



**STOREY COUNTY PLANNING
COMMISSION MEETING**
Thursday August 1, 2019 6:00 p.m.
Storey County Courthouse, District Courtroom
26 South B Street, Virginia City, NV

MEETING MINUTES

CHAIRMAN: Jim Hindle

VICE-CHAIRMAN: John Herrington

COMMISSIONERS:

Larry Prater, Kris Thompson, Summer Pellett, Jim Collins

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- 1. Call to Order:** The meeting was called to order by the Chairman at 6:04 P.M.
 - 2. Roll Call:** Jim Hindle, Larry Prater, John Herrington, Jim Collins. **Absent:** Summer Pellett, Kris Thompson (Mark Twain Commissioner vacant).
Also Present: Senior Planner Kathy Canfield, County Manager Austin Osborne, Deputy D.A. Keith Loomis and County Commissioner Jay Carmona.
 - 3. Pledge of Allegiance:** The Chairman led those present in the Pledge of Allegiance.
 - 4. Discussion/Possible Action:** Approval of Agenda for August 1, 2019.
Motion: Amend to combine items 9 through 12, and Approval of Agenda for August 1, 2019, **Action:** Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=4).
No Public Comment.
 - 5. Discussion/Possible Action:** Approval of Minutes for May 16, 2019.
Motion: Approve Minutes for May 16, 2019, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Collins, **Vote:** Motion carried by unanimous vote (**summary:** Yes=4).
 - 6. Discussion/Possible Action:** Approval of Minutes for June 6, 2019.
Motion: Approve Minutes for June 6, 2019, **Action:** Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Collins, **Vote:** Motion carried by unanimous vote (**summary:** Yes=4).

No Public Comment

7. **Discussion/Possible Action:** Special Use Permit request 2019-032 by Community Chest Inc. The applicant is requesting to operate a childcare facility at the existing Storey County Youth & Community Resource Center exceeding four children. The facility will provide childcare for both pre-school age children in addition to before and after school programs and summer programs for school-age children. The facility is located on property owned by Storey County, located at 175 East Carson Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-156-02.

Senior Planner Canfield: Summarized the request by the applicant. The Community Chest has been providing childcare at this site for a number of years and would like to provide childcare for pre-school age children. This site is zoned public and a special use permit is required for care of more than four children. This application addresses the existing use and to provide for pre-school childcare. This has been identified as a need in Storey County. Staff did not receive any comment from the public and is recommending approval. The applicant Erik Schoen is here to answer any questions.

Senior Planner Canfield recommended an amendment to the motion 7A. to include "and summer programs".

Erik Schoen, Community Chest Director: Said that they (Community Chest) is excited to offer childcare for pre-school age children. This has been the most requested service, early childhood education, to offer in the community. If this request is approved, we will move forward with the state licensing requirements for this service. The Community Chest has already modified the bathrooms and equipment needed to operate. This service is primarily for use by residents and people that work in the county. It is difficult for people to find care locally that they can afford and trust. The ages for pre-school care will range from three to five years to start and potentially younger; however offering care to children under three increases the staff to child ratio. No modification to the existing park will be needed to service younger children.

No Public Comment.

Motion: In accordance with the recommendation by staff to amend the motion to include the wording "and summer programs" in the motion to approve (7.A), 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 Larry Prater recommend approval of Special Use Permit 2019-032 to operate a childcare facility at the existing Storey County Youth & Community Resource Center exceeding four children. The facility will provide childcare for both pre-school age children in addition to before and after school programs and summer programs for school-age children. The facility is located on property owned by Storey County, located at 175 East Carson Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-156-02. **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Herrington,

- (1) This approval is for Special Use Permit 2019-032 to operate a childcare facility at the existing Storey County Youth & Community Resource Center exceeding four children. The facility will provide childcare for both pre-school age children in addition to before and after school programs for school-age children. The facility is located on property owned by Storey County, located at 175 East Carson Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-156-02.
- (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 Virginia City, Comstock Area Plan area in which the subject property is located. A discussion supporting this finding is provided in Section 2.C 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 and Section 17.15 P - Public Zone.

No Public Comment.

Vote: Motion carried by unanimous vote (**summary:** Yes=4).

- 8. Discussion/Possible Action:** A zoning code text amendment, File 2019-031, to amend the language of Chapter 17.40, E Estates Zone, and Section 17.12.100(H) of the Storey County Zoning Ordinance, to change the number of dogs allowed and the acreage size associated with a Special Use Permit requirement. This zone text amendment would be applicable to all land within Storey County zoned Estates. This zone text amendment was requested by a Storey County property owner.

Senior Planner Canfield: Summarized the Storey County property owner's request to change the zoning language in the Estate zone to increase the number of dogs allowed and reduce the acreage requirement for allowed number of dogs. The changes were suggested by the property owner as detailed below.

Potential language as related to the applicant's request is as follows (red italicized is to be deleted, blue underlined is added):

- Section 17.12.100(H) – General Provisions: “Up to 4 dogs and 2 pot-belly pigs more than 12 weeks of age are allowed in any zone. A special use permit is required to exceed this number. ~~A minimum of 10 acres is required to obtain a special use permit for this use.~~ This restriction does not apply to the A Agriculture and E Estates zone.”
- Section 17.40.025(B) – Estates Zone: “The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks old, but not a commercial kennel. ~~A minimum of 10 acres is required.~~ The keeping of five dogs shall require a minimum of 2 acres, the keeping of 6 to 8 dogs shall require a minimum of 5 acres, and the keeping of over 9 dogs shall require a minimum of 10 acres.”

Staff has concerns with this request and is not supportive of the change to the code for the following reasons:

- The breakdown of dogs per acre as proposed identifies 2 acre, 5 acre and 10 acre parcel sizes for the Estates zone. The vast majority of parcel sizes in the Estates zones are 1 acre, 10 acres and 40 acres. There are very few 2 acre and 5 acre parcels in which this modification would apply.
- Modifying the code language to remove the 10 acre size minimum has the potential to increase the amount of special use permit applications associated with dogs being reviewed by the Planning Commission and the Board of County Commissioners. In reviewing the findings to be made to approve a special use permit, the Planning Commission and the Board must find that the use does not cause a negative impact on adjacent land uses and results in no substantial or undue adverse effect on adjacent property or the character of the neighborhood. The Planning Commission and Board will potentially be put in the position to decide among neighbors whose dogs “behave” and whose dogs are a “nuisance”.
- Staff's opinion is the amount of dogs on a parcel should be by right, and if the dogs allowed by right negatively impact the neighborhood, then enforcement of a nuisance can be applied. It may be appropriate for a larger property to have more dogs as a minimum of a 10 acre property typically has homes and land spread out enough so that impacts to neighbors are minimized significantly.
- A more appropriate way to address dogs within Storey County may be to develop an Animal Ordinance for the entire County, rather than have numbers of animals and/or acreage identified in a zoning ordinance. Animal Ordinances typically address public health and safety and nuisances.

- Storey County already allows for more dogs per residence than any of the surrounding counties. Lyon, Douglas and Washoe counties only allow for 3 dogs.
- Staff's recommendation is to keep the existing code language and not recommend approval of the proposed changes.

Brief discussion between commission members and staff regarding the concerns listed above, breeding, kennels and home enterprises.

No Public Comment and the applicant was not present at the meeting.

Motion: In accordance with the recommendation by staff, and in accordance with the Findings of Fact under Section 5(B) of this report, and other findings deemed appropriate by the Planning Commission, I Larry Prater, recommend denial of zoning code text amendment, File 2019-031, to amend the language of chapter 17.40, E Estates Zone, of the Storey County Zoning Ordinance, to allow for a change to the number of dogs and the acreage size associated with a Special Use Permit requirement. This request also amends Section 17.12.100(H), General Provisions, which identifies the acreage requirement. This zone text amendment would be applicable to all land within Storey County zoned Estates. The modifications are as follows (blue underlined is to be added, red italicized to be deleted):

- Section 17.12.100(H) – General Provisions: “Up to 4 dogs and 2 pot-belly pigs more than 12 weeks of age are allowed in any zone. A special use permit is required to exceed this number. ~~A minimum of 10 acres is required to obtain a special use permit for this use.~~ This restriction does not apply to the A Agriculture and E Estates zone.”
- Section 17.40.025(B) – Estates Zone: “The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks old, but not a commercial kennel. ~~A minimum of 10 acres is required-~~ The keeping of five dogs shall require a minimum of 2 acres, the keeping of 6 to 8 dogs shall require a minimum of 5 acres, and the keeping of over 9 dogs shall require a minimum of 10 acres.”

No Public Comment.

Action: Deny, **Moved by** Commissioner Prater, **Seconded by** Commissioner Collins,

Senior Planner Canfield read the Findings of Fact:

- (1) This denial is for a zoning code text amendment, File 2019-031, to amend the language of chapter 17.40, E Estates Zone, of the Storey County Zoning Ordinance, to allow for a change to the number of dogs and the acreage size associated with a Special Use Permit requirement. This request also amends Section 17.12.100(H), General Provisions, which identifies the acreage requirement. This zone text amendment would be applicable to all land within Storey County zoned Estates. The modifications are as follows (blue underlined is to be added, red italicized to be deleted):
 - Section 17.12.100(H) – General Provisions: “Up to 4 dogs and 2 pot-belly pigs more than 12 weeks of age are allowed in any zone. A special use permit is required to exceed this number. ~~A minimum of 10 acres is required to obtain a special use permit for this use.~~ This restriction does not apply to the A Agriculture and E Estates zone.”
 - Section 17.40.025(B) – Estates Zone: “The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks old, but not a commercial kennel. ~~A minimum of 10 acres is required-~~ The keeping of five dogs shall require a minimum of 2 acres, the keeping of 6 to 8 dogs shall require a minimum of 5 acres, and the keeping of over 9 dogs shall require a minimum of 10 acres.”
- (2) The language for the zoning code text amendment do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

Vote: Motion carried by unanimous vote (**summary:** Yes for denial=4).

Note for Items 9, 10, and 11, 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 Only/No Possible Action:** Text amendments to Storey County Code Title 17 Zoning regulating building setback, height, bulk, area, dimension, and density; parking requirements, egress, easements and right-of-ways; accessory structures and buildings; fences, hedges, and barriers; and other properly related matters in the following regulatory zones: CR Commercial-Residential; R1 Single-Family and R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; and SPR Special Planning Review zones.
- 10. Discussion Only/No Possible Action:** Text amendments to Storey County Code Title 17 Zoning regulating shipping containers and accessory non-dwelling uses in all regulatory zones; watch-persons' accessory dwellings in the I1 Light Industrial, I2 Heavy Industrial, and IC Industrial Commercial zones; accessory dwelling units ("in-law quarters") in the following regulatory zones: CR Commercial-Residential; R1 Single-Family and R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; and SPR Special Planning Review zones.
- 11. Discussion Only/No Possible Action:** Text amendments to Storey County Code Title 17 Zoning modifying, clarifying, elaborating upon, and consolidating land use and other terms and definitions in Chapter 17.10 Definitions and as those terms and definitions apply to and within all regulatory zones and all other provisions in the zoning ordinance.
- 12. Discussion Only/No Possible Action.** Map amendments to the Official Storey County Zoning Map, changing zone districts R1 Single-Family Residential to SFR Single-Family Residential, R2 Multi-Family Residential to MFR Multi-Family Residential, I1 Light Industrial to IL Light Industrial, I2 Heavy Industrial to IH Heavy Industrial, and adding IN Neighborhood Industrial to the list of classified zones, affecting all listed zones in Storey County except those located within the annexed portions of the Tahoe-Reno Industrial Center, and other properly related matters.

Senior Planner Canfield: Said that staff is not requesting action tonight, and is still working on the changes, clarification and clean up to the code.

Public Comment:

Bruce McClain, Mark Twain resident: Said that he has a 1.3 acre property on Lafond Avenue. Stated his support for the code revision to increase the allowance of 5,000 square feet or more in accessory structures as opposed to the 4,000 square feet, which it is now. Visited the planning department to inquire about accessory structures and was told that the Title 17 revision is proposed to increase the square footage to 5,000 square feet and would most likely be approved. Said the property he bought has an existing building on it which is basically useless. He would like to put a new shop and garage on the property. He restores cars as a hobby and needs a place to store equipment and cars indoors. Having accessory structures on a property reduces weeds, dust and clutter.

Senior Planner Canfield: Stated that staff is supportive of the revision to allow for 5,000 square feet for accessory structures in the Estate zone.

Kenneth Bauer, 9 year Highlands resident: Said he came to the meeting to address the agenda item which included shipping containers. Moved up here and found out about challenges to living up here. Theft, critters and weather are issues. A shipping container that is sealed properly and vented are ideal for storing tools, equipment, etc. and are great for securing property because of the ability to place locks on the container. Containers are mobile. He said he moved his with his pickup truck. Talked to the neighbors about building a shed and the permits required to place one. Said his container is 8' x 20' (160 square feet) and is perfect for storing "overflow" from the garage. These are good for seasonal equipment and tools. Said they are sensitive to their neighbors in acquiring a container which is earth tone and matches the house. Didn't find anything in the county codes or the CCRs, which stated that these were not permissible. Supports allowing these to be utilized by property owners.

Vice Chairman Herrington: Said that he agrees with Mr. Bauer and said that small things can be done to make containers more attractive.

Chairman Hindle: Asked Senior Planner Canfield if there were any conflicts regarding the codes for shipping containers and the HOA.

Senior Planner Canfield: Said she is not familiar with what the HOA CCRs are for containers. Staff is proposing to de-regulate code for containers, which was put into effect a couple of years ago. Supports what Mr. Bauer has done on his property to utilize a shipping container for storage. Staff is proposing limiting square footage totals in regards to the containers, but overall is de-regulating them. Staff is proposing a limit of 1,280 cumulative square feet in the 1 acres for containers in the Estate zone. The HOA can be more stringent.

Jay Carmona, VCH resident and VCHPOA President: Said that the 1 acre association doesn't have any specific regulations regarding shipping containers. Said that anything that is brought onto the lot in the 1 acres has to be approved by the architectural committee. He understands that many properties in the Highlands have shipping containers located on them. Glad to see that the commission is considering loosening up restrictions on these because they are extremely handy and have a lot of flexibility. He attended a 10 acre meeting and found that they do have regulations for containers. Shipping containers in the 10 acres must be removed from the property on completion of a home.

Vice Chairman Herrington: Asked Jay if the 1 acres requires approval for a garden shed.

Jay Carmona: Said that in theory, yes, they do need approval from the architectural committee, but they do get erected without approval.

Mary Streng, 11 year Highlands resident (1 acres): Said that that they have been fortunate to have a very nice neighbor next to them. Their house was completed last summer. They still have a shipping container on the property 15' from her driveway. Said she understands how shipping containers can be used for storage, but doesn't like them being placed in the front yard area visible to the neighbors. Would like some type of statement which states how close they can be to someone else's property. There was never any discussion about this with the neighbors. Said that her husband talked to them a few times already. They have 3 acres and have room to put the shipping containers somewhere else on the property. Joe Starnes (Community Development) came out and he said that the CCRs don't stipulate where the containers can be placed. She would like to see something that requires them to be out of proximity to the neighbor's property. Asked if the CCRs for the 1 acre can state that they must be moved after construction is completed.

Jay Carmona: Answered that for the CCRs to be amended it would take a vote of approximately two thirds of the 1 acre homeowners which would be next to impossible to achieve.

Chairman Hindle: Said that the HOA CCRs are not within the purview of the planning commission or the county. Thanked the public for their comments and encouraged them to submit any comments to the planning department.

Discussion continued between staff and commission members about shipping container regulations.

Clay Mitchell, Virginia City resident: Asked if oversight by the Comstock Historic District Commission (CHDC) would be required regarding shipping containers in Virginia City.

He said that he is also in favor of increasing the non-dwelling footprint for accessory buildings. Wondering if it would make sense to have some sort of a percentage of lot coverage restriction to account for the difference sizes of lots or if the different zoning designations allows us enough variation. Should be able to address different lot sizes in that way.

Senior Planner Canfield: Said that is correct. The Historic District would have to review whatever proposal someone has for placing a shipping container. She also said that each zone is proposed to have limits to cumulative square footage of containers allowed.

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

Motion: Next planning commission meeting to be held on August 15, 2019 at 6:00 P.M. at the Storey County Courthouse Virginia City, Nevada, **Action:** Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=4).

No Public Comment

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

15. Correspondence (No Action) – None

16. Public Comment (No Action) – None

17. Staff (No Action) – Senior Planner Canfield said that staff advertised for a Planning Commissioner position for the Mark Twain district to replace Laura Kekule. Staff received two letters of interest. One interview is scheduled, and staff is still trying to contact the other applicant.

Staff had meeting with FEMA staff a couple of weeks prior to discuss emergency and hazard mitigation planning and what services they can offer versus what our concerns were. As result of the meeting, the biggest items staff identified as concerns were earthquakes, fires and flooding. Staff will be having further discussion with them to see what kind of programs are in place to help us in addition to existing county programs. Staff and other departments in the county also has a meeting/training coming up with the Army Corps of Engineers to see what programs they have to offer for emergencies. This ties in with the county's Emergency Management plans that are already in place.

County Manager Austin Osborne: Fulcrum Sierra Biofuels is currently being constructed. The project was approved in 2006. There are a couple of 500' cranes on the jobsite. The job is moving forward quickly.

Public Works is installing driveway and side road culverts throughout the Mark Twain community. This is about a 150k project and is not dependent on the Mark Twain Flood Study. This is being completed in areas that have already been identified as problem areas. August 14th is the date that JE Fuller will present the findings of the Dayton Valley Area Drainage Master Plan study at 5:30 pm at the Mark Twain Community Center. This will be the last workshop. Residents will be able to look at maps and give comments before this goes to the county commission for adoption. This will give us the findings and direction needed to address flooding problems in the future.

Peri Ranch Road easements in Lockwood are moving forward. Keith is working on legal matters with the Lockwood Community Corporation (LCC) regarding the easements. Ultimately, this will allow the county to pave and maintain a portion of Peri Ranch Road through the LCC community.

Public Works has purchase a tractor with a long arm on it that has a mower at the end. This will allow them to mow down weeds along the shoulders of primarily Cartwright and Lousetown. It also extends out to grind sagebrush to help with fuel reduction. This will be used countywide.

Gold Hill Sewer Project is moving forward.

The Virginia City Freight Depot on E Street is moving forward.

Board Comments (No Action) –

Chairman Hindle: Asked about weed abatement in the Virginia City Area.

County Manager Austin Osborne: Weed abatement in the Virginia City and Gold Hill area has been done annually the past few years in cooperation with the Dayton Valley Conservation District (DVCD), but is on hold due to the DVCD's inability to obtain qualified staff to complete the spray. *

*This info was brought forth by Lyndi Renaud Planning Assistant during staff comment. She has been corresponding with Rob Holley of the DVCD regarding the program. He will let staff know when they have a crew that can do the spray.

Senior Planner Canfield: Storey County is part of a new weed management group that is working with Washoe County and groups within Washoe County such as Keep Truckee Meadows Beautiful and others. Meeting with Department of Agriculture and these groups in order to work on funding and projects to move the weed management program forward.

18. Adjournment (No Action) - The meeting was adjourned at 7:25 pm.

Respectfully Submitted, By Lyndi Renaud