



STOREY COUNTY PLANNING COMMISSION

Meeting

Thursday October 1, 2020 6:00 p.m.
26 South B Street, District Courtroom, Via Zoom
Virginia City, Nevada

MEETING MINUTES

CHAIRMAN: Jim Hindle

VICE-CHAIRMAN: Summer Pellett

COMMISSIONERS:

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

1. **Call to Order:** The meeting was called to order by the Chairman at 6:01 P.M.
2. **Roll Call via Zoom:** Jim Hindle, Adrienne Baugh, Larry Prater, Summer Pellett, Jim Collins, Bryan Staples
Absent: Kris Thompson

Also Present: Senior Planner Kathy Canfield, County Manager Austin Osborne, and County Commissioner Jay Carmona.

3. **Pledge of Allegiance:** The Chairman led the Pledge of Allegiance.
4. **Discussion/Possible Action:** Approval of Agenda for October 1, 2020.

Motion: Approval of Amended Agenda for October 1, 2020, **Action:** Approve, **Moved by** Commissioner Baugh, **Seconded by** Commissioner Staples, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment.

5. **Discussion/For Possible Action:** Approval of Minutes for August 6, 2020.

Motion: Approval of Minutes for August 6, 2020, **Action:** Approve, **Moved by** Commissioner Collins, **Seconded by** Commissioner Baugh, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment

6. **Discussion/For Possible Action:** Approval of Minutes for August 20, 2020.

Motion: Approval of Minutes for August 20, 2020, **Action:** Approve, **Moved by** Commissioner Staples, **Seconded by** Commissioner Collins, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment

7. **Discussion/For Possible Action:** 2020-032 Special Use Permit request by applicant Mark Moglich and Corey Dalton of Raptors Live LLC. The applicant requests to operate a retail establishment and exhibit within an existing building that includes live birds of prey at 80 South C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-083-02. The birds will not reside at the site but will be transported daily by the applicant. No outside display is proposed.

Senior Planner Canfield: This is a special use permit request for a new retail experience that includes live birds of prey within an existing building at 80 South C Street and is immediately adjacent to the Visitor's Center. The retail use is allowed but the special use permit is needed for the live animals. The animals will be inside and tethered. The birds will not live there but will travel back and forth to the site with the applicant. The applicant has received all their licensing from the State. At this point the permit doesn't address any outside activities. If the applicant wanted to have an outdoor demonstration that could occur in the future, and have recommended in the staff report that those activities be done through a special events permit issued by the VCTC. Canfield said she spoke with Deny Dotson and he feels that is a good way deal with those because the locations might change around town depending on what's happening. Staff did not receive any comments from the public after notices were sent out. Staff is recommending approval. The applicant Corey Dalton is in the meeting to take questions if needed.

Corey Dalton, applicant: Stated that they submitted everything that was needed with the application including the building, safety and fire inspection for the location. Said that from someone that has never gone through a process for a special use permit for a business, Lyndi and Kathy were great through the whole process and were very helpful and answered all questions in order to get this right the first time. Said they look forward to being a part of the community up here (VC).

Commissioner Staples: Asked what types of birds of prey are going to be displayed.

Chairman Hindle asked if all the birds were hatched and raised domestically in the U.S. and if any are on the endangered species list.

Corey Dalton, applicant: Answered that all of the birds of prey are non-indigenous, non-migratory bird treaty act birds. There are four birds that are exotic, one is a Barbary Falcon, one is a Ornate Hawk Eagle, and two Eurasian Eagle Owls. All of the birds were raised in captivity. Three were born here and raised in Gardnerville and one was born and raised in New York. None of the birds are on the endangered species list. Dalton said that they have an exotic animal permit from the Nevada Department of Wildlife because the U.S. Fish and Wildlife Service doesn't have jurisdiction over exotic birds of prey.

Chairman Hindle asked if the applicant about the possibility that additional birds of prey could be added or do they just plan on having the ones (birds) that are included in the special use permit packet.

Corey Dalton, applicant: Within the State of Nevada, we have to notify the State if we take a bird off or add a bird to the permit. Logistically there would never be more than three or four birds. Said they may swap one out for a day if needed, but all the animals are "banded" and are listed on the permit (State). Not sure if the county wanted to just keep the "Exotic Permit" on file or be notified of the bird changes.

Keith Loomis, Deputy D.A. and Senior Planner Canfield: Confirmed that the special use permit does not specify the number of birds and just addresses whether the birds can be there or not. Permit condition states that they maintain the licensing with the State.

Commissioner Prater: Said that he thinks it would be appropriate to have the county added as an "additional insured" on the applicant's general liability insurance since he will be operating in VC.

Corey Dalton, applicant: Said that they have a \$1,000,000 umbrella liability insurance policy that was just underwritten last week. The policy specifically lists the Red Garter but also covers any venue. Dalton said that they can add the county as "additional insured" if desired in the SUP conditions.

Deputy D.A. Loomis: Said that having the county listed as “additional insured” on the certificate is a good thing.

Motion: In accordance with the recommendation by staff and including adding the county as “additional insured” on the General Liability Certificate (an amendment to condition G.), the Findings under section 3.A of the Staff Report, and in compliance with all Conditions of Approval, I Bryan Staples hereby recommend approval to operate a retail establishment and exhibit within an existing building that includes live birds of prey at 80 South C Street, Virginia City, Storey County, Nevada, Assessor’s Parcel Number (APN) 001-083-02. The birds will not reside at the site but will be transported daily by the applicant. No outside display is proposed. **Action:** Approve, **Moved by** Commissioner Staples, **Seconded by** Commissioner Baugh,

Senior Planner Canfield read the findings into the record:

- (1) This approval is to operate a retail establishment and exhibit within an existing building that includes live birds of prey at 80 South C Street, Virginia City, Storey County, Nevada, Assessor’s Parcel Number (APN) 001-083-02. The birds will not reside at the site, but will be transported daily by the applicant. No outside display is proposed.
- (2) The proposed project complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to 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 proposed project 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 conforms to the 2016 Storey County Master Plan for the Downtown District portion of Virginia City within the Comstock Area Plan in which the subject property is located. A discussion supporting this finding is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit.
- (7) The conditions under the Special Use Permit do not conflict with the minimum requirements in Storey County Code Sections 17.03.150 - Special Use Permit, 17.12 – General Provisions, and Section 17.30 - CR Commercial Residential.

No Public Comment

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

8. Discussion/For Possible Action: 2020-030 Public Access Easement Abandonment by applicant Storey County Public Works Department. The applicant requests to abandon the public access easement associated with a portion of undeveloped A Street right-of-way, located approximately 155-feet north of Ophir Grade right-of-way and approximately 190-feet south of Ridge Street right-of-way. The land associated with the access easement will remain Storey County property; however, the abandonment of the easement will allow for construction of a County-owned building to occur. The area associated with the public access easement abandonment will be consolidated with the Storey County owned parcel. The access easement abandonment is located adjacent to 800 South C Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-042-13.

Senior Planner Canfield: This is an abandonment of a public access easement for a portion of the undeveloped A Street ROW. The section to be abandoned is adjacent to the property owned by Storey County at 800 South C Street. This is the Divide building where the Justice Court will be located. The land that is associated with the easement abandonment will then be consolidated with the land owned by Storey County and will remain public property. The topography of this area makes construction of an access roadway very unlikely and this area is not used as an access for any of the surrounding properties. The abandonment is proposed to allow for construction of a small building addition that would encroach into the A Street access easement area if this wasn't abandoned. Noticing was completed which followed NRS requirements. Staff received one phone call from an adjacent property owner with a question about his address and if his address would have to change. Canfield said there are no changes proposed or required for existing addresses or any existing access. Staff also contacted the utility companies and per their records, they do not have any utility lines in this location. Staff is recommending approval of the request. Mike Northan from Public Works is here if anyone has any questions.

No Public Comment

Motion: In accordance with the recommendation by staff, the Findings under section 3.A of the Staff Report, and in compliance with all Conditions of Approval, I Bryan Staples, hereby recommend approval of an abandonment to the public access easement associated with a portion of undeveloped A Street right-of-way, located approximately 155-feet north of Ophir Grade right-of-way and approximately 190-feet south of Ridge Street right-of-way. The land associated with the access easement will remain Storey County property, however, the abandonment of the easement will allow for construction of a County-owned building to occur. The area associated with the public access easement abandonment will be consolidated with the Storey County owned parcel. The right-of-way abandonment is located adjacent to 800 South C Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-042-13. **Action:** Approve, **Moved by** Commissioner Staples, **Seconded by** Commissioner Collins,

Senior Planner Canfield read the findings into the record:

- (1) This approval is to abandon the public access easement associated with a portion of undeveloped A Street right-of-way, located approximately 155-feet north of Ophir Grade right-of-way and approximately 190-feet south of Ridge Street right-of-way. The land associated with the access easement will remain Storey County property, however, the abandonment of the easement will allow for construction of a County-owned building to occur. The area associated with the public access easement abandonment will be consolidated with the Storey County owned parcel. The right-of-way abandonment is located adjacent to 800 South C Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-042-13.
- (2) The Abandonment complies with NRS 278.480 relating to Abandonment of a street or easement.
- (3) The Abandonment complies with all Federal, State, and County regulations pertaining to vacation or abandonment of streets or easements, including NRS 278.240.

- (4) The Abandonment will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity.
- (5) The Abandonment will not cause the public to be materially injured by the proposed abandonment.
- (6) The conditions of approval for the requested Abandonment do not conflict with the minimum requirements in Storey County Code Chapters 17.12.090, General Provision – Access and Right-of-Ways, or any other Federal, State, or County regulations.

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

No Public Comment

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

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

No Public Comment

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

11. Correspondence (No Action) – Letter of correspondence received by the planning commissioners and staff from Sam Toll requesting an item be removed from the agenda. The item was removed and an amended agenda was posted.

12. Public Comment (No Action) – None

13. Staff (No Action) – Senior Planner Canfield updated the planning commission that a meeting was held with staff and Commissioner Pellett regarding potentially revising the minimum home size. Canfield said we anticipate having a discussion regarding some of the conclusions and proposals that came out of the meeting. Staff will have draft proposals and recommendation based on the discussion. This will be discussion only for the next meeting then potentially action for the next scheduled meeting. A publication in the newspaper will be included in the noticing prior to action.

County Manager Osborne: Said a Town Hall meeting was held in Mark Twain last Thursday. It was well attended. The drive by outdoor venue are allowing for higher attendance. There were two big things that were brought to the county’s attention; some dry wells, some that we didn’t know about and flooding and what the county is doing about it. Said he looked into the dry well situation immediately and we already have a team (legal, water and regional) together to discuss potential options to address this. Regarding flood mitigation in Mark Twain, all the planning has been done (Dayton Valley Area Drainage Master Plan). Jason W. from Public Works has installed culverts along Martin Street. Looking at getting some outside assistance to help with the culvert project. Osborne said we (county) are also looking at working with the Carson Water Subconservancy District (CWSD). They have some FEMA grant funding available that is slated for 2021-22 fiscal year. We are discussing how to apply for that. Also discussing becoming a member of the CWSD which would give us more availability to assistance from that district for this purpose.

14. Board Comments (No Action) – None

15. Adjournment (No Action) - The meeting was adjourned at 6:44 p.m.

Respectfully Submitted, By Lyndi Renaud