confirmed that the operation was complying with the Conditions of Approval of the Special Use Permit and the results were presented to the Planning Commission at their November 16, 2017 meeting.

2. Proposed Request

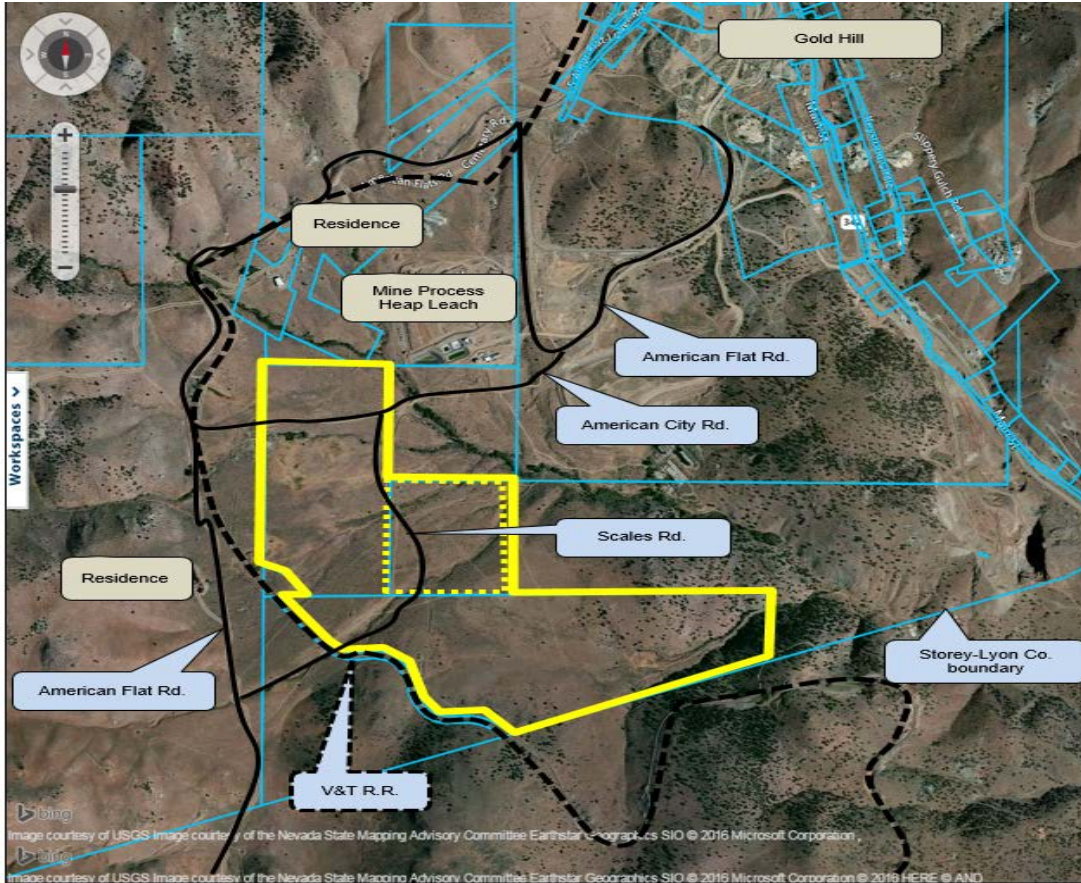
During the compliance review it was determined that the temporary trailer (watchperson's dwelling) time frame was ending and the construction of the residence and barn had not yet commenced. The applicant has requested additional time for the temporary trailer (watchperson's dwelling) to remain until the residence/barn can be constructed. Staff concurs with the request and are recommending an approximate two year extension of time be given for the temporary trailer (watchperson's dwelling). As depicted in the revised Condition 5 language, Staff recommends the temporary trailer (watchperson's dwelling) be allowed until January 31, 2020.

No other conditions of approval are proposed or recommended to be modified from the original approval.

Staff recommends the following change to Condition 5 from the original Special Use Permit 2016-030:

5. Temporary watchperson's trailer

A travel trailer/recreational vehicle may be placed on the subject property and occupied by a resident/watchperson ~~for up to one year commencing on the day of this special use permit approval until January 31, 2020.~~ The use must be connected to a permitted well and septic system (later to be serve the permanent dwelling) if the use is to provide residential quarters for the watchperson during the allowed time. The temporary dwelling must be disconnected from the well and septic after this time and it must be converted to a non-occupancy use (stored) as allowed by the applicable Storey County code or removed from the property.



Yellow outline is the parcel, dotted yellow is the location of the first phase of development.

2. Compatibility and Compliance

No modifications or impacts to compatibility with surrounding uses, zoning or the master plan are expected with the modification to the time frame for the temporary trailer.

3. Findings of Fact

A. Motion for approval. The following Findings of Fact are evident with regard to the requested amended special use permit when the recommended revised conditions of approval in Section 4, Revised Recommended Conditions of Approval, are applied.

1. The amended special use permit does not conflict with the provisions of the 2016 Storey County Master Plan including the goals and objectives listed in Chapter 3 Land Use and Chapter 11 Cultural and Historic Resources, including as related for the maintenance of an orderly, efficient, and sustainable development; compatibility between existing and future uses; the advancement and diversity of the local economy from tourism and other sources; and for the preservation of historic and cultural resources for the subject area.
2. The amended special use permit will not impose substantial adverse impacts or safety hazards on the adjacent properties or the surrounding area.

3. The conditions of the special use permit adequately address potential structure and wildland fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings.
 4. The conditions of this special use permit do not conflict with the minimum requirements in Storey County Code 17.32 F Forestry Zone, or any other federal, state, or county regulations, including building and fire codes.
- B. **Motion for denial.** Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.
- (1) Substantial evidence shows that the amended special use permit may conflict with the purpose, intent, and other specific requirements of Storey County Code 17.32 F Forestry Zone, or any other federal, state, or county regulations, including building and fire codes.
 - (2) The conditions under the amended special use permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding uses.

4. Recommended Conditions of Approval

- A. **Amended Special Use Permit.** This approval is to amend Special Use Permit 2016-030, Condition 5, by the applicant Sally Summers to allow for additional time for the onsite temporary trailer (watchperson’s dwelling) to remain on the property. No other changes or modifications to the original Special Use Permit are proposed. The property is located at 199 Scales Road, American Flat, Storey County, Nevada, APNs 004-331-08, 004-331-22 & 004-331-40, Amended Special Use File 2016-030-A1-2017.
- B. **Comstock Historic District.** The Permit Holder shall provide a copy of an amended Certificate of Appropriateness from the Comstock Historic District within 30 days from this Amended Special Use Permit approval date.
- C. **Temporary watchperson’s trailer.** A travel trailer/recreational vehicle may be placed on the subject property and occupied by a resident/watchperson until January 31, 2020. The use must be connected to a permitted well and septic system (later to be serve the permanent dwelling) if the use is to provide residential quarters for the watchperson during the allowed time. The temporary dwelling must be disconnected from the well and septic after this time and it must be converted to a non-occupancy use (stored) as allowed by the applicable Storey County code or removed from the property.
- D. **Special Use Permit 2016-030 Conditions of Approval.** All Conditions of Approval identified in the original Special Use Permit 2016-030 shall remain in effect with the exception of Condition 5, Temporary watchperson’s trailer, as modified above. In addition, this permit does not authorize any modifications to the previously approved project description or use of the property as depicted in the original Special Use Permit.

5. Public Comment

As of December 26, 2017, Staff has not received any comments from the public.

6. 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 Amended 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.

7. Proposed Motions

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

A. Recommended motion for approval

In accordance with the recommendation by staff, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I (*planning commissioner*), recommend approval to amend Special Use Permit 2016-030, Condition 5, by the applicant Sally Summers to allow for additional time for the onsite temporary trailer (watchperson's dwelling) to remain on the property. No other changes or modifications to the original Special Use Permit are proposed. The property is located at 199 Scales Road, American Flat, Storey County, Nevada, APNs 004-331-08, 004-331-22 & 004-331-40, Amended Special Use Permit File 2016-030-A1-2017.

B. Alternative motion for denial

Against the recommendation by staff, but in accordance with the Findings of Fact under Section 3.2 of this report, and other findings deemed appropriate by the Planning Commission, I (*planning commissioner*), recommend denial of amending Special Use Permit 2016-030, Condition 5, by the applicant Sally Summers to allow for additional time for the onsite temporary trailer (watchperson's dwelling) to remain on the property. No other changes or modifications to the original Special Use Permit are proposed. The property is located at 199 Scales Road, American Flat, Storey County, Nevada, APNs 004-331-08, 004-331-22 & 004-331-40, Amended Special Use Permit File 2016-030-A1-2017.

APPENDIX 1

Staff Report 2016-030



Storey County
Board of County Commissioners
Staff Report Addendum

CASE NO.: 2016-030

APPLICANT: Sally Summers

PROPERTY OWNER: Comstock Mining, LLC

PROPERTY LOCATION: 199 Scales Road, American Flat, Storey County, Nevada (APNs 004.331.40; 004.331.08; and 004.331.22)

REQUEST: The applicant requests a special use permit allowing: (a) a single-family dwelling combined with a non-dwelling use (combined residence-barn) that will separately house humans, animals, and agricultural equipment; (b) the maintenance of up to 80 large domestic animals and various accessory structures for sheltering, feeding, watering, protecting, and servicing the animal; and (c) a temporary (up to one year) occupancy watchperson's travel trailer on property located at 199 Scales Road, American Flat, Storey County, Nevada (APNs 004.331.40; 004.331.08; and 004.331.22).

MEETING LOCATION: **Storey County Courthouse**
26 South "B" Street, Virginia City, Nevada

MEETING TIME & DATE: **County Commission: 10:00 a.m., Tuesday, December 6, 2016**

STAFF CONTACT: Austin Osborne, Planning Director 775.847.0968

SUMMARY OF PLANNING COMMISSION ACTION:

The planning commission at its 12/01/16 meeting heard testimony from the applicant, property owner, county staff, and the public regarding the subject special use permit request. Concerns were brought forth about the applicant's request to restrict public access to Scales Road, visual impact of the use to the abutting V&T Railroad corridor, animal density, management of animal manure and invasive weeds, and humane treatment of animals. The planning commission voted five to one, with one absent, to approve the use with changes to the conditions recommended in Staff Report No. 2016-030. The recommended changes to those conditions are shown in the following addendum and are hereby recommended to the board of county commissioners for approval.

AMENDED RECOMMENDED MOTION:

In accordance with the recommendation by staff, the findings of fact under Section 3.1 of Staff Report No. 2016-030, and other findings deemed appropriate by the planning commission, and in compliance with the conditions of approval as amended pursuant to Staff Report Addendum No. 2016-030, I [commissioner] motion to approve with stated conditions Special Use Permit No. 2016-030 allowing: (a) single-family dwelling combined with a non-dwelling use (combined residence-barn) that will separately house humans, animals, and agricultural equipment; (b) the maintenance of up to 80 large domestic animals and various accessory structures for sheltering, feeding, watering, protecting, and servicing the animals; and (c) for a temporary (up to one year) occupancy watchperson's travel trailer on property located at 199 Scales Road, American Flat, Storey County, Nevada (APNs 004.331.40; 004.331.08; and 004.331.22).

AMENDED RECOMMENDED CONDITIONS OF APPROVAL:

The following conditions of approval were amended pursuant to the recommendation by the planning commission. Text shown *bold italics* is added, and text shown as ~~strike-out~~ is deleted.

1 RECOMMENDED CONDITIONS OF APPROVAL

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

1. Purpose

This special use permit is granted for the purpose of allowing: (a) permanent single-family dwelling combined with a non-dwelling use (combined dwelling and agriculture barn) that will separately house humans, animals, and agricultural equipment; (b) the maintenance of up to 80 large domestic animals (e.g., horses) and various accessory structures for sheltering, feeding, watering, protecting, and servicing the large domestic animals; and (c) a temporary (up to one year) watchperson's travel-trailer on property located at 199 Scales Road, American Flat, Storey County, Nevada (APNs 004.331.40; 004.331.08; and 004.331.22).

2. Transfer of rights

This special use permit belongs exclusively to Sally Summers and/or Horse Power and the real property associated with this permit so long as the permit holder owns or leases the property. This special use permit is non-transferable.

3. Compliance

The special use permit must comply with federal, state, and county codes and regulations and the submitted plans and reports, as approved. The permit holder must provide the building department site plans drawn to scale prior to obtaining a building permit.

4. Permits and expiration

The permit holder must apply for all building and fire permits for the structures associated herewith within 24 months from the date of board (Board of Storey County Commissioners) approval, and continuously maintain the validity of those permits, as appropriate, or obtain a certificate of occupancy or equivalent approval, or this special use permit approval will become null and void.

5. Temporary watchperson's trailer

A travel trailer/recreational vehicle may be placed on the subject property and occupied by a resident/watchperson for up to one year commencing on the day of this special use permit approval. The use must be connected to a permitted well and septic system (later to be serve the permanent dwelling) if the use is to provide residential quarters for the watchperson during the allowed time. The temporary dwelling must be disconnected from the well and septic after this time and it must be converted to a non-occupancy use (stored) as allowed by the applicable Storey County code or removed from the property.

6. Animal density and use

Up to 80 large domestic animals may occupy the entire subject property. Large domestic animals are those listed in the Storey County code, including but not limited to, horses, burrows, donkeys, and cattle, whether domesticated or not. Up to 10 large domestic animals may be kept on any one acre of graded corral area, and there must be a minimum of 400 square-feet of area that is less than 10 percent slope provided to each animal in these penned areas. *Penned areas must be situated such as to allow the animal(s) inside to run.* The density of large domestic animals outside of graded and corral areas on the subject property must not exceed 2.5 (16 animals per 40 acres).

7. Accessory structures

The subject property may be developed with accessory buildings and structures providing shelter, food and water, and security for the large domestic animals. These structures will be in addition to the proposed principal residence and barn. The accessory structures will be required to conform to setback distance and height limitations in Storey County Code 17.32.041 Setback Requirements in the Forestry Zone and 17.12 General Provisions for accessory structures. Other accessory structures must comply with SCC 17.32 and 17.12.

8. Improvements

The property must be developed with a domestic well and septic system adequate in capacity to meet the minimum requirements for a single-family residence and other permitted uses on the subject property. There must also be adequate water supply, as determined by the fire district, for on-site fire suppression.

9. Restrooms

The permit holder must provide an adequate and properly maintained permanent or portable restroom facility on the subject property for occupants and visitors.

10. Record of survey

The applicant must submit to the building department a Record of Survey or proof of property corners by a licensed surveyor with the building permit application. The evidence must show existing parcel boundaries, easements, and right-of-ways within 100

feet of all permitted structures. No building may be constructed over an easement or right-of-way, or within a building setback area.

11. Public access ways

This condition is subject to review by the planning department and district attorney's office. This condition becomes effective immediately upon acceptance of the special use permit and remains in effect indefinitely or until the district attorney's office determines that Scales Road is not a public road. All public right-of-ways including, but not limited to Scales Road, and access easements must remain open to the public and not be gated, fenced, barricaded, or otherwise made to be inaccessible to the public. Signs indicating no trespassing and other such restrictions *to the subject property* shall not be situated such as to imply restrictions to public access on the right-of-ways and access easements. The permit holder may, however, realign Scales Road and other roads within the subject property as desired as long as the realigned road(s) is developed to standards similar to the road(s) existing at the time of submittal of the special use permit application, and provides equivalent access to existing start and end points. *In accordance with Storey County Code Title 6 Animals, the permit holder must ensure that no dog or other animal that is a danger to the public (e.g., vicious dog) enters or occupies any public access way or easement on the subject property.*

12. Emergency plan

An emergency plan must be submitted to the Storey County Fire Protection District for review and approval prior to obtaining rights to develop the land pursuant to this special use permit. The permit holder and the subject property must be in compliance with the approved emergency plan. The plan must include:

- Basic company owner, site, and emergency contact information.
- Plot plan including detailed sketch drawings of the premises, areas of activity including structures, corrals, and other accessory uses.
- Emergency contact procedure, including for Emergency 9-1-1 and Storey County Emergency Direct-Connect 775.847.0950 from cellular telephone; documenting and reporting procedures, and other items determined appropriate by the fire district. All personnel and clients on the property must be informed by the permit holder to dial Emergency Services Direct-Connect 775.847.0950 (in lieu of Emergency 9-11) from cellular telephones during times of emergencies.
- Wildland fire prevention and suppression, including water storage and flows for wildland fire suppression and fire fuels management.
- Emergency vehicle access, circulation, and staging.
- Documenting and reporting of emergency situations.
- Documenting and reporting of Nevada Division of Environmental Protection and other environmental permits and notices.
- Noxious weed management.
- Environmental management and Best Management Practices (BMP).

13. Signage

Legible signage shall be placed at appropriate entry points of the premises. The signage must state the name of company/organization, street address (or descriptive location), contact phone number(s), and other information required by the fire district.

14. Site inspections

The permit holder must provide the building department and planning department site plans (hand-drawn is acceptable) reasonably drawn to scale, of the overall site layout, animal shelters, and other accessory structures associated with this special use permit. The property layout and design, construction, and placement of each shelter/accessory structure will be subject to inspection and approval of the building official, director of planning, or their designees. The building official and director of planning or their designees shall reserve the right to make periodic inspections and impose requirements as thereby deemed appropriate.

15. Emergency access

The permit holder must develop sufficient access, circulation, and staging areas for emergency vehicles and equipment. The surfaces must be maintained at all times as required by the fire district. The access plan needs to be included in the emergency plan.

16. Noise management

The use of motorized generators and equipment is limited to daytime hours between 7:00 a.m. to 6:00 p.m. and Monday through Saturday. Noise on the subject property is otherwise limited by Storey County Code 8.04 Noise Limitations.

17. Dust management

This special use permit recognizes that the subject property is almost entirely covered in natural vegetation and that this vegetation effectively prevents soil erosion from wind and stormwater. Mass grading shall not occur on the property, except as may be necessary for principal and accessory structures, corrals, and driveways. Up to 5 cumulative acres of the subject property may be graded. Appropriate dust and erosion control shall be applied to areas where grading does occur.

18. Stormwater management

Any increased stormwater from development of the land must be detained on-site or directed appropriately to the abutting public right-of-ways and not allowed to enter abutting private properties. Stormwater drainage onto the right-of-way must be to the satisfaction of the Public Works Director.

19. Site sanitation

The entire premises and areas around the premises must be kept clean at all times. There shall be no trash, rubbish, or junk allowed to accumulate on the subject property or fugitive trash allowed to exit the premises without immediate removal. Trash shall be properly disposed of in a licensed landfill facility each week.

The permit holder is responsible for picking up all manure from animal enclosures ~~each~~ *day twice per week* and removing all collected manure from the property within each 2 week period. No manure shall be permitted to accumulate on the property and on-site

composting shall not be deemed an appropriate method of disposal. Manure shall be deposited in a licensed landfill facility either by prescribed trash pick-up or personal transport to said facility or transfer station.

20. Noxious weed abatement

The permit holder must submit to the planning department a plan to mitigate the proliferation of invasive weed species (with emphasis on hoary cress and perennial pepperweed). The plan must address the weed-seed management of imported hay and other seed-containing feed and how graded and disturbed surfaces will be managed to prevent the germination and proliferation of invasive weed species. The plan will apply to entire subject property and must conform to the applicable state or federal regulations, and the requirements imposed by this special use permit and the fire district. The permit holder must conform to the plan.

21. Outdoor lighting management

The subject use may include lighting typically found on residential and commercial use, including building and field lighting. Outdoor lighting must comply with Storey County Code 8.02 Outdoor Lighting in order to prevent unnecessary glare and light trespass onto area properties and minimize its visual impact in the region.

22. Visual impact

Earth-tone and non-reflective coatings and colors must be applied to all structures on the subject property in order to lessen visibility from Gold Hill, Virginia City, and the V&T Railroad. Structures on the subject property must otherwise conform to the requirements of the Comstock Historic District Commission.

23. Animal health

All large domestic animals on the subject property must meet all equivalent Nevada State health regulations regarding examinations and immunizations.

24. Animal humane treatment

The permit holder shall be responsible for assuring that each animal living on the premises (up to 80 large domestic animals) is treated humanely and is provided adequate and appropriate nourishment, nutritional supplements, water, and shelter. Specifically, all animals must receive the following treatment:

- a. Appropriate medical care.
- b. High quality, clean, and mold free hay/grain, at least twice daily.
- c. Clean, safe, and ~~ice-free~~ **accessible** water and salt blocks (as applicable). ***Ice shall be removed from water troughs or containers each day.***
- d. Adequate shelter from wind, rain, snow, direct sun, heat, and other weather elements. Shelters shall be appropriately designed for the type of animal and such as to protect them from predators. Sheep and goats shall be provided at least one companion, of similar or different breed or species, in its living quarters. No animal may be tethered except temporarily during training exercises and when directly supervised.

- e. ~~All animals living on the property must receive no less than 60 minutes exercise in the open arena areas per day and they must be provided an appropriate amount of rest, shade, food, and water between trainings and exercises.~~

25. Carson River Mercury Superfund Site (“CRMSS”)

By accepting this special use permit, the permit holder acknowledges that portions of the subject property may be within or applicable to the CRMSS. Properly managing disturbances of existing and former mine and mill sites, mill tailings, mine waste, mine material, and other areas that are found to contain Contaminant of Concern (CoC’s) as applicable to the CRMSS will be the sole responsibility of the permit holder as communicated thereto by the Nevada Division of Environmental Protection. Handling, redistributing or reprocessing CoC impacted materials by the holder must be completed in accordance with the requirements of the Nevada Division of Environmental Protection.

26. Taxes paid

Before obtaining a building permit, the holder of the special use permit must show the building department valid evidence that all property taxes on the land are paid to-date.

27. Indemnification

The holder of the special use permit agrees to hold Storey County, its officers and representatives harmless from the cost and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this special use permit.

28. Compliance Review

At a regularly scheduled public meeting on or about the months of April 2017 and December 2017, the permit holder shall provide the planning commission a public report stating whether the subject use has or has not complied with the conditions of approval. The presentation must disclose evidence of known failure to comply with the requirements. If a violation is found to have occurred, the report shall explain what measures, and to what degree of expediency and success, the permit holder employed to remedy the violation. The planning commission may recommend a show-cause hearing to the board of county commissioners pursuant to Storey County Code 17.03 Administrative Provisions and condition 29 of this special use permit if one or more violations to the conditions are found. Alternatively, the planning commission may require the applicant to provide subsequent public compliance reports at six month or twelve month intervals.

29. Non-Compliance Show-Cause

Storey County may refer this special use permit to the board of county commissioners for show-cause hearing for revocation based on reasons listed in this section. The procedures for show-cause will be pursuant to Storey County Code 17.03 Administrative Provisions. The continuance of uses of a revoked special use permit is a violation of Storey County Code Title 17 Zoning and will be punishable as provided for therein or other applicable codes. The special use permit may be referred to show-cause for the following reasons: (a) failure to comply with the special use permit conditions, or federal, and county regulations, without appropriate remedy; (b) any misrepresentation made in the application for the special use permit or in other official

documents, or amendments thereof, submitted to a federal, state, or local agency; (c) failure to provided notice to the county on violations, disasters, notices of decisions, and other such correspondence from federal, state, and local agencies as required in the special use permit.

Prepared by Austin Osborne, Planning Director