



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

THURSDAY, APRIL 9, 2020 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN
ATTORNEY

ANNE LANGER
DISTRICT

JAY CARMONA
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER
TREASURER

VANESSA STEPHENS
CLERK-

ROLL CALL via zoom: Chairman McBride, Vice Chairman Carmona, Commissioner Gilman, County Manager Austin Osborne, Deputy District Attorney Keith Loomis, Clerk-Treasurer Vanessa Stephens, Emergency Management Director Joe Curtis, Community Relations Director Lara Mather, Administrative Officer Jen Chapman, Tami Cooper-Migan, Sheriff Gerald Antinoro, Interim Recorder Marney Hansen-Martinez, Communications Director Dave Ballard, Senior Planner Kathy Canfield

1. CALL TO ORDER REGULAR MEETING AT 10:00 A.M.

Meeting was called to order by Chairman McBride at 10:00 A.M.

2. PLEDGE OF ALLEGIANCE

Chairman McBride led the Pledge of Allegiance.

3. DISCUSSION/POSSIBLE ACTION: Approval of Agenda for April 9, 2020.

County Manager Austin Osborne requested item #6 be continued to June 2, 2020, and item #4 be moved after item#13.

Public Comment: None

Motion: I move to approve the Agenda for April 9, 2020, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

5. BOARD COMMENT (No Action - No Public Comment):

Chairman McBride:

- Storey County is still holding strong. Please keep social distancing as directed by the Governor, and hand washing. Check on your neighbors. The more we stay home, the faster we will get through this pandemic.

6. DISCUSSION ONLY/NO ACTION: Switch Presentation to Virginia City Silver Circuits FIRST Robotics.

Continued to June 2, 2020.

7. DISCUSSION/POSSIBLE ACTION: Special Use Permit 2020-012 is a request 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.

Kathy Canfield, Senior Planner, reviewed applicants' request for a two-room bed and breakfast, including 4 on-site parking spaces. Neighbors contacted are in support of the project. Two conditions were added by the Planning Commission - applicant is okay with both conditions. Staff recommends approval; the Planning Commission voted 6 to 0 in favor of the project.

Applicant Michele Buchman present on the phone to answer questions.

Chairman McBride thanked Ms. Buchman for attending via audio. There are a few bed and breakfast facilities in Virginia City and they are most always successful. In a residential area, the concern is always the quality of life for neighbors. In the past, there have been property owners who leased out property for weekends without permits or permission, who had loud music and property damage. With this Special Use Permit, you will be held to a higher standard than with a general business license. Keep in mind neighbors and not obstructing access to properties. We wish you success with your bed and breakfast.

Ms. Buchman thanked the Commissioners. It is the intention to run a legitimate, licensed, safe bed and breakfast and we are working closely with owners of the other B & B's in town.

Public Comment: None

Ms. Canfield read the Findings of Fact:

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.**

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.

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.

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.

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.

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.

The conditions under the Special Use Permit do not conflict with the minimum requirements of Storey County Code Section 17.03, 17.12 General Provisions, and 17.16 R1 Residential.

Motion: In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I, Jay Carmona, move to approve Special Use Permit 2020-012, operation of 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 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:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

8. DISCUSSION/POSSIBLE ACTION: Parcel Map 2020-013 is proposed 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.

Ms. Canfield explained this item is to create two parcels from a previously consolidated parcel at 140 South Q Street. Each parcel will more than meet than minimum lot size of 5,000 square feet. The northern parcel has a residence; an application has been submitted for a new residence on the southern parcel. Notice was sent to adjacent property owners with no response. Staff recommends approval; Planning Commission voted 6-0 for approval.

Public Comment: None

Ms. Canfield read the findings of fact:

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.

The Parcel Map complies with NRS 278.461 through 278.469 relating to the division of land into four or less parcels.

The Parcel Map complies with all Federal, Nevada State, and County regulations pertaining to Parcel Maps and allowed land uses.

The Parcel Map will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity.

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.

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.

Motion: In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I, Jay Carmona, move to approve 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:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman,
Vote: Motion carried by unanimous vote, **(Summary:** Yes=3)

9. DISCUSSION/POSSIBLE ACTION: First reading of Bill 115, Ordinance 20-304, text amendments to Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in section 17.03.050, 17.03.060, 17.03.070 and 17.03.080.

Ms. Canfield said Items 9, 10, 11, and 12 are proposed amendments to Title 17. There have been 13 public hearings at Planning Commission meetings since 2018. In that time, most topics have been covered. There are applicants waiting for some of the changes.

This Bill 115, clarifies and modifies language to match Nevada Revised Statutes. Staff and the Planning Commission recommend approval of the changes to 17.03.

Public Comment: None

Motion: In accordance with the recommendation by staff and the Planning Commission, I, Jay Carmona, move to approve the first reading of Bill 115, Ordinance 20-304, text amendments to Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in section 17.03.050, 17.03.060, 17.03.070 and 17.03.080,

Ms. Canfield read the title: Ordinance 20-304, Bill No. 115, an Ordinance amending Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in section 17.03.050, 17.03.060, 17.03.070 and 17.03.080,

Action: Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman,
Vote: Motion carried by unanimous vote, **(Summary:** Yes=3)

10. DISCUSSION/POSSIBLE ACTION: First Reading of Bill 116, Ordinance 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.

Ms. Canfield explained this is the definition chapter of the Zoning Code. This item consolidates and clarifies topics that have been questioned. New definitions and clarifications have been added for Animal Boarding and Grooming, Beekeeping, Crisis Care Facility, Equestrian Establishments, Veterinary Services and Wild Animal Keeping.

Language was also added to the definition of recreational vehicle parks. The definition of veterinary services has been clarified.

Staff and the Planning Commission recommend approval.

Public Comment: None

Ms. Canfield read the title: Bill 116, Ordinance 20-305, an ordinance amending 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

Motion: In accordance with the recommendation by staff and the Planning Commission, I, Jay Carmona, move to approve the first reading of Bill 116, Ordinance 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:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

11. DISCUSSION/POSSIBLE ACTION : First Reading of Bill 117, Ordinance 20-306 Text amendments to Storey County Code Title 17 Zoning Chapter 17.12 General Provisions adding, modifying and clarifying provision 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.

Ms. Canfield said the proposed amendments are to home enterprises - making it more realistic for uses; communication facility heights in the industrial/commercial have been clarified at 75 feet; and accessory building and shipping containers language has been modified and streamlined. There were discussions about the usage of shipping containers - what they can/cannot be used for. Language regarding plumbing in shipping containers has been taken out. Accessory dwelling requirements have been revised, including the size requirement. Requirements regarding replacement of the boardwalk when needed, and where the boardwalk stops and ends, have been revised. Additional language and uses were reviewed and modified. Language was added stating property within a mapped FEMA floodplain requires a permit.

The Planning Commission reviewed these amendments and recommended approval. Staff also recommends approval.

Mr. Osborne commented that the goal was to de-regulate, clarify, and make it easier. One item was “mother-in-law quarters”, which have been limited to 1,000 feet. There was discussion on whether to reduce or eliminate that requirement. If there were two large homes on one parcel, what would happen if the property sold. The current 1,000 sq. foot limitation maintains the purpose of “mother-in-law quarters”. The problem is there could be a great idea for a bigger house which the code does not allow - sometimes creating friction. This is up to the Board.

Commissioner Gilman feels that a cap of 1,000 (sq. feet) is not in the best interests of good planning, and is happy this is being looked at. He does not have a suggestion of what the answer is.

Mr. Osborne clarified the Planning Commission would like to remove the 1,000 sq. foot limit. Is Commissioner Gilman okay with that?

Commissioner Gilman said he absolutely agrees.

Chairman McBride commented he is not opposed to removing the cap but is not in favor of having two - 2,000 square foot houses on a parcel that should have only one. This has to be looked at. Removing the prohibition of having plumbing in a storage container means someone could set up a house. Is this correct?

Ms. Canfield: This would be similar to what an accessory structure could do already -like a garage or a shop building and you wanted a sink in the building. Currently, you could not do this in a shipping container, which is not considered an accessory dwelling. This is discussed in a different section.

Chairman McBride: If you take the prohibition off plumbing, you’re going to have people living in storage containers - this is not the direction we want to go.

Mr. Osborne: These are valid concerns, whether it’s a tool shed or a shipping container, or whatever. One purpose of this amendment is to reduce conflicts between the zoning ordinance and building codes. This proposal is to treat all accessory buildings the same and to make sure they don’t become accessory dwellings with a full bathroom and kitchen. This is with the exception that there are zones that would not allow shipping containers at all.

Commissioner Gilman said it is his understanding that shipping containers can be converted into workspaces, or accessory facility, and in the interests of health, have a bathroom or sink. There is language that would preclude conversion to residential use. This can be controlled within the county.

Mr. Osborne: That is correct.

Public Comment:

Clay Mitchell, Gold Hill resident: Compliments staff and the Planning Commission for their efforts in streamlining these regulations - making sure it’s in line with all other regulations. His one concern is supporting affordability and access to housing - including the deed restriction for mother-in-law units in some zones. He would like to see the possibility of opening accessory dwellings, in the right situation, to be used as a rental to support housing affordability.

Ms. Canfield read the title: Bill No. 117, Ordinance 20-306 an ordinance amending Storey County 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.

In response to concerns regarding the language for plumbing in shipping containers, Ms. Canfield suggested leaving the current language which states “must not include plumbing fixtures”. This may be something for discussion in the future.

Motion: In accordance with the recommendation by staff and the Planning Commission, I, Jay Carmona, move to approve the first reading of Bill 117, Ordinance 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:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

12. DISCUSSION/POSSIBLE ACTION: First Reading of Bill 118, Ordinance 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 clarification including the listed land uses minimum floor area, setbacks, minimum parcel area, distances between buildings and home enterprises are proposed.

13. DISCUSSION/POSSIBLE ACTION: Resolution No. 20-568 to reduce on a day-to-day prorated basis the total rent/lease of all “non-essential” commercial tenants of properties owned by Storey County effective the day of Governor Sisolak’s Directive 003 (March 20, 2020) to remain closed, and for the rent reduction to remain effective until “non-essential” businesses may reopen to the public per the Governor, but not to exceed 60 calendar days from Directive 003.

Mr. Osborne explained the Governor’s Directive of March 20th, recommending commercial property landowners give breaks to tenants during the 30 to 60 day closure of non-essential businesses. The County is “landlord” for two locations - the Old Corner Bar and Divide Fitness. Per the Governor’s directive, it is recommended to forgive rent for both tenants on a pro rata basis, depending on how long the closure lasts, but no longer than 60 calendar days from the directive.

Commissioner Gilman said he is in favor of this and feels it is appropriate since, as a government entity, (the County) is going to require businesses to close and they will not be creating revenue.

Vice Chairman Carmona applauds any property owner who foregoes rent. An option in this case would be to allow these tenants a 12-month period to pay the back rent. There are a lot of merchants in the same “lurch”. If they (Old Corner Bar and Divide Fitness) are unable to make payments after 12 months, the period could be extended.

Commissioner Gilman commented the difference here is independent landlords who have the choice of leaving rent in place or doing an eviction - which can't be done now. In this case, the landlord is Storey County - the government entity of Storey County is requiring these businesses to close and requiring payment of rents is over-exerting power. He is not comfortable in Storey County collecting rents when (the County) has joined other governments in forcing these closures.

Vice Chairman Carmona understands this position. This is taxpayer's money - other businesses are suffering and would enjoy having rent forgiven as well.

Chairman McBride said it is incumbent on landlords to work with tenants. He feels charging someone rent when they are closed by government, would be punitive.

Public Comment: None

Motion, I, Lance Gilman, motion to approve Resolution 20-568, to reduce on a day-to-day prorated basis, the total rent lease of all non-essential and commercial rent from properties owned by Storey County, effective the day of Governor Sisolak's Directive 003, March 20, 2020, to remain closed, and for the rent reduction remain effective until non-essential businesses may re-open to the public per the Governor, but not to exceed 60 days from March 20, 2020. This action is exclusive to the Old Corner Bar and Divide Fitness commercial tenants of Storey County, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2, Nay=1))

4. DISCUSSION ONLY (No Action - No Public Comment): Committee/Staff Reports

Lara Mather, Community Relations Coordinator:

- The Senior Center is doing drive-through meals; "meals on wheels"- meal boxes are available for every senior citizen and will be delivered to their home. Contact the Senior Center.
- Seniors who are uncomfortable leaving their homes can call the Senior Center who will do their shopping.
- Mark Twain Community Center is doing food outreach for the community. Time cards are made up for people to pick up their food boxes.
- St. Mary's Art Center is conducting an art project for children. Comstock children (all ages) are encouraged to create one to two pieces of artwork sharing their experiences, feelings about every they are going through at this time. St. Mary's is working with the Cemetery Association and volunteers - any artwork that is done on textile/cloth will be put together in a quilt to be displayed at a later time. Additional information on St. Mary's webpage and facebook page.

Joe Curtis, Emergency Management Director:

- As of today, there are 18 active cases in the Quad County. Carson City - 10; Douglas County - 5; Lyon County - 3. Nine recovered.
- The County is in good shape with personal protective equipment (PPE). The Fire Department has the stock of all of these items.
- The Tesla warehouse has started receiving ventilators and PPE. The National Guard is patrolling that facility.
- Incidents of people trying to steal masks have been reported. Make sure to keep yours protected.
- Quad County health group are receiving flu test kits and will set up areas for testing. Further information will be provided.

Commissioner Gilman thanked Mr. Curtis for all he is doing in this situation.

Austin Osborne, County Manager:

- Reinforces what has been said about the Storey County team - and is so grateful to work in a county like this where the team all come to the plate to keep us moving forward.

12. DISCUSSION/POSSIBLE ACTION: First Reading of Bill 118, Ordinance 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 clarification including the listed land uses minimum floor area, setbacks, minimum parcel area, distances between buildings and home enterprises are proposed.

Senior Planner Kathy Canfield requested this item be continued to June 2, 2020. This will allow for discussion of this item at the May 21, 2020 Planning Commission meeting.

Public Comment: None

Motion: I, Jay Carmona, make a motion to move item #12 to the June 2nd meeting, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

14. PUBLIC COMMENT (No Action)

Tami Migan, owner of the Corner Bar: Thank you Chairman McBride, Commissioner Gilman, and Mr. Osborne for assistance on Item #13.

15. ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA

The meeting was adjourned by the Chair at 11:13 AM

Respectfully submitted,

By: _____
Vanessa Stephens Clerk-Treasurer