



Joint Session of the Storey County Planning Commission & Storey County Board of County Commissioners

Meeting Agenda

Thursday, February 16, 2017 6:00 p.m.
Virginia City Conference Center
(Former Bank of America Building)
10 South E Street, Corner of E Street and Union
Virginia City, Nevada

Planning Commissioners

Larry Prater – Chairman
Jim Hindle – Vice Chairman
Virgil Bucchianeri – Planning Commissioner
Pamela Smith – Planning Commissioner
John Herrington – Planning Commissioner
Kris Thompson – Planning Commissioner
Laura Kekule – Planning Commissioner

County Commissioners

Marshall McBride – Chairman
Jack McGuffey – Vice-Chairman
Lance Gilman – County Commissioner

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **Call to Order at 6:00 p.m.**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Discussion/Possible Action:** Approval of Agenda for February 16, 2017.
5. **Discussion/Possible Action:** Approval of Planning Commission Minutes for December 1, 2016 (planning commission action only)
6. **Strategic Plan Workshop/Discussion Only/No Possible Action:** Discussion and comments from the planning commissioners, county commissioners, county staff, and the public regarding development of a Storey County strategic plan. A strategic plan is a systematic process of envisioning a desired future, and translating the vision into broadly defined goals and objectives, and a sequence of steps to achieve them in the county organization. Strategic plan elements may include, but are not limited to: vision and mission statement; core values; county's strengths, weaknesses, opportunities, and threats; short- and long-term goals, objectives, and action plans as pertaining to the county's internal operations and quality of service to its citizens and taxpayers. Public participation is encouraged.
7. **Discussion/Possible Action:** Determination of next Planning Commission meeting (planning commission action only).

8. **Discussion/Possible Action:** Approval of Claims (planning commission action only).
9. **Correspondence** (no action).
10. **Public Comment** (no action).
11. **Staff** (no action).
12. **Board Comments** (no action).
13. **Adjournment.**

Notes:

Note: Additional information pertaining to any item on this agenda may be requested from the Planning Department (775-847-1144).

- Note: There may be a quorum of Storey County Commissioners in attendance, but no action or discussion will be taken by the Commissioners.
- Note: Public comment will be allowed after each item on the agenda (this comment should be limited to the item on the agenda). Public comment will also be allowed at the end of each meeting (this comment should be limited to matters not on the agenda).
- Note: Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Certification of Posting

I, Lyndi Renaud, on behalf of the Storey County Planning Commission, do hereby certify that I posted, or caused to be posted, a copy of this Agenda at the following locations on or before February 7, 2017: Virginia City Post Office; Storey County Courthouse; Virginia City Fire Station 71; Virginia City RV Park; Mark Twain Community Center; Rainbow Bend Clubhouse; Lockwood Community Center; Lockwood Fire Station; Virginia City Highlands Fire Station; and the Virginia City Highlands mailbox buildings.

By Lyndi Renaud, Secretary



STOREY COUNTY PLANNING COMMISSION MEETING

Thursday, December 1, 2016 6:00 p.m.
Storey County Courthouse, District Courtroom
26 South "B" Street, Virginia City, Nevada

MEETING MINUTES

CHAIRMAN: Larry Prater

VICE-CHAIRMAN: Jim Hindle

COMMISSIONERS:

Virgil Bucchianeri, John Herrington, Pamela Smith, Kris Thompson, Laura Kekule

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- 1. Call to Order:** The meeting was called to order by the Chair at 6:00 P.M.
 - 2. Roll Call:** Virgil Bucchianeri, John Herrington, Pamela Smith, Kris Thompson, Larry Prater, Laura Kekule.
Absent: Jim Hindle.
Also Present: Planning Director Austin Osborne, Deputy D.A. Keith Loomis, County Commissioner Lance Gilman, County Commissioner Marshall McBride, 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 December 1, 2016.
Motion: Approve Agenda for December 1, 2016 **Action:** Approve, **Moved by** Commissioner Kekule, **Seconded by** Commissioner Smith, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).
 - 5. Discussion/Possible Action:** Approval of Minutes for September 1, 2016.
Motion: Approve Minutes for September 1, 2016 **Action:** Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Smith, **Vote:** Motion carried by vote (**summary:** Yes=5, Abstain = 1, Laura Kekule).
No public comment.
 - 6. Discussion/Possible Action:** Approval of Minutes for October 6, 2016.
Motion: Approve Minutes with correction; add Laura Kekule to Planning Commissioner list in Minutes header, for October 6, 2016 **Action:** Approve, **Moved by** Commissioner Kekule, **Seconded by** Commissioner Smith, **Vote:** Motion carried by vote (**summary:** Yes=6)

7. **Discussion/Possible Action:** Special Use Permit 2016-027 by Kevin and Christie Singleton. The applicant requests a special use permit allowing the construction and maintenance of an accessory dwelling (mother-in-law quarters), and primary occupancy of the accessory dwelling during construction of the principal dwelling (primary residence), at property located at 160 Vermillion Road, Highland Ranches, Storey County, Nevada (APN 003-442-15).

Planning Director Osborne: Presented the staff report:

- The subject property is located in the H-R-10 zone (this zoning designation exists only in the Highland Ranches 10 acre parcels).
- The parcel is approximately 10 acres and is currently vacant.
- The applicant proposes to construct several buildings on the property: a principal dwelling, an accessory dwelling, and several non-dwelling accessory buildings (only the accessory dwelling requires a special use permit, and is subject to this request).
- The accessory dwelling is proposed to be approximately 1,450 square-feet; Storey County Code 17.12.046 limits accessory dwellings to a maximum of 1,000 square-feet (the accessory dwelling will be non-compliant with the code until the principal dwelling is completed).
- The proposed use appears to have minimal or no adverse visual impact on the area, including for the nearest neighboring residence.
- The proposal appears to conform to the county code, including the zoning ordinance, and the 2016 Storey County Master Plan, as well as the character of the surrounding single-family estate residential environment.
- Approval from the Highland Ranches Property Owners Association (HRPOA) is required before a permit may be issued.
- A deed restriction shall be filed in the office of the Storey County Recorder's office stating that the accessory dwelling unit is a temporary use for occupancy by immediate family members.

Commissioner Herrington: Asked if water usage is limited to two acre-feet.

Planning Director Osborne: Confirmed it is and further explained that water shouldn't be an issue with the proposed uses. The applicants are required by law to submit a permit to the Nevada State Engineer's office and their well can be metered.

Chairman Prater: Asked if the special use permit was required only because the accessory dwelling is larger than 1,000 square feet.

Planning Director Osborne: Explained that the accessory dwelling itself requires a special use permit and the applicants want to go beyond the 1,000 square foot limit.

Commissioner Herrington: Asked if staff is recommending approval for the 1,450 square feet.

Planning Director Osborne: Staff is recommending the limit of 1,000 square feet.

Commissioner Thompson: Asked if the law allows for mother-in-law quarters.

Planning Director Osborne: With a special use permit, yes.

Chairman Prater: Clarified that not only are they requesting a special use permit for the accessory dwelling but also to go beyond the 1,000 square foot limit.

Deputy District Attorney Loomis: Asked if the applicants would have to apply for a variance if it goes over 1,000 square feet.

Planning Director Osborne: Yes.

Chairman Prater read a letter of correspondence given to him from Paul Johnson during the meeting.

November 30, 2016

To:

Storey County Planning Commission
P.O. Box 176
Virginia City, NV 89440

RE: Case No 2016-027
Kevin & Christie Singleton 160 Vermillion

Dear Planning Commission:

We are responding to the post card we received asking for public comment regarding a Special Use Permit. We object to a permit allowing a larger accessory dwelling than allowed under the current Master Plan.

While we generally object to people being told what they can and cannot build on their property, we feel the limitations under the current Master Plan for the Highlands are more than generous in allowing accessory dwelling/out buildings.

We purchased our 10 acre parcel 20+ years ago when there were only 2 developed 10 acre lots on the west side of SR341. We knew this would change and we welcome new neighbors desiring to build their dream house. Knowing the 10 acer parcels were zoned as single-family units was an important factor in our decision to build in the Highland Ranches. The current zoning protects the rural character of the landscape.

We think this open feel is also beneficial to the character of Storey County. Tourists traveling from Reno to Virginia City, pass through mostly open space with some scattered houses mixed in.

Sincerely,

Paul & Debbie Johnson
270 Vermillion Rd
Reno, NV 89521

Commissioner Smith: Asked what the next step would be for the applicants if the board approved the option that only allows the accessory dwelling to be 1,000 square feet.

Planning Director Osborne: Explained that the applicants would have to come back and apply for a variance.

Commissioner Thompson: Pointed out that two of the letters received that were against approving the special use permit were concerned about water. Asked if the planning commission has jurisdiction to consider water usage.

Planning Director Osborne: Explained that the planning commission has jurisdiction to give land use special permits and variances that are considered on a case-by-case basis. This proposal would not draw more than 2 acre feet, but if it does then State Engineer's office can meter their well.

Commissioner Kekule: Asked for the depth of the well.

Kevin Singleton, Applicant: Introduced himself and his family and explained the reasons behind applying for the special use permit:

- Their parents are getting older and they would like have generational housing on their property.
- Instead of building one big house with 6 bedrooms, they would like to build two smaller buildings; the primary house would be 2,400 square feet and the barn/apartment would be 1,450 square feet.
- Water usage will be monitored by a meter.
- Their well was just drilled and they reached water at 110 feet.

Commissioner Kekule: Asked if the apartment is going to be built on top of the barn.

Kevin Singleton, Applicant: Explained they would be building a post and beam barn (supporting framework is exposed). It will be a six-stall covered barn with the apartment at the end measuring 36 x 36 with a little kick out to get the extra bedroom in.

Commissioner Kekule: Asked if the Highland Ranches Property Owners Association (HRPOA) could turn them down and if granting this permit would set precedence in the county.

Planning Director Osborne: Explained that if the HRPOA did not approve it, they would not be issued a permit. As far as setting precedence, all mother-in-law quarters that have been approved up until now have been 1,000 square feet or less, with the exception of a few illegal buildings that have come to their attention. The Master Plan supports creating an "old school" living environment where parents can live at home with their adult children to reduce the stress on senior services. The size of the dwelling is the issue, not the use.

Commissioner Smith: Stated that the size of accessory dwellings is very important.

Chairman Prater: Questioned the number of bedrooms and bathrooms in the accessory dwelling.

Kevin Singleton, Applicant: Explained that there could be three parents living there.

Commissioner Kekule: Asked if the inside of the house would be ADA (Americans with Disabilities Act) compliant.

Kevin Singleton, Applicant: Answered that widening the hallways and doorways would compromise the living space.

Commissioner Kekule: Felt that approving their special use permit would set precedence in the county; everyone would want their accessory dwellings larger than 1,000 square feet.

Kevin Singleton, Applicant: Explained that by having a larger accessory dwelling, they are able to keep the primary house small. Otherwise they could just build one 5,000 square foot house.

Commissioner Kekule: Agreed that it wouldn't be an issue if he built one large primary residence, but it is an issue to have a mother-in-law quarters that is over 1,000 square feet.

Paul Johnson, Virginia City Highlands Resident: The postcard that we received did not mention the square footage.

Dennis Gebhardt, Virginia City Highlands Resident: Against the accessory dwelling being larger than 1,000 square feet.

Commissioner Kekule: Asked if it would impede his view.

Dennis Gebhardt, Virginia City Highlands Resident: He would just like the planning commission to stick with the Master Plan.

Chairman Prater: Explained that sometimes the commission makes exceptions, which is what they are trying to work through.

Paul Johnson, Virginia City Highlands Resident: Asked if the applicant plans to put in two wells.

Kevin Singleton, Applicant: Only one.

Planning Director Osborne: Staff recommendation is to approve the mother-in-law quarters per code, which is option A. Stressed that filing an affidavit with the recorder's office stating that the accessory dwelling is a temporary use for immediate family members would be required.

Chairman Prater: Expressed that he is sympathetic to the applicants concerns, but is having some difficulty understanding the need for three bedrooms and two and a half baths.

Commissioner Herrington: Pointed out that the applicants could apply for a variance upon permit approval.

Chairman Prater: Added that the applicants could appeal to the County Commissioners.

Motion: In accordance with the recommendation by staff, the findings of fact under Section 3.1 of this report, and other findings deemed appropriate by the planning commission, and in compliance with the conditions of approval, I, Pamela Smith, recommend approval with conditions Special Use Permit No. 2016-027 allowing the construction and maintenance of an accessory dwelling (mother-in-law quarters), primary occupancy of the accessory dwelling during construction of the principal dwelling (primary residence) at property located at 160 Vermillion Road, Highland Ranches, Storey County, Nevada (APN 003-442-15). *Summary: Approve accessory dwelling between 500-1,000 square-feet as allowed by county code.*

Planning Director Osborne read the **findings of fact:**

1. The special use permit complies with all federal, state, and county regulations.
2. The special use permit will not impose substantial adverse impacts or safety hazards on the adjacent properties or the surrounding area.
3. The conditions of the special use permit adequately address potential fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings.
4. The conditions under the special use permit do not conflict with the minimum requirements in Storey County Code 17.40 Estate zone and 17.03.150 Special Use Permits, or any other federal, state, or county regulations, including building and fire codes.
5. The 2016 Storey County Master Plan designates the Highland Ranches as a rural residential community with parcels no less than 10 acres. Master plan Section 3.5.3 Goal 1 (p. 120) for land uses in the Highlands states that land use decisions, including the implementation of zoning and regulations in and around the Highlands area, must preserve the rural residential character of and conform to historic use patterns in the area. The accessory use for direct relatives of the subject property owner(s) will not permanently increase the allowed density of or create a condition that is substantially different than that of the surrounding area. Additionally, the master plan encourages multi-generational housing options for county residents and their ageing family members in order to improve the quality of life for senior citizens in the county and to reduce strain on local and regional senior citizen services.

Action: Approve, **Moved by** Commissioner Smith, **Seconded by** Commissioner Herrington, **Vote:** Motion carried by vote (**summary:** Yes=6).

8. **Discussion/Possible Action:** Special Use Permit 2016-031 by Tahoe-Reno Industrial Center, LLC. The applicant requests a special use permit allowing the required 75 feet building and structure height limitation to be increased to 250 feet and to exceed six stories, and for an extension of the allowed timeframe of the special use permit on property located at the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada (APNs 005-011-13, 14, 28, 29, and 39, approximately at T19N, R23E MDM).

Commission Thompson: Recused himself from voting on this agenda item.

Planning Director Osborne: Presented the staff report:

- The subject property is located in the 1-2 Heavy Industrial Zone within the annexed portions of the Tahoe-Reno Industrial Center; pursuant to the development agreement between Storey County and the Tahoe-Reno Industrial Center, LLC the property is subject to the provisions of the 1999 zoning ordinance, including those provisions for the heavy-industrial zone.
- The applicant proposes to locate future manufacturing and technology-related companies with the need to construct multiple large, tall buildings, possibly in a campus-like setting.
- A special use permit is requested because these uses may incorporate one or more buildings which exceed about 75 foot and six story height limitations in Storey County Code 17.37.080 for the heavy industrial zone.
- The abutting parcels are vacant and the general vicinity is remote and undeveloped.
- There are no uses, zoning allowances, or master plan provisions in the area with which the use may become in conflict; the future potential for the surrounding land includes additional heavy industrial uses similar to those in other areas of the industrial center and the subject proposal.

Commissioner Herrington: Asked if the special use permit covers what type of building it is.

Planning Director Osborne: The permit would cover the height increase as long as the building has the listed uses that are allowable in the industrial center.

Chairman Prater: Normally special use permits are for a specific purpose. In this case, the planning commission is being asked to allow something that might happen. This seems like a change of code. Questioned if this is really the proper avenue.

Planning Director Osborne: The code specifically lists this request as requiring a special use permit and it is a listed use that is allowable.

Commissioner Prater: Pointed out that it is a proprietary issue for the applicant.

Planning Director Osborne: Agreed.

Chairman Prater: Questioned if this is the correct process for something like this.

Planning Director Osborne: Explained that it is because of Storey County code and the 1999 ordinance.

Chairman Prater: Asked Deputy District Attorney Loomis if he concurred. The planning commission wouldn't be setting precedence?

Deputy District Attorney Loomis: Concurred with Planning Director Osborne. He further explained that this is subject to the 1999 zoning ordinance, which applies only to the Tahoe-Reno Industrial Center.

Planning Director Osborne: Clarified that it isn't about a special use inside of the building. The permit is only for the height of the building and the duration.

Chairman Prater: Stated he understands that big projects can take longer, but as long as progress is made, shouldn't extensions go through the building department?

Planning Director Osborne: The 1999 ordinance requires that this board provide a pre-requested extension.

Bob Sader, Applicant: Introduced himself as a member of the development team for the Tahoe-Reno Industrial Center (TRIC). He is the one that drafted the application and stated he agrees to the conditions of the special use permit and supports the recommendation of approval of both the height limitation and the additional time to build. This area is now opening up for development. TRIC is encountering a growing number of prospective purchasers who wish to build very large and tall buildings. This area is perfect for this kind of use and the development team feels the need to get pre-approval and be proactive so these prospects don't go somewhere else.

Commissioner Kekule: Asked if anyone has purchased the property yet.

Bob Sader, Applicant: Explained that because of non-disclosure agreements he can only say that there is not anyone currently in escrow but there have been many inquiries.

Motion: In accordance with the recommendation by staff, the findings of fact under Section 3.1 of this report, and other findings deemed appropriate by the planning commission, and in compliance with the conditions of approval, I, Pamela Smith, recommend approval of Special Use Permit No. 2016-031 allowing the required 75 feet building and structure height limitation to be increased to 250 feet and to exceed six stories, and for an extension of the allowed timeframe of the special use permit on property located at the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada (APNs 005-011-13, 14, 28, 29, and 39, approximately at T19N, R23E MDM).

Planning Director Osborne read the findings of fact:

1. The special use permit applies only to allowing increased height of the buildings and structures on the subject property and an extension of the time limit of the permit, and it is recognized that the use type on the subject land is a use allowed without a special use permit.
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 2.4 of this staff report and the contents thereof are cited in an approval of this special use permit.

3. Because of the special circumstances applicable to the subject property, the strict application of the zoning ordinance would deprive privileges enjoyed by other properties in the vicinity or under identical zone classification. Granting of the special use permit is necessary for the preservation and enjoyment of substantial property rights of the applicant. A discussion supporting this finding for the special use permit is provided in section 2.3 of this staff report and the contents thereof are cited in an approval of this special use permit.
4. The special use permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state, and county regulations.
5. The conditions of the special use permit adequately address potential fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings.
6. The conditions under the special use permit do not conflict with the minimum requirements in 1999 Storey County Code Sections 17.62 Special Uses and 17.37 I2 Heavy Industrial Zone, or the development agreement between Storey County and the Tahoe-Reno Industrial Center, LLC.
7. Granting of the special use permit 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 neighborhood or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

Action: Approve, **Moved by** Commissioner Smith, **Seconded by** Commissioner Kekule, **Vote:** Motion carried by vote (**summary:** Yes=5, Abstain= Kris Thompson).

9. **Discussion/Possible Action:** Variance 2016-029 by Community Chest, Inc. The applicant requests a variance allowing the required 10 foot side corner-lot setback distance between a principal building and the property line to be reduced up to zero feet for the placement of a principal building expansion located at 106 East Carson Street, Virginia City, Storey County, Nevada (APN 001.156.02).

Planning Director Osborne: Presented the staff report:

- The subject property is located in the P Public zone - this zoning designation exists on properties that are owned by Storey County and other governmental entities, and some non-profit organizations.
- The subject property is owned by Storey County and leased to the Community Chest, Inc., a local non-profit community services organization. The existing community center proposed for expansion is co-located on the same parcel with and situated adjacent to Miner's Park, Storey County swimming pool, and Storey County baseball field.
- The subject property is approximately 4 acres, of which approximately 15,000 square-feet are occupied by the existing community center and parking lot owned and operated by the applicant Community Chest, Inc.
- The applicant proposes to construct an addition to the existing community center building over an existing unpaved parking lot located to its immediate east. The structure addition as proposed will encroach approximately ten feet into the required building setback area, causing the distance between the building addition and the east property line to be zero to one foot.
- The proposed use appears to cause minimal to no adverse impacts on the surrounding uses, including for vehicles and pedestrians on Carson Street and "H" Street, nor does it appear to obstruct the view shed of any residential use in the immediate area.
- Despite the proposed structure having zero to one foot setback to the east property line, 30 feet of grade separation between the building and "H" Street appears to ensure that the developed roadway will never abut or otherwise conflict with the proposed building.
- There are no conflicts between the proposal and Storey County Code Title 17 Zoning or the county master plan and is also consistent with the surrounding public services, residential, and commercial uses.
- Unless a variance is granted, the proposed building must maintain at least 10 feet of distance to the east boundary.

Commissioner Herrington: Asked about access to the baseball field from the parking lot across from the pool.

Shaun Griffin, Applicant: Explained that it was always the intent to develop the dirt lot, it wasn't meant to be a parking lot. There will be access to the field from an adjoining lot by foot. Currently there is a ten foot path between the existing building and the basketball court to the baseball field. There will be a walkway going right between the existing building and the new building. 24/7 access will be available on the west side of the building.

Commissioner Thompson: Asked what the purpose of the building is for and who would it serve.

Shaun Griffin, Applicant: Explained the building would house a library, an art and recreation space, a technology center and a kitchen. It would serve residents of Storey and Lyon counties.

Chairman Prater: Clarified that the vacant lot north of the swimming pool would be used for parking.

Shaun Griffin, Applicant: Confirmed that the vacant lot would be used for parking for the swimming pool, community center and park. It improves parking for the entire area.

Chairman Prater: Asked if there are plans for the area between the ballpark and the new addition.

Shaun Griffin, Applicant: It will remain a walkway both during and after construction.

Motion: In accordance with the recommendation by staff, the findings of fact under Section 3.1 of this report, and other findings deemed appropriate by the planning commission, and in compliance with the conditions of approval, I, Kris Thompson, recommend approval with conditions Variance No. 2016-029 allowing the required 10 foot corner-lot side setback distance between a principal building and the property line to be reduced up to zero feet for the placement of a principal building expansion located at 106 East Carson Street, Virginia City, Storey County, Nevada (APN 001.156.02)

Planning Director Osborne read the **findings of fact:**

1. The variance conforms to the 2016 Storey County Master Plan for the Comstock area and for the V&T Midtown specific planning area in which it is located. The use does not conflict with the abutting Silver Star Neighborhood specific planning area. The subject master plan goals and objectives are described in Section 2.4 of this staff report.
2. The variance will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state, and county regulations.
3. The conditions of the variance adequately address potential fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings.
4. The conditions under this variance do not conflict with the minimum requirements in Storey County Code Sections 17.03 Administrative Provisions, 17.12 General Provisions; and 17.15 P Public Zone.
5. Because of the 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.
6. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.
7. 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 neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood of the subject property.

Action: Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Smith, **Vote:** Motion carried by vote (**summary:** Yes=6).

10. **Discussion/Possible Action:** Special Use Permit 2016-030 by Sally Summers. The applicant requests a special use permit allowing: (a) single-family dwelling combined with a non-dwelling use (combined residence-barn) that will separately house humans, animals, and agricultural equipment; (b) the maintenance of up to 80 large domestic animals and various accessory structures for sheltering, feeding, watering, protecting, and servicing the animal; and (c) a temporary (up to one year) occupancy watchperson's travel trailer on property located at 199 Scales Road, American Flat, Storey County, Nevada (APNs 004.331.40; 004.331.08; and 004.331.22).

Planning Director Osborne: Presented the staff report:

- The subject property is located in the F Forestry zone; the properties are vacant except for minor accessory improvements that have occurred in the past month before the applicant was aware of the special use permit requirements.
- The applicant proposes to construct a single-family residential dwelling on the subject property and be combined with a non-dwelling use (barn) that will house animals and agriculture equipment. The applicant also

proposes to maintain up to 80 horses or other large domestic animals on the property and construct various accessory structures for sheltering, protecting, and servicing the animals.

- The proposed use is non-commercial and will not facilitate commercial business or public visitors, except volunteer and other workers caring for the animals and providing maintenance and security (a travel trailer providing for a site security person is proposed to be located at the site for up to one year).
- When managed properly and in accordance with the recommended conditions of the special use permit, the proposed use appears to impose minimal impacts on the surrounding uses.
- The subject property will be developed with accessory buildings and structures providing shelter, food and water, and security for the proposed animals. These structures will be in addition to the proposed principal residence and barn. The accessory structures will be required to conform to setback distances and other limitations in Storey County Code 17.32.041.
- An emergency plan needs to be submitted to the fire district for review and approval prior to obtaining rights to this special use permit. The permit holder must develop sufficient access, circulation and staging areas for emergency vehicles and equipment.
- If mass grading were to occur, airborne dust during wind events would likely be difficult to manage. The special use permit should not allow mass grading. The holder of the special use permit should be responsible for wetting all disturbed areas during wind events and for otherwise maintaining erosion and dust control.
- The entire premises and areas around the premises must be kept clean at all times. The permit holder is responsible for picking up all manure from animal enclosures each day and removing all collected manure from the property within each 14 day period.
- The permit holder should be required to submit a plan which addresses the management of imported hay so that noxious weed proliferation in the area is prevented.

Sally Summers, Applicant: Introduced herself and explained the request:

- The area is over 200 acres and is high ground, which is better for the animals during the winter.
- She has gotten approval from the Comstock Historic District for the signage.
- Barbless wire fencing runs the perimeter to keep the stallions away from their horses and hay.
- Power now runs to the property.
- The travel trailer is on the property to protect their equipment and the gates help slow traffic down.
- The intention is to develop the area for nuisance horses or horses facing slaughter.

Commissioner Herrington: Asked if there are currently “no trespassing” signs on the gates and if they have neighbors that have to open the gate.

Sally Summers, Applicant: Explained that the signs are on the land, not the gates. There are no neighbors.

Commissioner Kekule: Asked who “we” is – an organization, a non-profit or a ranch?

Sally Summers, Applicant: A non-profit called Horse Power.

Commissioner Bucchianeri: Asked if there are currently 80 large animals on the property and what kind?

Sally Summers, Applicant: Not at this point, that would only be if they expanded. There are horses, burros and mules.

Commissioner Thompson: Asked if the rescue animals are coming from Storey County.

Sally Summers, Applicant: Stated that their animals come from all over Nevada.

Commissioner Smith: Asked how long have they been there?

Sally Summers, Applicant: For a month or so.

Commissioner Thompson: Asked if there is a list of recommendations from staff.

Chairman Prater: Instructed the board that the conditions of approval start on page 13. Page 14, Item 11 is Public Access and staff is recommending that there be no restrictions on Scales Road. The applicant is asking that they be allowed to keep the gates.

Chairman Prater read a letter from Benson Feed regarding weed-free hay into the record.

To Whom it May Concern:

We have sold hay for 43 years here at Benson Feed in Carson City, Nevada. The availability of certified weed-free hay is almost nil. We sell the finest quality hay that has no weeds it is just not certified. The certification cost is prohibitive also. Any concerns please contact me.

Jim Benson

Chairman Prater: Confirmed with the applicant that she is seeking relief from the weed-free hay condition.

Planning Director Osborne: Explained that the county spends \$16,000 on weed abatement programs every year. Add in the money from the Carson Water Subconservancy District (CWSD) and the Dayton Valley Conservation District (DVCD) and it is a \$50,000 project that is done every year. It has taken six years to get the white top and hoary cress under control. It doesn't have to be certified weed-free, but some kind of measure is needed to help mitigate undoing everything that the county, CWSD and DVCD have done. A good plan would be to store the hay so that it is contained along with regular manure removal.

Chairman Prater: Asked Mr. Osborne how he felt about the gate issues on Scales Road.

Planning Director Osborne: People have used it as a road for 5 years. The naming of the road came from reviewing maps from 1873. The biggest concern is that the road is not blocked, barricaded or that no trespassing is implied. Deferred to Deputy DA Loomis about the gate.

Deputy DA Loomis: Asked applicant what statutes allowed her to put a gate up. Explained that any obstruction of a public road is a crime per statutes under Chapter 405.

Sally Summers, Applicant: Stated they are very few people on the road. Their biggest concern is harassment.

Commissioner Smith: Asked the applicant to clarify the harassment that would justify closing a public road.

Sally Summers, Applicant: Explained that someone is taking pictures and then posting them with unflattering remarks on Facebook and having the road open gives this group access. She pointed out that there is another road that goes around that can be used. She explained that she didn't know it was a public road when she first leased the property and would have probably done things differently had she known. The gate does two things: it slows people down and keeps the wild horses off the road.

Commissioner Thompson: Asked Deputy DA Loomis if it is a public road.

Deputy DA Loomis: There is an issue as to whether it is a public road as it exists today. Looking at the 1866 map, it is unclear if it the same road. If it is a public road, blocking it in any fashion is a criminal offense. We need to do more digging, which we are in the process of doing.

Sally Summers, Applicant: The other option is to put another row of t-posts on the other side of the road which would cost another \$1,000. That money would be better utilized in getting the water pipeline fixed.

Commissioner Bucchianeri: Recommended a cattle guard.

Sally Summers, Applicant: Has considered doing that but it is costly.

Scott Jolcover, Property Owner: Believes that the road in question is not a pre-1860 road, but a road that was put in by Julius Bonkowski to get to the well to put in the waterline to Moundhouse. Explained that he told the applicant that the road was private.

Chairman Prater: Asked if he had a recommendation to resolve the matter.

Scott Jolcover, Property Owner: At the least, allow the gate to be there unlocked, with the "no trespassing" signs at least 250 feet away. A sign at the gate could read "public access allowed - please close the gate" until it is certain the age of the road.

Deputy DA Loomis: Asked when the road would have been put in.

Scott Jolcover: Mid 1900's. Well over 50 years.

Commissioner Kekule: Asked the following questions of the applicant:

- How long is the lease?
- What county have you operated in before?
- Did you have to go before the commissioner board to get permits?
- How long have you been building on Scales Road?
- Once you signed the lease, Comstock Mining didn't recommend going to the planning department?

Sally Summers, Applicant:

- The lease is for 4 years.
- She was in Washoe before and did not have to go before the commissioner board.
- They are not building; they are putting up pre-fabricated shelters.
- Comstock Mining told her to check if she needed permits. She went to the building department to get a permit for the pole that would bring in electricity and told them about the horses – no one said she needed to do anything else.
- Once she found out she needed permits, she got the process started.

Chairman Prater: Suggested that Item 11 be subjected to legal review and for the board to consider the rest of the application as it stands; also asked Mr. Osborne if he could work on the wording of "weed-free hay" with the applicant.

Planning Director Osborne: Said he was fine with both suggestions.

Commissioner Herrington: Suggested putting public access signs on the gate until determination is made on whether or not the road is public.

Sally Summers, Applicant: Asked to discuss the conditions that called for ice-free water and 60 minutes of daily exercise. Explained that ice in water tanks is normal during the winter. The ice is broken first thing in the morning. But the group that is harassing them will start trouble if they see ice in the water.

Commissioner Thompson: Asked for clarification of "ice-free water".

Planning Director Osborne: Explained that other special use permits have been granted with the same condition. It's to make sure that the animals have reasonable access to water.

Commissioner Herrington: As a horse owner, he is familiar with ice developing in water in cold temperatures. It is not unusual to have to remove a big blocks of ice during the winter.

Sally Summers, Applicant: Stated that some of their horses are too old and feeble to exercise for an hour every day. And again, the people that are harassing them will cause trouble if they see that some of the horses aren't being exercised every day.

Commissioner Thompson: Asked for clarification of this condition.

Planning Director Osborne: Explained it is a similar requirement asked of other special use permits that deal with large domestic animals. Pointed out that they had very limited time to prepare for tonight's meeting, but he was open to discussing any of the conditions.

Commissioner Smith: Asked if it would be best for Mr. Osborne and the applicant to continue working on these details.

Planning Director Osborne: Stated he was open to that, but the applicant was insistent that any delays would result in the death of horses.

Sally Summers, Applicant: Explained that their horses are scattered over several locations and it takes gas and time and is costly. The goal was to put all the horses in one location.

Commissioner Smith: Believes time would be better served if Mr. Osborne and the applicant continue to work on the conditions. Unsure if the proper answers will be found at this meeting.

Commissioner Thompson: Asked if there is a way to approve this with some conditions approved conditionally with a later review or is it all or nothing?

Deputy DA Loomis: Thinks they can approve it conditionally subject to determination of the status of the road and the other issues the applicant and Mr. Osborne can work out.

Sally Summers, Applicant: I'm bringing these things up because I know they are going to cause headaches down the road. The people that harass me also harass other similar rescue groups.

Commissioner Kekule: Asked for the name of the group.

Sally Summers, Applicant: She does not want to name names.

Commissioner Kekule: Explained that it is very hard for them to make a decision when an unnamed group is being accused of things that would cause the need for so much security.

Sally Summers, Applicant: There are a number of groups. Explained that Horse Power is not a rescue or an advocacy group, but they still get harassed. They are just trying to help the horses that fall through the cracks.

Deputy DA Loomis: Asked Planning Director Osborne when this will go before the board of county commissioners.

Planning Director Osborne: Next week, January 10th. Some changes to the conditions are needed so that we can move forward, but with some oversight from the planning department.

- In addition to the gate and the road, there will be no vicious dogs on the property. Non-vicious dogs can be on the property, but they cannot be on Scales Road.
- A six-month review of the special use permit compliance.
- A one-year review of the special use permit compliance.
- An annual review of the special use permit compliance if there are any issues found in the two preceding reviews.
- Add language that the applicant shall develop a plan that adequately addresses potential noxious weeds from hay.
- The applicant will develop a plan satisfactory to the planning director regarding the sixty minutes of exercise and ice in the water.
- Without being overly expensive, there should be some control on the coloration of the shelters.

Chairman Prater: What about the issue of the exercise of the animals.

Planning Director Osborne: Believes that can be resolved. It's just to make sure the animals aren't packed in there and that there is reasonable room for movement. We don't want to create a stockyard.

Chairman Prater: And you will work with Mr. Loomis to get resolution on Scales Road?

Planning Director Osborne: Yes.

Chairman Prater: Asked the applicant if she had any other issues.

Sally Summers, Applicant: Did not agree with the condition that manure is to be removed daily.

Commissioner Smith: Pointed out that the manure needs to be picked up daily to prevent noxious weeds.

Planning Director Osborne: It is to prevent the property from becoming a stockyard. There's room for compromise, but twice a week is the minimum.

Scott Jolcover, Property Owner: Stressed that he is okay with whatever they decide about the road.

Commissioner Thompson: Asked to hear the Chairman's thoughts on the issue.

Chairman Prater: If not properly managed, these things can become a real nuisance. In order to protect the county and residences there needs to be tight conditions. Personally likes the idea if it is done right.

Sally Summers, Applicant: Added that there are no residences out there.

Motion: In accordance with the recommendation by staff, the findings of fact under Section 3.1 of Staff Report No. 2016-030, and other findings deemed appropriate by the planning commission, and in compliance with the conditions of approval as amended pursuant to Staff Report Addendum No. 2016-030, I, John Herrington, motion to approve with stated conditions Special Use Permit No. 2016-030 allowing: (a) single-family dwelling combined with a non-dwelling use (combined residence-barn) that will separately house humans, animals, and agricultural equipment; (b) the maintenance of up to 80 large domestic animals and various accessory structures for sheltering, feeding, watering, protecting, and servicing the animals; and (c) for a temporary (up to one year) occupancy watchperson's travel trailer on property located at 199 Scales Road, American Flat, Storey County, Nevada (APNs 004.331.40; 004.331.08; and 004.331.22).

Planning Director Osborne read the **findings of fact:**

1. The special use permit does not conflict with the provisions of the 2016 Storey County Master Plan including the goals and objectives listed in Chapter 3 Land Use and Chapter 11 Cultural and Historic Resources, including as related for the maintenance of an orderly, efficient, and sustainable development; compatibility between existing and future uses; the advancement and diversity of the local economy from tourism and other sources; and for the preservation of historic and cultural resources for the subject area.
2. The special use permit will not impose substantial adverse impacts or safety hazards on the adjacent properties or the surrounding area.
3. The conditions of the special use permit adequately address potential structure and wildland fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings.
4. The conditions of this special use permit do not conflict with the minimum requirements in Storey County Code 17.32 F Forestry Zone, or any other federal, state, or county regulations, including building and fire codes.

Action: Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by vote (**summary:** Yes=5, Nay= 1, Laura Kekule).

11. Discussion/Possible Action: Variance 2016-028 by Storey County. The applicant requests a variance to light emission shielding requirements in Storey County Code 8.02 Outdoor Lighting by allowing replacement of two existing outdoor modern type light fixtures with historically appropriate light fixtures to the front and north entrances of the Storey County Courthouse, and allowing an existing non-conforming but historically appropriate outdoor light fixture at the south entrance of the Storey County Courthouse located at 26 South "B" Street, Virginia City, Nevada (APN 001.081.03). The subject light fixtures must comply with Comstock Historic District and Nevada State Historic Preservation Office requirements.

Planning Director Osborne: Presented the staff report:

- The subject property is located in the CR Commercial Residential zone; this zoning designation only exists in Virginia City and Gold Hill.
- The applicant, Storey County, has undergone a refurbishment of the front façade of the Storey County Courthouse in order to stop and reverse weather damage and restore its historically appropriate coloring and appearance.
- As part of the building front façade refurbishment project, the applicant proposes to remove an existing modern type light fixture located at the courthouse main entrance with a historically appropriate light fixture shown to have existed at the same location circa 1942, as well replace a modern type light fixture at the building's north entrance with a similar historically appropriate outdoor light fixture.
- The applicant requests that the south entrance light fixture that was installed in 2012 be considered for legal conformance with the county code.
- The subject light fixture will provide nighttime lighting for the main entrance to the courthouse and along the building's front sidewalk area. The street and immediate surrounding area is also illuminated by a nearby overhead street light.

- The existing modern commercial light fixtures at the east and north entrances emit obnoxious light causing general glare and irritation for adjacent residences, and they detract from the historic architecture of the courthouse.
- There are no evident conflicts between the proposal and Storey County Code Title 17 Zoning or the county master plan. The proposed use is also consistent with the surrounding commercial-residential mixed-use environment.

Motion: In accordance with the recommendation by staff, the findings of fact under Section 3.1 of this report, the approval by the Comstock Historic District and the Nevada State Historic Preservation Office, and other findings deemed appropriate by staff, and in compliance with the conditions of approval, I, Pamela Smith, recommend approval with conditions Variance No. 2016-028, a variance to light emission shielding requirements in Storey County Code 8.02 Outdoor Lighting, by allowing replacement of two existing outdoor modern type light fixtures with historically appropriate light fixtures to the front and north entrances of the Storey County Courthouse, and allowing an existing non-conforming but historically appropriate outdoor light fixture at the south entrance of the Storey County Courthouse located at 26 South “B” Street, Virginia City, Nevada (APN 001.081.03). This motion recognizes that the subject light fixtures must comply with Comstock Historic District and Nevada State Historic Preservation Office requirements.

Planning Director Osborne read the findings of fact:

1. Office, retail, commercial, public, institutional, industrial, single-family, and multi-family buildings and their lighting are part of the overall image of the community. In all cases, these standards stress the importance of visually identifying and unifying the community character. Unnecessary and improperly designed light fixtures cause glare, or intense light that results in unnecessary brightness, a reduction of visual performance and visibility, light pollution and wasted resources through additional expense for utility costs, hazardous conditions for all modes of transportation, and also affects the ability to view the night sky, including astronomical observations. The regulations in Storey County Code 8.02 are intended to mitigate these conditions by regulations that require shielding, pointing lighting downward (other than certain lighting allowed with a variance), and only using the amount of light that is necessary. This variance serves to conform as much as possible to the purpose and intent of this ordinance while also conforming and preserving the historical integrity of the Storey County Courthouse.
2. The variance complies with all federal, state, and county regulations, including the approval of the Comstock Historic District as evidenced by the Certificate of Architectural and Historic Approval granted thereby.
3. Because the Storey County Courthouse is listed in the National Register of Historic Places, and because the exterior architectural design and preservation is under the jurisdiction of the Comstock Historic District Commission and the Nevada State Historic Preservation Office, the strict application of Storey County Code 08.02 Outdoor Lighting requirements would potentially not conform to Nevada Revised Statutes regulating historic buildings in the Comstock Historic District, and would potentially degrade the historic value and authenticity of the building and the enjoyment thereof by visitors, residents, and scholars.
4. The variance takes into consideration and incorporates provisions of Storey County Code 08.02 “Dark Skies” to reduce the light emission impacts on adjacent uses while maintaining historic authenticity in accordance with Comstock Historic District requirements.
5. The conditions under this variance do not conflict with the minimum requirements in Storey County Code Sections 17.03 Administrative Provisions, 17.12 General Provisions; and 17.30 CR Commercial-Residential Zone, or any other federal, state, or county regulations, including building and fire codes.
6. 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 neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood of the subject property.

Action: Approve, **Moved by** Commissioner Smith, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by vote (**summary:** Yes=6).

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

Motion: Next planning commission meeting to be held on Thursday January 5, 2017 at the Storey County Courthouse, District Courtroom, Virginia City, NV at 6:00 p.m., **Action:** Approve, **Moved by** Commissioner Kekule, **Seconded by** Commissioner Smith, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

13. **Discussion/Possible Action:** Approval of claims – None

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

15. **Public Comment (No Action)**

Thomas Zachary, Mark Twain Resident: Wants the board to be aware of the consequences of their decisions.

- In 1996 the planning commission approved the Mark Twain Estates subdivision consisting of 40-acre parcels.
- Sutro Springs Road runs across the subdivision and is the only access to his property.
- The road is being blocked by property owners.
- The Nevada Supreme Court heard a similar case in 1956, Stix vs. Larue.
- There are 5 other property owner impacted.
- The only other way to reach his property is North Pine Nut but it is a private road owned and maintained by Basalite.
- Sutro Springs Road is on the 1867 survey map and it shows it going to his property.
- The County only notified those that lived within 300 feet of the potential subdivision.
- Doesn't believe that the board did due diligence.

Planning Director Osborne: Explained that he and the District Attorney's office are looking at the applicability of prescriptive right ways. There is also an easement that was put in that subdivision that goes from Sutro Springs Road and continues north. There have been discussions with the fire district and the public works department about grading out that part of Sutro Springs Road as it is on the easement at no cost to the adjacent property owners.

Thomas Zachary, Mark Twain Resident: I have recently tried to talk to the property owner with no success. He has submitted a map with the recorder's office showing the road with a history of how long he has been using it.

Planning Director Osborne: Welcomes any information Mr. Zachary has and is willing to work with him to get this resolved.

Chairman Prater: Suggested the sheriff talk to the property owner that is blocking the road to let Mr. Zachary and others use it while the matter is under review.

Deputy DA Loomis: Will continue discussing the situation with Mr. Zachary after the meeting.

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

Planning Director Osborne: Introduced Kathy Canfield, the new planner, to the commission.

17. **Board Comments (No Action) –**

Commissioner Bucchianeri: Commented on the appearance of the newly painted courthouse. Looks good but doesn't believe it is the original color.

18. **Adjournment (No Action)** - The meeting was adjourned at 8:57 P.M.

Respectfully Submitted,

By Lyndi Renaud