



STOREY COUNTY PLANNING COMMISSION

Meeting and Public Workshop

Thursday September 5, 2019 6:00 p.m. (Carson Water Subconservancy District Floodplain and Groundwater display at 5:30 p.m.)
Virginia City Highlands Fire Station
2610 Cartwright Road, Virginia City Highlands

MEETING MINUTES

CHAIRMAN: Jim Hindle

VICE-CHAIRMAN: John Herrington

COMMISSIONERS:

Larry Prater, Kris Thompson, Summer Pellett, Jim Collins, Adrienne Baugh

Prior to the meeting, Carson Water Subconservancy District provided a hands on demonstration of how a floodplain works and a model showing how sources of groundwater occur and also answered questions from residents.

1. **Call to Order:** The meeting was called to order by the Chairman at 6:00 P.M.
2. **Roll Call:** Jim Hindle, Summer Pellett, Kris Thompson, Larry Prater, John Herrington, Adrienne Baugh, **Absent:** Jim Collins.

Also Present: Senior Planner Kathy Canfield, County Manager Austin Osborne, Outside Counsel Bob Morris, County Commissioner Marshall McBride, County Commissioner Jay Carmona.

3. **Pledge of Allegiance:** The Chairman led those present in the Pledge of Allegiance.
4. **Discussion/Possible Action:** Approval of Agenda for September 5, 2019.

Motion: Amend to combine items 11 through 14, and Approval of Agenda for September 5, 2019, **Action:** Amend and Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment.

5. **Discussion/Possible Action:** Approval of Minutes for August 1, 2019.
Motion: Approval of Minutes for August 1, 2019, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Prater, **Vote:** Motion carried by vote (**summary:** Yes=5), Abstain=1, Summer Pellett.

6. **Discussion/Possible Action:** Approval of Minutes for August 15, 2019.
Motion: Approval of Minutes for August 15, 2019, **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

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

The U.S. Geological Survey (USGS) presented 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 and recommendations to the board and planning commission to develop recommendations based on findings, and to prepare to report findings 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, USGS: Presented a power point on the “year two” update for the Highlands Groundwater Monitoring project. Monitoring project began in July of 2017. Sixty wells are currently being monitored. Power point included water level change maps.

Preliminary findings subject to change:

- 2019 water levels have significantly increased, above average precipitation.
- 85% of wells in network have increased within the past year from April 2018 to June 2019.
- Forty one wells increased an average of 10.7 feet, largest increase 71 feet.
- Seven wells continued to decline. Average decline of 20 feet, largest decline 60 feet.

2020 USGS Project Tasks include:

- Redline and add data to improve water level change map.
- Continuing monitoring the groundwater network at a quarterly frequency (still accepting volunteers especially in areas of limited data).
- Conduct aquifer tests to better understand hydraulic properties of the fractured volcanic-rock aquifer system.

David Smith held a question and answer session with residents after the presentation.

8. Discussion only: Discussion on the adopted Carson River Watershed Floodplain Management Plan prepared by the Carson Water Subconservancy District (CWSD).

Ed James, CWSD: Gave a presentation on the Carson River Watershed Floodplain Management Plan adopted by the CWSD. The plan helps guide communities along the Carson River to reduce flood damage when flooding occurs and helps to lower flood insurance premiums for Community Rating System (CRS) communities including Storey County.

9. Discussion/Possible Action: 2019-038 Variance by applicants Larry Austin and Beth Foates Austin. The applicants request a variance to allow for a reduced front yard setback to construct a detached garage. The applicant proposes a detached garage be placed 11-feet from the front yard roadway easement of Hanaupah Road. The property is located at 4680 Hanaupah Road, Highland Ranches, Storey County, Nevada, Assessor’s Parcel Number (APN) 003-401-10.

Senior Planner Canfield: Summarized the reduced setback request by the applicant. The applicant is proposing to add a detached garage to the site. In determining the best location for the new garage, the applicant considered several locations on the parcel. Although the parcel is over 10 acres in size, because of the sharp drop off topography of the site, there is limited level area for a garage location. The location of the well and the septic system also utilize portions of the available level area. A detailed discussion of alternative locations considered, along with photographs of the site, is included in Appendix A of this staff report. The applicants are requesting a variance to allow for an 11-foot front yard setback from the Hanaupah Road easement. Staff is supportive of the request due to location of the road, topography of the lot and locations of existing home, septic, well and utilities. Neighbor is supportive of the reduced setback request.

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 2019-038 to allow for a reduced front yard setback to construct a detached garage. The applicant proposes a detached garage be placed 11-feet from the front yard roadway easement of Hanaupah Road. The property is located at 4680 Hanaupah Road, Highland Ranches, Storey County, Nevada, Assessor’s Parcel Number (APN) 003-401-10. **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment.

10. Presentation (Annual SUP Update): By Comstock Mining, LLC. (Gold Hill/American Flat) Special Use Permit Holder to present its annual compliance review in accordance with the conditions of Special Use Permit No. 2000-222-A-5.

Corrado DeGasperis, President Comstock Mining Inc.: Presentation included a brief summary of the following topics:

- **Site Overview and Disturbance Acreage:** No changes to this in the last 12 months.
- **Review of SUP Compliance:** Compliant in all requirements of SUP.
- **Silver City Water Line Protection:** No mining took place in proximity to the Silver City Water Line.
- **Reclamation:** Successful earthwork completed for Hartford, Keystone, and Justice. No evidence of erosion, slumping or slope failure. Met requirements of reclamation permit, earthwork and revegetation. Bond requirement reduced from \$7.1 to \$6.8 million. CMI exceeded the credited amount by going above and beyond standard requirement including, but not limited to aerial seeding.
- **SR 342-2018 National DOI/BLM Award:** Awarded the 2018 "Fix a Shaft Today" award for the successful filling of the Silver State Mine Shaft and rebuilding of Nevada State Route 342 in Storey County.
- **Monitoring Report:** Dust monitoring will resume with future mining activities. Groundwater regular monitoring as required by permits. No noise issues were reported in the last 12 months. No blasting activities occurred in the last 12 months.
- **Tonogold Update:** Comstock Mining LLC is a wholly owned subsidiary of Comstock Mining Inc. that owns the Lucerne mine property. In November 2017, Comstock Mining Inc. and Tonogold Resources Inc. signed an Option Agreement that allowed Tonogold to earn 51% of Comstock Mining LLC by making certain expenditures and meeting other conditions. Tonogold has been making those requirements. In January 2019, a new Agreement was signed that allowed Tonogold to acquire 100% of Comstock Mining LLC, and provided an option for them to lease the American Flat facility for processing. This replaces the original Option. Tonogold has been meeting requirements and the transaction is expected to close in September. Once the transaction closes, Comstock will notify the Planning Department, and add Comstock Processing LLC to the Special Use Permit, such that Comstock Mining LLC continues to be responsible for the Lucerne Mine, and Comstock Processing LLC will be responsible for the American Flat processing facility.
- **Mercury Clean Up (MCU):** Mercury Clean-Up LLC (MCU) is a full time global environmental company dedicated to the recovery and removal of Mercury from contaminated soils left behind by both past and present gold mining activities. MCU is committed to stopping the spread of elemental and Methylmercury. Comstock has invested in MCU to support this important technology. MCU will be using Comstock's American Flat facility to test and fine tune their mercury recovery technology in a two year pilot test.
- **Comstock Foundation for history and culture:** Discussed long range plans to address the preservation of historic structures. Fully document or mitigate archaeological or surface resources affected by any undertaking. Foundation support includes a 1% Net Smelter dedication. From 2012-2016 Comstock Mining generated \$899,000 in royalties. Contributions to the foundation totaled \$935,000. Also received a \$20,000 grant from NV Energy.

County Manager Austin Osborne: Said that an audit currently being completed regarding the 1% Net Smelter return to historic preservation is close to completion by the county. The county is confident that Comstock Mining has been compliant with this condition of the special use permit.

Note for Items 11, 12, and 13, 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.

11. 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.

- 12. 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.
- 13. 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.
- 14. Discussion Only/No Possible Action.** Map amendments to the Official Storey County Zoning Map, changing zone districts R1 Single-Family Residential to SFR Single-Family Residential, R2 Multi-Family Residential to MFR Multi-Family Residential, I1 Light Industrial to IL Light Industrial, I2 Heavy Industrial to IH Heavy Industrial, and adding IN Neighborhood Industrial to the list of classified zones, affecting all listed zones in Storey County except those located within the annexed portions of the Tahoe-Reno Industrial Center, and other properly related matters.

Senior Planner Canfield: Said that staff is still working on the changes, clarification and clean up to the code. As this amendment has been ongoing, more topics and issues have come up that probably need to be addressed. The Historic District has approved plans that conflict with county code. Looking at how this might be reconciled and how the county may want to address issues like this.

Discussion between staff, the commission and the public (Clay Mitchell) included the pros and cons of implementing design standards for the Virginia City Downtown District. The Historic District and the County sometimes have conflicts during the plan review process of projects that may or may not require a building permit in the Comstock Historic District primarily the downtown area of Virginia City. Looking at whether the county should defer design standards to the Historic District Commission or implement a design standards manual that would simply be a guideline for projects. Discussion also included the area designated the Downtown District. Pros and cons of changing the limits or leaving them as they are now. The Downtown District was created to increase density, we don't want to inhibit that.

The county is looking at allowing the growing of Hemp, not cannabis. This may allow us to add this use and still be a non-marijuana county.

Clay Mitchell, Virginia City Resident: Concerned with the potential of raising or lowering the value of properties if the Downtown District boundaries are changed. Encourages any changes to be the least restrictive as possible.

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

Motion: Next planning commission meeting to be held on September 19, 2019 at 6:00 P.M. at the Storey County Courthouse, Virginia City, Nevada, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Pellett, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment

- 16. Discussion/Possible Action:** Approval of claims – None
- 17. Correspondence (No Action)** – None
- 18. Public Comment (No Action)** – None
- 19. Staff (No Action)** – None
- 20. Board Comments (No Action)** – Chairman Hindle welcomed Adrienne Baugh to the planning commission representing the Mark Twain District.
- 21. Adjournment (No Action)** - The meeting was adjourned at 8:10 pm.

Respectfully Submitted, By Lyndi Renaud