



STOREY COUNTY PLANNING COMMISSION

Meeting and Public Workshop

Thursday February 13, 2020 6:00 p.m.
26 South B Street, District Courtroom,
Virginia City, Nevada

MEETING MINUTES

CHAIRMAN: Jim Hindle

VICE-CHAIRMAN: Summer Pellett

COMMISSIONERS:

Larry Prater, Kris Thompson, Jim Collins, Adrienne Baugh, Bryan Staples

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- 1. Call to Order:** The meeting was called to order by the Chairman at 6:03 P.M.
 - 2. Roll Call:** Jim Hindle, Adrienne Baugh, Bryan Staples, Larry Prater, Summer Pellett. **Absent:** Jim Collins, Kris Thompson.
Also Present: Senior Planner Kathy Canfield, County Manager Austin Osborne and District Attorney Anne Langer via conference call.
 - 3. Pledge of Allegiance:** The Chairman led those present in the Pledge of Allegiance.

Immediately following the pledge of allegiance Chairman Hindle presented former At Large planning commissioner John Herrington a framed Certificate of Recognition for 10 years of service on the planning commission. John was in attendance and accepted the certificate. He chose not to apply for re-appointment when his term expired on December 31, 2019. Chairman Hindle and the commission thanked John for his support and service.

D.A. Langer also thanked John for taking the time and effort to get involved in the community and appreciates his service on the commission.
 - 4. Discussion/Possible Action:** Approval of Agenda for February 13, 2020.

Motion: Amend to combine agenda items 7,8,9,10 and Approve agenda as amended for February 13, 2020, **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

No Public Comment.
 - 5. Discussion/Possible Action:** Approval of Minutes for January 16, 2020.

Motion: Approval of Minutes for January 16, 2020, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Staples, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

No Public Comment.
 - 6. Discussion/For Possible Action:** Special Use Permit 2020-005 request by the applicant Brad and Brenda Shell to allow for a watchman's dwelling for a proposed 150 space Recreational Vehicle (RV) Park. The watchman's dwelling is a

requirement of Chapter 8.24 (Mobile Homes and Recreational Vehicles) of the Storey County Code. The subject property is located at 580 East Sydney Drive within the Tahoe Reno Industrial Center, McCarran area of Storey County, Nevada and having Assessor's Parcel Number 005-091-14.

Senior Planner Canfield summarized the request by the applicants for a watchman's dwelling for a proposed 150 space RV Park in TRI. This is subject to the 1999 zoning code and the Development Agreement. This is also subject to Storey County code chapter 8.24 which requires an RV Park to have a management office and a watchman's dwelling used exclusively for management. The RV Park is an allowed use with a Commercial zoning designation in the I2 zone. This parcel was authorized for Commercial uses and the special use permit is simply to allow for a watchman's dwelling. Any watchman's dwelling in the I2 zone is also required to have a special use permit. Staff has reviewed the application and finds that having an onsite manager in the RV Park is an appropriate accessory use and is recommending approval. Staff received one letter in opposition from the Storey County Sheriff (letter attached). Staff recognizes his concerns; however, the special use permit being requested is for the watchman's dwelling. The RV Park itself is an allowed use. In order to approve a building permit for the RV Park, the special use permit for the watchman's dwelling must be approved, so they are tied together. Staff believes that the code was written to require onsite management of these parks. The plans for the park have been submitted to the Building Department but have not yet been issued pending the approval of the special use permit. The applicant's son is in attendance and the applicant is also on Facetime if anyone has any questions.

Commissioner Prater asked for clarification from **Senior Planner Canfield** that staff is supporting this request. Canfield replied that yes staff is supportive and agrees that an onsite manager residing in a watchman's dwelling is an appropriate accessory use to the allowed RV Park use.

Prater also stated that he had a conversation with the applicant prior to the meeting. The applicant felt he was blindsided by the letter from the sheriff. The letter is dated today. The sheriff could have voiced his concerns earlier to the planning department or the applicant. The applicants would have been more than willing to meet with the sheriff to discuss his concerns and how they could be mitigated. Prater asked the applicant about potentially delaying action on this request in order for him to meet with the sheriff, but the applicant stated that he already has construction loans outstanding that are incurring interest and doesn't want to delay action tonight.

Vice Chairman Pellett said the sheriff's letter is better suited to support a code amendment. The special use permit (SUP) that is being considered tonight doesn't have anything to do with the current allowed use. The sheriff's letter doesn't address the SUP. The RV Park is an allowed use. Pellett also said that if the RV Park is an allowed use and a watchman's dwelling is required to operate the RV Park, then what would the justification be to deny the SUP? She asked if the watchman's dwelling requirement will be part of the code amendment and will be taken out as a requirement. Senior Planner Canfield stated that the requirement is not part of the zone text amendment. Staff wants to keep the requirement for a watchman's dwelling to operate an RV Park. The requirement is also a part of the 1999 zoning ordinance which is what the Development Agreement between the county and TRI follows.

Commissioner Baugh commented that having a watchman's dwelling (onsite manager) for the RV Park would lessen the possibility of crime the sheriff is concerned about.

Senior Planner Canfield: Said that the RV Park is a 29 day or less stay meaning that a tenant that may want to stay longer than that would have to move spaces. Transient use taxes apply to the RV Park use. This is similar to an extended stay hotel that requires a tenant to move rooms after 29 days.

Chairman Hindle asked if Sydney Drive is open for ingress and egress between the RV Park and Tesla. Senior Planner Canfield replied that the ROW ends, and a private drive owned by Tesla continues through to the Tesla. Canfield also said that there is a cul de sac there (on paper, not developed). There are some road improvements that need to be done there and the county is talking with the TRI Center and other property owners to figure out how to make this happen.

D.A. Langer clarified that what the planning commission is taking action is the special use permit for a watchman's dwelling. The watchman's dwelling is what is agendized.

Chairman Hindle commented that the 1999 code does not allow residential uses in the industrial park, but yet the code requires a watchman's dwelling for the RV Park.

Senior Planner Canfield stated that the 1999 code does allow for watchman's dwellings with a special use permit and there are a few already permitted in the industrial park. Canfield said she thinks they are mobile units but not sure about that. Chairman Hindle asked if a watchman's dwelling is a requirement for a hotel. Canfield said not for a hotel.

Commissioner Prater asked if TRI is okay with this use. Canfield stated the TRI approved this property for commercial use knowing what the project was. The project will be reviewed by the TRI architectural committee. Approval by that committee will need to be proven prior to a building permit being issued. Prater also stated that in his discussion with the applicant, the applicant and TRI anticipates that the majority of tenants using the RV Park will be high wage workers employed at TRI, typically short term workers.

Chairman Hindle said that it seems like a subversion of the intent of the code to not allow residential housing, but to allow tenants to move spaces when required. Also asked if the watchman's dwelling can be claimed as a residence that would allow someone with children to utilize the school system and other services.

Commissioner Pellet thinks the intent of making tenants move spaces is to keep the tenant from building porches or "setting up shop" or having a yard in one location. Moving spaces shows that the stay is temporary. Pellett believes that this use is probably needed in the industrial park.

D.A. Langer stated that the Fair Housing Act USC sections 3601-19 prohibits discrimination in the provision of housing to a number of protected classes. One of the protected classes is "familial status" which includes children under the age of 18 living with a parent or guardian. The issue in regards to children and schools would have to be worked out with the school district. Senior Planner Canfield added that there is a condition in the SUP that requires the dwelling to be occupied by management of the RV Park.

Chairman Hindle invited the applicant to come to the podium to answer questions.

Zach Shell, son of the applicant, and **Brad Shell** (via Facetime). Zach stated that they are not allowing porches or decks, and outside storage except for directly underneath the front of the trailer. Zach responded to an article cited by the sheriff in his letter (RV Travel 2/2019); the RV Park referenced was built within a city. Shell said that in doing his own research, found a study done by the University of Nevada in 2014 that of the 26 mobile home parks, which isn't an RV Park, 19 had low crime rates and the majority of the crime was related to the surrounding areas around the RV Park. Brad Shell stated that the clientele they are looking for to rent spaces are high end workers from the larger manufacturing companies like Tesla, Switch, Jet. These people are having a hard time finding temporary housing in Reno.

Chairman Hindle asked for public comment. There was none. Hindle stated that he is searching for a reason to vote no because he believes that this is moving in a direction counter to what the master plan established. The master plan states that there will be no residential housing in the industrial center. Hindle understands that this is not deemed to be "residential" by law, but it certainly seems to be a way to provide housing without conforming to the master plan of where the county actually wants housing. Legally this all conforms to county code but believes that this is establishing something that is counter to the county master plan.

Vice Chairman Pellett said that the county code requires the watchman's dwelling, instead of the RV Park being able to have a full time management staff working two 12 hour shifts.

Commissioner Prater believes that TRI has its own master plan and stands alone and evidently, they deemed this appropriate for their uses.

No Public Comment

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 Summer Pellett, recommend approval of Special Use Permit 2020-005, a request to allow a watchman's dwelling for a proposed 150 space Recreational Vehicle (RV) Park. The watchman's dwelling is a requirement of Chapter 8.24 (Mobile Homes and Recreational Vehicles) of the Storey County Code. The subject property is located at 580 East Sydney Drive within the Tahoe Reno Industrial Center, McCarran, Storey County, Nevada and having Assessor's Parcel Number 005-091-14. **Action:** Approve, **Moved by** Vice Chairman Pellett, **Seconded by:** Commissioner Baugh,

Senior Planner Canfield read the findings into the record:

- (1) Special Use Permit 2020-005 is a request to allow for a watchman's dwelling for a proposed 150 space Recreational Vehicle (RV) Park. The watchman's dwelling is a requirement of Chapter 8.24 (Mobile Homes and Recreational Vehicles) of the Storey County Code. The subject property is located at 580 East Sydney Drive within the Tahoe Reno Industrial Center, McCarran, Storey County, Nevada and having Assessor's Parcel Number 005-091-14.

- (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.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit. The Special Use Permit complies with the general purpose, goals, objectives, and standards of the county master plan, the zoning ordinance and any other plan, program, map or ordinance adopted, or under consideration pursuant to the official notice by the county.
- (3) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.
- (4) The Special Use Permit will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.
- (5) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.
- (6) The Special Use Permit, with the recommended conditions of approval, complies with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial and 17.62 Special Uses.

Vote: Motion carried by unanimous vote (**summary:** Yes=5).

Note for Items 7,8,9,10 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 a statement supporting or opposing the proposed amendments to the county code and/or zoning ordinance. These items may be heard and discussed together if determined appropriate by the planning commission.

7. **Discussion Only/No Possible Action:** Text amendments to Storey County Code Title 17 Zoning regulating building setback, height, bulk, area, dimension, and density; parking requirements, egress, easements and right-of-ways; accessory structures and buildings; fences, hedges, and barriers; and other properly related matters in the following regulatory zones: CR Commercial-Residential; R1 Single-Family and R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; and SPR Special Planning Review zones.
8. **Discussion Only/No Possible Action:** Text amendments to Storey County Code Title 17 Zoning regulating shipping containers and accessory non-dwelling uses in all regulatory zones; watch-persons' accessory dwellings in the I1 Light Industrial, I2 Heavy Industrial, and IC Industrial Commercial zones; accessory dwelling units ("in-law quarters") in the following regulatory zones: CR Commercial-Residential; R1 Single-Family and R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; and SPR Special Planning Review zones.
9. **Discussion Only/No Possible Action:** Text amendments to Storey County Code Title 17 Zoning modifying, clarifying, elaborating upon, and consolidating land use and other terms and definitions in Chapter 17.10 Definitions and as those terms and definitions apply to and within all regulatory zones and all other provisions in the zoning ordinance.
10. **Discussion Only/No Possible Action:** Text amendments to Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in sections 17.03.050, 17.03.060, 17.03.070 and 17.03.080.

Senior Planner Canfield said staff is working on the final clean up of the code amendments. Staff would like to move this forward in March as an "action" item. Based on comments we are making a few changes and making sure language is

consistent through out the different chapters. The final drafts will be posted to the website sometime next week. There will be a notice posted in the newspaper when “action” is agendized. Canfield asked the commissioners to please provide comments on the amendments.

A **discussion** between board members and staff continued regarding potentially amending code for RV Parks requiring a watchman’s dwelling, and the pros and cons of the requirement. Title 17 does not address this. This code is contained in Title 8.

Public Comment:

Steve Danskin, Mark Twain resident asked if single family housing (one family per lot) will remain in Mark Twain or will there be more than one family living on a lot in RVs in the backyard due to the zoning changes.

Senior Planner Canfield answered that there are no revisions to “density”. Mark Twain is zoned Estate which allows one single family residence per lot. Living in an RV on a property would not be allowed in addition to a residence. Accessory dwellings may be allowed but must be occupied by family of the property owner.

County Manager Austin Osborne clarified that a property owner can have a single family house and an accessory dwelling unit may be allowed on the same lot with a special use permit occupied by family members only. The zone text amendment proposes to allow these without a special use permit, but they will still be required to be occupied by family members.

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

Motion: Next planning commission meeting to be held on March 19, 2020 at 6:00 P.M. at the Storey County Courthouse, Virginia City, Nevada, **Action:** Approve, **Moved by** Commissioner Prater , **Seconded by** Commissioner Pellett, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

No Public Comment

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

13. Correspondence (No Action) – Letter from the Storey County Sheriff as discussed in item 6.

14. Public Comment (No Action) – None

15. Staff (No Action) – None

16. Board Comments (No Action) – Commissioner Prater and the commission welcomed Bryan Staples to the planning commission as the new At Large commissioner.

Chairman Hindle clarified his position on the SUP request. Hindle said he has no issue with the applicants but thinks this is something we need to be cognizant of because it seems to circumvent what the intent of the master plan was. There is no requirement for a watchman’s dwelling for a hotel, so maybe the code in chapter could be revised to include “and/or” as long as there is 24 supervision required.

Chairman Hindle also stated that he has been contacted by a few residents who were concerned with some surveying that has been completed in south Virginia City. Hindle said one of his neighbors talked to them and they said it (surveying) was for mining and for drilling. Hindle said that he did not think that drilling could be done on the south end near a residential area.

County Manager Osborne: Some of the surveying may be related to potential drilling to look at core samples. There may be some underground operations in that area. Osborne said he will talk to the property owners and see if a message can be put out to the community to let people know what’s going on. Inquiries can be directed to Planning or the County Manager’s office.

Adjournment (No Action) - The meeting was adjourned at 7:03 pm.

Respectfully Submitted, By Lyndi Renaud