



STOREY COUNTY PLANNING COMMISSION

Thursday May 10, 2018 6:00 p.m.
Virginia City Highlands Fire Station
2610 Cartwright Road
Virginia City Highlands, NV 89521

MEETING MINUTES

CHAIRMAN: Jim Hindle

VICE-CHAIRMAN: John Herrington

COMMISSIONERS:

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

-
- 1. Call to Order:** The meeting was called to order by the Chairman at 6:05 P.M.
 - 2. Roll Call:** Jim Hindle, Summer Pellett, John Herrington, Larry Prater
Absent: Virgil Bucchianeri, Kris Thompson. Laura Kekule.

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 May 10, 2018.

Planning Director Osborne asked if agenda item 14 can be heard after agenda item 7.

Motion: Approve agenda for May 10, 2018 with amendment; agenda item 14 to be heard after agenda item 7, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Pellett, **Vote:** Motion carried by unanimous vote (**summary:** Yes=4).
 - 5. Discussion/Possible Action:** Approval of Minutes for February 15, 2018.

Motion: Approval of Minutes for February 15, 2018 until next meeting due to lack of quorum to approve, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Pellett, **Vote:** Motion carried by vote (**summary:** Yes=4).
 - 6. Discussion/Possible Action:** Approval of Minutes for March 15, 2018.

Motion: Approval of Minutes for March 15, 2018, **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Herrington, **Vote:** Motion carried by vote (**summary:** Yes=4).

7. **Town Hall Meeting Regarding USGS Water Study – Discussion Only:**

The U.S. Geological Survey (USGS) will present an update on the Highlands Groundwater Investigation. Topics will include: status of the current monitoring network, how to access data, measured groundwater-level change, precipitation, Lousetown Creek seepage and flow, planned project tasks, and general question and answer session. County staff has and will continue to collaborate with the USGS and other federal, state, and/or local agencies, as well as residents and stakeholders of the Highlands to develop recommendations based on findings, and to prepare to report findings and recommendations to the board and planning commission upon conclusion of the study. Public questions and comments are encouraged. The Planning Department may be reached at 775.847.1144 or planning@storeycounty.org with questions.

David Smith and Kip Allander from the U.S Geological Survey (USGS) gave a power point presentation.

- Review – Why are we monitoring groundwater resources
 - Previously measured water-level declines
 - Deepening and re-drilling of domestic wells
- Current groundwater well network
 - How to access data
 - Site data based on parcel size (1/10/40 acres)
- Virginia City Highlands Data
 - Precipitation data
 - Water-level conditions (increases and declines)
 - Continuous water-level data
 - Lousetown Creek stream flow data
- Is my well completed in an aquifer?
 - Aquifer – a body of permeable rock that can transmit water
 - Water occupies spaces between sand, silt, and gravel in fill; or fractures and cavities in rocks.
 - Water movement through and storage within the subsurface is governed by aquifer properties
- Change in groundwater levels are observed with water-level measurements
- USGS Monitoring Well 32CBBD1 re-drilled in 2015 – Decline of 50 feet from 1997 to 2016
- USGS Monitoring Well 32ABCD1’s water-level declined 165 feet from 1997 to 2016
- Project Status – Year 1 Objectives
 - Project timeline 15% complete (July-May)
 - Monitoring and study timeline July 2017 to June 2022
 - First year objectives field work and data collection
 - Year 1 Tasks
 - Establish Groundwater Monitoring Network
 - Install continuous pressure transducers
 - Install 4 precipitation gages
 - Measure flow of Lousetown Creek (Runoff from the VC Highlands)
 - Low loss measurements in Lousetown Creek (Recharge potential)
 - Collect Survey-Grade GPS at well measuring points
 - Collect cuttings samples from domestic well drill
 - Status Update – Groundwater Well Network
 - Visited 62 domestic wells
 - 4 wells had physical obstructions in the well preventing measurement
 - 3 wells were close to other wells already added to the network
 - Limited to area of volunteers, good spatial distribution
 - 55 wells in the VC Highlands network
 - 1 acre parcels – 40 wells (includes 20 parcels between 2 and 4 acres)
 - 10 acre parcels – 14 wells
 - 40 acre parcel – 1 well (limited by volunteers)
- How to access groundwater data online: <https://waterdata.usgs.gov/nwis>
- US Monitoring Well 32ABCD1 saw an increase of 63.9 feet from 2016-18
- US Monitoring Well 32CBBD1 saw a 20.8 foot increase from 2016-17 and a decline of 4.3 feet from 2017-18
- Groundwater Data – 47 percent of wells in the network have shown an increase during the 2017-18 winter
- Installed 4 precipitation sites at varying altitudes in the VC Highlands

- Survey Grade Elevation Data Collected
 - Differential GPS collected with 3rd quarterly measurements
 - Accuracy -5 cm or 2 inches above sea level
 - Data will be used to make a water-level table and change map
- Flow measurements of Lousetown Creek
 - Collected 7 flow measurements on Lousetown Creek
 - Peak measurement – 7.5 cubic feet per second (cfs) on 3/22/2018
 - Data will be used to estimate annual runoff
 - Flume Flow Loss Measurements
 - Difference flow at two locations over known distance of separation
 - Q2-Q1 = Loss (or potential recharge)
 - .5 cfs per mile near the fire station and Pinion Park
- Conclusions – What are we observing so far?
 - 50/50 split of wells with increasing/decreasing trends
 - Water-level increases and stable water levels generally occur in lower part of the highlands (near fire station)
 - Water-levels in wells near drainages with flow appear to have more significant increases
 - Lousetown Creek is a losing stream, providing recharge to groundwater
 - Preliminary data suggests water-levels are continuing to decline in certain areas
 - More data still needed to help understand highly varied water-level signals

Discussion between USGS representatives, planning commissioners and the public included topics presented in the power point and topics listed below:

- LIDAR (a laser-based method of detection, range finding and mapping). LIDAR data has recently been received, but still needs to be reviewed.
- Comparing Aquifers; establishing a baseline for reference. Goal is to look back in time and establish a baseline and there will be aquifer testing the third year of the study.
- Outreach efforts entailed word of mouth, public meetings and social media to find volunteers for well monitoring.
- Mapping of groundwater will potentially occur in year two of the ground monitoring study.

8. **Discussion/Possible Action:** 2018-015 by Miguel and Jacqueline Davila. The applicants request a variance to the rear yard setback for the construction of a two-car detached garage from the required 40-feet to 16-feet. The applicant also requests a variance to the rear and side yard setbacks for an existing shipping container and existing accessory horse shelter from the required rear yard 40-feet to 16-feet and required side yard from 15-feet to 1-foot. The property is located at 2310 Lousetown Road, Virginia City Highlands, Storey County, Nevada, Assessor's Parcel Number (APN) 003-045-42.

Planner Kathy Canfield: Summarized the variance request.

- The one-acre parcel is located in the Virginia City Highlands and contains an existing single family residence located at the rear of the parcel, a driveway/parking area through the middle of the parcel and a shed and horse shelter along the north side of the property.
- The subject parcel is zoned E-1 VCH which has required 30-foot front yard, 40-foot rear yard and 15-foot side yard setbacks.
- The applicants are proposing to construct a two-car detached garage approximately 16 feet from the rear property line. The garage would be located within the required 40-foot rear yard setback on a portion of land currently used for parking.
- As part of the review, it became apparent that a shipping container and a horse shelter were located within the required rear and side yard setbacks. As part of this application, a setback variance for these structures is also included. Both structures are established on the property.
- Neither the shipping container nor horse shelter are visible from the street at their current locations.

Vice-Chairman Herrington: Asked if the north refers to the right of the house.

Planner Canfield: Yes.

Vice-Chairman Herrington: Asked how the variance affects the neighbor to the south.

Planner Canfield: There is nothing proposed that runs along the south.

Commissioner Prater: Pointed out that the only neighbors affected are the ones to the west and north. Added that the only structure you can see from Lousetown Road is the house.

Chairman Hindle: Asked about the wellhead being in the middle of the driveway.

Miguel and Jacqueline Davila, Applicants: Explained that the wellhead in the middle of the driveway prevents them from building where the garage should go. Added that by constructing the garage, the shipping container can be removed.

Commissioner Pellett: Asked if the current house has or ever had a garage.

Miguel and Jacqueline Davila, Applicants: No.

Sharon Snell, Neighbor of Applicants: Supports this variance request.

Commissioner Pellett: Asked if this was a different set of circumstances and the neighbor was against it, would staff recommendation be different?

Planner Canfield: If there is a neighbor that will be impacted, that becomes a concern for us. We would see if there are any options but if not, we may not support it. It's a case by case basis.

Chairman Hindle: There are three separate variances, the garage, the shipping container which sounds temporary, and the horse shelter which could also be temporary.

Miguel and Jacqueline Davila, Applicants and Sharon Snell, Neighbor: It's also pipe corral and can be moved.

Chairman Hindle: Asked council if the commission is opening a can of worms by approving this request.

Discussion amongst members and staff regarding conditions of shipping container and horse shelter setbacks and locations.

Planning Director Osborne: Explained that the accessory structure is not the primary structure.

Commissioner Pellett: Commented that she is against variances in general, so it's very helpful that neighbor Sharon Snell is here.

Discussion amongst members and staff regarding whether or not the shipping container needs a variance because it is portable, and what constitutes an accessory structure.

Planning Director Osborne: Accessory buildings would apply to all three structures.

Deputy D.A. Loomis: The code provides that regular setbacks don't apply to accessory buildings with some exceptions and shipping containers are one of them. They must be separated from any other structures including another shipping container by a minimum of 10 feet and located within 60 feet of any property line.

After discussion between the Commission, Staff and the Deputy D.A. it was determined that the shipping container did not need a variance. It complies with current code. It was struck from the recommended motion.

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 Variance 2018-015 to allow the rear yard setback for the construction of a two-car detached garage from the required 40-feet to 16-feet, and the side yard setback for an existing accessory horse shelter from the required 15-feet to 1-foot. The shipping container does not require a variance because it complies with existing

code. The property is located at 2310 Lousetown Road, Virginia City Highlands, Storey County, Nevada, Assessor's Parcel Number (APN) 003-045-42.

Action: Approve with amendment to the motion, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Prater,

Planner Canfield read the findings of fact in to the record (amended in order to comply with the motion for approval):

- (1) The applicant requests a variance (Variance 2018-015) to the rear yard setback for the construction of a two-car detached garage from the required 40-feet to 16-feet. The applicant also requests a variance to the side yard setback for an existing accessory horse shelter from the required 15-feet to 1-foot. The property is located at 2310 Lousetown Road, Virginia City Highlands, Storey County, Nevada, Assessor's Parcel Number (APN) 003-045-42. The Planning Commission recognizes that the shipping container is not subject to a variance.
- (2) The subject property is located within E-1 VCH Estates zoning with an existing residence as a primary use and the proposed garage, shipping container and horse shelter as an allowed accessory use.
- (3) That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification.
- (4) That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.
- (5) That the granting of the Variance will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the area of the subject property.
- (6) The proposed Variance is in compliance with all Federal, Nevada State, and Storey County regulations.
- (7) The proposed Variance is in compliance with Storey County Code 17.03.140 Variances, 17.40 E Estates Zone and 17.12 General Provisions when all Conditions of Approval are met.
- (8) The proposed Variance is in compliance with and supports the goals, objectives and policies of the 2016 Storey County Master Plan.

Vote: Motion carried by unanimous vote (**summary:** Yes=4).

9. **Discussion Only/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://www.storeycounty.org/DocumentCenter/View/17129>. 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.

Agenda item incorrectly titled as Discussion Only/Possible Action, should have read Discussion/Possible Action.

Staff stated that this item will be discussed, but will be continued to the June 21st planning commission meeting at the Storey County Courthouse at 6 p.m. Agreement was made between Staff and commissioners to continue this item.

The actual motion for this item was overlooked and not completed.

Planner Canfield: Draft revision of the most recent update is now posted on the website. After the last presentation some slight revisions were made, but overall the revision is complete. Asked the commissioners to please review the draft and comment as soon as possible. The goal of this revision is to simplify the ordinance for business owners, and make it easier to comply with.

Discussion among staff, commission members and the public regarding the sign ordinance revision included:

- Frontage of building width to determine amount of signage allowed.
- Historic District Commission can say a sign has historical significance and can remain even if non-conforming.
- Dates for bringing signs into compliance. Discussed approximately 3 years. White boards will be required to be removed when the ordinance is approved by the county commission.
- Cannot regulate content of signs. Signage can be allowed about any subject, not just related to a business.
- Should a property have a primary use before signage is allowed on the property? Pros and cons.
- Flags: Have to be careful to not regulate content.

Public comment: Mike Cullen, VC business owner: Is linear footage just measured on the front of the building? Asked about putting signage on posts in front of businesses.

Planner Canfield: It includes all sides of the building, not just the front. Each side of the building can have signage based on the linear footage for each side. Footage cannot be combined in order to put more signage on front of building.

Posts can be painted with signage, however signs cannot be attached to the posts.

Political Signs discussion included:

-Estate zone is proposed to be allowed 32 square feet of signage.

Commissioner Pellett stated that she put a poll on the VCH message board which showed that a majority (72%) of people want political signs limited to the 18" x 24" size. This would be for private property (Estate zone). Signage does affect elections. Feels that 3' x 3' is too big for the Estate zone. These signs will be up every two years from March until November. Feels that limiting signs to 18" x 24" should include the Estate zone and Residential zone.

Planner Osborne: Stated that enforcement of a limitation such as this could be an issue.

Jack McGuffey, Highlands resident: Looked at poll and only saw a very small sample of people had taken the poll. How many people actually took the poll?

Commissioner Pellett: Said that 22 people took the poll. 16 voted for 18" x 24", two voted for 2' x 3', two voted for 4' x 8', and two voted for "no limitation on size". People did have the ability to respond.

Discussion continued:

- New potential public ROW areas for placement of political signs within each community.
- Potential penalties for political sign violations regarding signs placed in ROW areas not designated as such. Enforcement could be an issue. Issues finding parcel lines without having a survey completed makes it difficult to determine where the ROW ends and private property begins.
- Staff is proposing 6 square feet for signs in residential areas for all types of signs.

Jay Carmona, VCHPOA president and county commissioner candidate: Rainbow Bend has a restriction on size of signs to 18" x 24". Would need a legal opinion on whether or not the VCH can limit the size of political signs.

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

Planning Director Osborne:

Motion: Next planning commission meeting to be held on June 21, 2018, at 6:00 P.M. at the Storey County Courthouse, District Courtroom, Virginia City, Nevada, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Herrington, **Vote:** Motion carried by unanimous vote (**summary:** Yes=4).

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

12. **Correspondence (No Action)** – Email from neighbors of Davila variance request. Emailed to planning commissioners prior to this meeting.
13. **Public Comment (No Action)** – None
14. **Staff (No Action):** This item was heard after item 7.

Planning Director Osborne: Monopine status update:

- Twelve antennas have been approved from AT & T, and service will probably start in October.
- Rumor about T-Mobile leasing the tower, but we don't know for sure.
- Residents will be kept updated (check VCH message board).

Jay Carmona, Highland Resident: Asked if they are running fiber to the tower.

Planning Director Osborne: Believes what they are doing is line of sight to Mt. Rose and from there wirelessly.

Unknown resident: Asked if it will be 5G.

Planning Director Osborne: Said he doesn't know what the power level will be, but he'll find out and update residents.

15. **Board Comments (No Action)** – None
16. **Adjournment (No Action)** - The meeting was adjourned at 8:50 P.M.

Respectfully Submitted, By Lyndi Renaud