



STOREY COUNTY PLANNING COMMISSION

Meeting and Public Workshop

Thursday March 19, 2020 6:00 p.m.
26 South B Street, District Courtroom,
Virginia City, Nevada

MEETING MINUTES

CHAIRMAN: Jim Hindle

VICE-CHAIRMAN: Summer Pellett

COMMISSIONERS:

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

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- 1. Call to Order:** The meeting was called to order by the Chairman at 6:01 P.M.
 - 2. Roll Call:** Jim Hindle, and via conference call Adrienne Baugh, Larry Prater, Summer Pellett. Jim Collins, Kris Thompson. Bryan Staples arrived in person at 6:20 p.m.

Also Present: Senior Planner Kathy Canfield, County Manager Austin Osborne and Chief Deputy District Attorney Keith Loomis (via conference call).

- 3. Pledge of Allegiance:** The Chairman led those present in the Pledge of Allegiance.
- 4. Discussion/Possible Action:** Approval of Agenda for March 19, 2020.

Senior Planner Canfield: Asked that Item 6 be continued to a future meeting date due to the Corona virus situation. Staff and the sheriff's office have not received any complaints regarding this home business. Canfield also asked that item 12 be continued to the next meeting to allow for additional discussion when there are more commissioners present in person, but if the commissioners are agreeable, there may still be action tonight on items 9, 10, and 11.

Motion: Amend to continue item 6 to a future meeting when appropriate and continue item 12 to the next scheduled planning commission meeting. , **Action:** Approve as amended, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment.

- 5. Discussion/Possible Action:** Approval of Minutes for February 13, 2020.

Motion: Approval of Minutes for February 13, 2020, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Pellett, **Vote:** Motion carried by vote (**summary:** Yes=5, Abstain=Jim Collins).

No Public Comment.

6. Discussion/For Possible Action: Compliance Review of Special Use Permit 2019-001 issued to Stacy and Aaron Grimes which allows a home enterprise approved by the BOCC on February 19, 2019. The home enterprise consists of beekeeping (with a maximum of 10 hives), greenhouse(s) to grow produce and an aqua farm structure for raising fish. No retail sales of product will occur at the site. Per Condition U. of the SUP, a compliance review is required. The property is approximately 2.70 acres in size and is located at 144 Elizabeth Lane, Mark Twain, Storey County, Nevada, Assessor's Parcel Number (APN) 003-314-23.

Motion: Continue to future date when appropriate, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Baugh, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment.

7. Discussion/For Possible Action: Special Use Permit 2020-012 by applicants Michelle Buckman and Jason Virden. This request is to operate a two-room rental bed and breakfast inn within an existing residence in the R1-Residential zone. The property owners will occupy the residence and parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.

Senior Planner Canfield: Summarized request by the applicants to operate a bed and breakfast (B & B) in their home in the R1 Residential zone. The applicants propose to utilize two bedrooms and common rooms for the B & B and will live onsite. There is adequate parking to accommodate the B & B. Staff received a letter of support from an adjacent neighbor. Staff has talked with the applicant and has proposed two additional conditions regarding an annual compliance review and a condition to control any noise issues. The applicants are agreeable to the additional conditions:

Annual Review. At a regularly scheduled public meeting on or about the month of May 2020, the Planning Commission, with coordination from the Permit Holder, shall review the operations at the property and determine any significant impacts of the proposed operation has on the adjacent neighborhood. At that time, if any negative impacts are identified and brought to the attention of the Planning Commission or County staff, additional mitigating conditions may be added to the Special Use Permit by the Board with action/recommendation by the Planning Commission. If no additional mitigation measures are imposed, no Board of County Commissioners review shall be required. At the Annual Review, the Planning Commission shall determine if further annual reviews are required.

Unlawful Noise. The Permit Holder shall be responsible for maintaining appropriate noise levels as defined in SCC 8.04. Furthermore, Permit Holder shall be responsible for quiet hours of 9:00 p.m. through 8:00 a.m. Sunday through Thursday.

Motion: In accordance with the recommendation by staff, the Findings of Fact under Section 3.A of this report and amending to add two additional conditions, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I Jim Collins, recommend approval of Special Use Permit 2020-012 to operate a two-room bed and breakfast inn within an existing residence in the R1- Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06. **Action:** Approve, **Moved by** Commissioner Collins, **Seconded by** Commissioner Baugh,

No Public Comment.

Senior Planner Canfield read the findings into the record.

- (1) This approval is for Special Use Permit 2020-012 to operate a two-room bed and breakfast inn within an existing residence in the R1- Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.
- (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 Ophir Neighborhood Area Specific Plan portion of Virginia City 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 17.16 R1 Residential.

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

- 8. Discussion/For Possible Action:** Parcel Map 2020-013 is a request by applicants Rich, Doreen and Diane Bacus to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.

Commissioner Collins recused himself from this agenda item due to a conflict of interest.

Senior Planner Canfield: Summarized the request by the applicants. This parcel was originally two lots (4 & 5). The previous owners recorded a lot consolidation to combine the two lots into one legal lot of record. The current owners would like to divide the parcel into two lots again in order to build a house on the vacant portion of the lot. The new lot line will be approximately 15 feet to the south from where the old lot line existed. Side Setbacks for the existing home will still be compliant and each lot will be over the minimum square footage of 5,000 square feet. No comments have been received from the public regarding the project.

No Public Comment.

Motion: In accordance with the recommendation by staff, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I Summer Pellett, recommend approval of Parcel Map 2020-013 to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08. **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Prater,

Senior Planner Canfield read the findings into the record:

- (1) This approval is for Parcel Map 2020-013 to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.
- (2) The Parcel Map complies with NRS 278.461 through 278.469 relating to the division of land into four or less parcels.
- (3) The Parcel Map complies with all Federal, Nevada State, and County regulations pertaining to Parcel Maps and allowed land uses.

- (4) The Parcel Map will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity.
- (5) The conditions under this Parcel Map do not conflict with the minimum requirements in Storey County Code Chapters 17.16 R1 Residential Zones or any other Federal, Nevada State, or County regulations.
- (6) The Parcel Map conforms to the 2016 Storey County Master Plan for the Silver Star Neighborhood Area Specific Plan area of Virginia City in which the subject property is located. A discussion supporting this finding for the special use permit is provided in Section 2.C of this staff report.

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

Note for Items 9,10,11,12 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.

- 9. **Discussion/For Possible Action:** Bill 115/ Ord 20-304 Text amendments to Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in sections 17.03.050, 17.03.060, 17.03.070 and 17.03.080.

Senior Planner Canfield: Revisions and updates to Title 17 have been discussed including items 9, 10 and 11 for a year and a half now. If there are any issues or concerns that the planning commission or the public still have regarding the updates of items 9, 10 and 11, items can be continued to the next meeting when there are more commissioners in attendance in person to facilitate a discussion. Otherwise, if there are no further concerns, action may be taken tonight on items 9, 10 and 11. There are members of the public that have been patiently waiting for updates and revisions to be approved so they may proceed with their projects.

Public Comment: Clay Mitchell, VC resident – Regarding the term “Director” in Administrative Provisions it specifically states that applications be submitted to the “Director”. Would like some clarification on what is meant by “Director”. “Director” in 17.10 Definitions refers to the Director of the planning, building or other department as designated by the Board of County Commissioners. This provision states that an application has to be turned in by a certain day to the “Director”. Wondering if it would be better to state that the application must be turned in to the planning department instead of “Director”. Mitchell asked if the “Director” position currently exists, and does not want language like this to jam someone up in turning in an application.

County Manager Osborne: When amending the prior version of Title 17. Bob Morris, outside legal counsel advised that the county follow the protocol of using “Director” of whatever function it is, such as planning or building, etc. and then throughout the rest of the document it would just state “Director”. Bob Morris said that it is the “Director’s” department but that in formality it would be the “Director”, but the Director can delegate anyone to do anything within the department. This term is all over the county codes not just in this Title. When Bob Morris was assisting us in this title, he suggested using “Director of Planning” as the language in Title 17 and other Titles. Senior Planner Canfield is the designated director of the planning department.

Deputy D.A. Loomis: Concurred with the county manager that the “Director” can delegate authority within the department.

Chairman Hindle: Shared the example of when someone goes to the recorder’s office to record something, they generally deal with a deputy recorder. It is still technically the recorder accepting it, and the same would be true in the clerk’s or assessor’s office. Hindle asked Loomis if this is correct.

Deputy D.A. Loomis: Concurred with Chairman Hindle’s statement.

Senior Planner Canfield: Added that the “Director” language is not new, this is existing text in the code. Not aware of anyone being turned away because of this language.

Motion: Approve Bill 115/ Ord 20-304 Text amendments to Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in sections 17.03.050, 17.03.060, 17.03.070 and 17.03.080.

Action: Approve, **Moved by** Commissioner Staples, **Seconded by** Commissioner Baugh, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).

10. Discussion/For Possible Action: Bill 116/Ord 20-305 Text amendments to Storey County Code Title 17 Zoning adding, 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. Terms include Animal Boarding and Grooming, Beekeeping, Crisis Care Facility, Equestrian Establishments, Veterinary Services and Wild Animal Keeping.

Senior Planner Canfield: One item in the definitions has been revised since the last planning commission meeting. The language regarding an RV Park requiring a watchman's dwelling has been added to the definition of RV Park to be consistent with the language in Title 8.24. Staff is looking for a recommendation for approval if there is no further discussion on the definitions.

No Public Comment.

Motion: Approve Bill 116/Ord 20-305 Text amendments to Storey County Code Title 17 Zoning adding, 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. Terms include Animal Boarding and Grooming, Beekeeping, Crisis Care Facility, Equestrian Establishments, Veterinary Services and Wild Animal Keeping. **Action:** Approve, **Moved by** Commissioner Staples, **Seconded by** Commissioner Pellett, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).

Discussion/For Possible Action: Bill 117/Ord 20-306 Text amendments to Storey County Code Title 17 Zoning Chapter 17.12 General Provisions adding, modifying and clarifying provisions within the chapter including home enterprises, height of buildings and structures, accessory buildings and shipping containers, accessory dwellings, Comstock Historic District standards, setback encroachments, perimeter fencing, public utility uses, minimum lot area, off-street parking, open storage, general provisions for all zones including crisis care and wireless communications facilities, and property located within mapped FEMA floodplain.

Senior Planner Canfield: Discussions and revisions to General Provisions has been ongoing for a year and a half now, and we have a couple of citizens that are waiting for the update to be approved in order to utilize some of the changes. Canfield said that if the planning commission is comfortable with the changes, a recommendation to the board can be made tonight.

Public Comment:

Clay Mitchell, VC resident: In reading the section regarding Shipping Containers, it appears that they will only be allowed to be used for storage. Asked for confirmation that this means they can't be used for a workshop or office space. Mitchell said he believes that it states they are to be used for storage only in several places in the code.

Senior Planner Canfield: Under "shipping containers" General Provisions it does state that they not include any plumbing fixtures. Do not see any language referencing storage only.

County Manager Osborne: The way staff is approaching this is to treat shipping containers as accessory structures and not accessory dwellings. If you look at barns, sheds, shacks and other types of accessory uses and shipping containers are in that section, they are treated the same way, just no plumbing allowed.

Deputy D.A. Loomis: Language stating the shipping containers be used solely for the purpose of storage is being eliminated in this revision.

Clay Mitchell, VC resident: Regarding accessory dwellings and minimum square footage requirements in zoning districts; commented that it is restrictive to only allow family members to live in accessory dwellings. Would like to see them be allowed as small rental units. Allowing them to be small rental units as opposed to only allowing family members helps people when affordability of a first home is not feasible. Mitchell said he understands concerns about density increases but feels that it is too restrictive to only allow family to occupy an accessory dwelling.

Senior Planner Canfield: The language is similar to what is already in the code (family only occupation), and staff is not proposing changes to that, but simply inserting the chart referencing allowed family members. Once you allow rental units, you are really looking at what the definition of "single family dwelling" and "multi-family dwelling" is; that is a bigger discussion than what we are looking at tonight.

Chairman Hindle: Believes the intent is to not let single family residential parcels turn in to multi family residential rentals. Said he believes that is why it was written this way.

County Manager Osborne: The county does allow this kind of housing in the Commercial Residential zoning areas. It allows single family and multi family and all different kinds of configurations. Single family residential zones in the peripheries are just for that; one home. The multi family and commercial residential zones are appropriate for these types of densities and uses (rentals).

Additional brief discussion between the public, staff and the commission on size and allowances for accessory dwellings.

Motion: Approve Bill 117/Ord 20-306 Text amendments to Storey County Code Title 17 Zoning Chapter 17.12 General Provisions adding, modifying and clarifying provisions within the chapter including home enterprises, height of buildings and structures, accessory buildings and shipping containers, accessory dwellings, Comstock Historic District standards, setback encroachments, perimeter fencing, public utility uses, minimum lot area, off-street parking, open storage, general provisions for all zones including crisis care and wireless communications facilities, and property located within mapped FEMA floodplain.

Action: Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).

11. Discussion/For Possible Action: Bill 118/Ord 20-307 Text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

Motion: Continue to next planning commission meeting, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).

No Public Comment.

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

Motion: Next planning commission meeting to be held on April 16, 2020 at 6:00 P.M. at the Storey County Courthouse, Virginia City, Nevada, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Baugh, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).

No Public Comment

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

14. Correspondence (No Action) – None except letter of support discussed during item 7.

15. Public Comment (No Action) – None

16. Staff (No Action) – None

17. Board Comments (No Action) – None

18. Adjournment (No Action) - The meeting was adjourned at 7:28 pm.

Respectfully Submitted, By Lyndi Renaud