



STOREY COUNTY PLANNING COMMISSION MEETING

THURSDAY – July 16, 2015 – 6:00pm

Virginia City Highlands Park, 2141 Empire Rd
Corner of Sazarac Rd. and Empire Rd., Virginia City Highlands, NV

MEETING MINUTES

CHAIRMAN: Bret Tyler

VICE-CHAIRMAN: Vacant

COMMISSIONERS:

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

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, Pamela Smith and Jim Hindle.

Also Present: Planning Director Austin Osborne, Planner Jason VanHavel, Deputy District Attorney Keith Loomis, County Commissioner Jack McGuffey, and County Commissioner Marshall McBride.

3. **Pledge of Allegiance:** The Chair led those present in the Pledge of Allegiance.

Planning Director Osborne: Asked that the commission hear the master plan amendment agenda item before item 7 because most of the public attendees are here for that item.

Chairman Tyler: Agreed to hear item 9 before item 7.

4. **Discussion Only/Possible Action:** Approval of Agenda for July 16, 2015.

Nicole Barde, Highlands resident: Feels that the master plan agenda item was not properly agendized to reflect the details of a potential zone change to allow commercial development near the entrance to the Highlands It was only just mentioned on the Highlands chat board this morning. Had it been detailed in the agenda item, more residents would have been able to attend this meeting.

Planning Director Osborne: Clarified that the potential zone change regarding commercial development near the Highlands entrance is only addressed in the master plan workshop and not in the zone text amendment agenda item. There will be no zoning change for the Highlands voted on here tonight.

This master plan item has been heard at least two times here in the Highlands. The master plan has been heard multiple times at different communities in the county. This is a draft only item, and there will be many master plan workshops to come. He contacted the HOAs in the Highlands to give them a “heads up” about discussion at tonight’s meeting regarding proposed language in the master plan to allow commercial development near the entrance to the Highlands. This chapter of the master plan has been on the county website for the last year. This is just a discussion, and the master plan will be discussed again and again before any vote is taken by the commission.

Commissioner Smith: Explained that this is just a discussion about what may be included in the master plan at some point in the future. There is no developer trying to put a commercial use in the Highlands at this time.

Chairman Tyler: This is a good forum for input from the community to find out what they want and don’t want in the master plan for the Highlands community.

It was determined by the planning commissioners that the agenda item questioned by Ms. Barde was well published and that the publications exceeded NRS requirements. Accordingly, the item was heard.

Motion: Approve Agenda for July 16, 2015 **Action:** Approve with item 9 to be heard before item 7, **Moved by** Commissioner Smith, **Seconded by** Commissioner Herrington, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

5. **Discussion/Possible Action:** Approval of Minutes for May 21, 2015.

Motion: Approve Minutes for May 21, 2015 **Action:** Approve with correction to speaker referenced in file 2015-012 sign variance, **Moved by** Commissioner Hindle, **Seconded by** Commissioner Smith, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No public comment.

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 Rd. in Virginia City Highlands, Storey County, NV (APN 003-092-95).

Planner VanHavel: Presented the file to the commission. The subject property for this application is zoned for a single family residence and within the zoning, a mother-in-law quarters is allowed with a Special Use Permit. It is proposed to be attached to the existing structure on the other side of the garage. It is presented as detached because it does not have common living quarters. Looking from the outside, it will look like one structure with the garage in the middle. Staff recommendation is to approve. He introduced the applicant Kathryn Muhs to the commission.

Kathryn Muhs, applicant: Applying for the Special Use Permit to build a mother-in-law quarters for her mother who currently lives out of state. She and her husband have lived in the Highlands for about 4 years, have careers here, and love the area. She is not in a position to move to California in order to take care of her mother. The quarters will be approximately 1,000 square feet and will have a common area, bedroom, a kitchen, bathroom, study, and laundry room. It will have the same outside colors as the house, and has been approved by the Home Owners Association.

Chairman Tyler: Asked Ms. Muhs if she understands that in the future, if her mother or a family member is no longer using the quarters that the shower will be removed from the quarters.

The applicant Ms. Muhs asked for clarification.

Planner VanHavel: Part of the conditions of the Special Use Permit is the requirement that it be utilized by a family member as a dwelling unit which includes a kitchen and full bathroom. If it is not occupied by a family member, the shower or kitchen must be removed in order to change it back to a non-dwelling unit. If they were to sell the property, the shower would have to be removed to change it back to a non-dwelling unit. There was no public comment regarding this application.

Planning Director Osborne: NRS (Nevada Revised Statutes) may require the State Engineer's Office to meter the well because it will be used by two separate residences. Metering will ensure that they are not using more than two acre feet of water per year. He asked the commission to add a condition to the SUP deferring to the State Engineer to meter the well as required by NRS.

Kathryn Muhs, applicant: Asked for clarification regarding the metering of the well.

Planning Director Osborne: The NRS changed in 2009 requiring a well meter on properties utilizing a domestic well when the property has a dual use. The State Engineer's Office checks the meter once a year to assure that the two acre-feet of allowed water withdrawal is not exceeded.

Commissioner Prater: Asked if the two acre feet are per acre of property.

Planning Director Osborne: The two acre feet per year of water allowed is per parcel, not per land acre.

Deputy D.A. Keith Loomis : The motion of the commission should reference the conditions set out section 6 of the recommended motion, then an additional condition can be added.*

Planner VanHavel read the findings into the record:

5.1 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.

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

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.

Agenda Items 7 and 8 were heard concurrently. No action taken, discussion only.

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.

No action taken, discussion only.

Planning Director Osborne: In 2012 the county went through an extensive update of the zoning ordinances including 18 months of workshops. There are some adjustments that need to be made to these ordinances, and this is what the zone text amendments on this agenda are about. There are no major adjustments being made, except in Virginia City where reduced setbacks are proposed to residential structures in the Commercial Residential Zone. The changes in the Commercial Residential Zone will create a “downtown” development district where we have a little bit higher density with hotels and commercial uses. The Highlands zone text is not changing much, except for changes for mother-in-law quarters, accessory structures, and such. Mother-in-law quarters will require a Special Use Permit (SUP) that mandates recording of an affidavit stating that only family members are using the quarters. Zoning requirements for any amateur or commercial radio, or cellular tower antennas over 45 feet, will require an SUP which is already the current requirement. Public Utility corridors are also addressed. USA Parkway will be used as the prime utility corridor in that area of Storey County. In Virginia City there is the addition of micro-distilleries to Special Use Permit uses. There are some changes to the definitions of uses included in the zone text amendments.

Staff is asking for a vote on the zone text amendments at the August meeting because these items have been discussed at every meeting for several months now.

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.

No action taken, discussion only.

Planning Director Osborne: We are updating the county master plan in order to align its elements with changes that have occurred across the county since adoption of the 1994 master plan. Changes include, but are not limited to, water uses, changes in the county communities, growth at the Tahoe-Reno Industrial Center, and changes in population, transportation and housing. The county wants input from the communities to help shape the master plan. The master plan is not an ordinance; it is a map and a verbal discussion of each of the communities in the county, and the county as a whole. It is a document that guides our planning commissioners, county commissioners, and planning staff on what kind of uses should happen throughout the county. The master plan helps the county defend its decisions regarding proposed uses and land use patterns. Using the master plan in the county's defense against the proposed Cordevista development is an example of how the plan is used.

A draft goal for the Highlands is a proposed commercial use at Five Mile Flat Road. Some have expressed interest in this type of use in the Highlands, or have asked that the concept is at least discussed and considered. There are no commercial uses in the Highlands at this time, and county staff is not proposing that such occurs. However, as requested by several residents, county staff is asking that the item be discussed in public forum. Conversations and opinions that take place during the master plan process, including for this item, become part of the public record and help defend the master plan when needed. County staff wants to hear what the Highlands residents want with this regard, whether it's for or against a commercial use in the area.

Valerie Lebel- Flatley, Highlands resident: Expressed her opposition to any commercial use in the Highlands.

Karlynn McPartlin, Highlands resident: Commented that she doesn't find the master plan interesting to read. She asked Planning Director Osborne how residents are going to know about discussion regarding commercial development in the Highlands without reading the master plan. She is concerned with the final draft of the master plan being ready by December. She asked how the public will know, without reading the master plan nightly that this will be talked about at a meeting. She clarified that it is crucial that the public attend all of the planning commission meetings to hear about the master plan amendments.

Planning Director Osborne: The master plan amendment will be a standing item at every meeting and anyone can come up and talk about it. He explained that all correspondence received regarding the master plan goes on the record permanently and will be considered in the plan's development. It is not necessary to come to a meeting to express your opinion. He stated that he and planning staff welcome phone calls, emails, and letters regarding thoughts and ideas on the master plan as a whole, any item in the plan, or any topic of land use that a resident wishes to express opinion. One does not need to be familiar with the

master plan contents; instead, one may simply express concerns about anything s/he sees occurring in the local community. Those desires and opinions also are entered into the record and used when developing the plan.

Planner VanHavel: The current master plan was approved in 1994. He explained that the county needs to document what the residents of the county do or don't want because this could have impacts 20 years from now. He emphasized the importance of the opinions of residents in shaping the master plan. It is staff's job to get these opinions out on the table, document them, and get them into the master plan.

Nicole Barde, Highlands resident: Asked how a decision on this (commercial development in the Highlands) will be made.

Planning Director Osborne: A decision will be made based on the community's interest in such a use in the area, as well as on compatibility and other land use considerations. If the community doesn't want commercial development in the Highlands, then it won't be in the master plan. You can send emails, call us, and fill out the community survey that we have on the county website to express your opinions. County staff, the planning commissioners, and the county commissioners are all looking out for the county residents' best interests.

Discussion initiated by **Commissioner Herrington** and **Commissioner Prater** regarding potential commercial development in the Highlands: There have been two instances in the past where commercial development was proposed in the Highlands. One proposal that was talked about but never materialized was at the entrance to the Highlands at Cartwright Road and Highway 341. A store was also proposed at the intersection of Highway 341 and Lousetown Road which was denied. There was also a resident that owned a lot at the south east corner of Cartwright and Lousetown who was interested in putting a country store on the property, but he moved away and the idea was never officially proposed.

Joan Barron Wenrick, Highlands resident: Asked if a commercial structure in the Highlands could be required to be aesthetically conducive to the country rural atmosphere?

Planning Director Osborne: Responded that various methods could be employed to manage the appearance of a commercial use; however, it is not likely that conditions can be specific that only a small "mom-and-pop" operation can occur on the land. Building materials, scale, layout, and specific uses (e.g., fueling or non-fueling stations) can be regulated. However, there cannot be discrimination between small proprietors, i.e., mom-and-pop, and large companies, e.g., 7-11 Stores. We need to watch that we focus on the allowed uses and whether these are compatible with the area.

Planning Director Osborne: Then read the draft master plan "pro" commercial use language for the group to consider in discussion. It went exactly as follows:

There are no commercial uses in the Highlands. In the early 1990s, the community expressed to the board and planning commission its strong opposition to a proposed convenience store at the junction of Cartwright Road and State Route 341. Residents cited potential degradation of the existing rural lifestyle as the primary reason for its opposition to the use. However, there appears to be a growing desire in the Highlands community for a small commercial use around at the junction area that would serve the needs of the local neighborhood. The popularity of such a potential development appears directly proportionate to the number of newcomers that continue to populate the subdivision. It should be anticipated that continued population expansion in this area may increase the likelihood of and local support for a small commercial use proposal.

Erin and Tom Rahme, Highlands residents: Stated that they are vehemently opposed to any commercial development in the Highlands.

Brandy and James Gavenda, Highlands resident: Stated that they are against any commercial development in the Highlands. They are newcomers; however, they do not “want to bring California” here. Their preference for the master plan in regards to the Highlands would be to not have any potential for commercial development. James Gavenda would like an opinion survey of the Highlands residents prior to considering commercial development.

Bill Evans, Highlands resident: Stated that a commercial use in the Highlands would not be good. There would be increased traffic, and we already have a problem with people stopping to look at the wild horses. This is not what we moved up here for.

Dave Abel, Highlands resident: Said that he and his wife have lived in the Highlands since 1980. With the exception of a couple of residents, people here have been vehemently opposed to commercial development in the Highlands. This would only benefit the developer and nobody else. He said that Jack McGuffey is our (Highlands) representative (commissioner), why aren't we hearing about this from him. He wanted to know how long this has been proposed. He asked Commissioner McGuffey why he hasn't informed the Highlands people about this. He asked Jack McGuffey if he knew what was going on with the planning commission.

Planning Director Osborne: Said that the language in the draft is fairly recent. There is no developer proposing this. The purpose of the draft language is to get feedback and opinion on this type of land use here in the Highlands. If people don't want this type of use here, the language will be removed. It will be on the record that people don't want it.

Jack McGuffey, Highlands resident and county commissioner: Has known that the idea of commercial development in the Highlands has been floating around since at least 1998. He said that the planning commission is trying to work on updating the master plan and is holding meetings in each community in order to find out what the people want for their community. The commission is talking about this because it is already mentioned in the current master plan. He said that he is against this too. There are people that do want this, and that's why we are hearing about it. He stated that in his position, he should be non-biased.

Planning Director Osborne: Explained to Highlands Resident Dave Abel that the county commission's job is not to direct the planning commission. Its job is to watch and listen during the planning commission stage of the process, provide direction to staff, then consider the recommendations by staff and the planning commission before it votes to adopt or reject the proposal. The master plan is draft form only. We are going to have many more workshops about this. Commissioner McGuffey has been watching every move of this process and is very concerned. The Commissioners are not going to adopt a plan that is not in the best interests of the county's residents.

Chairman Bret Tyler: Explained that we are looking for opinion from the communities and a basis on which to legally defend the county against unwanted development. The planning commission wanted to bring this up here in the Highlands community in order to get the resident's opinion on record.

Jay Carmona, VCHPOA President: Asked if this language would be in the draft if the commission doesn't hear from residents. He wants to make sure he passes on the correct information to the residents in the Highlands.

Planning Director Osborne: Said that the language wouldn't necessarily be in the master plan, because the county commission could vote against it. They might decide that not enough information was collected and could take the language out. It is ultimately the county commission's decision.

Bill Evans, Highlands resident: Asked if there is anything that can be done about bicyclers on the Grade. They do not belong there and are going to cause a head on accident at some point.

Planning Director Osborne: Stated that Geiger Grade is a State highway and is controlled by NDOT. NDOT is also working on their bicycle master plan. Planning staff has been working with NDOT on integrating its interests into the regional bicycle plan. Residents and other parties can contact NDOT directly to give their opinion regarding bicycles on Geiger Grade.

Planning Director Osborne: Outlined potential draft goals in the master plan for the Highlands which include preserving the rural residential character of the Highlands area; insure adequate quality and quantity of water, including the possibility of forming a general improvement district to manage water importation and distribution; encourage companies to provide reliable wireless and internet service; an east west connector road; area planned unit developments (may or may not allow them); maintain a one, ten, and forty acre subdivision design; provide EMS and fire prevention services; and maintain a buffer area between heavy and industrial uses and residential areas. He stressed the importance of residents giving their opinion on these goals in order to help shape the master plan. Planning staff welcomes emails and phone calls from residents with comments, questions, and ideas regarding the master plan for the Highlands.

Discussion between staff, planning commission and residents regarding the Cordevista planned unit development (PUD) that was proposed in the Highlands several years ago and was not approved. The master plan played an important role in denying this development. It is important to state in the master plan whether or not to allow PUDs in and around the Highlands in order to defend against developers that potentially want to incorporate PUDs in the Highlands.

Clay Mitchell, Virginia City: Expressed the importance of coming to these meetings in any location where they are held to give your opinion on the master plan. He spoke against any sort of increased density (PUDs) in the Highlands. Large scale developments are incompatible with the character of the county. The county needs to look at the pros and cons of connector roads to connect different parts of the county. Property values in Virginia City would benefit with a connector road to Tahoe-Reno Industrial Center that would not impact negatively on the residents in the county.

Planner VanHavel: In the 1994 (current) master plan, the top priority for transportation was to pave Six Mile Canyon. The second priority was to connect the north and south parts of the county, basically from Lockwood to the Highlands. This is something we must have discussion on before adopting anything in the new master plan. There has been resistance from residents to connecting Lousetown Road to Lockwood. Is there any support for using Long Valley Road as a connector road?

Discussion commenced about possible connector roads. Residents expressed their disapproval of connector roads through the Highlands. The USA Parkway extension to Highway 50 near Stagecoach was mentioned. Other alternative routes connecting the different parts of the county were also discussed.

Chairman Tyler: Lockwood residents do not want Canyon Way used a connector road. The Mustang exit would be the only feasible way to do the connector road.

Commissioner Bucchianeri: Asked if the county can post the agenda at the Highlands mail boxes. It is already being posted at two locations in Virginia City.

Planning Director Osborne: Agreed to post the agenda Highlands mail boxes.

Planning Director Osborne: Highlighted other areas the master plan. The petroglyphs are to be protected and the county is looking at working with the federal government and possibly applying for grants to do this. Staff and residents will continue to discuss east west connector roads. The Lockwood Mustang area of the county is a mixed use area. The Tahoe-Reno Industrial Center is the McCarran area of the county and contains most of the county's industrial uses. Services at the industrial center include a few restaurants

and a Golden Gate Petroleum fueling station and truck stop. They make the fuel right down the street at a processing facility that converts oil, using a “cracking” technique, to separate the fuels into an efficient fuel, and sell it right there on site and at all the Golden Gate Petroleum stations in the area. McCarran is the community that generates most of the tax revenue in the county, and pays for fire, sheriff, court, and infrastructure. The Painted Rock area of the county is being considered as a mixed-use community and is ideal for a Planned Unit Development (PUD). There is a need for large scale housing in this area to service the Tahoe-Reno Industrial Center. A PUD was approved here in 2006, but the development never moved forward. The master plan states that the Northeast part of the county close to Fernley remains free of housing, but potentially may be used for some sort of mining or aggregate uses. It is far from services and not appropriate for housing. The Mark Twain area in the master plan is to remain the same as it is now: a mixed-use community primarily residential but with some mixed industrial uses. The Basalite mine is still operating in Mark Twain after almost 90 years, and it needs to be protected from residential encroachment.

Clay Mitchell, Virginia City: Strongly supports Painted Rock as the appropriate location for residential growth in the county.

Planning Director Osborne: Introduced Jason VanHavel as the new planner and transportation engineer from NDOT. He has really taken the lead on the transportation chapter of the master plan.

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

Motion: Next planning commission meeting to be held on August 20, 2015 at the Storey County Courthouse, Virginia City, NV at 6:00 p.m., **Action:** Approve, **Moved by** Commissioner Hindle, **Seconded by** Commissioner Smith, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

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

12. Correspondence (No Action) – None

13. Public Comment (No Action) – None

14. Staff (No Action):

Planner VanHavel: The master plan meetings have primarily focused on land use chapter. At the next meeting we will include the draft chapters of transportation and housing.

Planning Director Osborne: Comstock Mining received their permit from the Army Corps of Engineers to move forward on restoring phase two of State Route 342. Comstock Mining also received approval from the county commissioners to modify their operating plan to move underground. They are in the process of getting all the necessary permits for water, drilling, environmental, etc. to move forward. Weed abatement spraying is ongoing. The white top weed is more manageable due to past weed abatement.

Staff is collaborating with the Comstock Historic District Commission (CDHC) to update the current sign ordinance. The CDHC has dedicated a committee to work with staff in updating key components to the sign ordinance in Virginia City.

Flooding in Mark Twain has caused significant yard and driveway damage to many properties. The county is taking a proactive approach and looking at addressing drainage, street right of ways, and culverts to create some improvements in that area.

15. Board Comments (No Action) -

16. Adjournment (No Action) - The meeting was adjourned at 8:07 p.m.

Respectfully Submitted,

By _____
Lyndi Renaud