



STOREY COUNTY PLANNING COMMISSION MEETING

Thursday, April 7, 2016 6:00 p.m.
500 Sam Clemens Ave., Mark Twain Estates
Mark Twain, NV 89403

MEETING MINUTES

CHAIRMAN: Larry Prater

VICE-CHAIRMAN: Jim Hindle

COMMISSIONERS:

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

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- 1. Call to Order:** The meeting was called to order by the Chair at 6:05 P.M.
 - 2. Roll Call:** Jim Hindle, Larry Prater, Virgil Bucchianeri, John Herrington, Kris Thompson, Pamela Smith, and Ron Engelbrecht.

Also Present: Planning Director Austin Osborne, Planner Jason VanHavel, Deputy D.A. Keith Loomis, County Commissioner Lance Gilman, and County Commissioner Jack McGuffey.
 - 3. Pledge of Allegiance:** The Chair led those present in the Pledge of Allegiance.
 - 4. Discussion/Possible Action:** Approval of Agenda for April 7, 2016.

Motion: Approve Agenda for April 7, 2016 **Action:** Approve, **Moved by** Commissioner Bucchianeri, **Seconded by** Vice Chairman Hindle, **Vote:** Motion carried by vote (**summary:** Yes=7).
 - 5. Discussion/Possible Action:** Approval of Minutes for January 21, 2016.

Motion: Approve Minutes for January 21, 2016 **Action:** Approve, **Moved by** Commissioner Smith, **Seconded by** Commissioner Bucchianeri, **Vote:** Motion carried by vote (**summary:** Yes=6 **Abstain:** Ron Engelbrecht).
 - 6. Discussion/Possible Action:** Approval of Minutes for February 4, 2016.

Motion: Approve Minutes for February 4, 2016 **Action:** Approve, **Moved by** Commissioner Bucchianeri, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by vote (**summary:** Yes=6 **Abstain:** Pamela Smith).

No public comment.

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

Planning Director Osborne: Began by explaining that a master plan is a guiding document for land use in the county, as well as a defensible document in court. The draft narrative version of the master plan is complete and available for viewing on the county website. Staff is now working on the maps that will guide where growth occurs in the county.

Planning Director Osborne presented the chapter 4 draft of the master plan, Land Use Categories and Designations. There are twelve land use designations which are grouped into the following broad categories:

- Resource
- Single-Family Residential
- Single-Family Estate
- Commercial
- Industrial
- Agriculture
- Multi-Family Residential
- Rural Residential
- Mixed Used Residential Commercial
- Public Facilities
- Historic Resource Interface
- Pyramid Lake Paiute Tribe

Zoning ordinances are very specific and they must conform to the master plan maps and supporting text.

Commissioner Herrington: Asked if RR (rural residential) is a new term and asked for clarification between single-family estate and rural residential.

Planning Director Osborne: Explained that RR, a new term in Storey County's master plan, but not in the planning world, is 40 acres and larger. Single-family estate is up to 40 acres. Mr. Osborne continued reviewing zoning categories:

- **Resource** – This designation is intended to protect areas in the county having important environmental and resource qualities from unnecessary degradation. All uses require oversight and special approval by the board.
- **Single-Family Residential** – This designation is for single-family residential development with densities ranging from one to eight dwelling units per acre for detached structures, and 22 dwelling units per acre for attached single-family dwellings.
- **Multi-Family Residential** – This designation supports the highest density of residential uses in the county, ranging from six to 21 dwelling units per acre.
- **Single-Family Estate** – This land use is used in many rural areas of the county, such as the Virginia City Highlands, Highland Ranches, and Mark Twain Estates. Density for this classification includes one to 40 acres.
- **Rural Residential** – This designation is very rural in character and is intended to provide for very low-density residential with lots being 40 acres and larger. The Highlands are zoned E1VCH (estate residential Virginia City Highlands – 1 acre minimum), E10HR (estate residential Highland Ranches – 10 acres minimum) and E40VR

(rural residential Virginia Ranches – 40 acre minimum). The E40VR are truly rural residential but perhaps all of the Highlands should be given the RR designation in the master plan maps.

- **Mixed-Use Residential Commercial** – This designation includes wide-range residential and non-residential uses strategically organized within a single community. This designation is intended to create an inclusive community environment where single-family and multi-family uses are integrated with commercial businesses, culture and entertainment amenities.
- **Commercial** – This designation includes a wide-range of commercial activities as well as mixed-use development to accommodate both residential and non-residential development.
- **Industrial** – This includes light industrial, heavy industrial, TRI industrial (Tahoe-Reno Industrial Center), Nevada Uplands industrial, special industrial and industrial commercial.
- **Public Facilities** – Public and quasi-public uses include government offices and facilities, municipal utilities, parks, schools, transportation facilities, fire stations, law enforcement facilities, and similar public services. Public Facilities should be considered a necessary component of all areas in the county when the specific uses are found to be compatible with surrounding uses.
- **Transition Areas** – This designation provides for the future potential transition from zoning and uses existing at the time of the master plan adoption to use categories delineated on the master plan map.
- **Pyramid Lake Paiute Tribe** – No jurisdiction, but the master plan recommends continued communication between the county and tribe.
- **Historic Resource Interface** - SPR Special Planning Review (special review and approval by board with planning commission required for all uses).

Commissioner Herrington: Asked if neighborhood commercial includes A and B streets in Virginia City?

Planning Director Osborne: Right now we just have commercial residential. I'm proposing we change commercial residential to mixed-use commercial residential. I want to use the language "commercial" and "residential" because people have a hard time getting home loans on residential properties that are located on "C" and "D" streets.

Planning Director Osborne: Reviewed the Mark Twain master plan area map and its different zoning. It contains resource, estate residential, light industrial, heavy industrial and public facilities designations.

Commissioner Herrington: Asked if one-acre homes can be built on the larger parcels in Mark Twain.

Planning Director Osborne: Explained that the moratorium is still in place and no subdivisions are allowed until the master plan is done. He explained that estate zoning has a minimum 1 acre requirement, but that the master plan can designate larger minimum parcels such as 40 acres. He explained that the master plan draft now recommends 40 acres estates around the Mark Twain Estates area.

Commissioner Herrington: Asked if it is a form of a "taking" when a zone changes.

Planning Director Osborne: Explained that for the past seven years there have been public workshops which have been announced in newspapers and on the county website. Residents have had many opportunities to attend and be heard. He further explained that in order for a zone to be changed, or for a larger parcel to be subdivided, it must go through a public process. Existing estate zoning is remaining in place as well.

Deputy District Attorney Keith Loomis: Added that the master plan is what the county would like to see happen – it doesn't mean it is actual zoning for an area. Changing the actual zoning for an area is a public process and would have to go through the planning commission and county commission.

Planning Director Osborne: Continued explaining the different zones on the Mark Twain master plan area map.

George Rietkeer, Mark Twain Resident: Asked about the depth of wells along the west side of Six Mile Canyon.

Planning Director Osborne: Answered with estimates of around 1,700 feet for several wells in that area. He explained a water study that will be conducted in Mark Twain. His office and the Carson Water Subconservancy District are looking at working together to initiate an underground water resources study in this area. There may be funding available from the United States Geological Survey (USGS) and the State Engineer's Office to determine what underground water resources are available for future uses, and whether there is or is not a connection between the aquifer beneath the Mark Twain Estates and the greater Dayton Valley to the south. For instance, the Mark Twain Estates may be extracting water from its alluvial fan environment, while the Dayton Valley to the south may be extracting water from the aquifer deep beneath that area. There may or may not be a strong connection between Dayton Valley growth and well issues in the Mark Twain Estates. We may need to collaborate with Lyon County during this study. The findings of the study will help us plan to address current water issues in the Mark Twain Estates area and to plan for the future.

Commissioner Engelbrecht: Asked what the county's responsibility is if people drill wells but don't find water.

Planning Director Osborne: Answered that it is the county's responsibility to conduct the water study to figure out what exists, and to identify potential problems. The county does not have a responsibility to buy someone's house because their well runs dry.

Commissioner Engelbrecht : Clarified that he's asking what the county's responsibility is before someone builds a house.

Planning Director Osborne: Explained that in 2009, the citizens of the county approved Questions 1 and 2 on the ballot. Questions 1 and 2 said that before a subdivision or housing development is created, the developer must prove that adequate water rights and actual water exists before the application is submitted for a housing development. So far this has not been tested, meaning that the county has not received an application for a large subdivision yet.

George Rietkeer, Mark Twain Resident: Asked if TRI gets their water locally.

Planning Director Osborne: They do get it locally. They have surface and underground water rights for their area.

Planner VanHavel: Explained that on the Mark Twain side of the county the water drains into the Carson River watershed and on the other side of the county it drains into the Truckee River watershed. The TRI wells are on the Truckee side and are not drawing from Mark Twain's water.

Commissioner Smith: Asked when the water study will happen to find out if Lyon County is affecting Mark Twain.

Planning Director Osborne: As soon as the master plan is done, we will begin working on it. It is expected that the study may be initiated in 2017.

Planner VanHavel: The CWSD has concerns that there are a lot of paper water rights in Silver Springs that are not currently being utilized, and they are already seeing problems with water in that basin. The CWSD wants to reconcile what there is for paper water and wet water rights out in that area. Part of that same effort is to take a look at what is going on in the Mark Twain and Dayton area.

Planning Director Osborne: There are more parcels in Silver Springs than water rights to serve them.

Commissioner Herrington: Stated that anyone who has bought property in the Highlands knows they are taking a big risk finding water.

Planning Director Osborne: What the Master Plan support for the Highlands is that county assists residents in looking at their options. One is to create a General Improvement District (GID) that would be created and managed by the local property owners in the area. Another option is to incentivize people who want to build in the Highlands. For example, Painted Rock is designated to be a mixed use community next to the TRI. Someone could purchase two hundred 1-acre parcels in the Highlands, put in a perpetual conservation easement over those parcels, then be allowed to transfer the development rights with higher densities to Painted Rock.

Mr. Osborne continued talking about the Mark Twain area. The community has supported the idea of some light industrial uses in the area. He read from the Master Plan draft for Mark Twain:

This master plan recommends that the county adopts a developer handbook establishing building and development standards that facilitate complementary interface between abutting residential and light-industrial uses and zones. At a minimum, the regulations should lessen impacts between these abutting uses through:

- Distancing and buffering;
- Landscaping, screening, and outdoor lighting;
- Building and structure design and placement;
- Vehicle access, egress, parking, and on-site circulation; and
- Property management (e.g., associations, CC&Rs, etc.).

Land subdivision applications should also include these elements in the tentative map approval process, and review for tentative maps should occur in the community most impacted. Valid evidence must be presented at the application stage indicating sufficient local water resources to support the development.

If a developer of a light industrial development wanted to come in to this community, the use would have to conform to these regulations. In exchange for being able to come into the community there could be mechanisms to mitigate upstream stormwater for the use and for the region. Other mitigation could include building and sight design and placement. Municipal water systems could be considered with such as use as well.

Mr. Osborne showed a map of the area and he demonstrated where light industrial allowances could be allowed, including abutting the Mark Twain Estates if the use was designed with buffering and other measures to mitigate impacts. Different zoning and public review options were discussed that may address these issues.

County Commissioner McGuffey: Asked if noise abatement is addressed? He gave an example of a mobile home park built next to a metal stamping plant in Carson City. They made the business move away.

Planner Director Osborne: Explained that buffering would prevent this problem.

Chairman Prater: Commented on Commissioner Engelbrecht's question about the county's responsibility if people drill wells but do not find water. When he was considering moving to the Highlands, he talked to people who were already living there. It helped him determine where he wanted to live. People who had only lived there a year were already having troubles with their water.

General discussion between commissioners and staff regarding wells and where the potential for water may be.

Planning Director Osborne: The master plan is required by NRS (Nevada Revised Statutes) to create utility corridors. Aligning a north-south utility corridor with NV Energy's Blackhawk substation would be appropriate, and aligning major electric transmission through residential areas is not appropriate.

Chairman Prater: Commented on the background controversy of the Blackhawk substation. The power company was going to purchase 160 acres and have the substation situated in the middle of the land so that everything around it would be a big undeveloped buffer. The biggest issue was the residents at that time didn't want to see it. Then there came the possibility of that land being developed residential. The visual impact of the Blackhawk substation was of more concern than the possibility of having 160 houses out there.

General discussion between commissioners and staff regarding the Blackhawk substation.

Planning Director Osborne: Reviewed the Lagomarsino master plan zoning map. This area includes the Sunny Hills Ranchos 40-acre estates which is zoned one house per 40 acres, and which requires a special use permit. He also reviewed the I3 heavy industrial zone (Nevada Uplands), an IS special industrial zone, and the area where the petroglyphs are located.

Commissioner Thompson: Asked why the Sunny Hills Ranchos 40-acre estates area is a different color than the 40-acre Highland Ranches.

Planning Director Osborne: Explained that the Sunny Hills 40-acre estates are designated "resource" and will need a special use permit to build a house there. The Sunny Hills Ranchos 40-acre estates are not a part of the Highlands planning area because they are not a part of the Highlands subdivision. The planning commission at a prior meeting

expressed that it wanted the Sunny Hills Ranchos 40-acre estates to be a part of the Lagomarsino planning area because they will interface more with what is going on in that area than the Highlands area.

Chairman Prater: Explained that the planning commission felt that the Highlands were established while the Sunny Hills Ranchos are still up in the air, and they wanted to delineate between the two. The developer for Sunny Hills has made it clear that they want much higher density in this area.

Planning Director Osborne: Reviewed the remaining master plan zoning maps:

- Virginia City is made up of the sub-areas Downtown, Ophir neighborhood, V&T Midtown, Silver Star neighborhood and Divide. It is zoned mixed-use commercial residential, single-family residential, multi-family residential, public, resource and transition (from industrial to commercial or residential).
- Gold Hill contains the zones mixed-use commercial residential, single-family residential, resource, resource-historic interface (there should be a planning review for every single use in this area) and transition (from industrial to commercial, residential, or mixed use).
- Divide, the area between Gold Hill and Virginia City, is zoned public, mixed-use commercial residential, single-family residential and multi-family residential.
- The McCarran area is zoned heavy industrial, forestry, agriculture, natural resources, industrial-commercial and public facilities.

Commissioner Thompson: Is parking a problem in Virginia City?

Planning Director Osborne: It's a tremendous problem. The master plan supports parking. A study was conducted in 1992 and the findings of that study are valid today. The study is being embedded in the updated master plan.

General discussion between commissioners and staff regarding parking in Virginia City.

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

Motion: Next planning commission meeting to be held on Thursday May 19, 2016 at the Lockwood Community/Senior Center in Lockwood, NV at 6:00 p.m., **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Engelbrecht, **Vote:** Motion carried by vote (**summary:** Yes=7).

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

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

11. **Public Comment (No Action)** -

Darlene Edwards, Mark Twain Resident: Asked how to go about removing nuisances.

Deputy District Attorney Loomis: Explained that they are currently working on the procedures for nuisances. The first thing that has to happen is that a signed complaint must come in and/or an observation by a person charged with enforcing action against nuisances. A letter will then go out to the owner of the property who will have an opportunity to clear it out without enforcement action being taken within a certain time limit. If they don't get it done within the time limit that is set, they have a right to appeal. They will get a yes or no answer from the hearing officer as to the existence of a nuisance. If the answer is yes, it can be appealed to the board of commissioners who ultimately have the authority to deem it a nuisance. Complaints can be files at the community development office. If they believe it is the type of nuisance that belongs to a different department, they will forward it to the county manager.

Discussion on nuisance properties and the procedure for reporting them.

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

Planner VanHavel: Described flood management efforts for the Mark Twain area. Explained that there are short, medium and long term ways to attack the problem. Long-range efforts come down to what studies and resources can be brought to the area, as well as working with Lyon County. Flood management needs to be done at a regional level for solid solutions that work for the whole community.

County Commissioner Gilman: Expressed how important it is for Mark Twain residents to complete the surveys (income) that were sent out last fall. They are needed in order to apply for grants.

Planning Director Osborne: Explained that an important part of flood management is working collaboratively with local property owners to establish easements for regional drainage. Funding for the flood management project may be available from CWSD and FEMA. The construction of USA Parkway is underway and should be open by August 2017. Discussion on the benefits of USA Parkway being extended.

13. Board Comments (No Action) - None

14. Adjournment (No Action) - The meeting was adjourned at 7:40 P.M.

Respectfully Submitted, By Lyndi Renaud