



Storey County Planning Commission

Meeting Agenda

Thursday, July 16, 2015 6:00 p.m.

Virginia City Highlands Park, 2141 Empire Rd

Corner of Sazarac Rd. and Empire Rd.*

Virginia City Highlands, NV

Bret Tyler – Chairman

Virgil Bucchianeri – Planning Commissioner

Jim Hindle – Planning Commissioner

Pamela Smith – Planning Commissioner

Laura Kekule – Vice-Chairwoman

John Herrington – Planning Commissioner

Larry Prater – Planning Commissioner

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

***From Geiger Grade take Cartwright Rd into the Virginia City Highlands, then right on Sazarac Rd. Continue to intersection of Sazarac and Empire Rd. to the park.**

1. Call to Order at 6:00 p.m.
2. Roll Call
3. Pledge of Allegiance
4. **Discussion/Possible Action:** Approval of Agenda for July 16, 2015.
5. **Discussion/Possible Action:** Approval of Minutes for May 21, 2015.
6. **Discussion/Possible Action:** Special Use Permit 2015-021. By Kathryn Muhs. The applicant is requesting a Special Use Permit to construct a mother-in-law quarters attached to an existing garage and single-family residence at 2065 Applegate Road in Virginia City Highlands, Storey County, NV (APN 003-092-05).
7. **Discussion/Possible Action (Zone Text Amendments).** Proposed land use zone text amendments to Chapter 17.12 General Provisions regarding: 17.12.044 height of commercial and amateur radio antenna structures in the I1 and IC zones; 17.12.045 (added) location and placement of accessory structures; 17.12.046 (added) location and placement of accessory dwelling units; 17.12.100 amending "general provision for C, CR, I1, I2, and I3 zones" to include "all zones"; to move all regulatory provisions of Chapter 17.48 Historic District Overlay zone to Chapter 17.12 General Provisions; other minor textual corrections; and other properly related matters. The items may be proposed for action at a later time – public participation is encouraged. Copies of the text amendments may be obtained from the Planning Department website at <http://www.storeycounty.org/521/Updates>, at 775.847.1144, or from planning@storeycounty.org.
8. **Discussion/Possible Action (Zone Text Amendments):** Proposed land use zone text amendments to Chapter 17.30 CR Commercial-Residential Zone regarding: 17.30.020 adding row houses to allowed uses, and amending allowed number of dogs and pigs; 17.30.030 adding micro-distilleries to special use permit uses; 17.30.050 reducing setback distances for residential structures, and amending front setback distances for commercial uses when abutting existing residential uses; 17.30.060 amending residential and

commercial use density; other minor textual corrections; and other properly related matters. The items may be proposed for action at a later time – public participation is encouraged. Copies of the text amendments may be obtained from the Planning Department website at <http://www.storeycounty.org/521/Updates>, at 775.847.1144, or from planning@storeycounty.org.

9. **Discussion Only/No Possible Action (Master Plan Amendments):** Discussion and comments from the commission, staff, and public regarding existing and potential future land uses and development patterns in the county and its communities. Discussion will include a review of draft Master Plan Chapter 4 Land Uses. Public participation is encouraged. Copies of the master plan draft may be obtained from the Planning Department website at <http://www.storeycounty.org/521/Updates>, at 775.847.1144, or from planning@storeycounty.org.
10. **Discussion/Possible Action:** Determination of next Planning Commission meeting.
11. **Discussion/Possible Action:** Approval of Claims.
12. **Correspondence** (no action)
13. **Public Comment** (no action)
14. **Staff** (no action)
15. **Board Comments** (no action)
16. **Adjournment**

Notes:

- Note: All hard-copy and electronic correspondence related to this agenda must be received by 5:00pm the Friday preceding the meeting date.
- 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).

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 July 7, 2015: 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, Virginia City Highlands Fire Station; and the Lockwood Fire Station.

By Lyndi Renaud, Secretary



STOREY COUNTY PLANNING COMMISSION MEETING

THURSDAY – May 21, 2015 – 6:00pm
Storey County Courthouse, District Courtroom
26 South “B” Street
Virginia City, NV 89440

MEETING MINUTES

CHAIRMAN: Bret Tyler

VICE-CHAIRWOMAN: Laura Kekule

COMMISSIONERS:

Virgil Bucchianeri, John Herrington, Larry Prater, Pamela Smith, Jim Hindle

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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:** Bret Tyler, Virgil Bucchianeri, John Herrington, Larry Prater, and Jim Hindle.
Absent: Pamela Smith, Laura Kekule.

Also Present: Planning Director Austin Osborne, Planner Jason VanHavel, Deputy District Attorney Keith Loomis, and County Commissioner Jack McGuffey.
 3. **Pledge of Allegiance:** The Chair led those present in the Pledge of Allegiance.
 4. **Discussion Only/Possible Action:** Approval of Agenda for May 21, 2015.

Motion: Approve Agenda for May 21, 2015 **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Bucchianeri, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

No public comment.
 5. **Discussion/Possible Action:** Approval of Minutes for February 5, 2015.

Motion: Approve Minutes for February 5, 2015, **Action:** Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Hindle, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).
 6. **Discussion/Possible Action:** Approval of Minutes for March 5, 2015.

Motion: Approve Minutes for March 5, 2015, **Action:** Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Bucchianeri, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

7. **Discussion/Possible Action:** Approval of Minutes for April 16, 2015.

Motion: Approve Minutes for April 16, 2015, **Action:** Approve, **Moved by** Commissioner Bucchianeri, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

8. **Discussion/Possible Action:** Special Use Permit 2015-009. By Sean Thomas Murray and Ann Aragon Murray. The applicants are requesting a SUP for a short-term vacation rental (less than 30-day rental) for an existing single-family residence located at 275 East Union Street (R1 Single-Family Residential Zone) in Virginia City, Storey County, Nevada (APN: 001-246-08).

Planning Director Austin Osborne introduced the applicants Sean Murray and Ann Aragon Murray.

The applicants told the commission that they would like to explore the options available to them in use of their property. They would like to rent their house on a short term basis instead of long term, so that they would still be able to use it when they visit Virginia City. They said they plan on retiring here in a couple of years.

Commissioner Hindle: Asked the applicants if they have been renting the home on a long term basis.

Applicant Sean Murray: Told the commission that they were renting the home back to the person they bought it from. If a short term rental option is not available, then they will rent it out long term.

Commissioner Hindle: Asked if any public comment was received on this file.

Planner VanHavel: There was no public comment received; however, there is a neighbor present here tonight.

Chairman Tyler: Asked for public comment.

Bret and Joanie Stockwell: Introduced themselves. They are next door neighbors to the applicants. They stated that they bought their house to enjoy the peace and quiet of the neighborhood, and enjoy their privacy. They said not knowing who might be renting the home next to them on a short term basis has them apprehensive about it. They bought their home in a residential area, and not a "house" in a commercial or multiple use area. They are concerned with noise problems, trash and damage to their property, as well as other impacts that the rental property may have on theirs.

Planning Director Osborne: This area is primarily a single family residential community. When I was on the Planning Commission a few years back in 2007 or 2008, the commission heard a request for a Bed and Breakfast in this area just a couple of blocks away. The request was denied based on the same type of reasons the Stockwells stated in their opposition to this SUP. The findings of that denial included nighttime noise, vehicle traffic at late hours, and other noise. The key in this application is the location of the use, that being deep in the residential community.

Planner VanHavel: Presented the power point on the file. He showed pictures of the home, which also showed a detached garage and additional parking next to it. The neighbors are in close proximity to this property. In researching other municipalities, he found some options used in short term rental properties. He presented an addendum to the staff report. It gave an alternative motion that stated the short term rental can only be rented for a total of 90 days annually, unless there is onsite supervision all times. In that instance, there would be no limitations on the number of nights it could be rented per year.

Neighbor Joanie Stockwell: We experienced a noise problem with the previous owners of the home. We heard the television, and radio on too loud. If the previous owner was using the hot tub, she would have the music on too loud. There were people coming and going. The property is too close to us, and there is no barrier such as a privacy fence that might shield some of the noise. She is concerned with noise, and who may

be renting the home. She asked for clarification of the short term 30 days versus the 90 day rental period indicated in the staff report.

Planner VanHavel: Clarified that it was 90 days total annually, and not longer than 30 days at a time.

Planning Director Osborne: With these types of files, staff provides a recommended motion, and then alternatives to that motion. In this case, we recommend denial based on the findings in this case.

Commissioner Herrington: Prior to living on A Street, we used to live on P Street in a quiet residential neighborhood. Now living on A Street, we are used to the noise from the bars, parades, tourists and big events that Virginia City has, but we deal with it because we want to live at our location toward the middle of town. It is zoned residential, but we are right on the border. However, it would have been devastating to have a party atmosphere on P Street, where we used to live, because it was so quiet.

Commissioner Prater: There was a home near him in the Highlands a few years back that was used as a second home. It was used on some weekends and a couple of weeks in the summertime. There was a lot of noise and traffic during these times. This type of use in this type of area is really not appropriate.

Commissioner Hindle: Asked if a Bed and Breakfast in an R -1(residential) zone would require an SUP?

Planning Director Osborne: Yes, it would have to go through this same process.

Motion: Deny SUP 2015-009, **Action:** In accordance with the recommendation by Staff, the Findings under Section 5.2 of the Staff Report and other Findings deemed appropriate by the Planning Commission, I, John Herrington, hereby recommend denial of Special Use Permit Application Number 2015-009 for the use of the residence and property located at 275 Union Street (APN: 001-246-08), Virginia City, Nevada, as a transient commercial use/vacation rental or any other similar use not listed as an allowed use in the R-1 single-family residential zone pursuant to Storey County Code 17.16.020.

Moved by Commissioner Herrington, **Seconded by** Commissioner Hindle, **Vote:** Motion carried by unanimous vote (summary: Yes=5).

Planning Director Osborne read the **Findings for Motion for Denial** into the record.

5.2 Motion for Denial

Should a motion be made to deny the SUP request, the following Findings with explanation of why should be included in that motion.

5.2.1 Requirements by Code. The SUP does not comply with all federal, state, and county regulations.

5.2.2 Requirements by Code. The conditions under this SUP do conflict with the purpose, intent, and minimum requirements in SCC 17.16 R-1 Residential Zone and SCC 17.03.150 Special Use Permits, or any other federal, state or county regulations, including building and fire codes.

5.2.3 Requirements by Code. The proposed SUP will impose substantial adverse impacts or safety hazards on the adjacent properties or the surrounding area.

5.2.4 Use Compatibility. The conditions of approval under the SUP do not impose sufficient regulations on the proposed use to reasonably mitigate associated impacts on the surrounding environment and existing adjacent land uses.

5.2.5 Regulation compatibility. The conditions under the SUP are not at least as stringent as and do conflict with the applicable federal, state, and county regulations.

5.2.6 Land Use compatibility. Because subject property is in the core of the R-1 residential area, the proposed use is incompatible with the area.

Planning Director Osborne: Let the applicants know that the Planning Commission is just advisory to the Board of County Commissioners and that they should prepare to attend the second meeting. There will be another hearing of their file at the meeting date that Planner VanHavel told them about for a final decision on their SUP.

9. **Discussion/Possible Action:** Variance 2015-012. By Jennifer Barnes. The applicant is requesting a sign variance for the Mustang Ranch Steakhouse located at 5 North C Street in Virginia City, Storey County, Nevada (APN: 001-086-01). The applicant requests variances to the provisions of SCC 17.84 (ordinance regulating signs and billboards) for the following purposes: (1) to allow a sign to be more than 15 inches in width (height) which will be attached above the porch facing C Street of the subject property; (2) to allow a sign attached to the end of the porch facing Union Street (south) of the subject property, and allow more than 15 inches in width (height) of that porch-end sign; and (3) to allow a back-lighted "Open" sign to be installed inside of a window abutting Union Street but facing C Street (west) of the subject property.

Planner VanHavel: Presented the file to the commission. The applicant was not present at the meeting. He showed different views of each sign requiring a variance. He referenced the large Bonanza sign next door to the Mustang Ranch Steakhouse which has been up for approximately 50 years. He drew some comparisons between the two signs. The Bonanza sign was in place before the zoning ordinance was created.

Commissioner Herrington: Is the "Open" sign illuminated by neon or other gas?

Planner VanHavel: No, it is electric, but is neon in appearance. Significant discussion followed on what constituted a "neon" sign with regard to various types of gases, as well as "neon" looking signs that use LED and other technology.

Planning Director Osborne: The applicant Jennifer Barnes received approval from the Comstock Historic District Commission (CHDC) to put up the sign on the front of the building, but the approval didn't include the illuminated sign.

Commissioner Prater: If a sign is "grandfathered" in, and ownership of the property changes, are they required to come into compliance with the current ordinance. Is that correct? He said that the Bonanza has recently been sold.

Planning Director Osborne: That is correct. Staff is working with the D.A.'s office and the Building Department regarding nuisances and signs. There is a challenge in dealing with the signs. Numerous businesses have changed ownership and still display signs that are not in compliance. He stated that he has talked with Bert Bedeau from the CHDC and Bert feels that the Bonanza sign is historically appropriate.

Chairman Bret Tyler: Suggested revisiting the sign ordinance. He voted against its creation when it was proposed in 2012.

Planning Director Osborne: We will be looking at this in the future. We are doing a full comprehensive review of Title 17, and are looking at appropriate ways to address signs in Virginia City, including balancing historic uses patterns with modern needs.

Discussion between the commissioner members and staff continued regarding the illuminated "Open" sign. The side of the building has a door which is difficult to see, and may present a hardship for the business. A lighted sign is necessary to direct people there. Suggestion was made to recess the meeting for a few minutes to go look at the sign. Maybe a backlit sign would be a good alternative to the illuminated neon type sign.

A motion was made to continue this item later in this meeting because the applicant was not present and able to represent the proposed use.

Motion: Continue this item later in this meeting, **Action:** Continue, **Moved by** Commissioner Hindle, **Seconded by** Commissioner Herrington, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

10. **Discussion/Possible Action:** Variance 2015-014. By Loren Purcel. The applicant is requesting a sign variance for The Red Dog Saloon located at 76 North C Street in Virginia City, Storey County, Nevada (APN 001-084-09). The applicant requests a variance for the purpose of changing the allowed width, length, and shape of a sign which will be attached to the porch of the business and allowing a painted sign on the north side of the building.

Planner VanHavel: Presented the file using a power point presentation. The applicant is requesting a variance for a sign which is not rectangular for the front of the building, and a similar looking sign painted on the side of the building.

Sue Purcel, co-owner of the Red Dog Saloon: We are asking for a sign on the north side of the building to alert people coming in to town about our business. Loren (husband) has been the one dealing with the variance, but he couldn't be here tonight. The dimensions of the sign are in the original report.

Planning Director Osborne: The sign on the side of the building is approximately 8 feet by 10 feet.

Chairman Tyler: The only problem he sees with the sign is the stark white color in the sign. An off white color would be historically correct. The stark white color did not exist historically.

Planning Director Osborne: The Comstock Historic District Commission (CHDC) has also approved these signs, including the white coloring.

Commissioner Hindle: Is there a precedent set for signs on the sides of building within the last decade?

Planning Director Osborne: The only signs that are on the sides of buildings in town that are non-conforming are grandfathered in, such as the Bucket of Blood. Allowed signs on the side of a building are in compliance if the side of the building faces a public right of way. This building is next to a vacant lot, which could be interpreted as consistent with the spirit of the ordinance, such as what was found a few months back with the signs proposed at the corner of Taylor and "C" Streets. A sign on the side of a building this large could break up the starkness.

Commissioner Prater: Usually in the past a variance is requested due to a hardship. Both the previous file (Mustang Steakhouse), and this request does not seem to present a hardship to the property owner. He is concerned with setting a precedent for non-conforming signs in the future. A variance may not be warranted if a "denial" doesn't cause a hardship to the property owner.

Public Comment

Pam Burfitt: Likes the signs, and thinks they look better than a lot of what is on C Street now. The sign on the side of the building will break up that great big wall.

Deputy D.A. Keith Loomis: Section 1.3.3 in the staff report addresses the hardship issue that was mentioned.

Chairman Tyler: The size of the sign is the appropriate scale for the size of the building.

Commissioner Prater: Need further explanation from council regarding section 1.3.3.

Deputy D.A. Keith Loomis: Read a portion of 1.3.3. "Exceptional situation or condition of the lot or parcel, the strict application of the regulations enacted under this title would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of property."

Planner VanHavel: Can see a hardship for the property owner in that the business is trying to keep up with other signs that have been allowed.

Chairman Tyler: Personally, thinks this sign is appropriate for the size of the building.

Commissioner Herrington: Granting variances may open the door for others to want things, but they are decided by this commission on a case by case basis.

Commissioner Bucchianeri: Signs on the sides of buildings never bothered me much. If the Historic District approved this, we may have a problem not approving it. We shouldn't be in conflict with them. The sign issue has been going on for years. We should try to coordinate our efforts with the CHDC.

Planning Director Osborne: Stated that Commissioner Bucchianeri is correct in that there should not be conflict between the county ordinances and the CHDC. He stated that the county master plan recommends that county officials try to coordinate with the CHDC when conflicts between conflicts are found between their regulations. He continued that there appears to be conflict between the two entities on what is historically and otherwise appropriate with regard to signs in the historic district. He stated that he would gladly engage with the historic district and local businesses in addressing the matter, and report back to the planning commission findings and recommendations before proceeding on amendments to the ordinance. He stated that the current sign ordinance is comprehensive and well-written. However, he said that it may be too strict for the Virginia City downtown area. He stated that full enforcement of the ordinance may hinder economic development and create a sterile environment that is not historically appropriate or appealing to tourists.

Commissioner Hindle: Sees historic significance of the Red Dog, not to the Comstock mining days, but to the musical history it has of the 60's and 70's. Also feels that the sign ordinance needs to be cleaned up because of future variance issues to come.

Planner VanHavel read the **Findings** into the record:

6.1 Motion for Approval

The Findings listed in this subsection are the minimum to be cited in an approval or approval with conditions. The following Findings are evident with regard to the requested Variance when the recommended conditions in Section 7 are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

6.1.1 There are special circumstances applicable to the subject property, including the configuration of the building and the location of the saloon and restaurant therein. Therefore, the strict application of the zoning ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification.

6.1.2 That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant (property owner).

6.1.3 That the 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 or improvements in the neighborhood of the subject property.

6.1.4 The proposed Variance is in compliance with the purpose and intent of Federal, Nevada State, and Storey County regulations including, but not limited to, SCC 17.84 Signs and Billboards, and NRS 384 as determined by the Comstock Historic District Commission.

6.1.5 The proposed Variance is in compliance with and supports the goals, objectives and recommendations of the Storey County Master Plan.

Motion: Approve with added condition that stark white color be changed to off-white hue to be historically appropriate, **Action:** Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Bucchianeri, **Vote:** Motion carried by vote (**summary:** Yes=4, Nay=1).

Commissioner Prater: Explained for the record that he liked the signs but felt that they don't conform to our current sign ordinance. He feels that this request doesn't fall within the requirements of a variance that a denial would cause a hardship for the business.

Planning Director Osborne: Will start the process of reviewing the sign ordinance with collaboration from the CHDC and the Tourism Commission.

Meeting recessed at 7:11 p.m.

Meeting resumed at 7:17 p.m.

Motion was made to resume Agenda Item 9. Mustang Steakhouse 2015-012 Variance.

Motion: Resume Agenda Item 9. **Action:** Approve, **Moved by** Commissioner Hindle, **Seconded by** Commissioner Prater, **Vote:** Motion carried by vote (**summary:** Yes=5).

Chairman Tyler: Introduced Item 9. 2015-012 Variance for Mustang Steakhouse.

Deputy D.A. Keith Loomis: There is a provision under the zoning code that indicates that the applicant should be present to make the request for the variance.

Planner VanHavel: Spoke with the applicant on Monday. Went over the staff report with her and discussed the date and time of the meeting. She said she would be here. Have not had any contact with her since then.

Planning Director Osborne: Tried to contact the applicant Jennifer Barnes by phone and text, but got no response.

Motion: Continue this item to the next Planning Commission meeting, **Action:** Continue, **Moved by** Commissioner Bucchianeri, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

11. **Discussion/Possible Action (Zone Text Amendments).** Proposed land use zone text amendments to Chapter 17.12 General Provisions regarding: 17.12.044 height of commercial and amateur radio antenna structures in the I1 and IC zones; 17.12.045 (added) location and placement of accessory structures; 17.12.046 (added) location and placement of accessory dwelling units; 17.12.100 amending "general provision for C, CR, I1, I2, and I3 zones" to include "all zones"; to move all regulatory provisions of Chapter 17.48 Historic District Overlay zone to Chapter 17.12 General Provisions; other minor textual corrections; and other properly related matters. The items may be proposed for action at a later time – public participation is encouraged. Copies of the text amendments may be obtained from the Planning Department website at <http://www.storeycounty.org/521/Updates>, at 775.847.1144, or from planning@storeycounty.org.

No action taken, discussion only.

Planning Director Osborne: Discussed General Provisions page 7 of 23, accessory dwellings. Changed wording to "attached" and "detached" accessory dwelling. Adjusted wording and textual variations to make things clearer. On page 8 of 23, there is a Comstock Historic District overlay which was essentially our sign ordinance. Asking the board to possibly remove this section as these requirements are addressed in other zones and by NRS 384 and administered by the Comstock Historic District Commission.

Recommends creating in the Master Plan a redevelopment district in Virginia City that will allow us to secure more grant monies than currently exist. He recommends creating a Virginia City Downtown District in the Master Plan to address zero setback boundary area for residential and commercial uses.

Chairman Tyler: Keep the overlay district until it is completely obsolete.

Planning Director Osborne: Page 17 of 23 in General Provisions, off street parking requirements. He referenced an American Planning Association (APA) article that said the planning direction across the country is to diverge from the suburban parking lot and use requirements to parking and circulation that resembles traditional downtown environments that facilitates higher density, more use of land for buildings, and off-site parking.

Planner VanHavel: Some of the buildings here in the downtown area have space that they are unable to develop because of the parking requirements in our code. The APA article said that parking requirements actually served to inhibit economic development in various communities across the country.

- 12. Discussion/Possible Action (Zone Text Amendments):** Proposed land use zone text amendments to Chapter 17.30 CR Commercial-Residential Zone regarding: 17.30.020 adding row houses to allowed uses, and amending allowed number of dogs and pigs; 17.30.030 adding micro-distilleries to special use permit uses; 17.30.050 reducing setback distances for residential structures, and amending front setback distances for commercial uses when abutting existing residential uses; 17.30.060 amending residential and commercial use density; other minor textual corrections; and other properly related matters. The items may be proposed for action at a later time – public participation is encouraged. Copies of the text amendments may be obtained from the Planning Department website at <http://www.storeycounty.org/521/Updates>, at 775.847.1144, or from planning@storeycounty.org.

No action taken, discussion only.

Planning Director Osborne: Page 107 of Chapter 17.30 CR Zone, discussed residential uses in the CR Zone. This is a mixed use community meaning that there are commercial uses, residential uses and commercial residential combined uses. Residences in the CR zone must comply with residential setbacks which are 20ft by 20ft and 8ft on both sides. Commercial uses in the CR zone can have zero setbacks which are zero, zero, zero feet with a 10 foot backyard. In order to create a downtown feel, should we have these restrictions? Discussed proposed language to address situations such as this in the downtown corridor (C Street). Page 110, discussed proposed setback distances within the Virginia City Downtown District, and outside the downtown district.

Brief discussion between the public, board members and staff regarding setback distances, parallel parking, and garage door opening setbacks.

- 13. Discussion Only/No Possible Action (Master Plan Amendments):** Discussion and comments from the commission, staff, and public regarding existing and potential future land uses and development patterns in the county and its communities. Discussion will include a review of draft Master Plan Chapter 4 Land Uses. Public participation is encouraged. Copies of the master plan draft may be obtained from the Planning Department website at <http://www.storeycounty.org/521/Updates>, at 775.847.1144, or from planning@storeycounty.org.

No action taken, discussion only.

Planning Director Osborne: Lockwood and Virginia City are taking up the bulk of these chapters because they are primarily the mixed use communities. Discussed tying the Lockwood, Mustang area east and west, and the Waste Management area together as a unit in our community. There is substantial discussion in draft language for the Highlands and Mark Twain area particularly with regards to water. Assembly Bill (AB) 81 is a

water bill that is moving forward. This is the one that could create a critical management area, and the state engineer could come in and put a moratorium on all future development, and metering of wells until the water issue is resolved. The county wants to take some proactive action to address the water issue before the state takes action.

Chairman Tyler: Asked if the county still has well depth information.

Planning Director Osborne: Yes, we have it, as does the State Engineer's office.

Discussion between staff and board members regarding naming the northeast area of the county. In the last meeting it was suggested naming it the Tallapusa district, after a mine that was in the area.

Potential names that were suggested during this meeting: Paiute Area (located next to Paiute land), Ramsey Area (mining area), or staying with Northeast Area.

Commissioner Prater: Asked if this board would be reviewing companies, such as Tesla, that are using hazardous materials such as lithium.

Planning Director Osborne: There is a IS Special Industrial Overlay District on that area. There is heavy industrial and special industrial. This overlay allows that to occur without any Special Use Permits. The Fire Department is training to handle fires that may occur with the handling of materials used in these types of industries. The companies pay for the required types of fire suppression.

Chairman Tyler: Asked for public comment. There was none.

14. Discussion Only/Possible Action Determination of next planning commission meeting.

Motion: Next planning commission meeting to be held on June 18, 2015 at the Mark Twain Community Center, or if not available, the Virginia City Highlands Fire Station in Storey County, NV at 6:00 p.m., **Action:** Approve, **Moved by** Commissioner Hindle, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

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

16. Correspondence (No Action) – None

17. Public Comment (No Action) – None

18. Staff (No Action):

Planning Director Osborne: Update on State Route 342. The hole in the road is filled up to grade, and you can drive it. Cruz Construction has done all the work required for the asphalt to be laid. The rain has caused a bit of delay, but as soon as it dries up, the road will be asphalted and striped. It is on track to be open by the sixth of June.

The new camel arena is becoming a permanent fixture. The owner of the Silverland doesn't want to work with us on the old land, and the property is limited when it comes to RV's and ancillary types of uses. Tourism Director Deny Dotson has plans for a large rodeo at the arena which requires room for trucks and trailers, an off loading of livestock. In the master plan process it will be important to address this and get it organized for this type of use. It will be nice to have true fairgrounds like other rural communities in Nevada.

The lands bill is now public law. It is the transfer of land to Virginia City and Gold Hill from BLM, then from us to respective property owners. Planning Director Osborne is in communication with Senator Amodei's office as well the Carson City BLM office as to how to make this happen.

NDOT is doing a signal warrant analysis on USA Parkway between the interchange and Electric Avenue to look at the potential for a roundabout, a traffic signal, or a right in right out type of arrangement, because there are traffic issues in this area which may require some type of traffic control.

19. Board Comments (No Action) -

20. Adjournment (No Action) - The meeting was adjourned at 8:16 p.m.

Respectfully Submitted,

By _____
Lyndi Renaud

**STOREY COUNTY
PLANNING DEPARTMENT**

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To: Storey County Planning Commission

From: Storey County Planning Department

Meeting Date: July 16, 2015

Meeting Location: Virginia City Highlands Park, 2141 Empire Road, Virginia City Highlands

Case Number: 2015-021

Applicant: Kathryn Ann Muhs

Property Owners: Kathryn Ann Muhs

Staff Contact: Jason VanHavel, Storey County Planner

Figures: Figure 1: Area Map; Figure 2: Land Use Compatibility; Figure 3: Site Aerial; Figure 4: Site Photos

Appendix: Appendix 1: Proposed Floor Plan, Appendix 2: Applicant Statement

Guiding Documents: Storey County Code, Section 17.03.150 Special Use Permit (conditional use), 17.10.030 Definitions, 17.40.020 Estate Zone; Storey County Master Plan

Property Location: 2065 Applegate Road, Virginia City Highlands, Storey County, Nevada (APN: 003-092-95)

Request: For a Special Use Permit to construct a mother-in-law quarters attached to an existing garage and single-family residence.

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1.3 Special Use Permit Required

The purpose and intent of the estates zones is established for areas particularly suited for low density residential use, to further enhance the quality of life for residents and to prohibit the development of uses which are incompatible and detrimental to a rural residential environment. The Storey County Code (SCC) does allow one attached family guest home (also known as a mother-in-law quarters) with approval of a special use permit.

1.4 Definitions

Dwelling: The term “Dwelling” refers to any building or portion of a building used exclusively for permanent (thirty days or more) residential purposes.

Dwelling, Single-Family Attached. The term “Dwelling, Single-Family Attached” refers to a single-family dwelling intended for occupancy by 1 family.

Mother-in-law quarters (MILQ): A structure occupying an accessory position on a lot and used exclusively for housing members of the immediate family of those living within the principal residence, or their nonpaying guests.

1.5 Surrounding Uses

The four properties to the east, two to the north, three to the west, and one to the south are vacant; the other three adjacent properties (two north, one south) have an existing single family residence on the parcels.

1.6 Area Impacts

It appears that the proposed MILQ will impose few to no adverse impacts on the surrounding lands. The added construction to the side of the garage is visible from Applegate, but the subject property is at the end of a cul-de-sac. The structure will not change the overall height, and, therefore, will not obstruct the viewshed of any surrounding uses.

2. General Compliance with Storey County’s Guiding Documents

2.1 Summary Table

The table below shows land uses, master plan designations and zoning for the land surrounding the proposed residence. There are no evident conflicts between the proposal and the County Master Plan. The proposed use is consistent with the surrounding rural land that allows for low density residential uses.

Figure 2: Land Use Compatibility			
Land	Land Use	Master Plan	Zoning
Applicant's Land	Existing single-family residence; proposed MILQ	Single-family residential	E1 VCH
Land to the east	3 Vacant	Single-family residential	E1 VCH
Land to the southeast	Existing single-family residence	Single-family residential	E1 VCH
Land to the south	Existing single-family residence	Single-family residential	E1 VCH
Land to the southwest	Vacant	Single-family residential	E1 VCH
Land to the West	Vacant	Single-family residential	E1 VCH
Land to the Northwest	Vacant	Single-family residential	E1 VCH
Land to the North	Existing single-family residence and 2 Vacant	Single-family residential	E1 VCH
Land to the Northeast	Existing single-family residence	Single-family residential	E1 VCH

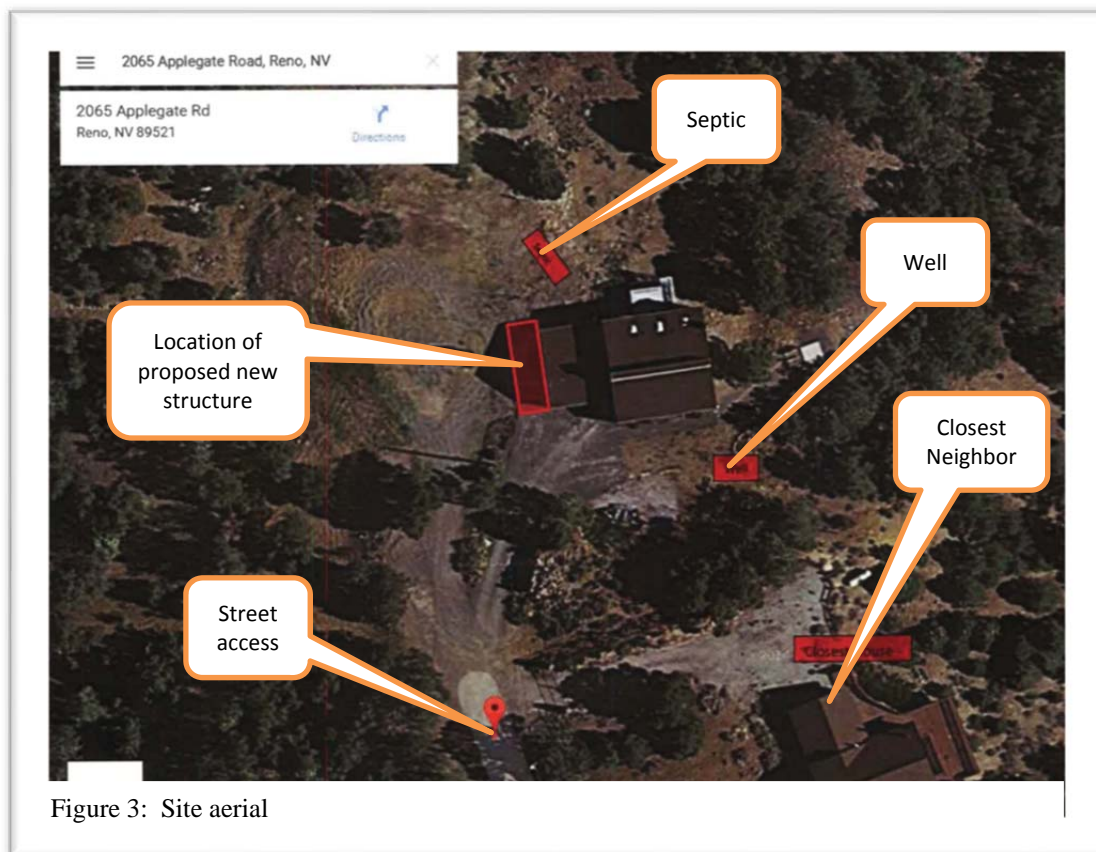


Figure 3: Site aerial

3. Compliance with the Storey County Code - Section 17.40 Estate Zone

3.1 Special Use Permit Required

SCC Section 17.40.025 - Uses subject to special use permit states:

“The following additional uses may be permitted subject to securing a special use permit as provided for in Chapter 17.03 Administrative Provisions.

F. One detached family guest home (also known as a mother-in- quarters), defined as a structure occupying an accessory position on a lot and used exclusively for housing members of the immediate family of those living within the principal residence, or their nonpaying guests subject to a special use permit. The accessory family guest home must meet the following standards:

1. A family guest home must be a complete dwelling and include a kitchen and bathroom.
2. A family guest home may be no less than five hundred square feet in area, nor greater than one thousand square feet in area.
3. If a family guest home is occupied on a permanent basis, a signed affidavit must be filed with the Community Development Department stating who is occupying the guest home. Affidavits will be reviewed annually.
4. Septic and domestic water use requirements comply with the applicable Nevada Revised Statutes.” (Appendix 4 - Existing Septic Information Submitted by Application)

It should be noted that the planning commission is in the process of updating the 2012 Storey County zoning ordinance, and that the proposed update requires that the required affidavit is recorded with the deeds of the subject property at the Storey County Recorder’s Office. Accordingly, the recommended conditions of this special use permit will require such document recording.

3.2 Minimum Lot Size

The minimum acreage in an E1 VCH zone is 1 acre. The Applicant's property does conform and exceed the minimum lot size requirements with a lot size of 3.55 acres.

3.3 Lot Dimension Requirements

The average dimension of a lot in one direction (front to rear or side to side) may not exceed four times the average dimension in the other direction. The Applicant's property does conform to the lot dimension requirements.

3.4 Height of buildings and structures

In the Estate zoning, the structure may not exceed a height of three stories or thirty-five feet, whichever is higher, except as may be allowed by a variance. The existing structure on this property conforms to this standard. The proposed construction also conforms to this standard and the overall height will not change.

3.5 Setback Requirements

The E1 VCH zoning has a minimum front set back of 30 feet, a minimum rear setback of 40 feet and a minimum side setback of 15 feet. The Applicant's proposal conforms to all minimum setbacks.

3.6 Effect of covenants, conditions and restrictions

The E1 VCH zone utilizes covenants conditions and restrictions (CC & R's) that are administered by its local homeowners' association, the Virginia City Highlands Property Owners' Association (VCHPOA). Any approval of the Special Use Permit shall include a condition of Virginia City Highlands Property Owners Association approval before a building permit is issued. The conditions recommended in the proposed special use permit require the applicants to obtain approval for the proposed structure as well as the MILQ from the VCHPOA before a building permit may be issued by Storey County. A denial of either proposed use by the VCHPOA will supersede the special use permit.



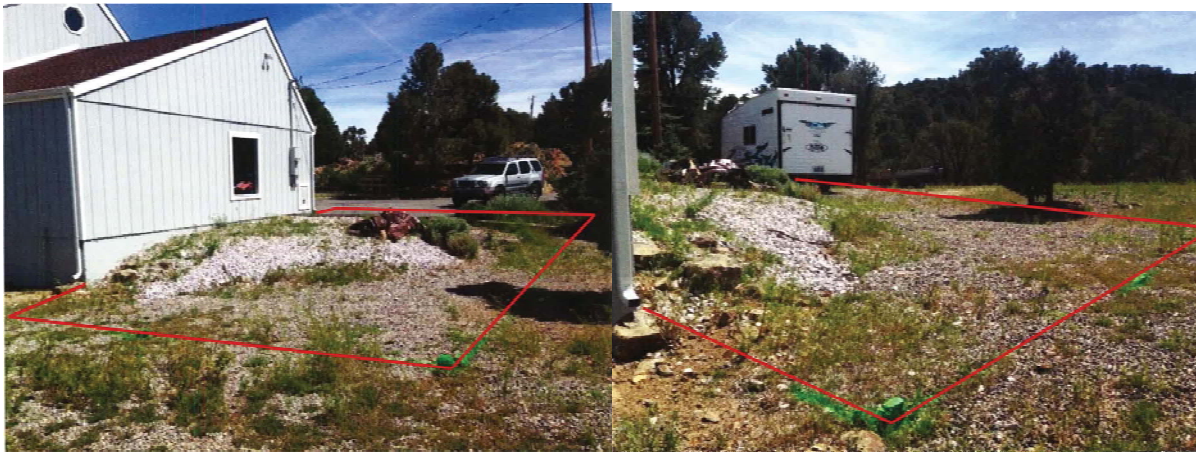


Figure 4: Site photos

4. Public Comment

4.1 Public Comment

As of July 6, 2015 (date of posting) Staff has not received any comments from the public.

5. Findings

5.1 Motion for Approval

The following findings of fact are evident with regard to the requested Special Use Permit when the recommended conditions of approval in Section 6 Recommended Conditions of Approval are applied:

5.1.1 The Special Use Permit complies with all federal, state, and county regulations.

5.1.2 The Special Use Permit will not impose substantial adverse impacts or safety hazards on the adjacent properties or the surrounding area.

5.1.3 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.

5.1.4 The conditions under this The Special Use Permit do not conflict with the minimum requirements in SCC Chapter 17.40 Estate Zone and Chapter 17.03.150 Special Use Permits, or any other federal, state, or county regulations, including building and fire codes.

5.2 Motion for Denial

Should a motion be made to deny the Special Use Permit request, the following findings with explanation of why should be included in that motion.

5.2.1 Substantial evidence shows that the Special Use Permit may conflict with the purpose, intent, and other specific requirement of SCC 17.40 Estate Zone and Chapter 17.03.150 Special Use Permit or other federal, state, or county regulations.

5.2.2 The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding uses.

6. Recommended Conditions of Approval

All conditions must be met to the satisfaction of each applicable County Department, unless otherwise stated.

1. **Compliance.** The Special Use Permit and use allowed thereby must comply and remain in compliance with all provisions set forth by this Special Use Permit and Federal, Nevada State and Storey County codes and regulations, and submitted plans and reports as approved. The Applicant must provide the Planning and Building Departments site plans drawn to scale prior to obtaining a building permit.
2. **Permits and expiration.** The Applicant must apply for all building and fire permits for the structure within 24 months from the date of board approval for this Special Use Permit, and continuously maintain the validity of those permits, as appropriate, or this approval will become null and void.
3. **Complete.** The mother-in-law quarters must be a complete dwelling and include a kitchen and bathroom.
4. **Size.** The mother-in-law quarters area of occupancy must be no less than five hundred square feet in area, nor greater than one thousand square feet in area.
5. **Occupants.** The mother-in-law quarters must be exclusively for housing members of the immediate family of those living within the principal residence, or their nonpaying guests. A deed restriction shall be filed with the county recorder's office stating that the accessory dwelling unit is a temporary use for immediate family members. It shall stipulate that the unit will be vacated and converted to a non-dwelling use (in accordance with the building code) at such time that the immediate family member(s) no longer occupy the unit. The deed restriction form will be provided by the planning department and it shall make the county a party to the deed restriction. The planning department shall agree in-writing to allow the property owners(s) to remove the deed restriction if the owner legally converts the accessory dwelling to a non-dwelling use. A copy of the recorded deed restriction shall be required and presented to the building department prior to issuance of a building permit.
6. **24 Months.** At such time that the accessory dwelling becomes unoccupied for more than 24 months by person(s) approved by this Special Use Permit, the accessory dwelling must be converted to a non-occupancy use.
7. **Improvements.** Septic and domestic water use requirements* must comply with the applicable Nevada Revised Statutes and County Building Codes.
8. **Taxes paid.** Before obtaining a building permit, the Applicant must show the Community Development Department evidence that all property taxes on the land are paid to-date.

*Nevada Division of Water Resources (DWR) statute requires an application for an accessory dwelling unit (MILQ's) for the installation of a meter so the main residence and accessory dwelling shall not exceed two acre-feet per year as provided by NRS. The water usage measurements from the totalizing meter must be submitted by the parcel owner to DWR no later than January 31st of each calendar year.

9. **Indemnification.** The Applicant warrants that the future use of land will conform to requirements of Storey County, State of Nevada, and applicable federal regulatory and legal requirements; further, the Applicant warrants that continued and future use of the land shall so conform. The Applicant and property owner(s) agree to hold Storey County, its officers, and representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this Special Use Permit.

10. **Virginia City Highlands Property Owners Association.** The allowances under this Special Use Permit are subject to approval by the Virginia City Highlands Property Owners' Association (VCHPOA). A determination by the VCHPOA to deny the requested use will supersede this Special Use Permit. Additionally, the final structure elevation drawings must be stamped with the approval the VCHPOA prior to any building permit issued.

7. Power of the Board & Planning Commission

At the conclusion of the hearing, the Planning Commission must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Special Use Permit is advisory only to the Board of County Commissioners and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

8. Proposed Motions

This Section contains two motions from which to choose. The motion for approval is recommended by Staff in accordance with the findings under Section 5.1 of this report. Those findings should be made part of that motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 5.2. Other findings of fact determined appropriate by the Planning Commission should be made part of either motion.

8.1 Recommended Motion (Motion for approval)

In accordance with the recommendation by Staff, the Findings under Section 5.1 of the Staff Report and other Findings deemed appropriate by the Planning Commission, and compliance with the conditions of approval in Section 6 of this report, I [Planning Commissioner] hereby recommend conditional approval of Special Use Permit Application Number 2015-021 for the construction of the mother-in-law quarters located at 2065 Applegate Road, Virginia City Highlands, Storey County, Nevada (APN: 003-092-95).

Summary: Approval of special use permit with conditions

8.2 Alternative Motion (motion for denial)

In accordance with the Findings under Section 5.2 of the Staff Report and other Findings deemed appropriate by the Planning Commission, I [Planning Commissioner] hereby recommend denial of Special Use Permit Application Number 2015-021 for the construction of the mother-in-law quarters located at 2065 Applegate Road, Virginia City Highlands, Storey County, Nevada (APN: 003-092-95)

Summary: Denial of special use permit

Prepared by: Jason VanHavel

APPENDIX 1

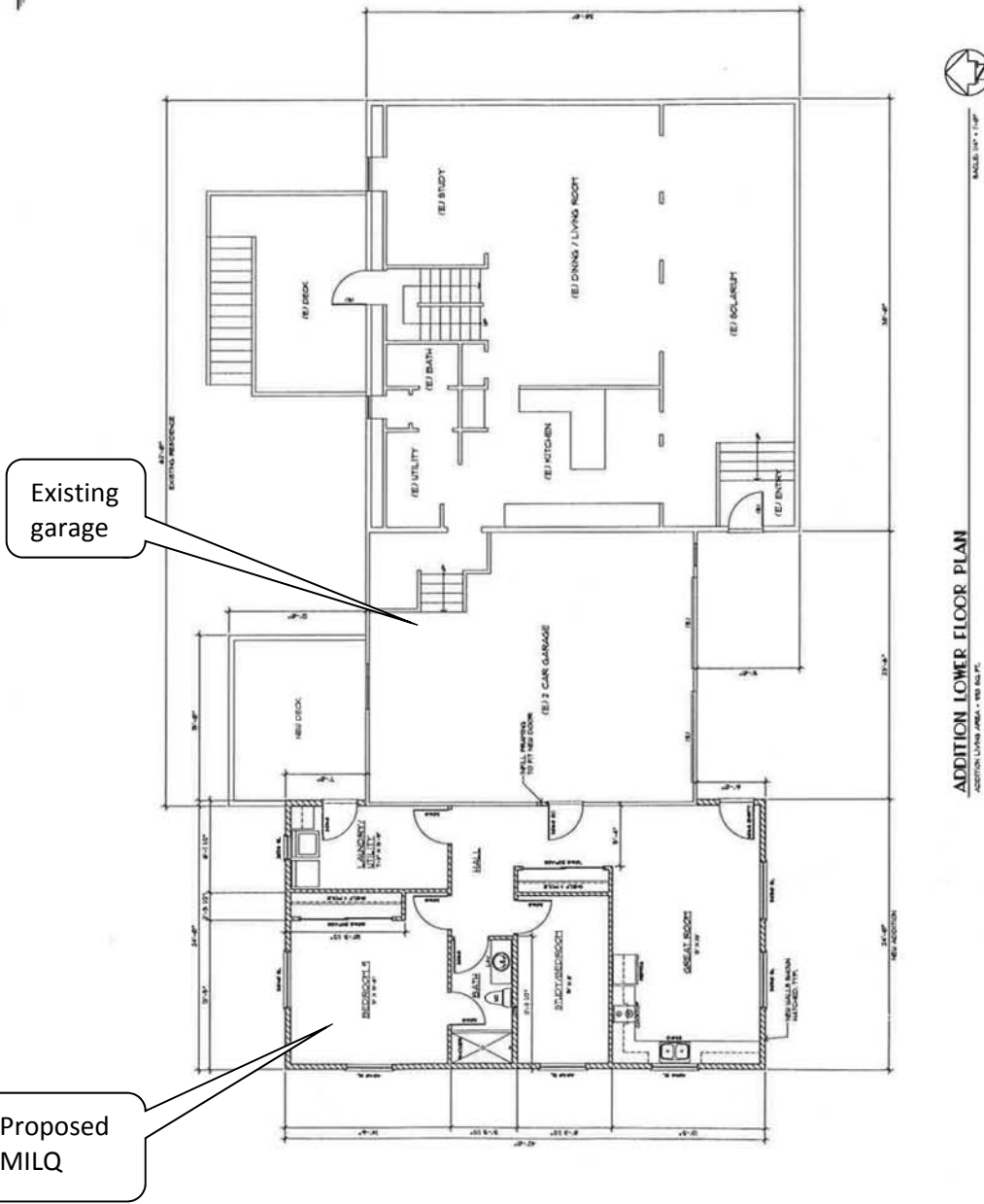
Proposed Floor Plan

DATE: 01/14/14	BY: RES	SHEET: 3
PROJECT: 2066 APPLICANT DR	SCALE: 1/4" = 1'-0"	
LOCATION: LOT 98 VIRGINIA CITY HIGHLANDS UNIT 1		

RES DESIGN
 ROBERT SCHIEL - RESIDENTIAL DESIGNER
 2066 APPLICANT DR
 VIRGINIA CITY, NEVADA 89501
 702.734.1100
 E-MAIL: rcschiel@resdesign.com

KATHRYN MUHS
 2066 APPLICANT DR
 VIRGINIA CITY HIGHLANDS UNIT 1
 LOT 98
 APN: 003-032-95

DATE: 01/14/14	BY: RES	SHEET: 3
PROJECT: 2066 APPLICANT DR	SCALE: 1/4" = 1'-0"	
LOCATION: LOT 98 VIRGINIA CITY HIGHLANDS UNIT 1		



ADDITION LOWER FLOOR PLAN
 ADDITION LIVING AREA - 100 SQ. FT.

APPENDIX 2

Applicant Statement

Detail Description/Justification of Project

Attached additional pages as necessary

BUILD AN ADDITION TO EXISTING HOUSE/GARAGE.
THE ADDITION WILL BE A "MOTHER-IN-LAW"
QUARTERS FOR MY MOTHER. THE ADDITION WILL
BE APPROXIMATELY 1000 SQ FT & INCLUDE
GREAT ROOM, 2 BEDROOMS, 1 BATH, 1 HALL, CEILING
& LAUNDRY ROOM. THE ADDITION WILL BE
ADDED TO THE REAR SIDE OF THE EXISTING
GARAGE. THERE WILL BE AN ENTRY FROM
THE BREEZE WAY/GARAGE TO THE ADDITION.
A SIDE ENTRY WILL BE TO THE DRIVEWAY.
I AM SUBMITTING THIS AS THE HOMEOWNER,
HOWEVER ONCE PLANS ARE APPROVED, A LICENSED
GENERAL BUILDER WILL BE Hired TO ENSURE
ALL CODES, LAWS & GUIDELINES ARE FOLLOWED.
MY MOTHER IS STRUGGLING MEDICALLY & CURRENTLY
LIVING ALONE IN SOUTHERN CALIFORNIA.
I AM PREPARED & WILLING TO COMPLETE &
PROVIDE WHATEVER IS NECESSARY TO OBTAIN
THIS PERMIT, SO PLEASE ADVISE YOUR QUESTIONS OR
ADDITIONAL REQUIREMENTS.