



Storey County Planning Commission Meeting Agenda

Thursday March 15, 2018 6:00 p.m.
Storey County Courthouse, District Courtroom
26 South "B" Street, Virginia City, Nevada

Jim Hindle – Chairman
Virgil Bucchianeri – Planning Commissioner
Larry Prater – Planning Commissioner
Summer Pellett – Planning Commissioner

John Herrington – 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 March 15, 2018.
5. **Discussion/Possible Action:** Approval of Minutes for January 4, 2018.
6. **Discussion/Possible Action:** 2018-008 Special Use Permit request by the applicant Evergreen Reno Industrial Park, LLC, to construct a hotel with additional height beyond the allowed 3 stories or 45 feet in height. The proposed hotel will be four stories and approximately 59 feet in height. The subject property is located at 691 Britain Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, Assessor's Parcel Number (APN) 005-041-57.
7. **Discussion Only/No Possible Action:** Proposed amendments to the Storey County sign ordinance, Storey County Code Title 17 Zoning, including Chapter 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, or viewed online at <http://storeycounty.org/517/Updates>. In addition to the 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/or zoning ordinance.
8. **Discussion/Possible Action:** Ordinance No. 2018-283 amending Storey County Code Title 17 Zoning, including Chapter 17.28 C Commercial Zone to restrict "adult uses" with a special use permit, and Chapter 17.10 Definitions to amend definitions and add definitions for adult uses including "adult retail", "adult bookstore", and "adult motion picture theatre" 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, or viewed online at <http://storeycounty.org/517/Updates>. In addition to the 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/or zoning ordinance.
9. **Discussion/Possible Action:** Determination of next Planning Commission meeting.
10. **Discussion/Possible Action:** Approval of Claims.
11. **Correspondence** (no action)
12. **Public Comment** (no action)
13. **Staff** (no action)

14. Board Comments (no action)

15. 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).
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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 March 6, 2018: 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 January 4, 2018 6:00 p.m.
Storey County Courthouse, District Courtroom
26 South B Street, Virginia City, NV

MEETING MINUTES

CHAIRMAN: Jim Hindle

VICE-CHAIRMAN: John Herrington

COMMISSIONERS:

Virgil Bucchianeri, Larry Prater, Kris Thompson, Laura Kekule, Summer Pellett

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- 1. Call to Order:** The meeting was called to order by the Chairman at 6:00 P.M.
 - 2. Roll Call:** Jim Hindle, John Herrington, Larry Prater, Laura Kekule. Kris Thompson, Summer Pellet, **Absent:** Virgil Bucchianeri.
Also Present: Planning Director Austin Osborne, Planner Kathy Canfield, Deputy D.A. Keith Loomis, 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 January 4, 2018.
Motion: Approve agenda for January 4, 2018, **Action:** Approve, **Moved by** Commissioner Hindle, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).
 - 5. Discussion/Possible Action:** Election of Chairperson and Vice-Chairperson for 2018.
Chairman Prater stated that he would like to pass on the chairman position to someone else after serving for two years.
Commissioner Herrington nominated Jim Hindle for Chairman for 2018.
Motion: Approve Jim Hindle as Chairman of the Planning Commission for 2018, **Action:** Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by vote (**summary:** Yes=6).
Commissioner Thompson nominated John Herrington as Vice-Chairman for 2018.
Motion: Approve John Herrington as Vice-Chairman of the Planning Commission for 2018, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Kekule, **Vote:** Motion carried by vote (**summary:** Yes=6).

6. **Discussion/Possible Action:** Approval of Minutes for October 19, 2017.

Motion: Approve Minutes for October 19, 2017, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Kekule, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

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.

Planner Canfield: Summarized the request for an amendment to Condition 5 of Special Use Permit 2016-030.

Background:

- The applicant proposes to construct a single-family residential dwelling on the subject property to 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 shielding, protecting, and servicing the animals.
- The proposed use is non-commercial and will not facilitate commercial business or public visitors, except volunteer and other workers caring for the animals and providing maintenance and security.
- A travel trailer providing housing for a site security person is proposed to be located at the site for up to one year.
- 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.

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/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 is 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 to remain on the property until January 31, 2020.
- No other conditions of approval are proposed or recommended to be modified from the original approval.

Motion: 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, Kris Thompson, recommend approval to amend Special Use Permit 2016-030, Condition 5, by the applicant Sally Summers to allow for the onsite temporary trailer (watchperson's dwelling) to remain on the property until January 31, 2020. 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, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Prater,

Planner Canfield read the Findings into the record:

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.

Vote: Approve with amendment to the motion carried by unanimous vote (**summary:** Yes=6).

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.*

Planning Director Osborne: Gave summary of Ordinance No.18-279:

- All divisions of land will continue to go through the Planning Commission.
- Valid evidence must be supplied showing enough water exists for the project at the time a developer applies for a tentative map. At the final map stage, the developer must show ownership of water.
- The Nevada Division of Natural Resources will hold dedicated water rights instead of Storey County.
- A surety bond is required to make sure a planned unit development that is created is completed.

Commissioner Prater: Asked for clarification on two acre-feet of water per acre requirement for a division of land.

Planning Director Osborne: Answered that it's per parcel, not acre.

Deputy D.A. Keith Loomis: Clarified that the requirement is for the additional parcel that is created from the division.

Chairman Hindle: Asked if a ten-acre parcel is split into one-acre lots, each of those additional parcels would have to have two-acre feet dedicated to them?

Planning Director Osborne: Said yes, if it is anticipated they will be certified domestic well.

Commissioner Prater: Stated that two acre-feet is a lot of water. Could this be creating a situation where we are requiring water rights that aren't necessary and could be better used elsewhere?

Planning Director Osborne: Explained it is set by NRS.

Commissioner Pellet: Said this requirement has to do with the creation of new lots, not development on existing lots.

Discussion among staff and members regarding how two-acre feet is assigned and that Ordinance 18-279 is paralleling NRS.

Commissioner Thompson: Asked about using "river" water and/or "reclaimed" water.

Planning Director Osborne: Said water rights can include both surface and underground water.

Vice-Chairman Herrington: Asked if NRS has a process for proving acre feet.

Deputy D.A. Keith Loomis: Said he is not familiar with one.

Chairman Hindle: Asked if Title 16 deals with creating a subdivision and as well as a GID.

Planning Director Osborne: Answered that Title 16 says that when a subdivision is created, a way to distribute the water must also be created.

Discussion between commission and staff regarding the differences between water requirements for planned unit developments and subdivisions.

Commissioner Kekule: Asked if NRS changed their water requirements, would Storey County also change their requirements in order to be in compliance?

Planning Director Osborne: Yes.

Public Comment:

Jack McGuffey, Highlands Resident asked if there is a statute stating a minimum requirement for each parcel in a subdivision and who is responsible for determining this?

Planning Director Osborne: Answered yes and believes it is a quarter of an acre for a subdivision. Said yes, it's a quarter of an acre for subdivisions and it's determined by the state engineer.

Jack McGuffey, Highlands Resident: Asked if it were determined that there wasn't enough water for a subdivision, could the project be scaled back, or can the developer import water.

Planning Director Osborne: Answered that the project could be scaled back and there is NRS dealing with inter-basin transfers of waters. Any transfer of water has to be authorized by the state engineer.

Chairman Hindle: Said that the ordinance as amended will make the county safe on all sides.

Planning Director Osborne: Explained that there is language in here that comes from several jurisdictions that have dealt with developers not following through. It will cover us in the case of another recession.

Discussion between staff and members regarding water rights, economic down-turns and how this ordinance is a protective measure against such things.

Jack McGuffey, Highlands Resident: Said that the Storey County Board of County Commissioners just approved a Division of Large Parcels map. Are there water rights involved with this property?

Planning Director Osborne: Answered that there is a requirement for water to be available for the new parcel that was created.

Commissioner Prater: Isn't it the responsibility of TRIC to provide water, per Storey County's agreement with TRIC?

Planning Director Osborne: Answered that the land isn't part of the Industrial Center. It's on land that is zoned Forestry.

Commissioner Pellet: Asked if the commission typically puts in the conditions of approval a "will-serve letter".

Planning Director Osborne: Answered that he believes there is a well since the land is really far out there. The State Water Engineer's office will dictate what is required based on NRS.

Chairman Hindle: Asked if a land owner wants to petition to become a part of an existing GID, that's a separate process than what we would be involved in, correct? The planning commission doesn't get involved when a land owner petitions to become a part of GID, correct?

Planning Director Osborne: Correct.

Motion: Approval of Ordinance No. 18-279. I, Kris Thompson move that the Planning Commission recommend approval to the County Commission, of 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., **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Vice-Chairman Herrington,

Planning Director Osborne stated a Finding that these changes are compliant with the Storey County Master Plan and do not conflict with any current zoning ordinance or any other ordinance.

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

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.*

Planning Director Osborne said that this ordinance deals with zoning and planned unit developments.

Chairman Hindle: Stated that each one of these ordinances adds a layer of definition, as well as checks and balances, to make sure that what we are doing is consistent with the Master Plan.

Planning Director Osborne: Correct.

Motion: Approval of Ordinance No. 18-278. I, Summer Pellett move to recommend approval, to the County Commission, of 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. **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Thompson,

Planning Director Osborne stated a Finding that these changes are compliant with the Storey County Master Plan and do not conflict with any current zoning ordinance or any other ordinance.

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

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.*

Planning Director Osborne summarized the changes to the code:

- Zoning conflicts that were found have been resolved.
- Requirements for shipping containers have been added.
- Clarified what an auction house is.
- Definitions have been cleaned up and improved.
- Non-conforming and substandard developments have been clarified.

Chairman Hindle: Asked about tiny houses.

Planning Director Osborne: The square footage in the Commercial-Residential zone changed to make it more consistent. This is intended to create an urban mixed-use environment. There are currently several buildings in Virginia City that would be considered tiny houses.

Chairman Hindle: Said that tiny houses are built on trailers making them essentially mobile homes.

Planning Director Osborne: Said that they still have to comply with building codes and the historic district. They would have to build on a foundation and have proper plumbing - a trailer would not be allowed.

Vice-Chairman Herrington: Said that tiny houses could be a disaster in terms of home values for a regular house next to it.

Public Comment:

Jack McGuffey, Highlands Resident: Said that Virginia City has a lot of lots that are too small to build on. Tiny houses could be an option for that situation.

Planning Director Osborne: Read from the addendum to Ordinance 18-280:

"In zones where a commercial business is allowed, a special use permit is required for the display, sale, barter, or trade items outside of a permanent building, except for permitted temporary uses and farmer's markets. A business may not display items for sale or conduct any business on the public right-of-way or between the public traveled way and building, such as on the boardwalk/sidewalk. Business including dining, customer seating, and other uses, but not the display of merchandise and

other items for sale, barter, or trade, may occur in the front, side, and rear yards of the business where such area exists. Recessed door openings and thresholds may be used to display items for sale, barter, or trade and to otherwise conduct business."

Chairman Prater: Said that during the oyster feed, the Ponderosa sets up a stand in front of their store. Would this addendum prevent that activity?

Planning Director Osborne: Explained that businesses obtain temporary permits through the Virginia City Tourism Commission for that. Special events are not affected by this.

Commissioner Pellet: Said it is too regulatory to require a SUP for the storage of two or more RVs, boats, etc. in the SPR (Special Planning Review) zone.

Planning Director Osborne: Explained the SPR zone was created in 1999 to protect mining against encroachments and uses against mining. Everything in this zone requires planning commission review. Agreed that Condition M be struck from the addendum.

Motion: I, Summer Pellett, move to approve the amendment to the addendum consistent with Ordinance 18-280 striking letter M. from the wording of section 17.44.030 Uses Subject to Special Use Permits. **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Thompson,

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

Motion: Approval of Ordinance No. 18-280. I, Summer Pellett, move to recommend approval of Ordinance 18-280 including the amended addendum to the ordinance dated 1-4-18, to the County Commission, 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. **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Thompson,

Planning Director Osborne stated a Finding that these changes are compliant with the Storey County Master Plan and do not conflict with any current zoning ordinance or any other ordinance.

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

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.*

Planning Director Osborne summarized Ordinance No. 18-281:

A "nonconforming use" means any use of land which was lawfully established prior to the adoption of this title or amendments thereto, or lot which was created on or after July 1, 1999, which would not be permitted under the current provisions of this title. This includes any use which was lawfully established without a discretionary review, and would require that review under the current provisions of this title.

This clarifies that if a property owner has a legally nonconforming lot, meaning that it was created prior to the 1999 zoning ordinance, you can still build on that property. For example, there are less than 40 acre lots that were created in the Forestry zone prior to the 1999 zoning ordinance. These are legally nonconforming.

A "substandard development" means a lawfully improved lot or parcel, including any structure thereupon, which does not satisfy the current provisions of this title regarding parking, landscaping, signs, or other site development standards including building height, building design, setbacks or other dimensional standards.

A lawful use of land or buildings not in conformance with the regulations prescribed in this title but legally existing before the enactment of this title or any amendments may be a continued nonconforming use.

Chairman Prater: Asked what triggered the 1999 date?

Planning Director Osborne: Said that was the date of the original zoning ordinance that is the foundation of all this.

Vice-Chairman Herrington: Asked how a ten acre parcel could end up in the Forestry zone with the 40-acre parcels.

Planning Director Osborne: Explained it was created before the 1999 zoning ordinance.

Motion: Approval of Ordinance No. 18-281. I, Kris Thompson, move to recommend approval of Ordinance 18-281, to the County Commission, 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. **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Prater,

Planning Director Osborne stated a Finding that these changes are compliant with the Storey County Master Plan and do not conflict with any current zoning ordinance or any other ordinance.

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

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*

Planning Director Osborne: Clarified the ordinance number on the addendum should be 18-276 not 17-276. This ordinance, which will be looked at by resolution, allows the zoning ordinance to provide for it.

Commissioner Prater: Asked who makes the ultimate decision.

Planning Director Osborne: Answered that technically it goes straight to the County Commissioners because it's by resolution, but staff believes because it is so thoroughly involved in land use it also should go through the planning commission.

Commissioner Prater: Asked if enforcement of the manual is a joint effort by the building and planning departments.

Planning Director Osborne: Explained that the planning commission would be involved on the design manual side and building would do the plan review. This will continue to be worked on, but right now it provides some protection for the county because there isn't anything on the books.

Vice-Chairman Herrington: Asked if the design manual applies to all PUDs.

Planning Director Osborne: Yes.

Commissioner Pellet: Stated this is the correct way to do it.

Commissioner Thompson: Said it's great for developers because they know what's to be expected up front before they pay engineering and architectural fees.

Commissioner Prater: Said that the manual is just a guideline, not code.

Planning Director Osborne: Agreed that they are guidelines, but the teeth in it is that the planning commission can deny the PUD if it doesn't meet the criteria. But on the other hand, if a developer has a really unique innovative idea, it can be approved despite not meeting certain criteria.

Public Comment:

Jack McGuffey, Highlands Resident: Asked if the design standards are for the entire county.

Planning Director Osborne: Said that the manual for is flexible enough and written in a way that it can be used county-wide.

Motion: Approval of Ordinance No. 18-276. I, Larry Prater, move to recommend approval of Ordinance 18-276, to the County Commission, 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. **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Thompson,

Planning Director Osborne stated a Finding that these changes are compliant with the Storey County Master Plan and do not conflict with any current zoning ordinance or any other ordinance.

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

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.*

Planning Director Osborne: Said that this ordinance clarifies the existing code for the expiration of development permits.

Chairman Hindle: So this codifies it as a standard.

Planning Director Osborne: Correct, and it also allows the planning commission to provide an extension if needed.

Motion: Approval of Ordinance No. 18-282. I, John Herrington, move to recommend approval of Ordinance 18-282, to the County Commission, amending Storey County Code Title 17 Zoning including Chapter 17.03 Administrative Provisions to revise the procedure for the expiration of development permits. **Action:** Approve, **Moved by** Vice-Chairman Herrington, **Seconded by** Commissioner Prater,

Planning Director Osborne stated a Finding that these changes are compliant with the Storey County Master Plan and do not conflict with any current zoning ordinance or any other ordinance.

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

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.*

Planning Director Osborne explained that this is not an ordinance because it will not become county code.

Vice-Chairman Herrington: Asked what the difference is between items 12 and 14.

Planning Director Osborne: Answered that Item 12 is approval of the code that allows for the use of a design manual and Item 14 is the Design Manual itself.

Chairman Hindle: Said that being consistent with what we did earlier, we will want to do an amendment to this section.

Planning Director Osborne: Yes, to change page 2 of the cover and acknowledgements to reflect the change in Chairman and Vice-Chairman.

Motion: I, Larry Prater, move to approve an amendment to Page 2 of Resolution 18-474, Acknowledgment Page to reflect the following changes: Jim Hindle, Chairman and John Herrington, Vice-Chairman; also recognizes all current planning commissioners, and former planning commissioner Pam Smith as she was heavily involved in this process. **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Thompson,

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

Motion: Approval of Resolution No. 18-474. I, John Herrington, move to recommend approval of Resolution 18-474 including the amendment to the Acknowledgement page, to the County 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. **Action:** Approve, **Moved by** Vice-Chairman Herrington, **Seconded by** Commissioner Prater,

Planning Director Osborne stated a Finding that these changes are compliant with the Storey County Master Plan and do not conflict with any current zoning ordinance or any other ordinance.

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

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.

Planning Director Osborne: Explained that this puts planning-related fees into a proper resolution. It's only necessary for the County Commissioners to approve this, but it's proper that it comes before the Planning Commission for proper review first.

Chairman Prater: Asked if this should have an annual or bi-annual review of fees by the Planning Commission and then the Board of County Commissioners.

Planning Director Osborne: Stated that staff is open to that.

Discussion between members and staff regarding fees and the need for periodic review.

Chairman Hindle: Said that the commission isn't actually proposing a fee schedule, we're just recommending that one be set.

Deputy D.A. Keith Loomis: Clarified that the planning commission is recommending that the fees be put into a resolution.

Planning Director Osborne: Mr. Osborne asked Deputy DA Keith Loomis if the planning commission could recommend a change in fees to the county commissioners.

Deputy D.A. Keith Loomis: Answered that fees are outside of the purview of the planning commission.

Chairman Prater: Proposed an amendment to the resolution requiring review of planning fees every two years.

Planning Director Osborne: Explained that all county policies are reviewed every five years and this could be rolled into the rest of them.

Commissioner Prater: Said he is fine with that.

Motion: I, Larry Prater, move to approve an amendment to Resolution 18-461 to the County Commission, to include a 5 year review of all planning fees. **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Kekule,

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

Public Comment:

Jack McGuffey, Highlands Resident: Asked what the different fee types are.

Planning Director Osborne: Read the fee types.

Application Type	Application Fee
Abandonment	\$200
Amended map	No fee
Billboards	See SUP
Boundary line adjustment	\$250 + \$25 per lot
Condition amendment	No fee
Development agreement	\$1,000
Extension of time request (one year only)	50% of original fee
Land division map creating 5 or more parcels	\$500 + \$25 per lot
Lot consolidation	No fee
Master plan map amendment	\$2,900
Master plan text amendment	\$800
Minor amendment/deviation	No fee
Small Operations Mining Permit	\$65 per hour
Parcel map Record of Survey	\$250 + \$25 per lot

Parcel map-final	No fee
Planned unit development (PUD) Tentative map	\$500 + \$1 per lot
Planned unit development (PUD) Tentative map	\$500 + \$1 per lot
Planned unit development (PUD) Final map	\$200 + \$25 per lot
Signs	No fee
Special use permit (SUP) minor	\$250
SUP routine	\$450
SUP major	\$750
SUP major industrial	\$2,500
Street name request	No fee
Variance administrative	No fee
Variance	\$100
Wireless communication facility	No fee
Wireless communication facility modification	No fee
Zoning map amendment	\$1,000
Zoning text amendment	No fee

Chairman Hindle: Asked if any of the fees will be changing with approval.

Planning Director Osborne: Answered no and explained that it will only be putting the fees into a resolution.

Chairman Prater: Asked about waiving fees due to hardship.

Planning Director Osborne: Explained that only a non-profit receives “no fee”.

Discussion of fee waivers among commission and staff with an agreement to revisit the topic.

Motion: Approval of Resolution No. 18-461. I, Kris Thompson, move to recommend approval of Resolution 18-461 to the County Commission, determining and consolidating all planning fees, including removing certain fees from code and placing them into resolution. **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Prater,

Planning Director Osborne stated a Finding that these changes are compliant with the Storey County Master Plan and do not conflict with any current zoning ordinance or any other ordinance.

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

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

Motion: Next planning commission meeting to be held on February 1, 2018, at 6:00 P.M. at the Storey County Courthouse, District Courtroom, Virginia City, Nevada, or the Virginia City Highlands Fire Station 2610 Cartwright Road, Virginia City Highlands, Nevada, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

17. Discussion/Possible Action: Approval of claims – None

18. Correspondence (No Action) – Email from Scott Jolcover, Comstock Mining, expressing support for Sally Summers special use permit condition amendment.

19. Public Comment (No Action) – NONE

20. Staff (No Action):

Planning Director Osborne:

- Kathy is working on the sign ordinance and it should be completed in March.
- USGS will show us the results of the water study in the Highlands when they are ready. About 52 parcels participated. The USGS will present their findings when they are ready.
- Mark Twain Flood Project is moving forward. Trying to determine which portion of the money is Lyon County's share and which is Storey's.
- A communications tower will be going up on USA Parkway near the Lyon County line.
- Ames Construction is working very quickly on the sewer project. They are now up by the 4th Ward School and will begin boring under C Street.
- Still trying to get our zip code rolled into another bill.
- Storey County will get its first traffic signal at USA Parkway and Electric Avenue with Carson City managing the light for us.

Chairman Hindle: Asked whose responsibility it is to enforce the sign ordinance – Planning or Community Development.

Planning Director Osborne: Community Development.

Vice-Chairman Herrington: Asked if there is a lot of traffic at Electric and USA Parkway.

Planning Director Osborne: Yes, and also a lot of accidents.

21. Board Comments (No Action) –

Commissioner Thompson: Said the Reno Gazette Journal's website has an article stating the Governor is stepping in on the wild horse matter and has asked the Department of Agriculture to go through Lance Gilman to deal with the wild horse advocates. Also a senior official at Tesla recently applauded Storey's fire and building inspection process.

Chairman Hindle: Thanked Larry Prater for the great job he did as Chairman for two years and said he is honored to be the current Chairman.

22. Adjournment (No Action) - The meeting was adjourned at 8:28 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: March 15, 2018 at 6:00 p.m.

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

Staff Contact: Kathy Canfield

File: Special Use Permit File 2018-008

Applicant: Evergreen Reno Industrial Park, LLC

Property Owner: Evergreen Reno Industrial Park, LLC

Property Location: 691 Britain Drive, McCarran, Storey County, Nevada

Request: Special Use Permit 2018-008 request by the applicant Evergreen Reno Industrial Park, LLC, to construct a hotel with additional height beyond the allowed 3 stories or 45 feet in height. The proposed hotel will be four stories and approximately 59 feet in height. The subject property is located at 691 Britain Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, Assessor’s Parcel Number (APN) 005-041-57.

1. Background & Analysis

- A. Site Location and Characteristics.** The property is located within the Tahoe-Reno Industrial Center in McCarran, Storey County, Nevada. The property is located at the southeast corner of Britain Drive and London Drive. The site is zoned I-2, Heavy Industrial but has been identified for commercial land uses by the TRI Center. The site is currently an undeveloped parcel. Surrounding land uses include vacant land to the north, east and west and commercial uses (gas station, fast food, offices) to the south.



Vicinity Map

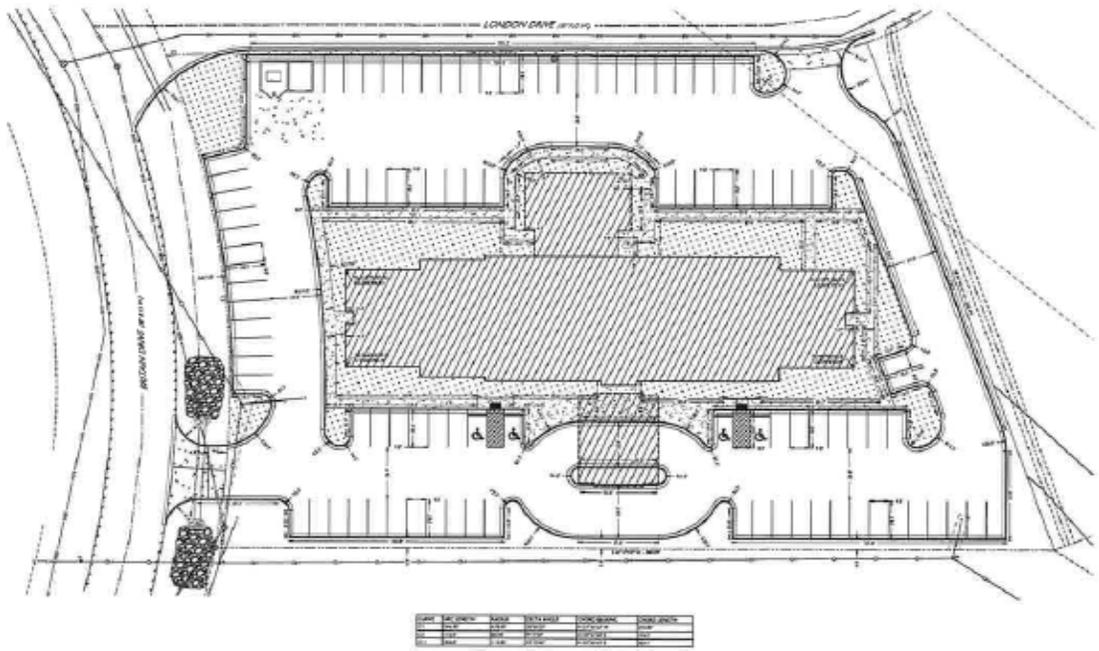


Property Location



Existing Development

- B. Proposed Use.** The applicant, Evergreen Reno Industrial Park, LLC, is proposing to construct a four-story Hampton Inn and Suites hotel. The proposal includes a hotel in the center of the property with surrounding parking areas. Access to the site will be from Britain Drive and London Drive. The hotel will have 85 guest rooms, an indoor pool, meeting room, common breakfast room, offices, fitness center and hotel laundry.
- Hampton Inn & Suites is a higher mid-level Hilton franchise hotel. The Hampton Inn & Suites franchise does not license any hotels that are less than four stories due to booking requirements. Hilton requires a certain number of rooms to be profitable. Hilton has established a four-story prototype and the McCarran Hampton Inn & Suites has been designed along these strict guidelines.
- The Tahoe-Reno Industrial Center Architectural Review Committee has reviewed and approved the proposed project as designed.



Proposed site layout



Proposed elevations

- C. **Special Use Permit.** This property is subject to the provisions of the 1999 Zoning Ordinance of Storey County. The property is zoned I-2, Heavy Industrial, however, the Tahoe-Reno Industrial Center has identified this property for Commercial land uses as allowed in the Development Agreement. As a commercial use, the development shall be required to be consistent with Chapter 17.28, Commercial Zone, of the 1999 Zoning Code. Hotels are a permitted use in the Commercial Zone. The permitted commercial land uses are limited to three stories or 45-feet unless a Special Use Permit is issued to allow for additional height.

The applicant has requested to be allowed a four story building with a total height of approximately 59 feet. The additional height includes the architectural features and roof parapets. This additional height can be allowed with a Special Use Permit per the 1999 Zoning Ordinance.

2. **Compatibility and Compliance**

- A. **Compatibility with surrounding uses and zones.**

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

	Land Use	Master Plan Designation	1999 Zoning Code	2015 Zoning Code
Applicant's Land	vacant	Industrial	I-2 Heavy Industrial	I2 Heavy Industrial
Land to the North	vacant	Industrial	I-2 Heavy Industrial	I2 Heavy Industrial
Land to the East	vacant & commercial	Industrial	I-2 Heavy Industrial	I2 Heavy Industrial
Land to the South	commercial	Industrial	I-2 Heavy Industrial	I2 Heavy Industrial
Land to the West	vacant	Industrial	I-2 Heavy Industrial	I2 Heavy Industrial

- B. **Compliance with required building height limitations.**

The 1999 Storey County Zoning Ordinance Section 17.28.040 states “No building shall be higher than three (3) stories, not to exceed forty-five (45) feet”. Section 17.28.030 states that properties zoned commercial that proposed a permitted use higher than 45 feet in height require a Special Use Permit.

The property is zoned I-2 Heavy Industrial, however, the Development Agreement between Tahoe Reno Industrial Center and Storey County states that along with the land uses listed in the I-2 Heavy Industrial Zoning, uses listed in the I-1, Light Industrial, and C, Commercial, along with a list of similar uses, may be permitted within the I-2 zoning. The Development Agreement allows for ten percent of the area of the Tahoe Reno Industrial Center to be developed as a commercial uses. This parcel has been identified as a commercial property, and as such, is developed to the commercial standards identified for commercial zoning in the 1999 Zoning Ordinance.

The surrounding I-2 Heavy Industrial zoning allows for building heights of 6 stories or 75 feet in height without the requirement for a Special Use Permit. If the site was to be developed with an industrial use, the height could extend as high as 75 feet.

- C. **Compliance with required setbacks.** The 1999 Storey County Zoning Ordinance Section 17.28.050 states no front or side yard setback is required and a ten foot rear setback is required. The proposed development is consistent with this requirement.

- D. **General use allowances and restrictions.** The 1999 Storey County Code Section 17.62, Special Uses (which refers to Section 17.60) identifies the administration for the Board and Planning Commission for allowing special use permits. The additional height beyond three stories and 45 feet in height is subject to a Special Use Permit. Approval of a Special Use Permit “may only be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution and under such conditions as the board may deem necessary to assure that the general purpose and intent of this ordinance will be observed, public safety and welfare secured and substantial justice done.” The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed in Section 3 of this staff report are the minimum to be cited in an approval.

- E. **Conformance with the 2016 Storey County Master Plan.** This project is located within the Tahoe-Reno Industrial Center which the Master Plan states “provides for light industrial, heavy industrial, commercial, and industrial commercial uses and zones pursuant to the Development Agreement between Storey County and the Tahoe-Reno Industrial Center, LLC.” The property and the Tahoe-Reno Industrial Center are located in the McCarran Area Plan which the Master Plan states “depicts a homogenous planned industrial center located toward the north-central part of Storey County nine miles east of Lockwood. It is home to the Tahoe-Reno Industrial Center and is dedicated solely to manufacturing, utility power production, warehousing and distribution, and other heavy- and light-industrial, and commercial uses. The industrial center has grown to become a major regional hub for distribution, alternative energy production, digital data management, and highly intensive and experimental industries.” The proposed hotel has been identified as a desired use by the Tahoe-Reno Industrial Center as a needed commercial use to serve surrounding properties. The additional height will provide an additional floor of hotel units than what would be permitted without the Special Use Permit.

3. Findings of Fact

- A. **Motion for approval.** The following Findings of Fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.
 - (1) This approval is for Special Use Permit 2018-008, a request by the applicant Evergreen Reno Industrial Park, LLC, to construct a hotel with additional height beyond the allowed 3 stories or 45 feet in height. The proposed hotel will be four stories and approximately 59 feet in height. The subject property is located

at 691 Britain Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, Assessor's Parcel Number (APN) 005-041-57.

- (2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.E of this staff report and the contents thereof are cited in an approval of this Special Use Permit.
- (3) The subject property is located within an existing mixed use industrial and commercial neighborhood in the McCarran area of Storey County. The zoning is based on the 1999 Storey County Zoning Ordinance which identifies this property as I-2 Heavy Industrial. The Tahoe-Reno Industrial Center has identified this parcel as eligible for commercial uses as allowed by the Development Agreement and as such follows the zoning requirements for Commercial zoning. The additional height for this structure is consistent with what would be permitted for adjacent industrial land uses.
- (4) Granting of the Special Use Permit, with the conditions of approval listed in Section 4 of this report, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property. The project is expected to meet the safety and health requirements for the subject area. The use will also be subject to building and fire plan review in order to ensure compliance with federal, state and other codes.
- (5) The Special Use Permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.
- (6) The conditions under the Special Use Permit do not conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial, 17.28 Commercial, and 17.62 Special Uses.
- (7) Granting of the Special Use Permit will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons working in the neighborhood or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

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

- (1) This denial is for Special Use Permit 2018-008, a request by the applicant Evergreen Reno Industrial Park, LLC, to construct a hotel with additional height beyond the allowed 3 stories or 45 feet in height. The proposed hotel will be four stories and approximately 59 feet in height. The subject property is located

at 691 Britain Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, Assessor's Parcel Number (APN) 005-041-57.

- (2) The conditions under the Special Use Permit conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial, 17.28 C - Commercial, and 17.62 Special Uses.
- (3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. Recommended Conditions of Approval

- A. **Special Use Permit.** This approval is for Special Use Permit 2018-008, a request by the applicant Evergreen Reno Industrial Park, LLC, to construct a hotel with additional height beyond the allowed 3 stories or 45 feet in height. The proposed hotel will be four stories and approximately 59 feet in height. The subject property is located at 691 Britain Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, Assessor's Parcel Number (APN) 005-041-57.
- B. **Requirements.** The Permit Holder shall apply for all required permits and licenses, including building and fire permits, for the project within 24 months from the date of final approval of this Special Use Permit, and continuously maintain the validity of those permits/licenses, or this approval shall be null and void. This permit shall remain valid as long as the Permit Holder, its heirs, assigns, or successors remain in compliance with the terms of this permit and Storey County, Nevada State, and federal regulations.
- C. **Permit Contents.** This permit incorporates by reference the standards, objectives, conditions, terms and requirements of all plans, including the operating plan, safety plan and training plan, to be submitted separately from this permit. The requirements of all submitted plan, along with support material submitted with the application, become part of this Special Use Permit.
- D. **Taxes.** Before obtaining a building permit, the Permit Holder must show the building department valid evidence that all property taxes on the land are paid-to-date.
- E. **Separate Permits Required.** This Special Use Permit shall not be construed to be a permit for design or construction. A separate Storey County plan review, fire safety review, and building permit will be required
- F. **Legal Responsibility.** Issuance of this permit 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.
- G. **State/Federal Taxes.** Whenever Nevada law requires the payment of a sales and/or use tax, all materials and equipment purchased or rented for this project should be received in Storey County and the value reported as 'county-of-delivery' on the Nevada Dept. of

Taxation form TXR-01.01 'Sales/Use Tax Return'. Proof of appropriate reporting is required prior to a 'Certificate of Occupancy' being issued.

- H. **Fire.** The applicant shall meet all regulations identified by the Storey County Fire Protection District for development of this property. The project shall be evaluated for inclusion in the respiratory consortium, the hose and nozzle consortium, ladder reimbursement consortium and/or foam consortium. The Fire Protection District shall have the final authority on participation.

5. **Public Comment**

As of March 6, 2018, 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 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 of Special Use Permit 2018-008, a request by the applicant Evergreen Reno Industrial Park, LLC, to construct a hotel with additional height beyond the allowed 3 stories or 45 feet in height. The proposed hotel will be four stories and approximately 59 feet in height. The subject property is located at 691 Britain Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, Assessor's Parcel Number (APN) 005-041-57.

B. **Alternative motion for denial**

Against the recommendation by staff, but in accordance with the Findings of Fact under Section 3.B of this report, and other findings deemed appropriate by the Planning

Commission, I (planning commissioner), recommend denial of Special Use Permit 2018-008, a request by the applicant Evergreen Reno Industrial Park, LLC, to construct a hotel with additional height beyond the allowed 3 stories or 45 feet in height. The proposed hotel will be four stories and approximately 59 feet in height. The subject property is located at 691 Britain Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, Assessor's Parcel Number (APN) 005-041-57.